

Delaware

Landlord-Tenant Compliance Guide

Generated: October 01, 2026 • Verified as of: October 01, 2026
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■■ IMPORTANT LEGAL DISCLAIMER

This guide provides a summary of key compliance requirements for residential landlord-tenant relationships in Delaware. It is not legal advice and should not be relied upon as a substitute for consultation with a qualified attorney. Laws change frequently; always verify current requirements with official state sources or legal counsel. enCompliance.com provides this information as-is and makes no warranties regarding accuracy or completeness.

■ Severity Indicators:

- **Critical** - Must comply (legal requirement)
- **Important** - Should follow (best practice)
- **Standard** - Good to know (general info)

■ This guide covers 103 compliance requirements across 20 categories

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1. COMPLIANCE & ENFORCEMENT

- **1. Attorney General Enforcement** (25 Del. C. § 5116(c))
■ *Legal Reference:* [25 Del. C. § 5116\(c\)](#) (click to view statute)
- **2. Private Right of Action** (Various sections throughout Title 25)
■ *Legal Reference:* [Various sections throughout Title 25](#) (click to view statute)
- **3. Confession of Judgment Void** (25 Del. C. § 5121)
■ *Legal Reference:* [25 Del. C. § 5121](#) (click to view statute)
- **4. Attorney Fees Clause Unenforceable** (25 Del. C. § 5106)
■ *Legal Reference:* [25 Del. C. § 5106](#) (click to view statute)

2. CORE LEASE REQUIREMENTS

- **1. Lease Formation & Disclosures** (25 Del. C. § 5105)
■ *Legal Reference:* [25 Del. C. § 5105](#) (click to view statute)
- **2. Written Lease Requirements** (25 Del. C. § 5105)
■ *Legal Reference:* [25 Del. C. § 5105](#) (click to view statute)
- **3. Lease Language Requirements** (25 Del. C. § 5103)
■ *Legal Reference:* [25 Del. C. § 5103](#) (click to view statute)
- **4. Lease Addendums** (Various Title 25 sections)
■ *Legal Reference:* [Various Title 25 sections](#) (click to view statute)
- **5. Lease Renewal** (25 Del. C. § 5106)
■ *Legal Reference:* [25 Del. C. § 5106](#) (click to view statute)
- **6. Lease Termination** (25 Del. C. § 5106, § 5314)

■ *Legal Reference:* [25 Del. C. § 5106, § 5314](#) (click to view statute)

● **7. Early Termination (25 Del. C. § 5314)**

■ *Legal Reference:* [25 Del. C. § 5314](#) (click to view statute)

3. ENTRY, ACCESS & PRIVACY

● **1. Right of Entry (25 Del. C. § 5509)**

■ *Legal Reference:* [25 Del. C. § 5509](#) (click to view statute)

● **2. Emergency Entry (25 Del. C. § 5509)**

■ *Legal Reference:* [25 Del. C. § 5509](#) (click to view statute)

● **3. Showing Property to Prospects (25 Del. C. § 5509)**

■ *Legal Reference:* [25 Del. C. § 5509](#) (click to view statute)

● **4. Lockout Prohibition (25 Del. C. § 5502(b))**

■ *Legal Reference:* [25 Del. C. § 5502\(b\)](#) (click to view statute)

4. EVICTION PROCEDURES

● **1. Nonpayment of Rent - 5-Day Notice (25 Del. C. § 5502)**

■ *Legal Reference:* [25 Del. C. § 5502](#) (click to view statute)

● **2. Lease Violation - 7-Day Notice to Cure (25 Del. C. § 5513(a))**

■ *Legal Reference:* [25 Del. C. § 5513\(a\)](#) (click to view statute)

● **3. Immediate Termination - No Notice (25 Del. C. § 5513(b)(c))**

■ *Legal Reference:* [25 Del. C. § 5513\(b\)\(c\)](#) (click to view statute)

● **4. Summary Possession Process (25 Del. C. § 5701-5719 (Chapter 57))**

■ *Legal Reference:* [25 Del. C. § 5701-5719 \(Chapter 57\)](#) (click to view statute)

