

## *How much can my landlord ask for as a security deposit?*

The landlord can ask for a deposit of up to:

- 2 months rent (unfurnished place).
- 3 months rent (furnished place).

The landlord may call the deposit a “last month’s rent,” “cleaning deposit,” or “security deposit.” But the **total** amount of the deposit is limited to the above.

## *What can the deposit be used for?*

A landlord can use the security deposit for:

- Unpaid rent.
- Reasonable cost of repairing any damage caused by you, your pet, or your guests.
- Reasonable cleaning fee (if the place is not as clean when you move out as when it was rented).

A landlord can’t use the security deposit for:

- Ordinary wear and tear (for example, repainting walls that you did not damage, replacing old carpets).
- Repairing damage that was there when you first moved in.

## *What if my lease says that the deposit is “non-refundable?”*

It doesn’t matter what your lease says. The landlord must return any amount that is not used for rent, repairs, or cleaning costs.

## *Can my landlord raise the amount of the deposit after I move in?*

If you have a fixed-term lease (e.g., a 6- or 12-month lease), the landlord can raise the security deposit *only if* the lease allows it.

If you have a month-to-month lease, the landlord can raise the security deposit with 30 days written notice (unless your lease forbids this).

Your landlord can never ask for a deposit that is more than what the law allows (2 months rent for an unfurnished place; 3 months rent for a furnished place).

## *How can I avoid disputes with my landlord?*

*Before moving in:*

- ❑ Check out the place with the landlord. If the landlord isn’t around bring a friend.
- ❑ Write down a list of things that need to be fixed.
- ❑ Have the landlord sign the list.
- ❑ Take photos of the place.
- ❑ Get a receipt for your security deposit.

*Before moving out:*

- ❑ Request an initial inspection with the landlord.
- ❑ After the initial inspection request an itemized list of necessary repairs from your landlord.
- ❑ Remedy all the problems with the apartment that are required by law.
- ❑ Take photos of the place.

*After moving out:*

- ❑ Clean the place. If you pay someone to clean the place, keep a receipt.
- ❑ Do a walk through with your landlord and have them look at the things you have cleaned or repaired based on the initial inspection.
- ❑ Take photos.
- ❑ Give the landlord your new address.

## *When do I get my deposit back from the landlord?*

The landlord must (within 3 weeks of you moving out):

- return all of your deposit **OR**
- tell you in writing why none or only part of the deposit is being returned **AND** document any cleaning or repairs by providing you with copies of receipts, bills, and invoices.

# CHECKLIST (MOVE IN)

*(Turn Over)*

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Unit # \_\_\_\_\_

Walls (paint, holes, cracks)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Ceilings (paint, holes, cracks)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Windows (locks & screens)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Doors (locks & door frame)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Floor Covering (wood, linoleum, carpet)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Light fixtures (including light switches)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Electrical outlets

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Heating system

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Smoke detectors (every bedroom,  
hallway)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Closets (including doors & tracks)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Toilet

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Water pressure & temperature

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Shower & tub (including walls, door, water handles, towel bars)

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Sinks (including water handles, drainage, leaks)

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Bathroom cabinet & mirror

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Counter surfaces (bathroom, kitchen)

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Stove/oven (burners, broiler pans, grills)

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Refrigerator (ice trays, butter dish)

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Cupboards

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Outdoor furnishings (patio, deck, yard)

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Other \_\_\_\_\_

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Date of Inspection \_\_\_\_\_

Signature \_\_\_\_\_  
(Tenant)

Signature \_\_\_\_\_  
(Owner/agent)

*What if the landlord doesn't return  
my security deposit or  
keeps too much?*

Write a letter to the landlord asking for your money back. Tell the landlord that s/he has 7 days to return your deposit. A sample letter is on the back of this brochure. Send the letter by certified mail and keep a copy of the letter.

If you don't get your money within 7 days, you can sue the landlord in Small Claims Court. The cost is \$20 to file a case in Small Claims Court. Make sure to bring any proof with you to court (for example, the checklist, photos, witnesses, any letters you sent to the landlord about the security deposit). You can call (650) 573-2605 for help with filing a case in Small Claims Court.

LETTER TO LANDLORD

Date: \_\_\_\_\_

Landlord's Name and Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This letter is to inform you that I disagree with the amount of money you are taking out of my security deposit for the apartment/ house located at \_\_\_\_\_

\_\_\_\_\_

which I moved out of on \_\_\_\_\_  
I believe that I should get back \$ \_\_\_\_\_  
because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please send the amount stated above within 7 days to my new address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If I do not hear from you within that time, I will assume that you are not acting in good faith and I will pursue this matter in Small Claims Court. Thanks for your cooperation.

Sincerely,

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

**SECURITY  
DEPOSITS**

**Bay Area**



**Legal Aid**

For help, call

**BAY AREA  
LEGAL AID**

**(650) 358-0745**

OR TOLL FREE (800) 551-5554