SPONSOR: Sen. Walsh & Rep. Carson & Rep. K. Williams
Sens. Hoffner, Huxtable, Townsend; Reps. Burns, Hilovsky, Morrison, Snyder-Hall, Wilson-Anton

DELAWARE STATE SENATE
153rd GENERAL ASSEMBLY

SENATE BILL NO. 40
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLES 10 AND 25 OF THE DELAWARE CODE RELATING TO MANUFACTURED HOUSING AND TENANTS' RECEIVERSHIP PETITIONS.

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

Section 1. Amend § 7005 of Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7005. Enforcement.

(a) It is the duty and obligation of the Consumer Protection Unit, or its successor, of the Department of Justice to enforce the provisions of subchapters I through V of this chapter. A violation of any provision of subchapters I through V of this chapter by a landlord is within the scope of enforcement duties and powers of the Consumer Protection Unit, or its successor, of the Department of Justice.

(b) Whenever the Consumer Protection Unit, or its successor, of the Department of Justice has reasonable cause to believe that any landlord is engaged in a pattern or practice of violating or failing to comply with the terms of any provision of a rental agreement covered by this chapter, the Attorney General may commence a civil action in any court of competent jurisdiction and seek such relief as the Department of Justice deems necessary to enforce and to ensure the compliance with the terms of such agreement.

(c) A pattern or practice of violations by a landlord of any provision of subchapters I through V of this chapter or a pattern or practice of violations by a landlord of a provision of a rental agreement required by this chapter shall be deemed an unlawful practice under § 2513 of Title 6 and a violation of subchapter II of Chapter 25 of Title 6 if all of the following are true:

(1) The violation was not the direct result of a condition caused by the want of due care by the tenant, a member of the family, or any other person on the premises with the tenant's consent.

(2) The landlord had actual notice of the condition that caused the violation.

(3) The landlord failed to correct the conditions causing the violation in a timely manner.

(4) The condition that caused the violation created a risk to health or safety of the tenants or

SD : FJM : CBK : 4761530002 Released: 06/25/2025 08:46 PM
DLS : HVW : CBM : 5081530075

occupants or created a risk to the property of tenants or occupants.

Section 2. Amend Subchapter VII of Chapter 70 of Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7061. Petition for receivership.

(a) Any tenant, or group of tenants, or the Attorney General, may petition for the establishment of a receivership in a Justice of the Peace Court upon the grounds that there has existed for 5 days or more after notice to the landlord of any of the following:

(1) If the rental agreement, or any state or local statute, code, regulation, or ordinance, places a duty upon the landlord to so provide, a lack of heat, or of running water, or of light, or of electricity, or of adequate sewage facilities.

(2) Any other conditions imminently dangerous to the life, health, or safety of the tenant.

(b) The filing of a petition under the provisions of this Subchapter does not limit the filing party's right to exercise rights or seek remedies otherwise available to that party under other statutes or the common law.

§ 7068. Attorney General Intervention.

The Attorney General may intervene in any action brought under this Subchapter.

Section 3. Amend Chapter 95 of Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 9507. Notice to the Director of Consumer Protection of Filed Tenants' Receivership Petitions.

(a) Within 10 days of its receipt of a petition for tenants' receivership filed under § 5901 of Title 25 or § 7061 of Title 25, the Justice of the Peace Court in which the petition was filed shall send written notice to the Director of Consumer Protection at the Department of Justice.

(b) The notice shall include a copy of the petition for tenants' receivership and the case number assigned to the petition.

(c) Notice to the Director of Consumer Protection is not required if the petition for tenants' receivership is filed by the Attorney General.

SD : FJM : CBK : 4761530002
DLS : HVW : CBM : 5081530075
Released: 06/25/2025 08:46 PM