

Does my former landlord have the right to keep my security deposit?

Maybe – your landlord can keep your security deposit only in certain situations. There is a state law that explains when and how you can get your deposit back.

What should I do to try to get my security deposit back?

You should leave the home in good condition, and give your landlord your forwarding address so the landlord can send you your security deposit. As soon as you move out, you should send a letter to the landlord, certified mail if possible. Your letter should include a mailing address where you can be reached. You should keep a copy of the letter for your own records. You could also hand deliver a letter with your forwarding address to the landlord. Just make sure you keep a copy of the letter you give to the landlord, and make sure the letter is dated.

Why do I need to give my landlord a mailing address in writing?

If you do not give your landlord written notice of your new mailing address, the landlord is not required to send your deposit, (or a letter about why he is keeping your deposit). **You should give your**

landlord your forwarding address as soon as you move out.

When does the landlord have to give me my deposit back?

Your landlord must send you a letter within 45 days of when your lease ended and you moved out. This letter must include either a check returning your security deposit or a list of damages claimed by the landlord.

Can the landlord send me a check for part of my security deposit?

Yes. A landlord can keep part of your deposit and return the rest if the landlord says you owe less than your deposit. However, the landlord still must send you a letter telling you what has been deducted and send you the partial refund within the 45-day deadline.

Can my landlord keep my deposit for any reason?

The landlord can keep all or some of your security deposit for only the following reasons:

- Unpaid rent;
- Damages to your home that aren't the result of ordinary wear and tear;

- Unpaid utility or sewer charges the lease required you to pay; or
- Other money owed because you violated the lease.

What if my landlord does not send me my security deposit or a list of damages within the 45-day deadline?

Your landlord must return all of your security deposit to you and your landlord cannot sue you for money. (Of course, you first must have given your landlord your forwarding address). If 45 days have passed since you moved out and gave your landlord your forwarding address, you can file a lawsuit against your landlord for the full amount of your security deposit. You should file your lawsuit in the Small Claims Court closest to your former home.

What if my landlord sends me a list of damages within the 45 days and keeps my security deposit?

If you don't agree with the landlord's list of damages, you can file a lawsuit against your landlord asking for the return of your security deposit. The court will have a hearing, and decide whether you or the landlord is right. You can file this lawsuit in

the Small Claims Court closest to your former home.

What else should I do before I move out of my house?

You should clean your home and take pictures of your home right before you leave. Have witnesses inspect your home with you before you leave. You might want to ask your landlord to walk through the home with you and see if you can agree on any damages. Return your keys to the landlord right after you move out. Bring your pictures and witnesses to any hearings in your case if you have to go to court.

If my landlord has filed an eviction against me, do I lose all rights to my security deposit?

No. You should attend any hearings in the eviction case. Also, you should still give your landlord written notice of a new mailing address. Even if you are evicted, the landlord usually must still send you a letter about your deposit within 45 days.

Do I need an attorney to sue the landlord for my security deposit?

No. Small Claims Court is a “People’s Court” where you can file your case without

an attorney’s help. However, you can try to get a private attorney or contact your local legal services agency to see if you qualify for legal assistance.

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Security Deposits

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Information Available on the web
www.indianajustice.org