

RIGHT TO REPRESENTATION IN EVICTIONS CASES

Year 2 Status Report: 7-1-2024 TO 6-30-2025

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Executive Summary

Eviction is one of the most destabilizing crises a family can experience, often triggered by job loss, illness, or unmanageable housing costs. Eviction defense is a proven homelessness-prevention strategy: timely legal assistance reduces displacement, preserves access to critical benefits, allows families time to relocate safely when necessary, and prevents outcomes that lead to homelessness. National data show most tenants facing eviction have nowhere to go if removed from their homes, underscoring the importance of Right to Representation in stabilizing families in crisis.

FY 2025 Highlights of Program Impact

- **Scale of service:** Right to Representation provided legal assistance to **1,726 households facing eviction**, benefiting **4,152 individuals**, including **1,926 children**, across both subsidized and private housing.
- **Eviction Filings have decreased by 36%** since 2019.
- **The program delivers a wide range of meaningful outcomes** (many occurring outside a traditional courtroom “win”) that stabilize housing and prevent displacement, including at least **792 evictions avoided, 480 settlements, 141 cases with financial relief, and 103 housing subsidies preserved**. Some outcomes overlap, reflecting the program’s layered impact on keeping families safely housed.
- **Improved court outcomes:** The Justice of the Peace Court (JP Court) reported more focused legal issues, earlier stipulations, and **continued declines in default eviction judgments—from 29% in 2019 to 18% in 2025**—as tenant participation increased.
- **Expanded access and court coordination:** Legal aid agencies strengthened eviction case processing through expanded legal services, coordination with landlords and the JP Court, and continued use of the cost-effective Qualified Tenant Advocate (QTA) model.
- **Settlement assistance results:** Emergency Rental Assistance (ERA) funds supported negotiations in 480 cases (average \$1,327 payment to landlords), helping tenants remain housed, preserve vouchers, or relocate without an eviction record. These funds stabilize tenants while making landlords whole by resolving arrears, providing prompt payment, and reducing turnover—benefits landlords consistently acknowledge and appreciate.
- **Strong return on investment:** Stout’s 2021 analysis projected a **276% return on investment**, such that Delaware’s **\$4,070,000 FY 2025 investment** (including ERA funds for legal services and for settlement assistance) is estimated to have generated **approximately \$11,240,000 in State savings** by reducing reliance on shelters, emergency services, and other social safety-net systems.

Funding Note: ERA funds were used by the legal aid agencies to temporarily supplement State funding for RTR from program launch on November 22, 2023 through September 2025, allowing the agencies to meet targeted case volumes, recognizing that some cases required more time and resources than initially projected. Data in this report reflect all cases handled during the period, regardless of funding source. With ERA funds now fully expended, sustained state investment is essential to maintain program capacity, meet the Legislature’s intended goals, and continue strengthening Delaware’s housing stability infrastructure.

Funding Source	FY2024 Cases	FY2025 Cases
Legislature funding for Right to Representation	619	821
ERA and Violence Against Women’s Act (VAWA) funding	338	905
Grand Total	957	1,726

Note: Includes both opened and closed cases as of June 30, 2024 and June 30, 2025.

1. Background and Legislative Intent

In July 2023, Delaware enacted the Right to Representation law, championed by Senator Bryan Townsend and Representative Melissa Minor-Brown, establishing a right to free legal assistance for low-income tenants facing eviction. The law created a phased implementation plan beginning November 22, 2023 and set out core statutory elements:

- Eligibility for tenants with household incomes below 200% of the Federal Poverty Level.
- Exemption for landlords who own three or fewer rental units.
- Creation of a mandatory eviction diversion (mediation) process.
- Establishment of the Right to Representation Coordinator position to lead statewide implementation, facilitate interagency collaboration, and oversee outreach and data collection.

This report fulfills the statutory requirement to provide the Court and Legislature with an assessment of the progress of RTR during its second year of implementation.

