



# City of Wilmington

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## **Community Development & Urban Planning Committee**

Rysheema J. Dixon, Chair  
Yolanda McCoy, Vice-Chair  
Ernest "Trippi" Congo, II  
Linda M. Gray  
Zanthia Oliver  
Va'Shun "Vash" Turner  
Dr. Hanifa Shabazz, Ex-Officio Member

## **Health, Aging & Disabilities Committee**

Ernest "Trippi" Congo, II, Chair  
Ciro Adams  
Rysheema J. Dixon  
Christofer C. Johnson  
Va'Shun "Vash" Turner  
Dr. Hanifa Shabazz, Ex-Officio Member

# ➤ **REVISED NOTICE – JOINT MEETING**

**Community Development & Urban Planning Committee  
and Health, Aging & Disabilities Committee  
Thursday, February 13, 2020  
5:00 p.m.  
1<sup>st</sup> Floor Council Committee Room**

## **Agenda**

- A Resolution Encouraging the City of Wilmington to Support Tiny Houses/Tiny Homes to Address Affordable Housing, Neighborhood Stabilization, Homelessness, Seniors Seeking to Downsize, Veterans, and those Seeking to Lower their Carbon Footprint
- **Ord. 19-050** Amend Chapter 13, Article II of the City Code Regarding Nuisances Caused by Vacant Properties
- An Ordinance to Amend Chapter 34 of the City Code Regarding Bed Bugs Extermination and Treatment
- An Ordinance to Amend Chapter 34 of the City Code Regarding the Inspections of Rented or Leased Dwellings or Buildings for Residential Occupancy
- Resolution by Council, in aid of its legislative powers and functions, directs the Wilmington Housing Partnership Committee to investigate the Wilmington Housing Partnership and thereafter compose a report of its findings for Council
- Presentation on the Wilmington Housing Partnership, by Director of Real Estate & Housing, Robert Weir

Rev. 1 (2/7/20)

*If public comment is permitted during this committee meeting, any member of the public who wishes to speak during the committee meeting will be limited to three minutes per agenda item. If the public's permission to comment is abused, the Chair may exercise greater discretion in limiting public comment.*

Wilmington, Delaware  
February 20, 2020

#xxxx

**Sponsor:**

**Council  
President  
Shabazz**

**Co-Sponsor:**

**Council  
Member  
Freel**

**WHEREAS**, the average size of a home in the United States is 2,687 square feet (the highest it has ever been) which is an increase of 1,000 square feet over the last four decades.

The size of homes is growing fast, along with the cost of a home; and

**WHEREAS**, a residence is deemed “affordable” if the members of the household spend no more than 30% of their income in meeting the mortgage or rent of that residence.

Based on this definition, in order to afford a two-bedroom home in New Castle County the household needs to make on average at least \$48,000 annually. The average price of a house in New Castle County based on research in 2019 was \$300,000. The median household income in Wilmington in 2017 was \$40,221. The median sales price for a single-family home in Wilmington that year was \$62,730, which is not affordable for households that earn the median household income. There are strong indicators that the cost of housing in a number of Wilmington neighborhoods will experience a sizeable increase in price due to expected new housing and real estate developments; and

**WHEREAS**, the “Tiny House Movement” is becoming very popular in the United States. Tiny Houses now range anywhere from 150 square feet to 1,000 square feet. Tiny Houses are no longer primarily On Wheels, nor are they the sole interest or focus of DIY (Do It Yourself) individuals. Tiny Houses/Tiny Homes are attracting and being marketed to millennials, retirees, veterans, and seniors as they are looking to downsize, reduce their carbon footprint, and/or live in an affordable home; and

**WHEREAS**, several City governments and Non-Profits have begun taking this affordable housing concept and implementing it to address homelessness, increasing the

growth of starter homes, and combating rising housing costs. As far back as 2014, and as recently as May 2019, communities have been developing various types of “Tiny Houses/Tiny Homes” in response to housing affordability issues for various constituent groups which also positively impacts neighborhood stabilization; and

**WHEREAS**, there have been many initial reports of success in the incorporation of “Tiny Houses/Tiny Homes” in the Housing Codes of several cities, such as Austin and Dallas, Texas; Eugene and Portland, Oregon; Fresno, California; Nashville, Tennessee, Seattle and Olympia WA, and Syracuse NY, to name a few. Tiny Houses/Tiny Homes in these Cities are serving a range of constituents who are seeking affordable housing. By taking best practices from existing approaches in other Cities, the inclusion of “Tiny Houses/Tiny Homes” has great potential to become equally successful (if not more so) in the City of Wilmington; and

**WHEREAS**, the inclusion of Tiny Houses/Tiny Homes in Wilmington will not only create an answer for various constituent groups who need and will benefit from being able to access affordable housing through the availability of Tiny Houses/Tiny Homes in our City of Wilmington, Delaware, the economic impact of creating a new business in the City will bring new employment opportunities for Wilmingtonians through the creation of a new industry thereby benefiting the City as a whole.; and

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that the City Council supports the inclusion of Tiny Homes/Tiny Houses without wheels in the Wilmington Housing Code at a minimum of 400 square feet to a maximum of 1,000 square feet of permanent housing that is congruent with the existing Wilmington and State of Delaware Housing Codes, that is not on wheels, and is located in areas designated as residential. Tiny Homes/Tiny Houses will substantially address the

dwindling supply of affordable housing in Wilmington while also adding a new economic engine in the City of Wilmington that will create potentially hundreds of new jobs in the building of Tiny Homes/Tiny Houses in the City.

