

# **NEW CASTLE COUNTY TENANTS' RIGHTS AND RESPONSIBILITIES GUIDE**



***Standards for New Castle County  
rental properties and information  
on tenants' responsibilities.***



**[www.nccde.org](http://www.nccde.org)**



### 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: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_

PROBLEM (PLEASE PROVIDE A BRIEF DESCRIPTION):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PREVIOUS ACTION TAKEN (IF ANY):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE DELIVERED BY (CIRCLE ONE)

HAND DELIVERED

REGULAR US MAIL

CERTIFIED MAIL

## NEW CASTLE COUNTY TENANTS' RIGHTS & 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 or 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) Delaware State Law, 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 failure to pay for the service).

| PROBLEM | MINIMAL STANDARD | WHERE TO CALL FOR COMPLAINTS |
|---------|------------------|------------------------------|
|---------|------------------|------------------------------|

|              |   |          |
|--------------|---|----------|
| LACK OF HEAT | NEW CASTLE COUNTY PROPERTY MAINTENANCE CODE | LANDLORD |
|--------------|---|----------|



From October 15<sup>th</sup> through April 15<sup>th</sup>, room temperature must be 68 degrees.

NEW CASTLE COUNTY DEPARTMENT OF LAND USE -395-5555

**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.

|                                |   |          |
|--------------------------------|---|----------|
| NO HOT WATER/<br>LACK OF WATER | NEW CASTLE COUNTY PROPERTY MAINTENANCE CODE | LANDLORD |
|--------------------------------|---|----------|



Your rental unit should have hot and cold running water. All plumbing fixtures should be properly installed and maintained in working order.

NEW CASTLE COUNTY DEPARTMENT OF LAND USE - 395-5555

**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.

| PROBLEM | MINIMAL STANDARD | WHERE TO CALL FOR COMPLAINTS |
|---------|------------------|------------------------------|
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|                              |  |  |
|------------------------------|--|--|
| DISABILITY<br>(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. | STATE OF DELAWARE<br>DIVISION OF HUMAN RELATIONS<br>577-5050 |
|------------------------------|--|--|



|                  |  |  |
|------------------|--|--|
| RETALIATORY ACTS | If a tenant has complained in good faith about conditions or filed notice with an enforcement authority (ex: New Castle County Department of Land Use) or requested repairs to the rental unit, the landlord may not, within 90 days: try to evict you; demand an increase in rent; decrease services to which the tenant is entitled; or otherwise cause the tenant to move from the rental unit. | DELAWARE<br>DEPT. OF JUSTICE<br>CONSUMER PROTECTION UNIT<br>577-8600 |
|------------------|--|--|



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.

### ADDITIONAL HELPFUL CONTACT NUMBERS:

**Legal Helpline: 478-8850**  
(For free legal assistance or the Delaware Referral Service)

**Delaware Dept. of Justice Consumer Protection Unit: 577-8600**

\*Si necesita una copia de este documento en Español o vaya al sitio web de New Castle County ([www.nccdela.org](http://www.nccdela.org)).

| PROBLEM | MINIMAL STANDARD | WHERE TO CALL FOR COMPLAINTS |
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**OTHER PROBLEM TENANTS**



The State's Nuisance Abatement Act provides tenants and other community persons or groups 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  
DEPT OF JUSTICE  
CONSUMER PROTECTION  
UNIT  
577-8600

**CRIMES**



If you witness any criminal activity you should contact the police immediately.

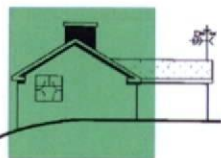
POLICE **911**

You also should contact your landlord concerning the criminal activity because the landlord has the ability to evict tenants for certain criminal acts.

LANDLORD

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.

**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.

STATE OF DELAWARE  
DIVISION OF  
HUMAN RELATIONS  
577-5050

**Examples of prohibited acts:**

Refusing to rent; Making housing unavailable; Setting different terms, conditions or privileges; Providing different housing services or facilities; Falsely denying that housing is available for inspection or rental.

| PROBLEM | MINIMAL STANDARD | WHERE TO CALL FOR COMPLAINTS |
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**CONTAMINATED/  
BAD WATER**



**NEW CASTLE COUNTY  
PROPERTY MAINTENANCE CODE**

All water should be free from contamination.

LANDLORD

NEW CASTLE COUNTY  
DEPARTMENT OF  
LAND USE  
395-5555

STATE DIVISION OF  
PUBLIC HEALTH  
995-8630

**ELECTRIC PROBLEMS**



**LACK OF ELECTRICITY**

**NEW CASTLE COUNTY  
PROPERTY MAINTENANCE CODE**

The electrical system must be properly installed and maintained.

