New Castle County Tenants Rights and Responsibilities Guide

Standards for residential rental properties and information about tenants' responsibilities

NEW CASTLE COUNTY DEPARTMENT OF LAND USE

Division of Code Enforcement

To Our Neighbors

Dear Friends:

New Castle County has adopted a Rental Property Registration Program to help ensure that your home is a safe place to live. As part of this program, we require your landlord to provide you with a copy of this guide.

The Tenants' Rights and Responsibilities Guide outlines acceptable living conditions for rental housing and encourages you to work with landlords to resolve property maintenance issues. In the event that this process is unsuccessful, this booklet tells you the appropriate steps to take if a property is not properly maintained.

If you need additional copies of this guide in either English or Spanish, please call us at (302) 395-5555 or email us at landuse@newcastlede.gov.

Thank you for choosing New Castle County as your home, we look forward to working with New Castle County's tenants and landlords to ensure that our rental properties are safe places for citizens and their families.

Sincerely,

New Castle County
Department of Land Use

Learn more about the services provided by the New Castle County Department of Land Use by visiting us at www.newcastlede.gov/lu
Follow us on:
Facebook @nccdelu
Instagram @ncclanduse
Twitter @nccdelu

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Unless an emergency situation exists, your first step for reporting any problem in your rental unit should always be to contact your landlord. You may contact your landlord by telephone or in person, **BUT** you must always put your complaints in writing. The letter should be hand-delivered, sent by certified mail, or certificate of mailing. Always keep a copy for yourself. Remember, the law requires that you put all communications in writing. If not in writing, it is as if it never happened.

Essential Services (heat, water, hot water, electric): The State of Delaware's Residential Landlord/Tenant Code, Section 5308, describes the provision of "essential services" provided by the landlord. The landlord is responsible to maintain the systems in your rental unit in working order. The landlord is not responsible if the rental agreement says that a tenant must pay for the costs of an essential service, and the problem with the essential service is due to the actions or inactions of the tenant (such as a failure to pay the utility).

Helpful Contact Telephone Numbers:

NCC Land Use/Code Enforcement Division: (302) 395-5555
Delaware Dept. of Justice Consumer Protection Unit: (800) 220-5424
Legal Helplink: 211
(for free legal assistance or the Delaware Referral Service)

Problem	Minimal Standard	Who to call for complaints
Lack of Heat	**NCC Property Maintenance Code:** From October 15 – April 15, room temperature must be at least 65 degrees. **Delaware Residential Landlord/Tenant Code – Section 5308:** The provision of a functioning heating system in your rental unit is also considered an "essential service" provided by the landlord.	Landlord NCC Land Use: 395-5555

Problem	Minimal Standard	Who to call for complaints
Lack of Electricity 	**NCC Property Maintenance Code:** The electrical system must be properly installed and maintained. **Delaware Residential Landlord/Tenant Code – Section 5308:** The provision of a functioning electrical system is also considered an "essential service" provided by the landlord.	If bill is **NOT** paid: Call utility provider (Delmarva Power – 1-866-353-5799) If bill **IS** paid: Call landlord NCC Land Use: 395-5555

Problem	Minimal Standard	Who to call for complaints
Electricity Problems 	**NCC Property Maintenance Code:** Minimum standards include: a. 60 amps, b. three wires, c. no exposed wires **Delaware Residential Landlord/Tenant Code – Section 5308:** The provision of a functioning electrical system is also considered an "essential service" provided by the landlord.	If a dangerous condition exists (sparks, smoke, etc.) get to safety and call **911** and DE State Fire Marshal: 323-5365 Landlord NCC Land Use: 395-5555

Problem	Minimal Standard	Who to call for complaints
Gas Odor/Leak 	**NCC Property Maintenance Code:** The heating system and appliances must operate without gas leaks or odor.	If a gas leak or odor is present, leave the building immediately and call **911**. Once the emergency situation has been resolved you should contact your landlord and NCC Land Use at 395-5555.

