

Legal Services Corporation of Delaware, Inc.

A non-profit law firm and community education organization assisting low-income families in Delaware

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What happens when you violate a lease or landlord-tenant code ^[1]

Most leases include rules and promises by the tenant. Some examples are:

- a promise to not make noise that disturbs the neighbors
- or a promise not to run a business out of the house without the landlord's permission.

The Landlord-Tenant Code also includes rules that are made a part of all leases automatically, even if the lease is not written down. Some of these are:

- a promise to keep the property clean and safe, and
- a promise not to damage or destroy any part of the property.

If you break one of these rules or promises, the landlord can go to court to have you evicted. To do so, the landlord must first give you a letter that does the following:

- explain what rule you have broken
- and what you are doing wrong,
- give you at least 7 days to correct the problem (not 5 days as when rent is late),
- tell you that if the problem is not corrected by the deadline, the landlord may terminate the lease
- and go to court to have you evicted,
- warn you that if the same rule is broken again within 1 year, the landlord can go directly to court without giving a new notice.

If you do not fix the problem, or if you fix it and break the same rule again within 1 year, your landlord can take you to court to have you evicted. Please remember that this is only general information. It may not apply to your specific situation.

Printed:December 13, 2019

<http://www.lscd.com/node/418/what-happens-when-you-violate-lease-or-landlord-tenant-code>

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