

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H.B. 990
Apr 10, 2025
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10430-NO-54

Short Title: Notice Requirements for Landlord Fees. (Public)

Sponsors: Representative Longest.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE LANDLORDS TO PROVIDE NOTICE BEFORE IMPOSING
3 CERTAIN FEES ON TENANTS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 42-46 reads as rewritten:

6 "§ 42-46. Authorized fees, costs, and expenses.

7 (a) Late Fee. – In all residential rental agreements in which a definite time for the
8 payment of the rent is fixed, the parties may agree to a late fee not inconsistent with the provisions
9 of this subsection, to be chargeable only if any rental payment is five days or more late. If the
10 rent:

11 (1) Is due in monthly installments, a landlord may charge a late fee not to exceed
12 fifteen dollars (\$15.00) or five percent (5%) of the monthly rent, whichever is
13 greater.

14 (2) Is due in weekly installments, a landlord may charge a late fee not to exceed
15 four dollars (\$4.00) or five percent (5%) of the weekly rent, whichever is
16 greater.

17 (3) Repealed by Session Laws 2009-279, s. 4, effective October 1, 2009, and
18 applicable to leases entered into on or after that date.

19 (b) A late fee under subsection (a) of this section may be imposed only one time for each
20 late rental payment. A late fee for a specific late rental payment may not be deducted from a
21 subsequent rental payment so as to cause the subsequent rental payment to be in default.

22 (b1) A late fee under subsection (a) of this section may only be collected by the lessor if
23 the lessor provides written notice to the lessee prior to collecting the fee. The notice shall be
24 delivered by hand, mail, or electronic means as agreed upon in the rental agreement. The notice
25 shall inform the lessee that a late fee will be or has been assessed for a past due rental payment
26 not received by the later of (i) five days after the due date specified in the rental agreement or (ii)
27 the number of days after the due date specified in the rental agreement for imposing a late fee,
28 provided that number is not less than five days. The notice shall specify the amount of the late
29 fee and, if the fee has been assessed, the date it was imposed.

30"

31 SECTION 2. This act becomes effective October 1, 2025, and applies to late fees
32 imposed on or after that date.

