

AN ORDINANCE TO AMEND CHAPTER 34 OF THE CITY CODE TO REQUIRE LANDLORDS PROVIDE WRITTEN NOTICE OF TENANTS' RIGHTS IN LEASE

#0088

WHEREAS, more than half of Wilmington residents rent their primary residence; and

Sponsor:

WHEREAS, Section 5118 of the State of Delaware Landlord-Tenant Code only

**Council
Member
McCoy**

requires landlords to provide a summary of the Landlord-Tenant Code to tenants at the beginning of the rental term; and

WHEREAS, City Council believes it is important for written leases to have more than a provided summary; and

WHEREAS, City Council deems it necessary and appropriate to amend Chapter 34 of the City Code to require landlords to explicitly state tenants' rights in their written leases.

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

SECTION 1. Chapter 34 of the City Code is hereby amended by adding in a new Section 34-153 to read as follows:

Sec. 34-153. – Mandatory City Lease Provisions.

- a) Residential Landlords who rent to tenants within the boundaries of the City of Wilmington shall include the following lease provisions in their leases:
 - (1) A tenant's right to withhold rent under Section 5307 of the Landlord-Tenant Code;
 - (2) A tenant's right to withhold rent under Section 5308 of the Landlord-Tenant Code;
 - (3) A business address and contact information for the Landlord;
 - (4) The Landlord's City Business License Number;
 - (5) The existence of a Right to Representation under Section 5602 of the Landlord-Tenant Code;
 - (6) Certification of compliance with Section 5317 of the Landlord-Tenant Code, including the date of compliance;
and

- (7) The address to which the tenant must submit a forwarding letter to obtain a return of the tenant's security deposit under Section 5514 of the Landlord-Tenant Code.
- (8) There is hereby authorized a voluntary rental escrow program for residential tenants to deposit withheld rent with the City to serve as evidence of funds in landlord-tenant actions.

SECTION 3. Chapter 34 of the City Code is hereby amended by making Sections 34-154 through 34-230 reserved to read as follows:

Secs. ~~34-153~~34-154–34-230. – Reserved.

SECTION 5. This Ordinance shall become effective for residential leases signed on or after January 1, 2026.

First Reading.....~~July 10, 2025~~ August 21, 2025
Second Reading.....~~July 10, 2025~~ August 21, 2025
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2025.

Mayor

SYNOPSIS: This Ordinance amends Chapter 34 of the City Code to require City landlords to include tenants' rights in their leases.

FISCAL IMPACT STATEMENT: This Ordinance's fiscal impact is unknown at this time, but should be *de minimis*.