



NEW CASTLE COUNTY COUNCIL ADMINISTRATIVE-FINANCE COMMITTEE MEETING

Co-Chair George Smiley, Seventh District
Co-Chair John Cartier, Eighth District

September 23, 2025
4:00 PM

VIRTUAL ZOOM WEBINAR MEETING** &
LOUIS L. REDDING CITY/COUNTY BUILDING
1ST FLOOR COUNCIL CHAMBERS
800 N. FRENCH STREET, WILMINGTON, DE 19801

AGENDA

A. Call To Order/Roll Call

B. Approval of Minutes - September 9, 2025

C. Review/Discussion of Resolution(s)

D. Review/Discussion of Ordinance(s)

°25-113: AMEND THE FY2025 APPROVED OPERATING BUDGET:REALIGN FUNDING WITHIN THE GENERAL FUND BENEFIT BUDGET LINE ITEM TO PROVIDE FUNDING FOR HEALTHCARE EXPENSES

Prime Sponsor(s): Mr. Smiley, Mr. Cartier

°25-114: TO AMEND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE PROFESSIONAL EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 3109, TO CHANGE THE POSITION TITLE OF EMERGENCY PREPAREDNESS PLANNER TO EMERGENCY MANAGEMENT PLANNER AND ADOPT THE REVISED CLASS SPECIFICATION

Prime Sponsor(s): Ms. Williams-Johns

°25-107: (STATUS: TABLED) TO AMEND NEW CASTLE COUNTY CODE CHAPTER 19 ("RESIDENTIAL RENTAL PROPERTIES") REGARDING LANDLORD AND TENANT RIGHTS AND RESPONSIBILITIES

Prime Sponsor(s): Mr. Caneco

E. New Castle County Grant Requests/Community Events

F. Expense and Revenue Round Table

G. Other

- Committee Meeting Schedule

H. Public Comment**I. Adjournment****AGENDA POSTED: Tuesday, September 16, 2025**

*The agenda is posted (7) seven days in advance of the scheduled meeting in compliance with 29 *Del. C.* Section 10004(e)(2). The meeting may go into Executive Session to address issues that arise at the time of the meeting.

**Under Title 29, Section 10006A of *Delaware Code*, New Castle County Council is holding this meeting as a telephone and video conference, utilizing  Webinar. In addition, this meeting is open to the public in Council Chambers (800 N. French Street, Wilmington, DE 19801). The link to join the meeting via computer, smart device, or smart phone is : <https://zoom.us/j/377322142> You may also call into the meeting (audio) using the following call in numbers: 1-312-626-6799 or +1-646-558-8656 or +1-346-248-7799 or +1-669-900-9128 or +1-253-215-8782 or +1-301-715-8592. Then enter the Webinar ID: 377 322 142. If you do not have a good connection with one, please try the others. Additional information regarding phone functionality during the meeting is available at: <https://support.zoom.us/hc/en-us/articles/360029527911-Live-Training-Webinars>

Meeting materials, including a meeting agenda, legislation to be addressed during the meeting, and other materials related to the meeting are electronically accessible at <https://www.nccde.org/2351/Agendas-and-Minutes> Members of the public joining the meeting may be provided an opportunity to make comments in real time. A comment period will be administered by a moderator to ensure everyone may have an opportunity to comment.

If permitted to comment, you will not be able to speak until called upon by the moderator. For those appearing virtually, there are functions in the program that allow you to do this. Please see the link in the previous paragraph.

ORDINANCE NO. 25-113

**AMEND THE FY2025 APPROVED OPERATING BUDGET:
REALIGN FUNDING WITHIN THE GENERAL FUND BENEFIT BUDGET LINE ITEM
TO PROVIDE FUNDING FOR HEALTHCARE EXPENSES**

1 **WHEREAS**, realignment of funds is required for the County's FY2025 healthcare
2 expenses; and
3

4 **WHEREAS**, the General Fund Benefit Budget Line Item will require a
5 realignment of \$280,000 from the Department of Public Safety to the Department of
6 County Executive \$140,000 and the Department of Community Services \$140,000; and
7

8 **WHEREAS**, the revenue measures heretofore adopted by the County Council
9 are, in the opinion of the County Executive, estimated to yield sums at least sufficient to
10 balance the proposed expenditures as set forth in the Approved Annual Operating
11 Budget as hereinafter amended.
12

13 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
14

15 Section 1. The Annual Operating Budget for the fiscal year beginning July 1,
16 2024, is hereby amended by deleting the material stricken and adding the material
17 underscored on the attached "Exhibit A."
18

19 Section 2. The foregoing amendment shall be considered a part of the Annual
20 Operating Budget for the fiscal year beginning July 1, 2024, and shall be effective
21 retroactively as though incorporated initially in the Annual Operating Budget.
22

23 Section 3. This Ordinance shall become effective immediately upon its adoption
24 by County Council and approval by the County Executive, or as otherwise provided in 9
25 *Del. C. § 1156*.

Adopted by County Council of
New Castle County on:

Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, amends the FY2025 Approved Operating Budget Benefit Budget Line Item by realigning \$280,000 from the Department of Public Safety to the Department of County Executive \$140,000 and the Department of Community Services \$140,000. This realignment of funds is necessary to cover the County's FY2025 healthcare expenses.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to June 30, 2025.

FISCAL NOTE: This Ordinance, if approved, amends the FY2025 Approved Operating Budget Benefit Budget Line Item by realigning \$280,000 from the Department of Public Safety to the Department of County Executive \$140,000 and the Department of Community Services \$140,000. This realignment of funds is necessary to cover the County's FY2025 healthcare expenses.

This realignment of funding will result in no increase to the FY2025 Approved Operating Budget as the legislation is a transfer of funds between Departments and within the same fund.

Acknowledged by the Chief Financial Officer August 28, 2025.

COUNTY COUNCIL

Salaries and Wages		\$	2,502,060
Benefits			1,464,432
Training and Civic Affairs			87,104
Communication and Utilities			18,693
Materials and Supplies			35,660
Contractual Services			255,088
Equipment			14,580
Grants and Fixed Charges			348,221
Operating Transfer Charges			175,627
Total		\$	4,901,465
Total Authorized Full-Time Positions	35		

COUNTY EXECUTIVE

Salaries and Wages		\$	2,315,184
Benefits	1,190,296		<u>1,330,296</u>
Training and Civic Affairs			51,178
Communication and Utilities			21,637
Materials and Supplies			19,836
Contractual Services			333,922
Equipment			7,223
Grants and Fixed Charges			638,000
Contingency			1,707
Operating Transfer Charges			105,264
Total	4,684,247	\$	<u>4,824,247</u>
Total Authorized Full-Time Positions	17		

DEPARTMENT OF ADMINISTRATION

Salaries and Wages	\$	12,801,592
Benefits		7,410,198
Training and Civic Affairs		137,998
Communication and Utilities		8,288,872
Materials and Supplies		181,928
Contractual Services		7,821,586
Equipment		523,161
Grants and Fixed Charges		3,972,098
Operating Transfer Charges		1,143,524
Operating Transfer Credits		(12,812,422)
Total	\$	29,468,535
Total Authorized Full-Time Positions		168

DEPARTMENT OF PUBLIC WORKS

Salaries and Wages	\$	25,362,106
Benefits		14,728,052
Training and Civic Affairs		45,445
Communication and Utilities		26,468,271
Materials and Supplies		4,917,279
Contractual Services		10,847,289
Equipment		508,481
Grants and Fixed Charges		1,193,025
Land and Structures		54,700
Operating Transfer Charges		4,574,405
Operating Transfer Credits		(7,722,122)
Total	\$	80,976,931
Total Authorized Full-Time Positions		389

DEPARTMENT OF LAND USE

Salaries and Wages		\$	7,994,998
Benefits			4,647,275
Training and Civic Affairs			59,575
Communication and Utilities			111,242
Materials and Supplies			103,127
Contractual Services			1,429,294
Equipment			74,555
Grants and Fixed Charges			56,500
Operating Transfer Charges			1,061,595
Total		\$	15,538,161
Total Authorized Full-Time Positions	112		

DEPARTMENT OF COMMUNITY SERVICES

Salaries and Wages		\$	12,734,648
Benefits	5,580,637		<u>5,720,637</u>
Training and Civic Affairs			24,141
Communication and Utilities			1,473,021
Materials and Supplies			1,600,614
Contractual Services			3,841,213
Equipment			34,474
Grants and Fixed Charges			3,251,065
Operating Transfer Charges			1,174,095
Operating Transfer Credits			(225,977)
Total	29,487,931	\$	<u>29,627,931</u>
Total Authorized Full-Time Positions	162		

DEPARTMENT OF PUBLIC SAFETY

Salaries and Wages		\$	73,434,429
Benefits	40,673,121		<u>43,402,944</u>
Training and Civic Affairs			164,155
Communication and Utilities			1,040,163
Materials and Supplies			1,490,737
Contractual Services			2,131,317
Equipment			1,773,283
Grants and Fixed Charges			8,345,222
Operating Transfer Charges			7,843,655
Intragovernmental Service Credits			
Total	136,896,082	\$	<u>139,625,905</u>
Total Authorized Full-Time Positions	727		

