



SPONSOR: Rep. Matthews & Sen. Poore

HOUSE OF REPRESENTATIVES  
150th GENERAL ASSEMBLY

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:

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

3           § 9301 Civil jurisdiction; amount in controversy.

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

5           (1) Common-law actions in contract, express or implied, and common-law actions in tort for damage,  
6     destruction or taking of personal property (including replevin), for injury to real property, and for trespass on the land.  
7     Jurisdiction over such actions shall be limited to actions in which the matter in demand, damage claimed, or the value  
8     of the property whose return is sought does not exceed ~~\$15,000~~ \$25,000; provided, however, that the \$25,000 limit  
9     does not apply to monetary claims, counter-claims, or cross-claims asserted in an action for summary possession as  
10    provided in Chapter 57 of Title 25 and arising from or relating to a commercial lease as defined in Part IV of Title 25.

11    A penalty in any contract exceeding that sum shall not exclude it from this jurisdiction if the sum actually due thereon  
12    is within it. The interest also due on any cause of action within this jurisdiction may be added, although the judgment,  
13    with interest so added, exceeds ~~\$15,000~~ \$25,000.

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

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

19           CHAPTER 57. SUMMARY POSSESSION.

20           § 5701B Civil jurisdiction; bifurcated claims.

21           Parties aggrieved in matters arising from a commercial lease in which summary possession is sought may split or  
22    bifurcate the cause of action and file an action for summary possession and also file a plenary action between the same

23 parties over the same lease in another court. Such plenary actions must be commenced no later than six months after a final  
24 judgment is entered in the action for summary possession.

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

#### SYNOPSIS

This Act would both raise the jurisdictional limit of the Justice of the Peace Court to \$25,000 and allow Justice of the Peace to consider claims in excess of the jurisdictional limit where the underlying matter involves a commercial tenancy and possession of the rental unit is at issue. Currently, if a party is owed rent in excess of the jurisdictional limit they must either submit to the jurisdictional limit of the Court and forego the portion of the claim which exceeds the jurisdictional limit or bifurcate the case, filing both for possession in the Justice of the Peace Court and a debt action in a court of competent jurisdiction. While this Act would increase efficiency in terms of allowing one court to consider all aspects of the case it would in no way preclude a party from bifurcating the action if they chose to do so.