

Right to Representation in Evictions Cases

Report for the period 11/22/23-6/30/24

Prepared by: Lisa Lessner, Right to Representation Coordinator: 12/6/2024

Executive Summary

On July 25, 2023, Governor John Carney signed groundbreaking legislation championed by Senator Bryan Townsend and Representative Melissa Minor-Brown establishing a statewide Right to Representation (RTR) in eviction cases, aimed at ensuring equitable legal access for the most vulnerable tenants. This initiative, which was legislated to be implemented over three years starting November 22, 2023, addresses the critical gap in legal representation for tenants in landlord-tenant disputes. It limited eligibility to tenants below 200% of the Federal Poverty Level, exempted tenants whose landlords owned three or fewer units, and created a mandatory eviction diversion (mediation) program. It also allowed, with Delaware Supreme Court approval, tenants to be assisted by non-attorney Qualified Tenant Advocates (QTA's), supervised by a legal aid organization. The RTR program is supported by Delaware's three nonprofit legal aid agencies—Community Legal Aid Society, Inc. (CLASI), Legal Services Corporation of Delaware, Inc. (LSCD), and Delaware Volunteer Legal Services, Inc. (DVLS)—with a dedicated Right to Representation Coordinator overseeing implementation, outreach, collaboration, and data collection efforts.

First Phase of Implementation:

- Focused on low-income zip codes and where evictions were most common, and included outreach to both tenants and landlords.
- Legal aid services addressed eviction cases in subsidized and private housing in all three counties.
- Outcomes: Early results show eviction prevention and tenant rights preservation.

Other Factors in Implementation:

- Eviction Diversion program implementation was delayed by the Justice of the Peace Court until July 1, 2024. The Court's initial roll out of the program included a coordinator and letters to tenants and landlords instructing them to use the Court's Online Dispute Resolution System (ODR). Several mediators are expected to start in early 2025.
- A new rental assistance program was introduced by the Delaware State Housing Authority (DSHA) in August 2024, which will last until September 30, 2025, or until the funds are depleted. Tenants only qualify if they have an eviction filed against them, and the application for rental assistance must be made by personnel at a DSHA-appointed agency. From August through December 2024, 5,596 renters have received an average of \$4,700 in rental assistance through this new program.
- An eviction settlement assistance fund was established by DSHA in June 2023, enabling the legal aid agencies to negotiate with landlords on behalf of their clients with up to \$1,500 that can be used to settle a case. As of November 30, 2024, 450 people have

been helped by this fund at an average settlement cost of \$1,039, either to remain in their rental unit, enable them to keep their voucher, or to allow for adequate time to prepare to move out and not have an eviction on their record. The fund will likely be depleted by July or August 2025.

- The Delaware Supreme Court passed a rule establishing the new Qualified Tenant Advocate (QTA) position on January 28, 2022. The legal aid agencies have gradually hired QTAs to align with the phased rollout of RTR implementation. These agencies have also developed a comprehensive training program, which QTAs must complete before being certified to represent tenants in court under the supervision of a legal aid managing attorney.

Key Data & Outcomes:

- Eviction filing trends (2019-2024) were influenced by the COVID-19 pandemic with filings decreasing from 17,749 in 2019 to 7,463 in 2020 due to the eviction moratorium. Eviction filings increased for the following three years: 7,881 in 2021, 10,733 in 2022, and 13,667 in 2023. Early indicators suggest that total eviction filings will be below 12,000 for 2024. RTR, as well as access to rental assistance and the settlement assistance fund, have likely contributed to a decrease in eviction filings and court actions relative to 2019.
- The majority of RTR cases were litigated (36%) or resolved outside of court (38%). Less than 10% of cases resulted in no service, likely because the client withdrew. The remaining cases (15%) were still open as of June 30, 2024, the end of the reporting period.
- A significant portion (58%) of tenants facing eviction that are served by the RTR program have household incomes below 100% of the federal poverty level. 42% are below 200% of the federal poverty level.

Outreach & Education:

- Outreach was conducted through libraries, community organizations, and Delaware 211, as well as landlord associations and landlord attorneys, ensuring that information was available in the community for tenants to be informed about their legal rights, and for landlords to be informed about their new notice requirements.

Feedback from Justice of the Peace (JP) Court:

- Improved Case Resolution: The majority of magistrates report better outcomes due to tenant representation.
- Challenges: A few magistrates noted delays and procedural issues during the initial phase of RTR implementation, but generally, feedback has been positive, and magistrates note that it is still very early in the implementation.

Conclusion:

The RTR program appears to be contributing to a reduction in eviction filings. In the coming year, efforts will concentrate on increasing the priority zip codes as capacity allows, enhancing

data collection, increasing outreach, and conducting a formal evaluation to assess the program's impact on reducing evictions and improving tenant stability throughout Delaware.

In the next year, the RTR Coordinator and the legal aid agencies aim to further engage with the landlord community to assess the effectiveness of RTR and explore additional resources or interventions. Our plans include conducting interviews and focus groups with landlords to understand their perspective on housing instability, collaborating to improve tenant communication and early resolution of rental issues, and working together on rental and settlement assistance funding processes. We also seek to explore the role of budget coaching for tenants at risk of delinquency and develop strategies to prevent eviction filings and reduce rental delinquency.

The American Rescue Plan Act (ARPA) and Emergency Rental Assistance (ERA) funding have been essential to tenant support programs, alongside the new Right to Representation law. However, once these funds for rental and settlement assistance are exhausted, there is a risk of increased eviction filings. The Legal aid programs remain hopeful that the JP Court's continued development of the Eviction Diversion program will improve communication between landlords and tenants, ultimately helping to reduce eviction filings and evictions.

Introduction

The Delaware legislature enacted pivotal legislation establishing the Right to Representation (RTR) in eviction cases, marking a significant step toward ensuring equitable access to legal support for vulnerable tenants. With a three-year phased implementation plan commencing on November 22, 2023, this new law aims to address the critical need for legal representation in landlord-tenant disputes.

The legislation mandated the creation of a Right to Representation Coordinator position tasked with facilitating collaboration among legal service providers, coordinating with the Justice of the Peace Court, as well as developing outreach strategies targeting landlords, tenants, and the broader community while also overseeing the collection and analysis of service delivery data.

This report serves as an initial assessment of the RTR program, responding to legislative requirements and drawing insights from data gathered by Delaware's legal aid agencies and the Court during this foundational period.

Implementation Overview

Delaware's legal aid providers have divided the implementation of the new Right to Representation (RTR) legislation as follows:

- Community Legal Aid Society, Inc. (CLASI) – handles subsidized housing/voucher eviction cases
- Legal Services Corporation of Delaware, Inc. (LSCD) – handles private housing eviction cases
- Delaware Volunteer Legal Services, Inc. (DVLS) – handles/places overflow or conflicts cases, and per the legislation, serves as the fiscal agent for the RTR funds and houses the Right to Representation Coordinator office.

