

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

A Bill

SENATE BILL 91

5 By: Senators C. Penzo, J. Bryant
6 By: Representatives Ray, B. McKenzie
7

For An Act To Be Entitled

8
9 AN ACT TO PROVIDE THAT LOCAL GOVERNMENTAL UNITS SHALL
10 HAVE NO AUTHORITY TO REGULATE OR CONTROL THE AMOUNT
11 CHARGED FOR A RENTAL APPLICATION FEE OR RENTAL
12 DEPOSIT FOR PRIVATE RESIDENTIAL OR COMMERCIAL
13 PROPERTY; AND FOR OTHER PURPOSES.
14
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Subtitle

16
17 TO PROVIDE THAT LOCAL GOVERNMENTAL UNITS
18 SHALL HAVE NO AUTHORITY TO REGULATE OR
19 CONTROL THE AMOUNT CHARGED FOR A RENTAL
20 APPLICATION FEE OR RENTAL DEPOSIT FOR
21 PRIVATE RESIDENTIAL OR COMMERCIAL
22 PROPERTY.
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code § 14-16-601 is amended to read as follows:

27 14-16-601. Rent, rental application fee, and rental deposit control
28 preemption – Definition.

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

35 (b)(1) A As to leasing private residential or commercial property, a
36 local governmental unit shall not enact, maintain, or enforce an ordinance or



1 resolution that would have the effect of controlling the amount ~~of rent~~
 2 charged for: ~~leasing private residential or commercial property~~

- 3 (A) Rent;
- 4 (B) Rental application fees; or
- 5 (C) Rental deposits.

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

- 8 (A) Landlords;
- 9 (B) Property owners;
- 10 (C) Property managers;
- 11 (D) Tenants;
- 12 (E) Prospective tenants; and
- 13 (F) Real estate companies doing business in the

14 State of Arkansas.

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

18
 19 SECTION 2. Arkansas Code § 14-54-1409 is amended to read as follows:

20 14-54-1409. Rent, rental application fee, and rental deposit control
 21 preemption – Definition.

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

28 (b)(1) A As to leasing private residential or commercial property, a
 29 local governmental unit shall not enact, maintain, or enforce an ordinance or
 30 resolution that would have the effect of controlling the amount ~~of rent~~
 31 charged for: ~~leasing private residential or commercial property~~

- 32 (A) Rent;
- 33 (B) Rental application fees; or
- 34 (C) Rental deposits.

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

- 1 (A) Landlords;
- 2 (B) Property owners;
- 3 (C) Property managers;
- 4 (D) Tenants;
- 5 (E) Prospective tenants; and
- 6 (F) Real estate companies doing business in the
- 7 State of Arkansas.

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

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