

**Chart 1**  
**STATE BY STATE SECURITY-DEPOSIT-STATUTE\* CHART**  
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**Cap on Deposit, Requirement to Escrow Deposit in Segregated Account, Time to Return  
Deposit, Penalties/Remedies for Late Return or Bad Faith Withholding, and  
Attorney Fees Provision**

ST	CAP ON AMT OF DEP**	ESCROW REQUIRED?	MIN INT	RETURN TIME	LATE PENALTY	BAD FAITH PENALTY	ATTY FEES	END NOTE
AL	1 month but soft <sup>1</sup>	x***	x	60 days	double the deposit	x	x	1
AK	2 months	x	x	14 days, 30 days if tenant leaves w/o notice	amount owed + double the amount owed + attorney fees but landlord can defend by showing non compliance was despite the existence of procedures reasonably designed to avoid such error	amount owed + double the amount owed + attorney fees if withholding is willful	Yes	
AZ	1½ months	x	x	14 business days	amount of deposit + double the deposit	amount of deposit + double the deposit	x	2
AR	2 months	x	x	60 days	amount of deposit + double the deposit + attorney fees	amount of deposit + double the deposit + attorney fees	Yes	3
CA	2 months + ½ extra month if water-bed	x	x	21 days	amount of deposit + double the deposit if willful	amount of deposit + double the deposit if willful	x	
CO	x	x	x	60 days <sup>4</sup>	forfeit deposit to tenant	triple the deposit + attorney fees	Yes	4

ST	CAP ON AMT OF DEP**	ESCROW REQUIRED?	MIN INT	RETURN TIME	LATE PENALTY	BAD FAITH PENALTY	ATTY FEES	END NOTE
CT	2 months but only 1 month if tenant is $\geq$ 62 yrs old	Yes	based on fed reserve rate <sup>5</sup>	30 days	double the deposit	\$250	x	5
DE	1 month if tenancy $\geq$ 1 yr + pet deposit	Yes	rate bank is paying	20 days	double the amount wrongfully withheld	x	x	
DC	1 month	Yes	rate bank is paying	45 days <sup>6</sup>	forfeit deposit to tenant <sup>6</sup>	treble damages	x	6
FL	x	Yes	rate bank is paying	30 days to account for deposit, 15-45 days to pay	forfeit deposit to tenant	x	Winner of case gets atty fees	
GA	x	Yes	x	1 month	forfeit deposit to tenant and no claim against tenant for damages to premises	triple amount improperly withheld + attorney fees	Yes	
HI	1 month + pet deposit	x	x	14 days	forfeit deposit to tenant	treble damages if bad faith, single damages if not bad faith	x	7
ID	x	x	x	30 days <sup>8</sup>	x	x	x	8

ST	CAP ON AMT OF DEP**	ESCROW REQUIRED?	MIN INT	RETURN TIME	LATE PENALTY	BAD FAITH PENALTY	ATTY FEES	END NOTE
IL	x	x	saving rate at largest bank in IL	30 days to account for deposit, a soft 45 days to pay <sup>9</sup>	double the deposit + attorney fees	double the deposit + attorney fees	Yes	9
IN	x	x	x	45 days	amount of deposit + attorney fees	x	Yes	
IA	2 months	Yes	rate bank is paying	30 days	forfeit deposit to tenant	amount of deposit + double the monthly rent	Winner of case may get atty fees	
KS	1 month	x	x	30 days after tenant demands deposit	amount of deposit + half the deposit	x	x	
KY	x	Yes	rate bank is paying	30 days to account for deposit <sup>10</sup>	xs	x	x	10
LA	x	x	x	1 month	amount of deposit + the greater of double the deposit or \$300	amount of deposit + the greater of double the deposit or \$300	Winner of case may get atty fees	

ST	CAP ON AMT OF DEP**	ESCROW REQUIR-ED?	MIN INT	RETURN TIME	LATE PENALTY	BAD FAITH PENALTY	ATTY FEES	END NOTE
ME	2 months	Yes	x	30 days on written lease, 21 days on oral lease	forfeit deposit to tenant	double the deposit + attorney fees	Yes	11
MD	2 months	Yes	greater of 1.5% or fed rate <sup>12</sup>	45 days	forfeit deposit to tenant and if the tenant makes a certain demand and there is still no return without a reasonable basis then triple the deposit + attorney fees	triple the deposit + attorney fees if there is no reasonable basis for withholding	Yes	12
MA	1 month	Yes	lesser of 5% or rate the bank is paying	30 days	triple the deposit + 5% interest + attorney fees	x	Yes	
MI	1½ months	Yes	x	30 days	forfeit deposit to tenant	x	x	
MN	x	x	1%	21 days	double amount of the deposit withheld by the landlord + interest thereon	up to \$500	x	
MS	x	x	x	45 days	x	\$200	x	
MO	2 months	x	x	30 days	double amount of the deposit wrongfully withheld	double amount of the deposit wrongfully withheld	x	

