

State of Arkansas

76th General Assembly

Regular Session, 1987

HOUSE BILL 1148

By: Rep. Givens

"AN ACT TO CREATE A TENANTS' BILL OF RIGHTS; AND FOR OTHER
PURPOSES."

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

SECTION 1. This Act shall be known and cited as the "Tenants' Bill of Rights" and is established to guarantee tenants of apartments, duplexes, or other rented habitations the right of peaceful possession.

SECTION 2. (a) Whenever a tenant fails to pay rent in a timely fashion in accordance with a rental contract, the landlord must give five (5) days written notice of his intent to evict or eject the tenant from the rented premises before he can initiate any legal process. Notice may be served by Landlord or his agent, or any other legal process server.

FORM OF NOTICE

To: _____
(Tenant)

You are hereby notified to quit the premises and move out on or
before the _____ day of _____, 19 __.

You are hereby notified that the undersigned will file with the
_____ Municipal Court a complaint on the _____ day
(City)
of _____, 19 __ to obtain an order of ejectment, and a
judgment for all rent due, together with attorneys' fees and costs, if
you have not vacated the premises.

(b) After the expiration of the five (5) day period, the landlord must file a complaint in the municipal court which has jurisdiction over the rented property, attaching a copy of the written notice which the landlord has caused to be served upon the tenant.

(c) Within five (5) days after the filing of the complaint, the municipal court shall set a date for the hearing, and it shall be the duty of the landlord to cause a copy of the complaint and notice of hearing to be served upon the tenant. Said notice must be served upon the tenant five (5) days prior to the court hearing.

(d) Upon hearing, if the court finds that the tenant has failed to pay rent and has refused to vacate the premises, after proper notice, the court may enter judgment for all rents due, attorneys' fees and costs incurred, and issue a writ of possession in favor of the landlord.

(e) Upon hearing, and for good cause, and to relieve any hardship on the tenant, the court may grant to the tenant a specified period of time to vacate the premises, provided that the tenant shall post a suitable bond with the court to cover all rent then due, or which will be due as of the date that the court ultimately orders the tenant to vacate the premises.

(f) A tenant and a landlord may enter into any agreement with the reference to the leasing or renting of any property and the terms thereof shall be enforceable at law or in equity. The parties shall have full power to determine all provisions with reference to occupancy, and 'self-help' or peaceful repossession for failure to pay rent or comply with the terms of any written lease agreement.

(g) Any or all rights and remedies for forcible entry and detainer and unlawful detainer provided in Act 615 of 1981 as now exists or as may be amended, the same being Arkansas Statutes 34-1501 through 34-1512, may be waived in writing in any lease or contract any person may enter into for lands, tenements or other possessions provided the waiver appears in conspicuous print or type in the final paragraph of the contract.

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

