

What is a security deposit?

When you move into a new apartment, most landlords will ask you for a **security deposit** plus **first month's rent**. Some landlords also ask for the **last month's rent** upfront.

Some things to know about security deposits:

A security deposit is **usually equal to one month's rent**, but there is **no limit** to what a landlord can charge for a security deposit.

Landlords have to put the security deposit into a **separate bank account**. If they don't, they can't keep your deposit after you move out.

The landlord can **only** keep your security deposit to cover **unpaid rent, utilities, or fees**, or to **repair damage** you or your guests caused.

Some landlords charge a **non-refundable move-in fee** instead of a security deposit. Read your lease and make sure the deposit you paid is refundable.

You should **not** be charged for "ordinary wear and tear."



Should I have to pay two deposits?

Not unless you're renting two apartments! If your **landlord sells the building**, they **must** transfer your deposit to the new owner.

If you **transfer units**, your landlord can either **transfer your old deposit** to the new unit or **return your security deposit** and make you **pay a new one**. You might have to pay the new security deposit **before** you get the old one back.

What do I need to do before I move out?

60 days before you leave...

- **Read through your lease** to see what it says you have to do when you move.
- **Email your landlord** that you want to move out. Give them your new address, ask them to return your security deposit, and ask for a walk-through.

Before your last day...

- **Pay what you owe**, like rent or utilities.
- **Start packing as soon as possible**. Clean the place, sweep, and dust. Get rid of any trash. Remember to check closets, attics, basements, and garages.
- **Do a walk-through**. For details on the walk-through, see the back of this sheet.

On the day you leave...

- **Move all your belongings out**. If you leave anything behind, you could be charged for the removal.
- **Take pictures and videos** of the empty unit to show that you left it in good condition.
- **Return your keys**.

How do I get my deposit back?



1. Schedule a walk-through with your landlord within **4 days** of move-out.
2. During the walk-through, **make a list** of damages and the cost to repair those damages with your landlord. **If your landlord doesn't give you a list of charges, they cannot keep your deposit.**
 - A. If you disagree about **anything** on their list, write **"disputed"** next to the items you disagree about on their list and **sign your name.**
 - B. **Request a copy** of the list or take a **photo** of it.
 - C. Your landlord can add **other problems** that they find within **30 days** of when you move out. The 30-day deadline changes to **7 days** if a new tenant moves in.
3. Give your landlord the **new address** where you want the deposit to be sent.

After you move out, **send your landlord a request in writing** asking for your security deposit back.

If your landlord says they're keeping some or all of your deposit, you must respond **within 60 days**. It's best to respond **in writing** (like a letter or an email) saying what you disagree with and why. **Keep a copy** of your response.

If the landlord **still** doesn't give you a list of charges or refuses to give the deposit back after you send them the letter, you can file a **lawsuit** against them.

If your landlord doesn't return your deposit, you can **sue** them.

To start a lawsuit, go to the **Davidson County General Sessions Court** in the **Birch Building** at 408 Second Ave. North, Nashville, TN. Go to the **Clerk's Office** on the second floor.

File a Civil Warrant to start your case. You can get a copy from the Clerk's Office, or you can print it from <https://circuitclerk.nashville.gov/general-sessions-forms/>. Click on the link for a Pro Se Civil Warrant.

There is a **fee** to file the suit. If you **can't afford** the fee, ask the Clerk's Office if you can file an **Affidavit of Indigency** and **not pay the fee**. **Follow up** with the Clerk's Office to see when your case has been **served** on your landlord and to find out when the **hearing** will be.

On your hearing date, **go to court**. Bring **proof** that you followed the rules and that your landlord never returned the deposit. **Show your proof to the judge and explain your side of the story.** Your landlord will have a chance to explain their side of the story as well.

You can also **mediate** through the Nashville Conflict Resolution Center instead of going to court.
Call (615) 833-8400 to find out how.