Passed by City Council,

ATTEST: \_\_\_\_\_  
City Clerk

**SYNOPSIS:** This Resolution strongly encourages the City of Wilmington, Delaware to support the inclusion of Tiny Houses/Tiny Homes in our City's housing stock to address the growing problems associated with the scarcity of Affordable Housing, issues regarding Neighborhood Stabilization, Millennials needing Starter Homes, Homelessness, Seniors Seeking to Downsize, Veterans needing affordable housing, and those seeking to lower their Carbon Footprint.

**AN ORDINANCE TO AMEND CHAPTER 13, ARTICLE II OF THE CITY CODE  
REGARDING NUISANCES CAUSED BY VACANT PROPERTIES**

#4738

Sponsors:

Council  
Members  
Dixon  
McCoy

**WHEREAS**, City Council recognizes that blighted, vacant properties are an eyesore and they decrease surrounding property values and pose a threat to the health, safety, and welfare of the public; and

**WHEREAS**, criminal penalties have not been sufficiently effective in deterring violations of the City Code provisions related to blighted, vacant property; and

**WHEREAS**, City Council believes that imposing civil penalties on property owners who fail to comply with Section 13-42 of the City Code will be more effective in deterring this unlawful conduct; and

**WHEREAS**, City Council deems it necessary and proper to permit the Department of Licenses and Inspections to issue citations and impose civil penalties upon property owners, or responsible parties, who fail to comply with these provisions; and

**WHEREAS**, City Council intends for unpaid amounts of the civil penalties for failing to comply with these City Code provisions to give rise to a lien on the property in violation, as permitted under Title 25, Section 2901 of the Delaware Code; and

**WHEREAS**, City Council deems it necessary and proper to amend Chapter 13, Article II of the City Code to effectuate these changes.

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

**SECTION 1.** Chapter 13 of the City Code is hereby amended by adding Section 13-42 entitled "Vacant Properties", which shall be the document attached hereto as Exhibit A. Exhibit A shall constitute and be codified as Section 13-42 of the City Code.

**Section 2.** This Ordinance shall become effective upon its passage by City Council and approval by the Mayor.

First Reading.....November 7, 2019  
Second Reading.....November 7, 2019  
Third Reading.....

**SYNOPSIS:** This Ordinance amends Chapter 13, Article II of the City Code by requiring all vacant properties located within the City of Wilmington to be maintained in a safe, secure and sanitary condition so as not to endanger the health, safety or welfare of City residents. This Ordinance authorizes the Commissioner of Licenses and Inspections or his authorized representative or designee to enforce City Code Section 13-42, and establishes the procedure for enforcement including the issuance of civil fines for violations of this Section, and the property owner's right to appeal a notice of violation pursuant to this Section.

# **EXHIBIT A**

**Sec. 13-42. - Vacant Properties.**

- (a) "Vacant", when used in this Section, shall mean the following, except where the context clearly indicates a different meaning:

A building or structure shall be deemed to be vacant if:

For more than forty-five (45) consecutive days, no person(s) conducts a licensed business or lawfully resides or lives in any part of the building or structure as the legal or equitable owner(s), tenant(s), or otherwise claiming possession through the owner, on a permanent basis. This term does not include unoccupied structures that are:

- (1) Undergoing construction, rehabilitation or renovation that is proceeding with reasonable diligence;
  - (2) Used or held for use by the property owner as a vacation or seasonal home and is in good repair;
  - (3) Purchased at sheriff sales and have not exhausted the statutory redemption period; or
  - (4) Physically secured and the subject of a probate action or other litigation in which ownership is contest.
- (b) *General.* All vacant structures and surrounding premises shall be maintained in a safe, secure and sanitary condition as provided generally in this Chapter and specifically in this Section, so as not to endanger the health, safety, or welfare of the public. This maintenance shall include, but is not limited to, the following:
- (1) Replacing any broken windows;
  - (2) Replacing deteriorated roofing or siding to keep the property weathertight;
  - (3) Trimming shrubbery and grass to prevent neglected vegetation or natural overgrowth;
  - (4) Repairing or removing any accessory building and equipment, the condition of which is less than would be expected if the property were in active use;
  - (5) Securing all building openings to prohibit the unauthorized or illegal use of the premises or any building or equipment;
  - (6) Removing or correcting any condition detrimental to the safety of the general public including, but not limited to, trash, debris, and hazardous or unhealthy materials that have accumulated on the property;
  - (7) Maintaining all exterior surfaces including wood composition, cinderblock, or metal, in a weatherproof condition and surface coated to match the structure's exterior facade; and



