

INTERIM STUDY PROPOSAL 2021-102

REQUESTING THAT THE HOUSE COMMITTEE ON INSURANCE AND COMMERCE  
STUDY AND REVIEW THE LANDLORD-TENANT LAWS IN ARKANSAS AND IN  
OTHER STATES.

WHEREAS, during the 2021 Regular Session of the General Assembly,  
various bills concerning landlord-tenant issues were filed, specifically  
concerning civil eviction proceedings, unlawful detainer, failure to vacate  
upon notice, and implied warranty of habitability; and

WHEREAS, Acts 2011, No. 1198, created the Non-Legislative Commission on  
the Study of Landlord-Tenant Laws to study, review, and report on the  
landlord-tenant laws in Arkansas and other states; and

WHEREAS, the Non-Legislative Commission on the Study of Landlord-Tenant  
Laws was comprised of an equal number of pro-landlord and pro-tenant members;  
and

WHEREAS, the Non-Legislative Commission on the Study of Landlord-Tenant  
Laws submitted fifteen (15) unanimous recommendations concerning relevant  
landlord-tenant issues to Governor Mike Beebe, the President Pro Tempore of  
the Senate, and the Speaker of the House of Representatives on December 31,  
2012; and

WHEREAS, HB1019 and HB1563 of 2021 create a civil eviction process to  
replace Arkansas Code § 18-17-901 et seq.; and

WHEREAS, Arkansas is the only state in the country where the nonpayment  
of rent and failure to vacate is a crime; and

WHEREAS, HB1798 of 2021 was introduced to repeal the failure to vacate  
law, Arkansas Code § 18-16-101; and

WHEREAS, Arkansas is the only state in the country without an implied  
warranty of habitability; however, Acts 2021, No. 1052, provides that certain

1 residential lease agreements or rental agreements entered into or renewed  
2 after November 1, 2021, contain implied residential quality standards; and  
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4 WHEREAS, Acts 2021, No. 1052, requires that a dwelling unit or single-  
5 family residence have, both at the time possession is delivered to the tenant  
6 and throughout the term of the lease or rental agreement:

7 (1) An available source of hot and cold running water;

8 (2) An available source of electricity;

9 (3) A source of potable drinking water;

10 (4) A sanitary sewer system and plumbing that conform to  
11 applicable building and housing codes in existence at the time of  
12 installation;

13 (5) A functioning roof and building envelope; and

14 (6) A functioning heating and air conditioning system to the  
15 extent the heating and air conditioning system served the premises at the  
16 time the landlord and tenant entered into the lease or rental agreement; and  
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18 WHEREAS, Arkansas has not clearly codified the holding of Gorman v.  
19 Ratliff, 289 Ark. 332, 712 S.W.2d 888, denying a landlord the right to use  
20 self-help to evict a tenant without a court order; and  
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22 WHEREAS, Arkansans have fewer rights than tenants in any other state,  
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24 NOW THEREFORE,

25 BE IT PROPOSED BY THE HOUSE COMMITTEE ON INSURANCE AND COMMERCE OF THE  
26 NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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28 THAT the House Committee on Insurance and Commerce study and review the  
29 landlord-tenant laws in Arkansas and other states.  
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31  
32 Respectfully submitted,

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34 Representative Justin Boyd

35 District 77  
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1 Prepared by: DTP/DTP

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