

2024 Delaware Legislative Session Report



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CAI's members, partners, and staff actively advocated on behalf of [approximately 100,000 Delawareans living in 41,000 homes in nearly 2,000 community associations across the First State](#) during the 2024 state legislative session. Delaware's legislative session began on January 9 and adjourned on June 30, 2024. Below is a brief overview from the 2024 Delaware General Assembly:

HB 348 AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE CONCERNING THE PROVISION OF LIFEGUARDS AT CERTAIN POOLS

This bill removes the requirement that a lifeguard be present at private pools which primarily serve residents of communities, including townhome and single-family communities, and which are not open to the public.

Status: PASSED, signed by Governor. Effective immediately.

SB 23 AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO HOUSING

This bill requires that local governments permit the development of accessory dwelling units on single-family lots within their jurisdictions. Local governments may not require the development of additional parking spaces if it is within .05 miles of a rail or bus station, is located within a historic district, is located in an area with ample on-street parking, or is within the primary residence on the lot.

Covenants prohibiting the development of accessory dwelling units cannot be created after June 30, 2027, but existing covenants may still be enforced.

Status: DIED in Committee.

HB 13 AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO ELECTRIC VEHICLES

This bill establishes a program to provide financial assistance to Delaware residents for the cost of purchase and installation of electric vehicle supply equipment. For a low-income applicant (to 300% of the federal poverty level for household income), financial assistance covering up to 90% of the purchase and installation costs may be covered. For all other applicants the program may offer assistance to cover up to 50% of the costs.

Status: PASSED. Awaiting Governor's signature.

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**SB 230 AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO COMMUNITY
CANVASSING**

This bill clarifies that elected officials may not be prevented from engaging in constituent relations and that candidates for public office or staff or volunteers may not be prevented from engaging in election-related or similar activities in residential communities.

Status: DIED in Senate.

**HB 124 AN ACT TO AMEND TITLE 7 AND TITLE 16 OF THE DELAWARE CODE RELATING TO NOISE
CONTROL AND ENFORCEMENT OF LAWS FOR PROTECTION AND CONTROL OF ANIMALS AND BARKING
DOGS**

This bill establishes that existing noise control laws cannot be applied to barking dogs, and specifically protects the acts of dog training, dog exhibition, lawful performance competitions, hunting, herding, service dog duties, and livestock guarding. State statute already protects dog day care and boarding facilities from noise violations.

Status: PASSED, awaiting Governor's signature. Effective 1 year after signature.

**SB 219 AN ACT TO AMEND TITLE 6 AND TITLE 25 OF THE DELAWARE CODE RELATING TO THE
MISREPRESENTATION OF SERVICE ANIMALS AND ASSISTANCE ANIMALS**

This bill creates new penalties for misrepresentation of a service animal under the Delaware Equal Accommodations Law and misrepresentation of an assistance animal under the Delaware Fair Housing Act. Under the bill, a first violation is a civil penalty in the amount of \$500 and each subsequent offense is an unclassified misdemeanor.

Status: DIED in Committee.

SB 130 AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO RESTRICTIVE COVENANTS

This bill renders void any covenants or restrictions which effectively prohibit an owner from installing or using a clothesline. It does not apply to restrictions which exist to protect a building from damage, maintain a historic structure, or for health and safety reasons. This bill was carried over from 2023.

Status: DIED in Committee.

Additionally, CAI's members, partners, and staff identified a local-level ordinance of relevance to community associations:

**Sussex County, DE Ordinance 3027 AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY,
CHAPTER 110, ARTICLE III, SECTIONS 110-9 AND CHAPTER 115, ARTICLES I, IV, V, VI, VII, VIII, IX, AND
XXVII SECTIONS 115-4, 115-20, 115-23, 115-29, 115-32, 115-40 115-48, 115-53, 115-56, 115-64, AND
115-210 REGARDING ACCESSORY DWELLING UNITS**

This ordinance defines Accessory Dwelling Units (ADUs) as a secondary unit to a property's principal dwelling unit, with independent living facilities such as a separate entrance and a kitchen. An ADU is not a tourist home, recreational vehicle, or a short-term rental. The ordinance also specifies that only 1 ADU

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can be built on a lot, and that it cannot be built on a lot that is less than 10,000 square feet in size. ADUs cannot encroach on setbacks, and when placed on a lot less than 3 acres in size it is to be located behind the primary residence. The ordinance also modifies the application process, no longer requiring a special use exception. The ordinance language does not explicitly mention an implementation plan for lots located within a community association.

Status: PASSED, effective immediately.

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