

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

State of Arkansas  
95th General Assembly  
Regular Session, 2025

As Engrossed: S3/20/25

## A Bill

SENATE BILL 501

By: Senator J. Scott

By: Representatives Ennett, J. Richardson

### For An Act To Be Entitled

AN ACT TO CREATE THE TENANT POSSESSIONS RECOVERY ACT;  
TO REQUIRE A LANDLORD TO PROVIDE CERTAIN NOTICE TO A  
TENANT WHEN A COURT HAS ISSUED A WRIT OF POSSESSION;  
AND FOR OTHER PURPOSES.

### Subtitle

TO CREATE THE TENANT POSSESSIONS  
RECOVERY ACT; AND TO REQUIRE A LANDLORD  
TO PROVIDE CERTAIN NOTICE TO A TENANT  
WHEN A COURT HAS ISSUED A WRIT OF  
POSSESSION.

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

SECTION 1. DO NOT CODIFY. TITLE.

This act shall be known and may be cited as the "Tenant Possessions  
Recovery Act".

SECTION 2. Arkansas Code § 18-16-108 is repealed.

~~18-16-108. Property left on premises after termination of lease.~~

~~(a) Upon the voluntary or involuntary termination of any lease agreement, all property left in and about the premises by the lessee shall be considered abandoned and may be disposed of by the lessor as the lessor shall see fit without recourse by the lessee.~~

~~(b) All property placed on the premises by the tenant or lessee is subject to a lien in favor of the lessor for the payment of all sums agreed to be paid by the lessee.~~



SECTION 3. Arkansas Code Title 18, Chapter 6, Subchapter 1, is amended to add an additional section to read as follows:

18-16-114. Notice of repossession – Tenant possessions recovery.

(a) This section applies to a writ of possession issued under § 18-16-507, the Arkansas Residential Landlord-Tenant Act of 2007, § 18-17-101 et seq., § 18-60-208, § 18-60-310, or an equivalent provision of local ordinance.

(b)(1) After a court has issued a writ of possession, the landlord shall, at least fourteen (14) days before the scheduled date of repossession as set by the sheriff of the county where the property is located, provide written notice to the tenant of the date on which the writ of possession is scheduled to be executed by:

(A) Sending the notice by first-class mail with certificate of mailing; and

(B) Posting the written notice on the front door of the leased premises and taking a timestamped photograph indicating the date and time of the notice posted on the front door.

(2) The notice required under subdivision (b)(1) of this section shall include:

(A) The court summary ejectment case number;

(B) The tenant's name as stated in the summary ejectment case;

(C) The address of the leased premises;

(D) The date that the writ of possession was ordered by the court;

(E) The scheduled date of eviction;

(F) A statement that the repossession may occur unless the tenant:

(i) Returns possession of the leased premises to the landlord; or

(ii) Exercises the right of redemption;

(G) A statement that if the eviction occurs, all personal property remaining in or about the leased premises shall be considered abandoned and may be disposed of ten (10) days after the eviction date;

(H) A statement informing the tenant as to how the tenant

may obtain any personal property left in or about the leased premises after the eviction occurs;

(I) A statement that the notice is the final notice to the tenant of the intended repossession, even if the repossession is stayed for any reason; and

(J) The telephone number, email address, and mailing address at which the landlord may be contacted.

(c) A landlord may charge the tenant for expenses actually incurred in providing notice under subsection (b) of this section in an amount not to exceed five dollars (\$5.00).

(d) It is a rebuttable presumption that a tenant was properly notified as required under subsection (b) of this section if the landlord provides to the sheriff:

(1) The certificate of mailing of the notice in subdivision (b)(1)(A) of this section;

(2) A photograph of the notice posted on the front door of the leased premises containing a readable timestamp indicating the date and time that the notice was posted; and

(3) A signed affidavit of the person who posted the notice on the front door of the leased premises.

(e)(1) If the sheriff reasonably believes that the landlord has not provided the notice required under subsection (b) of this section or that the tenant may have redeemed the property, the sheriff:

(A) Shall notify the court; and

(B) Shall not execute the writ of possession without further order of the court.

