



SPONSOR: Sen. Brown & Rep. Lynn & Rep. Ortega  
Sen. Hoffner; Reprs. Bolden, K. Johnson

DELAWARE STATE SENATE  
153rd GENERAL ASSEMBLY

SENATE BILL NO. 186

AN ACT TO AMEND TITLE 25 RELATING TO THE LANDLORD-TENANT CODE.

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

1 Section 1. Amend § 5514(h), Title 25 of the Delaware Code by making deletions as shown by strike through and  
2 insertions as shown by underline as follows:

3 (h) All communications and notices, including the return of any security deposit under this section, shall be  
4 directed to the landlord at the address specified in the rental agreement and to the tenant at an address specified in the rental  
5 agreement or to a forwarding address, if provided in writing by the tenant at or prior to the termination of the rental  
6 agreement. Failure by the tenant to provide such address shall relieve the landlord of landlord's responsibility to give notice  
7 herein and landlord's liability for double the amount of the security deposit as provided herein, but the landlord shall  
8 continue to be liable to the tenant for any unused portion of the security deposit; provided, that the tenant shall make a  
9 claim in writing to the landlord within 1 year from the termination or expiration of the rental agreement.

10 (1) Any of the following is presumptive evidence that communication under this subsection was sent by  
11 either party:

12 a. Certificate of mailing.

13 b. Registered or certified mailing showing proof of delivery.

14 c. Delivery in person.

15 (2) If the parties regularly communicated via email, text, or other written electronic means, notice may be  
16 given through the same communication method that was regularly used if the party offering evidence of the  
17 communication shows that the communication was received. Evidence of receipt may include a response from the  
18 other party, a read receipt, or some other indication of confirmation of receipt.

SYNOPSIS

This Act identifies evidence that communications were sent relating to a security deposit. It also allows for the required communications to be sent electronically if it can be shown by the party utilizing electronic communications that the parties regularly communicated by a particular method and that the electronic communication was received by the other party.

Author: Senator Brown