New Castle County
Tenants Rights and Responsibilities Guide

From the County Executive

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, I 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,

Matthew S. Meyer
County Executive

NEW CASTLE COUNTY
DEPARTMENT OF LAND USE
Division of Code Enforcement

Learn more about the services provided by the New Castle County Department of Land Use by visiting us at www.newcastlede.gov/LandUse

Follow us on Facebook @nccdelu
New Castle County Tenants’ Rights and Responsibilities Guide

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New Castle County Tenants’ Rights & Responsibilities Guide

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: (302) 577-8600
Legal Helplink: (302) 478-8850
(for free legal assistance or the Delaware Referral Service)

<table>
<thead>
<tr>
<th>Problem</th>
<th>Minimal Standard</th>
<th>Who to call for complaints</th>
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</table>
| Lack of Heat       | NCC Property Maintenance Code: From October 15 – April 15, room temperature must be at least 65 degrees. | Landlord
<pre><code>                   | 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. | NCC Land Use: 395-5555 |
</code></pre>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Lack of Electricity</td>
<td>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.</td>
<td></td>
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<tr>
<td></td>
<td>If bill is <strong>NOT</strong> paid: Call utility provider (Delmarva Power – 1-800-698-8042)</td>
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<tr>
<td></td>
<td>If bill <strong>IS</strong> paid: Call landlord NCC Land Use: 395-5555</td>
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<tr>
<td>Electricity Problems</td>
<td>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.</td>
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<td></td>
<td>If a dangerous condition exists (sparks, smoke, etc.) get to safety and call 911 and DE State Fire Marshal: 323-5375 Landlord NCC Land Use: 395-5555</td>
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<tr>
<td>Gas Odor/Leak</td>
<td>NCC Property Maintenance Code: The heating system and appliances must operate without gas leaks or odor.</td>
<td>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.</td>
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<tr>
<td>No Hot Water/Lack of Water</td>
<td>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.</td>
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<td></td>
<td>Landlord NCC Land Use: 395-5555</td>
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<td>Infestation</td>
<td>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.</td>
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<tr>
<td></td>
<td>Landlord NCC Land Use: 395-5555</td>
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<td>Problem</td>
<td>Minimal Standard</td>
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<tr>
<td>Plumbing Fixtures (sink, tub, toilet)</td>
<td><strong>NCC Property Maintenance Code:</strong> 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.</td>
<td>Landlord</td>
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<tr>
<td></td>
<td></td>
<td><strong>NCC Land Use:</strong> 395-5555</td>
</tr>
<tr>
<td>Leaks</td>
<td><strong>NCC Property Maintenance Code:</strong> 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.</td>
<td>Landlord</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>NCC Land Use:</strong> 395-5555</td>
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</table>
| 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: 323-5375  
| Remember to change smoke detector batteries annually.  
| To obtain free smoke detectors, contact your local fire company. | Landlord                                   |
|                               |                                                                                 | **NCC Land Use:** 395-5555                  |

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<tr>
<td>Contaminated/Bad Water</td>
<td><strong>NCC Property Maintenance Code:</strong> All water should be free from contamination.</td>
<td>Landlord</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>NCC Land Use:</strong> 395-5555</td>
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<td></td>
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<td>State Division of Public Health: 995-8630</td>
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</table>
| 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/cm² 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: (302) 744-4357  
<p>| National Hotline: 1-800-424-LEAD | Landlord                                   |</p>
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| **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.  
If not satisfied with the response from your landlord, contact:  
NCC Land Use: 395-5555 | Landlord (If you believe your neighbor has too many people in a housing unit) |
| **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 |
| **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 |
| **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: 577-8600  
New Castle County Police – Community Services Unit: 573-2800 |
| **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 |
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| 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 |

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| 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 |

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| Trash & Rubbish | **NCC Property Maintenance Code:**  
              Every 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 |

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</table>
| 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 |

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| 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 |
### 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)*

<table>
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<tr>
<th>Service</th>
<th>Phone Number</th>
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<tbody>
<tr>
<td>Police, Fire, EMS</td>
<td>911</td>
</tr>
<tr>
<td>New Castle County Police (non-emergencies)</td>
<td>573-2800</td>
</tr>
<tr>
<td>Landlord/Tenant Disputes</td>
<td>577-8600</td>
</tr>
<tr>
<td>(Attorney General’s Office Consumer Protection Unit)</td>
<td></td>
</tr>
<tr>
<td>Property Maintenance Code Concerns</td>
<td>395-5555</td>
</tr>
<tr>
<td>(NCC Land Use)</td>
<td></td>
</tr>
<tr>
<td>NCC Housing Department &amp; Section 8 Questions</td>
<td>395-5600</td>
</tr>
<tr>
<td>Delaware Apartment Association</td>
<td>798-0635</td>
</tr>
<tr>
<td>(for landlord information &amp; assistance)</td>
<td></td>
</tr>
<tr>
<td>Community Legal Aid</td>
<td>575-0660</td>
</tr>
<tr>
<td>(for tenants)</td>
<td></td>
</tr>
<tr>
<td>Delaware Division of Public Health</td>
<td>995-8650</td>
</tr>
<tr>
<td>Public Street Maintenance Issues (DelDOT)</td>
<td>326-4523</td>
</tr>
<tr>
<td>(potholes, traffic signals, etc.)</td>
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</tbody>
</table>
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 por 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 estoy 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,

Matthew S. Meyer
Ejecutivo del Condado

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@newcastledc.gov
www.nccdelu.org

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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