

# LANDLORD/TENANT COMPLAINTS

Landlord/tenant disputes are not, by nature, civil liberties issues, and the ACLU does not generally handle these complaints, unless the complaint deals with a denial of basic civil rights, such as discrimination in the rental, sale or mortgaging of housing, public or private, based on race, color, sex, religion, national origin, alienage or marital status. The ACLU also has an interest in pursuing cases involving infringement on a tenant's right to free speech in public housing, as in restrictions on the posting of political or election signs, or in instances where zoning or other land-use controls have been applied in a discriminatory manner.

The Tennessee Fair Housing Act states that it is a discriminatory practice for any individual, because of race, color, creed, religion, sex, disability, familial status, or national origin, to refuse to sell or rent a housing accommodation (T.C.A. §4-21-601(a)(1)). Income tests, either to guarantee ability to continue to pay rental costs, or to certify eligibility for lower-cost housing, are allowed, in the absence of purposeful discrimination.

## BASICS OF LANDLORD/TENANT LAW

*Lease Agreements:* Leases can be oral or written. When money has been paid for accommodations on a regular basis, a lease may be implied. Leases for more than 3 years must be written and signed by the tenant and landlord. It's always better to have a written lease since it protects everyone.

*Repairs:* Landlords must make repairs that housing laws require, and anything else provided in the lease agreement. Apartment landlords must repair stairs, halls, plumbing, porches, cellars, elevators, yards and common areas used by all tenants. Tenants must repair any damage they create and anything set forth in the lease agreement. Tenn. Code Ann. § 66-28-304.

## LANDLORD'S DUTIES

A landlord cannot interfere with the tenant's privacy and reasonable use of the dwelling. A landlord generally can't enter except to make repairs or to show the dwelling. If the landlord continually enters without the tenant's permission, the tenant may be able to get money damages.

A landlord cannot interfere with a tenant's use of the dwelling. The landlord cannot remove the tenant's things or lock the tenant out. A landlord cannot raise the rent during

the term of a written lease, though the rent may be raised for a future lease term.

## WHEN THE LANDLORD CAN END THE LEASE:

- At the end of the written lease term
- When the tenant doesn't pay rent, and the landlord has given 30 day notice of the termination of the lease and the tenant fails to pay within 14 days of being given the notice (T.C.A. § 66-28-505).
- The landlord can end week to week or month-to-month leases anytime, but must give 10 days or one month's notice respectively.
- When the tenant violates a condition of the lease

## WHEN THE TENANT CAN END THE LEASE:

- Some leases renew automatically unless the tenant specifically gives notice of intent to leave.
- At the end of a written lease.
- The tenant can end a month-to-month lease anytime but must give one month's notice.

## EVICTION

If the tenant does not leave the rental when the lease is terminated the landlord can have law enforcement remove the tenant's belongings and change the locks. It is illegal for a landlord to change locks without giving proper notice, and if a "lockout" should occur, the police should be notified.

## TENANT'S RIGHT TO STANDARD HOUSING

Tenants have a right to standard housing. Tenants may have grounds to break the lease, or withhold rent if conditions remain substandard. If a landlord refuses to make a needed repair after repeated requests, tenants may have the repair made and withhold the cost from the next month's rent. Any rent withholding should be done as a last effort, as any unjustified rent withholding can be grounds for eviction. **For questions about housing codes, call the municipality's city hall and ask for the planning department.**

**If your complaint deals with conditions of the Department of Housing and Urban Development (HUD) apartments, you should send letters of complaint or file formal grievances with the HUD administration.**



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Also, Tennessee law requires the landlord to deposit the security deposit in an account, used only for that purpose, in a bank that is regulated by the State of Tennessee or by the United States government. Claims for the return of security deposits can be pursued through small claims court.

## AFFORDABLE HOUSING

In response to an expanding need for affordable housing, the United States Department of Housing and Urban Development (HUD) created various programs to address this need. In conjunction with the Office of Housing and Office of Public and Indian Housing, the following programs are administered by the departments to increase the supply of low-income housing.

1. **HOME:** Provides grants to state and local governments to provide housing for low-income or very low-income households. State and local governments that are recipients of these grants use the money to determine what is needed in the area and provide the housing based on the local need. HOME funds can be used to help renters, new homeowners, or existing homeowners.
2. **SHOP:** Provides funds for non-profit organizations to purchase existing home sites to repair or rehabilitate.
3. **HOMEOWNERSHIP ZONE:** allows local communities reclaim derelict or vacant properties and promote economic revitalization by creating single-family homes in neighborhoods called Homeownership Zones. Communities that request funds under this program are encouraged to build neighborhoods that are pedestrian-friendly and have mix of incomes that are also close to mass transit.