IF BILL IS NOT PAID -  
CALL UTILITY PROVIDER  
(DELMARVA -  
800-898-8042)

**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 PAID -  
CALL LANDLORD

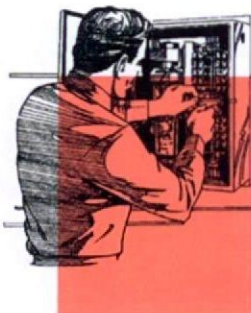
NEW CASTLE COUNTY  
DEPARTMENT OF  
LAND USE  
395-5555

**PROBLEM**

**MINIMAL STANDARD**

**WHERE TO CALL FOR COMPLAINTS**

**ELECTRICITY PROBLEMS**



**NEW CASTLE COUNTY PROPERTY MAINTENANCE CODE**

Minimum standards include - 60 amps, three wires, no exposed wires.

**DELAWARE RESIDENTIAL LANDLORD/TENANT CODE SECTION 5308**

The provision of a functioning electrical system in your rental unit is also considered an "essential service" provided by the landlord.

If a dangerous condition exists (open wires, sparks, smoke, etc.) get to safety and call **911** and DE STATE FIRE MARSHAL 323-5375

LANDLORD

NEW CASTLE COUNTY DEPARTMENT OF LAND USE 395-5555

**GAS ODOR/LEAK**



**NEW CASTLE COUNTY PROPERTY MAINTENANCE CODE**

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 UTILITY PROVIDER (Delmarva - 454-0317)

**PROBLEM**

**MINIMAL STANDARD**

**WHERE 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 to sign with your lease. If your unit was tested to be below 1.0mg/cm<sup>2</sup> 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

NATIONAL HOTLINE 1-800-424-LEAD

**NEW CASTLE COUNTY CODE**

**FIRE SAFETY**

Each rental unit shall have a properly functioning smoke detector located:

- a. outside each sleeping room area in the immediate vicinity of the bedrooms;
- b. on each additional story of the family living unit, including basements, but excluding crawl spaces and unfinished attics.



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.

Lighted emergency exits and fire extinguishers in common areas may also be required.

NEW CASTLE COUNTY DEPARTMENT OF LAND USE 395-5555

DE STATE FIRE MARSHAL 323-5375

Remember to change the batteries in your smoke detector at least once each year.

To obtain free smoke detectors, contact your local fire company.

| PROBLEM | MINIMAL STANDARD | WHERE TO CALL FOR COMPLAINTS |
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EXTERIOR:  
(PARKING AREAS,  
LIGHTING,  
STORAGE)



|  |  |
|--|--|
| <p><b>NEW CASTLE COUNTY<br/>PROPERTY MAINTENANCE CODE</b></p> <p>Proper lighting on exterior entrances, well-lighted parking lots (if provided).</p> | <p>LANDLORD</p> <p>NEW CASTLE COUNTY<br/>DEPARTMENT OF<br/>LAND USE<br/>395-5555</p> |
|--|--|

| PROBLEM | MINIMAL STANDARD | WHERE TO CALL FOR COMPLAINTS |
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HOLES/CRACKS



|   |  |
|---|--|
| <p><b>NEW CASTLE COUNTY<br/>PROPERTY MAINTENANCE CODE</b></p> <p>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.</p> | <p>LANDLORD</p> <p>NEW CASTLE COUNTY<br/>DEPARTMENT OF<br/>LAND USE<br/>395-5555</p> |
|---|--|

| PROBLEM | MINIMAL STANDARD | WHERE TO CALL FOR COMPLAINTS |
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TRASH/RUBBISH



|   |  |
|---|--|
| <p><b>NEW CASTLE COUNTY<br/>PROPERTY MAINTENANCE CODE</b></p> <p>All exterior property and premises and the interior of every rental unit shall be free from accumulation of trash or rubbish.</p> <p>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.</p> | <p>LANDLORD</p> <p>NEW CASTLE COUNTY<br/>DEPARTMENT OF<br/>LAND USE<br/>395-5555</p> |
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| PROBLEM | MINIMAL STANDARD | WHERE TO CALL FOR COMPLAINTS |
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INFESTATION



