

LAWS OF DELAWARE
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CHAPTER 277
153rd GENERAL ASSEMBLY
FORMERLY
HOUSE BILL NO. 311

AN ACT TO AMEND TITLE 24 AND TITLE 25 OF THE DELAWARE CODE RELATING TO A RESIDENTIAL LANDLORD TENANT GUIDE.

WHEREAS, landlords and tenants enter into contractual agreements to establish a rental relationship, and it is crucial to have a comprehensive guide that clarifies their respective rights and responsibilities; and

WHEREAS, a balanced and well-defined guide can foster fair and transparent interactions between landlords and tenants, ultimately leading to more harmonious landlord-tenant relationships; and

WHEREAS, both landlords and tenants should have a clear understanding of their legal obligations to comply with local, state, and federal laws governing rental properties; and

WHEREAS, providing landlords and tenants with information about their rights and responsibilities can help prevent misunderstandings, disputes, and legal conflicts that may otherwise arise during the course of a tenancy; and

WHEREAS, landlords have the right to receive timely rent payments and maintain their properties, and tenants have the right to safe and habitable housing, and it is essential to outline these fundamental rights in a guide for reference; and

WHEREAS, the guide this Act creates aims to educate both landlords and tenants about their legal rights and obligations under housing and tenancy laws, empowering them to make informed decisions and uphold the principles of fairness and justice; and

WHEREAS, recognizing and respecting the rights of both landlords and tenants is essential for promoting trust and cooperation within the rental housing market; and

WHEREAS, the guide this Act creates is intended to serve as a valuable resource for resolving disputes and conflicts through non-adversarial means, promoting mediation and communication as effective tools for conflict resolution; and

WHEREAS, by promoting a shared understanding of their rights and responsibilities, landlords and tenants can contribute to the stability and sustainability of rental housing markets and communities; and

WHEREAS, the adoption of the guide will contribute to a rental housing environment characterized by transparency, fairness, and respect for the rights and responsibilities of all parties involved.

NOW, THEREFORE:

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

Section 1. Amend § 2906, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2906. Powers and duties.

(d) The Commission shall draft, maintain, and distribute a rights and responsibilities guide for landlords and tenants that contains the information required under § 2926 of this title and must be distributed under § 5124 of Title 25.

Section 2. Amend Subchapter I, Chapter 29, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2926. The Rights and Responsibilities Guide for Landlords and Tenants Committee.

(a) For purposes of this section:

(1) "Committee" means the Rights and Responsibilities Guide for Landlords and Tenants Committee.

(2) "Commission" means the Delaware Real Estate Commission.

(3) "Guide" means the informational guide about the rights and responsibilities of landlords and tenants as required under this section and which must be distributed under § 5124 of Title 25.

(b) The Rights and Responsibilities Guide for Landlords and Tenants Committee is established as part of the Commission to make recommendations about and support the drafting, maintenance, and distribution of the guide.

(c) The guide must include, at a minimum, all of the following:

(1) Information about the availability of renters insurance and flood insurance for tenants.

(2) Where to find information about tenants' rights to legal representation under Chapter 56 of Title 25.

(3) Where to find information about the eviction diversion program under § 5702A of Title 25.

(4) Information about lead-based paint disclosures, which may be required by federal, State, or local law.

(5) Information about local requirements, which may include that the landlord must be licensed, the rental unit must be registered, and that rental unit inspections must occur.

(6) Landlord and tenant obligations relating to bed bug infestation under Chapter 53 of Title 25.

(7) Frequently asked questions and answers about landlord and tenant responsibilities.

(8) Information about federal, State, and local fair housing laws.

(9) Requirements relating to the installation and maintenance of smoke detectors and carbon monoxide detectors.

(10) Information about requirements for landlord and tenant compliance with local ordinances, homeowner association or condominium requirements, or other applicable rules.

(11) How to determine school district feeder patterns.

(12) Where on the Commission's website that the most current version of the guide can be found.

(13) The date that the guide was adopted or amended.

(d)(1) The guide may be amended, including by updating the guide and adding additional information that is relevant to landlords and tenants.

(2) The Committee shall review the guide annually and recommend to the Commission whether the guide should be retained without change or what, if any, amendments should be made.

(3) The Commission may adopt and amend the guide by an affirmative vote of a majority of all Commission members.

(4) The Committee shall monitor State law for any disclosures or document provision requirements that are applicable to landlords and tenants. The Committee may recommend that the Commission send a report to the General Assembly, as needed, with any recommendations for changes to the law to consolidate disclosures or documents into the guide. A report made under this paragraph (d)(4) must be submitted to the Chief Clerk of the House of Representatives, the Secretary of the Senate, and the Director and the Librarian of the Division of Legislative Services.

(e) The Committee consists of the following members:

(1) The following members serving by virtue of position, or a designee appointed by that member:

a. Chairperson of the Commission.

b. Delaware Right to Representation Coordinator of the Delaware Volunteer Legal Services.

c. Director of the Fraud and Consumer Protection Division of the Department of Justice.

d. President of the Delaware Association of Realtors.

e. President of the Delaware Apartment Association.

f. Director of Community Legal Aid Society, Inc.

g. Executive Director of Housing Alliance Delaware.

h. Executive Director of the Division of Human and Civil Rights.

i. Director of the State Council for Persons with Disabilities.

j. Executive Director of Legal Services Corporation of Delaware.

k. Director of the Delaware State Housing Authority.

l. Chief Magistrate of the Justice of the Peace Court.

m. Manufactured Housing Ombudsperson of the Department of Justice.

n. President of Greater Wilmington Housing Providers.

