

**RULES
OF
TENNESSEE DEPARTMENT OF HEALTH
BUREAU OF HEALTH SERVICES ADMINISTRATION
DIVISION OF GENERAL ENVIRONMENTAL HEALTH**

**CHAPTER 1200—1—2
RENTAL PREMISES UNFIT FOR HABITATION**

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1200—1—2—.01 DEFINITIONS.

- (1) Accessory Structure shall mean a detached structure located on or partially on any premises which is not used or not intended to be used for living or sleeping by human occupants.
- (2) Dwelling shall mean any enclosed space that is wholly or partly used for living or sleeping by human occupants, providing that temporary housing shall not be regarded as a dwelling.
- (3) Dwelling Unit shall mean any room or group of rooms forming a single habitable unit with facilities which are used for living, sleeping, cooking, and eating.
- (4) Flush Water Closet shall mean a toilet bowl flushed with water under pressure with a water filled trap above the floor level. Such toilet bowls shall have a smooth, easily cleanable surface.
- (5) Habitable Room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace room, pantries, kitchenettes and utility rooms with less than 50 square feet, foyers or communicating corridors, stairways, and closets, storage spaces and work shops, hobby and recreation areas in unceiled or uninsulated parts of structures below ground level or in attics.
- (6) Health Department shall mean the city or county health department having jurisdiction in the political subdivision in which a complaint is filed.
- (7) Multiple Dwelling shall mean any dwelling containing more than two dwelling units.
- (8) Ordinary Winter Conditions shall mean a temperature 15°F. above the lowest recorded temperature in locality for prior ten year period.
- (9) Rooming House shall mean any dwelling or that part of any dwelling containing one or more rooms or groups of rooms forming a single habitable unit used for living and sleeping but not provided with facilities for cooking. This definition does not include those hotels used as rooming houses and which are regulated under the provisions of Chapter 21 of Title 53, Tennessee Code Annotated.
- (10) Where Water Under Pressure is Available shall mean that a connection has been or can be made to an existing water supply, public or private, which is within 200 feet of the dwelling and such private supply is owned by the landlord.

Authority: T.C.A. § 53-5502. **Administrative History:** Original Rule certified June 7, 1974.

1200—1—2—.02 MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES.

- (1) Every dwelling unit shall have a space in which food may be prepared and/or cooked which shall be equipped with the following except where central food service is provided by the owner:
 - (a) Where water under pressure is available a kitchen sink in each dwelling unit properly connected to the hot and cold potable water supply pipes and to a sewer system approved by the health department.
 - (b) A stove, or similar device for cooking food, and a refrigerator or similar device for the safe storage of food at temperatures less than 50°F. but more than 32°F. under ordinary maximum summer conditions, which are properly installed with all necessary connections for safe, sanitary and efficient operation, provided that such stove, refrigerator and/or similar devices need not be installed when the occupant is expected to provide same on occupancy, and that sufficient space and adequate connections for the safe and efficient installation and operation of a stove, refrigerator and/or similar devices are provided.
- (2) Where water under pressure is available every dwelling unit shall have a tub or shower and a flush water closet located in a room affording privacy and lavatory properly connected with hot and cold water supply pipes and sewer system approved by the health department. Where water under pressure is not available, a sanitary pit privy shall be provided. A bathroom containing a tub or shower, lavatory and flush water closet may be shared by two (2) dwelling units if:
 - (a) It is enclosed in a separate room affording privacy to the occupant.
 - (b) The habitable area of such dwelling unit shall not exceed more than four-hundred (400) square feet of floor area.
 - (c) The fixtures are placed in a room used solely for toilet purposes and accessible without passing through the other dwelling unit or outside the dwelling.
 - (d) Each dwelling unit shall have facilities for storage of drugs and household poisons that are out of sight and out of reach of small children.
 - (e) Access to or egress from each dwelling unit shall be provided without passing through any other dwelling unit.
 - (f) All exterior doors, windows and other openings of the dwelling unit shall be equipped with safe, functioning locking devices.

Authority: T.C.A. § 53—5502. Administrative History: Original Rule certified June 7, 1974.

1200—1—2—.03 MINIMUM STANDARDS FOR LIGHT AND VENTILATION.

- (1) Ventilation shall be provided by openable doors and at least one (1) openable window equal to at least four percent (4%) of total floor area of each room except where there is supplied some other device affording adequate ventilation.
- (2) Electric lighting facilities shall consist of at least two (2) separate wall type convenience outlets or one (1) ceiling type fixture and one (1) wall type outlet for every habitable room. Every bathroom or water closet compartment, hall and stairway, shall have at least one (1) lighting fixture which shall provide adequate light. All electrical systems shall be properly installed and maintained in a safe condition.

Authority: T.C.A. § 53—5502. Administrative History: Original Rule certified June 7, 1974.

1200—1—2—.04 MINIMUM THERMAL STANDARDS.

