



SPONSOR: Sen. Sturgeon & Sen. Pinkney & Rep. Phillips &
Rep. K. Williams
Sens. Hoffner, Huxtable, Lockman, Walsh; Rep. Osinski

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 130

AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO RESTRICTIVE COVENANTS.

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

1 Section 1. Amend § 318, Title 25 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 318. Restrictive ~~covenants~~; covenants; solar energy; roof mounted systems.

4 Section 2. Amend Chapter 3, Title 25 of the Delaware Code by making deletions as shown by strike through and
5 insertions as shown by underline as follows:

6 § 318A. Restrictive ~~covenants~~; solar energy; clotheslines.

7 (a) For purposes of this section:

8 (1) “Clothesline” means a cord, rope, or wire from which laundered items may be hung to dry or air. A drying
9 rack is a “clothesline” but a balcony, railing, awning, or other part of a structure or building do not qualify as a
10 “clothesline”.

11 (2) “Drying rack” means a freestanding apparatus from which laundered items may be hung to dry or air. A
12 balcony, railing, awning, or other part of a structure or building do not qualify as a “drying rack”.

13 (b) Any covenant, restriction, or condition contained in a deed, contract, or other legal instrument which affects the
14 transfer, sale, or any other interest in real property that effectively prohibits or unreasonably restricts the owner of the
15 property from installing or using a clothesline on that owner’s property is void and unenforceable.

16 (c) This section does not amend, nullify, or affect the enforceability of any conservation easement or historic
17 preservation covenant.

18 (d) This section does not apply to provisions that impose reasonable restrictions on clotheslines if the restriction is
19 necessary to protect any of the following:

20 (1) Public health and safety, such as ensuring safe access to and rapid evacuation of a building.

21 (2) Buildings from damage.

22 (3) Historic or aesthetic values, when an alternative of reasonably comparable cost and convenience is
23 available.

SYNOPSIS

This Act prohibits restrictive covenants that prohibit or unreasonably restricts the owner of real property from installing or using a clothesline. The average electric dryer requires 2.1 kilowatt hours (kwh) to complete each load of laundry, although, depending on the settings, this may be as much as 6 kwh per load. This translates to significant CO2 emissions and costs. Seven states have enacted laws that protect the ability of a homeowner to use a clothesline.

This Act does not affect the enforceability of any conservation easement or historic preservation covenant or prevent reasonable restrictions on clotheslines if the restriction is necessary to protect any of the following:

1. Public health and safety, such as ensuring safe access to and rapid evacuation of a building.
2. Buildings from damage.

3. Historic or aesthetic values, when an alternative of reasonably comparable cost and convenience is available. This allows communities flexibility to adopt reasonable restrictions that fit the needs and characteristics of their neighborhoods, such as restricting clotheslines to private backyards or requiring them to be retracted when not in use.

This Act also revises the heading of § 318 of Title 25 to clarify that § 318 applies to restrictive covenants and roof mounted systems for obtaining solar energy.

Author: Senator Sturgeon