



**Tennessee Association of REALTORS®**  
**Bill Track Report**  
**June 2, 2011**

**BANKING & CREDIT**

SB 0716\* Woodson

HB 0911 Lundberg

Mortgage lender and service provider licensure exceptions. Permits an attorney without a mortgage lender's license to receive compensation from a mortgage lender, loan broker or service provider for negotiating terms of a residential mortgage loan as a side matter in representing a client. Provides additional exceptions to the mortgage lender license requirement including sellers of residential mortgage loans subject to specified limitations, commercial real estate lending to non-owners, employer-employee mortgage loans, mortgage loans pursuant to court order, and real estate brokerage activities.

TCA Sec. 45-13-0201

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.

**House Status:** Referred to House General Subcommittee of Commerce.

**TAR Position:** Monitor

SB 0997 McNally

HB 0852\* Haynes R.

Homeowner's insurance - estimate of closing costs. Prohibits mortgage companies from estimating the cost of homeowner's insurance for inclusion in their good faith estimate of closing costs. Requires the prospective purchaser to provide this information to the mortgage company prior to the good faith estimate.

TCA Secs. 45-00-0000; 45-13-0100

**Senate Status:** Senate Commerce, Labor & Agriculture deferred to 04/26/2011.

**House Status:** Referred to House General Subcommittee of Commerce.

**TAR Position:** Monitor

SB 1014\* Finney L.

HB 1241 Haynes R.

Mortgage lender licensure exceptions. Adds two additional exceptions for requiring a person to obtain a mortgage lender, loan broker, or loan service provider license exempting sellers under the control of another person selling five or fewer residential mortgage loans in a year that do not publicly hold themselves out to be in the mortgage lending business and are not required under federal law to obtain a mortgage originator's license and any person performing real estate brokerage activities who is a licensed real estate broker.

TCA Secs. 45-13-0000; 45-13-0201

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.

**House Status:** Referred to House General Subcommittee of Commerce.

**TAR Position:** Support

SB 1451\* Overbey

HB 1921 Marsh

Notice of the right to foreclose. Requires the notice of the right to foreclosure to be contained in any deed memorializing the sale, instead of in the notice of foreclosure. Allows written notice to not be required if the lender has met with the principal debtor in-person and discussed certain foreclosure issues within 180 days before publishing notice of foreclosure. Allows such exemption of written proof to be met by the lender's sworn affidavit. Requires certain foreclosure notices to not apply to sales if the borrower has obtained a prior loan modification or refinance after July 1, 2010.

Amendment: Senate amendment 1 deletes provision that allowed a signed document to be conclusive proof of the meeting, in lieu of a sworn affidavit. Requires that the lender, trustee, or agent who has met with the principal debtor to execute such sworn affidavit. Specifies that the notice requirement would not apply to any sale conducted if the borrower has obtained a prior loan modification or refinance "after July 1, 2011". (Under present law, the notice requirement does not apply to any sale conducted if the borrower has obtained a prior loan modification or refinance before July 1, 2010.) Senate amendment 2 deletes current law provisions (35-5-117 in its entirety) regarding legal notices of foreclosure, effective January 1, 2013, and makes applicable to any notice of foreclosure for which the first publication occurs on or after January 1, 2013.

TCA Sec. 35-05-0117

**Senate Status:** Senate 04/07/2011 passed with amendments 1 and 2.

**House Status:** House passed 04/07/2011.

**Other Status:** Enacted as Public Chapter 0122 (effective 04/25/2011).

**TAR Position:** Monitor

SB 1487 Marrero

HB 1549\* Turner J.

Pilot project - mediation prior to foreclosure. Creates a pilot project in Shelby County that allows a lender to voluntarily enter into mediation with the borrower prior to foreclosure on a mortgage loan entered into under the Tennessee Home Loan Protection Act. Permits the borrower or lender to request the services of the federal mediation and conciliation service. Also excludes certain residential mortgage transactions from the application of the Tennessee Home Loan Protection Act.

TCA Secs. 35-00-0000; 35-05-0101; 45-20-0100; 45-20-0102

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.

**House Status:** Taken off notice 04/13/2011 in House General Subcommittee of Commerce.

**TAR Position:** Oppose

SB 1488\* Marrero

HB 1973 Turner J.

Completion of ARM - mortgage counselor required. Prohibits any person, firm, or corporation from engaging in the business of making adjustable rate mortgage loans, unless such person, firm, or corporation is an authorized lender. Requires lender to refer the borrower to a mortgage counselor prior to accepting an application for an adjustable rate mortgage.

TCA Secs. 47-00-0000; 47-02-0000; 47-03-0000

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.

**House Status:** Referred to House General Subcommittee of Commerce.

**TAR Position:** Monitor

SB 1610 Marrero

HB 1522\* Turner M.

Mandatory mediation required for foreclosure. Requires bank or other financial institution to enter into mandatory mediation with a borrower before foreclosure proceedings may be instituted on a deed of trust, mortgage, or other lien securing the payment of money or other thing of value.

TCA Secs. 35-00-0000; 35-05-0101; 45-00-0000

**Senate Status:** Referred to Senate Judiciary.

**House Status:** Taken off notice 04/06/2011 in House General Subcommittee of Commerce.

**TAR Position:** Oppose

SB 1613 Marrero

HB 1531\* Turner M.

Notice of foreclosure. Requires first publication of notice regarding foreclosure sale to be published in newspapers 90 days previous to the sale rather than the current 20 days previous to the sale.

Requires borrower to be notified regarding foreclosure prevention counseling services. Requires mortgage loans to be based upon ability of borrower to repay such loans.

TCA Secs. 29-00-0000; 35-00-0000; 35-05-0000; 35-05-0101; 35-05-0117; 45-00-0000; 45-13-0400; 47-00-0000; 66-00-0000

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.

**House Status:** Taken off notice 04/06/2011 in House General Subcommittee of Commerce.

**TAR Position:** Monitor

SB 1976 Stewart E.

HB 2092\* Turner M.

Notice regarding non-payment of rental fees. Changes from "not sooner than 30 days" to "not sooner than 40 days" time within which lessor must give notice regarding non-payment of rental fees.

TCA Secs. 45-00-0000; 45-02-0907

**Senate Status:** Senate Commerce, Labor & Agriculture deferred to 04/26/2011.

**House Status:** Referred to House General Subcommittee of Commerce.

**TAR Position:** Monitor

SB 2030 Ford O.

HB 1967\* Turner J.

Study on establishing a TN foreclosure mediation program. Requires the TN housing development agency to conduct a study of the feasibility of establishing a foreclosure mediation program in TN.

Requires the agency to seek to identify the amount of time needed to conduct meaningful mediations in the context of residential foreclosures. Requires the agency to request assistance from the administrative office of the courts and the TN bar association. Requires the agency to report its finding to the commerce and judiciary committees of the house of representatives and the commerce and judiciary committees of the senate no later than March 1, 2012. Broadly captioned.

TCA Secs. 29-00-0000; 35-00-0000; 35-05-0000; 45-00-0000; 47-00-0000; 66-00-0000

**Senate Status:** Taken off notice in Senate Commerce, Labor & Agriculture 04/19/2011.

**House Status:** Taken off notice 04/13/2011 in House General Subcommittee of Commerce.

**TAR Position:** Oppose

## **CAMPAIGNS & LOBBYING**

SB 0272\* Berke

HB 0348 McDonald

Corporation's contributions to political candidates. Requires corporations to file statement of contributions and expenditures when using corporate funds to aid in either the election or defeat of any political candidate. Requires the statement of contributions and expenditures to include specific language and list several items, including shareholder and officer information and employed lobbyists,

TCA Secs. 02-10-0000; 02-10-0132; 02-19-0000

**Senate Status:** Taken off notice in Senate State & Local Government 04/26/2011.

**House Status:** Failed 04/13/2011 in House General Subcommittee of State & Local Government.

**TAR Position:** Monitor

SB 0348\* Haynes J.

HB 0817 Turner M.

Contribution limits from multicandidate PACs. Limits to \$109,100 the total amount of money that a PAC, excluding party and caucus PACs, can contribute to all candidates and to other PACs.

Specifies that no more than \$43,000 of that amount may be given to candidates and that no more than \$66,100 of that amount may be given to other PACs. Requires all campaign contribution limits to be adjusted every two years to reflect changes in the CPI, beginning in 2013. Requires multicandidate political campaign committee to certify names and addresses of any person who makes decisions about the committee's contributions and expenditures.

TCA Secs. 02-10-0000; 02-10-0105; 02-10-0300

**Senate Status:** Referred to Senate State & Local Government.

**House Status:** Referred to House General Subcommittee of State & Local Government.

**TAR Position:** Monitor

SB 0573 Berke

HB 0364\* Pitts

Contribution and expenditure statements. Requires each single candidate political campaign committee, single measure political campaign or multicandidate political campaign committee, within 14 days of making an expenditure or receiving a contribution, to file a statement with the registry of election finance. Requires such candidate or political committee to file semi-annual statements by January 31 and July 15 stating that no contributions have been received and no expenditures have been made, if that is the case.