Per the legislation, the legal aid agencies decided to phase in the implementation by zip code, choosing 4 initial priority zip codes: one in each county, and one in the city of Wilmington, where evictions were most prevalent. As this new program phases in, we continue to add zip codes and are currently giving priority to low-income tenants who live in the zip codes listed below while also taking on as many eligible cases as possible in non-priority zip codes as well. During the reporting period, nearly 40% of court cases filed and about 53% of cases handled by legal aid agencies were in these priority zip codes:

19801 (Wilmington)	19947 (Georgetown)
19702 (Newark near Bear)	19962 (Magnolia)
19703 (Claymont)	19966 (Millsboro)
19901 (Dover)	19973 (Seaford)
19904 (Dover)	

Data Collection

This report draws from data being shared by:

- Justice of the Peace Court: Data spans from mid-2019 to November 1, 2024, providing an overview of eviction filings, writs approved, and evictions completed. The data for 2019 is incomplete, as collection began midway through the year. Despite this limitation, it serves as a useful baseline, though it limits direct comparisons with subsequent years. Additionally, the court data includes both residential and commercial eviction filings. The court does not have the ability to screen out the commercial evictions, but a review of the data indicates that commercial evictions filings are a very small percentage of the total filings each week.
- Community Legal Aid Society Inc. (CLASI) and Legal Services Corporation of Delaware Inc. (LSCD): Data covers the period from November 2023 to June 2024, focusing on legal aid services and outcomes.

Data collection planning began in 2023, including efforts to determine which data points needed to be collected by the agencies. The Right to Representation Coordinator has engaged Just-Tech, LLC, a legal services provider technology service provider, to assist in creating data collection and reporting systems. Added capacity in data collection and reporting is planned for the coming year, aiming to enhance data quality and comprehensiveness as the Right to Representation program matures.

Data Analysis

Eviction filings, writs, and evictions by year: 2019-2024

This section provides a detailed analysis of eviction activity in Delaware from mid-2019 through November 2024, covering eviction filings, writs approved, and completed evictions. The data is presented in monthly (see Appendices 1–4) and annual totals (see Appendices 1 and 5), highlighting trends and fluctuations over time. This analysis offers insight into eviction patterns and helps assess the potential impact of the Right to Representation initiative on eviction dynamics in Delaware. Key findings are summarized below, focusing on significant changes in eviction activity, including notable peaks, declines, and the influence of factors like the COVID-19 pandemic and the implementation of RTR.

The data highlights several important trends in eviction activity over the years, with notable peaks and declines that correlate with various socioeconomic and policy changes. More specifically, eviction filings, writs approved, and evictions completed exhibit significant yearly and seasonal variability, with the COVID-19 pandemic, the eviction moratoriums, and the Delaware Housing Assistance Program (DHAP) having a marked effect on eviction trends. For instance, in 2020, filings saw a sharp decline in 2020, with a 58% drop compared to 2019. Writs approved and evictions completed decreased by 33.4% and 46.5%, respectively, reflecting the impact of the pandemic and policy interventions like eviction moratoriums. By the end of 2021, filings (11.9% increase), writs approved (29.9% increase), and evictions (81.5% increase) began

to recover and followed similar trends, with significant year-over-year increases between 2021 and 2023. Notably, filings increased 37.6%, writs approved increased 12%, and evictions completed rose 7.5% between 2021 and 2022. This upward trend continued between 2022 and 2023, including a 15.1% increase in filings, 78.7% increase in writs approved, and a 69% increase in evictions completed (see Appendices 1 - 5).

While analysis of the data from 2021 to 2023 demonstrates a marked increase in eviction related activity, further analysis of court data from 2023 to 2024 suggests a decline is beginning to take shape. Although 2024 court data are incomplete, with approximately 90% of the year's data currently available, it is worth noting that the trajectory of available data suggests that these current downward trends are likely to continue through the end of the year. If trends continue, these declines coincide with the implementation of RTR as well as two DSHA programs funded by ARPA funds: a new Delaware State Housing Authority rental assistance program (Housing Stability Program – HSP) that began in August 2024, and a Settlement Assistance fund provided to the legal aid agencies beginning June 2023, suggesting that increased access to legal representation combined with housing stability funds for tenants may have had a significant impact in reducing eviction-related court actions. Average eviction filings per week for a comparable 16 week period between July and October indicates a steady decline from 366 weekly filings in 2019 to 299 weekly filings in 2023. Weekly filings in 2024 are averaging 255, which represents a 30.2% decrease from 2019.

Legal Aid Services and Outcomes: 2023-2024

This section presents an analysis of data reported by LSCD and CLASI, specifically covering the period from November 22, 2023, to June 30, 2024. The data captures the services provided, the extent of legal representation performed, and various client characteristics, including household income, landlord representation, and habitable housing conditions issues. As RTR is newly implemented, data collection processes and practices are still evolving. These factors have influenced various aspects of the data gathered during the program's first two quarters. This context is important for understanding the limitations and potential gaps in the data presented, while also emphasizing the progress made in enhancing the capacity for future data collection and reporting.

The insights below provide a foundational understanding of how the legal aid agencies have been assisting tenants facing eviction, particularly regarding the level of representation and the outcomes achieved. Key findings highlight the impact of RTR and the role of legal aid in addressing tenant needs during this critical period.

Some key observations from the data include:

- **Cases Handled:** A total of 619 cases were handled between November 22, 2023 and June 30, 2024, distributed across all three counties (see Table 1).
- **Level of Service Provided:** 462 cases handled by CLASI and LSCD were resolved through direct client service. Of those cases, 224 (48%) were litigated, and 238 (52%) were resolved outside litigation (see Table 2). The remaining cases were either still open at the

end of the reporting period, or the client withdrew or received no service due to conflict of interest or other reasons.

- **Landlord Representation:** The data on landlord representation shows that landlords were represented by attorneys or Form 50 Agents in 52% of all cases (see Table 3), while 23% of cases had landlord (self) representation, and 25% of cases had unknown representation. This has implications for the dynamics of legal representation in eviction cases and underscores the critical need for RTR funding to level the playing field for tenants.
- **Habitable Conditions Issues:** Habitable conditions issues were cited in 122 cases, accounting for 19.7% of all cases handled (see Table 4). Addressing these issues is crucial for maintaining safe and habitable living conditions for tenants and preventing retaliatory eviction.
- **Client Characteristics:** All cases handled were for clients below 200% of the Federal Poverty Level (FPL). The majority of cases (57.8%) handled were for clients that were below 100% of the FPL (see Table 5). This underscores the vulnerability of the clients served and the importance of legal support in preventing displacement for those most economically at risk. The remaining cases handled (42.2%) involved tenants with incomes between 100% and 200% of the FPL.
- **Outcomes:** The outcomes of RTR cases indicate a significant positive impact for tenants. Of the 368 cases with reportable outcomes, 188 resulted in eviction prevention (see Table 6). Additionally, 48 cases resulted in tenants' rights being preserved, 16 cases resulted in financial relief, and 69 cases resulted in a negotiated settlement. These outcomes demonstrate the effectiveness of RTR in improving housing stability for vulnerable tenants by providing critical support to avoid disruptive displacement.