REGISTER OF WILLS

Salaries and Wages		\$	1,131,352
Benefits			643,880
Training and Civic Affairs			34,950
Communication and Utilities			12,209
Materials and Supplies			10,053
Contractual Services			62,715
Equipment			2,800
Operating Transfer Charges			82,214
Total		\$	<u>1,980,173</u>
Total Authorized Full-Time Positions	20		

RECORDER OF DEEDS

Salaries and Wages		\$	1,202,298
Benefits			691,663
Training and Civic Affairs			40,170
Communication and Utilities			29,829
Materials and Supplies			10,573
Contractual Services			98,478
Equipment			9,975
Grants and Fixed Charges			18,350
Operating Transfer Charges			162,265
Total		\$	<u>2,263,601</u>
Total Authorized Full-Time Positions	23		

SHERIFF

Salaries and Wages	\$	1,353,771
Benefits		788,603
Training and Civic Affairs		29,452
Communication and Utilities		14,993
Materials and Supplies		21,259
Contractual Services		55,999
Equipment		5,000
Operating Transfer Charges		142,020
Total	\$	2,411,097
Total Authorized Full-Time Positions		21

CLERK OF THE PEACE

Salaries and Wages	\$	477,910
Benefits		279,717
Training and Civic Affairs		9,600
Communication and Utilities		4,484
Materials and Supplies		8,754
Contractual Services		23,268
Equipment Replacement		2,000
Operating Transfer Charges		30,824
Total	\$	836,557
Total Authorized Full-Time Positions		7

DEBT SERVICE

Debt Service	\$	45,578,427
Total	\$	45,578,427
Total Authorized Full-Time Positions		

ETHICS COMMISSION

Salaries and Wages	\$	42,200
Benefits		4,181
Training and Civic Affairs		10,464
Communication and Utilities		2,134
Materials and Supplies		2,450
Contractual Services		235,747
Equipment		300
Operating Transfer Charges		6,360
Total	\$	303,836
Total Authorized Full-Time Positions		0

COUNCIL CONTINGENCY

Contingency	\$	152,673
Total	\$	152,673
Total Authorized Full-Time Positions		

EXECUTIVE CONTINGENCY

Contingency	\$	0
Total	\$	0
Total Authorized Full-Time Positions		

PERSONNEL CONTINGENCY

Contingency	\$	105,500
Total	\$	105,500
Total Authorized Full-Time Positions		

ATTRITION CONTINGENCY

Personal Services - Salaries and Wages	\$	0
Personal Services - Employee Benefits	\$	0
Total	\$	0
Total Authorized Full-Time Positions		

ONE-TIME CONTINGENCY

Contingency	\$	11,880
Total	\$	11,880

NEW CASTLE COUNTY

Salaries and Wages	\$	141,352,548
Benefits		81,111,878
Training and Civic Affairs		694,232
Communication and Utilities		37,485,548
Materials and Supplies		8,402,270
Contractual Services		27,135,916
Equipment		2,955,832
Grants and Fixed Charges		17,822,481
Debt Service		45,578,427
Land and Structures		54,700
Contingency		271,760
Operating Transfer Charges		16,501,848
Operating Transfer Credits		(20,760,521)
Sub-Total New Castle County	\$	358,606,919
Total Authorized Full-Time Positions		1,681

RESERVE ACCOUNTS ANTICIPATED BALANCES AS OF JUNE 24, 2025 (UNAUDITED)

Tax Stabilization Reserve Account	61,495,003
Sewer Rate Stabilization Reserve Account	5,620,512
General Fund Budget Reserve Account	45,312,006
Sewer Fund Budget Reserve Account	18,734,142
Total Reserves:	131,161,663

ORDINANCE NO. 25-114

TO AMEND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE PROFESSIONAL EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 3109, TO CHANGE THE POSITION TITLE OF EMERGENCY PREPAREDNESS PLANNER TO EMERGENCY MANAGEMENT PLANNER AND ADOPT THE REVISED CLASS SPECIFICATION

1 **WHEREAS**, the Department of Public Safety, Division of Office of Emergency
2 Management has determined it necessary that the class specification for the Emergency
3 Preparedness Planner needed to be revised to reflect the work currently being performed to
4 include changing the job class title to Emergency Management Planner to better describe the
5 classification; and

6
7 **WHEREAS**, the Office of Human Resources determined that this change does not require
8 review by the Human Resources Advisory Board since it is below a Pay Grade 28; and

9
10 **WHEREAS**, the Chief Human Resources Officer, reviewed and recommended the
11 changes to the class specification for Emergency Preparedness Planner in 2022 including
12 changing the title to Emergency Management Planner but the Pay Plan and Rates of Pay for
13 Classified Service Employees Council 81, AFSCME, AFL-CIO, Affiliate Local 3109 was never
14 updated; and

15
16 **WHEREAS**, the Chief Human Resources Officer, reviewed and recommended to change
17 the title of the Emergency Preparedness Planner to Emergency Management Planner on the
18 Pay Plan and Rates of Pay for Classified Service Employees Council 81, AFSCME, AFL-CIO,
19 Affiliate Local 3109.

20
21 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**

22
23 Section 1. The revised Class Specification for Emergency Management Planner is
24 adopted as set forth in Exhibit "A."

25
26 Section 2. The Pay Plan and Rates of Pay for Classified Service Professional Employees
27 Represented by the Delaware Public Employees Council 81, AFSCME, ALF-CIO, Affiliate Local
28 3109, for the period July 1, 2025 through June 30, 2026 as set forth in Exhibit "B", is hereby
29 amended by adding the material that is underscored and deleting the material that is stricken.

30
31 Section 3. The Pay Plan and Rates of Pay for Classified Service Professional Employees
32 Represented by the Delaware Public Employees Council 81, AFSCME, ALF-CIO, Affiliate Local
33 3109, effective July 1, 2026 as set forth in Exhibit "C", is hereby amended by adding the material
34 that is underscored and deleting the material that is stricken.

35
36 Section 4. This Ordinance shall become effective immediately upon its adoption by
37 County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C. §*
38 1156.

Adopted by Council of
New Castle County on:

Monique Williams-Johns
President of Council
of New Castle County

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, updates the position title of Emergency Preparedness Planner to Emergency Management Planner on the Pay Plan and Rates of Pay for Classified Service Professional Employees Represented by the Delaware Public Employees Council 81, AFSCME, ALF-CIO, Affiliate Local 3109, and adopts the revised class specification as reviewed and recommended by the Chief Human Resources Officer.

FISCAL NOTE: This Ordinance, if approved, updates the position title of Emergency Preparedness Planner to Emergency Management Planner on the Pay Plan and Rates of Pay for Classified Service Professional Employees Represented by the Delaware Public Employees Council 81, AFSCME, ALF-CIO, Affiliate Local 3109, and adopts the revised class specification as reviewed and recommended by the Chief Human Resources Officer.

There is no discernible fiscal impact as this is a change to job class title only with no change to the Pay Grade.

Acknowledged by the Chief Financial Officer August 26, 2025.

NEW CASTLE COUNTY GOVERNMENT

Number 1089

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CLASS SPECIFICATIONDate ~~11/02/11~~DRAFTTitle: EMERGENCY ~~PREPAREDNESS~~MANAGEMENT PLANNER

Approved:

GENERAL STATEMENT OF DUTIES: Performs a wide range of responsible planning and field work pertaining to emergency preparedness, response, training and property protection; does related work as required.

DISTINGUISHING FEATURES OF THE CLASS: An employee in this class is assigned to plan, research and organize tasks relating to the mitigation of, preparation for, response to and recovery from natural and technological disasters and major emergencies. Duties include field and office investigative work including emergency response to incidents as required. This employee serves as the Department of Public Safety's primary representative to incidents involving hazardous materials and medium to large scale disasters and serves as the alternate to the ~~Coordinator of Emergency Planning~~Emergency Management Coordinator/Assistant Chief of Emergency Management in managing the Emergency Operations Center during major emergencies and disasters. The Department of Public Safety operates 24/7 and this employee may be required to work extended hours such as early mornings, nights and weekends. This employee works under the supervision of the ~~Coordinator of Emergency Planning~~Emergency Management Coordinator/Assistant Chief of Emergency Management but exercises considerable judgment in the performance of duties.