TCA Secs. 02-10-0100; 02-10-0105; 02-10-0107

**Senate Status:** Taken off notice in Senate State & Local Government 04/26/2011.

**House Status:** Failed 04/13/2011 in House General Subcommittee of State & Local Government.

**TAR Position:** Monitor

## **COMMERCIAL LAW**

SB 0808 Kelsey

HB 0946\* Lollar

Pilot project requires some scrap metal seller's thumbprint. Creates pilot project in Shelby County requiring a seller of scrap jewelry or precious metals to give a thumbprint on purchaser's transaction log. Requires such thumbprint to be kept by purchaser for a period of five years.

TCA Sec. 38-01-0203

**Senate Status:** Taken off notice in Senate Commerce, Labor & Agriculture 04/12/2011.

**House Status:** Taken off notice 04/06/2011 in House General Subcommittee of Commerce.

**TAR Position:** Support

SB 1175\* Berke  
HB 1588 Gilmore

Amount charged by lessor under rental-purchase agreement. Requires a lessor to maintain records of the cost of each item subject to a rental-purchase agreement for up to two years following the termination of the agreement and provide copies to the attorney general and reporter upon written request. Prohibits the price of any item subject to a rental-purchase agreement from exceeding two and one half times the cash price and any intentional violation will void the agreement.

TCA Secs. 47-18-0000; 47-18-0600

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.

**House Status:** Taken off notice 03/16/2011 in House General Subcommittee of Commerce.

**TAR Position:** Monitor

## **CRIMINAL LAW**

SB 0137 Ketron  
HB 0142\* Shipley

Creates offense of concealing or harboring illegal alien. Creates offense for a person to conceal, harbor, or shield from detection an illegal alien if such person knows or reasonably should know that the other person is an illegal alien. Specifies that a violation is a Class E felony. Increases the penalty for violations that result in death or serious bodily injury. Specifies that each illegal alien involved in a violation is a separate offense and any property or proceeds acquired or instrumentality used during the violation is subject to judicial forfeiture. Also specifies that persons convicted of attempt, conspiracy, solicitation, facilitation, or accessory after the fact will be subject to the same punishments as if they were the principal of the crime. Broadly captioned.

TCA Secs. 38-00-0000; 39-00-0000; 39-11-0703; 39-17-0114; 40-00-0000; 41-00-0000; 50-00-0000

**Senate Status:** Referred to Senate Judiciary.

**House Status:** Referred to House General Subcommittee of Judiciary.

**TAR Position:** Monitor

SB 0389\* Kelsey  
HB 0948 Lollar

Class E felony for drawing a fraudulent deed. Creates the Class E felony of drawing a deed without actual ownership. Establishes that failure to file a correction deed or repudiate the prior fraudulent deed within seven days after notice will be deemed sufficient knowledge and intent to defraud.

Amendment: Senate amendment 2 rewrites the bill. Makes it a Class A misdemeanor for any person to knowingly cause to be prepared, sign, or file of records any property transfer document when the transferor, grantor or person applying for registration knows, or should know by an examination of the public records, that the transferor or grantor has no legal or equitable interest to convey, or when there is no reasonable basis for assumption that the transferor or grantor has any interest in the property. Upon a final conviction for such an offense, any circuit court may declare the offending transfer document to be void and of no legal effect and may remove any cloud on the title that may have arisen because of such document. This amendment would not be applicable to any licensed attorney who, in good faith, prepares such a transfer document in the course of representation of a client. Makes it a Class A misdemeanor for any person who transfers or applies for recordation of any transfer of land by any devise with knowledge that the transferor or grantor has no legal or equitable interest to convey such land.

TCA Secs. 39-00-0000; 39-17-0100; 66-00-0000; 66-03-0104

**Senate Status:** Senate 05/19/2011 passed with amendment 2.

**House Status:** House 05/21/2011 moved to reconsider its action on the bill, withdrew amendment 1, and repassed the bill.

**Other Status:** Sent to governor 05/31/2011.

**TAR Position:** Support

SB 0604 Marrero

HB 0171\* Coley

Property forfeiture in human trafficking offenses. Provides that real and personal property used in commission of human trafficking offenses is subject to judicial forfeiture seizure and provides for disposition of funds as follows: Ten percent shall go to the law enforcement agency which conducted the investigation which lead to the forfeiture, ten percent shall go to the district attorneys general conference, five percent to the clerk of the court's office in which jurisdiction the forfeiture took place, and the remaining seventy-five percent to the state's general fund.

Amendment: House amendment 1 increases the amount of proceeds from judicial forfeitures the clerk must transmit to the law enforcement agency conducting the investigation resulting in forfeiture and to the district attorneys general conference for education or other resources related to prosecution for human trafficking to 20 instead of 10 percent to each entity for a total of 40 instead of 20 percent of overall proceeds the clerk is required to transfer.

TCA Secs. 39-11-0700; 39-13-0300

**Senate Status:** Senate 05/18/2011 passed.

**House Status:** House 04/28/2011 passed with amendment 1.

**Other Status:** Signed by governor 06/01/2011.

**TAR Position:** Monitor

SB 1053 Barnes

HB 0355\* McDonald

Employee can store firearm in locked vehicle on property. Prevents an employer from prohibiting an employee that possesses a valid handgun carry permit from transporting and storing a firearm out of sight in a locked vehicle on any property set aside for employee parking. Also prohibits employer from terminating, demoting, suspending, threatening or denying promotion to such employee.

TCA Sec. 39-17-1300

**Senate Status:** Referred to Senate Judiciary.

**House Status:** Referred to House General Subcommittee of Judiciary.

**TAR Position:** Oppose

SB 1958 Haynes J.

HB 0808\* Turner M.

Residential restrictions on sexual offenders. Allows three or more sexual offenders to establish primary or secondary residence together if the property on which they live has been zoned for a use other than residential or mixed use by the appropriate local zoning laws.

TCA Secs. 40-39-0200; 40-39-0211

**Senate Status:** Senate 05/12/2011 passed.

**House Status:** House passed 04/25/2011.

**Other Status:** Signed by governor 05/27/2011.

**TAR Position:** Monitor

## **ECONOMIC DEVELOPMENT**

SB 0800 Overbey

HB 0851\* Haynes R.

Effects of state and local tax on economic development. Requires the commissioner of economic and community development and the commissioner of revenue, in consultation with the CTAS and MTAS, to study the effects of state and local tax incentives on the economic development of municipalities and counties. Requires a report to be made to the general assembly concerning any finding or recommendations. Requires the report to assess the manner in which such incentives have served to facilitate the economic development of the state within the past two years.

TCA Secs. 67-00-0000; 67-01-0100

**Senate Status:** Referred to Senate State & Local Government.

**House Status:** Caption bill held on House clerk's desk.

**TAR Position:** Monitor

## **ENERGY & MINING**

SB 1626 Marrero

HB 0096\* Hardaway

Required energy audits for commercial buildings. Requires each owner of a commercial building to have for that building a comprehensive energy audit conducted; notice of the results of such audit shall be displayed to all tenants and potential tenants of the building.

TCA Secs. 13-00-0000; 13-19-0100

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.

**House Status:** Taken off notice 04/13/2011 in House General Subcommittee of Commerce.

**TAR Position:** Oppose

## **ENVIRONMENT & NATURE**

SB 1759 Ketron

HB 1572\* Swann

Notice to adjacent landowners regarding burning. Requires persons setting fires to woods or other property to give a minimum of three days notice to adjacent landowners. Current law specifies two days notice.

TCA Secs. 11-04-0800; 68-00-0000; 68-102-0146

**Senate Status:** Referred to Senate Environment, Conservation & Tourism.

**House Status:** Referred to House General Subcommittee of Conservation and Environment.

**TAR Position:** Support

## **ESTATES & TRUSTS**

SB 1299\* Johnson J.

HB 1920 Matlock

Advertisement for judicial or trust sales. Under present law, in any sale of land to foreclose a deed of trust, mortgage or other lien securing the payment of money or other thing of value or under judicial orders or process, advertisement of the sale must be made at least three different times in some newspaper published in the county where the sale is to be made. This bill decreases the number of times the advertisement must be published from three to one. Present law requires that the advertisement or notice: (1) Give the names of the plaintiff and defendant, or parties interested; (2) Describe the land in brief terms, including the street address if available; and (3) Mention the time and place of sale. This bill revises (2) to require that the advertisement or notice give a concise description of the land; such description means a reference to the deed book and page that contains the complete legal description of the property, and may also include a common description of the property, which may include, if available, the street name, number and map and parcel number. The

description of the land must contain only the reference to the legal description of the property, and does not have to contain the full legal description contained in the deed book. Any error or defect in the common description of the land will not in any way void any sale of the land.

Amendment: HOUSE AMENDMENT 1 rewrites the bill. Decreases the number of times the advertisement must be published from three to two. Requires, instead of permits, a common description of the property be included containing the street address and map and parcel number of the property if available. Specifies in the event no street address exists, then the legal description shall also include a metes and bounds description. Specifies that a metes and bounds description may be, but is not required to be, included in the event a street address exists. SENATE AMENDMENT 4, as amended, incorporates the changes made by House Amendment 1 pertaining the to description of the property, except that this amendment does not require inclusion of a metes and bounds description in cases where no street address exists. This amendment instead authorizes the use of a subdivision, lot or tract number in such cases. This amendment restores the present law requirement that notice of a foreclosure sale must be published in a newspaper in the county where the sale will occur three times. This amendment also authorizes the postponement and rescheduling of a foreclosure sale without further newspaper publication under certain circumstances, unless prohibited by contract. This amendment changes the effective date of this bill from "upon becoming a law" to July 1, 2011.