● **5. Eviction Hearing and Judgment (25 Del. C. § 5709-5712)**

■ *Legal Reference:* [25 Del. C. § 5709-5712](#) (click to view statute)

● **6. Abandoned Property (25 Del. C. § 5715)**

■ *Legal Reference:* [25 Del. C. § 5715](#) (click to view statute)

● **7. Holdover Tenants (25 Del. C. § 5515)**

■ *Legal Reference:* [25 Del. C. § 5515](#) (click to view statute)

● **8. Self-Help Eviction Prohibited (25 Del. C. § 5502(b))**

■ *Legal Reference:* [25 Del. C. § 5502\(b\)](#) (click to view statute)

5. FAIR HOUSING & DISCRIMINATION

● **1. Fair Housing Protections (25 Del. C. § 5116)**

■ *Legal Reference:* [25 Del. C. § 5116](#) (click to view statute)

● **2. Rental Amount Discrimination (25 Del. C. § 5116(b))**

■ *Legal Reference:* [25 Del. C. § 5116\(b\)](#) (click to view statute)

● **3. Senior Housing Exemption (25 Del. C. § 5116(d))**

■ *Legal Reference:* [25 Del. C. § 5116\(d\)](#) (click to view statute)

● **4. Application Records (25 Del. C. § 5116(c))**

■ *Legal Reference:* [25 Del. C. § 5116\(c\)](#) (click to view statute)

● **5. Service Animals (Federal ADA and FHA, Delaware Fair Housing)**

■ *Legal Reference:* [Federal ADA and FHA, Delaware Fair Housing](#) (click to view statute)

6. FINANCIAL TERMS

● **1. Rent Amount & Payment (25 Del. C. § 5501)**

■ *Legal Reference:* [25 Del. C. § 5501](#) (click to view statute)

● **2. Rent Increases (No specific statute limiting increases)**

■ *Legal Reference:* [No specific statute limiting increases](#) (click to view statute)

● **3. Late Fees (25 Del. C. § 5501(d))**

■ *Legal Reference:* [25 Del. C. § 5501\(d\)](#) (click to view statute)

● **4. NSF/Bounced Check Fees (No specific Delaware statute)**

■ *Legal Reference:* [No specific Delaware statute](#)