(2) If the court finds that the landlord did not provide the notice required under subsection (b) of this section, the court shall vacate the writ of possession.

(f) Except as provided in subsection (e) of this section, if the landlord presents the documentation listed in subsection (b) of this section, the sheriff:

(1) Shall file the documentation with the clerk of the court;  
and

(2) May execute the writ of possession by putting the landlord in possession of the premises, without the removal of any personal property

from the premises.

(g) If a tenant is not present during the execution of the writ of possession, the sheriff shall post a notice on the front door of the premises stating that repossession of the premises has been completed and that the tenant has ten (10) days to reclaim the tenant's personal property.

(h)(1) A tenant shall have ten (10) days following the execution of the writ of possession to recover personal property from the premises.

(2) During the ten-day period, the landlord:

(A) Shall make the tenant's personal property reasonably available for purposes of reclamation; and

(B) Is not liable to the tenant for any losses relating to the personal property unless the loss is the result of a deliberate or grossly negligent act on the part of the landlord.

(3) A tenant may not waive the right to reclaim personal property under this section.

(h)(1) Unless the landlord and the tenant agree otherwise, personal property remaining in or about the leased premises following the ten-day period established under this section shall be considered abandoned and may be disposed of under subdivision (h)(3) of this section.

(2) The landlord or any person acting on the landlord's behalf shall not be liable for any loss of or damage to property deemed abandoned.

(3)(A) Except as provided in subdivision (h)(5) of this section, a landlord may dispose of abandoned personal property by:

(i) Transportation to a licensed landfill or solid waste facility;

(ii) Donation to charity;

(iii) Sale; or

(iv) Any other legal means.

(B) If a landlord disposes of abandoned personal property by sale, the tenant shall be entitled to any proceeds of the sale that exceed any back rent, move-out costs, or damage fees owed by the tenant to the landlord.

(4) Personal property deemed abandoned under this section shall not be placed in a public right-of-way or on any public property.

(5) On the execution of a writ of possession, a landlord is not prohibited from:

(A) Disposing of abandoned personal property consisting of perishable food, hazardous materials, or trash; or

(B) Transferring an animal to an animal control officer, a humane society, or any other person willing to provide care for the animal.

(i) If a court finds in favor of a tenant based on a violation of this section, the tenant is entitled to:

(1) Actual damages;

(2) Reasonable attorney's fees and costs;

(3) Injunctive relief to recover possession of the leased premises or personal property; or

(4) Any other remedy the court may find reasonable.

SECTION 4. Arkansas Code § 18-16-507, concerning the writ of possession for ejectment from a real property, is amended to add an additional subsection to read as follows:

(h) A writ of possession under this section shall be executed in compliance with § 18-16-114.

SECTION 5. Arkansas Code § 18-60-208 is amended to read as follows:  
18-60-208. Writ of possession.

(a)(1) When the judgment for the plaintiff is both for the recovery of the possession of the premises and for the damages, the plaintiff may have a writ of possession.

(2) The writ shall command the officer to whom it may be directed to deliver to the plaintiff possession of the premises and also command him or her to levy and collect the damages and costs, as in executions on judgments in personal actions.

(b) A writ of possession under this section shall be executed in compliance with § 18-16-114.

SECTION 6. Arkansas Code § 18-60-310(c), concerning the execution of a writ of possession, is amended to add an additional subdivision to read as follows:

(4)(A) If the determination is in favor of the plaintiff and the property is a manufactured home or mobile home owned by the defendant, the property is not required to be stored by the plaintiff following service of

the writ of possession, and shall be removed at the defendant's own expense.

(B) Upon a motion by plaintiff, the court shall find that a manufactured home or mobile home remaining on a lot leased by the plaintiff thirty (30) days after service of the writ of possession is deemed abandoned.

SECTION 7. Arkansas Code § 18-60-310, concerning the execution of writ of possession relating to a forcible entry and detainer and an unlawful detainer, is amended to add an additional subsection to read as follows:

(g) A writ of possession under this section shall be executed in compliance with § 18-16-114.

/s/J. Scott