

## Getting Your Security Deposit Back

Your landlord may keep the security deposit, or part of it, for unpaid rent or for costs of repairing damages caused by you, your family, employees or guests. Ordinary wear and tear is *not* damage. If the security deposit is \$50 or more and you lived in the property for more than 6 months, your landlord must also pay you interest on the security deposit.

If your landlord does not return the security deposit plus interest *within 45 days*, you may sue your landlord for three times the amount wrongly kept by your landlord plus attorney's fees. If your landlord fails to notify you of his/her intent to withhold any part of your security deposit and the cost of the *actual* repairs (not an estimate) within the 45 day period, then your landlord may not keep *any* part of your security deposit.

### Are There Exceptions to These Rules?

Some of these rules do not apply if you are evicted for breach of lease or if you move out of the property before your lease term has ended.

## If You Were Evicted or Vacated without Notifying Your Landlord

If you were evicted or if you left without telling your landlord, you may still be able to get your security deposit back.

Within 45 days of being evicted or leaving the property, you may provide written notice to your landlord requesting the return of your security deposit and providing your new address. *Upon receipt of your request*, your landlord then has 45 days to follow steps #5, #6, and #7 listed under "When You Pay Your Security Deposit".

### What to Do If You Have a Problem with Your Security Deposit

If your landlord has violated the security deposit law, you may sue him/her in district court. Your lawsuit must be filed no later than two years from the end of your tenancy. If you file suit against your landlord and hire an attorney to represent you, you can ask the court for attorneys' fees.

You may want to talk to an attorney about any problem concerning your security deposit. You may be eligible for free legal services or advice from Maryland Legal Aid or a volunteer lawyer program.

You can find the forms you need to file a small claims lawsuit against the landlord at your local district court. The forms are simple to use, and the court clerk can answer your questions about filling them out. The district court also has free brochures on how to file a small claims lawsuit and tenant/landlord law

that include information on security deposits. You can obtain these brochures from the Internet or from a court clerk.

There is a small fee to file a small claims lawsuit. You also must have someone serve the papers on your landlord, or for an additional fee, you or the court can mail the papers by certified mail, restricted delivery, return receipt requested. If you are financially eligible, you may not have to pay these fees. Ask the district court clerk for the forms to ask for a waiver of these costs.

The protection that you have under Maryland's security deposit law cannot be taken away from you or changed by your lease.

### Surety Bonds

Laws were passed in 2006 creating a provision for surety bonds to provide tenants with an alternative to paying a full security deposit. These laws are fairly complicated and it is not yet clear how often tenants will actually use this option. If you have questions regarding surety bonds, please contact your local Maryland Legal Aid office.

### Maryland Legal Aid: Who We Are

Maryland Legal Aid is a private, non-profit law firm that provides free civil legal services to Maryland's most vulnerable residents and communities and is dedicated to protecting and advancing human rights for all.

### We want you to know your rights!

This brochure is intended to provide general information rather than specific legal advice. While every effort is made to keep this information current, the law sometimes changes. If you have particular legal questions or a pending legal matter, you are strongly encouraged to contact an attorney for legal advice. You may be eligible for free service from Maryland Legal Aid or a volunteer attorney program.



## What Is a Security Deposit?

Under Maryland law a security deposit is any money you pay your landlord to protect your landlord in case you do not pay the rent or damage the property. A security deposit may also include the last month's rent.

Your landlord may not charge a security deposit of more than two months' rent, and if your landlord charges more than this amount, you can sue for three times the extra amount charged plus attorneys' fees.