EXAMPLES OF WORK: (Illustrative only)

- Develops, maintains and prepares assigned portions of comprehensive emergency operation plans and reviews plans for conformity to emergency management principles and to principles of good planning;
- Develops and maintains an emergency information system pertaining to the availability of resources and facilities for use during disasters and emergencies;
- Develops standard operating procedures for emergency management functions;
- Consults with emergency care, response and planning agencies to assist in developing and maintaining integrated emergency operation programs;
- Coordinates emergency staff support for emergency operations, drills and exercises;
- ~~Prepares, monitors, and administers grant budget requests, expenditures and grant funding opportunities;~~
- Researches special unmet needs of the population required during emergencies and develops strategies to meet such needs;
- Serves on emergency planning committees;
- Coordinates the set-up and staffing of the Emergency Operations Center in times of critical incidents;
- Gives public presentations and lectures;
- Locates, collects, compiles and organizes statistical and other data essential to various emergency management planning efforts;
- Prepares and reviews hazardous vulnerability studies;
- Maintains records of shelters, warning systems, training and radiological protective equipment;
- Develops and provides training programs for emergency response personnel;
- May assist or participate in the supervision of designated staff;

NEW CASTLE COUNTY GOVERNMENT

Number 1089

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Date ~~11/02/11~~ DRAFT

CLASS SPECIFICATION

Title: EMERGENCY ~~PREPAREDNESS~~ MANAGEMENT PLANNER

Approved:

- Promotes an ongoing attitude of dedication to excellent public service and ensures that external and internal customers are provided with the highest quality of service;
- Operates a personal computer and other related equipment in the course of the work.

REQUIRED KNOWLEDGE, SKILLS AND ABILITIES: Good knowledge of planning concepts and emergency management principles; good knowledge of emergency services and resources; ability to utilize multiple technologies and communication devices to efficiently perform duties; skill in report writing and in preparing written plans, charts and graphs; good knowledge of chemical, biological, and radiological monitoring and detection; some knowledge of Federal, State, and local Homeland Security operations; ability to perform independent research and to draw valid conclusions; ability to develop and conduct training programs; ability to communicate courteously and effectively, both verbally and in writing; ability to establish and maintain effective working relationships with other employees, ~~general managers~~, outside agencies and the public. ~~ability to supervise.~~

MINIMUM QUALIFICATIONS: At least two (2) years of experience in emergency management and possession of a Bachelor's Degree from an accredited college or university; or an equivalent combination of experience, education or training directly related to the required knowledge, skills and abilities.

PREFERRED QUALIFICATIONS: Completion of ICS 100 & 200 Level Courses.

ADDITIONAL REQUIREMENTS: Must pass a Class III and HAZMAT County physical examination and background check. Possession of a valid Delaware Class D driver's license or its equivalent. The employee shall complete the Emergency Vehicle Operators Course and License within 6 months of date of hire and complete the Hazardous Material Technician Certification prior to the end of the probationary period. The employee shall take the following Federal Emergency Management Agency sponsored training during the course of employment as funds and scheduling permit:

Incident Response to Terrorism Series
ICS Advanced Courses (300 & 400 level)

HISTORY OF REVISIONS:

Established: 03/26/85
Revised: 04/17/89
Revised: 01/19/93
Revised: 07/01/97
Revised: 05/01/01
Revised: 08/22/06
Revised: 04/21/08
Revised: 11/02/11
~~Revised: DRAFT~~

**PAY PLANS AND RATES OF PAY FOR
CLASSIFIED SERVICE PROFESSIONAL EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC
EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 3109**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
HOUSING SPECIALIST	19	41,429	43,501	45,676	47,961	50,358	52,877	55,522	58,298	61,214	64,274	67,487
RECREATION SPECIALIST	19											
AUTOMOTIVE PARTS SUPERVISOR	22	47,961	50,358	52,877	55,522	58,298	61,214	64,274	67,490	70,862	74,408	78,129
COMMUNITY SERVICES COORDINATOR	23	50,358	52,877	55,522	58,298	61,214	64,274	67,490	70,862	74,408	78,128	82,034
CUSTOMER INFO AND ASSISTANCE COORD	23											
HEALTH SERVICES NURSE	23											
ASSESSMENT ANALYST	24	52,877	55,522	58,298	61,214	64,274	67,490	70,862	74,408	78,128	82,034	86,136
EMERGENCY MANAGEMENT PLANNER	24											
EMERGENCY PREPAREDNESS PLANNER	24											
HOUSING FINANCIAL ADVISOR	24											
PLANNER I	24											
PROGRAM ANALYST	24											
JUNIOR SYSTEMS PROGRAMMER	26	58,298	61,214	64,274	67,490	70,862	74,408	78,128	82,034	86,136	90,442	94,964
LIBRARIAN I	26											
PENSION PROGRAM ANALYST	26											
PLANNER II	26											
BUDGET AND PROCEDURES ANALYST	27	61,214	64,274	67,490	70,862	74,408	78,128	82,034	86,136	90,442	94,964	99,712
COORDINATOR OF EMERGENCY PLANNING	28	64,274	67,490	70,862	74,408	78,128	82,034	86,136	90,442	94,964	99,713	104,699
HOUSING MANAGEMENT ANALYST	28											
INFORMATION SYSTEMS SPECIALIST	28											
LANDSCAPE ARCHITECT	28											
SENIOR PENSION PROGRAM ANALYST	28											
SEWER SYSTEM ANALYST	28											
SYSTEMS PROGRAMMER	28											
TRAFFIC ENGINEER	28											
SENIOR BUDGET AND PROCEDURES ANALYST	29	67,490	70,862	74,408	78,128	82,034	86,136	90,442	94,964	99,713	104,699	109,933
INFORMATION SYSTEMS COORDINATOR	30	70,862	74,408	78,128	82,034	86,136	90,442	94,964	99,713	104,699	109,934	115,431
OPERATIONS ENGINEER	30											
PARKS DEVELOPMENT PLANNER	30											
PLANNER III	30											
TRAINING ADMINISTRATOR	30											
SENIOR NETWORK ENGINEER	31	74,408	78,128	82,034	86,136	90,442	94,964	99,713	104,699	109,934	115,431	121,203
GEOGRAPHIC INFORMATION SYSTEMS MANAGER	32	78,128	82,034	86,136	90,442	94,964	99,713	104,699	109,934	115,431	121,202	127,262
CHIEF PROCUREMENT OFFICER	34	86,136	90,442	94,964	99,713	104,699	109,934	115,431	121,202	127,261	133,625	140,306

Effective: 07/01/2025 (Ord 24-150)

Revised: 11/19/2024 (Ord 24-160)

Revised: 04/24/2025 (Ord 25-042)

Revised: xx/xx/xxxx (Ord 25-xxx)

**PAY PLANS AND RATES OF PAY FOR
CLASSIFIED SERVICE PROFESSIONAL EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC
EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 3109**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
HOUSING SPECIALIST	19	42,465	44,589	46,818	49,160	51,617	54,199	56,910	59,755	62,744	65,881	69,174
RECREATION SPECIALIST	19											
AUTOMOTIVE PARTS SUPERVISOR	22	49,160	51,617	54,199	56,910	59,755	62,744	65,881	69,177	72,634	76,268	80,082
COMMUNITY SERVICES COORDINATOR	23	51,617	54,199	56,910	59,755	62,744	65,881	69,177	72,634	76,268	80,081	84,085
CUSTOMER INFO AND ASSISTANCE COORD	23											
HEALTH SERVICES NURSE	23											
ASSESSMENT ANALYST	24	54,199	56,910	59,755	62,744	65,881	69,177	72,634	76,268	80,081	84,085	88,289
EMERGENCY MANAGEMENT PLANNER	24											
EMERGENCY PREPAREDNESS PLANNER	24											
HOUSING FINANCIAL ADVISOR	24											
PLANNER I	24											
PROGRAM ANALYST	24											
JUNIOR SYSTEMS PROGRAMMER	26	59,755	62,744	65,881	69,177	72,634	76,268	80,081	84,085	88,289	92,703	97,338
LIBRARIAN I	26											
PENSION PROGRAM ANALYST	26											
PLANNER II	26											
BUDGET AND PROCEDURES ANALYST	27	62,744	65,881	69,177	72,634	76,268	80,081	84,085	88,289	92,703	97,338	102,205
COORDINATOR OF EMERGENCY PLANNING	28	65,881	69,177	72,634	76,268	80,081	84,085	88,289	92,703	97,338	102,206	107,316
HOUSING MANAGEMENT ANALYST	28											
INFORMATION SYSTEMS SPECIALIST	28											
LANDSCAPE ARCHITECT	28											
SENIOR PENSION PROGRAM ANALYST	28											
SEWER SYSTEM ANALYST	28											
SYSTEMS PROGRAMMER	28											
TRAFFIC ENGINEER	28											
SENIOR BUDGET AND PROCEDURES ANALYST	29	69,177	72,634	76,268	80,081	84,085	88,289	92,703	97,338	102,206	107,316	112,681
INFORMATION SYSTEMS COORDINATOR	30	72,634	76,268	80,081	84,085	88,289	92,703	97,338	102,206	107,316	112,682	118,317
OPERATIONS ENGINEER	30											
PARKS DEVELOPMENT PLANNER	30											
PLANNER III	30											
TRAINING ADMINISTRATOR	30											
SENIOR NETWORK ENGINEER	31	76,268	80,081	84,085	88,289	92,703	97,338	102,206	107,316	112,682	118,317	124,233
GEOGRAPHIC INFORMATION SYSTEMS MANAGER	32	80,081	84,085	88,289	92,703	97,338	102,206	107,316	112,682	118,317	124,232	130,444
CHIEF PROCUREMENT OFFICER	34	88,289	92,703	97,338	102,206	107,316	112,682	118,317	124,232	130,443	136,966	143,814

