

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

#0097

Sponsor:

**Council
Member
McCoy**

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

WHEREAS, Section 5118 of the State of Delaware Landlord-Tenant Code only 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. ~~34-1534~~–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
Second Reading.....July 10, 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*.