



***LORI M. TYACK***, Clerk  
**Franklin County Municipal Court**  
375 S. High St. 3<sup>rd</sup> Floor  
Columbus, OH 43215  
(614) 645-7420  
(614) 645-0474 (fax)

## **RENT ESCROW PROGRAM**

### **HOW TO GET YOUR LANDLORD TO MAKE REPAIRS**

If you want your landlord to fix something, you **MUST** follow the rules set out in the law. If you do not follow these rules carefully, you could be evicted for non-payment of rent.

#### ***Residential landlords have a duty to repair:***

1. Any problems with the housing that “materially affect your health and safety” **and** violate local building, housing, or health and safety codes; **Such as:** broken windows, roof leaks, peeling paint and/or plaster, mice, rats, roaches, rubbish in your yard, lack of smoke detector or smoke alarms.
2. Any problems with the housing that make it unlivable.
3. Any defects in the hallway and/or stairway that could pose a danger to you or your guests; **Such as:** unsafe gas or electric heaters and appliances.
4. Any electrical, plumbing, sanitary, heating, ventilating or air conditioning systems that are not working properly and pose a danger to you or your guests; **Such as:** unsafe gas or electric heaters and appliances.
5. Plumbing or heating systems that are not working properly, leaving you without running water, hot water, or adequate heat for any period of time.
6. Broken and unusable garbage cans that are shared by four or more apartments in the same building.

If you ask your landlord to fix any problems or defects and he does not fix them, do the following:

**FIRST ...**

**Give a written notice to the landlord.** The notice should:

1. Tell in detail each problem you wish to have repaired (the list should be specific, so the landlord can use the list to repair each problem).
2. Tell the landlord that minor repairs should be taken care of within thirty (30) days and major problems (emergencies such as lack of heat in winter) within five (5) days.
3. Tell the landlord what you will do if problems are not repaired within thirty (30) days.

Deposit your rent with the court **AND** ask the court to order your landlord to make repairs and/or lower the rent you owe because you are living with the inconvenience of this problem.

**Or** ask the court to return part of the rent money deposited to you, so that you may make the repairs yourself.

4. Sign, date and make a copy of the notice so that you may give a copy to the court at a later date.
5. Deliver the notice to your landlord in person or by certified mail to the place where rent is normally paid. If you deliver the notice in person, take someone with you to witness the delivery. If you deliver the notice by certified mail, save the receipts.

**SECOND ...**

**In addition to writing a notice:** if you think the problem violates your local building, housing or health and safety code, call the Housing Inspector of the Health Department for your city or county. They will inspect your property at **no charge to you.**

**Columbus City Code Enforcement Agency** ----- 614-645-3111  
(Structural violation, rodents, roaches, trash, etc.)

Mold and such----- 614-645-6226

**Franklin County Health Department** ----- 614-525-3160  
(Outside of Columbus only).

Request that they inspect your apartment, write a report and give a copy of that report to you.

### ***THIRD ...***

Wait until thirty (30) days after you have delivered or mailed the notice. If your landlord still has not made any repairs, you can go to the court for help. **For most defects you must wait until the thirty (30) day period has ended before you can go to court.**

**If the problem is serious** (lack of heat in the winter, no running water, no hot water or electricity), you only have to wait a reasonable time, which is normally five (5) days before you can go to court.

**CAUTION:** Any rent that comes due within thirty (30) days after delivery of the notice **MUST** be paid to your landlord!!! If not, you may lose your claim in court and you could be evicted for failure to pay rent.

### ***FOURTH ...***

After thirty (30) days have ended; on or before the day your next rent payment is due, go to Franklin County Municipal Court, **Rent Escrow Department – 3<sup>rd</sup> Floor** of 375 S. High Street, Columbus, Ohio, with the full amount of next month's rent only (may **NOT** include utilities or pet fees), (**Cash or Money Order ONLY** – personal checks and credit cards are **NEVER** accepted), a copy of the notice you gave your landlord along with copies of the mail receipts, if applicable, to place your rent in escrow with the court.

You will be given an **“Application to Deposit Rent with the Court”** Signing the application verifies that you have notified the landlord of the problem and that you are current on your rent payments. Be sure to obtain a copy of your application and receipt for your records.

**Please note: There is NO filing fee to place your rent in escrow, however, the court will retain one percent (1%) of the monthly rent you deposit with the court.**

### **What happens after rent is deposited with the court?**

1. The Franklin County Municipal Court will send a copy of your application to the landlord and your case will be forwarded to Mediation. The Mediation Department will notify you by mail of the date, time and place of your hearing. If you do not hear from them within ten (10) business days, call (614) 645-7420 to see if a date has been scheduled yet.
2. You may also file a Motion for Rent Abatement and Order to Repair, at the time you file your application to deposit rent with the court. The motion, (a letter in your own words that should contain what you are asking of the court with a brief explanation why) should be dated, signed and contain your case number. You may ask for the following:

A court order requiring your landlord to make the requested repairs.

A court order allowing you to pay less rent, until repairs are made (Rent Abatement).

A court order allowing you to use the rent deposited to make necessary repairs yourself.

### **What to do when your next rent payment is due?**

Pay your rent to the Clerk of Court. Every time your rent is due, you **MUST** pay it to the Clerk of Court and get a receipt. Save your receipts. If you do not pay your rent to the court on or before the date it is due, you risk losing your case.

### **What to do when repairs are completed?**

Come to the Clerk of Courts, Rent Escrow office **with your ID** to sign a release form that authorizes the Escrowed funds to be released to your landlord. Your rent is to be paid to your landlord from this point forward.

### **What is Mediation?**

Mediation is a voluntary process where landlord and tenant meet in the presence of a third party (Mediator) to see if they can come to an agreement. You do not have to participate in mediation, but you should consider attending. If your landlord does not show up for mediation, you may re-schedule or ask for a court hearing. If your landlord does show up and you both reach an agreement, it will become final and the case will come to an end.

### **Court Hearing**

#### **What to bring with you:**

1. A copy of any notices you sent to your landlord and any mail receipts, if the complaint was done in writing and delivered through the US Postal Service.
2. Any witnesses that went with you when you delivered your complaint to the landlord and have seen the defects or problems that need repaired.
3. A copy of the receipts showing that you deposited rent with the court.
4. Any photographs or documentation you made of the defects or problems that need repaired.
5. Any reports from a building or health department inspector.

**What happens:** At the hearing, both the landlord and tenant are given an opportunity to give an explanation of their problems or concerns.

**For additional questions, please call (614) 645-7420, Monday through Friday 8:00am to 4:00pm.**

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