Effective: 07/01/2026 (Ord 24-150)

Revised: 11/19/2024 (Ord 24-160)

Revised: 04/24/2025 (Ord 25-042)

Revised: xx/xx/xxxx (Ord 25-xxx)

SUBSTITUTE NO. 1 TO ORDINANCE NO. 25-107

**TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 19
("RESIDENTIAL RENTAL PROPERTIES") REGARDING
LANDLORD AND TENANT RIGHTS AND RESPONSIBILITIES**

1 **WHEREAS**, New Castle County plays a critical role in ensuring the quality of
2 residential rental housing for the residents of New Castle County; and
3

4 **WHEREAS**, understanding and taking these responsibilities very seriously, the
5 County enacted laws to inform rental unit residents of their rights and to provide them with
6 additional tools to maintain the quality of their living spaces; and
7

8 **WHEREAS**, these laws also provide, among other things, a complaint-based
9 inspection process, to help maintain the quality of County residential rental housing; and
10

11 **WHEREAS**, the *County Code* also, among other things, provides data on the
12 effectiveness of the residential rental policies and helps determine if additional steps need
13 to be taken; and
14

15 **WHEREAS**, upon review of the rental code, it is apparent that additional steps are
16 needed to ensure the Code is functioning as robustly as intended and needed; and
17

18 **WHEREAS**, County Council has determined that the provisions of this Ordinance
19 substantially advance, and are reasonably and rationally related to, legitimate government
20 interests, including the protection and preservation of public health, safety, prosperity,
21 general welfare, and quality of life.
22

23 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
24

25 Section 1. *New Castle County Code* Chapter 19 ("Residential Rental Properties")
26 is hereby amended by adding the material that is underscored and deleting the material
27 that is stricken, as set forth below.
28

29 **Chapter 19 - RESIDENTIAL RENTAL PROPERTIES**

30 **ARTICLE 1. – IN GENERAL**

31 Sec. 19.01.001. - Purpose. ...

32 B. The purpose of this division is:
33

- 34 1. To inform rental unit residents of their rights and to provide them with
35 additional tools to maintain the quality of their living spaces.

2. To provide a mechanism for periodic random inspections, in addition to the current complaint-based inspection process, to help maintain the quality of New Castle County residential rental housing.
3. To provide county government with the contact information of anyone responsible for a residential rental property for contact if a code violation is reported or in cases of emergency.
4. To provide data ~~on~~ to gauge the effectiveness of the ~~new~~ residential rental policies ~~and~~ to help determine if additional steps need to be taken...

ARTICLE 2. - DEFINITIONS

Sec. 19.02.001. - Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section...

Department means the New Castle County Department of Land Use.

~~*Guide* means the New Castle County Tenants' Rights Guide as described in the Appendix to this Chapter. It shall also mean any version of the New Castle County Tenants' Rights Guide as amended by the Department of Land Use subject to the approval of the Rental Housing Advisory Committee.~~

Emergency conditions means the loss of essential services, including heat, potable water, hot water, or electricity, or any other condition determined by the Code Official to present an immediate threat to health or safety of occupants. When a single emergency condition arises from a common building system or service affecting multiple units, it shall be treated as one violation for purposes of Sec. 19.04.003(d).

Housing Advisory Board means the board that replaced the Rental Housing Advisory Committee, with the current function of advising the County Executive, County Council, and the Departments of Community Services and Land Use on affordable housing programs for very low and low-income households, with an emphasis on promoting fair housing choices and increasing housing opportunities throughout New Castle County.

~~*Person* means any individual or artificial entity pursuant to Delaware Supreme Court Rule 57, government or governmental agency, statutory trust, business trust, two (2) or more persons having a joint or common trust or any other legal or commercial entity.~~

Person means an individual or group of individuals, company, corporation, partnership, association, or any other entity, including state and local governments and agencies.

~~Rental Housing Advisory Committee means a task force charged with advising the Department of Land Use on matters of policy and implementation as further defined in Article 5 of this Chapter.~~

Responsive action means that the landlord must respond within 4 hours of notice from the Code Official of an emergency condition submitted to the landlord's emergency phone number and electronic mail address and must take corrective measures reasonably calculated to restore an essential service or resolve an emergency condition within 24 hours after the landlord received notice of the condition.

Tenants' Rights Guide or Guide means the *New Castle County Tenants' Rights Guide* as described in which is the Appendix to this Chapter. It shall also mean any amended version of the *New Castle County Tenants' Rights Guide* as amended from time to time by the Department of Land Use subject to consultation with the approval of the Housing Advisory Board ~~Rental Housing Advisory Committee~~.

Twenty-four-hour contact means ~~the~~ any person or company who or that is available by cellular phone and electronic mail (email) in state on a ~~twenty-four (24)~~ 24 hours-a-day, ~~seven (7)~~ 7 days-a-week basis and who has been registered with the Department of Land Use to address any inquiry, notice, complaint or violation regarding the health, safety and condition of the rental unit.

ARTICLE 3. - RENTAL CODE

Sec. 19.03.001. - Registration; requirements; information collected; written verification.

A. There is hereby created a Residential Rental Property Registration System for New Castle County that requires landlords of residential rental units located within unincorporated areas of the County and those incorporated areas with which New Castle County has agreements and have agreed to participate based upon contract to register each of their rental units biennially ~~once each year~~, or more frequently upon a change in ownership or management.

...

C. The rental property registration form ~~will~~ requires that the following information be provided regarding the property owner of every residential rental property unit:

1. Name of property owner(s);
2. Mailing address of property owner;
3. Street address (if different from the mailing address);
4. Date of birth;
5. Business phone number;

6. Emergency ~~twenty-four (24)~~ 24 hours-a-day, ~~seven (7)~~ 7 days-a-week contact phone number;

7. Facsimile number;

8. E-mail address, ~~if applicable~~;

...

D. Each residential rental property shall have a Delaware authorized agent physically located in Delaware if the property owner is not physically located in this State. The purpose of the Delaware authorized agent is to act as a registered agent in order to accept service on behalf of the owner. The following information shall be provided regarding the Delaware authorized agent:

1. Name of Delaware authorized agent;

2. Mailing address;

3. Street address (if different from mailing address);

4. Business phone number;

5. Facsimile number;

6. Email address, ~~if applicable~~.

E. Each residential rental property shall have a 24-hour contact physically located in Delaware if the property owner is not physically located in this State and shall provide the following information regarding the contact.

1. Name of 24-hour contact;

2. Mailing address;

3. Street address (if different from mailing address);

4. Telephone number;

5. Facsimile number;

6. Email address, ~~if applicable~~.

F. The following shall be provided for each individual rental unit:

1. Street address;

2. Building or apartment number if applicable;

3. Age of building;

4. A statement as to whether the rental unit is subject to mandatory annual inspection due to receipt of a public subsidy, pursuant to Subsection 19.01.002.B.

G. Landlords of registered rental units are required to update registration information on a biennial ~~an annual~~ basis on or before May 1st. All new rental units shall be registered within ~~twenty (20)~~ 10 days of the date the property is first used as a rental unit. Any material change in the registration information, including, ~~but not limited to~~, a change in ownership, shall be updated by the filing of such amended registration

information within ~~twenty (20)~~ 10 days of the landlord's actual knowledge of the change in the information or the landlord will be subject to a penalty as more fully set forth in Section 19.04.002.

...

Sec. 19.03.002. - Right of entry; inspection process.

A. ...

B. With the advice of the ~~Rental Housing Advisory Committee~~ Housing Advisory Board, the Department of Land Use shall determine a random inspection protocol for rental units, in which the department will use its best efforts to inspect five (5) percent or more of the registered units, including any rental unit that the Department of Land Use has reason to believe after an investigation is a rental unit subject to registration in a calendar year. Implementation shall take place no sooner than one (1) year after the adoption of this Chapter.

C. ...

Sec. 19.03.003. - New Castle County Tenants' Rights Guide ~~tenants' rights guide~~.

A. The ~~New Castle County~~ Tenants' Rights Guide shall include instructions on how tenants may address problems with landlords and responsible agencies, a list of potential problems, a description of the minimal housing standards, and contact information for the agency responsible for monitoring each housing standard.

B. Whenever entering a residential rental relationship, all landlords of residential rental properties located in unincorporated New Castle County and those incorporated areas with which New Castle County has agreements and have agreed to participate based on a contract are required to distribute the ~~New Castle County Tenants' Rights Guide~~ to every tenant.

C. One copy of the Guide may be obtained by any landlord, free of charge, from the Department of ~~Land Use~~. The landlord is responsible for producing sufficient copies of the ~~guide~~ Guide for distribution to all tenants.

