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Getting Your Security Deposit Back

When you and your roommates move into an apartment, your landlord will most likely ask for some type of security deposit. Often times, the deposit will be equivalent to one, or two month's rent. You and your roommates should come to an agreement about the payment of the security deposit to determine how much of the deposit each roommate is responsible for. Below is some information about security deposits to help you and your roommates when moving into an apartment.

You and your roommates have handed over a lot of money for security in order to move into the apartment. Please understand, this money belongs to you and your roommates. Your landlord must hold the security deposit earning interest every year, and return your deposit to you when you move out. The landlord should agree to do a pre-move-out inspection and can only withhold your deposit for certain specific reasons which should be stipulated in the original lease signed by you and your roommates.

Protect Your Deposit When Moving In

Make sure you and your roommates are clear on one point: there is no such thing as a "nonrefundable" security deposit. Regardless of what the landlord calls the deposit—a key deposit, cleaning fee, move-in fee, closing costs, last month's rent, etc.—all the money you and your roommates pay in addition to your first month's rent is refundable.

Take some of these basic precautions when you and your roommates move in. Unfortunately, many tenants have to visit Small Claims Court to get their deposits back from their landlords. These precautions can give you and your roommates the appropriate documentation and evidence:

- Get an itemized receipt for the deposit. This receipt should identify all charges (for example, pet deposit, last month's rent, cleaning fees, etc.).
- When moving in, you and your roommates must take careful inventory of the condition of the apartment, or house. Make a record of any existing damage and check all the appliances to make sure they work properly.
- Ask the landlord to sign and date the inventory and be sure to keep a copy for you and your roommates (if the landlord won't sign, then mail a copy to them and one to yourself—which you save).
- Take pictures, or videos, of the existing condition of the apartment, or house. This evidence can be very helpful if a dispute arises later.

Moving Out

You and your roommates should ask that your landlord conduct a pre-move-out inspection with you. Identifying deficiencies allows you to make repairs and limits what can be withheld. At the end of the inspection, you and your roommates should have an agreement with the landlord that says how long they have to return your security deposit and what must be done to justify any withholdings.

Here are some general guidelines regarding inspections and deposits::

- Make a formal request to your landlord to conduct an inspection of the apartment with you and your roommates.
- The inspection must be conducted during the last 2 weeks of tenancy,
- The landlord must allow you to fix anything which is deficient
- The landlord is limited to taking deductions for unfixed deficiencies, damage which occurs after the inspection, or damage not found at the time of the inspection.
- Inform your landlord that the deposit must be returned to you and your roommates within 21 days after the move out date.
- If your landlord withholds money from you and your roommates, the landlord must provide a written, itemized statement of the reason for any amount withheld from the deposit.
- Landlords may only withhold money for the following reasons:
 - Unpaid Rent (consult an attorney if you are breaking a lease or giving less than 30 days' notice).
 - Damage caused by you and your roommates beyond normal wear and tear.
 - “Reasonable” cleaning charges.

Protect Your Security Deposit

As when moving in, you and your roommates can take some basic precautions when moving out:

- Be sure to give at least 30 days written notice before you and your roommates move out. Technically, you are responsible to pay rent for these 30 days and your landlord can deduct “unpaid rent” from your deposit. If you and your roommates need to move quickly because of conditions in the apartment, or if you are breaking a lease, consult an attorney
- On the day you move out, have the landlord or manager do a final inspection of the apartment with you and your roommates. Arrange an exchange of your keys for your security deposit, if possible. Otherwise, have the landlord sign and date a statement that the apartment/house is clean and in good condition.

Self-Help Tactics...

Depending on the move out situation for you and your roommates, you may want to consider applying the security deposit to your last month's rent. Here are some guidelines for you and your roommates when deciding what to do:

- If all, or part, of the security deposit is called "last month's rent" on the lease, then applying this amount to the last month's rent is simply what the lease stipulates.
- If part of the deposit was not specified as the last month's rent, you and your roommates are supposed to pay rent the last 30 days you are there. However, if you have concerns about the landlord returning the deposit, you and your roommates may choose to use the deposit towards your last month's rent. Simply, write a note and keep a copy explaining that you and your roommates need the money for moving expenses, and that you intend to leave the place clean.

Increases in Security Deposits...

There is nothing in the law which allows your landlord to raise the security deposit amount over time. If your landlord tries to raise the security deposit with you and your roommates, file an "unlawful rent increase petition" with local real estate agencies. If you and your

roommates do not pay the increase, you can not be evicted for nonpayment of rent, since the security deposit is not considered rent.

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