2. Program Structure and Implementation Model

2a. Legal Aid Agencies

RTR is delivered through a collaborative model involving Delaware's three nonprofit legal aid agencies:

- **Community Legal Aid Society, Inc. (CLASI)** – Represents tenants in subsidized housing in eviction and termination of subsidy cases.
- **Legal Services Corporation of Delaware, Inc. (LSCD)** – Represents tenants in private-market eviction cases.
- **Delaware Volunteer Legal Services, Inc. (DVLS)** – Handles overflow and conflict cases and serves, per statute, as the fiscal agent for RTR funds and the home of the Right to Representation Coordinator.

This structure allows the agencies to coordinate statewide resources, avoid duplication, and ensure consistency in service delivery. The agencies collaborate through joint funding requests, coordinated leadership meetings, and a shared QTA training program. To increase accessibility, the agencies launched an online intake platform that allows tenants to apply for legal assistance in their eviction case outside business hours, with applications routed directly to the appropriate provider. Additional self-help tools are under development through the Legal Help Link, scheduled for full rollout in 2026.

2b. Qualified Tenant Advocates

Delaware has taken a historic step as the first state in the nation to authorize non-attorney advocates to represent tenants in eviction cases. This innovation not only helps close the justice gap in landlord-tenant court, but also creates a trained workforce positioned to provide high-quality representation to tenants eligible for assistance under the Right to Representation law.

For decades, the JP Court has permitted landlords to be represented by non-attorney “Form 50” agents. In March 2022, the Delaware Supreme Court amended its rules to create a parallel framework for tenants by authorizing Qualified Tenant Advocates (QTAs). Under the rule, QTAs must be employed by a legal aid organization, supervised by an attorney, and trained in the Delaware Landlord-Tenant Code, the Rules of Evidence, the Rules of the Justice of the Peace Court, and core principles of legal professionalism.

The legal aid agencies have developed a comprehensive training and workforce-development model for QTAs, including a 17-week class with homework and a final exam in conjunction with structured on-the-job training. The agencies have prioritized recruiting and retaining advocates dedicated to strengthening fairness and efficiency within Delaware’s eviction courts.

To date, seven QTAs across the three legal aid agencies have completed certification and are now providing representation statewide. Together in FY 2025, they represented nearly 600 tenants, expanding the program’s capacity in a cost-effective and timely manner while maintaining strong supervision and high-quality client service.

2c. Right to Representation Coordinator

The Right to Representation Coordinator, housed at DVLS, is responsible for overseeing coordinated implementation across the three legal aid agencies, managing data collection and reporting, and planning and executing statewide outreach efforts to tenants, landlords, and community partners.

One of the responsibilities of the RTR Coordinator was to establish priority zip codes as a capacity-management safeguard in case demand exceeded available staffing. As the program has scaled and staffing increased, there have been very few instances in which eligible cases needed to be turned away based on geography.

The RTR Coordinator also identifies opportunities for national collaboration and exchange of information by engaging with Right-to-Counsel initiatives, participating in conferences and peer-learning networks, and pursuing external grants that can strengthen and support Right to Representation in Delaware.

2d. Outreach, Education, and Engagement

Community awareness of Delaware’s Right to Representation continued to grow in FY 2025 through coordinated statewide outreach to tenants, landlords, service providers, and local governments. Outreach to tenants was targeted to high-eviction zip codes. Strengthened communication with the JP Court, community organizations, and elected officials was a priority. To support the implementation of Right to Representation, the RTR Coordinator and the Legal Aid agencies participated in statewide housing events, provided briefings to Wilmington City Council and New Castle County Council, and

provided multilingual tenant notices for landlords and the JP Court to distribute to tenants. Additionally, a small pilot survey of RTR clients highlighted areas of confusion about court notices and mediation procedures which has been relayed to the Court.

To ensure engagement with tenants immediately after filings, the RTR Coordinator partnered with Delaware 211. Utilizing court data, Delaware 211 was provided with phone numbers and/or email addresses for approximately 30% of the households facing eviction and through text messages, emails, and direct phone calls, 211 provided households with a connection to legal aid intake and helped tenants navigate related needs such as utilities, employment, and public benefits.