D. The Department of ~~Land Use~~ shall determine the format and method of distribution of the guide to landlords and others. At a minimum, the ~~guide~~ Guide shall be available electronically on the New Castle County website and in written form. The ~~guide~~ Guide shall be in both English and Spanish and in a symbol format for tenants unable to read those languages.

E. The Department is responsible for updating the Guide on an annual basis, by July 1 of each year to ensure compliance with any changes in any applicable ordinance or laws. The updated Guide shall be submitted to County Council contemporaneous therewith.

ARTICLE 4. - ENFORCEMENT

Sec. 19.04.001. - Unlawful acts.

179 A. *General prohibition.* Any person who ~~shall~~ violates any provision of this Chapter or
180 who by any means ~~shall~~ causes the same to be done, or who ~~shall~~ fails to conform to
181 a directive of the Code Official or Code Enforcement Officer that is issued because
182 of a violation of this Chapter, shall be subject to the enforcement and penalty
183 provisions provided in this Chapter.

184 B. *Specific violations.* Failure to comply with any of the following requirements shall
185 constitute a violation of this Chapter:

186 1. Registering all rental units ~~existing on or before July 11, 2005 by May 1, 2006 or~~
187 within ~~twenty (20)~~ 10 days of the date any property is first used as a rental unit.

188 2. Updating information on the Rental ~~p~~Property ~~r~~Registration ~~f~~Form within ~~twenty~~
189 (~~20~~) 10 days of any material change in any information provided on the form.

190 3. Providing access to rental units when authorized by the tenant or by an
191 administrative warrant and allowing inspections as required by this Chapter.

192 4. Delivering the ~~New Castle County Tenants' Rights~~ Guide to each tenant at such
193 time that a rental relationship is established or as otherwise required by this
194 Chapter.

195 5. When demanded by the Department or Code Official, providing proof that the
196 ~~New Castle County Tenants' Rights~~ Guide has been delivered to each tenant
197 pursuant to the requirements of this Chapter.
198 ...

199 Sec. 19.04.002. - Enforcement.

200 A. *Criminal enforcement.* Any person violating the provisions of this Chapter may be
201 subject to a criminal proceeding instituted by the County Attorney or a Code
202 Enforcement Officer or Code Official.

203 ...

204 3. *Penalties.* Violations of this Chapter shall be deemed to be misdemeanor
205 offenses. The sentence for any person convicted of such a misdemeanor offense
206 shall include the following fines and may include restitution or such other
207 conditions as the court deems appropriate:

208 a. For the first conviction, the penalty shall be a fine of not less than ~~two~~
209 ~~hundred and fifty dollars (\$250.00)~~ nor more than ~~one thousand dollars~~
210 ~~(\$1,000.00)~~.

211 b. For the second conviction for the same offense, the penalty shall be a fine
212 of not less than ~~five hundred dollars (\$500.00)~~, nor more than ~~two thousand~~
213 ~~five hundred dollars (\$2,500.00)~~.

214 c. For all subsequent convictions for the same offense, the penalty shall be a
215 fine of no less than ~~one thousand dollars (\$1,000.00)~~, nor more than ~~five~~
216 ~~thousand dollars (\$5,000.00)~~.

"Fines" as used in this Section shall also include any civil judgment awarded to the County thereof entered pursuant to 11 *Del. C.* § 4101 (Payment of fines, costs and restitution upon conviction).

4. In lieu of initially pursuing a criminal action in the Justice of the Peace Court, the Code Enforcement Officer or Code Official may issue a penalty up to ~~two hundred dollars (\$200.00)~~ \$300.00 to the violator. If the penalty is paid in the amount and in the manner required by the violation notice and the violation is corrected as required by the violation notice, further action before the Justice of the Peace Court shall not be pursued for the violation.

...
C. *Administrative enforcement.* Any person violating the provisions of this Chapter may be subject to administrative proceedings instituted by the Code ~~e~~Official or Code enforcement officer.

- ...
3. Administrative penalties. Notwithstanding any other section of this Chapter, any person who is found to have violated any provision of this Chapter or directive of the Code Official or Code Enforcement Officer shall be assessed administrative penalties in the following amounts:

a. *Failure to Register:*

- i. ~~*First Violation:* The total amount of the penalty shall be one hundred fifty dollars (\$150.00)~~ \$200.00 regardless of the number of rental units that have not been properly registered. Failure to register or re-register rental unit(s) within ~~ten (10) days of receiving following receipt of notice of the one hundred fifty dollars (\$150.00)~~ above penalty shall result in a ~~ten dollar (\$10.00)~~ \$15.00 per day penalty for each unit thereafter not properly registered. The per unit penalty shall accumulate on a daily basis until all penalties under this Subsection C.3.a.i. are paid in full. ~~such penalty is paid.~~

- ii. ~~Any time after a property owner is subject to the "First Violation" provisions stated in Subsection (a) C.3.a.i., failure to properly register, or re-register, a rental unit shall be subject to a one hundred fifty dollar (\$150.00) penalty. Failure to register, or re-register, rental unit(s) within ten (10) days of receiving the one hundred fifty dollar (\$150.00) penalty shall result in a ten dollar (\$10.00) per day penalty for each unit thereafter not properly registered. The per unit penalty shall accumulate on a daily basis until such penalty is paid.~~

b. *Failure to timely update information* required on the Rental Property Registration Form:

- i. ~~*First Violation:* The total amount of the penalty shall be one hundred fifty dollars (\$150.00)~~ \$200.00 regardless of the number of rental units that have not been properly updated. Failure to update registration of rental unit(s) within ~~ten (10) days of receiving following receipt of notice of the~~

one hundred fifty dollar (\$150.00) above penalty shall result in a ten dollar (\$10.00) \$15.00 per day penalty for each unit thereafter not properly updated. The per unit penalty shall accumulate on a daily basis until all penalties under this Subsection C.3.b.i. are paid in full. such penalty is paid.

ii. ~~Any time after a property owner is subject to the "First Violation" provisions stated in Subsection (b) C.3.b.i., failure to properly update a rental unit shall be subject to a one hundred fifty dollar (\$150.00) penalty. Failure to update registration on a rental unit(s) within ten (10) days of receiving the one hundred fifty dollar (\$150.00) penalty shall result in a ten dollar (\$10.00) per day penalty for each unit thereafter not properly updated. The per unit penalty shall accumulate on a daily basis until such penalty is paid.~~

c. *Failure to distribute the New Castle County Tenants' Rights Guide:*

i. *First Violation:* The Department of Land Use may require a landlord to provide proof of delivery of the guide Guide to each tenant. It is sufficient for the purpose of proving delivery for the landlord to show the signature of the tenant acknowledging receipt of the guide Guide or a certificate of mailing the Guide to the tenant at the rental address. A landlord who fails to provide proof of delivery of the ~~New Castle County Tenants' Rights Guide~~ shall be subject to a ~~twenty-five dollar (\$25.00)~~ penalty for the first violation regardless of the number of tenants ~~that who~~ did not receive the guide Guide. Failure to subsequently provide proof of the delivery of the guide Guide to tenants of all rental units within ~~twenty (20)~~ 20 days following receipt of the notice of the first above violation shall result in an additional ~~fifty dollar (\$50.00)~~ penalty. Thereafter, a penalty of ~~ten dollars (\$10.00)~~ \$15.00 per day for each rental unit for which delivery of the guide Guide to tenants is not proven shall accumulate until such time as delivery is proven.

ii. ~~Any time after a property owner is subject to the "First Violation" provisions stated in Where a landlord has failed to cure all violations under Subsection C.3.b.c.i. within 20 days after having received notice of the \$50 penalty above, such failure to provide requisite proof of delivery of the New Castle County Tenants' Rights Guide shall be subject to result in a one hundred dollar (\$100.00) penalty for each violation in addition to any daily penalty accruing under Subsection C.3.c.i and ten dollars (\$10.00) per day after 10 (ten) days for each day that the proof of delivery is not provided.~~

d. *Failure to respond to emergency conditions:*

i. *First Violation:* Any landlord who fails to take responsive action by responding to the Code Official within 4 hours or taking corrective measures within 24 hours of receiving notice of an emergency condition shall be subject to a civil penalty of \$500 per affected rental unit. If the emergency condition arises from a common building system or service

affecting multiple units, it shall be treated as one violation per building per day for the purposes of this subsection.

ii. Continuing Violation: Each day that an emergency condition remains uncorrected after the initial 24-hour period shall constitute a separate violation, subject to an additional penalty of \$500 per day per affected rental unit until responsive action is undertaken.

iii. Repeat Violations: Any landlord previously cited under this Section who again fails to take responsive action within 24 hours of a new emergency condition at the same property within 12 months' time frame shall be subject to a penalty of \$1,000.

iv. The emergency powers and authority of the Code Official identified in this Chapter are in addition to the powers and authority of the Code Official set forth at New Castle County Code Ch. 7, Property Maintenance Code.

