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## TITLE 31

### Welfare

#### Housing and Slum Clearance

#### CHAPTER 41. DELAWARE STATE HOUSING CODE

#### Subchapter II. Minimum Conditions of Premises and Buildings

##### § 4111. General provisions.

This subchapter shall describe the minimum conditions of residential premises and buildings to be used for human occupancy. Every residential building or structure occupied by humans, except as exempted by §§ 4103 and 4105 of this title and its premises shall comply with the conditions and standards herein prescribed when a deviation from such conditions and standards poses an imminent threat to the health, safety and general welfare of the occupants and other persons. The code official may cause periodic inspections to be made of residential buildings and premises to secure compliance with these requirements.

*65 Del. Laws, c. 153, § 1.;*

##### § 4112. Premises conditions.

(a) Responsibility of owner. -- The owner of buildings and premises shall maintain such buildings and premises in compliance with these requirements. A person shall not occupy as owner-occupant or let to another for occupancy or use premises which do not comply with the following requirements of this section.

(b) Vacant structures and land. -- All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause blight or adversely affect the public health or safety.

(c) Sanitation. -- All premises shall be maintained in a clean, safe and sanitary condition free from any accumulation of rubbish or garbage.

(d) Containers. -- Garbage, vegetable wastes or other putrescible materials shall be stored in leakproof containers, provided with close-fitting covers, for the storage of such materials until removed from the premises for disposal.

(e) Grading and drainage. -- All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

(f) Insect and rat control. -- All premises shall remain free of insects, rats, vermin or other pests in all exterior areas of the premises. An owner shall be responsible for extermination, except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single-family dwelling. Extermination in the shared or public parts of the premises of other than a single-family dwelling shall be the responsibility of the owner.

(g) Noxious weeds. -- All premises in predominately residential areas shall be kept free from weeds or plant growth which are noxious or detrimental to the public health and welfare and

shall be trimmed to a height of not more than 12 inches.

(h) Exhaust vents. -- Except as to previously existing and operating exhaust systems, no person shall construct, maintain or operate pipes, ducts, conductors, fans or blowers discharging gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes so as to discharge directly upon abutting or adjacent public or private property or property of another tenant.

(i) Accessory structures. -- All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in compliance with §§ 4113 and 4114 of this title.

(j) Motor vehicles. -- All premises, except as provided in other regulations, shall not contain any unregistered or uninspected or junk vehicle that poses a threat to the health, safety and general welfare of the occupants or other persons. Not more than 2 currently unregistered or uninspected vehicles, owned by the occupants, that do not pose a threat to the occupants or other persons' health and safety shall be parked in a predominantly residential area. Said vehicles shall not be in a state of disassembly or disrepair.

*65 Del. Laws, c. 153, § 1.;*

### **§ 4113. Exterior structure.**

(a) In general. -- The exterior of a structure shall be maintained structurally sound and sanitary so as not to pose a threat to the health and safety of the occupants and so as to protect the occupants from the environment.

(b) Structural members. -- All supporting structural members of all structures shall be maintained structurally sound, free of deterioration and capable of safely bearing the dead and live loads imposed upon them.

(c) Exterior surfaces (foundations, walls and roof). -- Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition so as to exclude rats.

(d) Foundation walls. -- All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads, plumb and free from open cracks and breaks, except as necessary to release excessive water pressure on the wall so as not to be detrimental to public safety and welfare.

(e) Exterior walls. -- Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers and any other condition which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior surface materials, including wood, composition or metal siding, shall be maintained weatherproof so as to prevent deterioration.

(f) Roofs. -- The roof shall be structurally sound, tight and not have defects which might admit rain, and roof drainage shall be adequate to prevent rain water from causing dampness in the walls or interior portion of the building.

(g) Decorative features. -- All cornices, trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(h) Signs, marquees and awnings. -- All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair, shall be properly anchored so as to be kept in a safe and sound condition and shall be protected from the elements and against decay.

(i) Chimneys. -- All chimneys, cooling towers, smokestacks and similar appurtenances shall be maintained structurally safe, sound and in good repair. All exposed surfaces of metal or

wood shall be protected from the elements and against decay.

(j) Stairs and porches. -- Every stair, porch, balcony and all appurtenances attached thereto shall be so maintained as to be safe to use and capable of supporting the loads to which it may be subjected and shall be maintained in sound condition and repair.

(k) Windows, doors and frames. -- Every window, door and frame shall be maintained in such relation to the adjacent wall construction so as to exclude rain as completely as possible and to substantially exclude wind from entering the building.

