

1) What Is A Security Deposit?

A security deposit is money that a tenant gives to a landlord. It protects the landlord if the tenant moves out owing rent or damages. “Damage deposits”, “pet deposits” and “advance rent deposits” are treated as security deposits. Pet fees are not treated as security deposits. Security deposits are to be returned if the tenant has obeyed the law and has not damaged the apartment.

2) Can I Look at the Unit Before I Move In?

Yes. It is a good idea to inspect the unit before you move in. If your landlord will not let you look at the apartment before you move in, there may be problems with it. Georgia law says that landlords with more than 10 units must let you look at the unit. If your landlord has more than 10 units, he should make a list of the damages to the unit. You can then look at the unit to see if the list is correct. This is called a “move-in inspection”.

If the list is correct and you agree with it, sign it.

If the list is not correct and you don't agree with it, you should mark it.

Let's say the unit has a broken light switch and that was not on the list. You should write at the bottom of the list, “I don't agree with this list. There is also a broken light switch.” Then sign it. This is called a “statement of dissent”. The landlord must give you a copy of it. Keep it in a safe place. You will need it when you move out.

Get a receipt when you pay a security deposit!

3) Does the Landlord Pay Me Interest on My Security Deposit?

No. The law does not make the landlord pay you interest. You must get a copy of it. The landlord must give you a copy of it. Keep it in a safe place.

4) Can the Landlord Keep Part of the Security Deposit?

The landlord can keep part or all of the security deposit for certain things. These things are:

- rent you owe
- late charges you owe
- damage done to the unit by you or your guest.

The landlord can also keep part of the security deposit if you break the lease. The landlord cannot keep the security deposit to cover “ordinary wear and tear”. “Ordinary wear and tear” is the damage that comes from everyday living.

5) How Do I Get My Security Deposit Back?

You must give the landlord a forwarding address. This is so the landlord can send the security deposit to you. The landlord has one month to send you your security deposit or a letter explaining why the deposit is being kept. If he doesn't, he can't keep the security deposit and he can't sue you for any damages to the unit.

All landlords must return the security deposit

within one month or let the tenant know why not. If your landlord owns more than 10 rental units, then your landlord must inspect the unit and give you a written list of damages within three business days after you move out. You then have the right to reinspect the unit.

You do this to see if the landlord's list of damages was correct. Look at the move-out list and match it with the move-in list. You should not have to pay for things that were on the move-out list and were also on the move-in list. Most times, the landlord and the tenant do this together. It is called the “move-out inspection”. If you agree with the list the landlord wrote, sign it. If you don't agree with it, write on the list that you don't agree with it and what you do not agree with. Sign it.

6) What If the Landlord Won't Return the Deposit?

If your landlord keeps your security deposit, you can take him to small claims court. This is called Magistrate Court. If your landlord owns more than 10 units, you can ask the judge to give you three times the amount kept. For instance, if your security deposit was \$200, you can ask the court to order the landlord to give you \$600. You can also ask for attorneys' fees if you have a lawyer. You can call Atlanta Legal Aid Society for help with this.

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For TTD/TTY users, call the Georgia Relay
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Security Deposits

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