Problem	Minimal Standard	Who to call for complaints
No Hot Water/Lack of Water 	**NCC Property Maintenance Code:** Your rental unit should have hot and cold running water. All plumbing fixtures should be properly installed and maintained in working order. **Delaware Residential Landlord/Tenant Code – Section 5308:** The provision of water and hot water to your rental unit is considered an "essential service" provided by the landlord.	Landlord NCC Land Use: 395-5555

Problem	Minimal Standard	Who to call for complaints
Infestation 	**NCC Property Maintenance Code:** **In a single-family home:** If the problem existed when you moved in, then the landlord is responsible to exterminate. If the problem happens during your tenancy, you are responsible to exterminate. **In a multi-family building: (e.g. apartments, duplexes)** The landlord is responsible for maintaining the interior and exterior from infestation.	Landlord NCC Land Use: 395-5555

Problem	Minimal Standard	Who to call for complaints
Plumbing Fixtures (sink, tub, toilet)	**NCC Property Maintenance Code:** Every rental unit should contain its own bathtub or shower, toilet, bathroom sink and kitchen sink. All of these fixtures should be properly installed and maintained in working order.	Landlord NCC Land Use: 395-5555
Problem	**Minimal Standard**	**Who to call for complaints**
Leaks	**NCC Property Maintenance Code:** Your roof and plumbing should be free of leaks. The tenant has a responsibility to prevent any spills or overflows. In the event of a leak, spill or overflow, notify the landlord immediately.	Landlord NCC Land Use: 395-5555
Problem	**Minimal Standard**	**Who to call for complaints**
Fire Safety	**NCC Code:** Each rental unit shall have a properly functioning smoke detector located: a. On the ceiling or wall, outside each sleeping room area in the immediate vicinity of the bedrooms; b. On each story of the family living unit, including basements, but excluding crawl spaces and unfinished attics. c. In each room used for sleeping purposes, the door to each unit must have a self-closing device on it capable of fully closing the door. Doors to units should be solid-core fire-rated.	NCC Land Use: 395-5555 DE State Fire Marshal: 323-5365 Remember to change smore detector batteries annually. To obtain free smoke detectors, contact your local fire company.

Problem	Minimal Standard	Who to call for complaints
Contaminated/ Bad Water	**NCC Property Maintenance Code:** All water should be free from contamination.	Landlord NCC Land Use: 395-5555 State Division of Public Health: 744-4700
Problem	**Minimal Standard**	**Who to call for complaints**
Lead Paint	If your unit was built before 1978, you should receive the United States E.P.A. pamphlet on lead safety and hazards. You should also be presented with a lead paint disclosure form when you sign your lease. If your unit was tested to be below 1.0mg/cm^2 of lead you may not receive the pamphlet. If the possibility of lead paint exists, do not sand or scrape the paint yourself – the dust is hazardous. There should be no loose or chipping paint.	State of Delaware: 744-4546 National Hotline: 1-800-424-LEAD

Problem	Minimal Standard	Who to call for complaints
Occupancy Standards 	**NCC Property Maintenance Code:** Your rental agreement, the Delaware State Code and the New Castle County Code limits the number of people living within a housing unit.	Landlord (If you believe your neighbor has too many people in a housing unit) If not satisfied with the response from your landlord, contact: NCC Land Use: 395-5555

Problem	Minimal Standard	Who to call for complaints
Appliances (if provided) 	**NCC Property Maintenance Code:** **Mechanical Equipment:** All equipment (fireplaces, appliances, etc.) should be properly installed and maintained in a safe, working condition. Do not block access to equipment that is housed outside of the unit. **Cooking and Heating:** Equipment must be installed properly and operational. Fuel-burning equipment must be connected to an approved chimney or vent.	Landlord NCC Land Use: 395-5555