(l) Weathertight. -- Every window and exterior door shall be fitted reasonably in its frame and be weathertight. Weather stripping shall be used as necessary to exclude wind or rain from entering the dwelling or structure and shall be kept in sound condition and good repair.

(m) Glazing. -- Every required window sash shall be fully supplied with glazing materials which securely hold in place window glass.

(n) Openable windows. -- Every window, other than a fixed window, shall be capable of being opened and shall be held in position by window hardware.

(o) Door hardware. -- Every exterior door, door hinge and door latch shall be maintained in good condition. Door locks in dwelling units shall be in good repair and capable of tightly securing the door.

(p) Basement and window hatchways. -- Every basement or cellar hatchway or window shall be so maintained as to prevent the entrance of rats, rain and surface drainage into the structure.

*65 Del. Laws, c. 153, § 1; 70 Del. Laws, c. 186, § 1.;*

#### **§ 4114. Interior structure.**

(a) In general. -- The interior of a structure and its equipment shall be maintained structurally sound and in a sanitary condition so as not to pose a threat to the health and safety of the occupants and to protect the occupants from the environment.

(b) Structural members. -- The supporting structural members of every building shall be maintained structurally sound, not showing any evidence of deterioration which would render them incapable of carrying the imposed loads.

(c) Interior surfaces. -- Floors, walls, including windows and doors, ceilings and other interior surfaces shall be maintained in good, clean and sanitary condition.

(d) Lead-based paint. -- Lead-based paint with a lead content of more than 0.5 percent shall not be applied to any interior or exterior surface of a dwelling or dwelling unit, including fences and outbuildings upon any premises.

(e) Bathroom and kitchen floors. -- Every toilet, bathroom and kitchen floor surface shall be constructed and maintained so as to permit such floor to be easily kept in a clean and sanitary condition.

(f) Free from dampness. -- Cellars, basements and crawl spaces shall be maintained free from standing water so as to prevent conditions conducive to decay or deterioration of the structure.

(g) Sanitation. -- The interior of every structure shall be maintained in a clean and sanitary condition free from any accumulation of rubbish, refuse or garbage. Rubbish, garbage and other refuse shall be properly kept inside temporary storage facilities.

(h) Public halls and stairways. -- Garbage or refuse shall not be allowed to accumulate or be stored in public halls or stairways.

(i) Insect and rat harborage. -- All structures shall be kept free from insect and rat infestation, and where insects or rats are found they shall be promptly exterminated by acceptable processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

(j) Exit doors. -- Every door available as an exit shall be capable of being opened easily from the inside.

(k) Exit facilities -- Adequacy. -- Stairs, porches, railings and other exit facilities shall be adequate for safety.

(l) Same -- Maintenance. -- All interior stairs and railings and other exit facilities of every structure shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive wear or are broken, warped or loose. Every inside stair shall be so constructed and maintained as to be safe to use and capable of supporting the anticipated loads.

*65 Del. Laws, c. 153, § 1.;*

### **§ 4115. Light, ventilation and space requirements.**

(a) In general. -- All spaces or rooms shall be provided sufficient light so as not to endanger health and safety. All spaces or rooms shall be provided sufficient natural or mechanical ventilation so as not to endanger health and safety. Where mechanical ventilation is provided in lieu of the natural ventilation, such mechanical ventilating system shall be maintained in operation during the occupancy of any structure or portion thereof.

(b) Light in habitable rooms. -- Every habitable room, except kitchens, toilet rooms, basement or cellar rooms and interior rooms of townhouses and row houses, shall have at least 1 window facing directly to the outdoors, a court or a porch. Every habitable room, except kitchens and toilet rooms, shall have at least 1 door or window which can be opened to adequately ventilate the room. Kitchens, toilet rooms without windows, basement or cellar rooms and interior rooms of townhouses and row houses shall have natural or mechanical ventilation.

(c) Common halls and stairways. -- Every common hall and stairway in every building, other than 1-family dwellings, shall be adequately lighted at all times with an illumination of at least a 60 watt light bulb. Such illumination shall be provided throughout the normally traveled stairs and passageways.

(d) Other spaces. -- All other spaces shall be provided with natural or artificial light of sufficient intensity and so distributed as to permit the maintenance of sanitary conditions and the safe use of the space and the appliances and fixtures.

(e) Toilet rooms. -- Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms as required by subsection (b) of this section except that a window shall not be required in bathrooms or water closet compartments equipped with an approved mechanical ventilation system.

