

Right to Representation in Eviction Cases

Community Legal Aid Society (CLASI)
Legal Services Corporation of Delaware (LSCD)
Delaware Volunteer Legal Services (DVLS)



Presentation to Joint Finance Committee

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Right to Representation in Evictions Cases

Background

Right to Counsel laws began in U.S. cities in 2017 to guarantee legal representation for income-eligible tenants facing eviction, recognizing housing stability as essential to family and community well-being.

Early in the pandemic, concerned about the potential “tsunami” of evictions that might occur, Delaware legal aid agencies and local and national partners formed a coalition to design one of the nation’s first statewide tenant representation programs.

Senate Substitute 1 for Senate Bill 1 of the 152nd General Assembly, sponsored by Senator Townsend and Speaker Minor Brown, passed in 2023, with implementation beginning November 22, 2023.

Delaware renamed the program Right to Representation after the Delaware Supreme Court approved a rule change allowing Qualified Tenant Advocates—trained non-lawyer staff at legal aid agencies—to represent tenants, creating parity with landlords who are often represented by non-lawyer (Form 50) agents.

The program ensures Delaware tenants facing eviction—who previously often navigated court without representation or didn’t even bother showing up to court—now have access to assistance that promotes fairer outcomes and housing stability.

Why Right to Representation in Evictions Cases Matters

- Delaware's housing crisis makes preventing avoidable evictions critical, as eviction destabilizes families and increases reliance on costly public systems.
- Prior to 2023, more than 80% of landlords were represented in housing cases compared to only 3% of tenants.
- Legal representation increases tenant participation, leads to fairer outcomes, and helps landlords secure payment or timely resolution.
- Representation often connects households to public benefits, food and utility assistance, and—when available—resources to address rent arrears, including a settlement assistance partnership with DSHA that helped landlords receive payment while stabilizing families. Prior ERA-funded assistance is now exhausted and replacement funding is being pursued.
- Access to representation prevents unnecessary evictions and loss of housing subsidies, preserving families' ability to secure housing in the future.

Here's one example:

Single mother of 5 children, has one child with significant medical needs making it difficult to maintain full-time employment



Due to lengthy hospital stay with her child, client got significantly behind in rent.



Landlord filed eviction.



CLASI helped client negotiate repayment, connect with resources, and maintain stable housing for herself and her family.

FACING EVICTION?

**FREE LEGAL HELP IS AVAILABLE FOR
DELAWARE RENTERS**

Hay ayuda legal gratuita para inquilinos en Delaware si les han pedido que desalojen su hogar.

Èd legal GRATIS pou moun ki lwe kay nan Delaware nan fè fas a degèpisman.

**YOU MAY HAVE THE RIGHT TO FREE REPRESENTATION FROM A
LEGAL AID AGENCY. CONTACT US RIGHT AWAY TO SEE IF WE CAN HELP.**

VISIT / VISITE / VIZITE

bit.ly/eviction-help-de

CALL / LLAME / OSWA RELE

2-1-1 OR 1-800-560-3372

Monday to Friday, 8 AM - 9 PM
De lunes a viernes, 8 AM - 9 PM
Lendi a Vandredi, 8 AM - 9 PM



This flyer in English, Spanish, and Haitian Creole is sent by the Justice of the Peace Court along with eviction paperwork to at least 200 tenants per week who are facing eviction.

The RTR Coordinator uses this flyer for outreach to people at risk of eviction.

A similar flyer has been provided to landlords to give to their tenants upon signing a lease, renewing a lease, or at the beginning of an eviction action.

Right to Representation in Evictions Cases Roll-Out

Online and phone intake available.

211 partnership to assist with online intake and other needs.

Qualified Tenant Advocate(QTA) role approved by DE Supreme Court and new role was created at each of the three legal aid agencies.

QTA's receive on-the-job training combined with a 17-week formal program, culminating in written and practical exams to ensure competency in representing tenants.

Agencies increased staffing and training including lawyers and QTA's.

Settlement assistance funds helped resolve cases more quickly.

Zip code screening initially, but now all clients screened for RTR eligibility.

CLASI handles public housing cases, LSCD handles private housing cases, DVLS handles overflow and conflicts

Right to Representation in Evictions Cases Implementation Status

	Year 1 (partial year)	Year 2	Year 3
RTR Program	\$825,000	\$1,650,000	\$2,450,000 + \$550,000 from GIA

Implementation period for the program resulted in successful ramp up of capacity, outreach, and cases handled.

FTE added for RTR Coordinator

Legal services staffing increased from 9 FTE's in 2019 to 24 in 2025.

Full implementation projected to be approximately 2200 cases based on projected eviction filings, eligibility, and tenants wanting to be represented.

More clients are remaining engaged and receiving direct services.

Increased word of mouth referrals.

Right to Representation FY 2025 (RTR Year 2) IMPACT

Outcomes for Tenants and Landlords:

- 1,726 new cases in year 2, impacting over 6,000 low-income Delawareans including 1,926 children
- 1,138 cases closed in year 2 – over 80% had positive outcomes including:
 - Evictions prevented and tenancies preserved, reducing involuntary moves and displacement.
 - Housing subsidies preserved.
 - Safer housing secured including accommodations for vulnerable tenants.
 - Negotiated settlements including payment plans or additional time to move when needed.
- Settlement assistance and case resolution get landlords paid.

Partnership among courts, legal aid providers, and landlords

- Monthly meetings with all parties on system improvement.
- Coordinate outreach and training.

Improved Court Outcomes

- Judges report cases resolve more efficiently with tenant representation.
- People more willing to participate in judicial process - default judgements went from 29% in 2019 to 18% in 2025.

Eviction Filings down **40%** since 2019 (pre-pandemic) level of 17,400 to 10,441 in 2025.

Our Ask:

**\$3.2 million for
FY27 (Year 4 of
Implementation)**

The FY27 GRB currently includes \$2,450,000.

Background: SB 1 (152nd GA) envisioned a three-year phase-in to reach full implementation at an estimated budget of \$3.2 million.

Sustaining investment in RTR:

- Keeps families housed and reduces costly homelessness and emergency system impacts.
- Helps landlords secure faster, more reliable resolutions.

Note: The FY26 GIA included \$550,000 in one-time funding in addition to the base operating budget. This funding will go away in FY27.