

SECURITY DEPOSITS: WHAT YOU NEED TO KNOW

What is a security deposit?



A security deposit does two things.

First, it can be used to “secure” a property and take it off the market.

Second, it protects the landlord if you break the terms of the lease or rental agreement. It may be used to cover things like damage to the property, cleaning, key replacement, and/or back rent.

Read your application and lease closely. If a payment is called a “fee” or “non-refundable deposit,” your signature means you agree with those terms and you cannot ask for a refund for those costs at move out.

Can a landlord keep a security deposit if I never move in?

Yes. If the landlord has taken the property off the market after you paid a security deposit, the landlord can keep the deposit to offset the loss of a potential renter for the time the unit was off the rental market and to help pay the costs for advertising the unit again.

Am I entitled to the return of my security deposit when I move out?

If you move after giving proper notice, pay all your rent and other costs, and do not cause damage beyond normal wear and tear, then you should get your security deposit back.



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What can I do to make sure my landlord returns my deposit?

At Move-In:

When you move in, do a walk-through with your landlord and notify them of all apparent damages and needed repairs to the unit in writing. Get and keep a copy of this written list; be sure to sign and date the list.

If you notice damages after moving in, notify the landlord in writing immediately. Keep a copy of all written notifications of damages and requests for repairs.

At Move-Out:

Take pictures and video of the unit after you remove all your things, but before you leave. You may need these photos if you disagree with your landlord about damages later.

Also, you should set up a walk-through of the unit with your landlord after moving from the property.

At this walk-through, the landlord should make a list of repairs or fees they claim you owe. Do not sign this list unless you agree with everything on the list.

If you disagree about anything on the landlord's list, write down what items you disagree with, and sign and date your statement. You should get a copy of the landlord's list and your statement for your records. If your landlord will not make a copy, take a picture of the list with your phone, take a video of yourself holding the list, and say what is on the list and why you disagree.

After doing the walk-through, provide your landlord with a mailing address where your deposit can be mailed to you. Ask the landlord to return the deposit and a copy of any charges against your deposit to you at that address. Ask your landlord how long it will be before they will return your deposit. You should make this request in writing and keep a copy for your records.



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What can I do if my landlord does not return my security deposit?

You can sue your landlord in General Sessions Court in the county where the rental unit is located if they do not return the deposit. You can do this with or without an attorney.

How to Contact Us

West Tennessee Legal Services
1-800-372-8346 ext. 1250
www.wtls.org

**WEST TENNESSEE
LEGAL SERVICES**

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