TCA Secs. 35-05-0000; 35-05-0101; 35-05-0104

**Senate Status:** Senate 05/20/2011 passed with amendment 4, as amended.

**House Status:** House 05/21/2011 concurred in Senate amendment 4.

**Other Status:** Sent 05/21/2011 to the speakers for signatures.

**TAR Position:** Monitor

## **FAMILY LAW**

SB 0464 Johnson J.

HB 0415\* Gotto

Vacating residence after issuance of order of protection. Specifies that an order of protection issued to protect the petitioner from domestic abuse, stalking or domestic assault may require respondent to immediately and temporarily vacate a residence shared with the petitioner pending a hearing on the matter.

TCA Sec. 36-03-0606

**Senate Status:** Senate 05/05/2011 passed.

**House Status:** House passed 03/21/2011.

**Other Status:** Enacted as Public Chapter 0253 (effective 05/23/2011).

**TAR Position:** Support

## **GOVERNMENT CONTRACTS**

SB 0634 Bell

HB 0209\* Harrison

Real property classified as equipment for fire protection. Adds "real property" to the definition of equipment in regards to laws concerning rural fire protection. Requires that loan agreements between counties and authorities include the amount of the loan for purchases of real property which is not to exceed the fair market value of the property.

TCA Secs. 04-31-0500; 04-31-0503; 04-31-0506

**Senate Status:** Taken off notice in Senate State & Local Government 03/01/2011.

**House Status:** Referred to House General Subcommittee of State & Local Government.

**TAR Position:** Monitor

## **GOVERNMENT ORGANIZATION**

SB 0162\* Watson B.

HB 0252 Cobb J.

Sunset - real estate commission. Extends the real estate commission to June 30, 2013. Requires completion of 16 hours of approved continuing education classes prior to the reactivation of temporarily retired licenses.

Amendment: Senate amendment 1 rewrites the bill. Extends the real estate commission to June 30, 2013. Thus, removes bill's fiscal note. House amendment 2 corrects a typographical error.

TCA Secs. 04-29-0231; 04-29-0234

**Senate Status:** Senate 04/21/2011 concurred in House amendment 2.

**House Status:** House 04/18/2011 passed with amendment 2.

**Other Status:** Enacted as Public Chapter 0145 (effective 07/01/2011).

**TAR Position:** Support

SB 0163\* Watson B.

HB 0251 Cobb J.

Sunset - real estate appraiser commission. Sunsets the real estate appraiser commission on June 30, 2013.

TCA Secs. 04-29-0231; 04-29-0234

**Senate Status:** Senate 03/14/2011 passed.

**House Status:** House passed 03/07/2011.

**Other Status:** Enacted as Public Chapter 0019 (effective 07/01/2011).

**TAR Position:** Support

## **GOVERNMENT REGULATION**

SB 0048\* Campfield

HB 0230 Dunn

Drug tests as condition of receiving public assistance. Requires DHS to create a drug testing system to test recipients of public assistance of illegal drugs. Prohibits such recipients from collecting public assistance for one year after testing positive for an illegal drug. Requires DHS to annually report their findings regarding the illegal drug testing to the General Assembly.

TCA Secs. 04-03-1200; 04-03-1800; 71-00-0000; 71-05-2300

**Senate Status:** Referred to Senate General Welfare.

**House Status:** Referred to House General Subcommittee of Health & Human Resources.

**TAR Position:** Monitor

## **HEALTH CARE**

SB 0083\* Faulk

HB 0871 Brooks, Harry

Breastfeeding - mother's right to breastfeed in public. Permits a mother to breastfeed her child, regardless of his or her age rather than only if he or she is twelve months or younger, in any location, public or private, where the mother and child are otherwise authorized to be present.

TCA Secs. 39-13-0511; 68-58-0101

**Senate Status:** Senate 03/24/2011 passed.

**House Status:** House passed 04/04/2011.

**Other Status:** Enacted as Public Chapter 0091 (effective 07/01/2011).

**TAR Position:** Monitor

## **INSURANCE GENERAL**

SB 1143 Henry

HB 0019\*

Moore

Required homeowner's association insurance coverage. Requires a homeowner's association to maintain insurance coverage to discharge contractual obligations in the event of damage. Requires a homeowner's association to report the following information quarterly to each homeowner, and upon request, to each homeowner, mortgage or beneficiary under a deed of trust: certificate or memoranda of insurance, proof of policy coverage, and contact information for the designated insurance carriers and banking institutions holding funds in escrow. Establishes that failure of a homeowner's association to abide by these requirements will subject the directors and officers of the association to joint and several personal liability.

TCA Secs. 47-18-0000; 47-18-0104

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.

**House Status:** Referred to House General Subcommittee of Commerce.

**TAR Position:** Oppose

## **LABOR LAW**

SB 1132 Marrero

HB 1317\* Jones S.

Discrimination on basis of sexual orientation prohibited. Adds sexual orientation to the list of characteristics of which discrimination is prohibited in employment, public accommodations, and housing and financing.

TCA Secs. 04-21-0000; 04-21-0101; 04-21-0102; 04-21-0202; 04-21-0401; 04-21-0402; 04-21-0403; 04-21-0404; 04-21-0406; 04-21-0501; 04-21-0502; 04-21-0601; 04-21-0603; 04-21-0604; 04-21-0606; 08-00-0000; 50-00-0000

**Senate Status:** Referred to Senate Judiciary.

**House Status:** Referred to House General Subcommittee of Judiciary.

**TAR Position:** Monitor

## **LOCAL GOVERNMENT**

SB 0089 Ketron

HB 0127\* Sargent

Planning commissions and initiation of certain projects. Deletes provision allowing municipal and regional planning commissions to tentatively approve plats prior to road improvements and utility installations actually being made.

Amendment: Senate amendment 1 rewrites this bill and changes present law by authorizing the regulations or practice of planning commissions to provide for the "preliminary", rather than "tentative", approval of a plat prior to the developer making improvements.

TCA Secs. 13-03-0403; 13-04-0303

**Senate Status:** Senate 03/10/2011 passed with amendment 1.

**House Status:** House passed 03/31/2011.

**Other Status:** Enacted as Public Chapter 0073 (effective 04/14/2011).

**TAR Position:** Monitor

SB 0090 Ketron

HB 0124\* Sargent

Local governments' zoning authority. Authorizes counties and municipalities to establish zoning districts or provisions for planned unit developments, overlay districts, mixed use developments, condominiums, and other types of sustainable design and development of property, and procedures for review and approval of such uses.

TCA Secs. 13-07-0201; 13-07-0101

**Senate Status:** Senate State & Local Government deferred to 03/08/2011.

**House Status:** Taken off notice 03/16/2011 in House General Subcommittee of State & Local Government.

**TAR Position:** Monitor

SB 0347 Haynes J.

HB 0125\* Sargent

Municipalities' jurisdiction beyond corporate limits. Deletes provision in the Comprehensive Growth Plan that allows a municipality in a county without county zoning to provide extraterritorial zoning and subdivision regulation beyond its corporate limits with the approval of the county legislative body.

TCA Sec. 06-58-0106

**Senate Status:** Taken off notice in Senate State & Local Government 03/08/2011.

**House Status:** House General Subcommittee of State & Local Government referred to TACIR 03/09/2011.

**TAR Position:** Monitor

SB 0400\* Campfield

HB 1215 Hall

Eminent domain requirements. Requires that no more than 20 percent of property taken by eminent domain can be leased to private companies. Requires the appraisal to consider the legal permissibility, physical possibility, financial feasibility, and maximum productive use of the property. Grants the right of first refusal to the previous owner of land taken by eminent domain that is not converted in five years to the purpose for which it was taken.

TCA Secs. 07-31-0000; 13-20-0000; 29-00-0000; 29-17-1000; 29-17-1003; 29-17-1004

**Senate Status:** Referred to Senate Judiciary.

**House Status:** Referred to House General Subcommittee of Judiciary.

**TAR Position:** Support

SB 0547\* McNally

HB 0953 Dunn

Majority approval required to exercise eminent domain. Requires counties and municipalities to conduct public hearings on the necessity of condemning property for a public purpose and obtain a majority vote to approve the exercise of eminent domain.

TCA Secs. 29-17-0000; 29-17-0201; 29-17-0301

**Senate Status:** Referred to Senate Judiciary.

**House Status:** Referred to House General Subcommittee of Judiciary.

**TAR Position:** Support

SB 0548\* McNally

HB 0952 Dunn

Right to repurchase property taken by eminent domain. Grants the right of first purchase to the original owner or their ascertainable heirs and assigns for property that was condemned by eminent domain which was sold within ten years of being condemned or is no longer used for the purpose for which it was condemned or any other authorized public use. Allows 60 days for the property owner or heirs to make the purchase for the same amount as the compensation given to them by the condemning entity. Authorizes the property to be publicly sold if the right to first purchase is not exercised within 60 days.

TCA Sec. 29-17-1000

**Senate Status:** Referred to Senate Judiciary.

**House Status:** Referred to House General Subcommittee of Judiciary.

**TAR Position:** Support

SB 1250 Yager

HB 1450\* McCormick

Municipal annexation ordinance. Increases the time period after final passage of a municipal annexation ordinance that such ordinance becomes effective from 30 days to 40 days. Broadly captioned.

