

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

HOUSE BILL 1445

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

For An Act To Be Entitled

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

Subtitle

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

18 The General Assembly finds that:

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

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

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

32 (4) Short-term rentals are vital to the tourism and
33 marketability of the state; and
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1 (5) Local governments often hold back tourism and infringe on
 2 property owners' private property rights in this state by passing ordinances
 3 that inhibit property owners' right to use their property as they see fit.
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5 SECTION 2. Arkansas Code Title 18, Chapter 11, Subchapter 1, is
 6 amended to add an additional section to read as follows:

7 18-11-111. Restrictions on regulation of short-term rentals and
 8 vacation rentals – Definitions.

9 (a) As used in this section:

10 (1) "Applicant" means:

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

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

14 (2) "Local government" means an incorporated town, a city, or a
 15 county;

16 (3) "Effectively prohibit" means an act or failure to act by the
 17 governing body of a local government that prevents a property owner, lodging
 18 operator, or tenant from using property as a short-term rental after
 19 reasonable compliance with generally applicable local laws;

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

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

26 (i) For retail;

27 (ii) As a restaurant;

28 (iii) As banquet space;

29 (iv) As an event center; or

30 (v) For any other similar use; and

31 (5) "Short-term rental marketplace" means a person who provides
 32 a platform through which a property owner, lodging operator, or tenant, or
 33 the authorized agent of the property owner, lodging operator, or tenant,
 34 offers a short-term rental to an occupant.

35 (b) A local government shall not enact or enforce an ordinance,
 36 resolution, rule, or other requirement of any type that prohibits,

1 effectively prohibits, or limits the use of a property as a short-term rental
2 unit.

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

5 (1)(A) Requires an applicant to register with the local
6 government, at a cost not to exceed fifty dollars (\$50.00) per short-term
7 rental, prior to the applicant's operation of a short-term rental, provided
8 that the ordinance, resolution, rule, or other requirement does not expressly
9 prohibit, effectively prohibit, or limit the use of a property as a short-
10 term rental.

11 (B) If a local government enacts or enforces an ordinance,
12 resolution, rule, or other requirement under subdivision (c)(1)(A) of this
13 section, the local government shall:

14 (i) Review an application for registration for
15 completeness within fifteen (15) business days after receiving the
16 application for registration; and

17 (ii) Accept the application for registration or
18 issue a written notice of denial of the application for registration that
19 identifies the deficiencies in the application for registration.

20 (C) An applicant that receives a written notice of denial
21 of the applicant's application for registration under subdivision
22 (c)(1)(B)(ii) of this section shall not be prohibited from submitting another
23 application for registration if the applicant cures the deficiencies
24 identified in the written notice of denial of the application for
25 registration;

26 (2) Is not more burdensome than an ordinance, resolution, rule,
27 or other requirement that currently applies to all residential properties
28 found within the jurisdiction of the local government;

29 (3) Suspends an applicant's ability to operate a short-term
30 rental for a period of time that does not exceed thirty (30) days if the
31 applicant has been adjudicated of violating the same local ordinance three
32 (3) or more times within a one hundred eighty (180) day period of time;

33 (4) Suspends an applicant's ability to operate a short-term
34 rental for a period of time that does not exceed twelve (12) months if the
35 applicant has been found guilty of violating one (1) local ordinance and the
36 violation of the local ordinance:

- 1 (A) Occurred at the short-term rental; and
- 2 (B) Resulted in the serious physical injury or wrongful
- 3 death of a person from the purposely reckless conduct of the short-term
- 4 rental owner or the short-term rental owner's assigned agent; or
- 5 (5) Limits or prohibits the use of a short-term rental to:
- 6 (A) House sex offenders;
- 7 (B) Sell illegal drugs or alcohol; or
- 8 (C) House an adult-oriented business, including without
- 9 limitation a business involving:
- 10 (i) Pornography or other obscene material; or
- 11 (ii) Nude or topless dancing.
- 12 (d) A short-term rental:
- 13 (1) Shall be classified as residential land use for zoning
- 14 purposes; and
- 15 (2) Is subject to all zoning requirements applicable to property
- 16 classified as residential land use for zoning purposes.
- 17 (e) A local government shall not regulate the operation of a short-
- 18 term rental marketplace.

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