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Rep. Dorsey Walker & Sen. Ennis
Rep. Gray; Sens. Gay, Lockman, Pettyjohn, Pinkney,
Wilson

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 60

AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO TENANT'S REMEDIES RELATING TO THE RENTAL UNIT.

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

1 Section 1. Amend § 5307, Title 25 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 5307. Tenant's remedies relating to the rental unit; repair and deduction from rent.

4 (a) If the landlord of a rental unit fails to repair, maintain or keep in a sanitary condition the leased premises or
5 perform in any other manner required by statute, code or ordinance, or as agreed to in the a rental agreement; and, if after
6 being notified in writing by the tenant to do so, the landlord:

7 (1) Fails to remedy such failure within 30 days from the receipt of the notice; or

8 (2) Fails to initiate reasonable corrective measures where appropriate, including, but not limited to, the
9 obtaining of an estimate of the prospective costs of the correction, within 10 days from the receipt of the notice;

10 Then the tenant may immediately do or have done the necessary work in a professional manner. After the work
11 is done, the tenant may deduct from the rent a reasonable sum, not exceeding ~~\$200~~ \$400, or 1/2 of 1 month's rent,
12 whichever is less, for the expenditures by submitting to the landlord copies of those receipts covering at least the
13 sum deducted.

SYNOPSIS

This bill increases the amount that a tenant may deduct from rent in order to have necessary work done on the rental premises if the landlord fails to repair or maintain the premises after proper notice. The original amount of \$200 was selected at the time that the Landlord Tenant Code was drafted in 1996. The amended amount of \$400 reflects inflation of rent and cost of repairs.