

How do I get my deposit back when I move out?

If you've given proper written notice of your intent to leave, the next step is to make sure you leave your rental property in at least as good condition as when you first rented, other than normal wear and tear. Hopefully you followed my advice in the section of this web site, Before You Rent. If so, you will have documentation of the condition when you first rented. Settling the issue of damages is a tiring and lengthy battle for most renters. So document the condition again when you move out. Take pictures.

At best, this means you will get your entire deposit back. At worst, you will have to sue the landlord in Magistrate Court. Like any other legal problem, just because you're entitled to something, doesn't mean you will get it. If the landlord ignored or refused requests when you lived there, they may also ignore or refuse to refund you the money that's yours. Some landlords count on the fact that students may not go to the trouble of suing them. Sometimes they count on the mistaken belief that students may not have access to legal counsel.

You have the right to get your deposit back unless your landlord has given you an itemized list of deductions that justifies their withholding part or all of your deposit. Under New Mexico law, they must provide this itemization within 30 days of the termination of the lease or within 30 days after you move out, whichever is later. Even when a landlord follows this procedure, they may "spend down" your entire deposit, and you may dispute it. An owner who in bad faith retains the deposit in violation of the law is liable for a civil penalty of \$250 to the tenant.

If you think your landlord has wrongfully deducted too much from your deposit, you should write and demand your deposit back, with the reason you're disputing the itemization. You should contact Student Legal Aid for an appointment to get help with the letter. If that doesn't work, you can consider suing them in Magistrate Court.