- (8) Maintaining the integrity of the building structure in good repair and capable of safely supporting imposed loads.
- (c) Inspection of Structures, Buildings, Dwellings, etc., generally; Right of Entry of Enforcement Officer.
- (1) The enforcement officer is hereby authorized and directed to make inspections to determine the condition of vacant structures and premises located within this City in order to perform his duty of safeguarding the health and safety of the occupants of surrounding structures and the general public. The Department of Licenses and Inspections shall serve upon the owner written notice of its intent to inspect the structure or premises forty-eight (48) hours prior to entry. If the owner or person responsible for the property does not provide written consent to the inspection, or otherwise refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to any part of the structure or premises where inspection authorized by this Section is sought, the Department may seek, in a court of competent jurisdiction, an administrative search warrant.
- (2) For the purpose of making such inspections, the enforcement officer is hereby authorized to enter and inspect all vacant structures and premises between the hours of 8:00 a.m. and 5:00 p.m. The owner of every vacant structure or premises, or the person in charge of such, shall give the enforcement officer free access to such structure and its premises during such time for the purpose of such inspection, provided that such inspection is not for the purpose of undue harassment of the owner, and that such inspection is performed in such a way that causes the least amount of inconvenience to the owner and is consistent with the efficient performance of the duties of the enforcement officer.
- (3) Nothing in this Section shall be construed to prohibit the entry of the enforcement officer:
- a. At any time when an actual emergency which tends to create an immediate danger to public safety exists; or
- b. At any time when such an inspection may be requested by such owner.

(d) *Administration and Enforcement.*

- (1) *Enforcement Generally.* This Section shall be enforced by the Commissioner of the Department of Licenses and Inspections or his authorized representative or designee. The Department shall maintain records relating to the inspection of each property and the administration and enforcement of this Section.
- (2) Except as otherwise specifically provided by this Chapter, any person violating any order of the Commissioner of the Department of Licenses and Inspections based on the provisions of this Section, or any provision of any rule or regulation adopted by the Department for the enforcement or implementation of this Section, or violating any provision of this Section, or any provision of any such rule or

regulation, shall be subject to and liable for a civil fine of \$100 for such violation, in addition to any applicable remediation costs.

- (3) Each week's failure following any applicable cure period to comply with any order of the Commissioner based upon the provisions of this Section or the provisions of any rule or regulation adopted by the Department of Licenses and Inspections for the enforcement and implementation of this Section, and each week's failure following any applicable cure period to comply with any provision of this Section or any such rule or regulation, shall constitute a separate and distinct offense and be punishable as such with a civil fine of \$100 for each subsequent violation.
  - (4) Pursuant to title 25, chapter 29 of the Delaware Code, any fines imposed for violations of this Section and any unpaid remediation costs shall give rise to a lien(s). The unpaid amounts of such fines and/or remediation costs may be added to local property tax billings for the property which was the subject of said violation.
  - (5) If any violation remains uncorrected ninety (90) days following the date of issuance of the citation for such violation and the Commissioner of the Department of Licenses and Inspections has not otherwise agreed in writing to allow a longer period to cure such violation, then the civil fine for such violation shall double. If any violation remains uncorrected one (1) year following the date of issuance of the citation for such violation and the Commissioner of the Department of Licenses and Inspections has not otherwise agreed in writing to allow a longer period to cure such violation, then the civil fine for such violation shall triple.
- (e) *Notice of Violation—Contents, Service.* Whenever the Commissioner of the Department of Licenses and Inspections or his designee determines that there has been a violation, or that there are reasonable grounds to believe that there has been a violation, of any provision of this Section or of any rule or regulation adopted pursuant thereto, he shall give notice of such violation or alleged violation to the person responsible thereof. Such notice shall:
- (1) Be put in writing;
  - (2) Include a description of the real estate sufficient for identification;
  - (3) Include a statement of the reason why it is being issued; and
  - (4) Allow at least thirty-five (35) days from the date of such notice for the performance of any act it requires, unless otherwise provided in this chapter; in the event that the Commissioner of the Department of Licenses and Inspections or his designee determines that a lesser period of time is essential to protect the health, safety or welfare of the occupants of an adjacent property, in which case three (3) days are required for the performance of any act it requires.