The number of covered individuals served

Table 1. Total Cases Handled November 22, 2023 – June 30, 2024

County	Number	Percent
Kent	115	18.58%
New Castle	439	70.92%
Sussex	65	10.50%
Grand Total	619	100.00%

Source: Community Legal Aid Society, Inc. and Legal Services Corporation of Delaware, Inc., November 2024.

Notes: Includes both opened and closed cases as of June 30, 2024.

The level of service provided

Table 2. Total Cases Handles by Service Level Provided, November 22, 2023 – June 30, 2024

Legal Service Provided	Number	Percent
Open (as of June 30, 2024)	96	15.51%
Litigation	224	36.19%
Resolved Outside Litigation	238	38.45%
Client Withdrew	40	6.46%
No Direct Service	21	3.39%
Grand Total	619	100.00%

Source: Community Legal Aid Society, Inc. and Legal Services Corporation of Delaware, Inc., November 2024.

Notes: Includes both opened and closed cases as of June 30, 2024. Legal service provided is grouped as follows: "Open (as of June 30, 2024)" includes cases that had not been resolved at the close of the reporting period; "Litigation" includes cases resolved through court decisions (both contested and uncontested) or negotiated settlements with litigation; "Resolved Outside Litigation" includes cases resolved through negotiated settlements without litigation, administrative proceedings, informal advocacy, or other brief or limited services; "Client Withdrew" includes cases where the client either withdrew before legal assistance was provided or did not return; and "No Direct Service" includes cases where no direct legal services were provided, such as when clients were referred after legal assessment, cases lacked merit, were outside priorities, or the client withdrew due to agency conflicts, death, or other circumstances.

Table 3. Total Cases Handled by Service Level Provided and Landlord Representation, November 22, 2023 – June 30, 2024

	Form 50 Agent		Attorney		Self Represented		Unknown		Totals	
	#	%	#	%	#	%	#	%	#	%
Open (as of June 30, 2024)	10	6.90%	6	3.43%	4	2.86%	76	47.80%	96	15.51%
Litigation	92	63.45%	85	48.57%	27	19.29%	20	12.58%	224	36.19%
Resolved Outside Litigation	35	24.14%	68	38.86%	83	59.29%	52	32.70%	238	38.45%
Client Withdrew	3	2.07%	13	7.43%	17	12.14%	7	4.40%	40	6.46%
No Direct Service	5	3.45%	3	1.71%	9	6.43%	4	2.52%	21	3.39%
Grand Total	145	100.00%	175	100.00%	140	100.00%	159	100.00%	619	100.00%

Source: Community Legal Aid Society, Inc. and Legal Services Corporation of Delaware, Inc., November 2024.

Notes: Includes both opened and closed cases as of June 30, 2024. Legal service provided is grouped as follows: "Open (as of June 30, 2024)" includes cases that had not been resolved at the close of the reporting period; "Litigation" includes cases resolved through court decisions (both contested and uncontested) or negotiated settlements with litigation; "Resolved Outside Litigation" includes cases resolved through negotiated settlements without litigation, administrative proceedings, informal advocacy, or other brief or limited services; "Client Withdrew" includes cases where the client either withdrew before legal assistance was provided or did not return; and "No Direct Service" includes cases where no direct legal services were provided, such as when clients were referred after legal assessment, cases lacked merit, were outside priorities, or the client withdrew due to agency conflicts, death, or other circumstances.

Table 4. Total Cases Handled by Service Level Provided and Client Alleged Conditions Issue, November 22, 2023 – June 30, 2024

Service Level Provided	Conditions Issue		No Conditions Issue		Unknown Conditions Issue		Total	
	#	%	#	%	#	%	#	%
Open (as of June 30, 2024)	17	13.93%	76	16.41%	3	8.82%	96	15.51%
Litigation	58	47.54%	145	31.32%	21	61.76%	224	36.19%
Resolved Outside Litigation	41	33.61%	187	40.39%	10	29.41%	238	38.45%
Client Withdrew	4	3.28%	36	7.78%	0	0.00%	40	6.46%
No Direct Service	2	1.64%	19	4.10%	0	0.00%	21	3.39%
Grand Total	122	100.00%	463	100.00%	34	100.00%	619	100.00%

Source: Community Legal Aid Society, Inc. and Legal Services Corporation of Delaware, Inc., November 2024.

Notes: Includes both opened and closed cases as of June 30, 2024. Legal service provided is grouped as follows: "Open (as of June 30, 2024)" includes cases that had not been resolved at the close of the reporting period; "Litigation" includes cases resolved through court decisions (both contested and uncontested) or negotiated settlements with litigation; "Resolved Outside Litigation" includes cases resolved through negotiated settlements without litigation, administrative proceedings, informal advocacy, or other brief or limited services; "Client Withdrew" includes cases where the client either withdrew before legal assistance was provided or did not return; and "No Direct Service" includes cases where no direct legal services were provided, such as when clients were referred after legal assessment, cases lacked merit, were outside priorities, or the client withdrew due to agency conflicts, death, or other circumstances.

Table 5. Total Cases Handled by Service Level Provided and Federal Poverty Level, November 22, 2023 – June 30, 2024

Service Level Provided	Below 100% FPL		Above 100% FPL		Total	
	#	%	#	%	#	%
Open (as of June 30, 2024)	52	14.53%	44	16.86%	96	15.51%
Litigation	123	34.36%	101	38.70%	224	36.19%
Resolved Outside Litigation	138	38.55%	100	38.31%	238	38.45%
Client Withdrew	29	8.10%	11	4.21%	40	6.46%
No Direct Service	16	4.47%	5	1.92%	21	3.39%
Grand Total	358	100.00%	261	100.00%	619	100.00%

Source: Community Legal Aid Society, Inc. and Legal Services Corporation of Delaware, Inc., November 2024.

Notes: Includes both opened and closed cases as of June 30, 2024. Legal service provided is grouped as follows: "Open (as of June 30, 2024)" includes cases that had not been resolved at the close of the reporting period; "Litigation" includes cases resolved through court decisions (both contested and uncontested) or negotiated settlements with litigation; "Resolved Outside Litigation" includes cases resolved through negotiated settlements without litigation, administrative proceedings, informal advocacy, or other brief or limited services; "Client Withdrew" includes cases where the client either withdrew before legal assistance was provided or did not return; and "No Direct Service" includes cases where no direct legal services were provided, such as when clients were referred after legal assessment, cases lacked merit, were outside priorities, or the client withdrew due to agency conflicts, death, or other circumstances.

