

LAWS OF DELAWARE  
VOLUME 84  
CHAPTER 494  
152nd GENERAL ASSEMBLY  
FORMERLY  
HOUSE BILL NO. 363

AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO RIGHTS OF TENANT EMPLOYEES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 51, Subchapter I, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Subchapter I. Rights, Obligations and Procedures, Generally

§ 5123. Tenant employee.

(a) When the employment of a tenant employee is terminated by the employer, if the employer is the landlord or the management agent of the landlord, and no written rental agreement is in effect, the landlord must offer the tenant employee the opportunity to enter into a written rental agreement, for a specified monthly rent, of the dwelling place where the tenant employee is residing or, if available, equivalent substitute housing. The landlord's offer of a written rental agreement may be conditioned on the tenant employee financially qualifying as a tenant and meeting the landlord's income, credit, or other financial requirements for rent of the dwelling place. The offer of a written rental agreement must be made within 5 business days of termination of employment.

(b) At the time of hire or move in, a landlord must provide a tenant employee with a written disclosure form to be signed by both the tenant employee and the landlord, advising the person of all conditions and requirements for occupying and vacating the dwelling place prior to occupancy. The disclosure form must include notice of the right to continued occupancy after termination described in subsection (a) of this section. A written disclosure form is not required if the tenant employee's rights and responsibilities are disclosed in the written rental agreement or an addendum to the written rental agreement.

(c) This section does not apply if the tenant employee's termination is for cause.

Section 2. Amend Chapter 51, Subchapter II, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline and by redesignating accordingly:

Subchapter II. Definitions.

§ 5141. Definitions.

(39) “Tenant employee” means an individual employed by the landlord, or landlord’s management agent, who is provided with a dwelling place as part of that individual’s compensation.

Section 3. Amend Chapter 57, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5702. Grounds for summary proceeding.

(a) Unless otherwise agreed in a written rental agreement, an action for summary possession may be maintained under this chapter because:

~~(5) The tenant, employee, servant or agent of the landlord holds over for more than 15 days after dismissal when the housing is supplied by the landlord as part of the compensation for labor or services; The housing was supplied to the tenant employee by the landlord as part of the compensation for labor or services~~  
and 1 of the following has occurred:

a. The tenant employee’s employment has been terminated and the tenant employee holds over for more than 30 days after dismissal.

b. The tenant employee’s employment has been terminated for cause and the tenant-employee holds over for more than 15 days after dismissal.

Approved October 9, 2024