

TENANT TOOLKITS

Deposit

Sometimes life happens.

If you have moved from a rental property, and your previous landlord is withholding your deposit, the Heartland Center staff has gathered the following information for you. This toolkit will cover tenants' rights in Missouri, tenants' options when in this situation, as well as a guide to lingo and other resources available.

Please note: This information is **not legal advice** and, unless you've been specifically told otherwise by Heartland Center staff, no attorney has reviewed your information or performed an analysis of facts or risks. Heartland Center is providing this legal information for educational purposes.

HEARTLAND CENTER FOR JOBS AND FREEDOM

816.278.1344
www.jobsandfreedom.or
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Overview.

Housing issues are stressful and can be overwhelming.

We hope this tool kit can provide you with some resources and options to take. Here we include a quick overview and checklist of the information in this toolkit. Refer to this as many times as needed, and feel free to reach out to info@jobsandfreedom.org if you have any further questions. We will respond to you as soon as we are able.



Know your rights. (pg. 3)

Review the rights here and on our website.



Weigh your options. (pg. 4)

You may feel backed into a corner, however, you do have options. Review your options and determine which is the best for you.



Know the lingo. (pg. 5)

Sometimes the language used for housing is odd. We've provided some definitions to level the playing field and help as you navigate your issue.



Find support. (pg. 6)

There are options for resources and support. Connect with KC Tenants to engage with tenants fighting for and supporting tenants.



Reach out for more information.

Housing issues and eviction can be overwhelming. We created this in hopes of answering some basic questions and providing information. If you find yourself in need of more information and support, call our hotline at (816) 278-1344 to get further advice and support.

NEXT: Your Options.

Your Rights.

Tenants have a right to receive a return of their deposit within 30 days of moving out. During those 30 days, the landlord must conduct a walk-through inspection and provide the tenant with reasonable written notice of when it will occur. It is usually a good idea to attend a walk-through. If a landlord makes any deductions from the deposit they must provide a line-by-line statement of the charges to the tenant within the 30 days from the date the tenant moved. When a landlord fails to follow proper deposit procedure, the law allows the tenant to sue the landlord in small claims court and seek twice the amount of their deposit.

NEXT: **Your Option.**

Your Option.



SUE IN SMALL CLAIMS.

Tenants may want to consider suing the landlord for the deposit if it isn't received within 30 days of moving out. Tenants will want to consider whether they provided proper notice of moving out, returned the keys, forwarded their mail or gave a forwarding address and if the landlord may make any counter-claims for past-due rent or damages to the home.

If a tenant wishes to proceed with a small claim suit they can use the **small claims suit forms** and include the **deposit addendum** with the petition. These forms could be found [here](#).

These documents will need to be filed with court and the landlord must be served a copy of the documents. Courts do charge a filing fee and a fee for service of the summons. Check with the local court on costs. If a tenant cannot afford the filing fee, they may include this form that states they're unable to pay. ***The tenant will still need to pay the court a fee for the service of the summons.***

The Lingo.

Tenant, a.k.a. renter – a person who rents a space from another individual or company. Sometimes there is a written lease and sometimes the agreement is made without one.

Eviction – a lawsuit that concludes with a judge issuing a judgment for eviction. Law enforcement can “execute” ten days later (forcibly removing a tenant from the home). These officers can allow a landlord to remove tenants' possessions and change the locks.

Deposit – a sum of money held by the landlord until a tenant moves out. A deposit can be used to pay for any damages to the property and for unpaid rent. Deposits may not be more than 2 times the monthly rent.

Normal wear and tear – a reasonable amount of damage that could occur from normal use of the property. This is dependent on several factors that may include the length of time the tenant lived in the property. Carpet wear and new paint are frequently considered normal wear and tear if a tenant has resided in the home for several years. Call our office if there's a specific question about a charge.

NEXT: **The Resources.**

The Resources.



Heartland Center for Jobs and Freedom

816.278.1344

www.jobsandfreedom.org

Heartland Center's website. You can find links to toolkits for other situations and other up-to-date resources for tenants.

Other Tenant resources and Toolkits -

<http://www.jobsandfreedom.org/tenant-rights-attorney>



United Way - 211

Call 211

<https://uwgkc.myresourcedirectory.com/>

United Way's hotline for local resources and services.



KC Tenants

816.533.5435

www.kctenants.org

They are an organization led by a multiracial, multigenerational base of poor and working-class tenants in Kansas City. KC Tenants are organizing to ensure that everyone in KC has a safe, accessible, and truly affordable home.