TCA Secs. 06-00-0000; 06-51-0102

**Senate Status:** Referred to Senate State & Local Government.

**House Status:** Referred to House General Subcommittee of State & Local Government.

**TAR Position:** Support

SB 1272 Ketron

HB 1345\* Casada

Rezoning of private property requires owner's consent. Prohibits local governments from rezoning private property without the written consent of the property owner.

TCA Sec. 13-07-0208

**Senate Status:** Referred to Senate State & Local Government.

**House Status:** Referred to House General Subcommittee of State & Local Government.

**TAR Position:** Monitor

SB 1937 McNally

HB 1350\* Hurley

Prohibits lease of property to unlawfully present persons. Allows municipalities, counties, and metropolitan governments to prohibit landlords from leasing real property to persons unlawfully present in the United States by resolution or ordinance. Requires the attorney general to draft and defend such resolutions and ordinances upon written request by the government entity.

TCA Secs. 05-00-0000; 05-01-0100; 06-00-0000; 06-54-0100; 07-00-0000; 07-01-0100; 08-00-0000; 08-06-0109; 66-00-0000

**Senate Status:** Referred to Senate State & Local Government.

**House Status:** Taken off notice 03/23/2011 in House General Subcommittee of State & Local Government.

**TAR Position:** Oppose

SB 1952 Haynes J.

HB 1740\* Sontany

Priority of lien filed by municipality on property. Requires municipal notices regarding the removal of vegetation and debris to include a date by which the items must be removed, instead of a cost

estimate. Makes a lien filed by a municipality for the cost of maintaining real property that is not being maintained the same priority of lien as a lien for property taxes.

TCA Secs. 06-54-0100; 06-54-0113

**Senate Status:** Senate State & Local Government deferred to 2012.

**House Status:** Taken off notice 04/19/2011 in House State & Local Government.

**TAR Position:** Monitor

SB 1957 Haynes J.

HB 1530\* Turner M.

Preservation of historic homes. Encourages counties and municipalities to formulate programs to provide grants to owners and occupants of homes located in historic areas for purposes of rehabilitation of such home.

TCA Secs. 13-00-0000; 13-07-0401

**Senate Status:** Referred to Senate State & Local Government.

**House Status:** Referred to House General Subcommittee of State & Local Government.

**TAR Position:** Monitor

## **MEDIA & PUBLISHING**

SB 0115\* Campfield

HB 0284 Dennis

Electronic Publication of Legal Notices Act. Enacts the Electronic Publication of Legal Notices Act which, creates a pilot project in Knox county to allow legal notices to be posted on the Internet rather than in a newspaper. Establishes the requirements and conditions for publishing such notices on an official government website. Requires the government agency to keep and make available for public inspection all records of complaints and service accessibility failures reported.

TCA Sec. 08-21-0000

**Senate Status:** Senate State & Local Government deferred to summer study.

**House Status:** House General Subcommittee of Judiciary deferred to 2012.

**TAR Position:** Support

SB 0906 Watson B.

HB 0721\* Dean

Electronic newspapers satisfy county notice requirements. Allows the use of electronically published newspapers to satisfy various notice requirements including notice to creditors of a qualified personal representative, publication of delinquent tax lists, and notice of the sale of land under decree of the court. Provides numerous requirements the electronic newspaper must meet such as the number of resident subscribers, a title connecting the publication to the county, issuance at least once a week, and engaging in informative actions regarding their services.

TCA Secs. 01-03-0105; 30-02-0000; 30-02-0306; 67-05-0000; 67-05-2002; 67-05-2502

**Senate Status:** Referred to Senate Judiciary.

**House Status:** Referred to House General Subcommittee of Judiciary.

**TAR Position:** Support

SB 1526 Tracy

HB 2066\* Womick

Newspapers of general circulation. Authorizes the secretary of state to make a determination regarding whether or not a publication is a "newspaper of general circulation" for purposes of the

publication of notices relative to foreclosures, land sales, transactions involving real property, or other legal notices required by statute. Broadly captioned.

**Amendment:** House State and Local Subcommittee amendment 1 grandfathers in all newspapers which are currently considered "of general circulation" for the purposes of the bill. Allows the secretary of state to remove a publication from the list of publications which carry such notices when the publication falls below the circulation standards established by the secretary of state.

TCA Secs. 02-00-0000; 03-00-0000; 04-00-0000; 05-00-0000; 06-00-0000; 07-00-0000; 08-00-0000; 08-03-0104; 08-03-0200; 09-00-0000; 10-00-0000; 11-00-0000; 12-00-0000; 13-00-0000; 17-00-0000; 18-00-0000; 30-00-0000; 36-00-0000; 39-00-0000; 40-00-0000; 41-00-0000; 42-00-0000; 43-00-0000; 44-00-0000; 45-00-0000; 46-00-0000; 47-00-0000; 48-00-0000; 49-00-0000; 54-00-0000; 55-00-0000; 56-00-0000; 57-00-0000; 59-00-0000; 61-00-0000; 63-00-0000; 64-00-0000; 65-00-0000; 66-00-0000; 67-00-0000; 68-00-0000; 69-00-0000; 70-00-0000

**Senate Status:** Referred to Senate State & Local Government.

**House Status:** House State & Local Government deferred to summer study.

**TAR Position:** Monitor

## **PROFESSIONS & LICENSURE**

SB 0262\* Tracy

HB 0201 Womick

Sale of air conditioner evaporator coil or condenser. Authorizes sale of air conditioner evaporator coil or condenser by a person, other than an authorized agent, with required documentation.

Establishes a Class A misdemeanor, punishable by fine only, for violations.

TCA Secs. 62-09-0000; 62-09-0105

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.

**House Status:** Taken off notice 03/16/2011 in House General Subcommittee of Commerce.

**TAR Position:** Oppose - Gone

SB 0915\* Overbey

HB 1575 Swann

Regulation of vacation lodging businesses. Exempts services performed by a vacation lodging business from regulation by Tennessee Real Estate Commission.

TCA Sec. 62-13-0104

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.

**House Status:** Referred to House Commerce.

**TAR Position:** Oppose

**TAR Analysis:** Unless changes satisfy Great Smoky Mountains Association

SB 0916\* Overbey

HB 1574 Swann

Requirements on vacation lodging service firms. Requires each vacation lodging service firm to file with the real estate commission all names under which it does business. Prohibits any other advertising requirements to be imposed on vacation lodging service firms by the commission.

TCA Secs. 62-00-0000; 62-13-0104

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.

**House Status:** Referred to House General Subcommittee of Commerce.

**TAR Position:** Oppose

**TAR Analysis:** Unless changes satisfy Great Smoky Mountains Association.

SB 1158 Norris  
HB 0758\* Todd

License requirements, brokers, lenders, and loan servicers. Removes present law prohibition against contractors and persons engaged in the home remodeling business engaging in the business of making residential mortgage loans or of being a mortgage loan servicer or mortgage loan broker. Adds the following exemptions to the licensure requirement for acting as a mortgage lender, mortgage loan broker or mortgage loan servicer; provided, however that the following exemptions will not apply if doing so would conflict with the requirements of the federal Fair Enforcement for Mortgage Licensing Act of 2008: (1) Any individual who, as seller of the individual's own real property, receives or makes in any consecutive twelve-month period five or fewer residential mortgage loans and who does not hold out to the public as being in the mortgage lending business; (2) An individual engaged solely in commercial real estate lending or an individual who provides financing on property that is not intended to be, and is not in fact, owner occupied by the person receiving the financing; (3) Any person who makes a mortgage loan to an employee of such person as an employment benefit, employment incentive, or relocation package; and (4) Any individual doing any act related to mortgage loans pursuant to an order of any court of competent jurisdiction. Exempts from the licensure requirement any individual who performs only real estate brokerage activities and is licensed pursuant to the Tennessee Real Estate Broker License Act of 1993, unless the individual is compensated by a mortgage lender, a mortgage loan broker, a mortgage loan originator or by any agent of the mortgage lender, mortgage loan broker or mortgage loan originator. Amendment: House amendment 1 prohibits contractors, home improvement contractors, or other persons who supply materials and render services in the improvement of real property from engaging in the business of making residential mortgage loans, or from being a mortgage loan servicer for a mortgage loan broker in this state. Exempts from mortgage lending licensure requirements attorneys compensated by a mortgage lender, mortgage loan broker, or a mortgage loan originator or by the lender's, broker's or originator's agents and persons performing land title insurance services in connection with a closing of a sale transaction. Specifies that no person shall be exempt from the licensure requirements if such person makes more than five residential mortgage loans in a consecutive twelve-month period. Authorizes the exemption if an individual subdivides a vacant tract of property as long as financing does not include the cost of constructing a dwelling.

TCA Sec. 45-13-0201

**Senate Status:** Senate 05/02/2011 passed.

**House Status:** House 04/25/2011 passed with amendment 1.

**Other Status:** Enacted as Public Chapter 0228 (effective 05/20/2011).

**TAR Position:** Support

SB 1770 Tracy  
HB 2027\* Womick

Allows scrap metal dealers to sell AC evaporator coils. Deletes prohibition against scrap metal dealers buying or selling for scrap air conditioner evaporator coils or condensers.

TCA Secs. 62-09-0000; 62-09-0101; 62-09-0107

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.

