

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.”

To file for Rent Escrow, you must:

1. Be current with your rent.

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.

2. Give written notice to your landlord.

It's not good enough to call or text 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 for yourself.

3. Give your landlord a reasonable amount of time to make repairs.

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

4. File with the Clerk of Courts.

If repairs are not made, go to the Municipal Court Clerk of Courts in your county before your next month's rent is due.

- 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.
- The Clerk will notify your landlord that the rent is in escrow.

What happens next:

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 hearing.
- If you have asked the court to lower your rent, you must be ready to explain to the court why you should pay less.

Did the landlord make 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 in escrow to your landlord.

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 without a good reason you may have to pay the landlord’s attorney as well as court

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 (“rent abatement”).

Eviction & Escrow

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If you have questions or need legal assistance,
please call the Legal Aid line at **(513) 241-9400**.