

Chapter 167. Residential Rental Properties

[HISTORY: Adopted by the Town Council of the Town of Georgetown 2-28-2022 by Ord. No. 2022-01. Amendments noted where applicable.]

Article I. Purpose, Definitions, and Exceptions

§ 167-1. Purpose.

The purpose of this chapter is to:

- A. Ensure public health, safety and welfare of occupants of rental units/properties, their occupants and surrounding properties;
- B. Establish minimum standards and procedures governing the maintenance and conditions of all rental dwelling unit properties; and
- C. Provide an organized inspection program and schedule that achieves the above objectives.

§ 167-2. Definitions.

As used in this chapter, the following words shall have the following definitions:

CODE ENFORCEMENT OFFICER

A sworn or nonsworn inspector, officer, or investigator, who possesses specialized training in and whose primary duties are the prevention, detection, investigation, and enforcement of violations of laws regulating public nuisance, public health, safety, and welfare, housing standards, public works, business activities and consumer protection, building standards, land use, or municipal affairs.

LANDLORD

A person and/or an authorized representative who leases or otherwise permits another person to occupy a rental unit for money or other consideration.

OWNER

A person, persons, corporation, partnership, limited liability company, or any other entity holding fee title to the subject real property.

PERSON

An individual, proprietorship, partnership, corporation, association, or other legal entity.

RENTAL DWELLING UNIT (RDU)

A single unit providing living facilities for one or more natural persons that has permanent provisions for living, sleeping, and sanitation, and is rented or available to tenants. Leasing or allowing occupancy usage of a rental dwelling unit may occur, either directly or by an agent, for consideration of value, including personal services, paid or tendered to or for the use or benefit of the lessor.

TENANT

One or more natural persons who occupy a rental unit for which said person pays money or gives other consideration.

TOWN

The Town of Georgetown, Delaware.

§ 167-3. Exceptions.

All rental dwelling units shall be subject to the requirements of this chapter, except for the following:

- A. Rental dwelling unit for transient lodging, including hotels, motels, inns, and tourist homes.
- B. Rental dwelling units in a state licensed hospital, hospice, community care facility or nursing home; convent, monastery, or other facility occupied exclusively by members of a religious order; on-campus fraternity or sorority houses; or on-campus housing accommodations owned, operated, or managed by an institution of higher education or secondary school for occupancy by its students.
- C. Rental dwelling units that are owned, operated by, or receive funding or subsidies from federal, state, or local government entities and are inspected by a governmental entity at least once every five years.
- D. Rental units exceeding 30 units with full-time property managers on-site, provided that they shall share their inspection protocols and the frequency of their inspections with the Town Manager or his/her designee. The Town Manager or designee shall request that the property manager submit an annual summary of the findings of these inspections.

Article II. Certification, License, and Fees

§ 167-4. Certification and application.

No annual license for a rental dwelling unit (RDU) shall be issued under this chapter unless the applicant shall certify in writing, on a form prepared by the Town, that:

- A. Each such RDU has a functioning smoke detection device and those other safety devices required by the Delaware Office of the State Fire Marshal.
- B. The number and occupancy of people per unit or building is in compliance with the Town's Housing Code, Building Code and Zoning Ordinance.^[1]
[1] Editor's Note: See Ch. 116, Housing Standards; Ch. 61, Building Construction; and Ch. 230, Zoning, respectively.
- C. The license holder shall maintain the appearances of the dwelling, parking area and grounds.
- D. The license holder or applicant avers that the unit meets the current applicable federal and state laws and local ordinances, including but not limited to the Building Code, Zoning Ordinance, Housing Code, and other health and safety and fire codes applicable within the Town of Georgetown.

§ 167-5. License required.

Each person, partnership or other entity who rents to or offers to rent a rental dwelling unit property within the Town of Georgetown shall register to obtain a rental unit license and pay an annual fee as specified in Town Code Chapter 98, Fees, § 98-6. The Town reserves the right to review and amend

the annual license fee and shall give the license holders 60 days' notice of any change to the annual fee.

§ 167-6. License information; display.

Each rental license shall include the name and address of the owner; address of the property; email and phone number of owner and property manager; and shall note the maximum number of residents that can occupy the property. The license shall display the phone number of the Town Code Enforcement Officer for the registration of any complaints regarding the property. This notice shall be in English and Spanish. The license shall be displayed on an interior surface nearest to the main source of entry.

§ 167-7. Pre-license inspection fees.

A pre-license inspection is required on all new rental dwelling unit properties at the applicant's expense. The Town Manager or his designee shall develop and maintain an inspection program and checklist for inspection of RDU properties. The fee for such inspection shall be as specified in Chapter **98** and to be paid at the time of application. Any additional fees required by the inspection that are not normally required will be invoiced. If a license lapses, or there is a change in ownership, a pre-license inspection and fee shall be required as if it were new.

§ 167-8. Failure to license.

Failure to license or relicense the property within 30 calendar days is subject to penalties as specified in Town Code Chapter **1**, General Provisions, § **1-13**. If an RDU is not licensed within the 30 calendar days noted above, the property must remain vacant until such time as the owner complies with licensure requirements.

§ 167-9. License period.