Selected Outreach Activities (FY 2025):

- Targeted in-person outreach across 14 high-eviction zip codes, distributing approximately 3,500 flyers at over 100 locations, including laundromats, libraries, clinics, stores, and apartment complexes.
- Participation in statewide events such as the Housing Alliance Delaware Day for Housing and the University of Delaware Conference on Homelessness.
- Delaware 211 outreach: 3,667 emails, 4,117 texts, 634 text responses, 775 callers linked to intake, and 96 tenants assisted with application completion.

Together, these outreach initiatives broadened public understanding of RTR, strengthened early connections to legal representation, and supported more coordinated eviction-response efforts statewide.

2e. Court-Legal Aid-Landlords Collaboration

A court-agency-landlord committee meets monthly to work on procedural improvements, including revisions to court forms and enhancements to Online Dispute Resolution system instructions. Legal aid agencies also collaborated with mediators and the JP Court in the court's launch of the Eviction Diversion Program (EDP), contributing insights and training from direct client experience. The goal of these collaborative efforts is to improve communication, reduce confusion among litigants, and help shape a more coordinated eviction diversion system.

3. FY2025 Data

3a. Data Collection and Methodology

This report includes data from the JP Court and Delaware's three legal aid providers.

JP Court data spans from mid-2019 through November 2025, and includes information on eviction filings, writs of possession approved, and completed evictions. Because the JP Court began collecting data midway through 2019, that year's data is incomplete, but still serves as a useful baseline for identifying long-term trends. The dataset from the JP Court includes both residential and commercial filings; although commercial cases cannot be separated out, a review of weekly reports indicates that they constitute only a small proportion of total filings.

Data in this report provided by CLASI, LSCD, and DVLS covers July 1, 2024 through June 30, 2025, the first full year of Right to Representation implementation following a seven-month launch period in Year 1 (November 22, 2023 to June 30, 2024), and reflects services delivered, client demographics, and outcomes.

The CLASI Grants Administrator is supporting the RTR Coordinator in data reporting and analysis, strengthening consistency in data collection and reporting across agencies. Additional capacity for data analysis is planned for the coming year to improve data accuracy, completeness, and support long-term evaluation of program effectiveness.

3b. Decline in Eviction Filings, Writs, and Completed Evictions (see Appendices 1-4)

Delaware has experienced a substantial long-term reduction in eviction activity across all stages of the process. Filings declined from **17,749 in 2019** to approximately **11,400 in 2024 (and on track for a similar total in 2025)**, a reduction of **6,349 cases**, representing a **35.8% decrease** over six years. (Note that the JP Court data is reported on a calendar year basis, and the RTR program reports data for fiscal years ending June 30).

A similar moderating trend is visible in **writs of possession** and **completed evictions**, both of which remain well below pre-pandemic expectations. In 2019, courts recorded (for the second six months of the calendar year) **2,002 writs issued** and **1,414 completed evictions (a full year would have been approximately 4,000 writs issued and 2,830 completed evictions)**. By 2024, these numbers were **2,594 writs** and **1,789 completed evictions**—notably lower than would be anticipated if filings had returned to 2019 volume. This suggests that more cases are being resolved earlier through legal representation, rental assistance, and negotiated settlements, reducing the proportion of cases that advance to enforcement.

Eviction activity also follows a **predictable seasonal rhythm**, with filings, writs, and completed evictions rising in the late summer and early fall (July–October) and dipping during winter and early spring. Writs and completed evictions typically lag filing spikes by one to two months,

reflecting the normal timeline from court filing to enforcement. This pattern underscores the importance of **early intervention**—legal assistance, mediation, and financial support are most effective when provided before cases progress to the issuance of writs and the risk of displacement increases.

