

## Getting your deposit back

Note: Information Provided by the Community Alliance of Tenants is for general educational use only. It is not a substitute for the advice of an attorney.

**Under Oregon State Law, Landlords are required to either return deposits or provide a written explanation as to how all or part of the deposit is being used within 31 days after a tenant has turned in the keys (ORS 90.300[10]).**

- ◆ Deposit may be used to pay all unpaid rent and fees, and damages caused by tenant that are beyond normal wear and tear.
- ◆ You are responsible for thoroughly cleaning your home before moving out. The you should try to leave your home in as good (or better) condition as when you moved in.
- ◆ Check your rental contract. Sometimes there are rules listed in about how landlords deduct cleaning costs from the deposit.
- ◆ **Make sure you have given the appropriate written notice to move out (usually 30 days) and have turned in your keys!**
- ◆ Also, make sure the landlord has a forwarding address for you.
- ◆ If you haven't moved out yet, you should walk through the apartment with the landlord to discuss its condition (landlords don't have to do a "walk through", though many will). During the "walk through" you can ask a third party to accompany you as a witness (friends or family that **don't live with you** are ok). During the "walk through" you and your landlord can fill out a "Unit Condition Inventory" sheet which both you and the landlord should sign. This sheet describes the condition of the entire apartment. **Make and keep a copy!** At the end of the "walk through" ask your landlord for an estimate of the deposit he or she will return to you.
- ◆ You can also photograph or videotape the home **before moving out** (not afterward – your landlord could call the police!). This a good idea if the landlord refuses to walk through the apartment with you.

**If the landlord has not returned the deposit or provided a written explanation to how all or part of it is being used within 31 days of move-out:**

Write a letter to the landlord stating that it is unlawful for the landlord to withhold the deposit without providing written explanation of how it is being used for more than 31 days after a tenant moved out. You should ask the landlord to respond immediately with their plans of returning the deposit. Send the letter with a certificate of mailing (NOT by certified mail), and make sure to **keep a copy of the letter!**

Tenants have the option of going to small claims court to sue their landlord for unreturned deposits. **Tenants can sue for twice the amount being wrongfully withheld (ORS 90.300[13]). You should observe a session of small claims court before filing a suit and should also be aware that landlords can file a counterclaim against you for damages.**