



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. 296 (Repair and Deduct for Rental Conditions)

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 296, which seeks to amend §5307 of the landlord-tenant code. This section of the code is commonly known as repair and deduct. It permits the tenant to repair or have repaired a condition in the rental unit that the landlord fails to repair. SCPD has the following observations and recommendation.

The original amount (\$200) was established in 1996 and the last major revision of the code in 2004 left the amount untouched. While raising the amount is laudable, four hundred dollars (\$400.00) is still a very low amount considering what repairs can cost. The amount is also limited by the existing language that limits the reduction to the lesser of \$400.00 or half of one (1) month's rent. So, where the rent is \$700.00 a month for example, the limit would be \$350.00.

SCPD believes this piecemeal amendment falls short. The landlord-tenant code is badly in need of a total revision. SCPD is aware that CLASI participated in an effort to revise the code in its entirety, but the effort was unsuccessful. SCPD endorses the bill but recommends a repair and deduct of a higher amount than the \$400 allowed by H.B. 296. One (1) month's rent, given the cost of repairs and given that more than one (1) repair may be needed, is a more appropriate amount. This issue impacts many individuals who rent substandard housing, which statistically includes persons with disabilities.

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 296- repair and deduct for rental conditions 4-30-20