**House Status:** Taken off notice 03/16/2011 in House General Subcommittee of Commerce.

## **PROPERTY & HOUSING**

SB 0017\* Norris  
HB 1564 Sargent

Mortgage-related licensure exemptions Exempts individuals who make five or less mortgages within a twelve month period and individuals who receive one or more mortgages, deeds of trust, or other security instruments on real estate as security for a purchase money obligation from certain mortgage-related licensure.

TCA Secs. 45-13-0000; 45-13-0201

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.

**House Status:** Referred to House General Subcommittee of Commerce.

**TAR Position:** Support

SB 0055\* Campfield

HB 1214 Hall

Eminent domain: notice by mail, not newspaper. Requires the municipality to notify property owners affected by the proposed annexation by first class mail and posting it in various public places, instead of posting it in the newspaper. Requires the mail to be sent more than 14 days from the scheduled proposed annexation. Requires the person mailing the notice to file an affidavit to certain municipality officials concerning the mailed documents.

Amendment: Senate amendment 1 requires that a copy of the resolution, describing the territory proposed for annexation, to be promptly sent by the municipality to the last known address listed in the office of the property assessor for each property owner of record within the territory proposed for annexation. Requires the resolution be sent by first class mail and must be mailed no later than 14 calendar days prior to the scheduled date of the hearing on such proposed annexation. Requires the resolution to also be published by posting copies of it in at least three public places in the municipality proposing such annexation, and by publishing notice of such resolution at or about the same time in a newspaper of general circulation, if there is one, in such territory and municipality. Requires the resolution to include a plan of services for the area proposed for annexation. Requires the municipality to cause a copy of the resolution to be forwarded to the county mayor in whose county the territory being annexed is located. Allows a person or persons with personal knowledge of the mailing of the resolutions to each property owner of record to submit a notarized affidavit to the presiding officer of the municipality attesting that such resolutions were mailed in. Prohibits failure of a property owner to receive a notice that was mailed from being grounds to invalidate the annexation. House amendment 1 adds notification via newspaper back into the bill so that notification is met by public posting, first class mail and publication in certain newspapers.

TCA Secs. 06-51-0000; 06-51-0104; 06-58-0100

**Senate Status:** Senate 05/18/2011 passed with amendment 1.

**House Status:** House 05/20/2011 concurred in Senate amendment 1.

**Other Status:** Sent 05/20/2011 to the speakers for signatures.

**TAR Position:** Monitor

SB 0088 Ketron

HB 0126\* Sargent

Zoning boards of appeals: records requirements. Requires zoning boards of appeals to make findings of fact, statements of material evidence, and statements of reasons for their actions as part of each motion or action and keep a public record of their resolutions, transactions, motions, actions, and determinations.

Amendment: Senate amendment 1 deletes the original bill. Authorizes the supplemental rules of procedure for county or municipal zoning appeals to include maintenance of a record of the zoning board's actions, the election from its membership of a chair and other officers, and findings of fact and statements of material evidence on each motion or action before the board.

TCA Secs. 13-07-0107; 13-07-0205

**Senate Status:** Senate 05/02/2011 passed with amendment 1.

**House Status:** House passed 05/16/2011.

**Other Status:** Signed by governor 05/27/2011.

**TAR Position:** Support

SB 0346\* Haynes J.

HB 0504 Sargent

Non-conforming use exemptions. Includes multifamily residential developments among establishments affected by non-conforming use exemptions and restrictions in municipal zoning regulations. Changes from 30 continuous months of cessation of operation by a facility during which non-conforming use exemption expires to continuous period of between 12-30 months, as established by zoning ordinance.

TCA Sec. 13-07-0208

**Senate Status:** Taken off notice in Senate State & Local Government 03/08/2011.

**House Status:** Withdrawn 03/10/2011 in House.

**TAR Position:** Monitor

SB 0458 Tracy

HB 0460\* Brooks, Kevin

Changes membership of audit & budget committee of THDA. Changes membership of audit and budget committee of TN Housing Development Agency by replacing the comptroller of the treasury with the state treasurer.

TCA Sec. 13-23-0112

**Senate Status:** Senate 03/03/2011 passed.

**House Status:** House passed 03/07/2011.

**Other Status:** Enacted as Public Chapter 0016 (effective 07/01/2011).

**TAR Position:** Monitor

SB 0866\* Crowe

HB 1208 Hill

Allows victim of domestic abuse to terminate lease. Allows a tenant who is the victim of domestic abuse, sexual assault, or stalking to terminate lease agreement for person's primary residence upon submitting certain evidence to the landlord in writing and vacating the premises.

TCA Secs. 36-03-0600; 39-17-0000; 40-00-0000; 66-00-0000; 66-07-0100

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.

**House Status:** Referred to House General Subcommittee of Commerce.

**TAR Position:** Oppose

SB 1009\* Campfield

HB 1760 Curtiss

Revisions to Uniform Landlord and Tenant Act. Requires inspection for tenant liability following the end of a rental agreement to occur within three instead of ten business days from the day occupancy has ended. Grants tenants the right to be present during the landlord's inspection and requires written notice of that right. Lists specific circumstances, instead of inaccessibility alone, that allow a landlord to inspect and compile a list of damages without a tenant's participation. Permits a landlord to enter the premises upon 24 hour written notice to inspect and repair any damages when the utilities have been turned off for three days without landlord fault and permits

termination of the rental agreement under specified circumstances. Allows the landlord to enter and show premises during the final 30 days of a lease upon giving 24 hour notice. Requires a tenant to obtain landlord authorization for repairs to the premise necessary to regain compliance with general maintenance requirements or remedy a breach of the rental agreement. Decreases the time allotted to a tenant to place the utility services under their name pursuant to a rental agreement from ten to three days at which time the landlord can have the services terminated and requires the landlord exercise this right within 45 days of the tenant's occupancy. Clarifies that the date rent became due is included in the five day grace period required before a late fee may be charged including Saturdays and changes the maximum penalty from ten to two percent of the amount due. Requires that payments are actually received by the landlord to be considered timely made if the office where the tenant is to pay rent is located in the same county where the tenant resides. Permits a landlord to file a detainer warrant immediately upon a tenant's failure to pay rent if notice requirements have been waived by the tenant. Exposes persons deemed trespassers who takes possession of premises without entering a written or oral rental agreement to potential liability for damages and rent for the term of the trespass. Provides a definition for "substantially impaired" to be understood as uninhabitable or rendered useless. (28 pp.)

Amendment: HOUSE AMENDMENT 1 rewrites the bill. Exempts application of these provisions to public housing that is subject to federal regulation. Specifies that the provisions will apply to public housing to the extent that federal regulations defer to state law. Allows landlord to send notifications to the tenant through email if the tenant provides an email address in the rental agreement. Clarifies that the five-day grace period before a fee can be assessed for late payment includes the date rent was due and Saturdays. Provides that if a person takes possession of a unit without agreement and payment, they are trespassing and may be evicted and held liable for damages, rent and attorneys fees. Sets out the process for inspection of the premises and determination of charges against a security deposit upon termination of occupancy. Deletes the requirement that a landlord inform a prospective tenant of the location of the separate account used for security deposits. Allows a landlord to recover costs for damages to the premises discovered after inspection only if the discovery was prior to the earlier of 30 days after the tenant vacated or abandoned the premises or seven days after new tenant take possession. Adds that a landlord has a right to access the unit if utilities to the unit have been turned off to assess damages and make necessary repairs. Adds exception to right of access that if within 30 days of termination of the agreement then the landlord may enter to show it to prospective tenants if the current tenant is given 24-hour notice. Provides a distinction for notice requirements under breach of the rental agreement where it can be remedied by payment of rent, cost of repairs, damages or other amount due to the landlord. If the tenant has waived notice, then the landlord may immediately file for a detainer warrant for failure to pay rent without notice to the tenant. The waiver of notice must be at least 12-point bold font or larger in the rental agreement. Adds that a landlord may bring action for back rent and attorneys fees if the tenant remains in the unit without the landlord's consent after the rental agreement has expired/terminated. Adds that a landlord may terminate a rental agreement if the tenant creates a hazardous/unsanitary condition that affects the health, safety, welfare or the life or the property of other tenants. Changes from 10 days to 3 days that the tenant has to place utility services in their name before the landlord may terminate those services. HOUSE AMENDMENT 2 changes the effective date to October 1, 2011, and specifies that the act shall apply to rental agreements entered into on or after that effective date.

TCA Secs. 66-28-0000; 66-28-0100; 66-28-0102; 66-28-0108; 66-28-0201; 66-28-0202; 66-28-0301; 66-28-0403; 66-28-0505; 66-28-0512; 66-28-0517; 66-28-0521

**Senate Status:** Senate 05/09/2011 passed.

**House Status:** House 05/02/2011 passed with amendments 1 and 2.

**Other Status:** Enacted as Public Chapter 0272 (effective 10/01/2011).

**TAR Position:** Monitor

SB 1066 Barnes

HB 1155\* Dennis

Changes to foreclosure procedures. Requires the secretary of state to file all foreclosure notices, maintain a free to the public foreclosure searchable system, maintain a web site page for posting notices of foreclosure, and maintain a certified list of newspaper publications. Requires the trustee or other person selling the interest in the property to file a notice of foreclosure with the secretary of state and advertise the sale in a certified newspaper of general circulation in the county where the sale is going to occur. Establishes that notice requirements detailed in a mortgage, deed of trust, or other legal instruments regarding newspaper publications are satisfied if the newspaper is on the referenced list and distributed in the county where the property is located. Specifies what foreclosure notices and notices of foreclosures must contain. Allows judicial or trust sales to be adjourned and rescheduled one or more times, if certain conditions are satisfied. Allows the party conducting the sale to dispose of the property in additional ways. Makes other changes related to foreclosure. (13 pp.)

