



# What You Need To Know About Security Deposits

## in Anderson, Davidson, Maury, Montgomery, Sumner and Wilson Counties

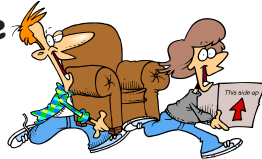
### How security deposits work



A security deposit is a one-time payment you make when you rent a place. The landlord keeps the money until you move out. Then you should get the money back. But, the landlord can keep the deposit for anything the lease says you have to pay. This can be for repairs, rent or late fees.

The landlord **can't** keep your deposit to fix problems that were there before you moved in.

Make a smart move **before you move in or sign the lease**. Write down anything that already needs fixing. Write down things like nail holes in the wall. Write down stains on the floor, walls or ceilings. Date the list. Then you and your landlord **both must sign** the list. Keep a copy.



Also take pictures to show what the place was like before you moved in. Put the date on the back of the pictures. When you move out, this could help prove you did not cause these problems.

**While you live in the place**, tell your landlord right away if there are problems. For example, tell the landlord if the roof leaks. If you don't tell, the leak will cause more stains on the walls or ceiling. The landlord could say this was your fault.



Make another smart move **when you move out**. Walk through the place with your landlord. Look at the list you made before you moved in. You should only have to pay for problems you caused.

The landlord **can't** keep your deposit to fix problems caused by **normal wear and tear**. For example, rugs wear out when you walk on them a lot. This is normal wear and tear. But burning a hole in the rug is **not** normal wear and tear.

Take pictures of the place inside and out. Date the pictures. This can help prove how you left the place.



### What if you don't go through the place with the landlord?

He goes through the place alone. This is so he can make a list of what you need to fix. He must do this within 10 days after you move out. Then he must give or try to mail you the list and

the repair cost. **Make sure he has your new address**. The landlord must let you check the place to see if his list is right. He must let you do this before the place is cleaned or fixed.

Do you and the landlord agree on what you need to fix? Then you should both sign the list of repairs and costs. This is how much of your deposit the landlord can keep for repairs. Be sure to get a copy.

### What if the landlord listed things you should NOT have to pay for?

Then don't sign the landlord's list. Make your own list. Say what you should not have to pay for and why. Sign and date your list. Put your new mail address on the list. Give it to the landlord. Keep a copy.



Does the landlord agree everything was OK when you moved out? Then he should give your deposit back. He can give you the deposit. Or he can send a letter saying how much he owes you.

If the landlord sends a letter, contact him right away. **If you wait more than 60 days**, he can **keep** your deposit.



### What if you didn't pay all the rent?

Most of the time, the landlord can keep your security deposit to cover the rent.

### What if the landlord doesn't give your deposit back?

- Did you pay the rent and leave the place in good shape?
- **Or**, did the landlord not tell you what bank your deposit was in?
- **Or**, did the landlord not put your deposit in an account with only security deposits?
- **Or**, did the landlord not give you a list of repairs your deposit should pay for?
- **Or**, did the landlord not give you a chance to check the place for repairs?
- **Or**, did the landlord clean or fix the place before you checked it?
- **Or**, does the landlord want you to pay for things that are not your fault?

Then you can **sue the landlord** to try to get your deposit back. You can do this in General Sessions Court. You don't have to have a lawyer.



Go to the General Sessions Court clerk's office. Fill out a civil warrant. The clerk will help you.

**What if you can't afford the fee** for filing the case? Ask the clerk if your income is low enough for a pauper's oath. If it is, you won't have to pay the fee before you file. After the hearing, the judge decides who pays the fee.

Ask the clerk how you will know when to come to court. You may have to call the clerk every few days to find out your court date. In Montgomery County, the clerk will put the court date on the warrant.

### When you go to General Sessions Court

The judge listens to both sides and then decides the case. There are no juries. Take your list of what you should not have to pay for and why. Take any pictures you made. You can also take any witnesses with you.

In court, remember to be polite to everyone. Don't curse, yell, call anyone names or say they are lying. If you disagree with something, **wait until it is your turn to talk**. Then you can say why you disagree.

In Montgomery County, you may have 2 court dates. If you don't go both times, your lawsuit will be thrown out.

**If you win** in court, you will get a paper called a judgment. The paper says how much the landlord must pay you. Ask the court clerk how the court can help you collect the money.



## Legal Aid Society

of Middle Tennessee and the Cumberland

**1-800-238-1443**

It's a free call.

On the internet at **www.las.org**

**NOTE:** This pamphlet cannot take the place of legal advice. Each case is different and needs individual attention.