Together, these long-term and seasonal trends reinforce the conclusion that Delaware’s RTR implementation, Delaware State Housing Authority (DSHA) rental and move-in assistance, and the DSHA/ERA-funded Settlement Assistance Program have helped to stabilize households, reduce court caseloads, and prevent avoidable evictions.

3c. Legal Representation

In Year 2, RTR provided legal assistance statewide to 1,726 clients in private evictions, and subsidized evictions, or termination of subsidy cases. Representation was provided by attorneys and QTAs. The majority of cases were either litigated (26.5%) or resolved outside of court (41.5%), with fewer than 6% ending in no service primarily due to client withdrawal. Approximately 26% of cases remained open at the end of the reporting period.

3d. Client Demographics

The majority of clients that RTR is serving are considered extremely low income, many of whom face unsafe conditions, limited access to alternative housing, and significant barriers to navigating the eviction process without legal assistance.

INCOME LEVEL:

RTR continues to serve tenants with significant financial and housing vulnerability. Among the 1,726 cases opened during the reporting period, demographic patterns reflect the program’s focus on reaching households with the highest risk of eviction and housing instability. 55% of tenants served had household incomes below 100% of the Federal Poverty Level (FPL), and 45% had incomes between 100% and 200% of FPL, meeting statutory eligibility requirements.

**Total Cases Handled by Service Level Provided and Federal Poverty Level (FPL),
July 1, 2024 – June 30, 2025**

Service Level Provided	Below 100% FPL		100% to 200% FPL		Total	
	#	%	#	%	#	%
Open (as of June 30, 2025)	247	25.92%	202	26.13%	449	26.01%
Litigation	284	29.80%	173	22.38%	457	26.48%
Resolved Outside Litigation	389	40.82%	328	42.43%	717	41.54%
Client Withdrew	46	4.83%	29	3.75%	75	4.34%
No Direct Service	13	1.36%	15	1.94%	28	1.62%
Grand Total	953	55.21%	773	44.79%	1,726	100.00%

Notes: Includes both opened and closed cases as of June 30, 2025. Legal service provided is grouped as follows: "Open (as of June 30, 2025)" includes cases that had not been resolved at the close of the reporting period; "Litigation" includes cases resolved through court decisions (both contested and uncontested) or negotiated settlements with litigation; "Resolved Outside Litigation" includes cases resolved through negotiated settlements without litigation, administrative proceedings, informal advocacy, or other brief or limited services; "Client Withdrew" includes cases where the client either withdrew before legal assistance was provided or did not return; and "No Direct Service" includes cases where no direct legal services were provided, such as when clients were referred after legal assessment, cases lacked merit, were outside priorities, or the client withdrew due to agency conflicts, death, or other circumstances.

Housing and Conditions Issues:

- Approximately 17% of cases involved tenants reporting poor or unsafe housing conditions, including lack of heat, water, mold, or other habitability concerns.
- Cases involving conditions issues were somewhat more likely to require litigation or extended representation, reflecting greater case complexity.
- Data collection on conditions issues has been improved for FY 2026 such that there will be very few in the "unknown" category.

**Total Cases Handled by Service Level Provided and Client Alleged Conditions Issue,
July 1, 2024 – June 30, 2025**

Service Level Provided	Conditions Issue		No Conditions Issue		Unknown Conditions Issue		Total	
	#	%	#	%	#	%	#	%
Open (as of June 30, 2025)	75	25.77%	205	22.33%	169	32.69%	449	26.01%
Litigation	84	28.87%	257	28.00%	116	22.44%	457	26.48%
Resolved Outside Litigation	121	41.58%	364	39.65%	232	44.87%	717	41.54%
Client Withdrew	9	3.09%	66	7.19%	0	0	75	4.34%
No Direct Service	2	0.69%	26	2.83%	0	0	28	1.62%
Grand Total	291	100%	918	100%	517	100%	1,726	100%

Notes: Includes both opened and closed cases as of June 30, 2025. Legal service provided is grouped as follows: "Open (as of June 30, 2025)" includes cases that had not been resolved at the close of the reporting period; "Litigation" includes cases resolved through court decisions (both contested and uncontested) or negotiated settlements with litigation; "Resolved Outside Litigation" includes cases resolved through negotiated settlements without litigation, administrative proceedings, informal advocacy, or other brief or limited services; "Client Withdrew" includes cases where the client either withdrew before legal assistance was provided or did not return; and "No Direct Service" includes cases where no direct legal services were provided, such as when clients were referred after legal assessment, cases lacked merit, were outside priorities, or the client withdrew due to agency conflicts, death, or other circumstances.