Metrics on evaluating outcomes

Table 6. Distribution of Total Cases with Reported Outcomes, November 22, 2023 – June 30, 2024

Outcomes (N = 368)	Number
<i>Eviction Prevention</i>	
Prevented Eviction	100
Prevented Eviction Filing	23
Prevented Eviction Judgment	65
<i>Tenant Rights Preservation</i>	
Overcame Illegal Charges by Landlord	11
Preserved Tenant Rights	19
Preserved Right to Remain in Rental Unit Indefinitely	12
Preserved Right to Remain for Limited Period	6
<i>Financial Relief & Assistance</i>	
Secured Monetary Relief	4
Secured Rent Assistance	10
Secured Waiver of Back Rent	1
Reduced Rent	1
<i>Legal Actions & Settlements</i>	
Obtained advice/brief services or referral	137
Negotiated Agreement or Settlement	69
Secured Time to Move	6
Executed New Lease	1
<i>Support for Housing Conditions & Accommodations</i>	
Obtained Reasonable Accommodation	4
Reasonable Accommodation Denied	1
Enforce Rights to Decent Housing/Remediated Defective Conditions	6
<i>Other Benefits or Resolutions</i>	
Other Case Resolution	4
Obtained Other Benefit	1
Subsidy/Voucher Preserved	29
Obtained Access to Housing	1
Procedural Due Process Rights Ensured	6

Source: Community Legal Aid Society, Inc. and Legal Services Corporation of Delaware, Inc., November 2024. Cases may have more than one outcome reported.

Engagement and education of tenants

Community awareness of Right to Representation is gaining momentum through multifaceted outreach efforts aimed at tenants, landlords, housing services providers, elected officials, and the community. The initial outreach included providing all landlords with a summary of the

new law plus the required notice (in English, Spanish, and Haitian Creole) for them to provide tenants prior to November 22, 2023. This was done via emails to landlord attorneys and apartment associations who shared it with their distribution lists, as well as posts on the JP Court and Attorney General websites, and on the Delaware Legal Help Link's [Eviction Help page](#) managed by the legal aid agencies. Messaging also reached legislators, city council members, and leaders of agencies serving vulnerable populations.

Outreach efforts have extended into the public sphere through the state's library system, which serves as an accessible resource for legal information. By collaborating with libraries, we can distribute informative materials and host workshops, equipping residents with knowledge about their legal rights and the importance of representation. Additionally, strategically placed court flyers and notices serve to inform individuals about their right to representation, guiding them on how to access legal help. Every library in the state has received RTR flyers to distribute to their visitors, the librarians are receiving ongoing training, and the RTR flyer has been shared with the state library listserv which includes hundreds of nonprofit, government, and other client-serving organizations.

A RTR partnership with Delaware 211 plays a crucial role in connecting residents with legal resources. By streamlining the intake process through 211, tenants receive timely assistance and referrals to legal services as well as other critical resources. Presentations to housing counselors and other service providers further bolstered this outreach, ensuring that those on the front lines of social services agencies are well-informed about the resources available to their clients.

A new data sharing agreement with the Justice of the Peace Court enhances our ability to track and analyze trends in eviction filings. Delaware 211 is sending emails and text messages about RTR to all of the tenants whose contact information is provided by the Court. The ACLU of Delaware has also become a partner and is engaging in general RTR outreach throughout Sussex County, as well as weekly individual door knocking to people who have received an eviction notice by multi-lingual outreach staff. A similar partnership is being developed with the HOMES Campaign, which has begun doing outreach in Wilmington zip codes. Additionally, the JP Court sends the RTR flyer to every renter receiving a pre-eviction notice.

Other Factors

- The Justice of the Peace Court delayed the implementation of the Eviction Diversion program until July 1, 2024. The initial rollout includes a program coordinator, and letters sent to tenants and landlords directing them to use the Court's [Online Dispute Resolution \(ODR\) System](#). Several mediators are expected to begin working in early 2025.

Eviction diversion programs in other jurisdictions have proven successful in reducing evictions and improving housing stability by combining mediation, rental assistance, and legal support. These programs help tenants and landlords resolve issues like unpaid rent or lease violations before evictions occur, preventing long-term consequences such as damage to rental history or credit. Mediation plays a key role in facilitating agreements that allow tenants to stay in their homes, often with payment plans or other solutions. Additionally, financial assistance and legal support further help tenants avoid eviction.

- The Delaware State Housing Authority (DSHA) launched [a new rental assistance program](#) on July 1, 2024, which will run until September 30, 2025, or until the funds are depleted. Tenants are eligible only if an eviction has been filed against them, and the application for assistance must be submitted by staff at a DSHA-approved agency. From August 2024 to December 5, 2024, 596 people have received an average of \$4,718 in rental assistance. Data is not available to determine whether any of these people also received assistance from the legal aid agencies.
- In June 2023, DSHA established a settlement assistance fund, allowing legal aid agencies to negotiate with landlords on behalf of tenants, offering up to \$1,500 (with an average of \$1,039) to settle cases. From June 2023 to December 2024, 450 individuals have benefited from this fund, either to stay in their rental unit, retain their voucher, or secure time to prepare for moving out without an eviction record. The fund is expected to be depleted by July or August 2025, unless other sources of funding are identified.

Qualified Tenant Advocates

Delaware has taken a historic step and is the first state in the country to pass a rule allowing for non-attorney advocates to represent tenants in court. This provides a unique opportunity not only to bridge the justice gap in our courts—but it also to develop a trained workforce to provide appropriate representation to tenants who are eligible for assistance under the Right to Representation.

The Justice of the Peace Court in Delaware has always permitted a landlord (classified as an artificial entity) to be represented in a landlord/tenant matter in court by a non-attorney or “Form 50” agent. Effective March 1, 2022, the Rules of the Supreme Court of Delaware were amended to allow non-attorney advocates known as Qualified Tenant Advocates (QTAs) to represent tenants in eviction matters, both in and out of court. The Supreme Court rule requires each QTA to be employed by a legal aid organization (supervising agency), to be supervised by an attorney from the legal aid organization, and to receive training in the following topics: the Delaware Landlord Tenant Code, the Rules of Evidence, the Rules of the Justice of the Peace Court, and principles of professionalism for lawyers.

The legal aid agencies have developed strategies to attract, train, and retain diverse QTAs. The training program encompasses the development of workforce training and ongoing professional learning. The legal aid agencies see the Qualified Tenant Advocates as drivers of change within the judicial system in Delaware. The QTAs are a well-trained workforce that will demonstrate positive outcomes for the courts, the landlords, and the tenants effected by eviction actions.

