

What is a security deposit?

A security deposit is money you pay when you first move into a rental unit. This money protects the landlord from losses like:

- Unpaid rent or utilities
- Late charges
- Damages that you, your family, or your guests cause
- Other money you owe the landlord when you move out

How can I protect my deposit?

When you move in, your landlord should give you a list of the rental unit's condition. You may be asked to sign it. Go through the list carefully. Make sure that everything is right. Write in any damages not on the list. When you are done, send a copy of your list to the landlord. Keep a copy for yourself.

Do I have to clean before I move out?

Yes. The rental unit must be in the same condition as when you moved in. You are not responsible for ordinary wear and tear. You are not responsible for the regular maintenance the landlord does to the apartment.

Can my landlord take cleaning costs from my security deposit?

Yes. Your landlord can charge you for any cleaning you don't do when you leave. But your landlord must tell you what cleaning you must do. Your landlord can't take money from your deposit without telling you first. The notice that says what you must clean has to be in writing.

After you get the notice, you have 24 hours to finish cleaning. Make sure you do all the cleaning. If you don't, your landlord can take the costs from your security deposit.

If you don't give proper notice when you move, your landlord does not need to tell you about your cleaning responsibilities. Also, if you have damaged the property your landlord doesn't need to tell you before making repairs.

How long does my landlord have to return my security deposit?

In general, your landlord has 30 days after the end of your rental agreement to give you:

- A written reason why he or she is keeping any part of your deposit
- Any money the landlord owes you after he has taken out costs

The notice and deposit must be given to you. Give your landlord your new address when you move out. If you do not give your landlord a new address, it will be mailed to your last known address.

Can I get my security deposit back sooner than 30 days?

Yes. Your landlord must return your full security deposit within 10 days of the final inspection if there are:

- No damages
- No more cleaning to do
- No unpaid rent or utilities

My landlord didn't give me a written explanation of why he kept my security deposit. What should I do?

Your landlord must give you written explanation of why he kept your security deposit within 30 days of the end of your rental agreement. If not, he might not be able to keep any of your deposit. Write your landlord a letter asking that he return the deposit. Make sure to keep a copy for yourself. If your landlord still doesn't return your deposit, you can sue him in a Small Claims court.

What if my landlord wrongly keeps my deposit?

If you disagree with the amount your landlord has kept from your deposit, write a letter to the landlord. The letter should say why you disagree, and why the landlord should send the money back. Keep a copy of the letter. If you and your landlord still disagree, you may have to file an action in Small Claims Court.

What do I need to show the court to get all or part of my deposit back?

If you sue your landlord, you should tell the court if your landlord did not give you a written description of the rental's condition. The landlord should have given this to you when you moved in. If you didn't get it, the landlord must prove that it was you who caused any damages. If your landlord didn't tell you in writing why you didn't get your deposit, be sure to tell the court. Your landlord must tell you why he kept your deposit. Your landlord has until 30 days after your rental agreement expires to tell you.

Even if your landlord gave you the written documents he was supposed to, it may be that you think the landlord is wrong. You can:

- Have people who know the damages were there when you moved in speak for you in court.
- Show pictures of the rental from before and after your stay there.

The landlord must then prove that you caused any damages.

Can I get attorney fees if I win?

Yes. The judge may award you attorney fees if you win. He may also award attorney fees to the landlord if the landlord wins.

How do I get more help?

Montana Legal Services Association (MLSA) provides free civil legal help to low-income people. Contact us to see if you qualify:

- Apply anytime online at mtlsa.org;
- Call our Helpline at 1-800-666-6899 (Helpline hours are limited).

What help can I find at MLSA?

- Legal advice and representation;
- Referrals to volunteer attorneys and other providers;
- Self-help clinics and materials.

www.MontanaLawHelp.org

Need legal information or forms? Visit www.MontanaLawHelp.org.

Can't find what you want? Use LiveHelp. Click on the LiveHelp picture and get help finding the information you need.

www.MTLISA.org

Find copies of all our brochures online. They are all available for free download!

This pamphlet is meant to give basic legal information, not legal advice about your problem. The law changes often and each case is different. We recommend you talk to an attorney about your legal problem.

Montana Legal Services Association

Housing:

Security Deposits



Providing, protecting, and enhancing access to justice.

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