



STATE OF DELAWARE  
**STATE COUNCIL FOR PERSONS WITH DISABILITIES**  
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The Honorable John Carney  
Governor

John McNeal  
SCPD Director

**MEMORANDUM**

DATE: April 30, 2020

TO: All Members of the Delaware State Senate  
and House of Representatives

FROM: Mr. J. Todd Webb, Chairperson *JTW*  
State Council for Persons with Disabilities

RE: H.B. 293 (Single Room Lease Termination)

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 293, which seeks to amend § 5512 of Delaware's Landlord-Tenant Code (Title 25) by allowing for the termination of single room rental agreements for any reason other than a material violation of the agreement, upon 15 days written notice. These provisions apply where the building is the primary residence of the landlord, no more than three rooms in the building are rented to tenants, and no more than three tenants occupy the building. This type of housing is frequently attractive to individuals who need quick access to housing, and/or who cannot pass credit or background checks for other types of living situations. Such individuals can include individuals who are coming out of prison or drug and alcohol rehabilitation.

As currently written, §5512 allows immediate termination upon notice to the tenant for a tenant's material violation of the agreement. It is silent on termination for other reasons, meaning that the general notice requirements of §5106 would apply. This means that the landlord must give tenants who have not engaged in material lease violations 60 days' notice to terminate.

The proposed bill's synopsis states "this notice provision ensures that the tenant has time to find

suitable housing prior to the termination of their current lease, while still permitting a landlord to quickly remove a tenant renting a single room within a house.” There is no reason given why the tenant’s right to notice is being scaled back from 60 days to 15 days. In fact, the synopsis suggests that this change is somehow of benefit to tenants, which is disingenuous to say the least. The changes would place individuals at great risk of homelessness.

Fifteen days’ notice does not provide tenants a reasonable amount of time to find new housing. The Code acknowledges the difficulty of finding new housing its provisions related to ending other rental agreements. Additionally, the scarcity of affordable housing in Delaware makes the 15 day notice requirement even more unreasonable and will make single-room renters more at-risk of becoming homeless, undermining the stability that has been achieved through stable housing.

SCPD opposes the proposed legislation. Tenants renting a single room within a house should receive the same protections and rights as all other tenants.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our position or observations on the proposed legislation.

cc: Ms. Laura Waterland, Esq.  
Governor’s Advisory Council for Exceptional Citizens  
Developmental Disabilities Council

HB 293 single room lease termination 4-30-20