The three legal aid agencies have hired and trained a number of potential Qualified Tenant Advocates. From the cohorts trained, approximately seven highly qualified individuals are provided with the supervision and support necessary to take on the representation of tenants in the Justice of the Peace Court. Each agency has QTAs who have engaged in quality representation and advocacy. QTAs have acted on behalf of over one hundred clients who are eligible for assistance under the Right to Representation.

The number of covered individuals who have previously been represented in covered proceedings

There were 19 individuals who had previously been represented in covered proceedings.

- Two clients had their cases dismissed due to technicalities.
- Several clients resolved their cases through stipulated agreements, with landlords receiving rent assistance and tenants staying in their units.
- Two clients had initial cases related to poor living conditions (no heat or water), and after suing for constructive eviction, they were able to remain in their units despite landlords filing eviction cases.
- Some clients had stipulated agreements or caught up on rent, but eventually fell behind again after a period. Many of these clients sought assistance with moving or related advice.
- Several clients who had stipulated agreements did not adhere to the terms, leading to eviction in later cases.

Overall, fewer than 3% of clients served through RTR funds were repeat clients, reflecting a very low recurrence rate.

Metrics on the level of experience of Form 50 agents, as authorized by Delaware Supreme Court Rule 57, who litigate against represented tenants, including the number of previous entries of appearance by each agent in a 12-month period, and the number of units owned by the entity being represented by the agent as documented on Form 50, if available. Form 50 is to be updated to include an optional field that requests the number of units owned or managed by the entity.

While Form 50 was updated to include the optional field requesting the number of units owned or managed by the entity, Form 50 is not collected digitally so the data is not readily available. A sampling of the scanned forms indicated that only approximately 20% of the Forms included answers to this optional field. The JP Court did create a new report indicating the number of cases filed by each Form 50 agent starting on April 1, 2024:

Table 7. Distribution of Form 50 Agent Filings, Delaware, April – June 2024

Category	Cases	% of Total
Cases Filed by Top 33 Agents (20-67 cases each)	1,007	48%
Cases Filed by 29 Agents (10-19 cases each)	376	18%
Cases Filed by 226 Agents (1-9 cases each)	709	34%
Total	2,092	100%

Source: Delaware Justice of the Peace Court.

A total of 2,092 cases were filed by 288 Form 50 Agents during the three-month period. Notably, nearly half of these cases, 1,007 (48%), were filed by 33 agents, who represented only 11% of the total agents and filed between 20 and 67 cases each.

In contrast, the remaining 255 agents (or 89%) filed significantly fewer cases. This group includes 29 agents who filed between 10 and 19 cases, contributing 376 cases (18%), and 226 agents who filed between 1 and 9 cases, contributing 709 cases (34%).

The Justice of the Peace Court's experience with RTR

A survey was conducted with JP Court magistrates and court staff in October 2024 asking for feedback on the first year of implementation of RTR. 16 magistrates, 5 court staff members, and one mediator responded. A review of the responses provides insights into the experience of the magistrates and court staff, including:

- A majority of respondents find it helpful to have both sides represented in eviction cases.
- A majority of respondents find that there is more motion practice when both sides are represented, and a majority find that this is a good thing for the courts.
- A majority of respondents have not found that the frequency of cases being dismissed on procedural grounds has increased.

- A majority of respondents have found that more cases are being resolved either prior to or during the scheduled hearing, likely due to more tenants being represented.
- 40% of respondents indicated that the presence of more lawyers and Qualified Tenant Advocates has somewhat slowed or complicated the operations of the court, but others say it is too early to tell.
- A majority of respondents find the arguments and efforts of the lawyers/Qualified Tenant Advocates for the tenants to be generally reasonable and appropriate.
- There were mixed responses regarding whether the magistrates are asking tenants whether they have received their legislatively required RTR notice from their landlord, whether they require proof of the notice from the landlord, and whether they continue a case if the landlord fails to provide proof of notice. One magistrate recommended the law be amended to require proof of landlord notice to tenant about their Right to Representation. This data has been shared with the Court.
- Additionally, written comments were provided: about the implementation of RTR, about how to improve the eviction process, and whether additional support or resources would assist the magistrates in applying the new law effectively. These written comments will be reviewed amongst the RTR coalition and with the Court.

Accounting of RTR expenditures

RTR Budget vs. Actual 11/22/23 to 6/30/24	Budgeted Amount	Case Handling Staffing & Related Expenses	Program Administration	Outreach, Tech Support, Intake and 211	Total Spent	Amount Rolled Over
RTR Coordinator	\$75,000		\$34,195	\$29,070	\$63,265	\$11,735
DVLS	\$81,000	\$32,527	\$10,228	\$30,303	\$73,058	\$7,942
CLASI	\$359,500	\$355,022			\$355,002	\$4,498
LSCD	\$309,500	\$259,222			\$259,222	\$50,278
TOTAL	\$825,000	\$646,771	\$44,423	\$59,373	\$750,547	\$74,454

Conclusion

A thorough analysis of the data reveals important insights, highlighting RTR's crucial role in addressing housing insecurity and improving tenant outcomes. Eviction diversion (mediation), settlement assistance funds, and rental assistance programs are also key factors that complement RTR in reducing evictions.

- **Trends:** The reduction in evictions filed, writs of eviction approved and the decline in evictions observed in the court data coincides with the implementation of RTR, the Delaware State Housing Authority's Housing Stability Program (HSP) starting July 1,

2024, and the Settlement Assistance Program launched in June 2023. This suggests that increased access to legal representation and housing stability funds have significantly impacted the reduction of eviction-related court actions. Average weekly eviction filings have decreased by 30%, from 366 in 2019 to 255 in 2024.

- **Impact on Vulnerable Populations:** The legal aid data shows that a large proportion of clients served were below the federal poverty level, while the court data reveals fluctuations of filing numbers influenced by socioeconomic conditions. Together, these findings underscore that vulnerable populations are particularly at risk of eviction and benefit most from targeted legal interventions.
- **Representation Disparities:** The data highlights that the majority of landlords are represented by attorneys or Form 50 Agents. This underscores the importance of providing consistent tenant representation to level the playing field, as RTR-funded services have been doing.
- **Housing Conditions and Legal Aid Responses:** Nearly 20% of cases involved tenant complaints about substandard housing conditions, underscoring the need for legal support for tenants addressing these issues. Addressing such complaints is crucial for maintaining safe and habitable living conditions, and RTR legal aid plays an important role in preventing retaliatory evictions related to these issues.
- **Positive Outcomes for Tenants:** The outcomes of RTR cases highlight the program's significant positive impact on tenants. Of the cases handled, 188 prevented evictions, 48 preserved tenants' rights, 16 provided financial relief, and 69 resulted in negotiated settlements. The ability to prevent eviction filings or judgments, coupled with the provision of legal guidance, has been instrumental in enhancing housing stability for vulnerable tenants. Although a formal evaluation is planned for the coming year, early assessments suggest that legal support plays a critical role in mitigating the progression of eviction cases, underscoring the importance of the RTR legislation. Tenants also benefited from complementary programs, such as the DSHA's Housing Stability Program and the Settlement Assistance Fund. However, both programs face funding expiration within the next nine months. Without renewal or replacement, an increase in eviction filings is likely, posing a risk to the progress achieved thus far.