ST	CAP ON AMT OF DEP**	ESCROW REQUIRED?	MIN INT	RETURN TIME	LATE PENALTY	BAD FAITH PENALTY	ATTY FEES	END NOTE
MT	x	x	x	30 days but only 10 days if no deductions	forfeit deposit to tenant	amount of deposit + the amount wrongfully withheld	Winner of case may get atty fees	
NE	1 month + pet deposit	x	x	14 days	attorney fees	x	Yes	
NV	3 months	x	x	30 days	amount of deposit + up to amount of deposit	x	x	
NH	greater of 1 month or \$100	Yes	rate bank is paying <sup>13</sup>	30 days	double the deposit + interest	x	x	13
NJ	1½ months	Yes	rate bank or money market fund is paying	30 days	double money due + attorney fees	x	Yes	
NM	1 month but limit only applies if lease is < 1 yr	x	state pass-book rate but only if dep > 1 mo of rent	30 days	forfeit deposit to tenant and no claim against tenant for damages to premises + attorney fees	\$250	Yes. Also, winner of case may get atty fees. <sup>14</sup>	14

ST	CAP ON AMT OF DEP**	ESCROW REQUIRED?	MIN INT	RETURN TIME	LATE PENALTY	BAD FAITH PENALTY	ATTY FEES	END NOTE
NY	x	Yes if building has > 5 units	rate bank is paying minus 1% admin costs	reasonable time	x	x	x	
NC	1½ months if month to month, otherwise 2 months + pet deposit	Yes	rate bank is paying minus 1% admin costs	30 days for initial account, 60 days for full accounting	forfeit deposit to tenant if willful	attorney fees	x	
ND	1 month + pet deposit <sup>15</sup>	Yes	rate bank is paying for leases > 9 mo, otherwise nil	30 days	x	triple the deposit if without reasonable justification	x	15
OH	x	x	soft 5% <sup>16</sup>	30 days	amount owed + amount wrongfully withheld + attorney fees	x	Yes	16

ST	CAP ON AMT OF DEP**	ESCROW REQUIRED?	MIN INT	RETURN TIME	LATE PENALTY	BAD FAITH PENALTY	ATTY FEES	END NOTE
OK	x	Yes	no	45 days	forfeit deposit to tenant	x	Winner of any LL-T case may get atty fees <sup>17</sup>	17
OR	x	x	x	31 days	double the deposit	double the deposit	Winner of any LL-T case may get atty fees <sup>18</sup>	18
PA	2 months reduced to 1 month after one year	Yes	rate bank is paying minus 1% admin costs	30 days	forfeit deposit to tenant and no claim against tenant for damages to premises	x	x	
RI	1 month + a fancy-furniture deposit <sup>19</sup>	x	x	20 days	amount owed + double amount wrongfully withheld + attorney fees	x	Yes	19
SC	x	x	x	30 days	triple amount owed + attorney fees	x	Yes	
SD	1 month but soft <sup>20</sup>	x	x	14 days	forfeit deposit to tenant + up to \$200	up to \$200	x	20

ST	CAP ON AMT OF DEP**	ESCROW REQUIRED?	MIN INT	RETURN TIME	LATE PENALTY	BAD FAITH PENALTY	ATTY FEES	END NOTE
TN	x	Yes	x	60 days	x	x	Yes, since, a tenant winning any LL-T case may get atty fees <sup>21</sup>	21
TX	x	x	x	30 days	forfeit deposit to tenant and no claim against tenant for damages to premises + attorney fees if in bad faith	three times portion of the deposit wrongfully withheld + \$100 + attorney fees	Yes	
UT	x	x	x	30 to 38 days <sup>22</sup>	deposit + \$100 + attorney fees	x	Yes	22
VT	x	x	x	14 days	forfeit deposit to tenant	if willful failure to return in 14 days, double amount wrongfully withheld + attorney fees	Yes	
VA	2 months	x	x	45 days <sup>23</sup>	forfeit deposit to tenant minus rent owed	if willful failure to return in 45 days, attorney fees	Yes	23



ST	CAP ON AMT OF DEP**	ESCROW REQUIRED?	MIN INT	RETURN TIME	LATE PENALTY	BAD FAITH PENALTY	ATTY FEES	END NOTE
WA	x	Yes	x	21 days	forfeit deposit to tenant and no claim against tenant for damages to premises + double the deposit if in bad faith	x	Winner of case gets atty fees	
WV	x	x	x	60 days	forfeit deposit to tenant + 1½ damages minus rent owed deposit if in bad faith	x	x	
WI	x	x	x	21 days	x	x	x	
WY	x	x	x	30 days + an extra 15 days for a utility deposit	forfeit deposit to tenant if delay is not reasonable	x	x	

\* See this Nolo website, <https://www.nolo.com/legal-encyclopedia/state-security-deposit-statutes.html> , for the applicable statutes, with the following changes: For Arkansas, §§ 18-16-303 to 16-16-306, for Louisiana §§ 9:3251 to 9:3253, and for New Jersey §§ 46:8-19 to 46:8-23. For Illinois, a full citation is 765 Ill. Comp. Stat. §§ 710/.01 to 710/2; §§ 715/.01 to 715/3.

