

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

HOUSE BILL 2257

4
5 By: Representative Allison
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For An Act To Be Entitled

8
9 "AN ACT TO PROVIDE A PROCEDURE FOR THE ENFORCEMENT OF
10 RENTAL CONTRACTS; AND FOR OTHER PURPOSES."

Subtitle

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13 "AN ACT TO PROVIDE A PROCEDURE FOR THE
14 ENFORCEMENT OF RENTAL CONTRACTS."
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. (a) Whenever a tenant fails to pay rent in a timely fashion
20 in accordance with a rental contract, the landlord must give five (5) days
21 written notice of his intent to evict or eject the tenant from the rented
22 premises before he can initiate any legal process. Notice may be served by
23 the landlord, his agent, or any other legal process server.
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FORM OF NOTICE

25
26 To: _____

27 _____ (Tenant)

28 You are hereby notified to quit the premises and move out on or

29 before the _____ day of _____, 19 ____.

30 You are hereby notified that the undersigned will file with the

31 _____ Municipal Court a complaint on the _____ day

32 _____ (City)

33 of _____, 19 ____ to obtain an order of ejectment, and a

34 judgment for all rent due, costs of repairs, together with attorneys'

35 fees and costs, if _____ you have not vacated the premises.
36

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

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

10 (d) Upon hearing, if the court finds that the tenant has failed to pay
11 rent, caused damage to the property, and has refused to vacate the premises,
12 after proper notice, the court may enter judgment for all rents due, cost of
13 repairs, attorneys' fees and costs incurred, and issue a writ of possession in
14 favor of the landlord which shall be enforced by a certified law enforcement
15 officer from the county sheriff's office or the local municipal police
16 department. Furthermore, the court shall fine the tenant not less than twenty-
17 five dollars (\$25.00) per day, nor more than one hundred dollars (\$100.00) per
18 day for each day the tenant failed to vacate the premises after proper notice.

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

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

30 (g) Any or all rights and remedies for forcible entry and detainer and
31 unlawful detainer as now exists or as may be amended, the same being Arkansas
32 Code § 18-60-301 through § 18-60-312, may be waived in writing in any lease or
33 contract any person may enter into for lands, tenements or other possessions
34 provided the waiver appears in conspicuous print or type in the final
35 paragraph of the contract.

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1 SECTION 2. All provisions of this act of a general and permanent nature
2 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
3 Revision Commission shall incorporate the same in the Code.

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5 SECTION 3. If any provision of this act or the application thereof to
6 any person or circumstance is held invalid, such invalidity shall not affect
7 other provisions or applications of the act which can be given effect without
8 the invalid provision or application, and to this end the provisions of this
9 act are declared to be severable.

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11 SECTION 4. All laws and parts of laws in conflict with this act are
12 hereby repealed.