● **5. Application Fees (No specific statute)**

■ *Legal Reference: No specific statute*

● **6. Move-In Fees (No specific statute)**

■ *Legal Reference: No specific statute*

● **7. Pet Fees & Deposits (25 Del. C. § 5514(i))**

■ *Legal Reference: [25 Del. C. § 5514\(i\)](#) (click to view statute)*

● **8. Utilities (25 Del. C. § 5308, § 5312)**

■ *Legal Reference: [25 Del. C. § 5308, § 5312](#) (click to view statute)*

7. HABITABILITY & REPAIRS

● **1. Landlord Obligations - Habitability (25 Del. C. § 5305)**

■ *Legal Reference: [25 Del. C. § 5305](#) (click to view statute)*

● **2. Essential Services (25 Del. C. § 5308)**

■ *Legal Reference: [25 Del. C. § 5308](#) (click to view statute)*

● **3. Tenant's Right to Repair and Deduct (25 Del. C. § 5307)**

■ *Legal Reference: [25 Del. C. § 5307](#) (click to view statute)*

● **4. Fire and Casualty Damage (25 Del. C. § 5309)**

■ *Legal Reference: [25 Del. C. § 5309](#) (click to view statute)*

● **5. Landlord Entry and Access (25 Del. C. § 5509)**

■ *Legal Reference: [25 Del. C. § 5509](#) (click to view statute)*

● **6. Tenant's First Month Remedy (25 Del. C. § 5302)**

■ *Legal Reference: [25 Del. C. § 5302](#) (click to view statute)*

● **7. Bed Bug Obligations (25 Del. C. § 5317)**

■ *Legal Reference: [25 Del. C. § 5317](#) (click to view statute)*

8. LEASE TERMINATION & RENEWAL

● **1. Month-to-Month Termination (25 Del. C. § 5106)**

■ *Legal Reference: [25 Del. C. § 5106](#) (click to view statute)*

● **2. Fixed-Term Lease Expiration (25 Del. C. § 5106)**

■ *Legal Reference: [25 Del. C. § 5106](#) (click to view statute)*

● **3. Year-to-Year Termination (25 Del. C. § 5106)**

■ *Legal Reference: [25 Del. C. § 5106](#) (click to view statute)*

● **4. Week-to-Week Termination (25 Del. C. § 5106)**

■ *Legal Reference: [25 Del. C. § 5106](#) (click to view statute)*

9. LEGAL PROCEDURES

● **1. Eviction Diversion Program (25 Del. C. § 5701A)**

■ *Legal Reference: [25 Del. C. § 5701A](#) (click to view statute)*

● **2. Tenant's Right to Legal Representation (25 Del. C. Chapter 56 (Effective Nov. 22, 2023))**

■ *Legal Reference: [25 Del. C. Chapter 56 \(Effective Nov. 22, 2023\)](#) (click to view statute)*

● **3. Forthwith Summons (25 Del. C. § 5114)**

■ *Legal Reference: [25 Del. C. § 5114](#) (click to view statute)*

● **4. Appeals (25 Del. C. § 5717)**

■ *Legal Reference: [25 Del. C. § 5717](#) (click to view statute)*

● **5. Good Faith Rent Dispute (25 Del. C. § 5717)**

■ *Legal Reference: [25 Del. C. § 5717](#) (click to view statute)*

● **6. Writ of Possession (25 Del. C. § 5715)**

■ *Legal Reference: [25 Del. C. § 5715](#) (click to view statute)*

10. LOCAL ORDINANCES & HOA

● **1. Local Rental Registration (Various local ordinances)**

■ *Legal Reference: [Various local ordinances](#) (click to view statute)*

● **2. Wilmington Rental License (Wilmington City Code Chapter 48)**

■ *Legal Reference: [Wilmington City Code Chapter 48](#) (click to view statute)*

● **3. Newark Rental Permit (Newark City Code)**

■ *Legal Reference:* [Newark City Code](#) (click to view statute)

● **4. HOA Rules (25 Del. C. Chapter 81 (Common Interest Ownership Act))**

■ *Legal Reference:* [25 Del. C. Chapter 81 \(Common Interest Ownership Act\)](#) (click to view statute)

● **5. Condominium Association Rules (25 Del. C. Chapter 22 (Unit Property Act), Chapter 81)**

■ *Legal Reference:* [25 Del. C. Chapter 22 \(Unit Property Act\), Chapter 81](#) (click to view statute)

● **6. Zoning Compliance (Local zoning ordinances)**

■ *Legal Reference:* [Local zoning ordinances](#) (click to view statute)

11. MISCELLANEOUS PROVISIONS

● **1. Rent Payment Office Requirement (25 Del. C. § 5501(d))**

■ *Legal Reference:* [25 Del. C. § 5501\(d\)](#) (click to view statute)

● **2. Subleasing and Assignment (General contract law, lease provisions)**

■ *Legal Reference:* [General contract law, lease provisions](#) (click to view statute)

● **3. Property Tax Setoff (25 Del. C. § 5315)**

■ *Legal Reference:* [25 Del. C. § 5315](#) (click to view statute)

● **4. Tenant's Receivership (25 Del. C. Chapter 59)**

■ *Legal Reference:* [25 Del. C. Chapter 59](#) (click to view statute)

● **5. Surety Bond Option (25 Del. C. § 5514A)**

■ *Legal Reference:* [25 Del. C. § 5514A](#) (click to view statute)

12. NOTICES & DOCUMENTATION

● **1. Notice Requirements - Written (25 Del. C. § 5107)**

■ *Legal Reference:* [25 Del. C. § 5107](#) (click to view statute)