4. Administrative appeals.

a. Any person aggrieved by any administrative enforcement action taken pursuant to this Chapter, or any person who in good faith claims that the true intent of this Chapter or the rules legally adopted there-under have been incorrectly interpreted, or that the provisions of this Chapter do not fully apply, shall have the right to an appeal to the Board of License, Inspection and Review. The Board shall not have the authority to waive any requirement of this Chapter.

b. All appeals shall be filed with the Department of Land Use within ~~twenty (20)~~ days of the date the written decision is issued by the Department. A public hearing will then be afforded to the appellant within ~~forty-five (45)~~ days of the filing of the appeal.

...

e. The Board shall make findings of fact and shall render a decision in writing based upon the record created at the public hearing within ~~twenty (20)~~ days.

g. The fee for the filing of an appeal under this Section shall be ~~two hundred fifty dollars (\$250.00)~~. Upon a determination that the appellant has not violated any provision of this Chapter or directive of the Code Official or Code Enforcement Officer, the ~~two hundred fifty dollar (\$250.00)~~ appeal fee shall be refunded.

ARTICLE 5. RESERVED^[4]

APPENDIX

NEW CASTLE COUNTY TENANTS' RIGHTS GUIDE

APPENDIX - NEW CASTLE COUNTY TENANTS' RIGHTS GUIDE

Unless an emergency situation exists, your first step for reporting any problem in your rental unit should always be to contact your landlord. You may initially contact your landlord by various means including telephone or in person, but you must always submit

put your complaints in writing to your landlord. You can do this by means of a ~~the~~ letter, which should be hand-delivered or sent by certified mail or certificate of mailing. In addition, you may communicate your complaints to your landlord by means of electronic mail (or email), which will satisfy the requirement that your complaint be in writing. Always keep a copy for yourself. Remember, the law requires that you put all communications in writing. If not in writing, it makes it unnecessarily difficult to prove your case. ~~is as if it never happened.~~ **A form complaint is linked hereto – fill it out with your information.**

Essential Services —(Heat, Water, Hot Water, Electric, or as determined by the Code Official) Delaware State law, in the Residential Landlord/Tenant Code – Title 25, Section 5308, —~~D~~describes the provision of "essential services" provided by the landlord. The landlord is responsible to maintain the systems in your rental unit in working order. The landlord is not responsible if the rental agreement says that a tenant must pay for the costs of an essential service, and the problem with the essential service is due to the actions or inactions of the tenant (such as failure to pay for the service).

The landlord shall take responsive action by responding to the Code Official within 4 hours of receiving notice of the emergency condition at the landlord's emergency phone number and electronic mail address and taking corrective measures reasonably calculated to restore an essential service or resolve an emergency condition within 24 hours. Failure to do the above shall constitute a violation of this Chapter.

Problem	Minimal Standard	Where to Call for Complaints
... Other Problems With Your Rental Unit		
Infestation - <u>Every dwelling, dwelling unit, and dwelling premises shall be free of infestation.</u>	<i>In Single Family Home</i> - if the problem existed when you moved in, then the landlord is responsible for exterminating. If the problem happens during your tenancy, you are responsible for exterminating. <u>Moreover, it is the responsibility of the landlord to exterminate any infestation unless the tenant admitted responsibility or there is substantial evidence that the tenant is responsible for the infestation.</u>	Landlord New Castle County Department of Land Use 395-5555
	<i>In Multi-unit Building</i> - (for example: apartments, duplexes, <u>condominiums</u>) Landlord is responsible for public areas and outside the building unless infestation was	Landlord New Castle County

	caused by your actions. The tenant may be is always responsible for infestation in the rental unit unless the problem comes came from outside the unit. <u>Moreover, unless the tenant admitted responsibility or there is substantial evidence that the tenant is responsible for the infestation, it is the responsibility of the landlord to exterminate any infestation.</u>	Department of Land Use 395-5555
Mold	You should not have mold in your rental unit. If mold appears you should attempt to clean it with an appropriate disinfectant product. If the mold cannot be cleaned or the problem persists, contact your landlord immediately. <u>The landlord is obligated to remediate and remove any mold.</u>	Landlord New Castle County Department of Land Use 395-5555

363 ...

364 Tenant Complaint Form

365 If you are experiencing a problem with your rental unit, ~~that is NOT unless~~ an
366 emergency ~~exists~~, you must first file a written complaint with your landlord. ~~You may Use~~
367 this form complaint to report non-emergency problems with your rental unit. **A complaint**
368 **form is linked hereto – fill it out with your information.** After you have input your
369 information, Forward this form to your landlord by hand-delivery, certified mail, or
370 certificate of mailing. In addition, you may forward the written complaint to your landlord
371 by way of electronic mail (email). Be sure to keep a copy of this form for your records!

372
373 Date
374 _____
375 Tenant Name
376 _____
377 Address
378 _____
379 _____
380 Phone Number
381 _____
382 Problem
383 (Please provide a brief description)
384 _____
385 _____
386 _____
387 Previous Action taken
388 (if any)

389
390
391
392
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396
397

Date Delivered
by
(Circle One)
~~Hand Delivered~~
~~Certified Mail~~
Certificate of Mailing

Section 2. This Ordinance shall become effective upon passage by New Castle County Council and approval of the County Executive, or as otherwise provided in 9 Del. C. Section 1156.

Adopted by County Council
of New Castle County on:

Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

Marcus Henry
County Executive
of New Castle County

SYNOPSIS: This Ordinance amends *New Castle County Code* in several ways to clarify provisions of the law relating to rights and obligations regarding residential rental units. The Ordinance also improves communications between tenants and landlords during an emergency by requiring that the landlord provide both an emergency telephone number as well as an email address to ensure that the tenant is able to reach the landlord during an emergency. Importantly, the proposed amendments are intended to improve the overall quality of rental housing.

In addition, among other things, the Ordinance clarifies and improves on outdated and duplicative language in the Code, including:

- Eliminating references to the *Rental Housing Advisory Committee* or RHAC which was eliminated in 2019 by Ord. No. 19-007 and was replaced by the Housing Advisory Board, which assumed the RHAC'S responsibilities.
- Adding a new, improved definition of "person" to the *Definition* section, eliminating an outdated reference to this term, which does not exist, in the Delaware Supreme Court Rules.

- Clarifying redundant penalty provisions under Sec. 19.04.002(C), “Administrative penalties.”
- Clarifying redundant penalty provisions under Section 19.04.002(C)(3) in order to maintain the scheme established in preceding penalties.
- Clarifying responsibilities of the landlord and tenant in relation to infestations and mold.
- Providing for a new electronic complaint form to make it easier for all involved by simplifying the complaint process with a new form that will allow a complainant to easily insert their information directly into the new complaint form.

This Substitute No. 1 to Ordinance No. 25-107 incorporates a new subsection (and related updates to the *Definition* section) that addresses failure of a landlord in taking responsive action by responding to the Code Official within 4 hours of receiving notice at the emergency contact information or by taking corrective measures within 24 hours of receiving notice of an emergency condition is subject to a civil penalty of \$500. The new proposed provision addresses emergency circumstances where it involves a first time violation, an ongoing violation, and with repeat violations.

FISCAL NOTE: There is no discernible fiscal impact.

ORDINANCE NO. 25-107

TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 19 (“RESIDENTIAL RENTAL PROPERTIES”) REGARDING LANDLORD AND TENANT RIGHTS AND RESPONSIBILITIES

1 **WHEREAS**, New Castle County plays a critical role in ensuring the quality of
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14 to be taken; and
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16 **WHEREAS**, upon review of the rental code, it is apparent that additional steps are
17 needed to ensure the Code is functioning as robustly as intended and needed; and
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19 **WHEREAS**, County Council has determined that the provisions of this Ordinance
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Tenants' Rights Guide or Guide means the *New Castle County Tenants' Rights Guide* as described in which is the Appendix to this Chapter. It shall also mean any amended version of the *New Castle County Tenants' Rights Guide* as amended from time to time

by the Department of Land Use subject to consultation with the approval of the Housing Advisory Board Rental Housing Advisory Committee.

Twenty-four-hour contact means the any person or company who or that is available by cellular phone and electronic mail (email) in state on a ~~twenty-four (24)~~ 24 hours-a-day, ~~seven (7)~~ 7 days-a-week basis and who has been registered with the Department of Land Use to address any inquiry, notice, complaint or violation regarding the health, safety and condition of the rental unit.

ARTICLE 3. - RENTAL CODE

Sec. 19.03.001. - Registration; requirements; information collected; written verification.

A. There is hereby created a Residential Rental Property Registration System for New Castle County that requires landlords of residential rental units located within unincorporated areas of the County and those incorporated areas with which New Castle County has agreements and have agreed to participate based upon contract to register each of their rental units once each year, or more frequently upon a change in ownership or management.

...

