

Tenant's Guide to Rent Escrow

Ohio law allows a tenant to pay rent into court to force the landlord to make repairs. This is called “rent escrow.”

Escrow Checklist

- Not behind on rent.
- Written notice to landlord of problems
- Problems not corrected
- Form filed with Clerk of Courts
- Rent paid to Clerk of Courts before that month's rent is due.

Pay Your Rent on Time

No matter how bad conditions are, Ohio law does not allow you to use escrow if you are behind on rent.. To be safe, you should start escrow no later than the day before your rent is due.

Written Notice to Your Landlord

It's not good enough to call your landlord. You must give your landlord a written description of the problems that need to be fixed.

Sign and date it, and keep a copy.

Problems Not Corrected

You cannot start escrow until the landlord has had a “reasonable” time to make repairs but has not. Generally “reasonable” means waiting at least 30 days.

File with Clerk of Courts

Before your rent is due, go to the Municipal Court and ask for the Clerk of Courts.

- Tell the clerk you want to escrow your rent.
- Fill out the court's escrow notice form.
- Attach a copy of your letter to the landlord.
- Pay your full rent to the clerk. Some courts only accept cash.
- Continue paying your rent to the Clerk on or before the date your rent is due.

If Your Landlord Makes Repairs

File a statement with the Clerk of the Municipal Court stating that your landlord has made the repairs and you want to dismiss your rent escrow case. Some courts have a form for rent escrow.

If Your Landlord Doesn't Make Repairs

The Court can order the landlord to make the repairs, or can release some of your escrow money to you, so you can make the repairs yourself. The Court can also lower your rent until the landlord makes the repairs. This is called “rent abatement.”

- Go to the office where you filed your Rent Escrow form.
- Ask the Clerk for a blank motion form and complete it.
- Ask the court to order your landlord to do any of the following:
 - make repairs;
 - release escrow money to you;
 - and/or lower your rent.
- File your motion with the clerk. You must mail a copy of your motion to your landlord.
- After you file your motion, the clerk will schedule a date for your escrow trial.
- If you have asked the court to lower your rent, you must be ready to explain to the court why you should pay less.



Landlords & Escrow

After you start paying your rent into escrow, the next move is up to your landlord. The landlord has several choices.

Rent Escrow Complaint

The landlord can file a “rent escrow complaint.” The landlord can ask the court to release the rent for any of the following reasons:

- The landlord has made the repairs. or
- You did not give written notice of the conditions; or
- You were not current in your rent; or
- Your escrow payment was late; or
- The problem does not violate the lease or Ohio landlord tenant law; or
- There were no problems in the first place; or
- The landlord needs the money to pay the mortgage, utilities, or other essential bills.

If the Landlord Files a Complaint

You will receive a summons and complaint in the mail.

- You must file an “Answer” with the court and send a copy to the landlord or the landlord’s lawyer.
- Your Answer is due no later than 28 days after you received the Summons.
- You will be notified of a trial date.
- If the landlord can show that you caused the conditions or you filed for escrow in “bad faith,” you may have to pay the landlord’s attorney as well as court costs.

Filing a Counterclaim

You may include “Counterclaims” with your Answer to the landlord’s “Rent Escrow Complaint.” This would be your claim for damages you suffered because of the condition of the home. You may ask for the difference between the rent you paid and what the rent should have been for a home in that condition.

Eviction & Escrow

The landlord cannot legally evict just because you properly paid your rent into escrow with the Clerk of Courts.

If your landlord files an eviction in court claiming nonpayment of rent, you will have a defense to the eviction if you have followed all of the escrow rules.

If you receive court papers for eviction after escrowing rent, you should contact Legal Aid or a private attorney.



Evidence to Support Escrow

If you have a court hearing on escrow, you will need evidence to show the court why you were entitled to use the escrow law.

- Receipts showing that your rent was current on the day you filed in court.
- Copy of letters to your landlord
- Photos of bad conditions
- Testimony (in person) by witnesses who have seen the bad conditions
- Orders or testimony from a building, health, or fire inspector

Landlord Made the Repairs?

You can file a statement with the Clerk of Courts saying the landlord has made the repairs and you want to dismiss the rent escrow. Unless you claim you should get some of the money, the Clerk will release the money to your landlord.



Health and/or Building Inspection

Call the Right Inspection Office

All counties have health inspectors, and all but Highland have building inspectors. Some cities also have offices.

- Health: Roaches, rats, mold, lead, no heat, etc.
- Building: Falling plaster, plumbing, windows, etc.

If the Inspector Issues Orders

- Unless the problems are very serious, the landlord will generally have 30 days to make repairs.
- Ask for a copy of the repair orders.
- You can subpoena the inspector as a witness for a rent escrow trial.

Notice of Landlord's Breach of Obligation

Date: _____

To: _____ (Landlord)

Owner or agent of the dwelling at _____

I am a tenant at _____

(address). I reasonably believe that you have breached your obligations under the Ohio landlord tenant law and / or our rental agreement. I am asking you to correct the following conditions in my rental home.

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____
- 8. _____
- 9. _____
- 10. _____

If you do not correct these conditions, I may deposit my rent with the Municipal Court and continue to do that every month until you have made the corrections. I may also take any other actions permitted by Ohio law.

Tenant

Delivered by _____ Hand _____ Mail on _____ to the place where I normally pay my rent.
(date)

Tenant: Keep a copy.