**NEW CASTLE COUNTY  
PROPERTY MAINTENANCE CODE**

|  |  |
|--|--|
| <p><b>In Single Family Home -</b><br/>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.</p> | <p>LANDLORD</p> <p>NEW CASTLE COUNTY<br/>DEPARTMENT OF<br/>LAND USE - 395-5555</p> |
|--|--|

|  |  |
|--|--|
| <p><b>In Multi-unit Building -</b><br/>(for example: apartments, duplexes)<br/>Landlord is responsible for public areas and outside the building unless infestation was caused by your actions. The tenant is responsible for infestation in the rental unit unless the problem comes from outside the unit.</p> | <p>LANDLORD</p> <p>NEW CASTLE COUNTY<br/>DEPARTMENT OF<br/>LAND USE<br/>395-5555</p> |
|--|--|

PLUMBING FIXTURES  
(EX.: SINK, TUB,  
TOILET)



**NEW CASTLE COUNTY  
PROPERTY MAINTENANCE CODE**

|  |  |
|--|--|
| <p>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.</p> | <p>LANDLORD</p> <p>NEW CASTLE COUNTY<br/>DEPARTMENT OF<br/>LAND USE<br/>395-5555</p> |
|--|--|

| PROBLEM | MINIMAL STANDARD | WHERE TO CALL FOR COMPLAINTS |
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**SECURITY**



**NEW CASTLE COUNTY 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, stay open and be equipped with a window sash locking device.  
**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.

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 NEW CASTLE COUNTY DEPARTMENT OF LAND USE  
 395-5555

**OCCUPANCY STANDARDS**



**NEW CASTLE COUNTY PROPERTY MAINTENANCE CODE**  
 Your rental agreement, the State Code and the County Code may limit the number of people in your rental unit.

LANDLORD  
 (If you believe your neighbor has too many people in a rental unit.)  
 If you are not satisfied with the response from your landlord, you may contact:  
 NEW CASTLE COUNTY DEPARTMENT OF LAND USE  
 395-5555

**LEAKS**



**NEW CASTLE COUNTY 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, the landlord should be notified immediately to prevent additional damage such as mold.

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 NEW CASTLE COUNTY DEPARTMENT OF LAND USE  
 395-5555

| PROBLEM | MINIMAL STANDARD | WHERE TO CALL FOR COMPLAINTS |
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|---------|------------------|------------------------------|

**NEW CASTLE COUNTY PROPERTY MAINTENANCE CODE**



**MOLD**  
 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, first contact your landlord.

LANDLORD  
 NEW CASTLE COUNTY DEPARTMENT OF LAND USE  
 395-5555

**NEW CASTLE COUNTY PROPERTY MAINTENANCE CODE**

**APPLIANCES (IF PROVIDED)**



**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.

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 NEW CASTLE COUNTY DEPARTMENT OF LAND USE  
 395-5555

**NEW CASTLE COUNTY PROPERTY MAINTENANCE CODE**

**SAFETY**



**Common areas, entrances & exits-** Secure railings for steps and balconies. No tripping hazards in walkways. Well-lighted common areas at night. Windows that can stay up and have screens and window latches.

LANDLORD  
 NEW CASTLE COUNTY DEPARTMENT OF LAND USE  
 395-5555

Dear New Castle County Tenant:

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 new 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.

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,



Thomas P. Gordon  
County Executive

#### IMPORTANT NUMBERS AT A GLANCE

|   |                 |
|---|-----------------|
| <b>Police, Fire, EMS</b>  | <b>911</b>      |
| <b>New Castle County Police Department<br/>(Non-Emergency)</b>                      | <b>573-2800</b> |
| <b>Landlord/Tenant Dispute Unit<br/>Attorney General's Office</b>                   | <b>577-8600</b> |
| <b>Property Maintenance Code Issues<br/>Code Enforcement</b>                        | <b>395-5555</b> |
| <b>NCC Housing Department/Section 8</b>   | <b>395-5600</b> |
| <b>Delaware Apartment Association<br/>for Landlord Information &amp; Assistance</b> | <b>798-0635</b> |
| <b>Community Legal Aid for Tenants</b>  | <b>575-0660</b> |
| <b>Division of Public Health</b>  | <b>995-8650</b> |
| <b>Street Maintenance Issues (Potholes,<br/>Traffic Lights, etc.) DELDOT</b>        | <b>326-4523</b> |

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#### 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 vehicle**
- 4. Junk, debris, stored on the exterior of the property**
- 5. Trash and garbage, not in proper containers**
- 6. Property Maintenance Violations; Items in disrepair, i.e. doors, windows, roofing, interior leaks, peeling paint etc.**
- 7. Dog/Animal feces not picked up daily**
- 8. Household items stored outside (old appliances, etc.)**
- 9. Accessory Structures in disrepair (shed, fence, etc.)**
- 10. Bushes and hedges not trimmed**

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