

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

A Bill

HOUSE BILL 2218

4
5 By: Representative Carroll
6
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For An Act To Be Entitled

8
9 AN ACT TO PROVIDE RESIDENTIAL TENANTS RELIEF FROM
10 FORECLOSURE AND EVICTION PROCEEDINGS; TO STAY
11 EVICTION PROCEDURES FOR NINETY (90) DAYS
12 FOLLOWING A RESIDENTIAL FORECLOSURE IF A TENANT
13 IS CURRENT IN PAYING RENT; TO REQUIRE GOOD FAITH
14 NEGOTIATIONS WITH THE TENANT FOR THE PURCHASE OF
15 THE PROPERTY; AND FOR OTHER PURPOSES.
16

Subtitle

17
18 TO PROVIDE RESIDENTIAL TENANTS RELIEF
19 FROM FORECLOSURE AND EVICTION
20 PROCEEDINGS.
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code Title 18, chapter 16, subchapter 1 is amended
26 to add an additional section to read as follows:

27 18-16-113. Stay of eviction after residential foreclosure.

28 (a) Upon satisfactory proof that a tenant is not in default under a
29 lease of residential real property, the tenant may not be evicted from the
30 property under a law of this state for ninety (90) days following a
31 foreclosure sale of the residential real property unless the tenant:

32 (1) Fails to pay the monthly rent when due to the successful
33 bidder at the foreclosure sale; or

34 (2) Causes permanent harm to the property.

35 (b)(1) If the property was sold to the foreclosing lien creditor, then
36 the tenant and lien creditor shall negotiate a potential sale of the property



1 to the tenant.

2 (2) If the lien creditor does not negotiate with the tenant in
3 good faith, then the tenant is entitled to remain in possession of the
4 property by continuing to pay or tendering payment of the monthly rent to the
5 lien creditor.

6
7 SECTION 2. Arkansas Code § 18-50-107(e), concerning the possession of
8 property after a statutory foreclosure sale, is amended to read as follows:

9 (e)(1) Except as provided in § 18-16-113:

10 (A) The purchaser at the sale shall be entitled to
11 immediate possession of the property;

12 ~~(2)(A)(B)~~ Possession of the property may be obtained by
13 filing:

14 (i) a A complaint in the circuit court of the county
15 in which the property lies and attaching a copy of the recorded trustee's or
16 mortgagee's deed, whereupon the purchaser shall be entitled to an ex parte
17 writ of assistance; or

18 (ii) ~~Alternatively, the purchaser may bring an~~ An
19 action for forcible entry and detainer pursuant to under § 18-60-301 et seq.;
20 and

21 (C) ~~In either event, An action for possession under this~~
22 subdivision (e)(1) is subject to the provisions of § 18-50-116(d)-shall
23 apply.

24 (2) If a tenant who is not in default under a residential lease
25 of the property is in possession of the property, the purchaser at the sale
26 is not entitled to possession of the property until the requirements of § 18-
27 16-113 are satisfied.