

LAWS OF DELAWARE  
VOLUME 85  
CHAPTER 207  
153rd GENERAL ASSEMBLY  
FORMERLY  
SENATE BILL NO. 132

AN ACT TO AMEND CHAPTER 56, TITLE 25 OF THE DELAWARE CODE RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE.

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

Section 1. Amend Chapter 56, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5601. Definitions.

For purposes of this chapter:

(1) “Coordinator” means the Right to Representation Coordinator within Delaware Volunteer Legal Services.

(2) “Covered individual” means a tenant who is eligible for legal representation under this chapter.

(3) “Covered proceeding” means any of the following:

a. A judicial or administrative proceeding to evict, terminate the tenancy of, or terminate the housing subsidy of a covered individual.

b. A proceeding deemed by a designated organization as the functional equivalent of a proceeding described in paragraph (3)a. of this section.

c. A judicial or administrative proceeding to remedy a violation of law related to landlord-tenant matters, such as retaliatory actions, habitability, illegal eviction, or violation of quiet use and enjoyment.

(4) “Designated organization” means a nonprofit entity designated by the ~~Attorney General~~ Coordinator that has the ability to provide legal representation to covered individuals.

(5) “Legal Aid Agencies” means Delaware Volunteer Legal Services (DVLS), Community Legal Aid Society, Inc. (CLASI), and Legal Services Corporation of Delaware (LSCD).

~~(5)~~(6) a. “Legal representation” means ongoing high-quality representation provided by a designated organization to a covered individual, and all legal advice, advocacy, and assistance associated with that representation.

b. “Legal representation” includes all of the following:

1. The filing of a notice of appearance on behalf of the covered individual in a covered proceeding.

2. Representation of covered individuals by nonattorneys, if the Rules of the Delaware Supreme Court permit the representation.

§ 5603. Right to Representation Coordinator duties.

(a) The Coordinator shall manage the ~~contracts awarded~~ funding provided by the ~~Attorney General State Court Administrator~~ under § 5604 of this title.

(b) The Coordinator shall ~~conduct~~ coordinate, oversee, and organize outreach, engagement, and education events and activities regarding the rights in this chapter and may enter into contracts or issue grants to fulfill the Coordinator's duty under this section. Subject to the availability of appropriate funding, the education events and activities must include all of the following:

(1) Hosting in-person and virtual know-your-rights trainings and other workshops for tenants, rental property owners, and property managers.

(2) Distributing written information to tenants and providing landlords with the written information that must be distributed to tenants.

(3) Outreach to tenants regarding how to form and maintain tenant associations.

(4) Referring tenants to designated organizations as appropriate.

§ 5604. ~~Attorney General State Court Administrator~~ powers and duties.

(a) ~~The Attorney General, within the limits of an appropriation from the General Assembly, shall designate and contract with 1 or more designated organizations to provide the services required under this chapter and shall provide each designated organization contracted with under this chapter with fair and just compensation to allow each designated organization to provide an organizational structure with appropriate supervision, caseloads, and oversight of staff and service delivery to promote high quality legal representation and legal work.~~

Notwithstanding any provision of Chapter 69 of Title 29 to the contrary, the State Court Administrator shall provide Delaware Volunteer Legal Services with the designated appropriation from the General Assembly to allow the Legal Aid Agencies to provide the services required under this chapter, provide fair and just compensation, provide an organizational structure with appropriate supervision, caseloads, and oversight of staff and service delivery, and promote high quality legal representation and legal work.

(b) ~~The Attorney General State Court Administrator~~ may adopt rules and regulations to implement this chapter.

§ 5605. Annual report.

(a) Not later than August 31 of each year, each designated organization shall report to the Coordinator information on services provided in conformity with requirements developed by the Coordinator.

(b) Not later than November 30 of each year, the Coordinator shall prepare a report, which must be approved by the ~~Attorney General State Court Administrator~~ and include information from the prior fiscal year regarding all of the following:

(1) The number of covered individuals served.

(2) The extent of legal representation performed.

(3) Metrics on evaluating outcomes.

(4) The engagement and education of tenants.

(5) The number of covered individuals who have previously been represented in covered proceedings.

(6) Metrics on the level of experience of Justice of the Peace Court 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 Justice of the Peace Court Form 50, if available. Justice of the Peace Court Form 50 is to be updated to include an optional field that requests the number of units owned or managed by the entity.

(7) The Justice of the Peace Court's experience with the process.

(8) A full accounting of expenditures by the ~~Attorney General~~ State Court Administrator and Right to Representation Coordinator under this chapter.

(c) The annual report must be posted on the ~~Attorney General's~~ State Court Administrator's website. § 5607. Implementation.

(a) The Coordinator shall phase in, over a period of time ending no later than ~~November 22, 2026~~ June 30, 2028, provided sufficient funding for full implementation is appropriated, in a manner that the Coordinator determines appropriate, the legal representation required to be provided under § 5602 of this title.

Approved September 3, 2025