The Renter’s Rant
A biweekly editorial brought to you by the ASUM Off-Campus Renter Center. As an agency of ASUM, they assist with tenant/landlord disputes, work politically to further renters’ rights, and empower students to advocate for themselves.

Security Deposits: A Renter’s Guide

It’s getting to be that time of year when leases are ending and students are moving out for the summer. The process of refunding the tenant’s security deposit is the part of the rental process that is most likely to cause conflict in the tenant and landlord relationship. As a student renter it is important to understand the steps that the Montana Code requires landlords to take to make this transaction as well as to be aware of your renter rights regarding your deposit.

Steps to getting your deposit back:

1. **Give your landlord proper notice that you are planning to move out.** If you’re on a month-to-month lease, you can give 30 days written notice at any time. If you signed a longer lease that ends on a specific date, you still need to give your landlord 30 days written notice that you plan to move out by the end date.
2. Before you lease ends, **clean your rental** unit the best you can, and take pictures of the end result. Hold onto them until you receive your deposit you believe you should get.
3. You are entitled to a **move-out inspection** within a week of the end of your tenancy. Call your landlord to schedule your inspection and arrange to be there if possible.
4. After inspecting the unit, the landlord should give you an **itemized list** of any cleaning that still needs to be done or damages that need to be repaired in order for you to get your full deposit back.
5. You and your roommates then have **24 hours** to return to your residence and perform any of the outstanding cleaning included on this list to avoid being charged for it. Again, take photos of the finished product.
6. If your landlord **deducts** money from your security deposit, he or she has **30 days** to send it to you. The money must be accompanied by the landlord to send a written letter explaining why he or she is keeping all or part of the deposit, an itemized list of the deductions, any remaining refund of your deposit, and copies of receipts for the charges/deductions. If your landlord is **not withholding** any of the deposit, it must be returned to you within **10 days**.

**No move in report?** You should have filled out a condition of the premises report detailing the state of the rental at the time of move in. Your landlord then refers to this document when deciding if the tenant caused any damage to the property during tenancy. If you DID NOT fill out a move in report, then the landlord must have **clear and convincing evidence** that you are, in fact, responsible for any damage found in the rental. It is much harder for a landlord to charge you for damages if a condition of the premises report was not completed at the time of move in.

**Normal wear & tear:** Landlords can’t charge you for the normal wear on the residence that occurs from simply inhabiting the rental. If the walls are repainted every 5 years, and you happen to move out on year 5, you should not be responsible for paying for the painting, given that you did not do anything to cause excessive damage to the walls. You are responsible for the cleaning and damages that YOU (or your guests) caused.

If you feel that your landlord is unjustly withholding money from your deposit, we are here to help! Contact the ASUM Off-Campus Renter Center at 243-2017 or rentercenter@mso.umt.edu.