

Paying your Security Deposit

Your landlord is required to give you a receipt for your deposit when you pay it.

- Within 30 days of taking your money, your landlord should give you a second receipt. This one will give you information about the bank where your money is deposited and the number of the account it was deposited in. The bank must be located in Massachusetts and the account must generate interest.
- Your security deposit cannot be more than one month's rent. Some landlords may specify a "pet deposit," which is likely allowed as long as the total of all requested deposits aren't more than one month's rent. Let's say your rent, as listed on your lease, is \$1000 a month:
 - Asking for a \$500 security deposit: **legal (under \$1000)**
 - Asking for a \$1000 security deposit: **legal (not more than \$1000)**
 - Asking for a \$500 security deposit and a \$500 pet deposit: **legal (not more than \$1000)**
 - Asking for a \$1500 security deposit: **illegal (over \$1000)**
 - Asking for a \$1000 security deposit plus a \$500 pet deposit: **illegal (over \$1000)**

Protecting your Security Deposit

Document your apartment's condition when you move in. Take photos of anything with damage, no matter how small. If a landlord collects a security deposit, they must provide you as the tenant with a statement of condition, signed by the landlord.

- You should only sign the statement of condition if you agree with it. If you disagree with the landlord's statement of condition, then you have the right to submit a separate signed list of damages to the landlord. You must return the statement (and any separate list of damages) to the landlord within 15 days after receiving the list or within 15 days after you move in, whichever is later.
- Keep your copy of the statement of condition and related paperwork in a safe and easy to locate place. If your landlord tries to deduct damages from your deposit, the statement of condition helps to protect you from being charged for damages that existed in the apartment before you moved in.

Getting your Security Deposit Back

Your landlord must return your security deposit to you within 30 days of the end of your tenancy, including interest earned and minus any deductions for damages you caused to the apartment that are beyond ordinary wear and tear.

- It's helpful to provide your landlord a forwarding address when you move out so they know where to return the security deposit.
- If your lease contains a provision that is not allowed under the state's security deposit law and your landlord tries to enforce that provision or tries to get you to sign a waiver of any provision of the security deposit law, your landlord *cannot* keep your security deposit for any reason, including making deductions for damages. The landlord forfeits the right to hold those funds and you can demand the immediate return of the security deposit.

Deducting from your Security Deposit

In order for a landlord to deduct from your security deposit, they must first have a statement of condition from the start of your tenancy. If they don't have that statement, they cannot make deductions.

- Your landlord cannot deduct for anything that was listed as already broken when you moved in.
- Your landlord can only deduct from your security deposit for things that are beyond reasonable wear and tear. Likewise, your apartment only needs to be in "broom clean" condition upon move out (as opposed to professionally cleaned).
- Within 30 days of you moving out, your landlord must send you an itemized list, signed under the pains and penalties of perjury, of all damages they are deducting from your deposit, as well as receipts or estimates to justify the costs of those repairs.

Getting Help

If something doesn't feel right, fill out a request for service from the Student Legal Services Office, which provides free legal help to all fee-paying UMass students. You can also refer to the State of Massachusetts' webpage about security deposits, which includes links to the relevant laws.

***Student Legal
Services Office***



***Mass.gov
Security Deposits***