Overall, during the first 7 months of implementation, the RTR program has effectively reduced the negative impacts of eviction proceedings by ensuring tenants have access to crucial legal support. Continued support and expansion of RTR services will be key to sustaining positive trends and extending housing stability to more tenants in need.

Planning for Years 2 and 3

November 22, 2024 marked the first full year of the 3-year phased implementation of Right to Representation in Delaware. With RTR legislative funds, the legal aid agencies continue to hire and train staff to increase their capacity to serve those who request and qualify for Right to Representation services. The legal aid staff are working hard every day to provide tenants facing eviction with the best legal assistance possible, often with very short notice.

Additionally, the legal aid agencies are working closely with the Justice of the Peace Court as the Court continues to ramp up implementation of the mandatory post eviction filing mediation program for all people facing eviction. There are a number of opportunities to help improve outcomes for mediation:

- A budget coaching program is being developed with DSHA ARPA funding (funding goes through September 2025) to provide tenants with budget assistance to ensure a reasonable stipulated agreement that aligns with their financial capacity.
- Settlement assistance funds provided by DSHA with ERA funds to date have enabled legal aid attorneys to settle over 450 cases with landlords for an average of \$1,039 per case so the tenant can either sign a stipulated agreement to stay in their home or negotiate time to move out. These funds will likely run out by summer 2025.
- The legal aid agencies have applied for a HUD grant to fund a pre-eviction filing diversion program working with landlords.
- Continued partnership with Delaware 211 as the point of contact for people receiving an eviction notice from the court enables immediate live communication with people who call or text. Tenants are directed to and/or assisted with the legal aid online intake program and assisted with any other emergent needs. This is an efficient way to reach people at risk of eviction. Support for this partnership is currently provided by DSHA ARPA funding that will run out in September 2025.

Mindful of the important role and perspective of the landlord community, in the coming year we are hopeful to further engage with the landlord community as we assess the implementation and effectiveness of RTR, and to explore complementary resources, processes, or interventions that may be helpful. We are considering various forms of engagement, including, but not limited to:

- Conduct interviews and focus groups with landlords to learn from their perspective regarding housing instability and the eviction process in Delaware;
- Collaborate with members of the landlord community to enhance effective tenant communication strategies and pathways to early resolution of rental delinquency;
- Collaborate with members of the landlord community regarding the availability, application and funding processes for rental and/or settlement assistance funds;

- Collaborate with members of the landlord community regarding the role of effective budget coaching/financial counseling for tenants at risk of rental delinquency or to improve post-settlement housing stability; and
- Explore sustainable eviction filing prevention strategies that can further reduce the number of eviction filings and reduce the amount of rental delinquency that accumulates.

Despite the legal aid agencies' efforts to increase staff capacity, improve systems, and create partnerships and outreach programs within budget using professionally developed cost estimates, there is concern that after year 3, the cost to achieve full implementation will exceed the initial projections. Significantly higher-than-expected inflationary personnel and benefits costs, adjusted assumptions about length of time it takes each attorney/QTA to resolve a case, adjusted assumptions about the numbers of tenants needing and utilizing Right to Representation, and other expenses will all be factors in projecting the financial requirements for fully implementing all zip codes in Delaware. During the coming months the agencies will work with experts to develop a realistic estimate for the cost of full implementation for RTR.

Appendices

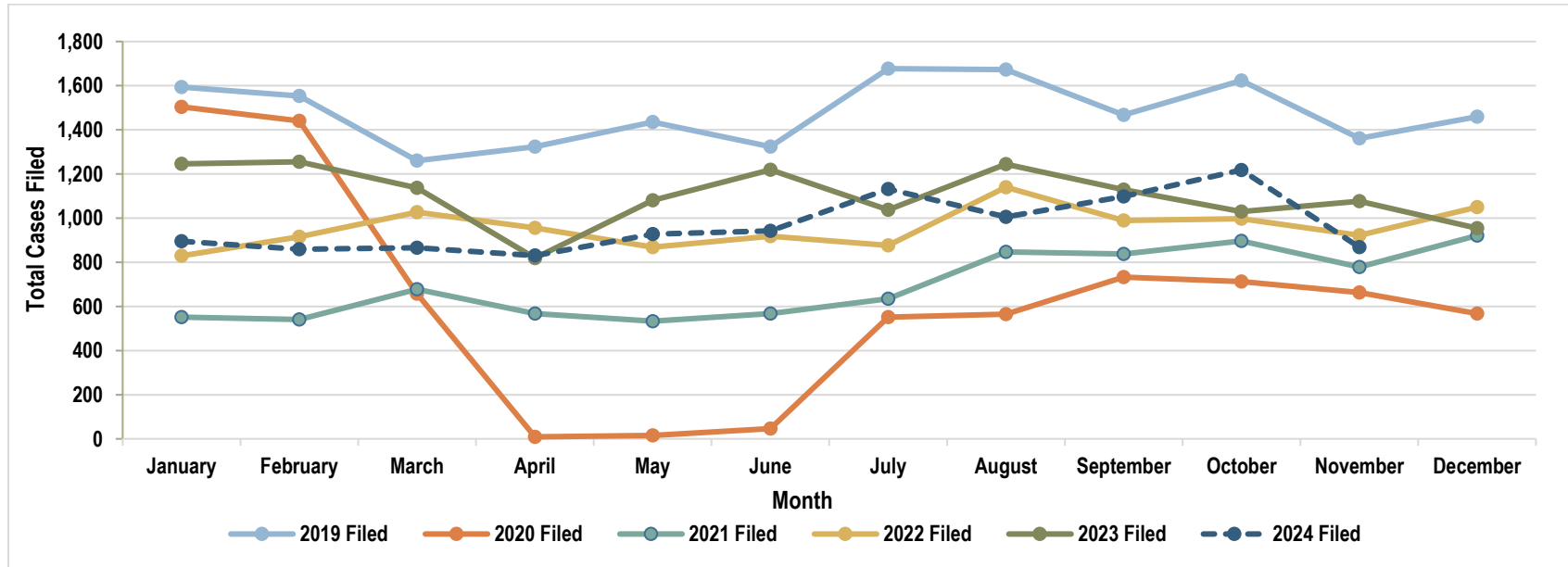
Appendix 1. Monthly Totals of Cases Filed, Writs Approved, and Evictions Completed, Delaware, 2019-2024

