

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

A G E N D A

June 28, 2004 - 6:00 P.M. - Council Chambers - City Hall - City of Dover

Public comments are welcomed on any item and will be permitted at appropriate times. When possible, please notify the City Clerk (736-7008 or e-mail at Jgreen@dover.de.us) should you wish to be recognized.

AGENDA ADDITIONS/DELETIONS

1. Consideration of Request for Support of S.B. 352 - Exceptions in the Landlord/Tenant Code
2. Updated Employee Handbook (*Presented to the Committee during their Meeting of April 26, 2004*)

/jg

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SPONSOR: Sen. Sorenson & Sen. Amick &
Rep. Ulbrich & Rep. Boulden

DELAWARE STATE SENATE

142nd GENERAL ASSEMBLY

SENATE BILL NO. 352

AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO THE DELAWARE LANDLORD
TENANT CODE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §5101, Title 25, Delaware Code, by adding a new subsection to read as follows:

“(c) Nothing in this Code shall prohibit a municipality within which lies the primary residential campus of a post-secondary educational institution from enacting and enforcing a summary termination and eviction process applicable to leases of Rental Units within, or consisting of, single-family houses where any such tenant has been convicted of a violation of any of such municipality’s laws relating to noise, sanitation, disorderly or disruptive behavior, or other breach of the peace offense, and such conviction occurs not more than 12 months after a similar conviction of the same tenant or any fellow tenant for a violation of laws of the same character of that municipality. The second violation need not be the same as the first, nor must the same tenant be guilty of both violations. Upon such second conviction, whether by guilty plea or otherwise, eviction may be required after a period of not less than seven days.”

SYNOPSIS

The termination and eviction process under Chapter 57 of Title 25 can often take several months or longer to complete. However, tenants renting single-family houses in college towns often move from lease to lease after relatively short occupancies, making the lengthy eviction process ineffective. Moreover, law enforcement data demonstrates that tenants renting in single-family residential areas are relatively more disruptive to those neighborhoods than owner-occupants and their families. This Bill provides that such municipalities may adopt ordinances calling for the summary termination and eviction where tenants occupying Rental Units are guilty of two or more violations within the same 12 month period. In this way, tenants in such municipalities may not use the otherwise lengthy eviction process of Chapter 57 avoid effective law enforcement. This Bill is consistent with other exceptions in the Landlord/Tenant Code, such as exemptions for hotel and motel rooms, beach rentals, and student dormitories.



cc: Jim Galvin

CITY MANAGER'S OFFICE

CITY OF NEWARK

220 Elkton Road • P.O. Box 390 • Newark, Delaware 19715-0390

302-366-7020 • Fax 302-366-7160 • <http://newark.de.us>

April 27, 2004

RECEIVED

APR 29 2004

Mayor/City Manager

Mr. Anthony J. DePrima, City Manager
City of Dover
P.O. Box 475
Dover, DE 19903

Dear Tony:

At the request of the City of Newark Mayor and Council, I am forwarding to you draft legislation for consideration by the Delaware General Assembly. This legislation would amend the Delaware Fair Housing Act and the Delaware Landlord Tenant Code to correspond to City of Newark legislation intended to preserve our single-family neighborhoods, while at the same time, providing adequate rental housing. This effort has resulted from Court of Chancery decisions that struck down our earlier attempts to respond to the proliferation of student rentals in single-family neighborhoods.

Since then, we have amended our local codes as suggested by our attorneys. Beyond that, it has been suggested to the Mayor and Council that relatively modest amendments to the applicable State Statutes may help to insulate the City from further litigation.

In this regard, we thought the City of Dover might be interested in joining the City in proposing the attached legislation through your area General Assembly legislators to assist your community in handling similar local problems.

If you have any questions concerning the legislation, please let me know. We appreciate any assistance you can provide in this matter.

Very truly yours,

Carl F. Luft
City Manager

CFL/mp
Attachment

c: Mayor and City Council
Roger A. Akin, City Solicitor
Bill Manning, Special Counsel
Richard Forsten, Special Counsel
Roy H. Lopata, Planning Director

NOTICE

Legislative, Finance and Administration Committee
June 28, 2004

The following item was previously distributed and is, therefore, not included in your packet.

1. Updated Employee Handbook



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