(f) Cooking. -- Primary cooking facilities shall not be permitted in any sleeping room or dormitory unit, except for efficiency apartments.

(g) Separation of unit. -- Dwelling units shall be separate and apart from each other. With the exception of cribsrooms or rooms accommodating handicapped individuals, sleeping rooms shall not be used as the only means of access to other sleeping rooms.

(h) Privacy. -- Hotel units, lodging units and dormitory units shall be designed to provide privacy and be separate from other adjoining spaces.

(i) Common access. -- A habitable room, bathroom or water closet compartment which is accessory to a dwelling unit shall not open directly into or be used in conjunction with a food

store, barber or beauty shop, doctor's or dentist's examination or treatment room or similar room used for public purposes.

(j) Basement rooms and cellar rooms. -- Basement and cellar rooms partially below grade shall not be used for sleeping purposes unless the basement and cellar room (or rooms) is (are) within the specifications for sleeping rooms as provided for in this chapter.

(k) Dwelling units. -- Every dwelling unit shall contain a minimum gross floor area of not less than 150 square feet for the first occupant, and 100 square feet for each additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.

(l) Area for sleeping purposes. -- Every room occupied for sleeping purposes by 1 occupant shall contain at least 64 square feet of floor area.

(m) Overcrowding. -- If any room used for residential purposes is overcrowded as defined in § 4106(27) of this title, the code official may order the number of persons sleeping or living in said room to be reduced.

(n) Prohibited use. -- It shall be prohibited to use for sleeping purposes any kitchen, nonhabitable space or public space.

(o) Minimum ceiling heights. -- Habitable rooms shall have a clear ceiling height over the minimum area required by this chapter at not less than 7 feet, 4 inches, except that in attics, basements, or top half-stories the ceiling height shall be not less than 7 feet over not less than one-third of the minimum area required by this chapter when used for sleeping, study or similar activity. In calculating the floor area of such rooms, only those portions of the floor area of the room having a clear ceiling height of 5 feet or more may be included.

(p) Minimum ceiling heights in mobile homes. -- Habitable space in a mobile home shall have a minimum ceiling height of 7 feet over 50 percent of the floor area, and the floor area where the ceiling height is less than 5 feet shall not be considered in calculating floor area.

(q) Required space in mobile homes. -- Every mobile home shall contain a minimum gross floor area of not less than 150 square feet for the first 2 occupants, and 100 square feet for each additional occupant.

*65 Del. Laws, c. 153, § 1.;*

#### **§ 4116. Plumbing facilities and fixtures requirements.**

(a) In general. -- Every dwelling unit shall include its own plumbing facilities which are in proper operating condition, can be used in privacy and are adequate for personal cleanliness and the disposal of human waste.

(b) Water closet and lavatory. -- Every dwelling unit shall contain a lavatory and a water closet supplied with cold running water. The water closet shall not be located in a habitable room. The lavatory may be placed in the same room as the water closet, or, if located in another room, the lavatory shall be located in close proximity to the door leading directly into the room in which said water closet is located. The lavatory shall be supplied with hot and cold running water.

(c) Bathtub or shower. -- Every dwelling unit shall contain a room which affords privacy to a person in said room and which is equipped with a bathtub or shower supplied with hot and cold running water.

(d) Sink. -- Every dwelling unit shall contain a kitchen sink apart from the lavatory required under subsection (b) of this section and shall be supplied with hot and cold running water.

(e) Rooming house. -- At least 1 water closet, lavatory basin and bathtub or shower properly connected to an approved water and sewer system and in good working condition shall be

supplied for each 4 rooms within a rooming house, wherever said facilities are shared. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times.

(f) Hotels. -- Where private water closets, lavatories, and baths are not provided, 1 water closet, 1 lavatory and 1 bathtub accessible from a public hallway shall be provided on each floor. Each lavatory, bathtub or shower shall be supplied with hot and cold water at all times.

(g) Toilet rooms and bathrooms -- Privacy. -- Toilet rooms and bathrooms shall be designed and arranged to provide privacy.

(h) Same -- Direct access. -- Toilet rooms and bathrooms shall not be used as a passageway to a hall or other space or to the exterior. At least 1 toilet room or bathroom in a dwelling unit shall be accessible from any sleeping room without passing through another sleeping room.

(i) Same -- Location on same story. -- Toilet rooms and bathrooms serving hotel units, lodging units or dormitory units, unless located within such respective units, or directly connected thereto, shall be provided on the same story with such units and be accessible only from a common hall or passageway.

