

State of Arkansas  
93rd General Assembly  
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As Engrossed: S2/8/21  
**A Bill**

SENATE BILL 165

By: Senator J. Hendren  
By: Representative C. Fite

### For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE TERMINATION  
AND CANCELLATION OF A RESIDENTIAL LEASE UNDER THE  
ARKANSAS SOLDIERS' AND AIRMEN'S CIVIL RELIEF ACT; AND  
FOR OTHER PURPOSES.

### Subtitle

TO AMEND THE LAW CONCERNING THE  
TERMINATION AND CANCELLATION OF A  
RESIDENTIAL LEASE UNDER THE ARKANSAS  
SOLDIERS' AND AIRMEN'S CIVIL RELIEF ACT.

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

SECTION 1. Arkansas Code § 12-62-704 is amended to read as follows:  
12-62-704. Applicability – Definition.

(a) As used in this subchapter, "primary residence" means the place of  
abode leased by a soldier, an airman, or the spouse of a soldier or airman:

(1) That the soldier, airman, or spouse of the soldier or airman  
has listed as his or her primary residence in the Army Military Human  
Resource Record, the Military Personnel Data System, or any other official  
military system of record; or

(2) For which rent is paid using the housing allowance issued to  
the soldier or airman by the Arkansas National Guard.

(b) This subchapter and the benefits of this subchapter apply to and  
may be claimed by a soldier, an airman, or the spouse of a soldier or airman  
of the Arkansas National Guard who meets one (1) of the following



requirements:

(1) The soldier or airman is ordered into the active military service of the State of Arkansas by the Governor under state law for a period of more than one hundred eighty (180) continuous days;

(2) The soldier or airman is ordered into the active military service of the State of Arkansas by the Governor under the provisions of Title 32, United States Code, for a period of more than one hundred eighty (180) continuous days; ~~or~~

(3) The soldier or airman is ordered into active duty by the Governor under state law or under Title 32 of the United States Code for any period of time as a direct result of the execution of an Emergency Management Assistance Compact or proclamation by the Governor; ~~or~~

(4) For purposes of § 12-62-705, the soldier or airman is:

(A) Assigned to a permanent change of duty station that is located more than fifty (50) miles from his or her primary residence; or

(B) Discharged or released from active military service:

(i) After at least one hundred eighty (180) continuous days of active military duty; and

(ii) Under honorable conditions.

SECTION 2. Arkansas Code § 12-62-705 is amended to read as follows:

12-62-705. Residential leases.

~~(a) When a soldier or airman is ordered to active military service of the State of Arkansas for more than one hundred eighty (180) days under § 12-62-704, the~~ A soldier, ~~or~~ an airman, or the spouse of ~~the~~ a soldier or airman, ~~is entitled to~~ may terminate and cancel the lease for the primary residence of the soldier, the airman, or the spouse of the soldier or airman ~~as follows~~ if the soldier or airman is:

(1) Ordered to active military service for more than one hundred eighty (180) continuous days under § 12-62-704;

(2) Assigned to a permanent change of duty station that is located more than fifty (50) miles from the primary residence; or

(3) Discharged or released from active military service:

(A) After at least one hundred eighty (180) continuous days of active military duty; and

(B) Under honorable conditions.

(b) The soldier, the airman, or the spouse of the soldier or airman may terminate and cancel the lease for the primary residence of the soldier, the airman, or the spouse of the soldier or airman as follows:

(1) The ~~airman or~~ soldier, the airman, the spouse of the soldier or airman, or ~~his or her~~ the attorney-in-fact or lawfully appointed agent of the soldier, the airman, or the spouse of the soldier or airman shall deliver a written notice to the lessor or the lessor's agent by any manner of mail, courier, or personal delivery accompanied by a written receipt as evidence of delivery;

(2) The written notice shall state:

(A) The beginning date, and the ending date if known, that the soldier or airman has been ordered into the military service of the state;

(B) The unit name, address, and telephone number of the soldier's or airman's commanding officer or military superior who may verify the authenticity of the orders and where the soldier, the airman, or the spouse of the soldier or airman may be written; and

(C) That the soldier ~~or~~, the airman, or the spouse of the soldier or airman, claims the benefits of this subchapter and gives written notice that his or her ~~residential~~ lease will be terminated as provided by this subchapter; and

(3)(A) The written notice shall be accompanied by:

(i) Payment of the current month's rent and any monthly charges regularly assessed as a monthly consideration of the lease; and

(ii) Payment of the next month's rent and any monthly charges regularly assessed as a monthly consideration of the lease that shall accrue through the last day of the next month following the month during which the written notice was mailed or delivered.

(B) Any prepaid monthly consideration, security deposit, or other sums held by the lessor may be deducted from the payment amounts.

*/s/J. Hendren*

**APPROVED: 3/1/21**