	2019			2020			2021			2022			2023			2024		
Month	Filed	Writs	Evictions	Filed	Writs	Evictions	Filed	Writs	Evictions	Filed	Writs	Evictions	Filed	Writs	Evictions	Filed	Writs	Evictions
Jan	1,594			1,504	411	264	551	78	198	829	116	105	1,245	206	156	895	160	124
Feb	1,553			1,440	393	229	540	113	61	915	189	142	1,255	235	158	859	203	120
Mar	1,260			657	253	110	677	156	96	1,027	173	131	1,137	333	249	866	271	200
Apr	1,323			9	25	0	568	149	112	956	174	140	819	236	186	830	219	174
May	1,435			15	2	0	533	118	90	868	149	119	1,081	309	218	928	242	157
Jun	1,324			46	5	2	567	130	73	918	152	103	1,219	271	213	942	201	146
Jul	1,677	173	133	551	41	11	634	232	153	876	194	135	1,038	300	189	1,131	165	130
Aug	1,673	397	310	565	13	22	847	188	156	1,140	154	113	1,244	426	265	1,005	258	170
Sept	1,467	372	228	732	21	19	837	117	127	989	104	107	1,129	431	341	1,098	202	121
Oct	1,623	369	261	713	69	53	897	184	142	997	212	153	1,029	235	193	1,218	201	171
Nov	1,361	388	274	663	31	29	778	101	63	922	152	110	1,076	216	126	868	43	28
Dec	1,459	303	208	568	69	18	921	165	103	1,050	170	119	954	267	202			
Total	17,749	2,002	1,414	7,463	1,333	757	8,350	1,731	1,374	11,487	1,939	1,477	13,226	3,465	2,496	10,640	2,165	1,541

Source: Delaware Justice of the Peace Court, Filing Data, 2019-2024. Data provided directly by the Delaware Justice of the Peace Court.

Notes: Case filing data was provided separately from the writs and evictions data. For 2019, complete data for writs and evictions were unavailable and includes data from July 19 – December 27, 2019. 2024 data for filings includes January 1 – November 30, 2024, and writs and evictions data includes January 1 - November 1, 2024.

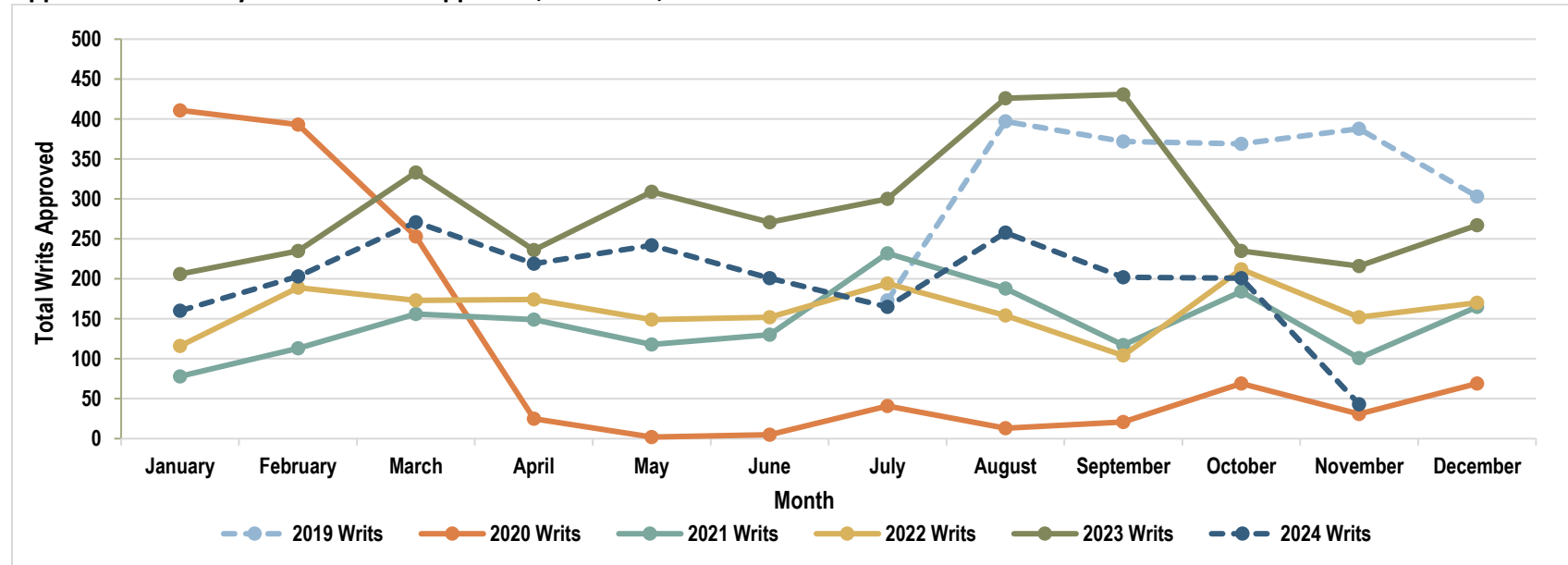
Appendix 2. Monthly Totals of Housing Cases Filed, Delaware, 2019 – 2024



Source: Delaware Justice of the Peace Court, Filing Data, 2019-2024. Data provided directly by the Delaware Justice of the Peace Court.

Note: 2024 data includes January 1 - November 30, 2024.