Problem	Minimal Standard	Who to call for complaints
Mold 	**NCC Property Maintenance Code:** You should not have mold in your rental unit. If mold appears, you should attempt to clean with an appropriate disinfectant product. If the mold cannot be cleaned or the problem persists, contact your landlord.	Landlord NCC Land Use: 395-5555

Problem	Minimal Standard	Who to call for complaints
Other Problem Tenants 	The **State's Nuisance Abatement Act** provides tenants and the community with certain rights when faced with other tenants/neighbors whose activities or conduct are creating a problem for people in the community. You should contact your landlord immediately and work cooperatively with your landlord to end the disruptive activity.	Landlord Delaware Department of Justice Consumer Protection Unit: 1-800-220-5425 New Castle County Police – Community Services Unit: 395-8050

Problem	Minimal Standard	Who to call for complaints
Crimes 	If you witness any criminal activity you should contact the police immediately. You should also contact your landlord concerning the criminal activity because they have the ability to evict tenants for certain criminal acts. You should be aware that any criminal activity of any member of your household or a guest might result in your immediate eviction from the rental unit.	Police: 911 Landlord

Problem	Minimal Standard	Who to call for complaints
Safety 	**NCC Property Maintenance Code:** **Common areas, entrances and exits:** a. Secure railings for steps and balconies. b. No tripping hazards in walkways. c. Well-lit common areas at night.	Landlord NCC Land Use: 395-5555

Problem	Minimal Standard	Who to call for complaints
Security 	**NCC Property Maintenance Code:** **Locked doors:** All exterior doors must operate and have a working lock. All doors used to exit your rental unit must open easily from the inside WITHOUT the need for a key. **Windows:** Every window that was made to open shall open, and have the ability to remain open, and be equipped with a window sash locking device. A window sash locking device is only required if the window in whole or part is located less than 6 feet above grade. **Security:** Screens and, if provided, any bars or grilles placed over an emergency escape, (e.g. bedroom windows, exterior doors or fire escape) must be easily releasable and removable from the inside for emergency purposes.	Landlord NCC Land Use: 395-5555

Problem	Minimal Standard	Who to call for complaints
Trash & Rubbish 	**NCC Property Maintenance Code:** All exterior property and premises and the interior of every rental unit shall be free from accumulation of trash or rubbish. Every occupant shall dispose of trash and garbage in a clean and sanitary manner and place it in an approved container. It is the landlord's responsibility to supply a garbage disposal facility or garbage container.	Landlord NCC Land Use: 395-5555

Problem	Minimal Standard	Who to call for complaints
Exteriors: (parking areas, lighting, storage) 	**NCC Property Maintenance Code:** There should be proper lighting on exterior entrances, and well-lit parking lots (if applicable).	Landlord NCC Land Use: 395-5555

Problem	Minimal Standard	Who to call for complaints
Interior Surfaces 	**NCC Property Maintenance Code:** The interior and exterior surfaces shall be maintained in good, clean and sanitary condition. Peeling paint, cracked or loose plaster, and other defective surface conditions (including those caused by leaks) are to be fixed by the landlord.	Landlord NCC Land Use: 395-5555

Problem	Minimal Standard	Who to call for complaints
Fair Housing	The **Fair Housing Act** prohibits discrimination in housing because of: Race or Color; National Origin; Religion; Gender; Familial Status; Disability; Marital Status; Creed; Age. Examples of prohibited acts: Refusing to rent; Making housing unavailable; Setting different terms, conditions or privileges; Providing different housing service or facilities; Falsely denying that housing is available for inspection or rental.	State of Delaware Division of Human Relations: 577-5050
Problem	**Minimal Standard**	**Who to call for complaints**
Disability (Fair Housing)	The **Fair Housing Act** makes it illegal for a landlord to refuse to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling unit.	State of Delaware Division of Human Relations: 577-5050
Problem	**Minimal Standard**	**Who to call for complaints**
Retaliatory Acts	If a tenant has complained in good faith about conditions or filed notice with an enforcement authority (ex: NCC Land Use) or requested repairs to the rental unit, the landlord may not, within 90 days: (1) try to evict the tenant; (2) demand a rent increase; (3) decrease services to which the tenant is entitled; or (4) otherwise cause the tenant to move from the rental unit.	Delaware Department of Justice Consumer Protection Unit: 1-800-220-5424 *Damages for retaliatory acts by the landlord are 3 months' rent or triple the damages suffered by the tenant, whichever is greater, plus court costs.*

Residential Neighborhood Standards

Be aware of what constitutes a code violation and be a contributor to a clean and safe neighborhood.