Service levels varied by case, but data shows that cases involving housing conditions issues and cases involving clients below 100% of the federal poverty level were slightly more likely to require litigation or remain open longer, reflecting higher complexity.

County Distribution:

72% of clients lived in New Castle County, 16% in Kent County, and 12% in Sussex County. These patterns align with statewide eviction-filing concentrations and local population density.

Total Cases Opened by County July 1, 2024-June 30, 2025

County	Number	Percent
Kent	276	15.99%
New Castle	1,245	72.02%
Sussex	205	11.99%
Grand Total	1,726	100.00%

Source: Community Legal Aid Society, Inc., Delaware Volunteer Legal Services, and Legal Services Corporation of Delaware, Inc., August 2025. Notes: Includes both opened and closed cases as of June 30, 2025.

3e. Landlord Representation Patterns

Most RTR cases were resolved outside of litigation. Across cases where landlord representation is known (Form 50 agent, attorney, or self-represented landlords), when landlords were self-represented, a majority of cases settled without a full court proceeding. Attorney-represented landlords were the most likely to litigate, with more than half of their cases proceeding to litigation. Form 50 agent cases showed a more balanced mix of litigation and negotiated resolutions. Overall, these patterns indicate that landlord representation type may indicate the complexity of the case and strongly influences whether a case is negotiated or fully litigated.

Total Cases Handled by Service Level Provided and Landlord Representation										
	Form 50 Agent		Attorney		Landlord Self-Rep		Unknown		Totals	
	#	%	#	%	#	%	#	%	#	%
Open (as of 6-30-25)	45	9.3%	29	12.3%	16	7.3%	359	45.6%	449	26.0%
Litigation	177	36.6%	129	54.9%	42	19.2%	109	13.8%	457	26.5%
Resolved Outside Lit.	229	47.3%	73	31.1%	125	57.1%	290	36.8%	717	41.5%
Client Withdrew	20	4.1%	0	0.0%	27	12.3%	28	3.6%	75	4.3%
No Direct Service	13	2.7%	4	1.7%	9	4.1%	2	0.3%	28	1.6%
Grand Total	484	100%	235	100%	219	100%	788	100%	1726	100%

Notes: Includes both opened and closed cases as of June 30, 2025. Legal service provided is grouped as follows: "Open (as of June 30, 2025)" includes cases that had not been resolved at the close of the reporting period; "Litigation" includes cases resolved through court decisions (both contested and uncontested) or negotiated settlements with litigation; "Resolved Outside Litigation" includes cases resolved through negotiated settlements without litigation, administrative proceedings, informal advocacy, or other brief or limited services; "Client Withdrew" includes cases where the client either withdrew before legal assistance was provided or did not return; and "No Direct Service" includes cases where no direct legal services were provided, such as when clients were referred after legal assessment, cases lacked merit, were outside priorities, or the client withdrew due to agency conflicts, death, or other circumstances.

3f. Case Outcomes

Among the 1,256 cases with documented outcomes, Legal Aid achieved a wide range of stabilizing results, including preventing evictions, stopping improper filings and judgments, and preserving tenants' housing and legal rights. **Avoiding an eviction record is especially critical, as many landlords will not rent to a household with a prior filing, and housing subsidy is lost as a consequence of eviction—making record prevention one of the most important outcomes for ensuring a family can be rehoused in the future.**

Representation also led to meaningful financial relief, negotiated settlements, time to relocate when necessary, and the preservation of housing subsidies and participation in subsidized housing programs. In addition, Legal Aid addressed unsafe housing conditions, secured reasonable accommodations, prevented discrimination, and provided brief services and referrals—demonstrating that RTR support extends well beyond litigation to long-term housing stability and problem-solving.