(j) Same -- Floors. -- Bathrooms and toilet rooms shall be provided with floors of moisture resistant material.

(k) Connections. -- Water supply lines, plumbing fixtures, vents and drains shall be properly installed, connected and maintained in working order and shall be kept free from obstructions, leaks and defects and capable of performing the function for which they are designed.

(l) Maintained clean and sanitary. -- All plumbing facilities shall be maintained in a clean and sanitary condition by the occupant so as not to breed insects and rats or produce dangerous or offensive gases or odors.

(m) Access for cleaning. -- Plumbing fixtures shall be installed so as to permit easy access for cleaning both the fixtures and the areas about them.

(n) Water conservation. -- Plumbing fixtures which are replaced shall be of water saving construction and use.

(o) Contamination. -- The water supply shall be maintained free from contamination and all water inlets for plumbing fixtures shall be located above the overflow rim of the fixture.

(p) Supply. -- The water supply systems shall be installed and maintained to provide at all times a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable them to function satisfactorily.

(q) Water heating facilities. -- Water heating facilities shall be properly installed, properly maintained and properly connected with hot water lines to the fixtures required to be supplied with the hot water. Water heating facilities shall be capable of heating water to such a temperature so as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, shower and laundry facility or other similar units at a temperature of not less than 110 degrees F.

(r) Connections. -- Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other facility shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

(s) Maintenance. -- Every plumbing stack, waste and sewer line shall be so installed and maintained as to function properly and shall be kept free from obstructions, leaks and defects to prevent structural deterioration or health hazards.

(t) Storm drainage. -- An approved system of storm water disposal shall be provided and maintained for the safe and efficient drainage of roofs and paved areas, yards and courts and

other open areas on the premises.

*65 Del. Laws, c. 153, § 1.;*

**§ 4117. Heating, cooking and refrigeration facilities.**

(a) Heating. -- Every dwelling unit and guest room shall be provided with heating facilities capable of maintaining a room temperature of 65 degrees F., at a point 3 feet above the floor and 3 feet from an exterior wall in all habitable rooms, bathrooms and toilet rooms.

(b) Cooking facilities. -- In every dwelling unit that contains cooking and baking facilities for the purpose of preparation of food, such facilities shall be properly installed by the owner and operated and kept in a clean and sanitary working condition by the occupant.

(c) Refrigeration. -- In every dwelling unit that contains a refrigeration unit for the temporary preservation of perishable foods, such unit shall be capable of maintaining an average temperature below 45 degrees F. and shall be properly installed by the owner and operated and kept in a clean and sanitary working condition by the occupant.

(d) Cooking and heating equipment. -- All cooking and heating equipment, components and accessories in every heating, cooking and water heating device shall be maintained free from leaks and obstructions and kept functioning properly so as to be free from fire, health and accident hazards.

(e) Installation. -- All mechanical equipment shall be properly installed and safely maintained in good working condition and be capable of performing the function for which it was designed and intended.

(f) Flue. -- All fuel-burning equipment designed to be connected to a flue, chimney or vent shall be connected in an approved manner.

(g) Clearances. -- All required clearances from combustible materials shall be maintained.

(h) Safety controls. -- All safety controls for fuel-burning equipment shall be maintained in effective operation.

(i) Combustion air. -- A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided to the fuel-burning equipment.

(j) Fireplaces. -- Fireplaces and other devices intended for use similar to a fireplace, including wood-and-coal-burning stoves, shall be stable and structurally safe and connected to approved chimneys.

(k) Climate control. -- When facilities for interior climate control (heating, cooling or humidity) are integral functions of structures used as dwelling units, such facilities shall be maintained and operated in a continuous manner in accordance with the designed capacity.

*65 Del. Laws, c. 153, § 1.;*

**§ 4118. Electrical facilities.**

(a) Outlets required. -- Where there is electric service available to a structure, every habitable room of a dwelling unit and every guest room shall contain at least 2 separate and remote outlets, 1 of which may be a ceiling or wall type electric light fixture. In a kitchen, 3 separate and remote wall type electric convenience outlets or 2 such convenience outlets and 1 ceiling or wall type electric light fixture shall be provided. Every public hall, water closet compartment, bathroom, laundry room or furnace room shall contain at least 1 electric light fixture; in addition to the electric light fixture in every bathroom and laundry room, there shall be provided at least 1 electric outlet.

(b) Installation. -- All electrical equipment, wiring and appliances shall be installed and

maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type.

