

1 State of Arkansas

2 80th General Assembly

3 Regular Session, 1995

4 By: Representative Hinshaw

5

6

7

For An Act To Be Entitled

8 "AN ACT TO PROVIDE LANDLORDS RENTING ON A SHORT-TERM BASIS
9 AND PAYING FOR UTILITY SERVICES FOR A TENANT WITH THE
10 AUTHORITY TO DISCONNECT THE UTILITY SERVICES UPON A
11 TENANT'S FAILURE TO PAY RENT; AND FOR OTHER PURPOSES."

12

13

Subtitle

14

15

16

17

18

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

20

21 SECTION 1. As used in this act, unless the context otherwise requires:

22

23

24

(1) "Landlord" means the owner, lessor, or sublessor of the dwelling house, apartment, dwelling unit, or other building or any land in the State of Arkansas;

25

26

27

28

(2) "Dwelling house, apartment, dwelling unit, or other building" means a structure, facility, or the part of the structure that is used as a home, residence, or sleeping place by one (1) or more persons who maintain a household;

29

30

(3) "Rent" means all payments to be made to the landlord under the rental agreement;

31

32

33

34

(4) "Rental agreement" means all written or oral agreements and valid rules and regulations embodying the terms and conditions concerning the use and occupancy of a dwelling house, apartment, dwelling unit, or other building;

35

(5) "Short-term basis" means a rental period for which rent is paid on

1 a dwelling house, apartment, dwelling unit, or other building when the rental
2 period does not exceed one (1) month or means when the rental agreement of
3 the house, apartment, unit, or building calls for rent to be paid on less
4 than a monthly basis or the rental is on less than a month-to-month basis,
5 which includes, but is not limited to, rentals that are on a daily or a
6 weekly basis or that are week-to-week agreements;

7 (6) "Tenant" means a person entitled under a rental agreement to
8 occupy a dwelling house, apartment, dwelling unit, or other building to the
9 exclusion of others.

10 (7) "Utility services" means any electric, water, or gas utility
11 service supplied to a dwelling house, apartment, dwelling unit, or other
12 building by a public or municipal utility and the service to the house,
13 apartment, unit, or building is supplied in the name of the landlord and is
14 paid for by the landlord.

15

16 SECTION 2. Any person who rents any dwelling house, apartment,
17 dwelling unit, or other building in the State of Arkansas on a short-term
18 basis where the landlord pays for the utility services supplied to the house,
19 apartment, unit, or building and who refuses or fails to pay the rent
20 therefor when due according to the rental agreement shall at once forfeit all
21 right to occupy the house, apartment, unit, or building and to access to any
22 utility services being provided.

23

24 SECTION 3. (a) If, after five (5) days' notice in writing shall have
25 been given by the landlord or his agent or attorney to the tenant to vacate
26 the dwelling house, apartment, dwelling unit, or other building, the tenant
27 shall willfully refuse to vacate and surrender the possession of the house,
28 apartment, unit, or building to the landlord or his agent or attorney, the
29 landlord may *order the utility to* disconnect, turn off, or otherwise
30 terminate the utility services to the house, apartment, unit, or building *and*
31 *the public or municipal utility shall* terminate the utility services to the
32 house, apartment, unit, or building. The written notice to vacate shall be
33 delivered *to the tenant in person or by certified mail with a return receipt*
34 requested and delivery restricted to the addressee. *If the tenant refuses*
35 *the delivery of the certified mail notice, the tenant shall be deemed to have*

1 received the notice.

2 (b) The notice in writing shall be in the following form:

3 "NOTICE TO VACATE AND TERMINATE UTILITY SERVICES

4 Date of Notice:.....

5 To:.....

6

7

8 You are hereby notified that, pursuant to [Act... of 1995] or
9 [Arkansas Code § (fill in Code § reference number)] by reason of your failure
10 to pay your rent for the time from ... (fill in beginning date of
11 delinquency) ... to ..._(fill in ending date of delinquency) ..., the
12 undersigned landlord is entitled to have you vacate the dwelling house or
13 unit which you are occupying and is entitled to terminate the utility
14 services to the dwelling house or unit for which the landlord pays for the
15 utility services supplied to it. You are further notified that in the event
16 that you have not vacated the dwelling house or unit which you are occupying
17 within five (5) days from the service of this notice, the undersigned
18 landlord will order the utility services to the dwelling house or unit
19 terminated. And, the termination of utility services shall not preclude the
20 landlord from seeking further a writ of possession to have the tenant
21 forcibly removed from the dwelling house or unit nor from seeking any other
22 legal relief to which the landlord may be lawfully entitled nor other legal
23 penalties for which the tenant might be liable.

24 By:.....

25 Landlord"

26

27 SECTION 4. Prior to honoring an order from a landlord to terminate
28 utility services, a public or municipal utility supplying utility services to
29 a dwelling house, apartment, dwelling unit, or other building for a landlord
30 may require evidence from the landlord of the written notice and its delivery
31 and shall verify that the five-day notice period has passed.

32

33 SECTION 5. Any public or municipal utility terminating utility
34 services to a dwelling house, apartment, dwelling unit, or other building at
35 the order of a landlord after having require evidence of the landlord's

1 written notice and its delivery and after having verified the five-day notice
2 period has passed shall not be liable to the tenant in any court of competent
3 jurisdiction for any civil damages or in any criminal action for any results
4 in terminating the utility services.

5

6 SECTION 6. This act shall not preclude the landlord or tenant from any
7 other relief to which either may be lawfully entitled.

8

9 SECTION 7. All provisions of this act of general and permanent nature
10 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
11 Revision Commission shall incorporate the same in the Code.

12

13 SECTION 8. If any provisions of this act or the application thereof to
14 any person or circumstance is held invalid, the invalidity shall not affect
15 other provisions or applications of the act which can be given effect without
16 the invalid provisions or application, and to this end the provisions of this
17 act are declared to be severable.

18

19 SECTION 9. All laws and parts of laws in conflict with this act are
20 hereby repealed.

21

/s/Rep. Hinshaw

22

23

24

25

26

27

28

29

30

31

32

33

34

35

As Engrossed: 3/7/95 3/10/95

HB 1668

1

2

3

0208951413.jjd512