

OFFERING YOUR RENT TO YOUR LANDLORD

If you are a tenant, you should follow the advice contained in this sheet if you believe that your landlord will reject your rent or deny that you paid it.

GET YOUR RENT CAUGHT UP

You should pay your rent as soon as possible if you do not want to be evicted. It is best to pay the rent on time, but even paying the rent late may help. If you are behind on the rent, you should pay all of the rent now due. It does not matter if you think the landlord will not accept the rent. No one can make a landlord accept rent. However, offering the rent might keep you from being evicted, even if the landlord refuses it.

PAYING BY CASH

You must be able to prove that you offered your rent to the landlord. There are at least two ways to do this. The best way is to offer all of the rent due to the landlord in cash. You should do this in front of a believable witness who is willing to testify for you in court. The witness should see all of the money and should count it just before you offer it to the landlord. The witness must also see and hear you offer the rent to your landlord.

PAYING BY MONEY ORDER

Another way to offer the rent is by money order. The best kind of money order to use is one that you get at a local bank. Bank money orders make a receipt that is easy to read. You can also subpoena a canceled money order from a local bank into court to prove that the landlord cashed it.

When you fill out the money order, make sure that you make it payable to the landlord or whoever you usually pay your rent to. The date should be clearly marked on the money order. Somewhere on the money order you should write that the payment is for rent and the month and year of the rent (for example, "June 2003 rent"). You should also write the words "zero balance owed" or "paid in full" if the money order catches you up on all of your rent. Sign the money order if it requires a signature. When you are done, detach the receipt and save it.

Keep Reading.....

MAILING THE RENT

You can offer the rent money order to the landlord in person. However, you should do this in the presence of someone believable who is willing to testify for you in court. You can also mail the rent money order to the landlord. To do this, address an envelope to your landlord and write your return address on it. Put your money order inside, seal the envelope, and put the correct postage on it. Never mail cash.

Take the envelope to the post office when the counter is open. Ask the clerk for a Certificate of Mailing (PS Form 3817). A Certificate of Mailing is not the same thing as certified mail. We do not recommend certified mail because the landlord can refuse to sign for it or leave it unclaimed.

The postal clerk will ask you to fill out the Certificate of Mailing. There is a small fee of less than a dollar. After you have filled out the Certificate of Mailing, the clerk will stamp it with the date of mailing. The clerk will take the envelope containing the money order from you and mail it. You will keep the Certificate of Mailing, which is a receipt proving that you mailed the rent.

WHAT TO DO NEXT

If you paid or offered the rent in person, make sure that you keep track of your witness. If you paid by mail, keep the Certificate of Mailing with your money order receipt in a safe place. It may not be safe to leave your money order receipt and your Certificate of Mailing at your place. This is especially true if your landlord has threatened to lock you out or set you out or sometimes enters when you are not there.

If your landlord takes your money order and then decides not to accept your rent, he or she must tell you that soon after taking it. The landlord must then offer the money order back to you at or before any court eviction hearing.

If the landlord returns your money order to you, you can get your money back. Take the original money order and the matching money order receipt to the place where you bought the money order to cash it in. However, do not cash the money order back in until you have talked to an attorney from our office. Also, if for some reason the post office returns your rent envelope to you after you mail it, do not open it. If you do get eviction papers from the court, contact a lawyer. If you are a senior or cannot afford a lawyer, call 1-866-LAW OHIO.