

## Damage Claims Against Security Deposits

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### What can a landlord legally deduct from a security deposit?

A security deposit financially protects a landlord from any damage a tenant may do to an apartment. The deposit is held in trust for the tenant until the tenancy ends. A landlord may use the security deposit to cover the reasonable cost of repairs that are beyond normal wear and tear. The landlord may also use it to cover utilities (if you have been paying utilities directly to the landlord), and/or the costs of moving and storing a tenant's belongings. Within 14 days from the time a tenant moves from an apartment, the landlord must either return the security deposit in full or provide an itemized list of deductions along with the remainder of the security deposit.

### Do I have the right to an inspection before I move out?

Yes. Within a reasonable amount of time after either party gives notice, the landlord must notify the tenant, in writing, of their right to an inspection, unless the tenant gave less than two weeks' notice that they plan to move. The landlord must provide 48 hours' notice before the inspection, and the inspection must take place between one to two weeks before the tenant plans to move from the unit. The landlord must then provide a list of things the landlord intends to deduct from the security deposit. This gives the tenant the chance to fix the issues before moving.

### If there are no damage claims against me, when can I expect to receive my security deposit?

If there are no damage claims, utility charges, or moving/storing costs, the landlord must return the deposit to the tenant within 14 days from the time the tenant moves. If the landlord does not return the deposit, or does not give the tenant a list of deductions with the remainder of the deposit within 14 days, the landlord will lose the right to keep any portion of the security deposit. If the landlord violates this part of the law, the landlord may have to pay the tenant damages up to double the amount of the security deposit.

### What should I do if my landlord refuses to return my security deposit?

If your landlord refuses to return your security deposit, you may consider filing a claim in Small Claims Court. Neighborhood Legal Services generally does not handle Small Claims Court matters, but we can provide you with information about filing a claim in Small Claims Court. Attached is a list of local Small Claims Courts with contact information.

Please feel free to contact our offices for more information. Please see your local office phone number listed below.

### What if the landlord says the security deposit isn't enough?

If the landlord believes you owe them money after the security deposit is used up, the landlord might go to Small Claims Court and sue you. This means that the landlord could be awarded a judgment against you, if the Judge decides that the landlord's evidence is stronger and more convincing than yours. Never ignore court papers.