TCA Secs. 08-03-0000; 08-03-0104; 35-05-0000; 35-05-0100; 35-05-0101; 35-05-0104; 35-05-0114; 35-05-0117

**Senate Status:** Referred to Senate Judiciary.

**House Status:** Referred to House General Subcommittee of Judiciary.

**TAR Position:** Monitor

SB 1067\* Haynes J.

HB 1534 Stewart M.

Disclosures regarding timeshares. Revises certain disclosures relative to timeshares. Prohibits advertising of any timeshare with respect to its investment merit or profit potential.

TCA Secs. 66-32-0000; 66-32-0112; 66-32-0132

**Senate Status:** Taken off notice in Senate Commerce, Labor & Agriculture 05/03/2011.

**House Status:** Referred to House General Subcommittee of Commerce.

**TAR Position:** Monitor

TAR Analysis: Pending approval from Great Smoky Mountains Association

SB 1199\* Yager

HB 1580 Carr

Exemptions from residential property disclosure. Increases from three to four years the time period an owner must not have resided at transferred property to be exempt from residential property disclosure.

TCA Secs. 66-05-0000; 66-05-0209

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.

**House Status:** Referred to House General Subcommittee of Commerce.

**TAR Position:** Support

SB 1200\* Yager

HB 1579 Carr

Executive director of real estate commission - requirements. Deletes requirement that executive director of the real estate commission have passed the broker's examination.

TCA Secs. 62-13-0000; 62-13-0207

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.

**House Status:** Referred to House General Subcommittee of Commerce.

**TAR Position:** Support

SB 1296 Johnson J.

HB 0730\* Casada

TN Home Construction Jobs Development Act. Creates "The TN Home Construction Jobs Development Act." Requires the TN housing development agency to make a grant of \$6,000 to a person who finances the purchase of a newly constructed or never occupied residence in TN using a 30-year fixed interest rate. Prohibits a person with the income of \$75,000 single or \$150,000 married couples from receiving the grant. Requires the agency to create rules for determining the manner of payment of a grant, including establishing a limit on the time for which the funds for a grant can remain in escrow, which cannot exceed 90 days. Establishes the home construction jobs restricted special revenue fund. Requires monies in the fund to be appropriated in the general appropriations act and expended to fund grants made by the TN housing corporation.

TCA Secs. 07-60-0000; 13-23-0000; 13-23-0200; 13-23-0300; 13-23-0400

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.

**House Status:** Referred to House General Subcommittee of Commerce.

**TAR Position:** Support

SB 1388\* Finney L.

HB 1728 Armstrong

Study on grant program for first-time home buyers. Creates special joint committee to study the feasibility of establishing a grant program with THDA to assist first-time home buyers in economically distressed areas.

**Senate Status:** Referred to Senate Delayed Bills Committee.

**House Status:** House Finance Study Committee Subcommittee 05/17/2011 voted to add this study to the agenda of the House Finance, Ways and Means summer study.

**TAR Position:** Support

SB 1586 Marrero

HB 1792\* Hardaway

Energy audits of state buildings. Requires owners of commercial buildings within the state to have a comprehensive energy audit conducted on such buildings and to conspicuously display the results of such audit by October 1, 2011. Also requires comprehensive energy audits for all state buildings and state-owned facilities.

TCA Secs. 04-00-0000; 04-03-1000; 13-00-0000; 13-19-0100

**Senate Status:** Referred to Senate State & Local Government.

**House Status:** Taken off notice 04/13/2011 in House General Subcommittee of State & Local Government.

**TAR Position:** Oppose

SB 1627 Marrero

HB 0107\* Hardaway

Landlords required to furnish energy audits. Requires landlords of residential property to provide an energy audit on rental property to tenant prior to such tenant entering into lease agreement.

TCA Sec. 66-28-0300

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.

**House Status:** Taken off notice 04/13/2011 in House General Subcommittee of Commerce.

**TAR Position:** Oppose

SB 1731 Tate

HB 0067\* Hardaway

Deeds of trust. Requires an assignment of a deed of trust to be properly recorded with the register of deeds within 10 days of the date of assignment. Broadly captioned.

TCA Secs. 08-21-1000; 10-07-0100; 66-24-0100

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.

**House Status:** Caption bill held on House clerk's desk.

**TAR Position:** Oppose

SB 1845 Finney L.

HB 1644\* Dennis

Prohibition of Covenants Providing for Transfer Fees Act. Creates the Prohibition of Covenants Providing for Transfer Fees Act of 2011 which renders ineffective any transfer fee covenant recorded after passage of this bill, against effected real property or subsequent owners, purchasers or mortgagees with interest in the property. Defines transfer fee covenant as a covenant attached to the land binding current and successive owners to pay a fee to a third party for any transfers of interest in the property and provides for detailed exclusions to the definition.

Amendment: House amendment 1 specifies that "transfer fee covenant" does not include a document's provision requiring a payment of a fee or charge to an association, in addition to, the association's managing agent. House amendment 2 specifies that "transfer fee covenant" does not include agreements where certain fees are charged by an association or the association's agent for a service rendered contemporaneously with the fee.

TCA Sec. 66-00-0000

**Senate Status:** Senate 05/19/2011 passed.

**House Status:** House 04/11/2011 passed with amendments 1 and 2.

**Other Status:** Sent to governor 05/31/2011.

**TAR Position:** Support

SB 1883 Kyle

HB 2078\* Harrison

Planning commission - revision of plats. Requires that notice of certain regulatory hearings of regional and municipal planning commissions be published on commission's Web site if the commission maintains a Web site.

TCA Secs. 13-03-0403; 13-04-0303

**Senate Status:** Referred to Senate State & Local Government.

**House Status:** Taken off notice 04/26/2011 in House State & Local Government.

**TAR Position:** Monitor

SB 1885 Kyle

HB 1777\* Miller L.

Land Bank Authority Act. Creates the land bank authority (authority), defined as a foreclosing government unit, to serve as a public body acting independently of government for the purpose of assembling and disposing of public property in a coordinated manner. Empowers the authority to acquire through specified means real or personal property or an interest therein and to do all things

necessary in effectuating property transactions such as reform bylaws, contract, borrow money and issue bonds, solicit or accept any financial aid or loans, participate in government programs, procure insurance, make investments, employ experts and agents, develop plans and reports, approve of all documents facilitating a property transfer, grant or acquire licenses or easements, rent out or charge for the use of property, pay taxes or assessments owed, act to quiet title or initiate foreclosures, determine the value of property conveyed, and remediate environmental contamination problems, among any other necessary actions. Exempts the authority from all taxes and special assessments, liability under environmental protection laws unless the cause of violations, and all restrictions later imposed through local legislation and makes clear the discretion of the authority is the equivalent of a private property owner. Prohibits an authority from funding casinos or sexually oriented businesses, imposing taxes or special assessments, exercising the power of eminent domain, condemning property, or conveying property without a determination by the department of environmental quality that property does not threaten public health or safety. Requires an authority to adopt a code of ethics, disclose conflicts of interest, defend against and initiate civil actions under specified circumstances, obtain local approval to accept deeds in lieu of foreclosure under a tax lien, inventory and classify all property held, return to the local unit all funds collected associated with owed property taxes, and grant necessary access to the department of environmental quality. Creates the authority board consisting of seven members, serving four year terms and provides rules regarding qualifications and appointment. Sets out rules governing the authority board regarding vacancies, election of chairpersons, voting, execution of duties, appointment and duties of the executive director, required legislative reports, content and scope of intergovernmental agreements, issuance of bonds and notes, and dissolution. Sets requirements and guidelines regarding the relationship and transactions between the authority and qualified cities such as the transfer of property to the authority, providing aid to the authority, contribution of funds, advancement and reimbursement, and collection of property taxes and tax liens but does not require the authority to gain approval of the governing body in fulfilling its duties. Creates the land bank fund under the jurisdiction of the authority and provides various regulations regarding the funds functions, transfer of funds upon dissolution, and permissible deposits and withdrawals. (pp 22.)

TCA Secs. 05-00-0000; 06-00-0000; 07-00-0000; 65-00-0000; 66-00-0000

**Senate Status:** Referred to Senate State & Local Government.

**House Status:** Taken off notice 04/26/2011 in House State & Local Government.

**TAR Position:** Monitor

SB 1922 Woodson

HB 0826\* Maggart

Termination of lease for victims of domestic abuse. Authorizes tenants who have entered a lease agreement on or after July 1, 2011 and who themselves or a household member have become a victim of domestic abuse, sexual assault, or stalking to terminate the residential rental agreement or lease. Requires termination of the lease without penalty or fees if the landlord is provided with written notice, an agreed release date 30 days from notice, and either a copy of a valid protection order or a written report from an abuse organization all of which shall not be dated later than 60 days following the date of notice. Prohibits the landlord from releasing information regarding the tenants whereabouts. Holds the tenant responsible for rent for the month the tenancy was terminated and an additional months rent.

