

# Giving Your Tenant Post-Move Out Notice of Additional Cleaning

**Note:** Use these instructions and form letter to write a letter to the tenant. In the letter you will tell the tenant that additional cleaning must be done.

These instructions and form letter may not be right for your case. They cannot take the place of advice from a lawyer. Talk to a lawyer if you have **any** questions.

Do not change this form letter. If you change the form letter, you might lose language you need.

The tenant is not responsible for normal wear to the rental or cyclical maintenance performed by you. Deducting amounts from the tenant's security deposit for these tasks may violate the Montana Residential Tenants' Security Deposits Act.

## What form will I need?

You only need one form. The form is the form letter that follows these instructions. The form letter starts on page 7 of this packet.

## Who can use the form letter?

You can use the form letter if the tenant:

- Has moved out of your rental property; AND
- Has left cleaning tasks undone that are not part of normal wear to the rental or part of your cyclical maintenance responsibility.



## What steps do I need to take to deduct cleaning expenses from the security deposit?

1. Inspect the rental after the tenant vacated it.
2. Give the tenant a written notice telling the tenant what additional cleaning needs to be done. In the notice, say the tenant has 24 hours to do the

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cleaning, or you will deduct the costs of the additional cleaning from the tenant's security deposit. You can use the form letter after these instructions as the written notice.

3. Give the tenant 24 hours after receiving the notice to do the required cleaning. The 24 hours begins either when you hand-deliver the notice to the tenant or 3 days after you mail the notice.

If the tenant does not do the cleaning within 24 hours, you can deduct from the tenant's security deposit. You can deduct the actual cleaning expenses, including a reasonable charge for your labor if you do the cleaning yourself.

Note: You do not have to send the tenant a notice of additional cleaning if the tenant did not tell you he or she planned to move out. In this situation, you can deduct actual cleaning charges from the tenant's security deposit without giving a 24-hour notice of additional cleaning.

### **What cleaning expenses may I NOT deduct from the tenant's security deposit?**

You may NOT deduct from the tenant's security deposit for:

Normal maintenance performed on a cyclical basis;

**OR**

Normal wear to the rental.

### **What cleaning expenses MAY I deduct from the tenant's security deposit?**

You MAY deduct from the tenant's security deposit for:

Any maintenance you have to do because the tenant was negligent;

**AND**

The actual and necessary cost of cleaning you do based

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on the tenant's failure to bring the rental to the condition it was in when the tenant first rented it. You cannot deduct for normal wear to the rental.

## How do I use the form letter?

### 1 Complete the form letter and sign it

- Check the box that applies to your situation.
- Make sure all of the blanks on the form letter are filled in completely.
- Sign the form letter on the line that says "*(sign your name)*."

### 2 Make a copy

- Make one copy of the completed and signed letter for yourself. Keep the copy in a safe place. It may be important if you have to go to court.

### 3 Deliver the letter to the tenant

You have two choices in how to send the letter to the tenant:



- Hand-deliver the letter to the tenant. If you choose this option, you must actually hand the letter to the tenant in person. The law does not allow you to tape it to the door to the rental, to leave it with a child or other person at the rental, or to leave it inside the rental. It is a good idea to bring two copies of the letter. If possible, ask the tenant to sign and date one copy of the letter as "received." Keep that copy as proof that the tenant got your letter, and give the tenant the second copy. In case the tenant will not sign the letter, it is a good idea to bring someone with you when you hand-deliver it.

That person can testify in court later if the tenant denies receiving

your letter. If you choose this option, the tenant has 24 hours after you hand the letter to the tenant to do the cleaning. For example, if you hand-deliver a letter on April 2, the tenant is not required to complete the cleaning until April 3.

**OR**

- Mail the letter to the tenant. It is a good idea to mail the letter by first-class mail with a Certificate of Mailing. The post office will charge you more for the Certificate of Mailing, but it is worth it. Keep the Certificate of Mailing receipt. That is your proof that you sent the letter. With a Certificate of Mailing, the tenant will not have to sign anything to get your letter. The tenant cannot refuse delivery. If you choose this option, the tenant's 24 hours begin to run on the 3rd day after the date that you mailed the letter. For example, if you mail the letter on April 2, the tenant is not required to complete the cleaning until April 6 (April 2 + 3 days mailing = April 5 + 24 hours notice = April 6).