(2) One member of the Commission, appointed by the Chairperson of the Commission.

(3) Three landlords, appointed by the Governor, as follows:

a. One landlord with a residential rental property in New Castle County.

b. One landlord with a residential rental property in Kent County.

c. One landlord with a residential rental property in Sussex County.

(f) A member serving by virtue of position who is granted the ability to designate another individual to attend a Committee meeting must provide the designation in writing to the Chair. An individual attending a meeting for a member as a designee has the same duties and rights as the member.

(g)(1) The Committee shall elect a Chair and a Vice Chair from among its members to serve 1-year terms.

(2) The election of a Chair and Vice Chair occurs in January unless a vacancy in either position occurs, at which point the Committee shall elect a Chair or Vice Chair to serve until the next January election.

(3) The Chair or Vice Chair may be removed from their position by an affirmative vote of at least 2/3 of the Committee members.

(h) The Commission shall provide reasonable staff support and supplies to assist the Committee in performing its duties under this section.

(i)(1) A majority of the members must be present at a Committee meeting in order to have a quorum. A vacancy on the Committee is not counted for purposes of a quorum.

(2) Except for as provided in paragraph (g)(3) of this section, official action by the Committee, including making findings and recommendations, requires the affirmative vote of a quorum of the Committee.

(j)(1) The Committee may adopt procedural rules to carry out its functions under this section. If the Committee does not adopt rules or if the adopted rules do not govern a given situation, the current edition of Robert's Rules of Order controls.

(2) The Chair may invite individuals with relevant expertise to participate in Committee discussions.

(k) A member receives no compensation but may be reimbursed for the member's actual and necessary expenses incurred in the performance of the member's official duties.

(l) The Committee shall meet at least annually to keep the material in the guide current.

Section 3. Amend Subchapter I, Chapter 51, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5124. Rights and responsibilities guide for landlords and tenants.

(a) For purposes of this section:

(1) "Guide" means the informational guide under § 2926 of Title 24, which contains information about the rights and responsibilities of landlords and tenants.

(2) "Real estate service provider" means as defined in § 2902 of Title 24.

(b) As provided under subsection (c) of this section, a landlord or real estate service provider shall provide the guide to a prospective tenant entering into a landlord-tenant relationship governed under Part III of this title.

(c)(1) The guide must be provided before a prospective tenant enters into the rental agreement.

(2) The prospective tenant shall acknowledge receipt of the guide under paragraph (c)(1) of this section.

(3) The landlord or real estate service provider shall provide the guide to a tenant at each time a rental agreement is renewed, if the renewal is for a term of 1 or more years.

(4) The acknowledgement under paragraph (c)(2) of this section and the guide may be in electronic or paper format.

(d)(1) An individual may reference the guide for informational purposes during a legal proceeding. Except as provided in paragraph (d)(2) of this section, there is no legal cause of action against any individual based on outdated or incorrect information contained in the guide.

(2) An individual may have an equitable defense for good faith reliance on the information provided in the guide.

(e) The guide is deemed to be a statutorily required form under § 2912(a)(11) of Title 24.

(f) A violation of subsection (b) of this section is deemed an unlawful practice under § 2513 of Title 6 and a violation of Subchapter II of Chapter 25 of Title 6.

(g) If a landlord or real estate service provider is required to make a disclosure or provide a document under other law, provision of the guide containing the same document or disclosure is not sufficient to satisfy that requirement, unless permitted by law.

Section 4. (a) The Chairperson of the Delaware Real Estate Commission shall provide a report to the Chief Clerk of the House of Representatives, the Secretary of the Senate, and the Director and the Librarian of the Division of Legislative Services.

(b) The report must include:

(1) A list of the documents or disclosures that would be required to be provided to tenants independent of the guide unless other Delaware law is changed.

(2) Any recommendations from the Rights and Responsibilities Guide for Landlords and Tenants Committee and Delaware Real Estate Commission for changes in law to allow the guide to incorporate documents and disclosure and have that incorporation and provision in the guide satisfy any notice requirements under other law.

(3) At a minimum, the Commission, as advised by the Committee, shall consider and provide recommendations as to whether either of the following should be incorporated into the guide and have that incorporation and provision of the guide under § 5124 of Title 25 satisfy the notice requirements under other law:

a. The summary of the landlord-tenant code under § 5118 of Title 25.

b. Right to representation notice under § 5606 of Title 25.

Section 5. This Act is effective upon enactment into law and, except for § 5124(e) and (f) of Title 25 as implemented under the provisions of Section 6 of this Act, is to be implemented the earlier of the following:

(1) One year from the date of the Act's enactment.

(2) Notice by the Director of the Division of Professional Regulation published in the Register of Regulations that both of the following have occurred:

a. The report required under Section 4 of this Act has been provided to the General Assembly.

b. The guide this Act creates has been published by the Delaware Real Estate Commission.

Section 6. Section § 5124(e) and (f) of Title 25, as contained in Section 3 of this Act, are to be implemented 180 days after the remainder of this Act is implemented under Section 5 of this Act.

Section 7. If the report required under Section 4 of this Act is not provided to the General Assembly before this Act is implemented under Section 5 of this Act, then the report must be provided to the General Assembly within 180 days of the Section 5 implementation date.

Approved June 10, 2026