TCA Sec. 66-07-0100

**Senate Status:** Referred to Senate Judiciary.

**House Status:** Referred to House General Subcommittee of Commerce.

**TAR Position:** Oppose

SB 2003 Stewart E.

HB 1763\* Curtiss

Uniform Residential Landlord and Tenant Act - all counties. Applies the Uniform Residential Landlord and Tenant Act to all counties for rental or lease agreements entered into or renewed on or after July 1, 2011.

TCA Secs. 66-28-0100; 66-28-0102

**Senate Status:** Senate Commerce, Labor & Agriculture deferred to 04/12/2011.

**House Status:** Taken off notice 04/20/2011 in House General Subcommittee of Commerce.

**TAR Position:** Monitor

SB 2051 Ford O.

HB 0022\* Hardaway

Writs of possession: changes and requirements. Requires 24-hour written notice of approximate time of removal pursuant to writ of possession related to a forcible entry and detainer or ejectment. Requires the removal of such property according to the writ of possession to occur between 8 am and 5 pm. Requires plaintiff to create an inventory list, explain existing damage to defendant's property, and sign the document with the sheriff executing the such writ of possession. Holds plaintiff liable for damages to defendant's removed personal property if notice requirements are not followed. Requires writs of possession related to ejectment to be issued 10 or more days after the court order.

TCA Secs. 29-15-0000; 29-18-0100; 66-28-0000; 29-18-0126; 29-15-0114; 29-15-0124

**Senate Status:** Taken off notice in Senate Commerce, Labor & Agriculture 04/19/2011.

**House Status:** House General Subcommittee of Judiciary deferred to 2012.

**TAR Position:** Oppose

SB 2065 Ford O.

HB 0082\* Hardaway

Rental agreement to include energy audit. Requires rental agreement under Uniform Residential Landlord and Tenant Act to include, as an addendum, a copy of an energy audit of estimating the energy usage required at dwelling unit.

TCA Secs. 66-28-0000; 66-28-0201

**Senate Status:** Taken off notice in Senate Commerce, Labor & Agriculture 04/19/2011.

**House Status:** Taken off notice 04/13/2011 in House General Subcommittee of Commerce.

**TAR Position:** Oppose

SB 2080 Ford O.

HB 0023\* Hardaway

Addition to a residential property disclosure form. Establishes that a residential property disclosure form should include information on the average utility cost for the property over the previous calendar year.

TCA Secs. 66-05-0000; 66-05-0210

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.

**House Status:** Failed 03/16/2011 in House General Subcommittee of Commerce.

**TAR Position:** Oppose

## **TAXES PROPERTY**

SB 0004\* Norris

HB 1563 Sargent

Income limits for property tax freeze. Revises property tax freeze income limit reference of census data from the most recent decennial census to estimates in the year following the most recent federal census.

TCA Sec. 67-05-0705

**Senate Status:** Taken off notice in Senate Finance Tax Subcommittee.

**House Status:** Referred to House General Subcommittee of Finance.

**TAR Position:** Monitor

SB 0388 Kelsey

HB 0333\* Coley

Damages cap for parties without notice of tax sale - Shelby. Sets a maximum value on damages awarded to parties in Shelby county with an equitable interest in property sold for delinquent taxes that did not receive mandatory notice of the sale as not to exceed an amount determined by a specified formula based on property value and the amount of taxes owed. Exempts cases involving fraud, collusion, and misrepresentation from the damages cap.

TCA Sec. 67-05-2502

**Senate Status:** Referred to Senate State & Local Government.

**House Status:** Taken off notice 04/26/2011 in House State & Local Government.

**TAR Position:** Monitor

SB 0411\* Barnes

HB 0980 Pitts

Property tax relief for surviving spouse of veteran. Clarifies that property tax relief must be extended to surviving spouses of veterans whose combat-related casualties were from hostile or non-hostile causes.

Amendment: House amendment 1 extends property tax relief to the surviving spouse of a soldier whose death results from a deployment in support of combat operations.

TCA Sec. 67-05-0704

**Senate Status:** Senate 05/11/2011 passed.

**House Status:** House 04/21/2011 passed with amendment 1.

**Other Status:** Enacted as Public Chapter 0262 (effective 05/23/2011).

**TAR Position:** Support

SB 0459 Ketron

HB 0461\* McCormick

Electronic filing and storage of property tax records. Requires complaints and appeals to the state board of equalization to be filed in such format as the board may require by rule and permits the board to use electronic filing, including electronic verification and signatures.

TCA Secs. 67-05-1412; 67-05-1512; 67-05-1513

**Senate Status:** Senate 03/03/2011 passed.

**House Status:** House passed 03/21/2011.

**Other Status:** Enacted as Public Chapter 0032 (effective 03/31/2011).

**TAR Position:** Monitor

SB 0462 Bell

HB 0467\* Lundberg

Deadline for filing tax relief refund applications. Changes deadline for filing applications for refunds or presentments of credit vouchers for tax relief for elderly, disabled, or disabled veterans. Clarifies that repayment is not required if certain persons determined to be eligible by the social security administration, the veterans' administration, the department of humans services or other governmental entity are later found to be ineligible for property tax relief.

Amendment: Senate amendment 1 clarifies that the legislation will apply pending claims for the 2011 tax year and thereafter.

TCA Sec. 67-05-0701

**Senate Status:** Senate 03/07/2011 passed with amendment 1.

**House Status:** House passed 03/10/2011.

**Other Status:** Enacted as Public Chapter 0017 (effective 03/24/2011).

**TAR Position:** Support

SB 0534\* McNally

HB 0745 Sargent

Elderly low-income homeowner property tax relief. Increases annual income amount for certain elderly taxpayers who are eligible for property tax relief from \$24,000 to \$26,500 for tax years 2011 and subsequent years. Broadly captioned.

TCA Secs. 03-00-0000; 04-00-0000; 05-00-0000; 06-00-0000; 07-00-0000; 08-00-0000; 09-00-0000; 12-00-0000; 16-00-0000; 30-00-0000; 36-00-0000; 39-00-0000; 40-00-0000; 45-00-0000; 47-00-0000; 48-00-0000; 49-00-0000; 55-00-0000; 56-00-0000; 57-00-0000; 61-00-0000; 62-00-0000; 67-00-0000; 67-05-0702; 67-05-0703; 68-00-0000; 69-00-0000; 70-00-0000; 71-00-0000

**Senate Status:** Referred to Senate State & Local Government.

**House Status:** Taken off notice 04/20/2011 in House General Subcommittee of Finance.

**TAR Position:** Support

SB 0638 McNally

HB 0464\* Haynes R.

Paying of property taxes during an assessment appeal. Cleans up and clarifies statutory language regarding the collection of disputed property taxes pending an assessment appeal. Removes the requirement that taxpayers prevailing in appeal be refunded within 60 days. Eliminates the ability of Shelby County residents owning multiple properties from receiving payment in one check following a successful appeal. Removes a provision prohibiting any proceeding to collect taxes from taking place when the property has been appraised and the state has publicly agreed to consider the new appraisal value.

TCA Sec. 67-05-1512

**Senate Status:** Senate 03/21/2011 passed.

**House Status:** House passed 03/31/2011.

**Other Status:** Enacted as Public Chapter 0077 (effective 04/14/2011).

**TAR Position:** Monitor

SB 0654\* Tracy

HB 0960 Dunn

Affordable housing rental property. Authorizes certain qualified property to be classified as affordable housing rental property for tax assessment purposes.

TCA Secs. 13-00-0000; 67-00-0000; 67-05-0600

**Senate Status:** Taken off notice in Senate State & Local Government 04/19/2011.

**House Status:** House General Subcommittee of State & Local Government deferred to 2012.

**TAR Position:** Monitor

SB 0996 McNally

HB 0742\* Sargent

Property tax relief for elderly - income limits. Increases annual income amount for certain elderly taxpayers who are eligible for property tax relief from \$24,000 to \$26,500 for tax years 2011 and subsequent years. Broadly captioned.

TCA Secs. 03-00-0000; 04-00-0000; 05-00-0000; 06-00-0000; 07-00-0000; 08-00-0000; 09-00-0000; 12-00-0000; 16-00-0000; 30-00-0000; 36-00-0000; 39-00-0000; 40-00-0000; 45-00-0000; 47-00-0000; 48-00-0000; 49-00-0000; 55-00-0000; 56-00-0000; 57-00-0000; 61-00-0000; 62-00-0000; 67-00-0000; 67-05-0702; 67-05-0703; 68-00-0000; 69-00-0000; 70-00-0000; 71-00-0000

**Senate Status:** Referred to Senate State & Local Government.

**House Status:** Caption bill held on House clerk's desk.

**TAR Position:** Support

SB 1081 Woodson

HB 1272\* Haynes R.

Guidelines for sale of property for delinquent taxes. Allows the municipality or county that conducted a sale for delinquent taxes to submit a report of findings of fact to the court that summarizes for each property sold at the sale for delinquent taxes the names of all parties with an interest in the real estate and such other facts relevant to the sale.

TCA Sec. 67-05-2500

**Senate Status:** Referred to Senate State & Local Government.

**House Status:** Taken off notice 04/13/2011 in House General Subcommittee of State & Local Government.

**TAR Position:** Monitor

SB 1082 Woodson

HB 1274\* Haynes R.

