

Instructions for the

Tenant's Demand for Return of Security Deposit

Getting security deposits returned can be a problem for tenants. This form will help you if your landlord doesn't return your security deposit on time.

To avoid trouble in the first place or to deal successfully with a landlord who unfairly retains your deposit, use a separate landlord-tenant checklist to make a written and photographic record of what the place looks like when you move in and when you move out. Be sure you leave the rental in good condition, give proper notice, and are paid up in rent when you leave. And don't forget to give the landlord your new address.

Depending on the law of your state, you should normally receive your security deposit back within 14 to 30 days of moving out. If you don't, send a written request using this Demand for Return of Security Deposit. Some state security deposit laws require tenants to make a written request; and in some states, small claims court rules require you to send a demand letter before you can sue. If a letter doesn't work, you might need to sue the landlord.

Your demand letter should state the date you moved out of the rental and lay out the reasons your landlord owes you deposit money. Refer to any legal deadlines and tangible evidence supporting your demand, such as photos or a before-and-after landlord-tenant checklist. This form makes it clear that if the landlord does not promptly return your deposit by a specified date (we suggest seven to ten days), you plan to go to court.

In many states, if a landlord withholds a deposit without giving the tenant a good written reason for doing so (for example, to cover specific damage or unpaid rent) within the required time, the tenant has some powerful options. Often, tenants can sue for the amount of the wrongly withheld deposit, plus an extra amount for punitive damages if the landlord intentionally failed to return the deposit on time. Check your state law for specifics and refer to them in any correspondence with your landlord.



RESOURCE

For detailed information about your rights and responsibilities as a tenant, read *Every Tenant's Legal Guide* (Nolo). Also visit [Nolo.com](https://www.nolo.com) and search for information about security deposits—you'll find charts containing the security deposit laws of all 50 states, as well as other information about the landlord-tenant relationship.

Signing Instructions

Sign your Demand for Return of Security Deposit letter and send it certified mail (return receipt requested) to the landlord, or use a delivery service that will give you a receipt documenting that the demand was delivered. Keep a copy of your letter and all related correspondence. You'll need this if you end up in a court dispute over your security deposit.

If You Need Legal Advice, See a Lawyer

Nolo publishes legal forms that are useful in many situations. But we can't tell you whether a form is right for you and your particular circumstances. No general legal form is a substitute for personalized advice from a knowledgeable lawyer licensed to practice law in your state.

Asking for a referral to an attorney from someone you can trust can be a good way to find legal help. Also, two sites that are part of the Nolo family, Lawyers.com (www.lawyers.com/find-a-lawyer) and Avvo.com (www.avvo.com/find-a-lawyer), provide excellent and free lawyer directories. These directories allow you to search by location and area of law, and list detailed information about and reviews of lawyers.