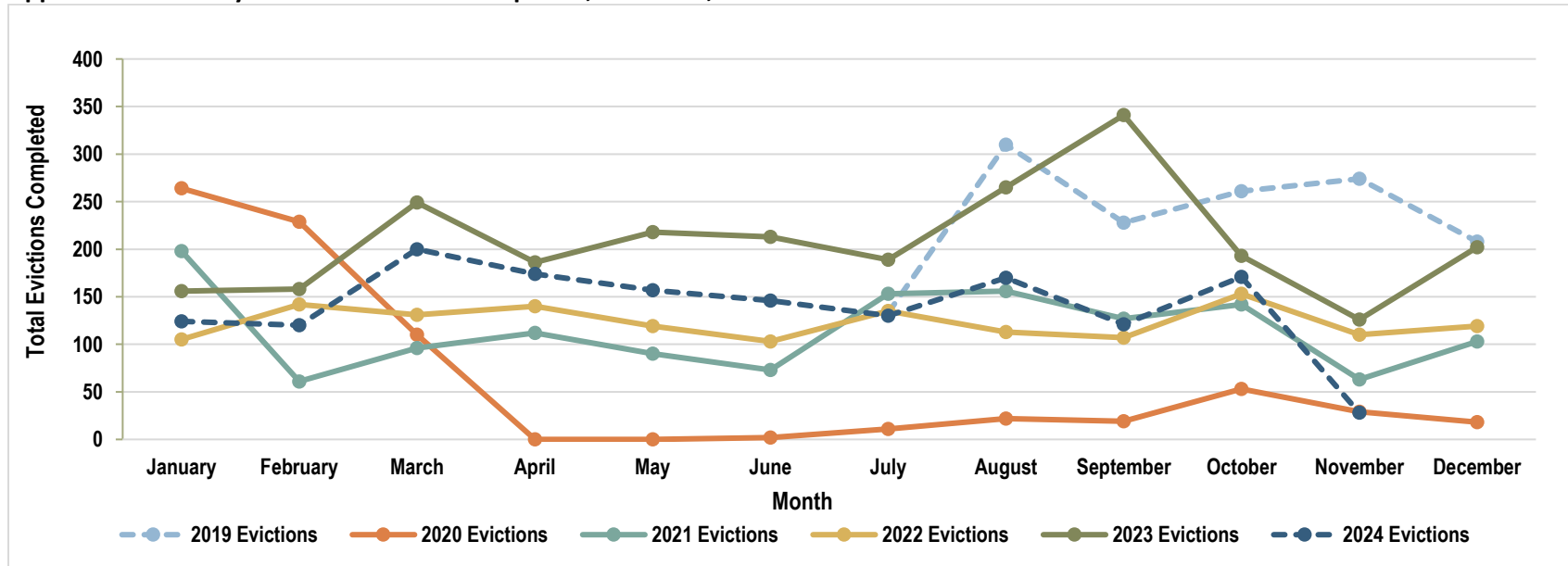
Appendix 3. Monthly Totals of Writs Approved, Delaware, 2019 – 2024



Source: Delaware Justice of the Peace Court, Filing Data, 2019-2024. Data provided directly by the Delaware Justice of the Peace Court.

Notes: For 2019, complete data for writs was unavailable and includes data from July 19 – December 27, 2019. 2024 data for writs data includes January 1 - November 1, 2024.

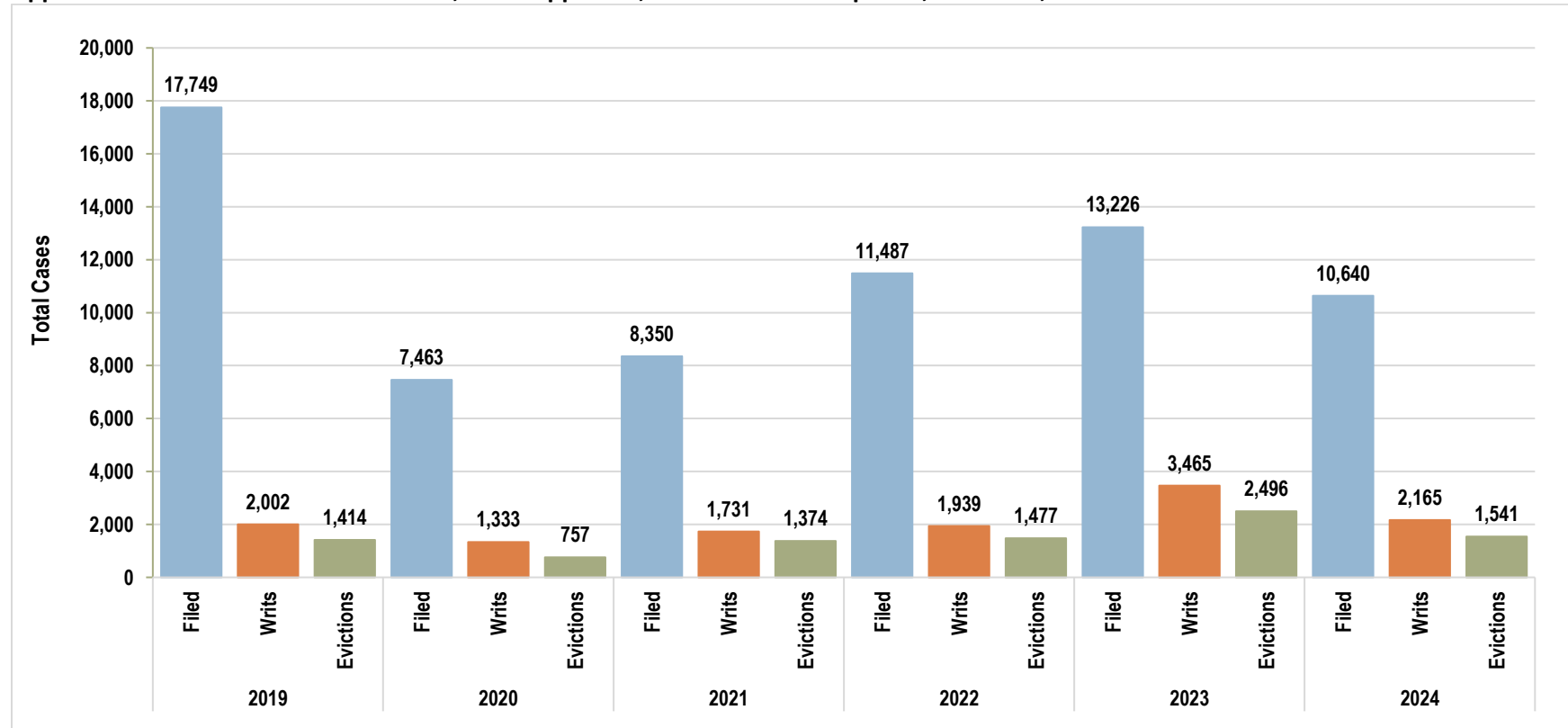
Appendix 4. Monthly Totals of Evictions Completed, Delaware, 2019 – 2024



Source: Delaware Justice of the Peace Court, Filing Data, 2019-2024. Data provided directly by the Delaware Justice of the Peace Court.

Notes: For 2019, complete data for evictions was unavailable and includes data from July 19 – December 27, 2019. 2024 data for evictions data includes January 1 - November 1, 2024.

Appendix 5. Annual Totals of Cases Filed, Writs Approved, and Evictions Completed, Delaware, 2019 – 2024



Source: Delaware Justice of the Peace Court, Filing Data, 2019-2024. Data provided directly by the Delaware Justice of the Peace Court.

Notes: Case filing data was provided separately from the writs and evictions data. For 2019, complete data for writs and evictions were unavailable and includes data from July 19 – December 27, 2019. 2024 data for filings includes January 1 – November 30, 2024, and writs and evictions data includes January 1 - November 1, 2024.