- (1) Every dwelling unit shall have heating facilities which are properly installed, and are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments in every dwelling unit located therein to a temperature of at least 68°F. at a distance of eighteen (18) inches above floor level under ordinary winter conditions provided that such heating facilities need not be installed when the occupant is expected to provide same on occupancy and that adequate connections for the safe installation and operation of a heating facility are provided.
- (2) Heating equipment employing a flame must be vented outside the structure in an approved manner unless such equipment is Underwriters Laboratory approved for installation without venting. If employing solid or liquid fuel a fire-resistant panel shall be installed beneath the heating device.

Authority: T.C.A. § 53—5502. Administrative History: Original Rule certified June 7, 1974.

1200—1—2—.05 GENERAL REQUIREMENTS RELATING TO THE SAFE AND SANITARY MAINTENANCE OF PARTS OF DWELLING UNITS.

- (1) Every foundation, roof and exterior wall, door, skylight, and window shall be reasonably weathertight, watertight, and dampfree, and shall be kept in sound condition and good repair. Toxic paint and materials shall not be used where readily accessible to children. Floors, interior walls, and ceilings shall be sound and in good repair. Walls shall be capable of affording visual privacy to the occupants. Every premises shall be graded, drained, and free of standing water which would be conducive to mosquito breeding.
- (2) During that portion of the year when there is a need for protection against mosquitoes, flies and other flying insects, every door opening directly from a dwelling unit to outside space shall have supplied properly fitting screens having at least sixteen (16) mesh and self-closing devices; and every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens, except that such screens shall not be required (a) in rooms in the upper stories of a building free from such insects (b) in rooms located in areas which are deemed by the health department to have so few insects as to render screens unnecessary.
- (3) Every window located at or near ground level used or intended to be used for ventilation, and every other opening located at or near ground level which might provide an entry for rodents, shall be supplied with adequate screen or such other devices as will effectively prevent their entrance in areas with heavy rat infestations as determined by the health department.
- (4) Every multiple dwelling or rooming house shall be kept reasonably free of household vermin provided that the landlord shall not be required to carry out treatment measures more than twice per year.
- (5) The landlord of multiple dwellings must provide two (2) garbage cans per dwelling unit with a capacity of at least twenty (20) gallons each and not more than thirty-two (32) gallons each. Bulk containers that can be emptied mechanically may be used in lieu of garbage cans when service is available for emptying such containers. These containers shall have a capacity of 1/4 cubic yard per dwelling unit. (These capacities are based on twice per week service.)
 - (a) All containers both individual and bulk shall be of such design as to be rodentproof, and they shall be covered. These containers must be of an easily cleanable construction and must be cleaned at such intervals as to prevent health hazards, odors, and other nuisances.
 - (b) Containers must be located so that each dwelling unit will be within a reasonable distance of a solid waste container.
 - (c) All containers shall be emptied at least one (1) time per week.

(Rule 1200—1—2—.05, continued)

- (6) All fences provided by the landlord shall be maintained in safe condition or shall be removed.
- (7) Accessory structures provided by the landlord shall be structurally sound, and shall be maintained in safe repair or such structures shall be removed from the premises.
- (8) Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, every porch and every appurtenance thereto, shall be safe to use and capable of supporting the loads that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.
- (9) Every water closet compartment, bathroom, and kitchen floor surface shall be constructed and maintained so as to be reasonably impervious to water and to permit such floor to be easily kept in a clean and sanitary condition.
- (10) Every dwelling unit shall have at least one safe and unobstructed means of egress leading to a safe and open space at ground level.
- (11) Every dwelling unit shall have at least one outside window or other opening which can be readily opened from the inside without the use of tools and which is adequate in size of opening, configuration, and location to provide a safe emergency escape or rescue.
- (12) Stairways with four (4) or more risers (three steps) shall be equipped with structurally sound handrails. Every inside and outside stairway shall have uniform risers and uniform treads. Stair railings with balusters spaced no greater than six (6) inches apart shall be provided on unenclosed stairways and ramps. Porches and/or balconies located more than three (3) feet higher than the adjacent area shall have structurally sound protective guardrails with balusters spaced no greater than six (6) inches apart on all unenclosed sides. Handrails, stairrails, and protective guardrails shall be at least thirty (30) inches high. Alternate systems providing at least the same degree of protection, if approved by the inspecting authority, shall be acceptable.

Authority: T.C.A. § 53—5502. **Administrative History:** Original Rule certified June 7, 1974.

1200—1—2—.06 ROOMING HOUSES.

- (1) Every house shall be equipped with at least one flush water closet, one lavatory, and one tub or shower for each persons or fraction thereof within the rooming house, including members of the family if they are to share the use of facilities. In rooming houses in which rooms are let only to males, flush urinals may be substituted or riot more than one-half of the required number of water closets. All such facilities shall be properly connected to the hot and cold water supply and sewer system.
- (2) Every flush water closet, flush urinal, lavatory, tub or shower required above shall be located within the rooming house in a room or rooms, which:
 - (a) affords privacy
 - (b) is accessible by a common hall without going outside of the rooming house
 - (c) is accessible from a common hall without going through the sleeping quarters of others
 - (d) is not more than one story removed from the room of an occupant intended to share the facilities
- (3) Every rooming house shall be provided adequate refuse storage facilities.

Authority: T.C.A. §53—5502. **Administrative History:** Original rule certified June 7, 1974.