NEIGHBORHOOD LEGAL SERVICES INC.
EQUAL JUSTICE FOR ALL

Damage Claims Against Security Deposits

What can a landlord legally deduct from a security deposit?

A deposit secures the landlord against any damage a tenant may do to an apartment. The deposit is held in trust for the tenant until the tenancy terminates. At the end of the tenancy, the landlord should tell the tenant about any damage the tenant will be held responsible for.

A landlord may use the security deposit to cover reasonable cost of repairs beyond normal wear and tear and/or any unpaid rent.

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If you cannot work something out with your landlord, you should get as many witnesses as you can to inspect the apartment with you and note the condition of each room in the apartment. You might consider taking pictures or a video of each room in the apartment to show the condition you left the apartment in. These pictures together with your witnesses' testimony can be used in Small Claims Court if you have to sue the landlord for the return of your security deposit. You do not need an attorney in Small Claims Court. You can represent yourself.

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

The landlord must return the security deposit to the tenant at the end of the tenancy or within a **reasonable** time thereafter. A reasonable time is generally considered to be within 30 days after the tenant has moved out and has returned the keys to the landlord. The landlord does not have to return your security deposit to you before you vacate the apartment. The landlord does not have to use the security deposit for your last months' rent unless he or she agrees to do so.

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 matter, but we can provide you with information about filing a claim in Small Claims Court.

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