

State of Arkansas

As Engrossed: S2/17/25

95th General Assembly

## A Bill

Regular Session, 2025

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



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

4 (A) Rent;

5 (B) Rental application fees; or

6 (C) Rental deposits.

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

9 (A) Landlords;

10 (B) Property owners;

11 (C) Property managers;

12 (D) Tenants;

13 (E) Prospective tenants; and

14 (F) Real estate companies doing business in the  
15 State of Arkansas.

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

19  
20 SECTION 2. Arkansas Code § 14-54-1409 is amended to read as follows:

21 14-54-1409. Rent, rental application fee, and rental deposit control  
22 preemption – Definition.

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

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

34 (A) Rent;

35 (B) Rental application fees; or

36 (C) Rental deposits.

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

3                   (A) Landlords;

4                   (B) Property owners;

5                   (C) Property managers;

6                   (D) Tenants;

7                   (E) Prospective tenants; and

8                   (F) Real estate companies doing business in the  
9 State of Arkansas.

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

13  
14                                   /s/C. Penzo

15  
16  
17                                   **APPROVED: 4/3/25**  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36