

Late Fees FAQ

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Can landlords charge late fees for overdue rent?

Yes, landlords can charge late fees for overdue rent, as long as the amount and conditions for late fees are specified in the rental agreement.

Are there limits on how much landlords can charge for late fees?

There are no specific limits on late fees set by Wisconsin state law. However, late fees must be reasonable or they may be unenforceable. There is very little guidance for tenants or landlords as to what is considered reasonable or unreasonable when it comes to late fees.

What if I don't pay my late fee or I pay it late? Can I be charged another late fee for that?

Landlords can't charge a fee for nonpayment of a late rent fee. The original late fee charge will still be owed until you pay it, but you cannot be charged another late fee on top of that for being late with your original late fee payment.

Caution: You can be evicted for not paying a late fee! If late fees are specified in the rental agreement, they are a term you have agreed to. By not paying, you have broken a provision of the rental agreement and the landlord can start eviction proceedings.

If I owe a late fee for June, and I pay just enough in July to cover the rent, can my landlord apply some of the July rent payment towards the June late fee owed, meaning I am now short for July rent and owe another late fee?

No. Landlords must apply all rent payments first to any rent owed before they can apply it to any late fees owed. So while you will still owe the June late fee, you will not be late with your July rent, and will not be charged another late fee for July.

Where can tenants get help or information about late fees?

Tenants can seek assistance and information from local legal aid services, tenant advocacy groups, or the Wisconsin Department of Agriculture, Trade and Consumer Protection.

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Table of Contents

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