

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1538

5 By: Representatives Clowney, Capp, Gazaway
6

For An Act To Be Entitled

8 AN ACT CONCERNING LANDLORD AND TENANT LAW; TO AMEND
9 THE LAW CONCERNING THE PROTECTION OF VICTIMS OF
10 DOMESTIC ABUSE; AND FOR OTHER PURPOSES.
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Subtitle

12 CONCERNING LANDLORD AND TENANT LAW; AND
13 TO AMEND THE LAW CONCERNING THE
14 PROTECTION OF VICTIMS OF DOMESTIC ABUSE.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 18-16-112, concerning the protections
22 reserved for a victim of domestic abuse, is amended to add an additional
23 subsection to read as follows:

24 (g)(1) If a residential tenant or a member of the residential tenant's
25 household is a victim of domestic abuse as evidenced by a documented incident
26 of domestic abuse, the residential tenant:

27 (A) May terminate his or her residential tenancy agreement
28 within sixty (60) days of the date of the documented incident of domestic
29 abuse due to safety issues; and

30 (B) Is not required to pay penalties that might otherwise
31 be imposed under the residential tenancy agreement for an early termination
32 of the tenancy.

33 (2) A residential tenant shall:

34 (A) Provide the landlord with a written notice of intent
35 to terminate the residential tenancy agreement within sixty (60) days due to
36 a documented incident of domestic abuse;



1 (B) Be entitled to remain at the residence for at least
2 sixty (60) days following the residential tenant submitting the notice of
3 intent to terminate the residential tenancy agreement as required by
4 subdivision (g)(2)(A) of this section; and

5 (C) Be responsible for paying rent and any other amounts
6 owed under the residential tenancy agreement during the sixty (60) days
7 before the termination of the tenancy.

8 (3) A landlord:

9 (A) Shall not require or force a residential tenant to
10 vacate the residence before the expiration of the sixty (60) days authorized
11 by subdivision (g)(1)(A) of this section;

12 (B) May agree to allow the residential tenant to terminate
13 the residential tenancy agreement before the sixty (60) days authorized under
14 subdivision (g)(1)(A) of this section; and

15 (C) Is entitled to all remedies available under the
16 residential tenancy agreement or law regarding the destruction of the
17 landlord's property if he or she finds the residence is in disrepair or that
18 the residential tenant has allowed waste to occur in violation of the
19 residential tenancy agreement after the termination of the tenancy.

20 (4) A landlord shall not take any retaliatory actions against a
21 residential tenant because of the early termination of the residential
22 tenancy agreement authorized by subdivision (g)(1) of this section, including
23 without limitation:

24 (A) Forcing the residential tenant to vacate the residence
25 before the expiration of the sixty (60) days authorized in the written notice
26 to terminate the residential tenancy agreement;

27 (B) Refusing to return the residential tenant's deposit
28 unless the landlord is entitled to keep the deposit based on other violations
29 of the residential tenancy agreement by the residential tenant; or

30 (C) Using self-help eviction against the residential
31 tenant.

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