

CHAPTER 282
FORMERLY
HOUSE BILL NO. 232

AN ACT TO AMEND TITLE 10 AND TITLE 25 OF THE DELAWARE CODE RELATING TO JURISDICTION OF THE JUSTICE OF THE PEACE COURT AND SUMMARY POSSESSION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 9301, Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 9301 Civil jurisdiction; amount in controversy.

Unless otherwise specified by law, the Justice of the Peace Court shall have civil jurisdiction over the following:

(1) Common-law actions in contract, express or implied, and common-law actions in tort for damage, destruction or taking of personal property (including replevin), for injury to real property, and for trespass on the land. Jurisdiction over such actions shall be limited to actions in which the matter in demand, damage claimed, or the value of the property whose return is sought does not exceed ~~\$15,000~~ \$25,000; provided, however, that the \$25,000 limit does not apply to monetary claims, counter-claims, or cross-claims asserted in an action for summary possession as provided in Chapter 57 of Title 25 and arising from or relating to a commercial lease as defined in Part IV of Title 25. A penalty in any contract exceeding that sum shall not exclude it from this jurisdiction if the sum actually due thereon is within it. The interest also due on any cause of action within this jurisdiction may be added, although the judgment, with interest so added, exceeds ~~\$15,000~~ \$25,000.

(2) Actions for any penalty or forfeiture incurred under the provisions of any statute, bylaw or ordinance authorized by statute when the matter in demand does not exceed ~~\$15,000~~ \$25,000. The interest also due on any such cause of action may be added, although the judgment, with interest so added, exceeds ~~\$15,000~~ \$25,000.

Section 2. Amend Chapter 57, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

CHAPTER 57. SUMMARY POSSESSION.

§ 5701B Civil jurisdiction; bifurcated claims.

Parties aggrieved in matters arising from a commercial lease in which summary possession is sought may split or bifurcate the cause of action and file an action for summary possession and also file a plenary action between the same parties over the same lease in another court. Such plenary actions must be commenced no later than six months after a final judgment is entered in the action for summary possession.

Section 3. This Act takes effect 90 days after its enactment into law.

Approved August 25, 2020