

What was Changed in Arden's Vacant Dwellings Ordinance 15?

--Revised by Town Assembly June 2024

The Vacant Dwellings Registration Ordinance was enacted by Town Assembly January 2012. The Community Planning Committee along with the Town Secretary have been responsible for enforcing it and have struggled over the years to do so consistently. As the members of the Committee have changed at each election, interpretations of how to enforce it by new committee members have varied. The revisions to the Ordinance create a clearer document that provides more uniform guidance for future Planning Committees but continue to enforce it according to its purpose and the wishes of the Town Assembly.

Clarification of "Occupied" -(section III.B.1): These revisions clarify that the personal use of dwellings as guest cottages, workshops, studios or lawful businesses is allowed. As has long been the practice in Arden since its founding, artisans, makers and workshops have been an important part of our community. It is the Committee's opinion that we should not penalize these uses within the Vacant Dwelling Ordinance. Historical examples of this usage are the Weave Shop and the Craft Shop where artisans had their work spaces but did not live there; and, more recently, numerous studio spaces in Ardentown on Sconset Road.

Revision of the ADU provisions-(section III.B.2): A property will be considered occupied if any dwelling on the leasehold is occupied, including any ADU's (Accessory Dwelling Units). These revisions allow that a property with one or more ADU's is considered occupied if any one of the dwellings or ADU's is occupied. In the original Ordinance 15, all ADU's needed to be 100% occupied --creating a potential burden for leaseholders, landlords, and a headache for the enforcement of this ordinance. The Committee reasoned that as long as the property is kept up, we didn't feel that the Town should restrict how people manage their leaseholds. In addition, we are already governed by New Castle County Code. New Castle County adopted the International Property Maintenance Code that states occupants are already responsible for keeping property in a clean, sanitary and safe condition regardless of occupation.

Clarification of proof of occupancy -(section III.B.3): These revisions state that, at minimum, two in a list of five types of evidence of occupation are required. In the original Ordinance 15, evidence of occupation stated that the list "may include" certain evidence, but what evidence would constitute proof of occupancy was unclear. The revisions clarify that all leaseholds must be occupied for a minimum of 90 days per year.

Revision of registration deadline -(section 5): This revision changes the registration deadline from November 1 to January 1 to make it easier to administer for the CPC and Town Secretary.

Revision of the number of fee waivers allowed -(section VII): The number of registration fee waivers allowed for a vacant dwelling without incurring a fine, or fee, was increased from one to two. A waiver is typically granted by a vote of the Town Assembly if the leaseholder is renovating or attempting to sell/lease their house and needs more time than one year. It was felt that the existing one-year maximum set in the existing ordinance was too strict and could make life difficult for those selling or renovating in a multi-year process.