



**PROPOSED ORDINANCE #2025-14
WITH STAFF AMENDMENT #1
(STAFF AMENDMENT #1 IS INDICATED IN GREEN TEXT)**

1 **BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN**
2 **COUNCIL MET:**

3
4 That Chapter 22 - Buildings and Building Regulations, Article XII – Vacant Buildings, be
5 amended by inserting the text as follows:

6
7 **Secs. 22-407-499. – Reserved.**

8
9 **BE IT FURTHER ORDAINED:**

10
11 That Chapter 22 - Buildings and Building Regulations, be amended by inserting the text as follows:

12
13
14 **ARTICLE XIII. LEMON HOUSING**

15
16 **Sec. 22-500 Lemon Housing Protection**

17
18 **Section 1. Purpose**

19
20 **The purpose of this ordinance is to promote the safety, health, and welfare of the residents**
21 **of Dover. This ordinance establishes the requirements for home inspections prior to the**
22 **transfer of ownership for residential properties.**

23
24 **Section 2. Definitions**

25
26 **The following words, terms, and phrases, when used in this chapter, shall have the meanings**
27 **ascribed to them in this section, except where the context clearly indicates a different**
28 **meaning:**

29
30 **(a) Transfer of Property means the sale, exchange, or any legal conveyance of**
31 **residential property ownership from one party to another.**

32
33 **(b) Home Inspection means a comprehensive, whole-house evaluation of the**
34 **property’s structure, systems, and components conducted by a licensed home**
35 **inspector.**

36 (1) The buyer has the right to determine and receive the type and level of
37 inspection(s) they desire.

38
39 (c) Defect means any condition identified during the inspection that does not comply
40 with all applicable federal, state, and local building codes and laws or does not meet
41 safety, operational, and ~~or~~ structural standards.

42
43 Residential property- Any single-family home, townhouse, duplex, or condominium.

44
45 **Section 3. Inspection Requirement**

46
47 (a) Inspection required- All residential property transfers within the City of Dover
48 shall require, at a minimum, a basic home inspection unless otherwise exempted.

49
50 (b)(a) Timeline - A home inspection shall be conducted within one (1) year prior to
51 the date of property transfer.

52
53 (c)(b) Inspector Qualifications - The inspection must be carried out by a licensed
54 home inspector recognized by the State of Delaware Division of Professional
55 Regulation.

56
57 (d) All licensed home inspectors doing business within city limits shall be required to
58 maintain a City of Dover business license.

59
60 **Section 4. Owner Occupancy Requirement**

61
62 ~~(a) Any additional professional practices that are standard at the time of the sale shall
63 be deemed incorporated into this ordinance by reference and automatically
64 enforceable as local law.~~

65
66 (a)(b) The seller must disclose in writing if he or she has never lived in the house or
67 has lived for less than one year in the house.

68
69 (b)(e) The seller must disclose if he or she is in the business of buying and selling
70 homes.

71
72 **Section 5. Acknowledgement of Defects**

73
74 (a) A report detailing all identified defects shall be provided to the buyer.

75
76 (b) The buyer must initial each noted defect in acknowledgment of receipt and
77 awareness.

78
79 **Section 6. Enforcement and Penalties**

80
81 (a) Non-compliance shall be reported in writing by email or written hard copy to the

82 ~~city manager, Division of Code Enforcement, within thirty days, and all supporting~~
83 ~~documentation must be provided in the complaint for review and enforcement. Based~~
84 ~~on confirmation, the city manager may levy a penalty.~~

85
86
87 (b) Any real estate professional or agent who fails to comply with this ordinance may
88 result in the suspension or/or revocation of the issued City of Dover business license
89 in accordance with Chapter 26 of the Dover Code of Ordinances. ~~the seller and or the~~
90 ~~seller's agent, real estate representative (realtor) losing their license to practice in the~~
91 ~~City of Dover.~~

92
93 (c) A ~~fine citation~~ shall be issued ~~paid unto the city~~ as provided for in Appendix F—
94 Fees and Fines or by other legal means.

95
96
97
98 ~~(d) A penalty may be appealed to the Construction and Property Maintenance Code~~
99 ~~Board of Appeals.~~

100
101 **Section 7. Appeals**

102
103 (a) Appeals – Whenever any person is aggrieved by a decision of the ~~code official city~~
104 ~~manager~~ with respect to the provision of this chapter, it is the right of that person to
105 appeal to the ~~construction property maintenance~~ Dover Code Board of Appeals. Such
106 an appeal must be filed, in writing, within 30 days after the citation ~~penalty~~ is issued
107 ~~levied by the city manager~~ by the code official.

108
109 (b) Notice of Hearing – Upon receipt of such an appeal, the ~~construction and property~~
110 ~~maintenance code~~ Dover Code Board of Appeals shall set a time and place in not less
111 than 10 nor more than 30 days for the purpose of hearing the appeal. Notice of the
112 time and place of the hearing of the appeal shall be given to all parties, at which time
113 they may appear and be heard. The determination by the ~~construction and property~~
114 ~~maintenance code~~ Dover Code Board of Appeals shall be final in all cases.

115
116 **Section 8. Exemptions**

117
118 **The following are exempt from the inspection requirement:**

119
120 (a) The home buyer opts out of the required home inspection in writing.

121
122 (b) The home is sold at Sheriff Sale, Munion Sale, Foreclosure, Short Sale, or
123 transferred by a court of law.

124
125 (c) The home is inherited or transferred as a part of an estate.

126
127 (d) A property that was built with a Certificate of Occupancy issued within one year

prior to the sale date.

Section 98. Effective Date

This ordinance shall take effect ~~on March 23, 2026,~~ following its adoption and publication as required by law.

BE IT FURTHER ORDAINED:

That Appendix F – Fees and Fines, be amended by inserting the text indicated in bold, blue font as follows:

Chapter 22. Buildings and Building Regulations

Chapter 22. Buildings and Building Regulations	Fees and Fines
<i>Article XIII. Lemon Housing Protection</i>	
Sec. 22-500	
Sec. 6 – Enforcement and Penalties (c)	Maximum of \$1,000.00

ADOPTED:

SYNOPSIS

The ordinance establishes requirements for licensed home inspections prior to the transfer of residential property in Dover. It defines key terms, outlines inspection timelines and disclosure obligations, and requires sellers to acknowledge whether they have lived in the home or are engaged in the business of selling homes. Buyers must be provided with inspection reports and confirm acknowledgment of any identified defects. The ordinance provides for enforcement by the **Division of Code Enforcement** ~~City Manager~~, including fines and potential loss of licensure for non-compliance. It also establishes a formal appeals process through the ~~Construction and Property Maintenance~~ **Dover** Code Board of Appeals.

(SPONSORS: NEIL, ROCHA)

Actions History

- 04/13/2026 – Scheduled for Final Reading – City Council
- 03/09/2026 – Final Reading – City Council – Sent back for Staff Amendments
- 02/25/2026 - First Reading – City Council
- 01/13/2026 - Introduction - Council Committee of the Whole/Legislative, Finance, and Administration committee