C. The rental property registration form ~~will~~ requires that the following information be provided regarding the property owner of every residential rental property unit:

1. Name of property owner(s);
2. Mailing address of property owner;
3. Street address (if different from the mailing address);
4. Date of birth;
5. Business phone number;
6. Emergency ~~twenty-four (24)~~ 24 hours-a-day, ~~seven (7)~~ 7 days-a-week contact phone number;
7. Facsimile number;
8. E-mail address, ~~if applicable~~;

...

D. Each residential rental property shall have a Delaware authorized agent physically located in Delaware if the property owner is not physically located in this State. The purpose of the Delaware authorized agent is to act as a registered agent in order to accept service on behalf of the owner. The following information shall be provided regarding the Delaware authorized agent:

1. Name of Delaware authorized agent;
2. Mailing address;

3. Street address (if different from mailing address);
 4. Business phone number;
 5. Facsimile number;
 6. Email address, if applicable.
- E. Each residential rental property shall have a ~~24~~twenty-four-hour contact physically located in Delaware if the property owner is not physically located in this State and shall provide the following information regarding the contact.
1. Name of ~~24~~twenty-four-hour contact;
 2. Mailing address;
 3. Street address (if different from mailing address);
 4. Telephone number;
 5. Facsimile number;
 6. Email address, if applicable.
- F. The following shall be provided for each individual rental unit:
1. Street address;
 2. Building or apartment number if applicable;
 3. Age of building;
 4. A statement as to whether the rental unit is subject to mandatory annual inspection due to receipt of a public subsidy, pursuant to Subsection 19.01.002.B.
- G. Landlords of registered rental units are required to update registration information on a ~~biennial~~ an annual basis on or before May 1st. All new rental units shall be registered within ~~twenty (20)~~ 20 days of the date the property is first used as a rental unit. Any material change in the registration information, including, ~~but not limited to,~~ a change in ownership, shall be updated by the filing of such amended registration information within ~~twenty (20)~~ 20 days of the landlord's actual knowledge of the change in the information or the landlord will be subject to a penalty as more fully set forth in Section 19.04.002.
- ...
- Sec. 19.03.003. - New Castle County Tenants' Rights Guide ~~tenants' rights guide~~.
- A. The ~~New Castle County~~ Tenants' Rights Guide shall include instructions on how tenants may address problems with landlords and responsible agencies, a list of potential problems, a description of the minimal housing standards, and contact information for the agency responsible for monitoring each housing standard.
- B. Whenever entering a residential rental relationship, all landlords of residential rental properties located in unincorporated New Castle County and those incorporated areas with which New Castle County has agreements and have agreed to participate

based on a contract are required to distribute the ~~New Castle County Tenants' Rights~~ Guide to every tenant.

C. One copy of the Guide may be obtained by any landlord, free of charge, from the Department of ~~Land Use~~. The landlord is responsible for producing sufficient copies of the ~~guide~~ Guide for distribution to all tenants.

D. The Department of ~~Land Use~~ shall determine the format and method of distribution of the guide to landlords and others. At a minimum, the ~~guide~~ Guide shall be available electronically on the New Castle County website and in written form. The ~~guide~~ Guide shall be in both English and Spanish and in a symbol format for tenants unable to read those languages.

E. The Department is responsible for updating the Guide on an annual basis, by July 1 of each year to ensure compliance with any changes in any applicable ordinance or laws. The updated Guide shall be submitted to County Council contemporaneous therewith.

ARTICLE 4. - ENFORCEMENT

Sec. 19.04.001. - Unlawful acts.

A. *General prohibition.* Any person who ~~shall~~ violates any provision of this Chapter or who by any means ~~shall~~ causes the same to be done, or who ~~shall~~ fails to conform to a directive of the Code Official or Code Enforcement Officer that is issued because of a violation of this Chapter, shall be subject to the enforcement and penalty provisions provided in this Chapter.

B. *Specific violations.* Failure to comply with any of the following requirements shall constitute a violation of this Chapter:

1. Registering all rental units ~~existing on or before July 11, 2005 by May 1, 2006 or~~ within ~~twenty (20)~~ 20 days of the date any property is first used as a rental unit.
2. Updating information on the Rental ~~p~~Property ~~r~~Registration ~~f~~Form within ~~twenty (20)~~ 20 days of any material change in any information provided on the form.
3. Providing access to rental units when authorized by the tenant or by an administrative warrant and allowing inspections as required by this Chapter.
4. Delivering the ~~New Castle County Tenants' Rights~~ Guide to each tenant at such time that a rental relationship is established or as otherwise required by this Chapter.
5. When demanded by the Department or Code Official, providing proof that the ~~New Castle County Tenants' Rights~~ Guide has been delivered to each tenant pursuant to the requirements of this Chapter.

...

Sec. 19.04.002. - Enforcement.

A. *Criminal enforcement.* Any person violating the provisions of this Chapter may be subject to a criminal proceeding instituted by the County Attorney or a Code

Enforcement Officer or Code Official.

...

3. *Penalties.* Violations of this Chapter shall be deemed to be misdemeanor offenses. The sentence for any person convicted of such a misdemeanor offense shall include the following fines and may include restitution or such other conditions as the court deems appropriate:

a. For the first conviction, the penalty shall be a fine of not less than ~~two hundred and fifty dollars (\$250.00)~~ nor more than ~~one thousand dollars (\$1,000.00)~~.

b. For the second conviction for the same offense, the penalty shall be a fine of not less than ~~five hundred dollars (\$500.00)~~, nor more than ~~two thousand five hundred dollars (\$2,500.00)~~.

c. For all subsequent convictions for the same offense, the penalty shall be a fine of no less than ~~one thousand dollars (\$1,000.00)~~, nor more than ~~five thousand dollars (\$5,000.00)~~.

"Fines" as used in this Section shall also include any civil judgment awarded to the County thereof entered pursuant to 11 *Del. C.* § 4101 (Payment of fines, costs and restitution upon conviction).

4. In lieu of initially pursuing a criminal action in the Justice of the Peace Court, the Code Enforcement Officer or Code Official may issue a penalty up to ~~two hundred dollars (\$200.00)~~ \$300.00 to the violator. If the penalty is paid in the amount and in the manner required by the violation notice and the violation is corrected as required by the violation notice, further action before the Justice of the Peace Court shall not be pursued for the violation.

...

C. *Administrative enforcement.* Any person violating the provisions of this Chapter may be subject to administrative proceedings instituted by the Code ~~e~~Official or Code enforcement officer.

...

3. Administrative penalties. Notwithstanding any other section of this Chapter, any person who is found to have violated any provision of this Chapter or directive of the Code Official or Code Enforcement Officer shall be assessed administrative penalties in the following amounts:

a. *Failure to Register:*

i. ~~*First Violation:*~~ The total amount of the penalty shall be ~~one hundred fifty dollars (\$150.00)~~ \$200.00 regardless of the number of rental units that have not been properly registered. Failure to register or re-register rental unit(s) within ~~ten (10)~~ days of receiving following receipt of notice of the ~~one hundred fifty dollars (\$150.00)~~ above penalty shall result in a ~~ten dollar (\$10.00)~~ \$15.00 per day penalty for each unit thereafter not properly registered. The per unit penalty shall accumulate on a daily

basis until all penalties under this Subsection C.3.a.i. are paid in full. such penalty is paid.

- ii. ~~Any time after a property owner is subject to the "First Violation" provisions stated in Subsection (a) C.3.a.i., failure to properly register, or re-register, a rental unit shall be subject to a one hundred fifty dollar (\$150.00) penalty. Failure to register, or re-register, rental unit(s) within ten (10) days of receiving the one hundred fifty dollar (\$150.00) penalty shall result in a ten dollar (\$10.00) per day penalty for each unit thereafter not properly registered. The per unit penalty shall accumulate on a daily basis until such penalty is paid.~~

b. *Failure to timely update information* required on the Rental Property Registration Form:

- i. ~~*First Violation:* The total amount of the penalty shall be one hundred fifty dollars (\$150.00) \$200.00 regardless of the number of rental units that have not been properly updated. Failure to update registration of rental unit(s) within ten (10) days of receiving following receipt of notice of the one hundred fifty dollar (\$150.00) above penalty shall result in a ten dollar (\$10.00) \$15.00 per day penalty for each unit thereafter not properly updated. The per unit penalty shall accumulate on a daily basis until all penalties under this Subsection C.3.b.i. are paid in full. such penalty is paid.~~

- ii. ~~Any time after a property owner is subject to the "First Violation" provisions stated in Subsection (b) C.3.b.i., failure to properly update a rental unit shall be subject to a one hundred fifty dollar (\$150.00) penalty. Failure to update registration on a rental unit(s) within ten (10) days of receiving the one hundred fifty dollar (\$150.00) penalty shall result in a ten dollar (\$10.00) per day penalty for each unit thereafter not properly updated. The per unit penalty shall accumulate on a daily basis until such penalty is paid.~~

c. *Failure to distribute* the New Castle County Tenants' Rights Guide:

- i. ~~*First Violation:* The Department of Land Use may require a landlord to provide proof of delivery of the guide Guide to each tenant. It is sufficient for the purpose of proving delivery for the landlord to show the signature of the tenant acknowledging receipt of the guide Guide or a certificate of mailing the Guide to the tenant at the rental address. A landlord who fails to provide proof of delivery of the New Castle County Tenants' Rights Guide shall be subject to a twenty-five dollar (\$25.00) penalty for the first violation regardless of the number of tenants that who did not receive the guide Guide. Failure to subsequently provide proof of the delivery of the guide Guide to tenants of all rental units within twenty (20) 20 days following receipt of the notice of the first above violation shall result in an additional fifty dollar (\$50.00) penalty. Thereafter, a penalty of ten dollars (\$10.00) \$15.00 per day for each rental unit for which delivery of the~~

guide Guide to tenants is not proven shall accumulate until such time as delivery is proven.

