

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**

A Bill

HOUSE BILL

4 **By: Representatives Dawson, Stephens, Arnold and Wallis**

5

6

7

For An Act To Be Entitled

8

"AN ACT TO PROVIDE REMEDIES FOR THE ABANDONMENT OF

9

PERSONAL PROPERTY BY A TENANT; AND FOR OTHER PURPOSES."

10

11

Subtitle

12

"TO PROVIDE REMEDIES FOR THE ABANDONMENT OF PERSONAL

13

PROPERTY BY A TENANT."

14

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

16

17 SECTION 1. When a dwelling unit has been abandoned; or when the rental
18 agreement has come to an end and the tenant has removed a substantial portion
19 of his or her property; or when the tenant has vacated and has voluntarily and
20 permanently terminated his or her utilities; and the tenant has left personal
21 property with a fair market value of five hundred dollars (\$500) or less in
22 the dwelling unit or on the premises, the landlord may enter the dwelling
23 unit, and dispose of the property. Where property is disposed of by the
24 landlord pursuant to this section and the property value was actually in
25 excess of five hundred dollars (\$500), the landlord is not liable unless the
26 landlord was deliberate or grossly negligent.

27

28 SECTION 2. When a dwelling unit has been abandoned or the rental
29 agreement has come to an end and the tenant has left personal property in the
30 dwelling unit or on the premises in cases not covered by Section 1, the
31 landlord may notify the tenant that such property must be removed within the
32 dates set forth in such notice, but not less than twenty (20) days after
33 personal delivery, mailing or posting said notice on the premises. If the
34 property is not removed within the time specified in such notice, the landlord
35 may sell the property at a public or private sale in any manner which, under

1 the circumstances, is reasonably likely to obtain a fair price, taking into
2 account the age and condition of the property, and may retain the proceeds of
3 the sale as actual damages. If upon a sale the fair price of the proceeds
4 exceeds the actual damages sustained by the landlord, the tenant may recover
5 any surplus provided the tenant notifies the landlord within six (6) months of
6 the sale. If six (6) months expires following the sale and the tenant has not
7 notified the landlord of any intention to recover a surplus from the sale, all
8 proceeds of the sale may then be retained by the landlord as liquidated
9 damages.

10

11 SECTION 3. After notice has been provided under Section 2 and until the
12 term of the tenancy has expired, the landlord shall store all goods, chattels
13 and personal property of the tenant in a place of safe keeping and shall
14 exercise reasonable care of the property, but shall not be responsible to the
15 tenant for any loss not caused by the landlord's deliberate or grossly
16 negligent act. The landlord may elect to store the goods, chattels and
17 personal property on the previously leased premises, in which event the
18 storage cost may not exceed the fair rental value of the premises. If the
19 tenant's property is removed to a commercial storage company, the storage cost
20 may include the actual charge for such storage and costs of removal from the
21 premises to the place of storage. After the landlord's notice under Section
22 2, if the tenant gives timely notice of his intention to remove the personal
23 property from the premises and does not do so within the time specified in the
24 landlord's notice or within fifteen (15) days of the personal delivery or
25 mailing of the tenant's written response, whichever is later, it shall be
26 conclusively presumed that the tenant has abandoned such property. In the
27 event the tenant removes the property after notice, the landlord shall be
28 entitled to the costs of storage for the period the property has remained in
29 the landlord's safe keeping.

30

31 SECTION 4. All provisions of this act of a general and permanent nature
32 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
33 Revision Commission shall incorporate the same in the Code.

34

35 SECTION 5. If any provision of this act or the application thereof to

1 any person or circumstance is held invalid, such invalidity shall not affect
2 other provisions or applications of the act which can be given effect without
3 the invalid provision or application, and to this end the provisions of this
4 act are declared to be severable.

5

6 SECTION 6. All laws and parts of laws in conflict with this act are
7 hereby repealed.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

1

2