

Your Rights & Duties as a Tenant: Rent Escrow



Rent Escrow and Other Things You Can Do About Problems with the Condition of Your Apartment

Rent escrow is a process that allows a tenant to take action against a landlord to get repairs made to a rental home or apartment. To be eligible to escrow your rent, you must follow all of the steps of the process. The steps are:

You must:

1. **Be current with your rental payments.** You can only use the rent escrow process if you are current with your rent.
2. **Written Notice:** Give written notice of the needed repairs to the landlord. The notice should say exactly what the problems are, state a "reasonable time" deadline (see below) and that you intend to escrow your rent if the repairs are not made.

Example: The furnace is not working. Send the notice to your landlord or to the person or place where rent is normally paid by certified mail, with a return receipt requested, or you can deliver it in person with a witness present. Be sure to sign, date, and keep a copy of this notice.

3. **Reasonable Time:** If the problems have not been corrected within a reasonable time, you can pay your rent to the court. A reasonable time is determined by how much trouble the problem causes and the time it would take to fix the problem. It cannot exceed 30 days. You must wait a reasonable time before you pay rent to the municipal or county court.
4. **Continue to Pay your Rent:** If your rent is due before the reasonable time for repairs has expired, pay the entire amount of the rent to your landlord. You must be current with your monthly rent if you want to use rent escrow.
5. **Pay Rent to the Court:** After a reasonable time or 30 days has gone by, you may pay your rent (on or before the day your rent is due) to the Clerk of the Courts. When you go to the Clerk's office, take an old rent receipt and a copy of the notice you gave to the landlord. You will need to show proof, and perhaps swear under oath, that you are current with your rent and you have given the landlord written notice to make repairs. You must fill out a form describing the items you want repaired and ask the court for a hearing. You will have to pay your full rent to the Clerk of Courts when you file your rent escrow form.

Your rent must always be paid. You must either pay your rent to your landlord or to the court. The only time you do not have to pay rent to your landlord is when you pay it to the court to force the landlord to make repairs. This is called rent escrow.



CAUTION:

You may still be responsible for your entire rent payment if you pay for a repair and deduct it from the rent without the landlord's prior agreement (which should be given in writing).



CAUTION:

You must continue to pay your rent to the court on or before the due date every month until the landlord makes the repairs or there is a hearing.



Together, we do the
community **justice.**

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