**Where can I get more information?**

The laws of Montana are called the Montana Code Annotated or "MCA." The laws about giving notice to a tenant about post-move out additional cleaning are located in the MCA at Title 70, Chapter 25, Section 201 and Section 206. An easier way to write that is: § 70-25-201, MCA, and § 70-25-206, MCA. The symbol § means section. You can find the MCA at your local library or on the Montana State Law Library website at [www.lawlibrary.mt.gov](http://www.lawlibrary.mt.gov). Click on the "Laws" option near the top of the page on that website, and then click on "MCA."

The letter to the tenant refers to specific sections of the law. It is a good idea to read those sections of the law before you send the letter to the tenant.



## Where Can I Get Legal Help?

These organizations may be able to help you:

- **Montana Legal Services Association (MLSA)** gives free legal help to low-income people. To find out if you qualify for MLSA, call the MLSA HelpLine at 1-800-666-6899.
- **The State Bar Lawyer Referral and Information Service (LRIS)** refers people to Montana lawyers who might be able to help. Call LRIS at 1-406-449-6577.
- **The State Law Library** can help you find and use legal resources such as books, forms, and websites. You can visit the Law Library website at [www.lawlibrary.mt.gov](http://www.lawlibrary.mt.gov). Or you can contact a Reference Librarian at 1-406-444-3636 or by email at [mtlawlibrary@mt.gov](mailto:mtlawlibrary@mt.gov).

### **Please take a short survey about this form.**

When you are done with the form, please take our online survey at this address:

[http://www.surveymonkey.com/s.aspx?sm=fCBhbBj4MdOWw\\_2fjsCjlg\\_3d\\_3d](http://www.surveymonkey.com/s.aspx?sm=fCBhbBj4MdOWw_2fjsCjlg_3d_3d)

Or you can access the survey on the “Forms” page of the State Law Library website, at [www.lawlibrary.mt.gov](http://www.lawlibrary.mt.gov). Your answers will help make the form better.

Thank you!

Date: \_\_\_\_\_ (*the date you mail or hand-deliver the letter*)

From (*write your name and address*):

\_\_\_\_\_ (*name*)

\_\_\_\_\_ (*street address or P.O. Box*)

\_\_\_\_\_ (*city, state, ZIP*)

\_\_\_\_\_ (*phone*)

To (*write the tenant's name and address*):

\_\_\_\_\_ (*name*)

\_\_\_\_\_ (*street address or P.O. Box*)

\_\_\_\_\_ (*city, state, ZIP*)

\_\_\_\_\_ (*phone—optional*)

Dear (*write the tenant's name*): \_\_\_\_\_,

You have recently moved out of my property located at (*write the rental's address*): \_\_\_\_\_.

I have completed my inspection of the rental property and this is your 24-hour notice of required cleaning.

Section 70-25-201, MCA, states that I cannot charge you for normal maintenance performed on a cyclical basis by me. But I can charge you for any maintenance I must do because of your negligence. It is your responsibility to bring the rental to the condition it was in at the time when you started renting. You are not responsible for cleaning needs that are caused by normal wear.

Here is a list of the required cleaning that you have not done, and the cleaning you need to do. *(Describe the required cleaning that was not done and the cleaning the tenant needs to do in the table below.)*

<b>Cleaning Not Done/Maintenance I Must Do Because of Your Negligence</b>	<b>What Needs to Be Done</b>

You have **24 hours** to complete the required cleaning. The 24 hours starts *(check the box for the method you will use to give this notice to the tenant):*

When I personally delivered this letter to you;

**OR**

3 days after the date I mailed this letter to you.

If you do not do the cleaning within the 24 hours, I will be able to deduct from your deposit the actual cleaning expenses, including a reasonable charge for my labor if I do the work myself. This is allowed under Section 70-25-201, MCA.

Sincerely,

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*(sign your name)*