### When You Pay Your Security Deposit

Your landlord *must* give you a receipt for your security deposit which may be separate or as part of your written lease. The receipt *must* notify you of the following information:

- (1) You have the right to have the residence inspected by the landlord in your presence to create a written list of damages that exist at the beginning of your tenancy (you *must* request this inspection *by certified mail within 15 days* of moving into the residence);
- (2) You have the right to be present when the residence is inspected at the end of your tenancy to determine if there are any damages (you *must* request this inspection *by certified mail at least 15 days* prior to the date when you intend to move, stating your intention to move, the date of your move, and your new address);

- (3) Your landlord must conduct the inspection *within 5 days* before or after your stated date of intended moving;
  - (4) Your landlord must notify you in writing of the date of the inspection;
  - (5) You have the right to receive, by first class mail, delivered to your last known address, a written list of the charges against the security deposit claimed by the landlord and the actual costs incurred, *within 45 days* after the termination of your tenancy;
  - (6) Your landlord must return any unused portion of the security deposit, by first class mail, addressed to your last known address *within 45 days* after the termination of the tenancy; *and*
  - (7) If your landlord fails to comply with the security deposit law, your landlord may be liable to you for *up to three times* your security deposit plus attorneys' fees.
- If your landlord fails to provide a security deposit receipt, you may also sue your landlord for \$25.



## Maryland Legal Aid Offices

**Anne Arundel County**  
229 Hanover Street  
Annapolis, MD 21401  
(410) 972-2700  
(800) 666-8330

**Baltimore City**  
500 E. Lexington Street  
Baltimore, MD 21202  
**Telephone Intake Lines:**  
(410) 951-7750  
(866) MD LAW 4U  
(or 866-635-2948)

**Business Line:**  
(410) 951-7777  
(800) 999-8904

**Baltimore County**  
215 Washington Avenue  
Suite 305  
Towson, MD 21204  
(410) 427-1800  
(877) 878-5920

**Lower Eastern Shore**  
Dorchester, Somerset,  
Wicomico, Worcester  
111 High Street  
Salisbury, MD 21801  
(410) 546-5511  
(800) 444-4099

**Metropolitan Maryland**  
Howard, Prince George's  
8401 Corporate Drive  
Suite 200  
Landover, MD 20785  
(301) 560-2100  
(888) 215-5316

**Howard County**  
3451 Court House Drive  
2nd Floor  
Ellicott City, MD 21043  
(410) 480-1057

**Midwestern Maryland**  
Carroll, Frederick, Washington  
22 S. Market Street  
Suite 11  
Frederick, MD 21701  
(301) 694-7414  
(800) 679-8813

**Montgomery County**  
600 Jefferson Plaza  
Suite 430  
Rockville, MD 20852  
(240) 314-0373  
(855) 880-9487

**Northeastern Maryland**  
Cecil, Harford  
103 S. Hickory Avenue  
Bel Air, MD 21014  
(410) 836-8202  
(800) 444-9529

**Southern Maryland**  
Calvert, Charles, St. Mary's  
15045 Burnt Store Road  
P.O. Box 249  
Hughesville, MD 20637  
(301) 932-6661  
(877) 310-1810

**Upper Eastern Shore**  
Caroline, Kent,  
Queen Anne's, Talbot  
106 N. Washington Street  
Suite 101  
Easton, MD 21601  
(410) 763-9676  
(800) 477-2543

**Western Maryland**  
Allegany, Garrett  
110 Greene Street  
Cumberland, MD 21502  
(301) 777-7474  
(866) 389-5243

**Statewide**  
**Farmworker Program**  
(800) 444-4099

**Foreclosure Legal Assistance Project**  
(888) 213-3320

**Long-Term Care Assistance Project**  
(866) 635-2948

**Maryland Senior Legal Helpline**  
(866) 635-2948

**Veterans' Hotline**  
(443) 863-4040

**TTY Users: Call Maryland Relay, Dial 7-1-1**

Visit [www.peoples-law.org](http://www.peoples-law.org) for self-help legal information and community resources.

For more information visit [www.mdlab.org](http://www.mdlab.org).

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Security Deposits

# Maryland Tenants' Rights: Security Deposits

Advancing Human Rights and Justice for All in Maryland since 1911



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**LEGAL AID**