

## Quality Rental Task Force

### Important City of Wilmington

Mayor's Office .....	576-2100
Wilmington City Council .....	576-2140
Fire Department .....	576-3950
Constituent Services .....	576-2489
Licenses & Inspections .....	576-3030
Law Department .....	576-2175
Planning Department .....	576-3100
Public Works .....	576-3060
Real Estate & Housing .....	576-3000
Special Pick-Up .....	576-3878
Wilmington Police .....	576-3940

### Important Outside Agency Support Assistance

Delaware Apartment Association/GWHP for Landlord Information/Assistance .....	798-0635
Community Legal Aide for Tenant Information/Assistance .....	575-0660
State Housing Authority Tenant/Landlord Code/Information .....	577-5001

City of Wilmington  
800 French Street  
Wilmington, Delaware 19801



# City of Wilmington

## Department of Real Estate & Housing

# *Landlord Information*



*A Summary of Rules &  
Regulations for Rental Properties*

## May 2005

Letter from Mayor James M. Baker

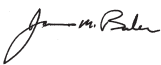
Dear Friends:

With a goal of preserving and improving Wilmington’s individual rental properties and, in turn, its neighborhoods, I am very pleased to present a summary of useful and important information for landlords and tenants. The information in this brochure will enable the City of Wilmington Government to work together with landlords and tenants to keep properties in good condition, protect individual and business investments, and make properties continually attractive for residents and visitors to our City.

We encourage all landlords to understand and abide by City laws and code related to their properties and to be aware of their responsibility to the growth and improvement of City neighborhoods. At the same time, all tenants are encouraged to understand and carry through with their responsibilities to properly maintain the properties in which they live and their obligations to their neighborhood as a whole. We each have a very important role in making neighborhood living a pleasant and enjoyable experience for all involved.

Please read the material in this brochure and learn how you can work with the City and with each other to keep City neighborhoods safe and attractive. I thank you in advance for helping to make Wilmington a better city. If you have questions about this information, please call the City’s Department of Real Estate and Housing at (302) 576-3000.

Sincerely,



James M. Baker  
Mayor

misdeemeanor crimes and are prosecuted by the City of Wilmington in the Justice of the Peace Court #20, 300 Walnut Street, Wilmington, Delaware.

The City of Wilmington may not assist a property owner in an eviction proceeding. Evictions are civil matters and typically involve provisions of the State of Delaware’s Landlord/Tenant Code.

### Condemned/Unfit Dwellings

An individual or entity shall not permit individuals to occupy or continue to occupy a dwelling, which has been declared unfit for human habitation by the Department of Licenses and Inspections.

The violations causing the property to be unfit for human habitation shall be corrected within the time specified in the violation notice, or the tenant must be removed, consistent with applicable Delaware Landlord/Tenant Code provisions, while the repairs are undertaken.

### New Law for All Rental Properties in the City of Wilmington

All individuals and/or entities owning one or more rental units in the City of Wilmington are **NOW** required to obtain an Annual Business License, which includes the LON registration for their rental properties. Applications for a business license may be obtained at 800 North French Street, Department of Finance, Division of Business License. **(5 Wilm. Code Sect. 5-92)**

Individuals and/or entities managing residential rental properties within the City of Wilmington must obtain a City of Wilmington Business License for **ALL** rental units or properties they manage. This license may be obtained at 800 North French Street, Department of Finance, Division of Business License. **(5 Wilm. Code Sect. 5-87)**

#### WILMINGTON CITY COUNCIL MEMBERS

City Council President  
Theodore Blunt

At Large	Michael A. Brown	At Large	Charles M. Freel
At Large	Theopalis K. Gregory	At Large	Loretta Walsh
1 <sup>st</sup> District	Charles Potter, Jr.	5 <sup>th</sup> District	Smauel Prado
2 <sup>nd</sup> District	Norman D. Griffiths	6 <sup>th</sup> District	Kevin F. Kelley, Sr.
3 <sup>rd</sup> District	Stephanie T. Bolden	7 <sup>th</sup> District	Paul F. Ignudo, Jr.
4 <sup>th</sup> District	Hanifa G. N. Shabazz	8 <sup>th</sup> District	Gerald L. Brady

Telephone Number: 576-2140

Listed below is a number of questions and answers concerning general landlord-related issues in the City of Wilmington.