- ii. ~~Any time after a property owner is subject to the "First Violation" provisions stated in Where a landlord has failed to cure all violations under Subsection C.3.b.c.i. within 20 days after having received notice of the \$50 penalty above, such failure to provide requisite proof of delivery of the New Castle County Tenants' Rights Guide shall be subject to result in a one hundred dollar (\$100.00) penalty for each violation in addition to any daily penalty accruing under Subsection C.3.c.i. and ten dollars (\$10.00) per day after 10 (ten) days for each day that the proof of delivery is not provided.~~

4. Administrative appeals.

- a. Any person aggrieved by any administrative enforcement action taken pursuant to this Chapter, or any person who in good faith claims that the true intent of this Chapter or the rules legally adopted there-under have been incorrectly interpreted, or that the provisions of this Chapter do not fully apply, shall have the right to an appeal to the Board of License, Inspection and Review. The Board shall not have the authority to waive any requirement of this Chapter.
- b. All appeals shall be filed with the Department of Land Use within ~~twenty (20)~~ days of the date the written decision is issued by the Department. A public hearing will then be afforded to the appellant within ~~forty-five (45)~~ days of the filing of the appeal.
- ...
- e. The Board shall make findings of fact and shall render a decision in writing based upon the record created at the public hearing within ~~twenty (20)~~ days.
- g. The fee for the filing of an appeal under this Section shall be ~~two hundred fifty dollars (\$250.00)~~. Upon a determination that the appellant has not violated any provision of this Chapter or directive of the Code Official or Code Enforcement Officer, the ~~two hundred fifty dollar (\$250.00)~~ appeal fee shall be refunded.

ARTICLE 5. RESERVED^[4]

APPENDIX

NEW CASTLE COUNTY TENANTS' RIGHTS GUIDE

APPENDIX - NEW CASTLE COUNTY TENANTS' RIGHTS GUIDE

Unless an emergency situation exists, your first step for reporting any problem in your rental unit should always be to contact your landlord. You may initially contact your landlord by various means including telephone or in person, but you must always submit ~~put~~ your complaints in writing to your landlord. You can do this by means of a ~~The~~ letter, which should be hand-delivered or sent by certified mail or certificate of mailing. In addition, you may communicate your complaints to your landlord by means of electronic

mail (or email), which will satisfy the requirement that your complaint be in writing. Always keep a copy for yourself. Remember, the law requires that you put all communications in writing. If not in writing, it makes it unnecessarily difficult to prove your case. ~~is as if it never happened.~~ **A form complaint is linked hereto – fill it out with your information.**

Essential Services —(Heat, Water, Hot Water, Electric) Delaware State law, in the Residential Landlord/Tenant Code – Title 25, Section 5308, —~~D~~describes the provision of "essential services" provided by the landlord. The landlord is responsible to maintain the systems in your rental unit in working order. The landlord is not responsible if the rental agreement says that a tenant must pay for the costs of an essential service, and the problem with the essential service is due to the actions or inactions of the tenant (such as failure to pay for the service).

Problem	Minimal Standard	Where to Call for Complaints
... Other Problems With Your Rental Unit		
Infestation - <u>Every dwelling, dwelling unit, and dwelling premises shall be free of infestation.</u>	<i>In Single Family Home</i> - if the problem existed when you moved in, then the landlord is responsible for exterminating. If the problem happens during your tenancy, you are responsible for exterminating. <u>Moreover, it is the responsibility of the landlord to exterminate any infestation unless the tenant admitted responsibility or there is substantial evidence that the tenant is responsible for the infestation.</u>	Landlord New Castle County Department of Land Use 395-5555
	<i>In Multi-unit Building</i> - (for example: apartments, duplexes, <u>condominiums</u>) Landlord is responsible for public areas and outside the building unless infestation was caused by your actions. The tenant <u>may be</u> is always responsible for infestation in the rental unit unless the problem comes <u>came</u> from outside the unit. <u>Moreover, unless the tenant admitted responsibility or there is substantial evidence that the tenant is responsible for the infestation, it is the responsibility of the</u>	Landlord New Castle County Department of Land Use 395-5555

	<u>landlord to exterminate any infestation.</u>	
Mold	You should not have mold in your rental unit. If mold appears you should attempt to clean it with an appropriate disinfectant product. If the mold cannot be cleaned or the problem persists, contact your landlord immediately. <u>The landlord is obligated to remediate and remove any mold.</u>	Landlord New Castle County Department of Land Use 395-5555

318 ...

319 Tenant Complaint Form

320 If you are experiencing a problem with your rental unit, that is **NOT** unless an
321 emergency ~~exists~~, you must first file a written complaint with your landlord. You may Use
322 this form complaint to report non-emergency problems with your rental unit. **A form**
323 **complaint is linked hereto – fill it out with your information.** After you have input your
324 information, Fforward this form to your landlord by hand-delivery, certified mail, or
325 certificate of mailing. In addition, you may forward the written complaint to your landlord
326 by way of electronic mail (email). Be sure to keep a copy of this form for your records!

327
328 Date
329 _____
330 Tenant Name
331 _____
332 Address
333 _____
334 _____
335 Phone Number
336 _____
337 Problem
338 (Please provide a brief description)
339 _____
340 _____
341 _____
342 Previous Action taken
343 (if any)
344 _____
345 _____
346 _____
347 Date Delivered
348 by
349 (Circle One)
350 Hand Delivered
351 Certified Mail

Certificate of Mailing

Section 2. This Ordinance shall become effective upon passage by New Castle County Council and approval of the County Executive, or as otherwise provided in 9 Del. C. Section 1156.

Adopted by County Council
of New Castle County on:

Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

Marcus Henry
County Executive
of New Castle County

SYNOPSIS: This Ordinance amends *New Castle County Code* in several ways to clarify provisions of the law relating to rights and obligations regarding residential rental units. The Ordinance also improves communications between tenants and landlords during an emergency by requiring that the landlord provide both an emergency telephone number as well as an email address so that the tenant is able to reach the landlord during an emergency. Importantly, the proposed amendments are intended to improve the overall quality of rental housing.

In addition, among other things, the Ordinance clarifies and improves on outdated and duplicative language in the Code, including:

- Eliminating references to the *Rental Housing Advisory Committee* or RHAC which was eliminated in 2019 by Ord. No. 19-007 and was replaced by the Housing Advisory Board, which assumed the RHAC'S responsibilities.
- Adding a new, improved definition of "person" to the *Definition* section, eliminating an outdated reference to this term, which does not exist, in the Delaware Supreme Court Rules.
- Clarifying redundant penalty provisions under Sec. 19.04.002(C), "Administrative penalties."
- Clarifying redundant penalty provisions under Section 19.04.002(C)(3) in order to maintain the scheme set in preceding penalties.
- Clarifying responsibilities of the landlord and tenant in relation to infestations and mold.

FISCAL NOTE: There is no discernible fiscal impact.

REVISED
Grant Matrix
9/23/25

GRANT APPLICANT	AMOUNT REQUESTED / AMOUNT PROPOSED	INTENDED USE OF GRANT	Standard Accounting Practices/ Non-Discrimination Policy	PRIOR COUNCIL GRANTS IN CURRENT FISCAL YEAR	COUNCIL MEMBER
Brandywine Hills Civic Association	\$2500/\$2500	Funds will be used to help maintain the medians on Washington Blvd.	No/No	No	Hollins
Town of Townsend	\$2000/\$2000	Funds will be used for repairs of a small park located 659 and 653 Commerce St.	Yes/Yes	No -Funds were last received in FY24	Carter
Donate Delaware	\$7500/\$5000	Funds will be used toward their upcoming event, the Queen Jeans Ball	Yes/Yes	No	Sheldon

Option 1

September 12, 2025

Council Member Smiley:

Proposed Council meeting day committee time changes for discussion during the September 23, 2025 Finance Committee meeting.

3:00 pm	Executive Committee
4:00 pm	? Committee
5:00 pm	Finance Committee
6:30 pm	Council Meeting

Option 2

September 12, 2025

Council Member Smiley:

Proposed Council meeting day committee time changes for discussion during the September 23, 2025 Finance Committee meeting.

(#2)

2:00 pm	Executive Committee
3:00 pm	? Committee
4:00 pm	Finance Committee
5:00 pm	Council Meeting