- (5) The notice of violation shall be served upon the owner, operator, or property manager, as the case may require. Such notice shall be deemed to be properly served by mailing a copy thereof by certified mail, return receipt requested, to the property address, other address(es) that have been designated for the receipt of property tax bills for such property, and the last known available or reasonably ascertainable address of the property owner if different from the before-mentioned addresses. If the notice is returned “undeliverable” or circumstances otherwise indicate that service has not been effected, service shall be made by posting a copy of the notice of violation in a conspicuous place on or about the dwelling affected by the notice. The Commissioner of the Department of Licenses and Inspections may, in his discretion, require such notice to be served by delivering a copy thereof personally to such owner or such operator or by leaving a copy thereof at his usual residence in the presence of someone in the residence of suitable age and discretion who shall be informed of the contents thereof, as the circumstances may require. Any notice herein required shall, if mailed, be deemed to be effective upon the earlier to occur of five business days following the date of its mailing, the date of actual delivery or the date of posting on the property.
- (6) In no case shall the Code Official be required by this Section to provide a violation notice to:
- a. Any owner or person previously provided notice pursuant to this Section where the same violation is alleged by the Code Official to exist due to the owner’s failure to correct the original violation; or
  - b. In the event that a violation exists or is reasonably believed to exist because work is being done in an unsafe or dangerous manner which jeopardizes the health, safety or welfare of the public, or is being done (or was done) in the absence of necessary permit(s), license(s) or registration(s).
- (f) *Administrative Appeal.* The owner, operator or occupant may appeal the notice to the Commissioner of the Department of Licenses and Inspections by sending a detailed written explanation of the grounds for the appeal, along with an administrative filing fee of \$15.00, which will be refunded upon a successful appeal, to the Commissioner or his designee within fifteen (15) business days of the date of the citation. The Commissioner or his or her designee shall issue a written decision affirming, modifying, reversing, revoking, or vacating the notice within 30 calendar days of receipt of the written explanation of the grounds for the appeal. All notices may be further appealed to the Board of License and Inspection Review as provided in this Subsection. Any appeal to the Commissioner shall act only as a stay of the notice until a final decision on the appeal has been rendered, and such appeal shall not be deemed to otherwise stay, limit or impair any other orders or actions of the Commissioner made pursuant to this chapter. If during the pendency of the appeal additional notices are issued regarding the same matter under appeal, the additional notices shall not be subject to further appeal but rather shall be resolved in accordance with the decision of the initial appeal on such matter.

- (1) Any owner, operator or occupant, as the case may require, may appeal the notice to the Board of License and Inspection Review following any appeal to the Commissioner of the Department of Licenses and Inspections in accordance with Subpart (f) of this Section. The appeal shall be in writing and filed within fifteen (15) business days after the issuance of the written decision of the Commissioner or his or her designee pursuant to Subpart (f) of this Section. Any appeal to the Board of License and Inspection Review shall be accompanied at the time of filing with a fee of \$50.00, which will be refunded upon a successful appeal. The Board of License and Inspection Review shall hear and decide appeals in accordance with its duly prescribed and promulgated rules, regulations and procedures.
- (2) *Writ of Certiorari.* An aggrieved party may appeal the decision of the Board of License and Inspection Review by filing a petition for a writ of certiorari in the Delaware Superior Court.
- (3) Any owner, operator or property manager, as the case may require, who does not appeal the notice and does not perform the act or acts required under the notice, or who unsuccessfully appeals the notice and does not perform the act or acts required under the notice within the prescribed time period is in violation of this Section and may be issued a civil fine and any applicable remediation costs pursuant to Subsection 13-42(d).

**AN ORDINANCE TO AMEND CHAPTER 34 OF THE CITY CODE REGARDING  
BED BUG EXTERMINATION AND TREATMENT**

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#4762

**Sponsor:**

**Council  
President  
Shabazz**

**Co-Sponsor:**

**Council  
Member  
Oliver**

**WHEREAS**, the City of Wilmington is comprised mainly of row homes, attached structures and other higher density housing that can contribute to widespread bed bug infestation; and

**WHEREAS**, tenants and owners of buildings and premises containing two or more dwelling units have an equally important role in preventing and eradicating bed bugs; and

**WHEREAS**, Wilmington residents as well as the general public lack awareness about bed bug prevention and treatment, and the rights and responsibilities of tenants, landlords, property owners and managers, and dwelling facility operators to safely eliminate bed bugs from their properties.

**THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:**

**SECTION 1.** An infestation of bed bugs is declared a public nuisance dangerous to the public health.

**SECTION 2.** Chapter 34 of the City Code is hereby amended by adding the underlined language as follows:

Sec. 34-1. – Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

...

*Extermination* means the control and elimination of insects, including bed bugs; rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating,

trapping; or by any other recognized and legal pest elimination methods approved by the enforcement officer.

...

*Infestation* means the presence, within or around the dwelling, of any insects, including bed bugs, rodents or other pests.

Sec. 34-236. - Responsibilities of owners.

(a) No person shall own a building within the city which does not comply with the following requirement, particularly with respect to any evidence of decay of any of the items enumerated:

...

(12) Pest Control. Every owner of a dwelling containing two or more dwelling units shall be responsible for the extermination of insects, including bed bugs, rodents or other pests on the premises. Whenever an infestation exists in two or more of the dwelling units in a dwelling or in the shared or public parts of any dwelling containing two or more units, extermination thereof shall be the responsibility of the owner.

Sec. 34 - 237 Responsibilities of occupants; penalties for violations

(a) The occupants of every dwelling or dwelling unit shall comply with the following requirements:

...

(5) Pest control. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, including bed bugs, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested....

**SECTION 3.** Chapter 34 of the City Code is hereby amended by adding the underlined language as follows:

Sec. 34-271. –Insect and rodent control

No dwelling or dwelling unit shall be deemed to comply with the requirements of this chapter relating to exclusion of insects and rodents unless it complies with Sections 34-234(9) and 34-234(10) and with the requirement that every basement or cellar window shall be supplied with a heavy wire screen of not larger than one-fourth-inch mesh.

