

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1538

By: Representatives Clowney, Capp, Gazaway

For An Act To Be Entitled

AN ACT CONCERNING LANDLORD AND TENANT LAW; TO AMEND
THE LAW CONCERNING THE PROTECTION OF VICTIMS OF
DOMESTIC ABUSE; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING LANDLORD AND TENANT LAW; AND
TO AMEND THE LAW CONCERNING THE
PROTECTION OF VICTIMS OF DOMESTIC ABUSE.

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

SECTION 1. Arkansas Code § 18-16-112, concerning the protections reserved for a victim of domestic abuse, is amended to add an additional subsection to read as follows:

(g)(1) If a residential tenant or a member of the residential tenant's household is a victim of domestic abuse as evidenced by a documented incident of domestic abuse, the residential tenant:

(A) May terminate his or her residential tenancy agreement within sixty (60) days of the date of the documented incident of domestic abuse due to safety issues; and

(B) Is not required to pay penalties that might otherwise be imposed under the residential tenancy agreement for an early termination of the tenancy.

(2) A residential tenant shall:

(A) Provide the landlord with a written notice of intent to terminate the residential tenancy agreement within sixty (60) days due to a documented incident of domestic abuse;



(B) Be entitled to remain at the residence for at least sixty (60) days following the residential tenant submitting the notice of intent to terminate the residential tenancy agreement as required by subdivision (g)(2)(A) of this section; and

(C) Be responsible for paying rent and any other amounts owed under the residential tenancy agreement during the sixty (60) days before the termination of the tenancy.

(3) A landlord:

(A) Shall not require or force a residential tenant to vacate the residence before the expiration of the sixty (60) days authorized by subdivision (g)(1)(A) of this section;

(B) May agree to allow the residential tenant to terminate the residential tenancy agreement before the sixty (60) days authorized under subdivision (g)(1)(A) of this section; and

(C) Is entitled to all remedies available under the residential tenancy agreement or law regarding the destruction of the landlord's property if he or she finds the residence is in disrepair or that the residential tenant has allowed waste to occur in violation of the residential tenancy agreement after the termination of the tenancy.

(4) A landlord shall not take any retaliatory actions against a residential tenant because of the early termination of the residential tenancy agreement authorized by subdivision (g)(1) of this section, including without limitation:

(A) Forcing the residential tenant to vacate the residence before the expiration of the sixty (60) days authorized in the written notice to terminate the residential tenancy agreement;

(B) Refusing to return the residential tenant's deposit unless the landlord is entitled to keep the deposit based on other violations of the residential tenancy agreement by the residential tenant; or

(C) Using self-help eviction against the residential tenant.