Sale of property for delinquent taxes - notice requirements. Increases the number of weeks that the trustee is required to publish a notice of delinquent taxes in a newspaper prior to filing suit from two weeks to four weeks.

TCA Secs. 67-05-0000; 67-05-2401

**Senate Status:** Referred to Senate State & Local Government.

**House Status:** Taken off notice 04/13/2011 in House General Subcommittee of State & Local Government.

**TAR Position:** Monitor

SB 1100\* Beavers

HB 1886 Forgety

Property tax relief for spouse of deceased disabled veteran. Authorizes property tax relief to surviving spouses of disabled veterans who would have been eligible for relief had the veteran qualified under later amendments to the law.

TCA Sec. 67-05-0704

**Senate Status:** Senate 05/21/2011 passed.

**House Status:** House passed 05/21/2011.

**Other Status:** Sent to governor 05/31/2011.

**TAR Position:** Support

SB 1261 Yager  
HB 0468\* Hawk

Definition of real property. Clarifies that definition of real property for purposes of property tax classification and assessment does not include property determined by Tennessee courts to be personal property. Broadly captioned.

TCA Secs. 67-00-0000; 67-05-0501

**Senate Status:** Referred to Senate Finance Tax Subcommittee.

**House Status:** Caption bill held on House clerk's desk.

**TAR Position:** Monitor

SB 1316\* Ramsey R.  
HB 1821 Lundberg

Limits increase in value for vacant or unused land. Limits increases in value of vacant or unused real property to the lesser of the new appraisal value or value not exceeding a 25 percent increase from the preceding appraisal's value.

TCA Secs. 67-05-0000; 67-05-0601

**Senate Status:** Referred to Senate State & Local Government.

**House Status:** Referred to House General Subcommittee of State & Local Government.

**TAR Position:** Support

SB 1559 Ketron  
HB 1484\* Harrison

Partial payments of delinquent property taxes. Allows the county trustee to accept partial payment of delinquent property taxes, including payments made by electronic transfers, bank customer preauthorized payments, wire transfers or ACH credits.

TCA Sec. 67-05-2001

**Senate Status:** Senate 04/18/2011 passed.

**House Status:** House passed 04/21/2011.

**Other Status:** Enacted as Public Chapter 0160 (effective 05/05/2011).

**TAR Position:** Monitor

SB 1561 Ketron  
HB 1284\* Harrison

Changes to Property Tax Freeze Act. Requires all real property taxes owing to be paid in full on any property subject to the Property Tax Freeze Act.

TCA Sec. 67-05-0705

**Senate Status:** Taken off notice in Senate State & Local Government 05/02/2011.

**House Status:** House passed 04/21/2011.

**TAR Position:** Monitor

SB 1791 Johnson J.  
HB 0737\* Gotto

Registration requirements for non owner-occupied property. Requires persons registering or paying property taxes on real property to designate an address of residence that notice of legal and administrative proceedings, whereby the real property is the subject, may be sent to meet proper service of process. Broadly captioned.

TCA Secs. 05-00-0000; 06-00-0000; 07-00-0000; 29-00-0000; 66-00-0000; 66-24-0104; 67-00-0000

**Senate Status:** Referred to Senate Judiciary.

**House Status:** Taken off notice 04/26/2011 in House State & Local Government.

**TAR Position:** Monitor

SB 1887 Kyle

HB 2069\* Kernell

Land classified as affordable rental housing property. Provides for the classification of certain land or improvements as affordable housing rental property. Requires owner of land or improvements to certify to the assessor of property that the land or improvements continues to meet the definition of affordable rental housing property. Requires assessor to maintain certification records with the assessor's other records for the property. Also requires such certification to be provided to any buyer of the property and specifies that the property is to be deemed disqualified from the classification of affordable housing rental property by the sale.

TCA Secs. 13-00-0000; 67-00-0000; 67-05-0600

**Senate Status:** Referred to Senate Commerce, Labor & Agriculture.

**House Status:** Referred to House General Subcommittee of State & Local Government.

**TAR Position:** Monitor

HJR 0066 Jones S.

Constitutional amendment - abatement for historic property. Proposes an amendment to the Tennessee Constitution to allow the legislature to establish a program for the abatement or reimbursement of property taxes for the renovation and preservation of historic properties which may be adopted by the legislative body of any county or municipality.

**House Status:** Referred to House General Subcommittee of State & Local Government.

**TAR Position:** Monitor

## **TAXES SALES**

SB 0708 Barnes

HB 0785\* McDonald

Exemption - solar panels purchased for residential use. Exempts solar panels purchased exclusively for residential use from sales taxes.

TCA Secs. 67-06-0300; 67-06-0334

**Senate Status:** Taken off notice in Senate Finance Tax Subcommittee.

**House Status:** Referred to House General Subcommittee of Finance.

**TAR Position:** Monitor

SB 0709 Barnes

HB 0784\* McDonald

Exemption - solar panels purchased for commercial use. Exempts solar panels purchased for any legitimate business purpose or commercial use from sales tax.

TCA Secs. 67-06-0300; 67-06-0334

**Senate Status:** Taken off notice in Senate Finance Tax Subcommittee.

**House Status:** Referred to House General Subcommittee of Finance.

**TAR Position:** Monitor

## **TORT LIABILITY**

SB 0138\* Ketron

HB 0176 Marsh

Landowner's duty to person on land for recreational purpose. Clarifies that a landowner does not owe a duty to keep their premises safe or give warning of dangerous conditions for persons entering the property, with or without the owner's permission, for the purpose of various recreational activities unless failure to do so would constitute gross negligence. Continues to provide immunity from liability for failing to guard or warn of conditions caused by forces of nature.

TCA Secs. 70-07-0000; 70-07-0102

**Senate Status:** Senate Judiciary deferred to the first committee calendar of next year.

**House Status:** Taken off notice 03/30/2011 in House General Subcommittee of Judiciary.

**TAR Position:** Support

SB 0393 Bell

HB 0338\* Brooks, Kevin

Noncompliant scrap metal reseller classified as nuisance. Classifies as a nuisance any person or entity dealing in antique, used or scrap jewelry and precious metals and engaged in resale who is not in compliance with applicable regulations, such as required inventory records and holding periods. Permits the court to dismiss a temporary injunction granted for noncompliance once an inventory of all required information is provided.

Amendment: Senate amendment 2 requires that a law enforcement officer of a law enforcement agency in the county or municipality in which property is located, rather than any law enforcement officer, must recover stolen property that is in the possession of a used or scrap jewelry and precious metals buyer or dealer after receipt of proof of ownership. This amendment also clarifies that when a property owner reports that such owner's property is in the possession of a used or scrap jewelry and precious metals buyer or dealer, the owner must make the report to a law enforcement agency in the county or municipality where the property is located and not to any law enforcement agency. House amendment 1 rewrites the bill. Requires, rather than authorizes, law enforcement, upon receipt of proof of ownership, to recover property from a buyer or dealer when a party alleges their property has been stolen and follows proper procedures. Requires the court to order the buyer or dealer to pay all litigation costs and reasonable attorneys' fees whenever a buyer or dealer has been ordered to return such property pursuant to civil action.

TCA Sec. 38-01-0205

**Senate Status:** Senate 04/25/2011 passed with amendment 2.

**House Status:** House 05/02/2011 concurred in Senate amendment 2.

**Other Status:** Enacted as Public Chapter 0225 (effective 05/20/2011).

**TAR Position:** Support

SB 1277 Ketron

HB 0912\* Lundberg

Written liability waivers regarding recreational activities. Allows any person, including minors, to waive, in writing, the landowner's duty of care for injuries that arise from the recreational use of the land, with the exception of gross negligence, willful or wanton conduct, or failure to warn against a dangerous condition.

TCA Secs. 70-00-0000; 70-07-0101; 70-07-0102; 70-07-0103; 70-07-0105

**Senate Status:** Referred to Senate Judiciary.

**House Status:** Withdrawn 03/07/2011 in House.

**TAR Position:** Support

## **TRANSPORTATION VEHICLES**

SB 0544\* McNally

HB 1246 Matlock

Business to provide van-accessible disabled parking spaces. Requires any business that provides disabled parking spaces to also provide van-accessible parking spaces.

Amendment: House amendment 1 requires businesses, firms, and persons conducting business with the public in a permanent location who provide specially marked parking spaces on or prior to April 24, 2006 to provide van accessible spaces when readily achievable and requires those with only one specially marked parking space to make the space van accessible when readily achievable. Deletes language repealing the statute at midnight of June 13, 2013.

TCA Sec. 55-21-0105

**Senate Status:** Senate 05/20/2011 passed.

**House Status:** House 05/19/2011 passed with amendment 1.

**Other Status:** Sent to governor 05/31/2011.

**TAR Position:** Monitor

## **UTILITIES**

SB 0594\* Finney L.

HB 1127 Naifeh

Tennessee Do Not Call Registry. Allows state government telephone subscribers to enroll on the TN Do Not Call Registry.

TCA Secs. 65-04-0405; 65-04-0410

**Senate Status:** Senate 04/21/2011 passed.

**House Status:** House passed 04/07/2011.

**Other Status:** Enacted as Public Chapter 0177 (effective 05/05/2011).

**TAR Position:** Monitor