

The Delaware Landlord-Tenant Code

Dear Delaware Tenants:

The place we call home is one of the most important things in our lives and, as tenants, you have certain rights and remedies afforded to you when you rent residential real estate in Delaware.

Together, the Delaware Department of Justice, the Legal Services Corporation of Delaware, Inc., and the Delaware Community Legal Aid Society, Inc., have partnered to provide tenants with this quick-reference guide on how to get more information about and assistance with your rights and remedies as a tenant in the State of Delaware. With this knowledge and information, we hope all tenants will find themselves better able to navigate their landlord-tenant relationships.

We encourage all tenants to take proactive steps at the beginning of a lease term by reviewing the Summary of the Landlord Tenant Code, published by the Delaware DOJ, as well as seeking additional information and assistance as needs arise from the Landlord Tenant Code, LSCD, CLASI, and the Justice of the Peace Courts.

Delaware Attorney General
Director, LSCD
Director, CLASI

How to Document Issues

- Start as soon as you experience the first issue– don't wait
- Take pictures or videos
- Keep a timeline– be specific
- Take notes of conversations, with the date and time
- Send everything in writing and keep copies
- Mail all correspondence using certified mail– keep the receipt
- Text messages and emails are not admissible or sufficient

Additional Tips

- Always get a receipt for rental payments, particularly if paying in cash
- Seek advice or assistance as soon as you have an issue– the longer you wait, the less options you may have
- For notice to be effective, it must be in writing with proof of service
- You cannot be removed from your rental unit without a court order
- Check the websites of different resources to see which one best fits your needs

Resources for Tenants



Presented by:

Legal Services Corporation of DE

Wilmington (302) 575-0408
Dover (302) 734-8820
Website www.lscd.com

DE Community Legal Aid Society

Wilmington (302) 575-0660
Dover (302) 674-8500
Georgetown (302) 856-0038
Website www.declasi.org

Delaware Department of Justice Consumer Protection Unit

Statewide (302) 577-8600

www.attorneygeneral.delaware.gov
Email: Consumer.Protection@State.DE.US

Move-in Checklist

- _____ Review the Summary of the Delaware Landlord Tenant Code
- _____ Get a written copy of your rental agreement in advance and read it
- _____ Ask questions about your lease before you sign it
- _____ Walk through or inspect the unit you will be renting before moving in
- _____ Take pictures of the unit, complete checklist at move-in and return to landlord
- _____ Obtain renter's insurance, if desired
- _____ If not provided in your written rental agreement, get the landlord's address for mailing rent payments and written notices about the unit
- _____ If you have any problems after moving in, document the issue and send timely, written notice to your landlord



Know the Law

The Landlord-Tenant Code is the law that outlines the rights and responsibilities of renters and landlords.

It can be found in Title 25, Part III of the Delaware Code and online at: <http://delcode.delaware.gov/title25/index.shtml>



Additional assistance may also be available at:

Justice of the Peace Courts
www.courts.delaware.gov/jpcourt/

Your County, City, or Municipal Code Enforcement Offices

Delaware Lawyer Referral Service
(302) 478-8850

Issues During the Lease Term

When to contact your landlord in writing:

- Damage to your unit
- Difficulty paying your rent
- Lack of essential services (heat, electric)
- Repairs needed to unit
- Intend/need to terminate lease

When to contact legal services, an attorney, or the courts:

- Lack of essential services for extended period of time after written notice
- Wrongful eviction
- Property is going to be or was recently foreclosed upon
- Retaliatory acts by landlord
- Destruction or loss of the property due to fire or other casualty

When to contact Delaware Department of Justice, Consumer Protection Unit:

- Lack of essential services for extended period of time after written notice
- Lack of promised amenities or services for extended period of time after written notice
- Questions or issues with metered utility service billing
- Improper charge of assurance monies by landlord

