



SPONSOR: Rep. K. Williams & Sen. Mantzavinos
Rep. Hilovsky; Sens. Hansen, Hoffner, Walsh

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 381

AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO THE RESIDENTIAL LANDLORD
TENANT CODE.

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

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

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

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

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

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

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

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

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

WHEREAS, the adoption of the guide this Act creates by both landlords and tenants 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 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:

§ 5123. Rights and responsibilities guide for landlords and tenants.

(a) For purposes of this section:

(1) “Commission” means the Delaware Real Estate Commission.

(2) “Guide” means an informational packet, prepared by the Commission, which contains information about the rights and responsibilities of landlords and tenants.

(3) “Real estate service provider” means as defined in § 2902 of Title 24.

(b) The Commission, with input as needed from other housing-related organizations, shall prepare a guide and shall make it available to landlords and real estate service providers.

(c) As provided under subsection (d) of this section, the 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.

(d)(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 (d)(1) of this section.

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

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

(e) The guide must include 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 this title.

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

(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 this title.

(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.

(f)(1) The Commission may amend the guide, including by updating the guide and adding additional information that is relevant to landlords and tenants.

(2) The Commission shall adopt and amend the guide as approved by an affirmative vote of a majority of all appointed members.

(g) An individual does not have a cause of action against the landlord or real estate service provider based on the accuracy of the content in the guide.

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

(i) A violation of subsection (c) 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.

(j) 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 2. This Act is effective upon enactment into law and, with the exception of § 5123(h) and (i) of Title 25 as implemented under the provisions of Section 3 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 the guide this Act creates has been published by the Delaware Real Estate Commission.

Section 3. Subsections (h) and (i) of § 5123 of Title 25, as contained in Section 1 of this Act, are to be implemented 180 days after the remainder of the Act is implemented under Section 2 of this Act.

SYNOPSIS

This Act requires the Delaware Real Estate Commission to create a comprehensive, statewide rights & responsibilities guide ("guide") for landlords and tenants. This guide will reference responsibilities that a tenant or landlord must follow, including federal, state, county, and municipal requirements. This guide is to be created with input from other

housing-related organizations, as needed. The Commission may amend the guide, including to update it and to add additional information that is relevant to landlords and tenants.

This Act also requires a landlord or real estate service provider to provide the guide to prospective tenants entering into a landlord-tenant relationship governed under Part III of Title 25. The guide must also be provided at the time a rental agreement is renewed if the renewal is for a term of 1 or more years. The guide may be provided in electronic or paper format.

The guide is deemed a statutorily required form under 24 Del. C. § 2912. Real estate service providers may be subject to discipline for misrepresenting the availability or content of the required form. Additionally, failure to provide the guide when required is deemed an unlawful practice under § 2513 of Title 6 and a violation of Subchapter II of Chapter 25 of Title 6.

This Act is effective upon enactment into law and, except for the penalty provisions, 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 the guide this Act creates has been published by the Delaware Real Estate Commission.

Penalty provisions are to be implemented 180 days after the remainder of the Act is implemented.