Contact your state or local government in the resources listed below for more information on obtaining funds or access to low-income housing in your area.

## RESOURCES – NATIONAL AND STATE

ACLU-TN provides the following list of resources for informational purposes only. ACLU-TN does not endorse any of the organizations listed.

### National Organizations

- **U.S. Department of Housing and Urban Development (HUD)**

#### Nashville Field Office

235 Cumberland Bend  
Suite 200  
Nashville, TN 37228-1803

#### Knoxville Field Office

710 Locust Street, SW  
Suite 300  
Knoxville, TN 37902-2526

#### Memphis Field Office

200 Jefferson Avenue  
Suite 300  
Memphis, TN 38103-2389

**For shelters and emergency housing click [here](#)**

### State Organizations

- **Safe Haven**  
1234 Third Avenue South  
Nashville, TN 37210  
(615)256-8195  
The shelter houses up to eleven homeless families at a time and empowers them to live independently through financial, social, and faith-based guidance.
- **Steps House, Inc.**  
712 Boggs Avenue  
Knoxville, TN 37920  
(865) 573-7152  
Provides shelter and help to homeless veterans and those suffering from addictions and helps them attain the life skills necessary to lead an independent life.



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- **Tennessee Alliance For Legal Services**  
 50 Vantage Way, Suite 250  
 Nashville, TN 37228  
 Phone: 615.627.0956  
 Fax: 615.627.0964  
 Toll Free: 888-395-9297  
 TALS offers information guides along with legal service offices near you.
- **Tennessee Department of Consumer Affairs**  
 500 James Robertson Pkwy  
 Nashville, TN 37243-0600  
 Phone: 615-741-4737  
 Fax: 615: 532-4994  
 Inside TN: 800-342-8385  
 Email: [Consumer.Affairs@tn.gov](mailto:Consumer.Affairs@tn.gov)  
 TDCA offers free mediation services for complaints regarding the Landlord Tenant Act. An attorney is still required.
- **Tennessee Department of Economic and Community Development**  
 312 Rosa L. Parks Blvd.  
 Eleventh Floor  
 Nashville, TN 37243  
 (615) 741-1888  
 Its mission is to strengthen and revitalize communities by assisting in the delivery of affordable housing, by providing supportive services, and by promoting community and economic development. Their programs include:
- **Low-Income Mortgage Programs**  
 (615) 815-2082
- **Home Buyer Education**  
 (615) 815-2085
- **HOME Funds (Funds available for Community Housing Development Organizations)**  
 (615) 815-2030
- **Emergency Shelter Grant Program**  
 (615) 815-2030
- **BUILD Program (Funds available for non-profit organizations that produce, preserve and rehabilitate low-income housing)**  
 (615) 815-2030
- **Community Investment Tax Credit Program**  
 (615) 815-2030
- **Emergency Repair Program for the Elderly**  
 (615) 815-2030
- **Housing Trust Fund Competitive Grants**  
 (615) 815-2030
- **American Dream Downpayment Initiative**  
 (615) 815-2030
- **Rental Assistance Division**  
 (615) 741-1888
- **Section 8 Housing**  
 (615) 741-1888
- **Tennessee Department of Human Services**  
 400 Deaderick Street  
 Nashville, TN 37243-1403  
 (615) 313-4700  
 Provides free information and advice regarding eligibility for and complaints about state assistance, including food stamps, aid to the blind, nursing care, Medicaid, and medical assistance.
- **Tennessee Fair Housing Council**  
 The Tennessee Fair Housing Council is a private, non-profit advocacy organization whose mission is to eliminate housing discrimination throughout Tennessee. The Council's enforcement program is based in Nashville and concentrates on Davidson, Rutherford, Sumner, Williamson, and Wilson counties.
- **Tennessee Housing Development Agency**  
 404 James Robertson Pkwy, Suite 1200  
 Nashville, TN 37243-0900  
 (615) 815-2200  
 Provides emergency shelters and transitional housing for homeless individuals and families, provides essential social services and helps prevent homelessness.
- **Tennessee Human Rights Commission**  
 710 James Robertson Pkwy, Suite 100  
 Nashville, TN 37243-1219  
 (615) 741-5825  
[tnhumanrights@tn.gov](mailto:tnhumanrights@tn.gov)  
 Seeks to identify, prevent, and eradicate discrimination in housing and public accommodations. *Complaint forms* are available on the Commissions website.



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