

# Tenant Rights and Responsibilities

## Your Rights As a Tenant:

- Anytime you have a problem in your rental unit you should always contact your landlord first (unless an emergency situation exists).
- The law requires that you put all communications to the landlord in writing.
- You may contact your landlord by telephone or in person, **BUT** you should always put your complaints in writing and make yourself a copy. The letter should be hand-delivered, or sent by certificate of mailing or certified mail. If it's not in writing, it's as if it never happened.

## *What are a landlord's responsibilities?*

- Follow state and local housing laws;
- Provide you with working heat, hot water, water and electrical systems;
- Maintain working deadbolt locks on exterior doors, carbon monoxide detectors, smoke detectors, and plumbing;
- Keep clean/sanitary common areas;
- Keep and maintain the rental unit in good condition;
- Provide trash cans;
- Provide pest control for multi-unit dwellings; and
- Check your lease for other landlord obligations.

## *What are a tenant's responsibilities?*

- Pay rent on time;
- Keep the rental unit clean and sanitary;
- Fix or pay for damage caused by the tenant(s) or guests;
- Give the landlord access to the rental unit to make requested repairs or alterations;
- Abide by terms of lease (no criminal activity or violation of city codes);
- Be respectful of neighbors;
- Pay for all utilities you are responsible for under the rental agreement; and
- Change batteries regularly in the smoke and carbon monoxide detector.

## *What can I do if I don't have heat?*

1. Call the landlord.
2. Follow up with a letter to the landlord about the condition.
3. If the landlord does not fix the problem **after 48 hours of receiving written notice** you have **4 options**. You can:

- immediately terminate your lease; or

- Call the City Department of Licenses and Inspection at 576-3030; and/or

- Withhold 2/3 of your daily rent costs until the landlord fixes the problem after giving the landlord notice; or

- Seek alternative housing (hotel, another rental unit, etc) and charge the landlord for the amount over 2/3 of your rent for the time the heat isn't working.

**You have the same rights if you do not have functioning water, hot water, or electrical systems!**

## *If I terminate my lease because of conditions' problems, will I get my security deposit back?*

- **YES!** But before you leave, you must give your landlord written notice of your forwarding address and request the security deposit be forwarded to your new address.
- The landlord must either return your full security deposit or provide you with an itemized list of deductions within **20 days of your letter.**

## *What can I do if my apartment is infested with rodents or roaches?*

- If you live in a single-family home, you are responsible to take care of pest infestation unless the problem existed when you moved in.
- If you live in a multi-unit building, the landlord is responsible to exterminate pest infestation.

## *What if I have leaks or mold?*

- You are responsible for preventing spills and cleaning mold.
- If the leak or mold persists, notify your landlord.
- If the problem becomes serious, call Licenses and Inspection at 576-3030 after you've attempted to notify your landlord.

## *What if I have broken fixtures, appliances, windows, locks, or holes in my rental unit?*

- Notify your landlord in writing and request repairs.

***Can I make repairs in the unit myself?***

- **YES!** But **FIRST**, if you want to use this remedy, you cannot owe any rent and you must follow these steps:
  1. You must give the landlord written notice.
  2. Give the landlord **10 days** to fix the problem. If the landlord does not take any steps to make repairs, you can have the repairs made professionally.
  3. Alternatively, if the landlord begins to make repairs after written notice, but fails to **complete** repairs within 30 days, you may have the repairs completed by a professional.
  4. The cost of repairs can be deducted from your rent as long as it is less than \$200 or 1/2 rent (whichever is less) AND you must provide the landlord with a **receipt** of the repair.

***How do I know if I have toxic levels of lead paint in my rental unit?***

- If your unit was built before 1978, you should have received a pamphlet on lead safety and hazards from your landlord. Under most circumstances, you should also be presented with a lead paint disclosure form to sign with your lease.
- Call the Lead hotline for the State of Delaware at (302) 744-4546 or the National Hotline at 1-800-424-LEAD.

***I'm worried about criminal activity near my unit, what can I do?***

- You should call the police at 911 if you see criminal activity.

- Also contact the landlord because the landlord can evict tenants for certain criminal activities.
- If your guest or household member causes the criminal activity, you may be evicted.

***What are my rights if I think I am being discriminated against?***

- In Wilmington, you are protected from housing discrimination based upon your race, color, creed, disability, occupation, income source, age, sex, religion, national origin, sexual orientation, or marital or family status.
- If you feel you are being discriminated against in the terms of your housing, call the Division of Human Relations at \_\_\_\_\_ and Community Legal Aid Society at 575-0660 immediately.

***Am I protected from my landlord if I report a housing violation?***

- **YES!** Provided that you are not in violation of your lease, your landlord cannot evict you, raise your rent, decide not to renew your lease, or decrease your services within **90 days** of your good faith report of a housing problem.
- If you experience landlord retaliation for reporting a housing problem, you will be able to recover 3 months rent or 3 times your damages if the landlord does any of the above.
- **Retaliation is not a defense if you are not current in rent or if the landlord needs the unit for other good faith reasons.**

***Who do I report housing violations to?***

- If the landlord has not taken any action after you have notified the landlord in

writing of your housing problem, you can call Licenses and Inspection to report problems at 576-3030.

- A housing inspector will come to your rental unit and determine whether the landlord has violated any housing codes.

***Can I sue my landlord for bad conditions?***

- **YES!** You can sue to recover any damages for the landlord's failure to provide you with safe and decent housing even after you've terminated the rental agreement.

Damages include:

- Back rent while the unit was not safe; and
- The cost to eat out or sleep somewhere while you were prevented from living in the unit.

\*\*\*Any problems with the conditions of the unit cannot be caused by tenants or guests in order to have the rights specified above under the Delaware Landlord Tenant Code.

**Helpful Contact Numbers in Wilmington:**

Licenses and Inspection.....	576-3030
Conectiv.....	1-800-898-8042
Real Estate and Housing.....	576-3000
Legal Helplink.....	478-8850
Greater Wilm. Housing Providers.....	429-1894
Wilmington Police.....	654-5151
Constituent Services.....	576-2489
Wilmington City Council.....	576-2140
Consumer Affairs .....	577-8513
Division of Human Relations.....	_____