(a) Bed Bugs

(1) Definitions. The following words, terms and phrases, when used in this section, shall be defined as follows:

- a) "Pest Management Professional" means a person who: (i) is licensed, registered or certified by the State of Delaware to perform pest control services (ii) has attended courses or undergone training for the proper method for the extermination of bed bugs; and (iii) follows National Pest Management Association Best Practices for the extermination of bed bugs.
- b) "Dwelling facility operator" means the governing association of a condominium or cooperative building; the operator of any apartment building; the operator of any group living home or facility; or the operator of a hotel or other transient facility.
- c) "Dwelling facility resident" shall mean the owner of a condominium unit or occupant of a unit in a cooperative building; a resident of any apartment building, group living home or facility; or a resident or guest of any hotel or other transient facility.
- d) "Informational brochure" means a brochure or other document prepared by the Department of Licenses and Inspections that sets forth information on how to prevent the spread of bed bugs, how to detect the presence of bed bugs, and describes landlord and tenant rights and responsibilities with respect to bed bugs extermination under this Chapter.
- e) "Rental unit" means any dwelling unit which is not owner-occupied and is held out for rent to tenants, including any single-family home held out for rent to tenants

- f) “Landlord” means the owner of a dwelling unit or a building containing multiple dwelling units leased for residential purposes.

(2) Education

- a) The Commissioner of Licenses & Inspections shall be responsible for the development of an informational brochure, and its posting on the City of Wilmington’s website, containing, at a minimum, the following:
- i. A statement that the presence of bed bugs in any building or dwelling unit is a public nuisance;
  - ii. Information on how to detect the presence of bed bugs;
  - iii. Information on how to prevent the spread of bed bugs within dwelling units and buildings;
  - iv. A statement that tenants shall contact their landlord as soon as practicable if they know or suspect they have bed bugs in their dwelling unit; and
  - v. Contact information as to where people can obtain more information
- b) For any rental agreement for a dwelling unit entered into or renewed after the effective date of this ordinance, the landlord or any person authorized to enter into such agreement on his behalf shall provide to such tenant the informational brochure on bed bugs provided by the Department of Licenses and Inspections.
- i. The landlord shall maintain a written record signed by the tenant in acknowledgement of the receipt of the informational brochure. Such record shall be available upon request by the Commissioner of Licenses and Inspections, or his or her designee.

(3) Responsibilities of Owners

- a) Prior to renting a dwelling unit, the owner or property manager shall visually inspect the unit for any evidence of the presence of bed bugs, which may be indicated by observation of a living bed bug, bed bug carapace, eggs or egg casings, or brownish or blood spotting on linens, mattresses, or furniture. An owner may not offer for rent a dwelling unit that the landlord knows or suspects is infested with bed bugs.



- b) Prior to renting a dwelling unit, a landlord shall disclose to a prospective tenant if an adjacent unit or units are currently infested with or are being treated for bed bugs. The landlord shall maintain a written record, signed by the tenant, acknowledging the presence or absence of a bed bug infestation, or the treatment thereof, in an adjacent unit at the time of entering into the lease or rental agreement.
- c) Upon request from a tenant or prospective tenant, a landlord shall disclose the last date that the dwelling unit the landlord seeks to rent, or an adjacent unit or units were inspected and found to be free of a bed bug infestation.
- d) In accordance with Section 34-236(a)(12), if a bed bug infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.
  - i. Pest control services. Where a bed bug infestation exists or is reasonably suspected in two or more dwelling units or in the shared or public parts of a dwelling containing two or more dwelling units, the owner must provide extermination services by a pest management professional.
    - a. The owner shall provide the pest control services to determine whether an infestation exists within 48 hours after (1) a bed bug is found or reasonably suspected anywhere in the shared or public parts of any dwelling containing two or more dwelling units; or (2) being notified in writing by the tenants of two or more dwelling units of a known or reasonably suspected bed bug infestation on the premises or in the tenants' rental units.
    - b. In buildings of four or more dwelling units, such as multi-unit apartment buildings or high rises, the owner must obtain investigatory services by a pest management professional for any unit directly adjacent to, above or below the unit from which the original report of bed bugs came.
    - c. Owner must provide all tenants of units infested with bed bugs with written notice of the pest management professional's determination within two business days of receipt of information from the professional.
    - d. If the pest management professional determination that an infestation exists, the owner is responsible for

extermination treatment until such a time that no evidence of bed bugs can be found and verified.

- ii. Record of pest control. The owner must maintain a written record or treatment report of the pest control measures performed by the pest management professional in the dwelling units and areas of the premises where an infestation is found or reasonably suspected. The record shall include reports and receipts prepared by the pest management professional, detailing the chemicals used for the treatment. The record shall be maintained for a period of four years and shall be open to inspection by authorized personnel of the Department of Licenses and Inspections.

(4) Responsibilities of tenants.

