

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: S2/20/23

A Bill

SENATE BILL 197

5 By: Senator J. Bryant
6 By: Representative B. McKenzie
7

For An Act To Be Entitled

9 AN ACT TO PROHIBIT CERTAIN RESTRICTIONS ON THE
10 REGULATION OF SHORT-TERM RENTALS; AND FOR OTHER
11 PURPOSES.
12
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Subtitle

15 TO PROHIBIT CERTAIN RESTRICTIONS ON THE
16 REGULATION OF SHORT-TERM RENTALS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. DO NOT CODIFY. Legislative findings.

22 The General Assembly finds that:

23 (1) Arkansas Constitution, Article 2, § 2, establishes that "All
24 men are created equally free and independent, and have certain inherent and
25 inalienable rights; amongst which are those of enjoying and defending life
26 and liberty; of acquiring, possessing and protecting property, and
27 reputation; and of pursuing their own happiness";

28 (2) Furthermore, Arkansas Constitution, Article 2, § 21,
29 establishes that "No person shall be taken, or imprisoned, or disseized of
30 his estate, freehold, liberties or privileges; or outlawed, or in any manner
31 destroyed, or deprived of his life, liberty or property; except by the
32 judgment of his peers, or the law of the land; nor shall any person, under
33 any circumstances, be exiled from the State";

34 (3) Arkansans have a constitutional right to use their property
35 without intrusion by the government;

36 (4) Short-term rentals are vital to the tourism and



1 marketability of the State; and

2 (5) Local governments often hold back tourism and infringe on
3 property owners' private property rights in this state by passing ordinances
4 that inhibit property owners' right to use their property as they see fit.

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6 SECTION 2. Arkansas Code Title 18, Chapter 11, Subchapter 1, is
7 amended to add an additional section to read as follows:

8 18-11-110. Restrictions on regulation of short-term rentals and
9 vacation rentals – Definitions.

10 (a) As used in this section:

11 (1) "Applicant" means:

12 (A) A short-term rental owner; or

13 (B) An assigned agent who plans to manage a short-term
14 rental;

15 (2) "Local government" means a city or county;

16 (3)(A) "Short-term rental" means an individually or collectively
17 owned single-family house or dwelling unit or a unit or group of units in a
18 condominium, cooperative or timeshare, or owner-occupied residential home
19 that is offered for a fee and for thirty (30) days or less.

20 (B) "Short-term rental" does not include a unit that is
21 used:

22 (i) For retail;

23 (ii) As a restaurant;

24 (iii) As banquet space;

25 (iv) As an event center; or

26 (v) For any other similar use; and

27 (4) "Short-term rental marketplace" means a person who provides
28 a platform through which a lodging operator, or the authorized agent of the
29 lodging operator, offers a short-term rental to an occupant.

30 (b) A local government shall not enact or enforce an ordinance,
31 resolution, rule, or other requirement of any type that prohibits or limits
32 the use of a property as a short-term rental unit.

33 (c) A local government may enact or enforce an ordinance, resolution,
34 rule, or other requirement that:

35 (1) Requires an applicant to obtain a permit from the local
36 government, at no cost to the applicant, prior to the applicant's operation

1 of a short-term rental provided that the ordinance, resolution, rule, or
2 other requirement does not expressly or in any practical effect prohibit or
3 limit the use of a property as a short-term rental; or

4 (2) Is not more burdensome than an ordinance, resolution, rule,
5 or other requirement that currently applies to all residential properties
6 found within the jurisdiction of the local government.

7 (d) A short-term rental:

8 (1) Shall be classified as residential land use for zoning
9 purposes; and

10 (2) Is subject to all zoning requirements applicable to property
11 classified as residential land use for zoning purposes.

12 (e) A local government shall not regulate the operation of a short-
13 term rental marketplace.

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15 /s/J. Bryant
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