

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

A Bill

SENATE BILL 501

5 By: Senator J. Scott
6 By: Representatives Ennett, J. Richardson
7

For An Act To Be Entitled

9 AN ACT TO CREATE THE TENANT POSSESSIONS RECOVERY ACT;
10 TO REQUIRE A LANDLORD TO PROVIDE CERTAIN NOTICE TO A
11 TENANT WHEN A COURT HAS ISSUED A WRIT OF POSSESSION;
12 AND FOR OTHER PURPOSES.
13
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Subtitle

15 TO CREATE THE TENANT POSSESSIONS
16 RECOVERY ACT; AND TO REQUIRE A LANDLORD
17 TO PROVIDE CERTAIN NOTICE TO A TENANT
18 WHEN A COURT HAS ISSUED A WRIT OF
19 POSSESSION.
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21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. DO NOT CODIFY. TITLE.

25 This act shall be known and may be cited as the "Tenant Possessions
26 Recovery Act".
27

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 Arkansas Code § 18-16-108 is repealed.

29 ~~18-16-108. Property left on premises after termination of lease.~~

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

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



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

4 18-16-114. Notice of repossession – Tenant possessions recovery.

5 (a) This section applies to a writ of possession issued under § 18-16-
6 507, the Arkansas Residential Landlord-Tenant Act of 2007, § 18-17-101 et
7 seq., § 18-60-208, § 18-60-310, or an equivalent provision of local
8 ordinance.

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

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

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

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

21 (A) The court summary ejectment case number;

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

24 (C) The address of the leased premises;

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

27 (E) The scheduled date of eviction;

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

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

32 (ii) Exercises the right of redemption;

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

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

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

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

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

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

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

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

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

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

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

24 (A) Shall notify the court; and

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

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

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

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

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

1 from the premises.

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

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

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

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

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

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

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

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

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

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

26 (ii) Donation to charity;

27 (iii) Sale; or

28 (iv) Any other legal means.

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

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

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

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

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

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

7 (1) Actual damages;

8 (2) Reasonable attorney's fees and costs;

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

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

12
13 SECTION 4. Arkansas Code § 18-16-507, concerning the writ of
14 possession for ejectment from a real property, is amended to add an
15 additional subsection to read as follows:

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

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19 SECTION 5. Arkansas Code § 18-60-208 is amended to read as follows:
20 18-60-208. Writ of possession.

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

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

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

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31 SECTION 6. Arkansas Code § 18-30-310, concerning the execution of a
32 writ of possession relating to a forcible entry and detainer and an unlawful
33 detainer, is amended to add an additional subsection to read as follows:

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

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