

SUBSTITUTE NO. 1 TO ORDINANCE NO. 16-036

**AN ORDINANCE TO AMEND CHAPTER 5 OF THE WILMINGTON CITY CODE
RELATING TO MANDATORY LANDLORD TRAINING AS A CONDITION FOR
RENTAL BUSINESS LICENSES**

Rev. #1
#4230

Sponsor:

**Council
Member
Cabrera**

WHEREAS, a significant portion of the City of Wilmington's housing consist of rental dwellings; and

WHEREAS, the proper management of rental dwelling housing is important to the health, safety and welfare of persons residing in such housing, as well as to city residents generally; and

WHEREAS, comprehensive landlord training programs promote positive and responsible partnerships between landlords, tenants and police; and

WHEREAS, positive and responsible partnerships among landlords, tenants and police are important to effectively prevent illegal activity in rental properties; and

WHEREAS, the City Council seeks to amend Chapter 5, section 5-92 of the Wilmington Code entitled "Rental dwelling units" by amending the section to require owners, operators and lessors of any rental dwelling unit to attend and successfully complete a city approved landlord training program as a condition of the rental license.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:

SECTION 1. Chapter 5 of the City Code is hereby amended at Section 5-92 by deleting the language with strike throughs and by adding the underlined language to read as follows:

Sec. 5-92. - Rental dwelling units.

- (a) The license fee specified by section 5-101 shall be paid per year by the owner, operator and/or lessor of any dwelling unit at the same time and as a condition of such license. Notwithstanding any exemptions from payment provided by section 5-31(1) of this chapter, any non-profit entity that owns, operates or leases a rental dwelling unit shall pay the fees set forth in this section as a condition of such license. For the purpose of this section, a rental dwelling unit means any room or group of rooms located within one or more buildings and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating, and which is let or rented to another for the purpose of living therein. In determining the number of dwelling units under this provision, a dwelling unit occupied by the licensee shall not be included.
- (b) As a condition of the rental license, the owner, operator and/or lessor of any dwelling unit shall attend and successfully complete a city approved landlord training program within one (1) year from the date of issuance of a license or license renewal. This condition shall be deemed satisfied when an owner, operator and/or lessor provides written proof of successful completion of a city approved landlord training program at the time of application for a license or license renewal. Completion, or prior completion, of a landlord training program sponsored or conducted by the Delaware Attorney General's Office, as evidenced by written proof of successful completion, shall satisfy this condition.
- (c) The owner, operator and/or lessor of any dwelling unit shall submit an application for a rental license to the department of finance, which shall contain:
- (1) The name and address of the operator and the name and address of the owner if the operator is not the owner, and such address shall not be a post office box;
 - (2) The location of the dwelling or dwelling units including the street and number of each entrance;
 - (3) The number of dwelling units available for rent;
 - (4) If the owner or operator is a corporation, the name and address of such corporation and the name and address of its president, secretary, any other officer of the corporation, and registered agent shall be given;
 - (5) If the owner or operator does not actually reside within the county or is not customarily present at an office in the city for the purpose of transacting business, then such owner or operator shall designate a resident managing agent to be in control of the dwelling or dwelling units who:
 - a. Will be responsible for the maintenance and operation of the dwelling or dwelling units in accordance with the provisions of this chapter; and

- b. Will be authorized to receive notices and process on behalf of the owner or operator in connection with the enforcement of the code.

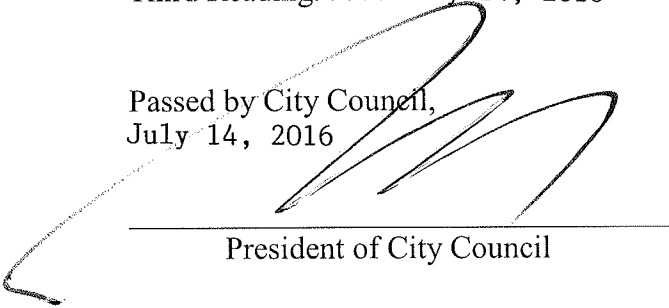
If the owner or operator is a corporation, or in the event that a corporate managing agent is designated by an owner or operator, the corporation shall designate an officer or agent as the managing agent;

- (6) A waiver by the owner or operator of all notice of violations except the sending of a copy of such notice by certified mail with return receipt requested to his address as indicated on the application, or if the owner or operator is a corporation, to the address of the managing agent as indicated on the application;
 - (7) Any additional information that the commissioner of licenses and inspections may require;
 - (8) A certification, under penalty of perjury, that all statements therein contained are to the best of his knowledge and belief, true and correct.
- (e) ~~(d)~~ Every applicant for a rental business license shall, at the time of application, register on his application all rental dwelling unit(s) owned, controlled, operated or managed by applicant. By registering a dwelling unit on the business license application, an applicant, owner or operator is certifying that said unit(s) may be properly let or rented to another under all applicable laws. Failure to register all dwelling unit(s) on the business license application, or registering a dwelling unit which may not be properly let or rented to another, shall constitute grounds for denial of a business license or revocation of a rental business license such that the licensee may no longer conduct such business in the City of Wilmington.
- ~~(d)~~ (e) Every owner or operator of a rental dwelling unit applying for a business license under this chapter shall at the time of application present with his application for a business license:
- (1) A certificate of occupancy issued by the department of licenses and inspections pursuant to the zoning ordinance of the city; and
 - (2) A certificate of zoning issued by the department of licenses and inspections pursuant to the zoning ordinance of the city.
- ~~(e)~~ (f) The owner or operator shall notify the department of finance of any change in the information given on the application form within 30 days of the occurrence of such change.
- ~~(f)~~ (g) Failure to comply with the provisions of this section shall be grounds for revocation of the licensee's license and such failure shall be prosecuted as a violation of this article.

SECTION 2. This ordinance shall become effective upon passage by City Council and approval by the Mayor.

First Reading June 2, 2016
Second Reading . . . June 2, 2016
Third Reading. . . . July 14, 2016

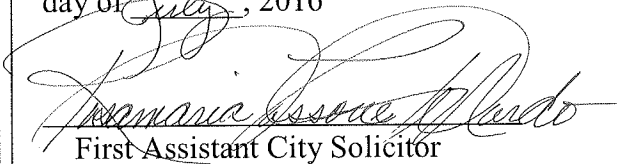
Passed by City Council,
July 14, 2016



President of City Council

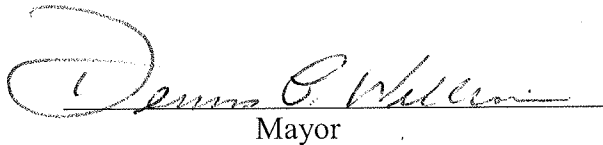
ATTEST: Traci R. Owens
Deputy City Clerk

Approved as to form this 15th
day of July, 2016



First Assistant City Solicitor

Approved this 20 day of July, 2016



Mayor

SYNOPSIS: This ordinance amends Chapter 5, section 5-92 of the Wilmington City Code by amending the section to require owners, operators and lessors of any rental dwelling unit to attend and successfully complete a city approved landlord training program as a condition of the rental license. Successful completion of a landlord training program sponsored or conducted by the Delaware Attorney General's Office would also satisfy this condition.