

FREQUENTLY ASKED QUESTIONS:

Q: What does “abandoning the unit” mean?

A: Absence from the premises with intent to permanently vacate and with unpaid rent.

Q: Can I receive reduced rent in lieu of interest?

A: No. This is a gimmick by landlords to get around the interest on deposit law.

IMPORTANT PHONE NUMBERS/WEBSITES

U of I Housing Information 333-1420
www.housing.uiuc.edu/technology

certified.housing.uiuc.edu

Student Legal Service 333-9053
www.odos.uiuc.edu/sls

Tenant Union 333-0112
www.tenantunion.uiuc.edu

Champaign County Housing Authority 337-3325

Champaign Neighborhoods Property Maintenance Inspections 403-7070
www.ci.champaign.il.us/neighborhood/nhmi.php

Urbana Housing Inspector 384-2436
www.city.urbana.il.us

Select: Community Development

⇒ Building Safety

⇒ Housing and Property Maintenance

REMEMBER

⇒ Fill out and retain a copy of check-in and check-out sheet.

⇒ Upon vacating the premises, return all keys and leave a forwarding address.

⇒ Take photographs or videos of unit upon moving in and moving out.

⇒ You are entitled to your deposit thirty (30) days after the end of the lease. Do not cash a partial refund check without legal advice.

⇒ You are generally entitled to paid receipts for repairs applied against your security deposit.

The information contained herein is not intended as a substitute for legal advice. Students who are confronted with legal problems or who need specific advice are encouraged to seek assistance from a licensed attorney at Student Legal Service.

University of Illinois at Urbana-Champaign
Student Legal Service

324 Illini Union
Office open: 8:30am-Noon, and 1:00-4:30pm, M-F

www.odos.uiuc.edu/sls

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University of Illinois at Urbana-Champaign
STUDENT LEGAL SERVICE

YOUR SECURITY DEPOSIT



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YOUR SECURITY DEPOSIT



OUTLINE OF DAMAGE DEPOSIT LAW

Your lease will generally contain a provision about a security deposit. Security deposits are most often used by landlords as compensation for damages (other than normal wear and tear) which he or she claims that you have caused to the premises.

What is the Law regarding security deposits? Within Champaign County, there are potentially two different bodies of law which control the return of security deposits and the payment of interest on security deposits. State law applies to all tenants living within the State of Illinois. However, tenants living within the city limits of Urbana are also covered by the Urbana City Code, which provides additional protection above and beyond the protection offered by State law.

STATE LAW (applies to ALL tenants in the State of Illinois):

Security Deposit Return:

The law states that if you rent from a landlord owning a structure containing 5 or more rental units, your landlord cannot withhold any part of your security deposit as compensation for damages unless he or she has, within 30 days of the date upon which you vacated the premises, furnished you with an itemized statement of the damages for which you were allegedly responsible and attached estimates or paid receipts for the cost of repair.

If your landlord gives you estimates, paid receipts for the work done must be provided to you within 30 days from the date the estimates were furnished to you. If your landlord fails to comply with these requirements, he or she must return the security deposit in full within 45 days.

Security Deposit Interest:

The law states that if you are renting from a landlord who owns 25 or more rental units in a contiguous area, your landlord must pay interest upon the security deposit as long as it is held by him or her greater than 6 months.

The law says that the interest accrued on qualifying security deposits must be paid to the tenant within 30 days of the end of each 12 month rental period. Your landlord is excused from such payment only if you were default under the terms of the lease. Interest is paid at the rate of Illinois' largest commercial lending institution.

Urbana City Code (applies ONLY to tenants living in the City of Urbana)

City Code of Urbana, Section 12.5-20: This is the Urbana City Code controlling the return of security deposits in the City of Urbana. In Urbana, all landlords are subject to this code, as opposed to state law, which only applies to those landlords owning structures containing 5 or more rental units. This code section is, otherwise, essentially similar to State law.

City Code of Urbana, Section 12.5-19: This code controls the payment of interest on security deposits held by landlords in the City of Urbana. In Urbana, any landlord who receives a security deposit of \$100.00 or more must pay interest to the tenants as long as the security deposit is held for more than 6 months. The interest must be paid within 30 days of the end of every 12 month rental period, unless the tenant is in default under the lease.

What to do when moving into an apartment to protect your security deposit:

In order to best ensure the return of your security deposit in full, you should **make a detailed report** of the condition of the premises upon moving in, documenting any and all damage present. This will make it easier for you to dispute any damage the landlord claims you have done that was actually in existence at the time you moved into the apartment.

Make sure that you **note any and all furniture** that is provided by the landlord that is present when you move in. This will help you avoid being charged for "missing" furniture after you move out.

Also, you should **have this report either signed and dated by your landlord, or notarized** to prove that the report was actually generated within the first few days of your occupancy of the apartment. In either case, make sure that you retain a copy of this report at all times.

It is also wise to **take either photographs or videotapes of the premises** in order to document the condition upon move-in. Such evidence can record many details that may easily be overlooked in a written report.

What to do upon moving out of an apartment to protect your security deposit:

Before you move out, it is a good idea to **contact your**

landlord and ask that he or she inspect the premises with you. This way you can find out what damages the landlord thinks you have done. You can then either dispute the damages or make an effort to repair them. In any event, if your landlord keeps part or all of your security deposit and you believe it to be unjustified, contact him or her and try to work the problem out. If you fail, but still believe that you are entitled to money back, you may initiate a small claims action.

In order to assist you in case you need to go to court, it is best to **have photographic or videotaped evidence** to support your version of the condition of the apartment upon moving out. Therefore, after you have removed all of your furniture and have cleaned the apartment, take photographs or videos **of the condition of the walls, the carpeting, the appliances, inside the oven, inside the refrigerator, etc.** If you have photos or videos, it is harder for the landlord to claim that you caused damage that the evidence clearly shows you did not.

Have a witness watch you take the photos or videos so he or she can testify in court as to the time the record was made and as to the condition of the apartment when you moved out. This witness should be a person who is **neither an immediate family member nor another roommate.**

What Not To Do Ever

No matter where you live, **do not fail to pay your last month's rent** simply because you have a security deposit which would cover that amount. Generally, neither you nor your landlord is allowed to apply the security deposit to any rent owing.

If you do fail to pay your last month's rent, you may be forced to defend a rent claim action initiated by your landlord. Absent a legitimate defense, you will then be liable not only for the rent owed, but also court costs and, if your lease so provides, your landlord's attorney's fees.

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