

SECURITY DEPOSITS

- How to protect your security deposit
- Your landlord's duties under state law and Urbana's City Code

What is a Security Deposit?



- A payment made by the tenant and held by the landlord until the tenant moves out.
- It is often the same amount of money as one month's rent—your lease will specify.
- All or part of the security deposit can be kept by the landlord after you move out to compensate them for:
 - Repairing damages
 - Cleaning the unit
 - Unpaid rent

A Security Deposit is NOT Used as a Payment for the Last Month of Rent



Do not skip paying your last month's rent just because you have a security deposit.



Your landlord can still sue you for unpaid rent if you skip paying your last month—even if you have a security deposit on file that covers that amount.



If your landlord sues you for unpaid rent, you will be responsible for court costs and attorney's fees

How to Protect Your Security Deposit

Maximize the chance that you get most or all of your security deposit returned to you after moving out.

Protect Your Security Deposit: Move-In



Complete a **room condition report** when you move in.

Landlord may provide the check-in sheet. Fill it out and return it as soon as possible.

Keep a copy.



Be thorough.

Document everything. It is helpful to fill out your condition report before you move your items in. Make it clear if anything is missing (like furniture). Note every scratch, dent, etc.



Take photos and video of the entire unit.

Pay special attention to anything that is broken, damaged, missing, or dirty.

Protect Your Security Deposit: During the Tenancy



Follow-up

Follow-up if your landlord fails to repair damages noted on your move-in room condition report.



Report issues

Report any maintenance issues to your landlord promptly throughout the year. It is best to do so in writing when possible.



Save documents

Save copies of correspondence with your landlord. Make sure you also keep a copy of your lease.

How to Protect Your Security Deposit: Moving Out



Clean your unit. Leave it SPOTLESS, even if it was dirty when you moved in.



Remove trash and anything else that does not belong there.



Thoroughly clean carpets. Check your lease for requirements.



Take detailed photos and videos of the unit. Pay special attention to the insides of appliances and cabinets. Take photos and videos of EVERYTHING.

How to Protect Your Security Deposit: Moving Out

- **General Cleaning Tips:**

- Wash windows
- Dust Blinds
- Remove any nails and patch walls (check your lease)
- Check lights and replace bulbs, if needed
- Check smoke detector
- Clean walls and baseboards
- Clean carpet (check your lease)
- Vacuum and mop floors
- Clean cobwebs from ceiling



How to Protect Your Security Deposit: Moving Out



- **Kitchen Cleaning:**

- Clear out cabinets and pantries
- Wipe down fridge
- Clean the oven
- Sanitize sink, drain and disposal
- Clean the dishwasher
- Sanitize countertops



How to Protect Your Security Deposit: Moving Out

- **Bathroom cleaning:**
 - Wash mirrors
 - Sanitize the vanity
 - Disinfect the toilet
 - Scrub the shower or bath
 - Dust the vent
 - Mop the floor

Security Deposit Law

- Illinois Security Deposit Return Act
- Illinois Security Deposit Interest Act
- Urbana City Code, Section 12.5-19 and 12.5-20

Illinois State Law—Returning the Security Deposit



- Illinois Security Deposit Return Act, [765 ILCS 710/](#)
- State law—applies to units in Champaign, Urbana, and Savoy
- Only applies to properties with **5 or more units**

Illinois Security Deposit Return Act

(Only applies to properties with 5 or more units)



Once you move out, your landlord has 30 days to provide you with an **itemized statement of the damages** you allegedly caused.



The landlord must also provide you with the actual or estimated costs to repair and replace each item.



If your landlord provides you with actual costs, they must provide receipts.

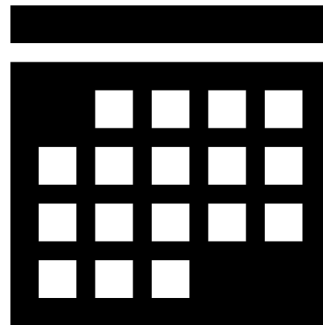


If your landlord provided you with estimated costs, they have 30 days from the date on the itemized statement to provide you with actual costs and receipts.

Illinois Security Deposit Return Act

(Only applies to properties with 5 or more units)

If your landlord does NOT provide you with an itemized list of charges within 30 days, your landlord must return your entire security deposit within 45 days of the day you vacate.



