



The
Legal Aid Society
of Cleveland
Since 1905

This brochure was prepared by Legal Aid, which serves low-income residents of Ashtabula, Cuyahoga, Geauga, Lake and Lorain counties in Northeast Ohio.

New Client Intake

Toll Free: 888.817.3777

Phone: 216.687.1900

**Learn more about Legal Aid and
upcoming brief advice clinics:**

www.lasclev.org

Legal Aid Offices:

Cleveland & Administrative Offices

1223 West Sixth Street, Cleveland, OH 44113

Elyria Office

1530 West River Road, Suite 301, Elyria, OH 44035

Jefferson Office

121 East Walnut Street, Jefferson, OH 44047

Painesville Office

8 North State Street, Suite 300, Painesville, OH 44077

If you have a communications limitation, contact Legal Aid through the Ohio Relay Service at 800.750.0750.

Legal Aid offers interpretation and translation services so those with limited English proficiency can communicate with Legal Aid staff in their dominant and/or preferred language.

The information in this brochure cannot take the place of advice from a lawyer. Each case is different and needs individual legal advice. You should contact a lawyer if you need representation or if you have questions.

How to
Rent Deposit
when
Housing Conditions
are a Problem



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In Ohio, if a landlord refuses to make necessary repairs within a reasonable amount of time, a tenant can “rent deposit.” “Rent deposit” or “rent escrow” means a tenant can pay rent to a court, instead of the landlord.

The tenant must be very careful to follow certain rules when paying rent to a court. If a tenant stops paying rent because the property needs repairs, the tenant risks an eviction for non-payment of rent. Instead of refusing to pay the rent, a tenant should follow the rent deposit procedure.

Before a tenant can deposit rent with the court, the tenant generally must:

Step 1: The tenant must reasonably believe the landlord failed to perform a duty required by the lease or by Ohio law. A landlord is required to make necessary repairs to comply with:

- a lease agreement
- the Ohio Landlord Tenant Act, including repairs to keep the property in a livable condition; and
- repairs to meet housing and building codes that affect health and safety.

Step 2: Be current on rent. And stay current on rent throughout this process.

Step 3: Give the landlord a written list of the repairs needed. The list to the landlord should be sent to the person or place where the rent is normally paid. The tenant should keep a copy of this list.

Step 4: Give the landlord a reasonable time (usually 30 days, unless it is an emergency) to make the repairs.

Step 5: If the landlord does not make the repairs during this reasonable time, the tenant may deposit the next month’s rent with the court. The rent is delivered to the Clerk of Court for the municipal court in the tenant’s community.

- The Clerk of Court may have additional rules for depositing the rent, which the tenant must follow.
- Each month, the tenant must continue to deposit the rent with the Clerk of Court by the date the rent is due according to the tenant’s lease.

What happens after the tenant deposits the rent with the court?

1. The rent will remain on deposit with the court until the tenant and the landlord agree on how and when it should be released, or the court decides how to release the rent.
2. The landlord may ask that the rent be released because the tenant did not follow one of the procedures listed above.
3. If the landlord asks the court to release the rent, the landlord's application is considered a complaint. A "complaint" starts a civil lawsuit and must name the tenant as a party and the landlord must send a copy to the tenant.
4. The tenant should file an "answer and counterclaim" in response to the landlord's application for the release of the rent. The answer and counterclaim must be filed within 28 days of when the landlord filed its application. The tenant must mail a copy of the answer and counterclaim to the landlord. See <https://lasclev.org/evictionanswerandcounterclaim/>.
5. The court must hold a trial to decide on the landlord's application for the release of the rent and on any of the tenant's counterclaims. The trial must take place within 60 days of the filing of the landlord's application.
6. At the trial, the court will determine what will happen to the rent on deposit.

If the court decides that a tenant properly deposited rent, the tenant may not be evicted for non payment of rent. Under Ohio law, a landlord cannot "retaliate" – evict a tenant, increase the tenant's rent or decrease the tenant's services – because the tenant is depositing rent with the court.

Also, some courts help tenants with the rent deposit process and have forms available for tenants to use. For example, Cleveland Housing Court specialists can explain the rent deposit process to tenants. The specialists are located on the 13th Floor of the Justice Center, 1200 Ontario Street, Cleveland, OH 44113.