Security Deposits

Moving out of your rented residence? Under California Civil Code 1950.5(f) (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV&sectionNum=1950.5.), you are entitled to a pre-move-out inspection if you request it. This inspection should occur during the last two weeks of your tenancy, and is not available to tenants who are being evicted. After the inspection, your landlord will provide an itemized statement of corrections you can make to avoid deductions from your security deposit. You may still be responsible for problems that are not noticed during this inspection or that occur after the inspection.

Within 21 days after you move out, your landlord must mail either a) your entire security deposit, or b) an itemized list of deduction, plus repayment for any remaining balance (California Civil Code 1950.5(g) (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV&sectionNum=1950.5.). The landlord can only deduct money from your deposit to cover unpaid rent, damage beyond normal wear and tear, and reasonable cleaning costs (California Civil Code 1950.5(b) (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV&sectionNum=1950.5.). If more than $125 is deducted from your security deposit, the landlord must provide you with receipts for the labor and materials used (California Civil Code 1950.5(g)(2) (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV&sectionNum=1950.5.).

All tenants, even those who are evicted, are entitled to the refund of any unused portion of their security deposit. Remember, if you lived with roommates who were also on the lease, the landlord does not need to return the deposit until all tenants have left the property.

If the landlord does not return or account for your deposit within 21 days, you may be entitled to up to the amount of the deposit, plus twice the amount of the security deposit, if you can show bad faith (California Civil Code 1950.5(l) (http://leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=93934112786+0+0+0&WAISaction=retrieve).)