

INTRODUCTION

If a landlord fails to perform the duties required by a lease or by the Ohio Landlord-Tenant Act, the tenant has a right to deposit rent with the Cleveland Municipal Clerk of Court (the “Clerk”). The rent will remain on deposit until the parties agree to how it should be released or until the Court makes a determination as to the release. **Tenants must meet certain requirements and follow specific procedures to ensure that the rent deposit is proper.**

REQUIREMENTS & PROCEDURES FOR RENT DEPOSITING

The tenant must:

- reasonably believe the landlord failed to perform a duty required by the lease or by the Ohio Landlord-Tenant Act;
- place landlord on written notice of the failure (usually by delivering a “30-day letter”); and
- be current in rent.

TENANT PROTECTIONS

Where the Court determines that a tenant has properly deposited rent, the tenant may not be evicted for non-payment of rent. This does not prevent an eviction for conduct or non-renewal of a month-to-month lease. However, under the Ohio Landlord-Tenant Act,

landlords are prohibited from “retaliation” - evicting a tenant, increasing the tenant’s rent, or decreasing the tenant’s services because the tenant is depositing rent with the court.

STARTING A RENT DEPOSIT

The tenant must give the landlord a **written 30 day notice** of the duties that the landlord has failed to perform. The tenant **must be current in rent** at the time the notice is given and **must remain current in rent** throughout the process in order to avoid an eviction. The tenant should keep a copy of this written notice. This notice should be delivered or sent to the landlord at the place where the tenant normally pays rent.

The landlord must be given a **reasonable time to correct** the problem(s). Except in the case of an emergency, thirty (30) days after giving notice is usually considered to be a reasonable time. If the landlord does not correct the problem(s) within that time, the tenant may deposit the next rent coming due with the Clerk.

To initiate the rent deposit, the tenant should personally bring money to the Clerk’s Office. Where the deposit will involve multiple units and tenants at the property, the tenants may execute a “power of attorney” appointing one person to bring the rents to the Clerk. Rent

should be paid by money order, certified check or in cash. The Clerk’s Office will not accept personal checks.

Rent should be deposited on the day that it is normally paid each month and on the same day each month thereafter. If that day falls on a Saturday, a Sunday or a court-closed holiday, the rent should be deposited on the next business day following the normal date for depositing.

RENT DEPOSIT MEDIATIONS

At the time of the initial deposit, the Clerk will send notice to both parties of a date, time and location for rent deposit mediation. These mediations are usually set for fourteen (14) days after the first deposit. On the scheduled date, the Cleveland Municipal Housing Court will hold a mediation to speak with the parties about the procedures required by the statute and the issues that prompted the rent deposit. This mediation is a voluntary process and is held without cost to the parties.

At the mediation...The tenant must verify that they were current in rent at the time the rent was first deposited with the Clerk. The tenant must also show that a written notice of conditions was given to the landlord. The landlord must show that s/he gave the tenant written notice of the name and address(es) of the owner and owner’s agent, if any.

OTHER REMEDIES

If the mediation process fails, both parties may see a Housing Court Specialist, located on the 13th floor of the Justice Center, for basic information and forms. Parties may also seek the assistance of an attorney in order to bring their dispute over the money on deposit before the Court for resolution.

In addition to continuing to deposit the rent, thirty-days after giving notice (or less in an emergency), the tenant may also file a "Motion to Compel Repairs". This "motion" is a formal means to obtain the Court's decision as to how the money on deposit should be distributed. Forms for filing a "Motion to Compel Repairs" are available in the Clerk's Office.

If a tenant moves out of the house or apartment that prompted the rent deposit, the tenant should file a "change of address" form with the Clerk in order to continue to receive notice of court dates regarding the final distribution of the rent deposit funds.

HOUSING SPECIALISTS

For information and assistance about rent depositing under Ohio law, please contact the Court's Housing Clinic, located on the 13th Floor of the Justice Center.

Housing Specialists are available to see people on a walk-in basis from 8:00 a.m. until 4:00 p.m., Monday through Friday, on the 13th floor of the Justice Center.

Housing Specialists are court employees with expertise in and knowledge about housing renovation, inspections, rentals and management. They can offer you information and assistance in Housing Court cases.

Housing Specialists are NOT attorneys and CANNOT offer you legal advice or representation.

Chief Specialist Markell Davis	664-6268
Alia Almashni * (Spanish/Arabic)	664-6143
Ebony Butler	664-4938
Thomas Fenner	664-4929
Carl Kannenberg	664-4906
Jerome McCray	664-6178
Nailah Mitchell	664-4918
Rochelle Slay	664-6929
Rita White	664-4929
Shakira Hopkins (Mediator)	664-3265

CLEVELAND MUNICIPAL COURT HOUSING DIVISION JUDGE CHERYL M. WILTSHERE

TENANT REMEDIES: RENT DEPOSITING UNDER R.C. 5321



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