

State of Arkansas

76th General Assembly

Regular Session, 1987

HOUSE BILL 1136

By: Representative Mills

"AN ACT TO ALLOW A LANDLORD TO SELL ABANDONED PERSONAL
PROPERTY OF AN ABSENT TENANT; AND FOR OTHER PURPOSES"

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

SECTION 1. For the purpose of this Act:

- (a) "Landlord" means the owner, lessor, or sublessor of the dwelling unit or the building of which it is a part.
- (b) "Dwelling unit" means a structure or the part of the structure that is used as a home, residence, or sleeping place by one [1] person who maintains a house hold or by two [2] or more persons who maintain a common household.
- (c) "Owner" means one [1] or more persons, jointly or severally, in whom is vested (i) all or part of the legal title to property or (ii) all or part of the beneficial ownership and a right to present use and enjoyment of the premises. The term includes a mortgagor in possession.
- (d) "Person" means any individual, firm, partnership, corporation, association or other organization.
- (e) "Rent" means all payments to be made to the landlord under the rental agreement.
- (f) "Rental agreement" means all agreements, written or oral, and valid rules and regulations embodying the terms and conditions concerning the use and occupancy of a dwelling unit and premises.
- (g) "Premises" means a dwelling unit and the structure of which it is a part and facilities and appurtenances therein and grounds, areas, and facilities held out for the use of tenants generally or whose use is promised to the tenant.
- (h) "Tenant" means a person entitled under a rental agreement to occupy a dwelling unit to the exclusion of others.

SECTION 2. (a) Personal property left on the premises of a dwelling unit by a tenant shall be deemed abandoned and shall be subject to sale by the landlord if the tenant is absent from the dwelling unit for at least ninety (90) days and during the tenant's absence the rent has not been paid for at least ninety (90) days after the date required in the rental agreement. The tenant shall be entitled to any proceeds of the sale remaining after an amount is deducted for rent due, storage expenses and any expenses of the sale.

(b) The rights provided to a landlord pursuant to this Act shall be in addition to any other rights of a landlord.

SECTION 3. All laws or parts of laws in conflict with this Act are hereby repealed.

