

TRASH AND DEBRIS

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

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. §45 –269 et. seq.)**

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

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

Helpful Contact Numbers in Wilmington

Wilmington City Council	576-2140
Constituent Services	576-2489
Licenses & Inspections	576-3030
Real Estate & Housing	576-3000
Legal Helplink	478-8850
Delaware Apartment Association/GWHP	798-0635
Consumer Affairs	577-8513
Division of Human Relations	575-5050
Conectiv	1-800-898-8042
Wilmington Housing Authority (WHA)	429-6700

FOR MORE INFORMATION ON LANDLORDS AND TENANTS

PLEASE CONTACT:

City of Wilmington
Department of Real Estate and Housing
800 French Street, 7th Floor
Wilmington, Delaware 19801
Phone: 576-3000
Fax: 573-5588



City of Wilmington

Department of Real Estate & Housing

Tenant Information



*A Summary of Tenant's
Rights and Responsibilities
in the City of Wilmington*

May 2005

Tenants' Frequently Asked Questions

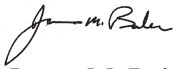
Dear Friends:

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

We encourage all tenants to take the time to read this information in order to understand 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

WILMINGTON CITY COUNCIL MEMBERS

Theodore Blunt, City Council President

1st District	Charles Potter, Jr.	7th District	Paul F. Ignudo, Jr.
2nd District	Norman D. Griffiths	8th District	Gerald L. Brady
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4th District	Hanifa G. N. Shabazz	At Large	Charles M. Freel
5th District	Samuel Prado	At Large	Theopolis K. Gregory
6th District	Kevin F. Kelley, Sr.	At Large	Loretta Walsh

Telephone Number: 576-2140

FAQ #10. Am I protected from my landlord if I report a housing violation?

- **YES!** Provided that you are not in violation of your lease, your landlord cannot evict you, raise your rent, decide not to renew your lease, or decrease your services within 90 days of your good faith report of a housing problem. **Del. Code §5516**
- If you experience **landlord retaliation** for reporting a housing problem, you will be able to recover **3 months rent or 3 times your damages** if the landlord does any of the above.
- Retaliation is **not a defense** if you are not current in rent or if the landlord needs the unit for other good faith reasons.

FAQ #11. Who do I report housing violations to?

- If the landlord has not taken any action after you have notified the landlord **in writing** of your housing problem, you can call Licenses and Inspections to report problems at **576-3030**.
- A housing inspector will come to your rental unit and determine whether the **landlord has violated any housing codes**.

FAQ #12. Can I sue my landlord for bad conditions?

- **YES!** You can **sue** to recover any damages for the landlord's failure to provide you with safe and decent housing even **after** you've terminated the rental agreement. Damages include:
- Back rent while the unit was not safe.
- The cost to eat out or sleep somewhere while you were prevented from living in the unit.

Any problems with the condition of the unit cannot be caused by tenants or guests in order to have the rights specified above under the Delaware Landlord Tenant Code.

Tenants' Frequently Asked Questions

3. Alternatively, if the landlord begins to make repairs after written notice, but fails to **complete** repairs within **30 days**, you may have the repairs completed by a professional.
4. The cost of repairs can be deducted from your rent as long as it is less than **\$200** or **½ rent** (whichever is less) AND you must provide the landlord with a **receipt** of the repair.

FAQ #7. How do I know if I have toxic levels of lead paint in my rental unit?

- If your unit was built before **1978**, you should have received a pamphlet on lead safety and hazards from your landlord. Under most circumstances, you should also be presented with a lead paint disclosure form to sign with your lease.
- Call the Lead hotline for the State of Delaware at **(302)744-4546** or the National Hotline at **1-800-424-LEAD**.

FAQ #8. I'm worried about criminal activity near my unit, what can I do?

- You should **call the police at 911** if you see criminal activity and be sure to report the **exact address**.
- Also contact the landlord, because the landlord can evict tenants for certain criminal activities.
- If your guest or household member causes the criminal activity, you may be **evicted**.

FAQ #9. What are my rights if I think I am being discriminated against?