- a) In accordance with Section 34-237(a)(5), the occupant(s) of a single family dwelling shall be responsible for the extermination of bed bugs. If bed bugs are found or reasonably suspected in a dwelling unit in a dwelling containing more than one dwelling unit, the tenant shall be responsible for such extermination if his dwelling unit is the only unit infested. The tenant's responsibilities are as follows:
  - i. A tenant shall not knowingly bring into the building personal furnishings or belongings that are known or reasonably suspected to be infested with bed bugs.
  - ii. A tenant who finds or reasonably suspects a bed bug infestation in the tenant's dwelling unit or in a common area of the building shall notify the owner or property manager in writing within 48 hours of finding or suspecting the infestation.
    - a. If the owner or property manager has not received notice of a known or reasonably suspected infestation in another dwelling unit, the owner shall inform the tenant within two (2) business days, by written notice, of the tenant's responsibility to provide extermination services for the dwelling unit by a pest management professional.
    - b. The tenant shall obtain pest control services, at his or her expense, within 48 hours of receiving notice from the owner or property manager of the tenant's responsibilities under this Section, unless the responsibility to pay for such services is waived by the

owner or an alternate payment schedule is agreed to, in writing, by the landlord and tenant.

- c. The tenant shall provide to the owner or property manager a written record or treatment report of the pest control measures performed by the pest management professional in the dwelling unit. The record shall include reports and receipts prepared by the pest management professional, detailing the chemicals used for the treatment.
- iii. A tenant who notifies a landlord of a suspected infestation, or that is advised by a landlord in writing of a suspected infestation in the building, shall cooperate with reasonable recommendations provided by a pest management professional hired by the landlord to investigate and remediate the infestation, including by:
  - a. Granting access at reasonable times to the tenant's unit for purposes of inspection and remediation, upon reasonable notice by the landlord;
  - b. Not interfering with inspections or remediation efforts; and
  - c. Carrying out reasonable preparations, such as cleaning or moving furniture, before treatment, in accordance with the recommendations of the pest management professional.

#### (5) Tenant Protections

- a) A tenant may not be evicted in retaliation for reporting a known or suspected bed bug infestation.
- b) If a tenant is unable to comply with treatment preparations due to physical limitations, upon notice to the owner or property manager by the tenant of need for assistance, the landlord shall offer reasonable assistance to enable the tenant's compliance. After first disclosing what the cost of such an accommodation may be, and upon written agreement by the tenant, a landlord may charge a reasonable amount for any such assistance, subject to a reasonable payment schedule not to exceed six months, unless an extension or waiver of costs is agreed to in writing by the landlord and tenant.

#### (6) Bed Bugs and Dwelling Facility Operators

- a) No dwelling facility operator shall knowingly lease or provide a room or unit in its facility in which a bed bug infestation exists.
- b) No dwelling facility operator shall retaliate against a dwelling facility resident, employee, contractor, lessee or other user of its facility for reporting a suspected or known bed bug infestation to the facility operator or for sharing such information with other residents or users.
- c) A dwelling facility resident shall notify in writing the dwelling facility operator of any known or reasonably suspected bed bug infestation in an occupied room or unit, within three calendar days of discovery, and cooperate with the dwelling facility operator in the investigation and remediation of the infestation.

(7) Enforcement and Violations

- a) The Department of Licenses and Inspections shall have the authority to enforce this Section. The Commissioner of the Department of Licenses and Inspections or his Inspector or designee is authorized to inspect for bed bugs the interior and exterior of dwellings, dwelling units, buildings, other structures or parcels on which a building is located.
- b) A violation of this Section has occurred when a tenant, dwelling facility resident, owner or dwelling facility operator is required by this Section to obtain extermination services to treat a known or reasonably suspected bed bug infestation and fails to so act.
  - i. All violations of this Section shall be reported to the Department of Licenses and Inspections which shall enforce this Section pursuant to Sections 34-237(b)-(d).
  - ii. A property owner of a multi-unit dwelling or dwelling facility operator in violation of any order of the Commissioner of Licenses based on the provisions of this Section shall be denied the right to renew or obtain a rental business license.

**SECTION 4.** This Ordinance shall become effective ninety (90) days upon its date of passage by the City Council and approval by the Mayor and apply only with respect to leases or the renewal of leases entered into after the effective date of this Ordinance.

First Reading.....February 6, 2020

Second Reading.....February 6, 2020

Third Reading.....

Passed by City Council,

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President of City Council

ATTEST: \_\_\_\_\_  
City Clerk

Approved this \_\_\_\_ day of \_\_\_\_\_, 2020.

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Mayor

**SYNOPSIS:** This ordinance would prescribe the duties of landlords and tenants with regard to the treatment and control of bed bugs. For any rental agreement for a dwelling unit entered into or renewed after the effective date of this ordinance, the landlord or any person authorized to enter into such agreement shall provide to such tenant an informational brochure on bed bug prevention and treatment prepared by the Department of Licenses and Inspections (L&I).

**FISCAL IMPACT STATEMENT:** The projected fiscal impact of this Ordinance is a nominal increase relevant to the development and availability of the bed bugs informational brochure.

