

# FASTEVICT.COM LAW GROUP

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Dear Valued Clients,

We would like to take the time to notify you of the California Civil Code 1950.5 Section G, which states if your tenant has paid a security deposit then no later than 21 days after the former tenant vacates, you must send an itemized statement of where the security deposit was applied.

Whether your tenant was evicted or not please see the Department of Consumer Affairs landlord/tenant handbook for formulas.

<http://www.dca.ca.gov/publications/landlordbook/catenant.pdf>

We will gladly schedule an appointment for you with one of our senior staff or with the attorney for more help, please ask if you are interested.

## **So, why is this so important?**

If this itemized statement is not sent within the 21 days of them vacating, they may file a lawsuit against you in Small Claims Court for the deposit plus court costs and up to a \$ 600.00 penalty. If the Judge feels you withheld the deposit in bad faith, they may allow former tenant to sue you up to 2 times the security deposit as well.

## **Why does our office need a copy of this form?**

We ask that you send us a copy so that we may submit it along with the court judgment once the tenant vacates without trial or for filing small claims cases. We need to be able to show the judge that this itemized statement has already been prepared and sent. Most courts will not allow us to obtain a judgment without a copy of this document filled out. If this is not done prior to the request of collections or Small Claims, it may delay your case until it is completed. Statute of limitations to file varies on written or oral agreements. Pictures to prove the work are always in your best interest.

What can you use the deposit towards?

- a. For unpaid rent
- b. For cleaning the rental unit back to the condition it was when former tenant first moved in. (before and after pictures are great evidence)
- c. For repair of damages, other than normal wear and tear caused by tenant, their animals, or tenant's guests (pictures are great evidence)
- d. If items were stolen that were listed on the agreement to be utilized while renting the unit. If you rent unit semi furnished; we suggest pictures be taken along with serial number information in the picture.

## What does the statement have to include?

You can make your own statement or use the template we have included, but either way there is crucial information that **MUST** be included:

1. The landlord must include copies of receipts for the charges the landlord incurred to repair or clean the unit.
2. If there was no forwarding address provided then you must send it to the address they rented from you. This statement must be mailed certified; this will provide you with a slip proving you attempted to send it. This covers you even if you never receive the letter back.
3. Cleaning fees if applicable. (only to get property back to how it was when they first moved in)
4. Carpeting and drapes. You **cannot** charge for normal wear and tear on the carpet. If they had large rips in the carpet or permanent stains that cannot be removed that justifies a deduction on the statement.
5. Repainting the walls. You want to assume that interior paint has a two-year life. For example:

LENGTH OF STAY	DEDUCTION
0-6 MONTHS	FULL COST
6 MONTHS – 1 YEAR	TWO-THIRDS THE COST
1-2 YEARS	ONE-THIRD THE COST
2 OR MORE YEARS	NO DEDUCTION

6. Other damage to walls. For example; Large amounts of holes that require filling with plaster
7. Eviction costs, attorney fees, and court costs.
8. Late fees, if listed in the agreement.
9. Utility bills, if the tenant had the utilities in their name and vacated the property owing a balance that the owner was required to pay to get utilities turned back on at rental unit. If utilities are in Owners name, it must state in the written agreement that the tenant must pay for utilities.

### An itemized statement is required to be sent to the former tenant if;

- a. Security deposit was received from tenant
- b. A portion of the deposit was used, but not all. (refund for remainder of deposit **MUST** be included)
- c. All of the deposit was used but no balance remains
- d. All of the deposit was used and they owe you remaining balance.

Please be advised all information comes from the California Department of Consumer Affairs. Please refer to their information page on Refunds of Security Deposits.

<http://www.dca.ca.gov/publications/landlordbook/sec-deposit.shtml>

Please see our attached example of  
Disposition of Security Deposit and The Most Common Questions Asked About Security Deposits



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## THE MOST COMMON QUESTIONS ASKED ABOUT SECURITY DEPOSITS

1. My previous tenants didn't provide me with a forwarding address, where do I send the letter?  
Eviction Address, Reference Addresses, Parents Address, Employers Address
2. How do I apply the Judgment in the Security Deposit?  
Reference the amount however security deposits are to cover damages, repairs, replacement for the rental unit and then apply to any unpaid rents
3. What exactly can be included in the deductions?  
Everything from repairs, cleanup costs, dump fees, re-keying of the property, replacing broken items.  
(Retain receipts and pictures of entire unit with detail to the damaged areas)
4. Do I send separate letters to each tenant or just one with all tenants named?  
Sent to anyone over the age of 18, any way possible
5. What if I can't afford to replace all the items right now?  
Notate this is estimated costs and attach copies of the written estimates along with pictures
6. What is "rent owed to 30 day notice" "rent owed to vacate"?  
All rents owed prior to any notices serviced and all rents owed up to vacate date
7. If I complete the work as an owner or a manager, can I charge for my time?  
Yes, charge for every minute. Your time is valuable and should be charged what it is worth. Back up your charges with pictures of all damages and cleanup
8. Do I have to send a disposition even though the Eviction Judgment states that the "Security Deposit is Acknowledged"?  
Yes, it is required by law. This is also proof that the deposit was spent on repairs and cleanup to your rental property.
9. Why do I have to send them an accounting when they owe me money?  
Again, it is required by law per civil code 1950.5
10. What is the statute of limitation to send out this security deposit accounting?  
You must send out with 21 days of vacancy, mail it first class mail as well as certified mail so that you have proof of date mailed.
11. What is the "daily rental rate"?  
Monthly rental rate divided by 30
12. Why can't I include all the rent up to the expiration of the lease if they vacated prior to the lease expiring?  
You must do everything in your power to re-rent the property and be able to prove it with advertising.  
You may then charge up to the day you re-rent the property.
13. What is "Apt Project"?  
That would be the name of the apartment complex if applicable
14. Can I just email my ex-tenants this accounting?  
Yes you can email it but you must also first class and certified mail to the last known address.
15. What is considered normal wear and tear?  
Please refer to the California Department of Consumer Affairs regarding security deposits  
<http://www.dca.ca.gov/publications/landlordbook/catenant.pdf>