

Your Rights & Duties as a Tenant: Rent Escrow



Rent Escrow and Other Things You Can Do About Problems with the Condition of Your Apartment

Rent escrow is a process that allows a tenant to take action against a landlord to get repairs made to a rental home or apartment. To be eligible to escrow your rent, you must follow all of the steps of the process. The steps are:

You must:

1. **Be current with your rental payments.** You can only use the rent escrow process if you are current with your rent.
2. **Written Notice:** Give written notice of the needed repairs to the landlord. The notice should say exactly what the problems are, state a "reasonable time" deadline (see below) and that you intend to escrow your rent if the repairs are not made.

Example: The furnace is not working. Send the notice to your landlord or to the person or place where rent is normally paid by certified mail, with a return receipt requested, or you can deliver it in person with a witness present. Be sure to sign, date, and keep a copy of this notice.

3. **Reasonable Time:** If the problems have not been corrected within a reasonable time, you can pay your rent to the court. A reasonable time is determined by how much trouble the problem causes and the time it would take to fix the problem. It cannot exceed 30 days. You must wait a reasonable time before you pay rent to the municipal or county court.
4. **Continue to Pay your Rent:** If your rent is due before the reasonable time for repairs has expired, pay the entire amount of the rent to your landlord. You must be current with your monthly rent if you want to use rent escrow.
5. **Pay Rent to the Court:** After a reasonable time or 30 days has gone by, you may pay your rent (on or before the day your rent is due) to the Clerk of the Courts. When you go to the Clerk's office, take an old rent receipt and a copy of the notice you gave to the landlord. You will need to show proof, and perhaps swear under oath, that you are current with your rent and you have given the landlord written notice to make repairs. You must fill out a form describing the items you want repaired and ask the court for a hearing. You will have to pay your full rent to the Clerk of Courts when you file your rent escrow form.

SANDUSKY MUNICIPAL COURT
222 Meigs Street
Sandusky, Ohio 44870

APPLICATION BY TENANT TO DEPOSIT RENT WITH THE CLERK

TO THE CLERK OF COURT

Name and Address of Tenant:

Name and Address of Landlord/Agent:

(Street No. & Apt. No.)

_____, Ohio _____
(City-Village) (Zip)

(Street No. & Apt. No.)

_____, Ohio _____
(City-Village) (Zip)

In accordance with Section 5321.07, paragraph (1) of the Ohio Revised Code, I hereby make application to deposit all rent that is due and hereafter becomes due the landlord, with the Clerk of the captioned Court.

Date: _____ Signed _____

INFORMATION IN SUPPORT OF APPLICATION:

The undersigned says the following facts are true to the best of his knowledge:

Notice was given in writing to landlord as prescribed in Section 5321.07, paragraph (A). (Copy of this notice attached hereto.)

Service was made on landlord as follows: _____

That payment of my rent due under the rental agreement is current and that my rent is due _____, in the amount of \$ _____

1. _____

APPLICANT STATES UNDER THE PENALTIES OF PERJURY AND FALSIFICATION THAT THE ABOVE INFORMATION AND APPLICATION HAS BEEN READ AND IS BELIEVED TO BE TRUE.

Signed _____

1. Insert if applicable: "Landlord did NOT supply him with notice in writing that he was party to any rental agreement which covered three or fewer dwelling units. (Section 5321.07, paragraph (3)(C), ORC.)"

NOTICE TO LANDLORD OR AGENT
Sec. 5321.08 R.C.

Please be advised that the above applicant has this date deposited a rental payment with this Court under the provisions of Section 5321.07 R.C. Said deposit has been placed in the Escrow Rental Account and may be released to you upon your application and satisfaction of the provisions of Section 5321.09 R.C.

Dated _____, 19____

Kim Piotrowski

RENT ESCROW PROCESS

Rent escrow is the process that by which a tenant to pay rent to the court instead of the landlord. This process allows a tenant to take action against a landlord to make repairs to a rental property. The specific law that governs this process is found in sections 1923.061, 5321.07, and 5321.08 and Ohio Revised Code.

You may escrow rent if your landlord has violated his repair obligations that materially affect your health and safety. Examples include:

1. Failing to keep electrical, plumbing, or heating in good working order.
2. Failing to supply heat and hot water at all times.
3. Failing to make necessary repairs to make the rental unit livable.

Before you escrow your rent with the Court the law requires the following:

1. You **MUST** give your landlord written notice of the violations. You may either mail it to him or her or deliver it personally. If you want to be sure your landlord receives the notice you may send it by certified mail or "return receipt requested". Always make a copy of the notice before you send it.
2. The notice **MUST** identify the specific violations.
3. You **MUST** give your landlord a reasonable amount of time to correct the violations, about 30 days. If the violations are severe, such as no heat, 48 hours may be considered a reasonable amount of time.
4. You **MUST** be current with your rent. It is important that you always get and keep receipts whenever you pay your rent.
5. The violations must **NOT** be caused by your own actions.
6. The condition **MUST** materially affect ones health and safety. This process cannot be used for purely cosmetic repairs such as mildly peeling paint.

If your landlord has failed to make the requested repairs you may then go to the Clerk of Courts and ask to escrow your rent the next time your rent is due. Bring your rent, the written notice you gave to your landlord, the certified returned receipt (if you mailed the written notice), and rent receipts to show that you are current in rent. You should also request to have the rental unit inspected by contacting your local Code Enforcement office.

The Clerk will give you an application to fill out. Attach the notice to the application.

The Clerk will notify the landlord that you have escrowed your rent. You can petition the court to release the rent to pay for the repairs.

****This information should in no way be construed as legal advice. It is intended only as informational and for the sole purpose of informing the general public of the basic rent escrow process. If you feel you may need legal advice, free legal assistance is available through Legal Aid of Western Ohio (LAWO) for those who qualify. You may contact LAWO by calling the Legal Aid Line at 1-888-534-1432 or you may apply online at www.legalaidline.org.****