

# Fees in Summary Ejectment Actions

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*For Leases Entered Into On or After Oct. 1, 2009*

## **Late Fees**

In residential leases, parties may agree to late fee for payments five or more days late. When rent is paid monthly, the maximum fee is \$15 or 5%, whichever is greater. In case of weekly rent, maximum is \$4 or 5%, whichever is greater.

## **Complaint Filing Fee**

Authorized for written leases not to exceed \$15 or 5%, whichever is greater, only if:

- tenant was in default
- LL filed complaint for SE
- tenant cured the default
- LL dismissed the claim.

Fee may be charged as part of amount required to cure default.

## **Court-Appeal Fee**

Authorized for written leases, equal to 10% of monthly rent if

- tenant was in default
- LL won a SE action
- neither party appealed.

## **Second Trial Fee**

Authorized for written leases in event of new trial following appeal from small claims judgment. Not to exceed 12% of monthly rent. Available if

- tenant was in default
- LL prevailed

## **Additional Rules**

LL can charge only one of the last three fees, and that fee may not be deducted from subsequent rent payment or asserted as ground for default in subsequent SE action. Prohibits LL from attempting to charge a larger fee and provides lease provision in violation of law is void.