\*\* Measured in months of rent. E.g. if the stated amount is “2 months”, the deposit may be no more than double the amount of the monthly rent.

\*\*\* An “x” means there is no such requirement or penalty in the statutes.

#### ENDNOTES

1. Alabama allows a higher deposit if the tenancy poses an increased liability to premises.
2. The Arizona statutes do not apply to landlords who neither own nor manage more than five units.
3. In Arkansas, the landlord may defend late return or non return on the grounds that it resulted from an error which occurred despite the existence of procedures reasonably designed to avoid such errors. The statutes do not apply to landlords who do not own more than five units.

4. In Colorado, the return deadline is one month unless the lease says otherwise and the lease may not state a period longer than 60 days.

5. In Connecticut, interest must be at least the average of the national rates for savings deposits and money market deposits for the last week in November of the prior year as published by the Federal Deposit Insurance Corporation in accordance with 12 CFR 337.6, as amended from time to time, or if said corporation no longer publishes such rates, the average of substantially similar national rates for the last week in November of the prior year as published by a federal banking agency.

6. In D.C., technically the penalty for missing the deadline is that missing is "prima facie evidence that the tenant is entitled to full return." Also, to enforce the 45 day deadline in court, the tenant must give (another) 30-day notice.

7. In Hawaii, the stated remedies are for a case in small claims court.

8. In Idaho, the return deadline is 21 days unless the lease says otherwise and the lease may not state a period longer than 30 days.

9. In Illinois, the statutes only cover buildings with more than 5 units and for some of the rules only those complexes with more than 25 units are covered. The return-deadline rule is complicated. A strict reading says that if no deductions are made the landlord must return the deposit in 45 days; if deductions are made, an accounting for the deductions must be made in 30 days but the statute, 765 ILCS 710/1, does not state a deadline for partial return. Furthermore, this statute only requires an accounting of claims for damage to the premises.

10. In Kentucky, after the landlord accounts for the deposit the tenant has 30 days to dispute the accounting.

11. In Maine, if the landlord's return is late, the tenant demands return and the landlord still does not return the deposit, the non return is presumed willful. Also, owner-occupied buildings of less than six units are not covered.

12. In Maryland, the "fed rate" is the daily U.S. Treasury yield curve rate for 1 year, as of the first business day of each year.

13. In New Hampshire, the statutes do not cover landlords in owner-occupied buildings of less than six units nor landlords who rent out only one single-family home. Also, a landlord may commingle security deposits in a single account for security deposits. If so, the landlord pay the actual interest earned on the account proportionately to each tenant.

14. New Mexico has adopted at least part of the Uniform Residential Landlord Tenant Act, including a rule that the winner of a case under the act or a rental agreement may get attorney fees. N.M. Stat. § 47-8-48.

15. In North Dakota, the pet deposit may not exceed the lesser of \$2500 or two months rent. Also, if the tenant has a felony record, the deposit can be up to two months of rent so as to encourage renting to such applicants.

16. In Ohio, interest is owed only on the portion of the deposit that exceeds the greater of \$50 or one month rent and also is not owed unless the tenant remains in possession for at least six months.
17. Oklahoma has adopted at least part of the Uniform Residential Landlord Tenant Act, including a rule that the winner of a case under the act or a rental agreement may get attorney fees. Okla. Stat. § 41-105
18. Oregon has adopted at least part of the Uniform Residential Landlord Tenant Act, including a rule that the winner of a case under the act or a rental agreement may get attorney fees. Or. Rev.. Stat. § 90.255.
19. In Rhode Island, a landlord renting a furnished unit with at least \$5,000 worth of furniture may charge up to another month's worth of deposit covering the furniture.
20. In South Dakota, a larger deposit may be agreed upon between the lessor and the lessee where special conditions pose a danger to maintenance of the premises.
21. Tennessee has adopted at least part of the Uniform Residential Landlord Tenant Act, including a rule that *a tenant* winning a case under the act or a rental agreement may get attorney fees. Tenn. Code § 66-28-501.
22. In Utah, the tenant has no claim for the late-return penalty without first serving a 5-business-day notice to cure so the real deadline becomes 37 or even 38 days when holidays intervene.
23. In Virginia, a landlord of only one or two single-family homes is exempt from the statutes. Also, the landlord has 15 days extra to return the deposit if a contractor's estimate needed.