

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

As Engrossed: S2/8/21

# A Bill

SENATE BILL 165

5 By: Senator J. Hendren  
6 By: Representative C. Fite  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE TERMINATION  
10 AND CANCELLATION OF A RESIDENTIAL LEASE UNDER THE  
11 ARKANSAS SOLDIERS' AND AIRMEN'S CIVIL RELIEF ACT; AND  
12 FOR OTHER PURPOSES.  
13  
14

## Subtitle

15 TO AMEND THE LAW CONCERNING THE  
16 TERMINATION AND CANCELLATION OF A  
17 RESIDENTIAL LEASE UNDER THE ARKANSAS  
18 SOLDIERS' AND AIRMEN'S CIVIL RELIEF ACT.  
19  
20  
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

24 SECTION 1. Arkansas Code § 12-62-704 is amended to read as follows:  
25 12-62-704. Applicability - Definition.

26 (a) As used in this subchapter, "primary residence" means the place of  
27 abode leased by a soldier, an airman, or the spouse of a soldier or airman:

28 (1) That the soldier, airman, or spouse of the soldier or airman  
29 has listed as his or her primary residence in the Army Military Human  
30 Resource Record, the Military Personnel Data System, or any other official  
31 military system of record; or

32 (2) For which rent is paid using the housing allowance issued to  
33 the soldier or airman by the Arkansas National Guard.

34 (b) This subchapter and the benefits of this subchapter apply to and  
35 may be claimed by a soldier, an airman, or the spouse of a soldier or airman  
36 of the Arkansas National Guard who meets one (1) of the following



1 requirements:

2 (1) The soldier or airman is ordered into the active military  
3 service of the State of Arkansas by the Governor under state law for a period  
4 of more than one hundred eighty (180) continuous days;

5 (2) The soldier or airman is ordered into the active military  
6 service of the State of Arkansas by the Governor under the provisions of  
7 Title 32, United States Code, for a period of more than one hundred eighty  
8 (180) continuous days; ~~or~~

9 (3) The soldier or airman is ordered into active duty by the  
10 Governor under state law or under Title 32 of the United States Code for any  
11 period of time as a direct result of the execution of an Emergency Management  
12 Assistance Compact or proclamation by the Governor-; or

13 (4) For purposes of § 12-62-705, the soldier or airman is:

14 (A) Assigned to a permanent change of duty station that is  
15 located more than fifty (50) miles from his or her primary residence; or

16 (B) Discharged or released from active military service:

17 (i) After at least one hundred eighty (180)  
18 continuous days of active military duty; and

19 (ii) Under honorable conditions.

20

21 SECTION 2. Arkansas Code § 12-62-705 is amended to read as follows:

22 12-62-705. Residential leases.

23 ~~(a) When a soldier or airman is ordered to active military service of~~  
24 ~~the State of Arkansas for more than one hundred eighty (180) days under § 12-~~  
25 ~~62-704, the A soldier, ~~or~~ an airman, or the spouse of the a soldier or~~  
26 ~~airman, is entitled to may terminate and cancel the lease for the primary~~  
27 ~~residence of the soldier, the airman, or the spouse of the soldier or airman~~  
28 ~~as follows if the soldier or airman is:~~

29 (1) Ordered to active military service for more than one hundred  
30 eighty (180) continuous days under § 12-62-704;

31 (2) Assigned to a permanent change of duty station that is  
32 located more than fifty (50) miles from the primary residence; or

33 (3) Discharged or released from active military service:

34 (A) After at least one hundred eighty (180) continuous  
35 days of active military duty; and

36 (B) Under honorable conditions.

1 (b) The soldier, the airman, or the spouse of the soldier or airman  
2 may terminate and cancel the lease for the primary residence of the soldier,  
3 the airman, or the spouse of the soldier or airman as follows:

4 (1) The ~~airman or~~ soldier, the airman, the spouse of the soldier  
5 or airman, or ~~his or her~~ the attorney-in-fact or lawfully appointed agent of  
6 the soldier, the airman, or the spouse of the soldier or airman shall deliver  
7 a written notice to the lessor or the lessor’s agent by any manner of mail,  
8 courier, or personal delivery accompanied by a written receipt as evidence of  
9 delivery;

10 (2) The written notice shall state:

11 (A) The beginning date, and the ending date if known, that  
12 the soldier or airman has been ordered into the military service of the  
13 state;

14 (B) The unit name, address, and telephone number of the  
15 soldier’s or airman’s commanding officer or military superior who may verify  
16 the authenticity of the orders and where the soldier, the airman, or the  
17 spouse of the soldier or airman may be written; and

18 (C) That the soldier ~~or~~, the airman, or the spouse of the  
19 soldier or airman, claims the benefits of this subchapter and gives written  
20 notice that his or her ~~residential~~ lease will be terminated as provided by  
21 this subchapter; and

22 (3)(A) The written notice shall be accompanied by:

23 (i) Payment of the current month’s rent and any  
24 monthly charges regularly assessed as a monthly consideration of the lease;  
25 and

26 (ii) Payment of the next month’s rent and any  
27 monthly charges regularly assessed as a monthly consideration of the lease  
28 that shall accrue through the last day of the next month following the month  
29 during which the written notice was mailed or delivered.

30 (B) Any prepaid monthly consideration, security deposit,  
31 or other sums held by the lessor may be deducted from the payment amounts.

32  
33 /s/J. Hendren

34  
35 **APPROVED: 3/1/21**