- In Wilmington, you are protected from housing discrimination based upon your race, color, creed, disability, occupation, income source, age, sex, religion, national origin, sexual orientation, or marital or family status. **Wilm. City Code**
- If you feel you are being discriminated against in the terms of your housing, call the **Division of Human Relations at 575-5050 and Community Legal Aid Society at 575-0660 immediately**.

TENANT RIGHTS AND RESPONSIBILITIES

Your Rights As a Tenant

- Anytime you have a problem in your rental unit you should **always** contact your landlord first (unless an emergency situation exists).
- The law requires that you put all communications to the landlord in writing. **Del Code § 5113**
- You may contact your landlord by telephone or in person, BUT you should always put your complaints in writing and make yourself a copy. The letter should be hand-delivered, or sent by certificate of mailing or certified mail. If it's not in writing, it's as if it never happened. **Del Code § 5113**

What are a landlord's responsibilities?

- Follow state and local housing laws. **Del Code § 5305**
- Provide and maintain all working systems, including heat, hot water, water, and electrical systems. **Del Code § 5308**
- Maintain working dead bolt locks on exterior doors, carbon monoxide detectors, smoke detectors, and plumbing.
- Keep clean/sanitary common areas. **Del. Code §5308**
- Keep and maintain the rental unit in good condition.
- Provide trash cans. **Wilm. City Code**
- Provide pest control for multi-unit dwellings.
- Check your lease for other landlord obligations.

What are a tenant's responsibilities?

- Pay rent on time. **Del. Code §5501**
- Keep the rental unit clean and sanitary. **Del. Code §5503**

Tenants' Frequently Asked Questions

- Fix or pay for damage caused by the tenant(s) or guests.
 - Give the landlord access to the rental unit to make requested repairs or alterations. **Del. Code §5509**
 - Abide by terms of lease – no criminal activity or violation of City Codes. **Del. Code §5513**
 - Be respectful of neighbors.
 - Pay for all utilities you are responsible for under the rental agreement. **Del. Code §5312**
 - Change batteries regularly in the smoke and carbon monoxide detector. **Wilm. City Code**
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Tenants' Frequently Asked Questions

FAQ #1. What can I do if I don't have heat?

- Call the landlord and report the problem.
- Follow up with a **letter** to the landlord about the condition.
- If the landlord does not fix the problem **after 48 hours of receiving written notice** you have **4 options**. You can . . .
- **immediately** terminate your lease; or
- call the City Department of Licenses and Inspections at 576-3030; and/or
- withhold 2/3 of your daily rental costs until the landlord fixes the problem after giving the landlord notice; or
- seek alternative housing (hotel, another rental unit, etc.) and charge the landlord for the amount over 2/3 of your rent for the time the heat isn't working.
- You have the same rights if you do not have functional **water, hot water, or electrical systems!**

FAQ #2. If I terminate my lease because of conditions/problems, will I get my security deposit back?

- **YES!** But before you leave, you **must** give your landlord written notice of your forwarding address and request the security deposit be **forwarded** to your new address.
- The landlord must either return your full security deposit or provide you with an itemized list of deductions within **20 days of your letter**.

FAQ #3. What can I do if my apartment is infested with rodents or roaches?

- If you live in a single-family home, **you** are responsible to take care of pest infestation unless the problem existed when you moved in.
- If you live in a multi-unit building, the **landlord** is responsible to exterminate pest infestation.

FAQ #4. What if I have leaks or mold?

- You are responsible for preventing spills and cleaning mold.
- If the leak or mold persists, **notify** your landlord.
- If the problem becomes serious, call Licenses and Inspections at **576-3030** after you've attempted to notify your landlord.

FAQ #5. What if I have broken fixtures, appliances, windows, locks, or holes in my rental unit?

- Notify your **landlord** in writing and request repairs.

FAQ #6. Can I make repairs in the unit myself?

- **YES!** But **FIRST**, if you want to use this remedy, you cannot owe any rent and you must follow these steps:
 1. You **must** give the landlord written notice.
 2. Give the landlord **10 days** to fix the problem. If the landlord does not take any steps to make repairs, you can have the repairs made professionally.