

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

2

SENATE BILL 847
Commerce Committee Substitute Adopted 4/21/03

Short Title: Tenant Late Fees/Early Military Lease Term.

(Public)

Sponsors:

Referred to:

April 3, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY LATE FEES CHARGED TO RESIDENTIAL TENANTS
3 AND TO PERMIT MILITARY PERSONNEL DEPLOYED ON CERTAIN
4 TEMPORARY ASSIGNMENTS TO TERMINATE RENTAL AGREEMENTS
5 EARLY.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 42-46(a) reads as rewritten:

8 "(a) In all residential rental agreements in which a definite time for the payment of
9 the rent is fixed, the parties may agree to a late fee not to exceed fifteen dollars (\$15.00)
10 or five percent (5%) of the rental payment, whichever is greater, to be charged by the
11 lessor inconsistent with the provisions of this subsection, to be chargeable only if any
12 rental payment is five days or more late. If the rent:

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

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

19 (3) Is subsidized by the United States Department of Housing and Urban
20 Development, by the United States Department of Agriculture, by a
21 State agency, by a public housing authority, or by a local government,
22 any late fee shall be calculated in accordance with subdivisions (1) and
23 (2) of this subsection on the tenant's share of the contract rent only,
24 and the rent subsidy shall not be included."

25 **SECTION 2.** G.S. 42-45(a) reads as rewritten:

26 "(a) Any member of the United States Armed Forces who (i) is required to move
27 pursuant to permanent change of station orders to depart 50 miles or more from the
28 location of the dwelling unit, ~~or (ii)~~ (ii) has received temporary duty orders in excess of
29 three months duration to depart 50 miles or more from the location of the dwelling unit,

1 or (iii) is prematurely or involuntarily discharged or released from active duty with the
2 United States Armed Forces, may terminate his rental agreement for a dwelling unit by
3 providing the landlord with a written notice of termination to be effective on a date
4 stated in the notice that is at least 30 days after the landlord's receipt of the notice. The
5 notice to the landlord must be accompanied by either a copy of the official military
6 orders or a written verification signed by the member's commanding officer."

7 **SECTION 3.** This act is effective when it becomes law.