**POLICY STATEMENT:** The resurgence of bed bugs has created significant concern in the pest management industry and in society overall. The spread of bed bug infestations is a burden on the resources of Wilmington residents, property owners and health and social services providers in both the public and private sectors. In a time of fiscal austerity, cities should choose strategies that are both cost-efficient and highly effective. Smart, dedicated action can prevent the spread of bed bugs, thereby saving money and preventing waste in the long term. Municipalities across the country are creating and/or strengthening legislation on this issue. Examples of such proactive local jurisdictions include Philadelphia, Chicago, Jersey City, San Francisco, New York City, Boston, Cincinnati and Detroit. The goal of these regulations is not to overburden landlords, but to raise the bar and ensure to the extent possible that landlords are responsible stewards of their properties, working with the municipality to ensure safe, clean and healthy neighborhoods.

W0109437

**AN ORDINANCE TO AMEND CHAPTER 34 OF THE CITY CODE REGARDING THE INSPECTIONS OF RENTED OR LEASED DWELLINGS OR BUILDINGS FOR RESIDENTIAL OCCUPANCY**

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#4772

**Sponsors:**

**Council  
Members  
Guy  
Turner**

**WHEREAS**, the City Code has long included provisions related to the mandatory inspection, by the Department of Licenses and Inspections, of rental dwellings and rental dwelling units; and

**WHEREAS**, the objective of these provisions is to take measures to protect and promote the health and safety of those residing in Wilmington, while also endeavoring to ensure that the City's housing stock remains strong.

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

**SECTION 1.** Chapter 34 of the City Code is hereby amended by deleting the stricken language and adding the underlined language as follows:

Sec. 34-45. – Inspections of ~~rented or leased dwellings prior to lease or rental, or buildings for residential occupancy, to include~~ installment sales; no warranty of condition.

(a) Inspection prior to lease or a rental dwelling ~~or building~~. Any person who leases or rents any dwelling or any dwelling unit, as defined in this Chapter, shall, prior to such leasing or renting:

(1) Cause the same to be inspected by the Commissioner of Licenses and Inspections, or his or her designee; and ~~every two years for each dwelling or building consisting of five or fewer units. An initial rental inspection shall be required for each such dwelling or building consistent with a rental inspection schedule set by the commissioner of licenses and inspections. The two-year period referenced in this subsection shall be calculated based upon the rental inspection schedule set by the commissioner of licenses and inspections. Inspections of dwellings or buildings required under this subsection may consist of a random sampling of units in the dwelling or building as determined by the commissioner of licenses and inspections or his designee. The purpose of all rental inspections shall be enforcement of the provisions of the City Code concerning life safety items which include, but are not limited to: smoke/carbon monoxide detectors, heating sources, hot water sources, electrical systems, sanitary disposal sources, water damage, roofs and means of egress and ingress;~~

- (2) Cause any violations of this Chapter, which may be cited as a result of such pre-rental inspection, to be corrected prior to permitting any tenant or lessee or any other person to occupy such dwelling or dwelling unit. Cause the same to be inspected by the commissioner of licenses and inspections, or his designee every five years for each dwelling or building consisting of six or more units. An initial rental inspection shall be required for each such dwelling or building consistent with a rental inspection schedule set by the commissioner of licenses and inspections. The five-year period referenced in this subsection shall be calculated based upon the rental inspection schedule set by the commissioner of licenses and inspections. Inspections of dwellings or buildings required under this subsection may consist of a random sampling of units in the dwelling or building as determined by the commissioner of licenses and inspections or his designee. The purpose of all rental inspections shall be enforcement of the provisions of the City Code concerning life safety items which include, but are not limited to: smoke/carbon monoxide detectors, heating sources, hot water sources, electrical systems, sanitary disposal sources, water damage, roofs and means of egress and ingress.
- (3) With the exception of the initial rental inspection, a waiver of a subsequent rental inspection required under subsections (1) and (2) above may be granted by the commissioner of licenses and inspections if all the following conditions are present:
- a. The dwelling or building has no outstanding violations of the building, housing, sanitation, vegetation, animal, zoning or licensing provisions of the City Code at the time the waiver is requested;
  - b. The property owner and/or property manager has not been convicted of, or pled guilty or no contest to, or assessed a civil penalty for any violations of the building, housing, sanitation, vegetation, animal, zoning or licensing provisions of the City Code within the applicable two or five-year period preceding the waiver request;
  - c. The dwelling or building has not been the subject of a notice declaring said dwelling or building to be unfit for human habitation by the department of licenses and inspections within the applicable two or five-year period preceding the waiver request;
  - d. The property owner and, if applicable, the property manager, is properly registered and licensed by the department of licenses and inspections;
  - and e. The property owner and, if applicable, the property manager, are in good standing with regard to any city financial obligations.

A waiver must be requested by the owner of the property, or if applicable, the property manager, each time a rental inspection is required. A request for waiver must be in writing and on a form provided by the department of licenses and inspections.

