

KNOW YOUR RIGHTS:



LATE FEES & RENT PAYMENTS



**LEGAL AID
SOCIETY**
OF MID-NEW YORK, INC.

#1: MUST BE IN WRITING

**Late fees must be
included in your
written lease
agreement to be
enforceable.**

#2: GRACE PERIOD

**Landlords must
provide a 5-day grace
period before
charging any late fee.***

***The grace period is 10 days in
manufactured home parks.**

#3: LEGAL LIMITATIONS

Late fees are capped at \$50 or 5% of the monthly rent, whichever is less.

Landlords cannot charge interest on late fees or treat unpaid late fees as additional rent for non-payment evictions.

#4: EARMARKING

You have the right to designate how your payments should be applied (earmarking).

By earmarking a payment, your landlord can't apply your current payment to older debts, late fees, or other charges.

#5: PAYMENT DESIGNATION

When making a payment, clearly indicate in writing which month the payment is to be used for (for example, "June 2025 rent").

#6: KEEP PROOF

Always keep proof of payment and your written earmarking (receipts, canceled checks, money order stubs, e-payment transfer confirmations).

Don't pay in cash if a landlord won't give you a receipt.

#7: PARTIAL PAYMENTS

When making a partial payment, clearly specify it's for current rent rather than for fees or past charges.

#8: RENT REFUSAL

If a landlord refuses your rent payment, keep records of your payment attempts.

You will need proof if the landlord tries to evict you for non-payment.



**Need legal assistance or advice
regarding your rights?**

**Contact our Housing Preservation
Line at (315) 793-7083.***

**PLEASE NOTE that this post is intended
to give general information, not legal
advice. The information posted here
may not apply to your particular
situation. The law could change in the
future. Whenever possible, please
speak to a lawyer for advice and
representation.**

***Representation is not guaranteed; financial
eligibility required.**

