

Chapter 164. RENTAL PROPERTIES

GENERAL REFERENCES

Bed-and-breakfasts See Ch. 76.

Housing standards See Ch. 136.

Addendum - Rental Properties Checklist

§ 164-1. Definitions.

Any word or term not defined herein shall be used with a meaning of standard usage

AGENT

A person authorized to do any of the following on behalf of the landlord/owner:

A.

Make, contract for, and authorize necessary repairs to the ~~rental housing~~ residential rental unit.

B.

Comply with the ordinances, notices and requests of the Town of Milton.

C.

Accept all communications, notices, orders and all types of service of process, relating to the rental housing/unit.

DWELLING

~~Any building, structure, or portion thereof which is occupied as, a residence, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof. Dwelling shall not include hotels, motels, inns or bed and breakfasts.~~

DWELLING UNIT

~~One room or several rooms connected together, consisting of a separate, independent housekeeping establishment for owner occupancy, rental or lease, and containing independent cooking, living, sanitary and sleeping facilities.~~

LANDLORD

The ~~lessor~~ owner or agent of real property. Person or Persons who offers ~~land~~, buildings, rooms, apartments or houses to others for a defined term including month to month in exchange for monetary compensation and or other considerations.

RESIDENTIAL RENTAL UNIT

Any building, structure, room, or enclosure, which is rented or offered for rent as

living quarters and containing independent cooking, living and sanitary facilities. Residential rental units do not include Bed and Breakfasts, Hotels, Inns, or Motels.

TENANT

Any person or persons including the lessee who occupies a rental unit or rental room with the landlord's consent and upon payment of compensation or gives other considerations in exchange for occupancy.

§ 164-2. License and registration required...

A. Each person, partnership, corporation, or other entity who rents or offers to rent any residential rental unit shall register to obtain a rental unit license and pay an annual fee as set forth in § 164-3 of this article.

§ 164-3. License fees.

License fees to be paid to the Town of Milton for rental licenses shall be at the relevant rate as established in the currently effective Town of Milton Fee Schedule.

§ 164-4. Application procedures.

Applications for licenses pursuant to this chapter shall be made on the prescribed form to the Town of Milton, and no license shall be granted until the applicant has met all provisions in Chapter 95 (Clean Hands Policy) of the Town Code of Milton and license fee shall have been paid in full. Each applicant shall give the following information:

A.

The property owner's name.

B.

The address and telephone number of the property owner.

C.

The property address to be rented (street name and block number).

D.

The name, address and telephone number of the agent, if any.

E.

~~If license application relates to residential rentals, rental rooms or dwelling units, specify t~~The number of sleeping rooms provided.

F.

If the applicant is a partnership, the names and addresses of the individuals composing the partnership.

G.

If the applicant is a corporation, the names and addresses of the principal officers of the corporation.

H.

Authorization for the Town, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the license.

I.

A statement that the applicant:

(1)

Shall comply with all laws and ordinances of the Town of Milton.

(2)

Shall provide in each such rental unit a functioning smoke-detection devices and those other safety devices required by the State Fire Marshal and as enumerated by DEL Code Title 16 Health and Safety Chapter 66. Fire Prevention Subchapter IV. Smoke Detectors § 6631 § 6632 § 6633 § 6634.

(3)

Shall notify the Town of Milton in writing within 30 days after any change in the above Requirements.

§ 164-5. Certification

A.

Upon receipt of an initial license application for a subject property under provisions of this article Chapter, the Town Administrator or his/her designee shall then with 10 business days perform an inspection of the residential rental unit to determine whether such property complies with the applicable provisions of the Town of Milton Code (Chapter 136 Housing Standards § 136-11 through and including § 136-23). The Town Administrator or his/her designee shall then issue a report of his/her findings. Any deficiencies noted shall be noticed and corrected as stated in Chapter 136 Housing Standards § 136-30 Notices and Orders. No license shall be issued if the premises and building do not comply with the applicable provisions within the Town of Milton Code.

~~his/her designee shall then within 10 business days perform an inspection of the residential rental property to determine whether such property complies with the applicable provisions of the Town of Milton Code (Chapter 136 Housing Standards). The Town Administrator or his/her designee shall issue a report on his/her findings. No license shall be issued if the premises and building do not comply with the applicable provisions within the Town of Milton Code.~~

B.

Once a residential rental unit has received and passed an initial inspection, the lessor shall along with the application for the annual license certify the residential rental unit is in compliance with the prescribed standards as defined within the provisions of the Town of Milton Code. Any license allowed to lapse shall be considered an initial application and subject to inspection.

§ 164-6. Issuance and expiration

A.

Upon proper application, payment of the prescribed fee, and inspection, or certification of compliance, a license signed by the Town Administrator or his/her designee, shall be issued to each applicant.

~~signed by the Town Administrator or his/her designee, shall be issued to each applicant.~~

B. Each license shall be effective for the calendar year (January 1 through December 31) in which it is issued.

§ 164-7. Inspection Access.

A.

~~Property owners~~ The landlord shall permit the Town Administrator or his /her designee to inspect all premises governed by this ~~article~~Chapter to determine if the building is operated as a rental property and/or to determine compliance with the provisions of this article, and shall fully cooperate with such inspections. The ~~property owner~~ landlord shall make reasonable efforts to notify tenants of planned inspections of their rental units to the extent required by state law.