Top Ten (10) Code Violations

1) Grass and weeds over eight (8) inches in height
2) Vehicles and boats parked on the lawn
3) Inoperable and/or unregistered vehicles
4) Junk, debris, stored on the exterior of the property
5) Trash and garbage not placed in proper containers
6) Property maintenance violations: items in disrepair (e.g. doors, windows, roofing, interior leaks, peeling paint)
7) Dog/animal feces not picked up daily
8) Household items stored outside (e.g. old appliances)
9) Accessory structures in disrepair (e.g. shed, fence)
10) Bushes and hedges not trimmed

Please call our Customer Relations & Assistance Office at **(302) 395-5555** to report these and other possible violations of the New Castle County Property Maintenance Code.

Helpful Telephone Numbers

All area codes are (302)

Police, Fire, EMS	911
New Castle County Police (non-emergencies)	573-2800
Landlord/Tenant Disputes (Attorney General's Office Consumer Protection Unit)	577-8600
Property Maintenance Code Concerns (NCC Land Use)	395-5555
NCC Housing Department & Section 8 Questions	395-5600
Delaware Apartment Association (for landlord information & assistance)	525-0348
Community Legal Aid (for tenants)	211
Delaware Division of Public Health	283-7100
Public Street Maintenance Issues (DelDOT) (potholes, traffic signals, etc.)	760-2080

Tenant Complaint Form

If you are experiencing a problem with your rental unit, unless an emergency exists, you must file a written complaint with your landlord. Use this form to report problems with your rental unit. Forward this form to your landlord by hand-delivery, certified mail, or certificate of mailing. Be sure to keep a copy of this form for your records.

Date:_____

Tenant Name(s):_____

Address:_____

Telephone Number:_____

Email:_____

Problem (please provide a brief description):_____

_____

_____

_____

Previous Action Taken (if any):_____

_____

_____

_____

Date delivered:_____

How delivered? (circle one):

Hand delivered Regular US mail

Certified Mail Certificate of Mailing

Querido Inquilino de el Condado de New Castle:

El Condado de New Castle ha adoptado un programa de registro de propiedades de alquiler para ayudar a asegurar que su hogar es un lugar seguro para vivir. Como parte de este nuevo programa, requerimos que su propietario le proporcione una copia de esta guía.

El Guía de los Derechos y Responsabilidades de Inquilinos describe las condiciones de vida aceptables par viviendas de alquiler y le anima a trabajar con los propietarios para resolver problemas de mantenimiento de la propiedad. En caso de que este proceso no tiene éxito, este folleto le indica los pasos adecuados a seguir si una propiedad no se mantiene adecuadamente.

Si necesita copias adicionales de este guía en Ingles o en Español, por favor llame al (302) 395-5555.

Gracias por esoger al Condado de New Castle como su hogar. Yo estare trabajando con todos los inquilinos y arrendadores del Condado de New Castle para asegurar que las propiedades rentadas sean seguras para los inquilinos y sus familias.

Sinceramente,

New Castle County
Department of Land Use

New Castle County Department of Land Use
Division of Code Enforcement

New Castle County Government Center
87Reads Way, New Castle, DE 19720

(302) 395-5555
landuse@newcastlede.gov
www.newcastlede.gov/lu

This summary is for general information purposes. Please see applicable sections of the New Castle County Code and/or the Delaware Residential Landlord/Tenant Code for full information.

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