

Stricken language would be deleted from and underlined language would be added to present law.  
Act 459 of the Regular Session

State of Arkansas  
95th General Assembly  
Regular Session, 2025

As Engrossed: S2/17/25

## A Bill

SENATE BILL 91

By: Senators C. Penzo, J. Bryant

By: Representatives Ray, B. McKenzie

### For An Act To Be Entitled

AN ACT TO PROVIDE THAT LOCAL GOVERNMENTAL UNITS SHALL HAVE NO AUTHORITY TO REGULATE OR CONTROL THE AMOUNT CHARGED FOR A RENTAL APPLICATION FEE OR RENTAL DEPOSIT FOR PRIVATE RESIDENTIAL OR COMMERCIAL PROPERTY; AND FOR OTHER PURPOSES.

### Subtitle

TO PROVIDE THAT LOCAL GOVERNMENTAL UNITS SHALL HAVE NO AUTHORITY TO REGULATE OR CONTROL THE AMOUNT CHARGED FOR A RENTAL APPLICATION FEE OR RENTAL DEPOSIT FOR PRIVATE RESIDENTIAL OR COMMERCIAL PROPERTY.

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

SECTION 1. Arkansas Code § 14-16-601 is amended to read as follows:

14-16-601. Rent, rental application fee, and rental deposit control preemption - Definition.

(a) As used in this section, "local governmental unit" means a political subdivision of this state, including, ~~but not limited to,~~ without limitation a county, city, village, or township, if the political subdivision provides local government services for residents in a geographically limited area of this state as its primary purpose and has the power to act primarily on behalf of that area.

(b)(1) A As to leasing private residential or commercial property, and except as provided under § 18-16-304, a local governmental unit shall not



enact, maintain, or enforce an ordinance or resolution that would have the effect of controlling the amount of ~~rent~~ charged for: ~~leasing private residential or commercial property~~

- (A) Rent;
- (B) Rental application fees; or
- (C) Rental deposits.

(2) The preemption against rent, rental application fees, and rental deposit control in subdivision (b)(1) of this section applies to all:

- (A) Landlords;
- (B) Property owners;
- (C) Property managers;
- (D) Tenants;
- (E) Prospective tenants; and
- (F) Real estate companies doing business in the

State of Arkansas.

(c) This section does not impair the right of any local governmental unit to manage and control residential property in which the local governmental unit has a property interest.

SECTION 2. Arkansas Code § 14-54-1409 is amended to read as follows:

14-54-1409. Rent, rental application fee, and rental deposit control preemption - Definition.

(a) As used in this section, "local governmental unit" means a political subdivision of this state, including, ~~but not limited to,~~ without limitation a county, city, village, or township, if the political subdivision provides local government services for residents in a geographically limited area of this state as its primary purpose and has the power to act primarily on behalf of that area.

(b)(1) A ~~As to leasing private residential or commercial property, and except as provided under § 18-16-304,~~ a local governmental unit shall not enact, maintain, or enforce an ordinance or resolution that would have the effect of controlling the amount of ~~rent~~ charged for: ~~leasing private residential or commercial property~~

- (A) Rent;
- (B) Rental application fees; or
- (C) Rental deposits.

(2) The preemption against rent, rental application fees, and rental deposit control in subdivision (b)(1) of this section applies to all:

(A) Landlords;

(B) Property owners;

(C) Property managers;

(D) Tenants;

(E) Prospective tenants; and

(F) Real estate companies doing business in the

State of Arkansas.

(c) This section does not impair the right of any local governmental unit to manage and control residential property in which the local governmental unit has a property interest.

*/s/C. Penzo*

**APPROVED: 4/3/25**