

Getting Your Security Deposit Back

IMPORTANT: This is an excerpt from the 2010 *Landlord-Tenant Law in Oregon* booklet. It is for general educational use only. **It is not a substitute for the advice of an attorney.** If you have a specific legal question, you should contact an attorney. The information in this booklet is accurate as of May 2010. Please remember that the law is always changing through the actions of the courts, the legislature, and agencies.

TIME LIMIT WARNING: Under state and federal laws there are time limits for taking action to enforce your rights. Most lawsuits related to the rental agreement and the Oregon Residential Landlord and Tenant Act must be filed (started in court) within one year of the incident. There may be other — shorter — time limits that apply in other cases. Ask a lawyer about the time limits that could apply in your situation.

CONTENTS

What if my landlord does not return my refundable security deposit?

What happens if the place I am renting gets a new landlord?

What if my landlord does not return my refundable security deposit?

Within 31 days after you move and return your keys, the landlord must either return all of your deposit or tell you in writing why all of it is not being refunded. If the landlord does not return the right amount of your money or does not give you a written explanation, you may sue, asking for twice the amount wrongfully withheld. ORS 90.300

If the landlord refunds only part of the deposit, you can cash the check and still sue the landlord if you think you are owed more money. But you should be ready to defend yourself against a possible counterclaim by the landlord for property damages. Click here for information about small claims court. (See Time Limit Warning at the beginning of this document.) If the landlord has written “full settlement” or “accord and satisfaction” on the back of the check, you should see a lawyer before you cash the check.

Read [this section](#) for information on what to do to improve your chances of getting your deposit back when you move out. ([See Sample Letter 7](#))

[Return to Top](#)

What happens if the place I am renting gets a new landlord?

Sometimes a landlord sells a building that is being rented out. Both tenants and new landlords must follow the terms of the original rental agreement. The new landlord must return any deposits when the tenants move, even if the new landlord did not get the deposit money from the old landlord. The new landlord must also make repairs and follow the rules set out in this booklet.

[Return to Top](#)