

CLEVELAND HEIGHTS MUNICIPAL COURT
RENT ESCROW PROCEDURES

1. Upon filing of an Application to Deposit Rent, with a sworn affidavit, and copy of the written notice sent to the landlord, the clerk shall accept rental payments to be placed into a separate escrow account in the court's name.
 - *The clerk of courts shall withhold a fee of 1% of rent deposited as court cost.*
2. The clerk will notify the landlord in writing, by ordinary mail, that the rent has been deposited.
3. The matter will be set for a **settlement conference** within two weeks. Notice to the parties will be sent to the addresses provided in the tenant's Application to Deposit Rent. If the parties resolve the matter, the court will release the rent to the designated party in accordance with the agreement of the parties.
4. Either party may seek an order of court by filing a motion detailing the specific relief requested. All motions must be properly served on the other party who will have an opportunity to respond.

Pursuant to 5321.07 the tenant may apply to the court for an order

- directing the landlord to remedy the conditions,
- reducing the periodic rent until such conditions are remedied and/or,
- allowing the use of the rent to remedy the conditions.

Pursuant to 5321.09 the landlord may apply to the court for an order releasing the rent on any of the following grounds:

- the conditions complained of in the notice has been remedied,
- the notice requirements have not been met,
- the tenant was not current in rent payments at the time the rent was deposited with the clerk, and/or,
- there was no violation of any obligation imposed by law or the rental agreement.

5. If any other relief is sought, the party seeking such relief may file a civil complaint along with the proper filing fee, in accordance with the civil rules of procedures. Upon the filing of such a complaint the court will issue a summons and will initiate service of process to the opposing party in accordance with the civil rules of procedure. The opposing party will have the right to file an answer and counterclaim.

Tenant must first serve a notice to the landlord to correct the problems. For a sample notice and information see <http://www.clevelandtenants.org/forms>

Rent deposits must be received by the court on or before the rental due date.

**CLEVELAND HEIGHTS MUNICIPAL COURT
CUYAHOGA COUNTY OHIO
APPLICATION BY TENANT TO DEPOSIT RENT
LLT _____**

Tenant Name and Address

¹Landlord Name and Address.

Phone# _____

Phone # _____

In accordance with Ohio Revised Code Section 5321.07 I hereby make application to deposit with the court all rent that is due and hereafter becomes due to my landlord

Attached:

- _____ Tenant's Affidavit
- _____ Copy of notice to a landlord
- _____ Rent in the amount of _____ for the month of _____.

The tenant hereby applies to the court for the order:

- _____ directing the landlord to remedy the conditions
- _____ reducing the periodic rent until such conditions are remedied and/or,
- _____ allowing the use of the rent to remedy the conditions.

NOTICE TO LANDLORD

A copy of the tenant's application with affidavit is being mailed to you in accordance with Ohio Revised Code Section 5321.08. You may apply to the court for an order releasing the rent on any of the grounds set forth in Ohio Revised Code Section 5321.09:

- the conditions complained of in the notice have been remedied,
- the notice requirements have not been met,
- the tenant was not current in rent payments at the time the rent was deposited with the clerk, and/or,
- there was no violation of any obligation imposed by law or the rental agreement.

Deputy Clerk Cleveland Heights Municipal Court:

Date _____

¹If you don't know the landlords address check your lease or the certificate of occupancy on file at the housing department. If you don't know who the owner is check the public records at the Cuyahoga County Auditor's website and/or check the Ohio Secretary of State website for corporate and limited liability filings.

CLEVELAND HEIGHTS MUNICIPAL COURT
CUYAHOGA COUNTY, OHIO

TENANT'S AFFIDAVIT IN SUPPORT OF RENT DEPOSIT APPLICATION

The undersigned, being first duly sworn according to law, say that the following facts are true.

1. I am a tenant at a residential premises located in Cleveland Heights, Ohio.
2. I have a (written or verbal) rental agreement with _____.
3. On _____ I delivered a copy of a **written notice** to remedy the conditions to my landlord at ¹ _____ - by _____ as required by R. C. 5321.07(C). The landlord has an obligation imposed by law or the rental agreement to remedy these conditions.
4. My landlord has had reasonable opportunity (*usually 30 days*) to remedy those conditions but has failed to do so.
5. My landlord did not give me a written notice stating that he/she was the owner of or a party to rental agreements for three or fewer rental units.
6. I am **current** in my rent payments.
7. The rent is being deposited with the Clerk of Court on or before the date that this rent is due.

Tenant's Signature

Sworn to and subscribed before me this _____ day of _____ 20_____

Notary Public/Deputy Clerk

¹ State address where notice was given and how it was delivered to the landlord.