## Landlord Questions & Answers

### Q. Do all rental properties in the City have to be inspected?

- A. Yes. All individuals or entities owning residential rental properties within the City of Wilmington must register all properties with the Department of Licenses and Inspections. The registration form may be obtained in the Department of Licenses and Inspections, 800 North French Street, 3<sup>rd</sup> Floor.
- B. The registration requirement serves two purposes: (1) provides ownership and contact information for specific properties and (2) notification to the property owner of the legal occupancy limits for specific units. (34 Wilm.C. § 34 - 86)

### Q. Do I really need to do a Pre-Rental Inspection?

- A. Yes. All individuals or entities owning or managing residential rental properties must obtain a “pre-rental inspection” prior to renting or leasing a unit. Prior to permitting a tenant to occupy a unit, a property owner or manager must request an inspection of the dwelling unit from the Department of Licenses and Inspections. An owner or manager may not permit a tenant to occupy a unit until the Department of Licenses and Inspections issue a letter of compliance indicating that the unit meets minimum Wilmington City Code requirements.

Any repairs required to be made as a result of the inspection must be completed, and a final inspection must be conducted by the department prior to occupancy and the issuance of a letter of compliance for the unit.

A pre-rental inspection is required each time there is a turnover in tenancy, regardless of the length time between tenancies.

(34 Wilm.C. § 34 –45)

A pre-rental inspection is also required when an individual or entity purchases an occupied residential rental property.

The new property owner is required to obtain the inspection within a reasonable period of time after the purchase of the property.

(34 Wilm.C. § 34-45)

## Responsibility of Property Owners

### Q. Who is responsible for maintenance and upkeep of my property?

- A. Owners of residential rental properties are responsible for the interior and exterior maintenance of the properties. A comprehensive list of responsibilities may be found at Chapter 34, Sections 34-231, et. seq. and 34-42, of the Wilmington City Code. A corresponding list of tenant responsibilities may be found at Section 34-237 and 34-42.

In addition to the structural maintenance requirements enumerated in the above sections of City Code, property owners are subject to various sanitation requirements.

The following is a list of sanitation issues, which commonly arise for property owners.

**(1) Vegetation:** Trees and shrubs shall be well maintained and kept trimmed. Wild growth of grass and weeds are prohibited. Grass shall not be permitted to exceed 8 inches in height.

(13 Wilm.C. § 13-36) and (46 Wilm.C. § 46-26 et. seq.)

**(2) Trash/Debris:** Trash, debris, or other offensive materials shall not be permitted to remain on private property. **(13 Wilm. C. §13-4)**

“No individual shall cause trash/debris to be placed in the public right-of-way unless for regularly scheduled trash collection. All trash shall be placed in a weather tight/watertight garbage receptacle.”

**(3) Garbage Cans:** Property owners shall provide weather tight/watertight garbage cans to tenants of multi-family properties (dwellings with two or more units.) On the day of a scheduled trash collection, tenants shall remove the cans from the sidewalk and place them either in the rear of the property or on the side of the property, five (5) feet back from the front facade. **(45 Wilm. C. §45-269 et. seq.)**

**(4) Special Pick-Up:** The City of Wilmington will collect residential trash twice weekly. However, for large quantities of trash or large items of debris, tenants/owners must contact the Department of Public Works to schedule a special collection. (Telephone Number: 576-3878)

Trash/debris scheduled for a special collection shall be placed out for collection after 6:00 p.m. the night before pickup. **(13 Wilm. C. §13-4)**

Owners of three (3) or more rental units are subject to a fee of \$100.00 for each special pick-up requested.

**Enforcement:**

The Department of Licenses and Inspections is responsible for enforcing the provisions of the Wilmington City Code concerning housing, building, zoning, animal, health, and sanitation requirements. Violations of Wilmington City Code are considered

## STATEMENT ON BROCHURE

Please note that this is only a summary of landlord-related issues under the City of Wilmington’s Code. Landlords are responsible for complying with all applicable City Code provisions.

Failure to obtain the requisite licenses, inspections, or registrations will result in an automatic issuance of a criminal summons without a prior violation notice and a potential fine. Fines range from \$100.00 to \$1,000.00.

### Summary of Rental Property Fees

**There is a Mandatory Registration for All Rental Properties within the City of Wilmington**

Business License Fee for One or Two Rental Units .....	\$50.00
(which includes the \$10.00 LON for these properties)	
Business License Fee for Three or More Rental Units .....	\$120.00
(plus \$10.00 LON fee per unit)	
Non-Conforming Use Fee .....	\$25.00
(per property/every two years)	
Pre-Rental Inspection Fee .....	Free to \$25.00
(1st and 2nd inspecton free; \$25.00 per visit afterwards)	
Special Pick-Up Fee .....	Free
(except for owners of three or more properties, the Special Pick-Up fee is \$100.00)	

***Please review NEW registration for Vacant Properties***