



## **HOW TO AVOID SECURITY DEPOSIT DISPUTES**

Disagreements about security deposits are a leading cause of disputes between landlords and tenants. Following reasonable guidelines can help both sides to avoid stressful and time-consuming conflicts.

### **AT THE TIME OF MOVE-IN:**

- ✓ Make sure the total deposit requested does not exceed two months rent, if the unit is unfurnished, or three months for a furnished unit.
- ✓ Perform a joint walk-through of the rental premises. Make sure the entire premises is covered, including the entire inside and any outside areas.
- ✓ Prepare a written summary signed by both parties listing all defects and all repairs promised by the landlord. If the tenant is going to make any repairs or changes to the premises, such as installing blinds, note them now and indicate how they will be treated at the time the tenancy ends.
- ✓ If a joint summary is not possible, document the condition of the premises with a complete set of photographs and your own written inventory.



### **WHEN THE TENANCY IS ENDING:**

- ✓ Upon learning that a tenant will vacate, the landlord must give the tenant written notice of the right to request a joint walk-through two weeks before the end of the tenancy, except in the case of an eviction based on a 3-day notice.
- ✓ If the tenant requests the walk-through, it must be scheduled at a mutually convenient time, with at least 48 hours notice. At that time, a written list of all apparent defects, which are the responsibility of the tenant, must be given to the tenant. The tenant is only responsible for items on the list, with the exception of defects which not capable of being observed, or which occur after the inspection, for example damage during move-out.
- ✓ Remember that the tenant is responsible for restoring the premises to the same level of cleanliness that existed at the time of move-in, exclusive of normal wear and tear.

### **AFTER THE TENANT HAS VACATED:**

- ✓ Perform a final joint inspection. If the parties agree on the conditions, document the agreement in writing.
- ✓ If there isn't a final joint inspection, document the condition of the premises with a complete set of photographs.
- ✓ Remember that the landlord has 21 days to return the security deposit and account for any amounts withheld. He must attach receipts or other documentation, if the deduction exceeds \$125.
- ✓ Make sure the landlord has a usable new address to send the accounting for the deposit, because otherwise it will go to the last known address, which may cause delays.

**FOR ASSISTANCE CALL (408) 720-9888**