



SPONSOR: Sen. Townsend

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE AMENDMENT NO. 1
TO
SENATE BILL NO. 1

AMEND Senate Bill No. 1 on line 42 by deleting "security deposits," after "actions," and before "habitability" therein.

FURTHER AMEND Senate Bill No. 1 on lines 49 and 59 by inserting "Delaware" after "the" and before "Supreme".

FURTHER AMEND Senate Bill No. 1 on line 52 by inserting "a," after "(a)(1)" and before "Except" therein.

FURTHER AMEND Senate Bill No. 1 on line 52 by deleting "subsection" and inserting in lieu thereof "paragraph".

FURTHER AMEND Senate Bill No. 1 on line 52 by deleting "covered individual" and inserting in lieu thereof "tenant".

FURTHER AMEND Senate Bill No. 1 on line 53 by deleting "covered individual's" and inserting in lieu thereof "tenant's".

FURTHER AMEND Senate Bill No. 1 on line 53 by inserting "over the immediately preceding 12 months" after "income" and before "is" therein.

FURTHER AMEND Senate Bill No. 1 by inserting the following after line 55 and before line 56:

"b. For the purpose of determining household income, a co-signor of a rental agreement and all members of the co-signor's family who reside with the co-signor are included in the household income calculation if the tenant is a full-time student, as designated by the institution in which the tenant is enrolled.".

FURTHER AMEND Senate Bill No. 1 on line 56 by deleting "covered individual" and inserting in lieu thereof "tenant".

FURTHER AMEND Senate Bill No. 1 on line 56 by deleting "entitled" and inserting in lieu thereof "eligible".

FURTHER AMEND Senate Bill No. 1 on line 58 by deleting "covered individual's" and inserting in lieu thereof "tenant's".

FURTHER AMEND Senate Bill No. 1 on line 62 by deleting “covered individual” and inserting in lieu thereof “tenant”.

FURTHER AMEND Senate Bill No. 1 on line 64 by deleting “3. Appeals are deemed by an attorney to lack merit.” and inserting in lieu thereof “3. An attorney deems the tenant’s defense or appeal to lack merit.”.

FURTHER AMEND Senate Bill No. 1 by deleting lines 68 through 70 and inserting in lieu thereof the following:

“(1) A landlord provides a notice to the tenant as follows:

a. Under § 5502 of this title that rent is past due.

b. Under § 5513 of this title that the tenant has violated a material provision of the rental agreement.

c. Under § 5106 of this title that the rental agreement is terminated, if the rental agreement is one that may only be terminated for good cause or a material violation by the tenant.”.

FURTHER AMEND Senate Bill No. 1 on line 71 by deleting “an eviction” after “of” and before “proceeding” therein and inserting in lieu thereof “a covered”.

FURTHER AMEND Senate Bill No. 1 on line 76 by deleting “Legal” after “(c)” and before “representation” therein and inserting in lieu thereof “A covered individual’s opportunity to receive legal”.

FURTHER AMEND Senate Bill No. 1 by deleting lines 77 through 79 in their entirety and inserting in lieu thereof “covered proceeding.”.

FURTHER AMEND Senate Bill No. 1 on line 80 by inserting “by the covered individual’s legal representative” after “referred” and before “to”.

FURTHER AMEND Senate Bill No. 1 on line 91 by inserting “, rental property owners, and property managers” after “tenants” and before the period therein.

FURTHER AMEND Senate Bill No. 1 on line 92 by inserting “and providing landlords with the written information that must be distributed to tenants” after “tenants” and before the period therein.

FURTHER AMEND Senate Bill No. 1 by inserting the following after line 111 and before line 112:

“(6) A full accounting of expenditures by the Attorney General and Right to Representation Coordinator under this chapter.”.

FURTHER AMEND Senate Bill No. 1 on line 114 through 115 by deleting “an informational brochure approved by the Coordinator that explains” and inserting “informational materials prepared by the Coordinator that explain” therein.

FURTHER AMEND Senate Bill No. 1 on line 116 by inserting the following after the period and before “The” therein:

“The Coordinator shall prepare the informational materials in English, Spanish, and Haitian Creole.”.