(c) Correction of defective system. -- Where it is found, in the opinion of the code official, that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

*65 Del. Laws, c. 153, § 1.;*

#### **§ 4119. Fire safety requirements.**

(a) In general. -- A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to the exterior at a street, or to a yard, court or passageway leading to a public open area at grade.

(b) Direct exit. -- Every dwelling unit or guest room shall have access directly to the outside or to a public corridor.

(c) Locked doors; exit through other units. -- All doors in the required means of egress shall be readily openable from the inner side. Exits from dwelling units, hotel units, lodging units and dormitory units shall not lead through other such units, or through toilet rooms or bathrooms.

(d) Fire escapes. -- All required fire escapes shall be maintained in working condition and structurally sound.

(e) Exit signs. -- All exit signs shall be maintained, illuminated and visible.

(f) Accumulations of waste, etc., prohibited. -- Waste, refuse or other materials shall not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.

(g) Flammable matter. -- Highly flammable or explosive matter, such as paints, volatile oils, and cleaning fluids, or combustible refuse, such as wastepaper, boxes and rags, shall not be accumulated or stored on residential premises except in reasonable quantities consistent with normal usage.

(h) Residential unit. -- A dwelling unit or rooming unit shall not be located within a structure containing an establishment handling, dispensing or storing flammable liquids with a flash point of 110 degrees F. or lower.

(i) Fire alarms. -- Fire alarms and detecting systems shall be maintained and be suitable for their respective purposes.

(j) Fire suppression system. -- Fire suppression systems shall be maintained in good condition, free from mechanical injury. Sprinkler heads shall be maintained clean, free of corrosion and paint and not bent or damaged.

(k) Fire extinguishers. -- All portable fire extinguishers shall be visible and accessible, and maintained in an efficient and safe operating condition.

*65 Del. Laws, c. 153, § 1.;*

#### **§ 4120. Responsibilities of owners and occupants.**

(a) Cleanliness. -- Every occupant of a structure or part thereof shall keep that part of the structure or premises thereof which that occupant occupies, controls or uses in a clean and sanitary condition. Every owner of a dwelling containing 2 or more dwelling units shall maintain, in a clean and sanitary condition, the shared or public areas of the dwelling and premises thereof.



(b) Disposal of rubbish. -- Every occupant of a structure or part thereof shall dispose of all rubbish in a clean and sanitary manner by placing it in rubbish containers equipped with tight fitting covers as required by this chapter.

(c) Disposal of garbage. -- Every occupant of a structure or part thereof shall dispose of garbage in a clean and sanitary manner, securely wrapping such garbage and placing it in tight garbage storage containers as required by this chapter, or by such other disposal method as may be required by applicable laws or ordinances.

(d) Rubbish storage facilities. -- Every dwelling unit shall be supplied with approved containers and covers for storage of rubbish, and the owner, operator or agent in control of such dwelling shall be responsible for the removal of such rubbish.

(e) Food preparation. -- All spaces used or intended to be used for food preparation shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage when necessary.

(f) Fixtures and equipment -- Supplied by owner. -- The owner or occupant of a structure or part thereof shall keep the supplied equipment and fixtures therein clean and sanitary and shall be responsible for the exercise of reasonable care in their proper use and operation.

(g) Same -- Furnished by occupant. -- The equipment and fixtures furnished by the occupant of a structure shall be properly installed and shall be maintained in good working condition, kept clean and sanitary and free of defects, leaks or obstructions.

*65 Del. Laws, c. 153, § 1.;*

#### **§ 4121. Extermination.**

(a) Owner's responsibility. -- The owner of any structure shall be responsible for extermination of insects, rats, vermin or other pests within the structure prior to renting, leasing or selling the structure.

(b) Tenant-occupant's responsibility. -- The tenant-occupant of any structure shall be responsible for the continued rat proof condition of the structure, and if the tenant occupant fails to maintain the rat-proof condition, the cost of extermination shall be the responsibility of the tenant-occupant.

(c) Single unit occupant's responsibility. -- The occupant of a structure containing a single dwelling unit shall be responsible for the extermination of any insects, rats or other pests in the structure or on the premises.

(d) Responsibility for common areas in multiple unit structures. -- Every owner, agent or operator of 2 or more dwelling units or multiple occupancies, or rooming houses, shall be responsible for the extermination of any insects, rats or other pests in the public or shared areas of the structure and premises.

*65 Del. Laws, c. 153, § 1.;*

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