Illinois Security Deposit Return Act

(Only applies to properties with 5 or more units)

Day 0

- You move out

Day 30

- Landlord must provide itemized statement

Day 60

- If landlord provided estimates, must provide receipts for actual costs

Illinois Security Deposit Return Act

(Only applies to properties with 5 or more units)

Day 0

- You move out

Day 30

- Landlord fails to provide you with itemized statement

Day 45

- Landlord must provide you with the entire security deposit



Illinois Security Deposit Return Act

(Only applies to properties with 5 or more units)

Rules and Penalties

- If the landlord uses his/her own labor, the landlord may include the reasonable cost of his/her labor to repair/replace.
- If the lease specifies the cost for cleaning, repair, or replacement the landlord may withhold that dollar amount.
 - These costs in the lease shall be for damage beyond normal wear and tear. Must include the relevant portion of the lease in the notice to the tenant.
- **If landlord does not provide itemized list or return the deposit, the landlord shall be liable for an amount equal to twice the amount of the security deposit due, together with court costs and reasonable attorney's fees.**

Urbana Law—Returning the Security Deposit



*****ONLY applies to tenants in Urbana*****

- City Code of Urbana, [Section 12.5-20](#)
- Applies to all rental properties in Urbana (even if there are less than 5 units in the property)
- Essentially identical to the State law, but it applies to properties with less than 5 units

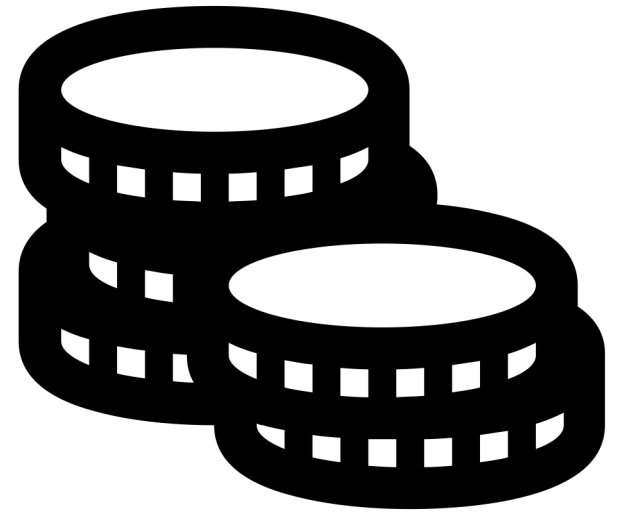


What if I Live in a Property with 4 or Fewer Units?

- If your apartment is in Urbana the Urbana City Code, Section 12.5-20 protects your security deposit even if the property is made up of less than 5 units.
- If your unit is not in Urbana, there are no specific laws that protect your deposit.
- Your landlord is required to return your security deposit in a “reasonable” amount of time.

Illinois Law—Interest on Your Deposit

- Security Deposit Interest Act [765 ILCS 715/](#)
- State law—applies to units in Champaign, Urbana, and Savoy
- Only applies to properties with 25 or more units



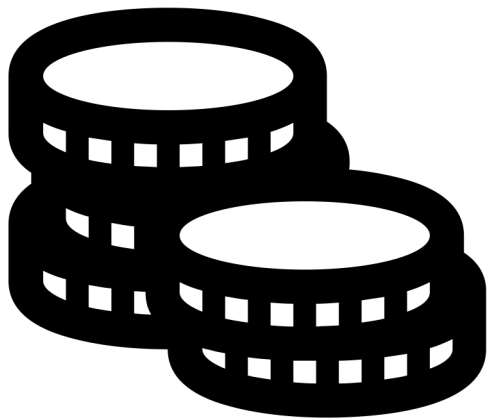
Illinois Security Deposit Interest Act

(Only applies to properties with 25 or more units)



- Your landlord must pay interest on your security deposit if it is held for more than 6 months
- The interest must be paid to the tenant within 30 days of the end of each 12-month rental period

Urbana City Code—Interest



*****ONLY applies to tenants in Urbana*****

- City Code of Urbana, [Section 12.5-19](#)
- Applies to all rental properties in Urbana (even if there are less than 25 units in the property).
- Essentially identical to the State law, but it applies to properties with less than 25 units and only applies to security deposits that are \$100 or more.

Q & A

Additional Questions?

- Student Legal Services
 - Call: (217) 333-9053
 - Email: studentlegalservice@illinois.edu
- Off Campus Community Living
 - Call: (217) 333-0112
 - Email: off-campuscommunityliving@illinois.edu