



Where's my security deposit?

With the remnants of moving week long gone, many downtown renters now await the arrival of their security deposit refund--or what remains of it. IF YOU MOVED OUT OF YOUR APARTMENT ON AUGUST 14 OR 15, YOU SHOULD HAVE RECEIVED YOUR DEPOSIT WITH AN ITEMIZED LIST OF DEDUCTIONS BY NOW. Renters should be aware of their security deposit rights in the event that illegal deductions are made.

In the City of Madison, these are the laws on security deposits according to Madison General Ordinances 32.07:

- Your security deposit cannot be more than one month's rent.
- Your landlord has 21 days to return your security deposit and/or a written, itemized list of deductions to your last known address.
- Your landlord may not deduct for normal wear and tear, such as routine carpet cleaning, re-painting, window washing— as long as these were not damaged beyond normal wear and tear.
- If your deposit was more than ½ month's rent, your landlord is required to give you annual interest on it for the entire time the deposit was held. The interest rate for rental agreements signed during 2007 and 2008 is 0.94%.
- Landlords may only withhold for tenant damage, waste, or neglect of the premises; non-payment of rent; or for unpaid utility bills (if paid for by the tenant and for which the landlord could be held responsible).
- No landlord may intentionally misrepresent or falsify a claim against a deposit.
- Your landlord is required to furnish you with both check-in and check-out forms.

NEW MADISON RULE IN 2008: Landlords must now document damage claims with photographs when applicable. This rule creates a requirement under MGO 32.07(14) that for a landlord to charge a tenant for a specific claim of damage, waste, or neglect from the security deposit, the landlord must document this damage, waste or neglect with photographic evidence (if the item is able to be photographed). Violations of these rules may result in the landlord forfeiting the right to make any deductions from your security deposit refund.

The failure to take or provide this photograph does not prevent the landlord from trying to collect the cost of repairs as allowed by law, but it does prevent the landlord from charging the tenant from the security deposit. In addition, this rule also creates a requirement that before a landlord accepts a security deposit from a tenant, as part of the check-in procedures the tenant be informed of the tenant's right to view photographs documenting any damage, waste or neglect charged to the previous tenant that are required to be retained by the landlord.

If you feel your landlord has violated one of these Madison laws, you could write your landlord a letter, citing the laws s/he has violated, and request a time to discuss the matter. Open communication with your landlord is extremely important and could save you time and energy. If your landlord is unwilling to discuss the issue with you, it is possible you may have to sue to get the disputed amount back. Madison tenants may be awarded up to three times the amount illegally withheld. (Tenants outside the City of Madison may be awarded double.) Documentation is extremely important, so tenants should remember to keep documentation such as copies of letters and postmarked envelopes.

Many of the laws listed above also apply to tenants and landlords throughout Wisconsin. If you live outside the City of Madison, contact TRC at 608-257-0006 for more information! From outside Dane County you may call our toll-free number 1-877-238-RENT (1-877-238-7368).

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Business Phone: (608) 257-0143 Fax: (608) 286-0804

Housing Counseling: (608) 257-0006 or outside of Dane County 1-877-238-RENT (7368)

Mediation: (608) 257-2799 Housing Help Desk: (608) 242-7406

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