

How to Get Your Security Deposit Back

Can my landlord keep my security deposit?

Your landlord **must** refund your security deposit, unless:

- You owe back rent,
- You did not leave the rental unit as clean as it was when you moved in, or
- There was damage to the rental unit while you were renting.

What if there was very little damage to my rental unit?

If the damage was normal wear and tear (for example, faded paint), and you left the rental unit as clean as when you moved in, the landlord cannot subtract *anything* from your security deposit.

Note: It is a good idea to take photos or make a list of any damage you notice when you move in and out of the rental unit. Sign and date the list and photos. They may help you if you need to go to court.

If the damage was more than normal wear and tear, the landlord can deduct what it will cost to return the unit to how it was when you moved in.

Can the landlord keep all of my security deposit?

The landlord must only deduct the amount of money it will take to clean or repair the rental unit. The rest of the security deposit must be returned to you.

What if I paid the last month's rent when I moved in?

Any *extra* fee you paid (except for an application fee) is considered a security deposit and must be returned to you even if it is called something else, such as a:

- Cleaning fee
- Key fee
- New tenant fee
- Pet fee
- Last month's rent

What if I don't remember how much my security deposit was?

Look at your records. You will probably find it in:

- Your original rental contract,
- The check you wrote when you signed the contract, or
- The receipt the landlord gave you when you signed the contract.

Will it be hard to get my security deposit back?

Maybe. Many renters have trouble getting their security deposit back. When you are ready to move out, it is a good idea to write the landlord a letter that looks like the one below. Keep a copy for your records.

[Date]

RE: Security Deposit Refund for
[address of rental unit that you
are moving out of]

To: [Landlord's name & address]

The law says you must give me a full refund of my security deposit within [#] days.

You can mail the security deposit to: [list the address where you want the money sent]

If you deduct anything from my security deposit for cleaning or repairs, I want a list with the amount and reason for each deduction, and receipts for any needed repairs.

[Your name and signature]

Does the landlord have a deadline to return my security deposit back?

Yes. In [list your state here], the landlord must mail it to you within [XX] days.

What if I don't get my security deposit by the deadline?

Write your landlord a letter like the one on the next page. If your landlord still does not give you the security deposit back, you may have to sue in Small Claims Court.

Where can I get more help if I need it?

Your local court may have a self-help center in the courthouse or online. You may also qualify for free or low-cost help from your local legal services agency.