



## EQUAL JUSTICE UNDER LAW

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### **Court Ruling Allows Discriminatory Criminalization of Failure to Pay Rent to Continue**

*Hot Spring County, AR* – A critical lawsuit challenging the criminalization of failure to pay rent in Arkansas was brought to a halt, allowing the discriminatory practice to continue. Arkansas is the only state that criminalizes failure to pay rent. A lawsuit filed in 2021 aimed to end this draconian law, claiming the scales of justice are tipped too far in favor of landlords at the expense of tenants struggling to afford rent. However, on August 22, 2022, the United States District Court for the Western District of Arkansas granted Defendants’ motion to dismiss, effectively ending the case.

In Arkansas, if a tenant falls behind on rent by just one day, for any reason, landlords are given the option of a *criminal* eviction, turning a civil debt into a criminal offense. For each day a tenant is late on rent, a tenant can be charged with a criminal offense and a fine of up to \$25. In practice, landlords use this law to force tenants to self-evict. This strategy is effective, as tenants will abandon their homes to avoid the possibility of criminal prosecution, even if they have legitimate reasons why rent is late or even if the landlord is lying about rent owed.

Named plaintiffs in the case Cynthia and Terry Easley of Malvern stopped paying rent after their landlord left them without running water. The Easleys could no longer afford rent in addition to new expenses they incurred as a result of not having running water, including renting a porta potty and buying water. The Easleys were served with an eviction notice, which stated that they had ten days to move out or be criminally charged. Their criminal eviction case was eventually dropped, but their landlord then evicted them through the civil eviction process. The Easleys eventually moved to Michigan in search of stable housing and to be closer to family.

The court found that the plaintiffs’ move to Michigan eliminated the risk of prosecution under Arkansas’ criminal eviction law, but did not make any findings about the law itself. The case was dismissed without prejudice, which means the lawsuit can be pursued again in the future with other plaintiffs.

The lawsuit was filed by the nonprofit Equal Justice Under Law in partnership with the University of Arkansas Little Rock Bowen Legal Clinic. Phil Telfeyan, Executive Director of Equal Justice Under Law, states, “We remain committed to challenging this draconian, Jim Crow-era law. Many other Arkansans are and will continue to be affected by this law, so our fight does not end here. Though the court’s ruling is disappointing, we have great confidence that we will see success in a future lawsuit.”

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Equal Justice Under Law is a legal nonprofit providing pro-bono legal services to those most in need. Since its founding in 2014, Equal Justice Under Law has filed 42 class action lawsuits in 17 states to end wealth-based discrimination in our justice system.