● **2. Forwarding Address (25 Del. C. § 5514(h))**

■ *Legal Reference:* [25 Del. C. § 5514\(h\)](#) (click to view statute)

● **3. Lease Summary Requirement (25 Del. C. § 5104)**

■ *Legal Reference:* [25 Del. C. § 5104](#) (click to view statute)

13. PROPERTY MANAGEMENT & LICENSING

- 1. Real Estate License Required (Delaware Real Estate Law - 24 Del. C. Chapter 29)

■ Legal Reference: [Delaware Real Estate Law - 24 Del. C. Chapter 29](#) (click to view statute)

- 2. Brokerage Supervision (24 Del. C. § 2902-2910)

■ Legal Reference: [24 Del. C. § 2902-2910](#) (click to view statute)

14. REPAIRS & MAINTENANCE

- 1. Repair Timeline (25 Del. C. § 5307)

■ Legal Reference: [25 Del. C. § 5307](#) (click to view statute)

- 2. Tenant's Duty to Report (25 Del. C. § 5512)

■ Legal Reference: [25 Del. C. § 5512](#) (click to view statute)

- 3. Landlord's Right to Make Repairs (25 Del. C. § 5513)

■ Legal Reference: [25 Del. C. § 5513](#) (click to view statute)

15. REPORTING & RECORDS

- 1. Record Retention (25 Del. C. § 5116(c), General business practice)

■ Legal Reference: [25 Del. C. § 5116\(c\), General business practice](#) (click to view statute)

- 2. Move-In/Move-Out Inspection (25 Del. C. § 5514 (implied requirement for deposit return))

■ Legal Reference: [25 Del. C. § 5514 \(implied requirement for deposit return\)](#) (click to view statute)

- 3. Payment Records (General business practice)

■ Legal Reference: [General business practice](#)

- 4. Maintenance Logs (General business practice, supports § 5305)

■ Legal Reference: [General business practice, supports § 5305](#)

- 5. Lead-Based Paint Disclosure (Federal requirement (42 USC 4852d))

■ Legal Reference: [Federal requirement \(42 USC 4852d\)](#) (click to view statute)

● **6. Mold Disclosure (No Delaware requirement)**

■ *Legal Reference: No Delaware requirement*

16. RETALIATION & DOMESTIC VIOLENCE

● **1. Retaliation Prohibited (25 Del. C. § 5516)**

■ *Legal Reference: [25 Del. C. § 5516](#) (click to view statute)*

● **2. Domestic Violence Protections (25 Del. C. § 5316, § 5141(6), § 5314(b)(5))**

■ *Legal Reference: [25 Del. C. § 5316](#), [§ 5141\(6\)](#), [§ 5314\(b\)\(5\)](#) (click to view statute)*

● **3. Domestic Violence Early Termination (25 Del. C. § 5314(b)(5))**

■ *Legal Reference: [25 Del. C. § 5314\(b\)\(5\)](#) (click to view statute)*

17. SECURITY DEPOSITS

● **1. Security Deposit Limits (25 Del. C. § 5514(a))**

■ *Legal Reference: [25 Del. C. § 5514\(a\)](#) (click to view statute)*

● **2. Security Deposit Storage (25 Del. C. § 5514(b))**

■ *Legal Reference: [25 Del. C. § 5514\(b\)](#) (click to view statute)*

● **3. Security Deposit Return (25 Del. C. § 5514(e)(f))**

■ *Legal Reference: [25 Del. C. § 5514\(e\)\(f\)](#) (click to view statute)*

● **4. Allowable Deductions (25 Del. C. § 5514(c))**

■ *Legal Reference: [25 Del. C. § 5514\(c\)](#) (click to view statute)*

● **5. Itemization Requirements (25 Del. C. § 5514(f))**

■ *Legal Reference: [25 Del. C. § 5514\(f\)](#) (click to view statute)*

● **6. Penalties for Improper Withholding (25 Del. C. § 5514(g))**

■ *Legal Reference: [25 Del. C. § 5514\(g\)](#) (click to view statute)*

● **7. Interest on Security Deposits (No requirement)**

■ *Legal Reference: No requirement*

● **8. Security Deposit Increases (25 Del. C. § 5514(j))**

■ *Legal Reference:* [25 Del. C. § 5514\(j\)](#) (click to view statute)