Issuance of an annual rental dwelling unit property license shall be January 1 through December 31.

§ 167-10. Payment of license fees.

Fees shall be as adopted in Chapter **98**, Fees, § **98-6**, of the Town Code.

Article III. Biennial Inspections, Authorization, Timing, Removal, and Suspension

§ 167-11. Authorization to conduct inspections.

- A. The Town Manager or his/her designee (Code Enforcement Officer or third-party inspector) is authorized to conduct inspections to ensure compliance with all provisions of this Code.
- B. Unoccupied dwellings. The inspector shall have the right of entry at any reasonable hour upon the premises. The inspector shall have the authority to inspect all unoccupied rental dwelling units upon giving 24 hours' notice to the owner, landlord or property manager.

- C. Occupied dwellings. The inspector will have the authority to inspect any occupied rental dwelling unit upon 48 hours' notice, or with immediate notice at any time when, upon reliable information, the inspector has reason to believe that violations of this Code or state law exist which could constitute serious threats to life, safety, health, or property.

§ 167-12. Inspection timing.

- A. Schedule for biennial inspections.
 - (1) Inspections of all rental dwelling units will be performed biennially based on the ward in which the RDU is located.
 - (2) More frequent inspections can occur if the authorized inspector determines that an immediate or imminent danger may exist that poses a risk to the health and safety of the tenants.
 - (3) All properties are subject to biennial inspection as assigned by ward.
 - (a) Ward 1,3: odd years.
 - (b) Ward 2,4: even years.

§ 167-13. Removal of property from rental licensure program.

The legal owner of record for a property may request the removal of the entire property from the Town's rental licensure program by filling out the Town's removal request form. This request must include the reason for the removal and be completed by the owner of record.

§ 167-14. License suspension and revocation.

Any license issued under the provisions of this article may be revoked or suspended at any time for good cause, including but not limited to any of the following:

- A. Failure to comply with any provisions of this chapter and any applicable policies, directives or ordinances;
- B. Failure to allow required inspections;
- C. False or misleading information given or provided in connection with the application;
- D. Failure to timely pay any assessed fee(s);
- E. Failure to maintain good financial standing with the Town; and/or
- F. Failure to correct violations within the time period(s) prescribed within this Code.

§ 167-15. Notification of suspension or revocation.

The Town Manager shall notify a licensee that its license has been suspended or revoked, along with the reason for said suspension or revocation. Notification shall be made by all of the following: certified mail, USPS delivery, and posting of the notice at the Residential Dwelling Unit address. The notice shall state that the licensee has the right to appeal the suspension or revocation in writing within 10 business days of notification. Upon receipt of a written appeal, the Town Manager shall proceed with scheduling an appeal hearing as provided below:

- A. Notice of the above-described hearing shall be served on the licensee by certified mail, and US Postal delivery, and shall also be posted at the location of the licensed RDU not less than five

business days before the date of said hearing.

- B. The hearing shall be conducted by the Board of Adjustment, in the same manner as outlined in Town Code Chapter **116**, Housing Standards, § 116- 19, Appeals, affording the licensee an opportunity to appear to address the charges. The Board of Adjustment shall make the final decision in writing, including findings of fact and conclusions of law, and shall serve such decision via certified mail and US Postal Service delivery on the licensee within 30 business days following the conclusion of the hearing. The notice shall be given by certified mail and USPS delivery. The decision of the Board of Adjustment shall be the final administrative action.

Article IV. Payment of Fees; Notice of Violation; Timing for Compliance; Conflicts

§ 167-16. Inspection, cancellation and no-show fees.

- A. If an inspector arrives on-site and the property is not ready, and the inspection was not canceled or rescheduled by the owner/property manager/operator at least 24 hours in advance, a fee of \$50 must be paid to the Town before the inspection will be rescheduled.
- B. If the inspector arrives at the predetermined inspection time and the owner/operator/property manager is a no show, a fee of \$50 will be assessed and must be paid to the Town before the inspection will be rescheduled.

§ 167-17. Notice of violation; powers and duties of Town Manager regarding enforcement.

In enforcing all the provisions of this chapter, the Town Manager may, within 10 days of determination of any violation of this chapter, issue any necessary notices and orders to cure or abate such conditions. As to violations of housing standards or imminent dangers to persons or property, the Town Manager shall have such powers and duties as are set forth in Chapter **116** of the Town Code, including but not limited to the power to order the property vacated.

§ 167-18. Timing for compliance.

If not otherwise specified herein, the timing for compliance with provisions of this chapter shall be as specified in Chapter **1**, § **1-18B**.

§ 167-19. Placement of lien for unpaid fees.

If the full amount of the inspection and license fees due to the Town are not paid within 30 days after billing, the Code Enforcement Official shall initiate proceedings to cause a lien to be placed upon the real estate.

§ 167-20. Conflicts with other provisions; requirements not specifically covered in chapter.

Unless explicitly stated otherwise, the requirements of this chapter shall supersede any general or potential conflicting provisions in other sections of the Code. Any requirement not specifically addressed by this chapter, which may be found necessary for the safety, health and general welfare of

the occupants of any dwelling, shall be determined by the Town Manager, subject to appeal to the Board of Adjustment.