FURTHER AMEND Senate Bill No. 1 on line 116 by deleting “brochure” and inserting in lieu thereof “informational materials”.

FURTHER AMEND Senate Bill No. 1 by deleting lines 118 through 120 in their entirety and inserting in lieu thereof the following:

“(1) After [the effective date of Section 1 of this Act], on signing a written rental agreement or entering into a rental agreement that is oral.

(2) On the first renewal or modification of a rental agreement occurring after [the effective date of Section 1 of this Act].

(3) When the landlord provides any of the notices under § 5602(b)(1) of this title.

(4) When a tenant receives notice of the termination of a housing subsidy.”

FURTHER AMEND Senate Bill No. 1 on line 122 by deleting “[the effective date of this Act]” and inserting in lieu thereof “[the effective date of Section 1 of this Act]”.

FURTHER AMEND Senate Bill No. 1 after line 134 and before line 135 by inserting the following:

“(c) The provision of legal representation to a covered individual is not intended to be the sole basis for a continuance of a covered proceeding scheduled before [the effective date of Section 1 of this Act] for a hearing on or after [the effective date of Section 1 of this Act].”.

FURTHER AMEND Senate Bill No. 1 on line 138 by deleting “[the effective date of this Act]” and inserting in lieu thereof “[the effective date of Section 2 of this Act]”.

FURTHER AMEND Senate Bill No. 1 on line 141 by deleting “A conciliation” and inserting in lieu thereof “An initial mediation”.

FURTHER AMEND Senate Bill No. 1 on line 146 by deleting “conciliation” and inserting in lieu thereof “initial mediation”.

FURTHER AMEND Senate Bill No. 1 on line 147 by deleting “conciliation” and inserting in lieu thereof “initial mediation”.

SYNOPSIS

This Amendment does all of the following:

(1) Removes a judicial or administrative proceeding to remedy a violation of law related to security deposit from the list of proceedings included in a covered proceeding.

(2) Replaces “covered individual” with “tenant” in the provision determining a tenant’s eligibility to be a covered individual.

(3) Makes clear that a covered individual’s household income is to be determined over the immediately preceding 12 months.

(4) Makes clear how to determine household income for a full-time student.

(5) Tabulates the list of notices provided by a landlord that trigger a covered individual's receipt of legal representation and further clarifies the notice related to termination of a rental agreement.

(6) Provides that a designated organization may decline representation if an attorney deems the covered individual's defense to lack merit, in addition to a determination by the attorney that an appeal lacks merit.

(7) Provides that a covered individual is entitled to receive legal representation as soon as practicable after the initiation of a covered proceeding, rather than just an eviction proceeding.

(8) Removes the requirement that a court, at a covered individual's first appearance in a covered proceeding, provide a covered individual with notice of the individual's right to, and the availability of, legal representation under this Act. This notice is intended to be provided earlier by the Right to Representation Coordinator ("Coordinator").

(9) Requires that events planned for, and information distributed to, tenants also be made available to landlords and property managers.

(10) Requires that the Coordinator include a full accounting of their expenditures as part of the required annual report.

(11) Provides that the Coordinator is to prepare information explaining legal representation available to tenants, provides that the information is known as "informational materials", requires the Coordinator to prepare the informational materials in English, Spanish, and Haitian Creole, and clarifies the events that require the informational materials to be provided to a tenant.

(12) Clarifies the date from which actions are to be taken by the Coordinator and the Justice of the Peace Courts.

(13) Makes clear that the provision of legal representation to a covered individual under Section 1 of this Act is not intended to be the sole basis for a continuance of a covered proceeding scheduled before the effective date of Section 1 of this Act for a hearing on or after the effective date of Section 1 of this Act.

(14) Provides that the residential eviction diversion program include an initial mediation conference rather than a conciliation conference.

(15) Makes technical corrections, including to use the defined term "rental agreement" instead of "lease" and to insert "Delaware" before "Supreme Court" for clarity.

Author: Senator Townsend