18. SPECIAL PROPERTY TYPES

● **1. Manufactured Home Communities** (25 Del. C. Chapter 70)

■ *Legal Reference:* [25 Del. C. Chapter 70](#) (click to view statute)

● **2. Commercial Property** (25 Del. C. Chapter 61)

■ *Legal Reference:* [25 Del. C. Chapter 61](#) (click to view statute)

● **3. Agricultural Leases** (25 Del. C. Chapter 67)

■ *Legal Reference:* [25 Del. C. Chapter 67](#) (click to view statute)

● **4. Furnished Units Exception** (25 Del. C. § 5514(a)(4))

■ *Legal Reference:* [25 Del. C. § 5514\(a\)\(4\)](#) (click to view statute)

● **5. Student Housing** (No specific statute)

■ *Legal Reference:* [No specific statute](#)

● **6. Senior Housing (55+)** (25 Del. C. § 5116(d), Federal Fair Housing Act)

■ *Legal Reference:* [25 Del. C. § 5116\(d\), Federal Fair Housing Act](#) (click to view statute)

● **7. Short-Term Rentals** (No specific state statute)

■ *Legal Reference:* [No specific state statute](#) (click to view statute)

● **8. Subsidized Housing** (Federal HUD regulations)

■ *Legal Reference:* [Federal HUD regulations](#) (click to view statute)

19. TENANT OBLIGATIONS

● **1. Tenant Duties** (25 Del. C. § 5512)

■ *Legal Reference:* [25 Del. C. § 5512](#) (click to view statute)

● **2. Prohibition on Waste** (25 Del. C. § 5513(c))

■ *Legal Reference:* [25 Del. C. § 5513\(c\)](#) (click to view statute)

20. TRUST ACCOUNTS & FINANCIAL

● 1. Security Deposit Trust Account (25 Del. C. § 5514(b))

■ Legal Reference: [25 Del. C. § 5514\(b\)](#) (click to view statute)

● 2. "Assurance Money" Prohibited (25 Del. C. § 5310)

■ Legal Reference: [25 Del. C. § 5310](#) (click to view statute)

● 3. Non-Refundable Fees Prohibited (25 Del. C. § 5311)

■ Legal Reference: [25 Del. C. § 5311](#) (click to view statute)

● 4. Utility Metering and Charges (25 Del. C. § 5312)

■ Legal Reference: [25 Del. C. § 5312](#) (click to view statute)

Severity Indicators:

- Critical requirement (must comply)
- Important guideline (should follow)
- Standard information (good to know)

■■ LOCAL ORDINANCES & MUNICIPAL REQUIREMENTS

Note: The following requirements are specific to certain municipalities or counties within the state and may differ from or supplement statewide regulations. Always verify local requirements with your city or county government.

● 1. Local Rental Registration (Various local ordinances)

■ Legal Reference: [Various local ordinances](#)

● 2. Wilmington Rental License (Wilmington City Code Chapter 48)

■ Legal Reference: [Wilmington City Code Chapter 48](#)

● 3. Newark Rental Permit (Newark City Code)

■ Legal Reference: [Newark City Code](#)

● 4. HOA Rules (25 Del. C. Chapter 81 (Common Interest Ownership Act))

■ Legal Reference: [25 Del. C. Chapter 81 \(Common Interest Ownership Act\)](#)

● **5. Condominium Association Rules (25 Del. C. Chapter 22 (Unit Property Act), Chapter 81)**

■ *Legal Reference:* [25 Del. C. Chapter 22 \(Unit Property Act\), Chapter 81](#)

● **6. Zoning Compliance (Local zoning ordinances)**

■ *Legal Reference:* [Local zoning ordinances](#)

For the most current information, always consult official state sources.

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Document ID: DE-COMP-20261001