- (4) If the dwelling unit is unoccupied at the time of the rental inspection, cause any

~~violations cited during the rental inspection to be corrected prior to permitting any tenant or lessee or any other persons to occupy such dwelling or dwelling unit. If the dwelling unit is occupied at the time of the rental inspection, cause any violations cited during the rental inspection to be corrected within the time period designated by the commissioner of the department of licenses and inspections or his designee, and cause the dwelling unit to be re-inspected upon correction of the violation(s).~~

The provisions of this section shall apply to the lease or rental of any dwelling or dwelling unit whether it is to be leased to the current tenant or to a new tenant and whether the same is to be done by the current owner or a new owner. In any instance in which a tenant remains in possession during a change in ownership by sale, exchange or any other transfer, the pre-rental inspection requirements of this Chapter shall be applicable and shall be given full force and effect, and any violations cited shall be corrected within a reasonable period of time as shall be determined at the sole discretion of the Commissioner of Licenses and Inspections.

- (b) Transitional provisions. The provisions of this section shall apply to all leases or rentals, whether such leasing or rental is a new lease or rental or the renewal of an existing lease or rental.
- (c) *Installment sales.* Whenever any person sells any dwelling, dwelling unit, hotel, building or rooming house in the city wherein there is a retention of title by the seller and a deferred installment payment plan is set forth in the contract or lease agreement, the seller shall comply with the inspection requirements of subsection (a) of this section and the provisions of section 34-43 shall not be applicable to any such seller of property who or which is subject to the provisions of this subsection.
- (d) *Disclaimer of warranty of condition.* Nothing contained in this section shall be construed as any manner of warranty or guarantee by the city or by its agent, the Department of Licenses and Inspections, that any particular property at any particular time fully complies with the provisions of this chapter and all rules and regulations adopted pursuant thereto or that any violations of this chapter and the rules and regulations adopted pursuant thereto cited by the Department of Licenses and Inspections are necessarily the only violations existing in or upon a particular property at any particular time or that corrections of violations of this Chapter and any rules and regulations adopted pursuant thereto which have been cited by the Department of Licenses and Inspections are necessarily full and complete corrections such that no other violations exist in or upon any particular property at any particular time.
- (e) *Fee.*
  - (1) Any person who leases or rents any dwelling or any dwelling unit in willful violation of this section shall pay \$25.00 for any inspection or re-inspection



required under this Section, in addition to any other penalty provided for such violation.

- (2) If more than one re-inspection is necessary to determine compliance with any violation cited during the initial rental inspection, an additional fee in the amount of \$25.00 will be assessed for each re-inspection, commencing with a second re-inspection. Said re-inspection fee may be waived for good cause shown at the discretion of the code enforcement officer.

**SECTION 2.** This Ordinance shall become effective immediately upon its date of passage by the City Council and approval by the Mayor.

First Reading..... February 6, 2020  
Second Reading.... February 6, 2020  
Third Reading.....

Passed by City Council,

\_\_\_\_\_  
President of City Council

ATTEST: \_\_\_\_\_  
City Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020

\_\_\_\_\_  
Mayor

**SYNOPSIS:** This Ordinance amends Section 34-45 of the City Code to require inspections of dwellings and dwelling units by the Department of Licenses and Inspections prior to the lease or rental of any such unit. This Ordinance also imposes a \$25 fee for any inspection required when there has been a willful violation of this Section.

**FISCAL IMPACT:** Currently, Section 34-45 requires any dwelling or dwelling unit in a dwelling or building consisting of five or fewer units to be inspected every two years, and every dwelling or dwelling unit in a building with six or more units to be inspected every five years. This Ordinance requires pre-rental inspections of all dwellings and dwelling units prior to the lease, rental, or renewal of an existing lease agreement of such unit. The projected fiscal impact of this Ordinance, determined based on an estimated 15,000 rental units with a vacancy rate of 25%, is an annual cost of \$541,000.

W0109436

Wilmington, Delaware  
\_\_\_\_\_, 2020

#xx-xxx

**Sponsor:**

**Council  
Member  
Guy**

**Co-Sponsors:**

**Council  
Members**

**WHEREAS**, Section 2-400 of the City Charter provides Council with the power, by resolution, to authorize inquiries and investigations to be conducted by the entire body or by any of its committees in aid of its legislative powers and functions; and

**WHEREAS**, Council, in aid of its legislative powers and functions, desires to direct an investigation into the Wilmington Housing Partnership; and

**WHEREAS**, Council deems it necessary to enact a resolution to direct the Wilmington Housing Partnership Committee to investigate the Wilmington Housing Partnership and thereafter compose a report of its findings for Council.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON**, that in aid of its legislative powers and functions, the Wilmington Housing Partnership Committee is directed to investigate the Wilmington Housing Partnership and thereafter compose a report of its findings for Council.

Passed by City Council,

Attest: \_\_\_\_\_  
City Clerk

**SYNOPSIS:** By this Resolution Council, in aid of its legislative powers and functions, directs the Wilmington Housing Partnership Committee to investigate the Wilmington Housing Partnership and thereafter compose a report of its findings for Council.