

***TN - Tennessee Code Annotated > Title 66 Property > Chapter 27 Multiple Ownership of Property > Part 7 Homeowners' Association***

**66-27-701. Part definitions.**

As used in this part:

- (1)** “Business entity” means a corporation, association, partnership, limited liability company, limited liability partnership, or other legal entity, whether organized for-profit or not-for-profit;
- (2)** “Declaration” means an instrument, however denominated, that creates a homeowners' association, and amendments to that instrument, including restrictive covenants, bylaws, and similar instruments governing the administration or operation of a homeowners' association;
- (3)** “Effectively prohibit” means to act or fail to act in a manner that prevents an owner of a residential property that is subject to a declaration, and who is in reasonable compliance with rules and regulations, from using the residential property as a long-term rental property;
- (4)** “Family” means the members of a household living, on a full-time or a part-time basis, in one (1) dwelling;
- (5)** “Homeowners' association” means an incorporated or unincorporated association owned by, or whose members consist primarily of, the owners of the residential property covered by the declaration and through which the owners, or the board of directors or similar governing body, manage or regulate the residential subdivision;
- (6)** “Long-term rental property” means a single family residential real property that is leased by the owner to a lessee for a period of one hundred eighty (180), or more, consecutive days;
- (7)** “Nonessential amenity”:
  - (A)** Means an amenity that is not essential to the daily regular operation of the community, including a pool, tennis court, or club house; and
  - (B)** Does not include:
    - (i)** A road, utility, or other amenity that is necessary to the daily regular operation of a community; or
    - (ii)** An amenity described in the declaration but not yet built;
- (8)** “Prohibit” means to forbid or ban, either permanently or temporarily, an owner of a residential property that is subject to a declaration from using the residential property as a long-term rental property;
- (9)** “Related” means children, parents, grandparents; any degree of great-grandparents, aunts, or uncles; any degree of great-aunts, great-uncles, or stepparent; cousins of the first degree; first cousins once removed; siblings of the whole or half degree; or a spouse of the above listed relatives;
- (10)** “Rules and regulations” means written policies, resolutions, guidelines, restrictions, and procedures of a homeowners' association, however denominated, which are not set forth in the declaration and which govern the conduct of persons or the use or appearance of property;
- (11)** “Single family residential real property”:
  - (A)** Means a separate free-standing building intended for use as a dwelling by a single family or individual and that does not have a common or shared roofline with another building intended for use as the dwelling of another; and
  - (B)** Does not include a condominium or unit as those terms are defined by § 66-27-203; and

**(12)** “Transfer” means the sale, gift, grant, conveyance, assignment, or other transfer of an interest in real property located in this state. However, “transfer” does not mean:

**(A)** If the owner is an individual, the sale, gift, grant, conveyance, assignment, or other transfer of an interest in real property to:

**(i)** An individual who is related to the owner;

**(ii)** An heir; or

**(iii)** A business entity in which the owner holds an ownership interest; or

**(B)** If the owner is a business entity, the sale, gift, grant, conveyance, assignment, or other transfer of an interest in real property to another business entity, as long as:

**(i)** The transferee business entity is wholly owned and completely controlled by the owner or a business entity that wholly owns and completely controls the owner; and

**(ii)** It is the first sale, gift, grant, conveyance, assignment, or other transfer of an interest in the real property since the owner acquired the interest in the real property