B.

The ~~property owner~~landlord or his/her designee shall be present on the premises during inspections; however, failure of a property owner to comply with this requirement shall not deprive the Town of the authority to inspect.

C.

When an inspection has been scheduled, it is the responsibility of the ~~property owner or their appointed agent~~Landlord or his/her designee to make sure the subject property is ready by the time the inspector arrives on the site.

I. If an inspection needs to be cancelled or rescheduled the Town officials shall be notified no later than 8:45 am the day of the inspection.

II. If the inspector arrives on site and the structure/property is not ready and the inspection was not properly cancelled or rescheduled, a fee of one hundred dollars (\$100.00) shall be paid at Town Hall before the inspection may be rescheduled.

III. When conditions of a property are such that cause more than one follow-up inspection, for the purpose of ensuring compliance, a fee of fifty dollars (\$50.00) per inspection shall be imposed.

D.

Failure of a ~~property owner~~landlord or his/her designee to obey any of the requirements of this section shall subject the ~~property owner~~landlord or his/her designee to suspension or revocation of license, in addition to other penalties provided for in this ~~article~~Chapter. Any such suspension or revocation shall continue until the inspection has been completed, any violations satisfactorily remedied and any outstanding fees or penalties have been paid.

§ 164-8. Suspension or revocation of license.

A.

Any license issued pursuant to this chapter shall be subject to suspension or revocation by the Town Administrator or his/her designee for:

I. A violation of any provision of this chapter or for grounds that would warrant the denial or issuance of such license in the first place.

II. Misrepresentation or false statement contained in the application for the license.

III. Delinquency in payment of any taxes, fees, fines, penalties, interest or assessments due the Town of Milton.

IV. If by complaint filed with the Code Enforcement Officer, an inspection finds a residential rental unit ~~or rental room that~~ does not comply with Chapter 136 Housing Standards (§ 136-11 through and including § 136-23) Corrective action shall be in accordance with § 136-30 Notices and orders,; Housing Standards, of the Code of the Town of Milton, finds that the structure is unfit for human occupancy or use, or unsafe equipment or unsafe structure.

B.

The Code Enforcement Officer, upon revocation or suspension, shall state the reasons, in writing, and specify the particular grounds for such revocation or suspension and designate a time frame for corrective action to occur as stated in § 136-30 Notices and orders .

§ 164-9. Appeals.

Any person aggrieved by a decision of the Code Enforcement Officer may, within 15 days, take an appeal to the Town Council by giving written notice of his election so to do to the Town Hall; and, upon payment of a fee, if any, as may be established in the currently effective Town of Milton Fee Schedule, the Town Administrator shall notify the Secretary of the Town Council and shall transmit to the Secretary of the Town Council all the papers constituting the record upon which the decision appealed from was taken. Council shall set a date, time and place for the hearing of the appeal, which time and date shall be at the regular Town Council meeting, so long as the applicable notice and time requirements may be met; if such applicable notice and time requirements cannot be met, then the appeal shall be held at either a special meeting or at the next regular Council meeting. Notice of the appeal shall be sent to the appellant and published in a newspaper of local circulation at least seven days prior to the scheduled hearing. The decision of the Mayor and Council shall be final, and any review shall be by writ of certiorari to the Superior Court of the State of Delaware

§ 164-10. License to be posted.

All licenses issued under this chapter shall be posted in the lobby, vestibule, rental office or other prominent public place on the premises for which it is issued during the entire period it is in

effect. In the case of a single-family dwelling rental unit, it is sufficient if a copy of the license is provided the tenant.

§ 164-11. Tenant identification.

Licenses are required to provide names of tenants occupying residential rental ~~property units~~ upon request of the Town of Milton.
~~request of the Town.~~

§ 164-12. Transferability.

A.
In the event the holder of a license transfers ownership or shall change his/her address, the holder shall notify the Town within 30 days of such change.

B.
No license is transferable. Upon sale of the rental property, the new owner shall file an application for a new rental license accompanied by the appropriate fee as established in the currently effective Town of Milton Fee Schedule. The Town of Milton shall not issue a license until an inspection has been performed and ~~structure/dwelling~~ residential rental unit deemed in compliance with all provisions of the Chapter.
~~provisions of this Chapter.~~

C.
Whenever the ownership of the rental property changes hands, it shall be the duty of the transferor to notify all tenants of the residential rental unit of the name, address and location of the transferee and or the transferee's agent.
~~and of the transferee's agent.~~

§ 164-13. Violations and penalties.

A.
No person corporation or other entity shall engage in, carry on, aid or assist in the business, occupation, or activity of providing a residential rental unit ~~or rental room~~ without having first obtained an annual rental license for said residential rental unit within the Town of Milton. The Town of Milton without notice may require verification from any property owner of record said property's status in the form of a declaration of property status as prescribed by the Town of Milton.
~~said rental unit or rental room within the Town of Milton. Within 30 days of a request by the Town, any property owner who provides for rent any unit or room in conjunction with said property shall be required to verify the property's rental status on a declaration of property status form prescribed by the Town.~~

B.

Any person, ~~firm, or~~ corporation or other entity violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$300, plus costs, including Town Attorney's fees and Victim's Compensation Fund assessment for each offense, and for the purposes of this chapter, a separate offense shall be deemed to be committed on each day during or on which a violation occurs or continues.

