



# Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

TITLE 6  
ACTIONS IN PARTICULAR CASES  
CHAPTER 3

FORCIBLE ENTRY AND UNLAWFUL DETAINER

6-321. SECURITY DEPOSITS. (1) Amounts deposited by a tenant with a landlord for any purpose other than the payment of rent shall be deemed security deposits. Upon termination of a lease or rental agreement and surrender of the premises by the tenant all amounts held by the landlord as a security deposit shall be refunded to the tenant, except amounts necessary to cover the contingencies specified in the deposit arrangement. The landlord shall not retain any part of a security deposit to cover normal wear and tear. "Normal wear and tear" means that deterioration which occurs based upon the use for which the rental unit is intended and without negligence, carelessness, accident, or misuse or abuse of the premises or contents by the tenant or members of his household, or their invitees or guests.

(2) Refunds shall be made within twenty-one (21) days if no time is fixed by agreement and, in any event, within thirty (30) days after surrender of the premises by the tenant. Any refunds in an amount less than the full amount deposited by the tenant shall be accompanied by a signed statement itemizing the amounts lawfully retained by the landlord, the purpose for the amounts retained, and a detailed list of expenditures made from the deposit.

(3) If security deposits have been made as to a particular rental or lease property, and the property changes ownership during a tenancy, the new owner shall be liable for refund of the deposits.

(4) A security deposit for a residential rental premises that is managed by a third-party manager of a landlord shall be maintained in a separate account at a federally insured financial institution. Such account shall be maintained separate from the third-party agent's operating account. The requirements of this subsection shall not apply to a property owner, managers who have common members or principals of the property owner entity, a real estate licensee, or a nonprofit business organization as established under chapter 30, title 30, Idaho Code.

History:

[6-321, added 1977, ch. 45, sec. 5, p. 83; am. 2021, ch. 197, sec. 1, p. 545.]

How current is this law?

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