Note that cases may have more than one outcome reported.

- **Eviction Prevention:** 792 evictions prevented.
- **Tenant Rights Preservation:** Illegal charges overturned in 3 cases; 47 involuntary moves prevented; and tenancy preserved—indefinite in 96 cases and limited-term in 27.
- **Financial Relief & Support:** Monetary relief, back-rent waivers or reductions, or rental assistance secured in 141 cases; 480 negotiated settlements; and 29 cases where tenants secured additional time to move.
- **Housing Conditions & Accessibility:** Defective or unsafe housing conditions remediated in 13 cases; reasonable accommodations secured in 13 cases; and housing discrimination prevented or addressed in 3 cases.
- **Other Benefits:** 103 housing subsidies or vouchers preserved; participation in subsidized housing programs preserved in 30 cases.

These outcomes demonstrate that RTR support extends beyond litigation to include negotiation, access to resources, and preserving long-term housing opportunities.

3g. Default Rates

A default judgment in an eviction case is entered when a tenant does not appear in court or is otherwise unable to participate, resulting in an automatic ruling for the landlord without the tenant's circumstances or defenses being heard. Historically, defaults made up nearly one-third of Delaware eviction outcomes—29% in 2019. Since the launch of the RTR program, the rate of default judgments has declined to 19% in 2024 and 18% in 2025. During this same period, eviction filings also fell from pre-pandemic highs of 17,749 in 2019 to approximately 11,000 in 2024 and 2025, suggesting that stronger communication, early legal intervention, and increased

tenant engagement are helping reduce both the volume of filings and the likelihood that tenants lose their housing by default. While multiple factors contribute to these trends, RTR has clearly helped more tenants understand and participate in their cases, leading to more disputes being resolved on the merits and fewer unnecessary, destabilizing evictions—advancing the Legislature’s goal of a more fair and efficient eviction process.

To build on this progress, we will continue working with the JP Court to identify practical ways to further reduce default judgments, including strengthening early communication with tenants, reinforcing mediation as the first step, and supporting tenant understanding in how to participate in their hearings. Even small improvements in these areas can help ensure more tenants receive timely information and assistance so that cases are resolved on the merits rather than by default.

3h. Repeat Clients

The RTR statute requires reporting on the number of covered individuals who have previously been represented in covered proceedings. A relatively small number of tenants in FY 2025 returned to legal aid for additional housing or eviction-related services. In total, 189 individuals previously represented through RTR had a subsequent covered proceeding—just 11% of all clients served—indicating a low recurrence rate among households who received representation. This trend aligns with national findings from other jurisdictions, where recurrence rates typically range from 6% to 18% among clients served in the prior year.

Consistent with legal case management best practices, the legal aid agencies use several methods to ensure timely closing of cases and opening separate cases for separate legal matters. For example, the agencies frequently generate case management reports that indicate the length of time legal matters have been pending to ensure that a resolved legal matter results in timely case closure. As a result, what may appear to be “duplicate” services for the same household is in fact the appropriate practice of opening new cases for new legal matters, rather than continuing an old file beyond its scope.

Additional reasons for multiple cases include:

- Different issue with the landlord followed the first case.
- Original case dismissed in Court due to technical defense and landlord refiled.
- Breach of stipulated agreement, and a new stipulated agreement was negotiated during the subsequent case.
- Breach of stipulated agreement, and in subsequent case, legal aid advocates were able to negotiate time to move out so tenant could make arrangements to move.
- Client did not respond in timely manner or withdrew from original case.
- Client received advice or brief services in both cases.

These patterns demonstrate both the immediate stabilizing effect of legal representation and the deeper structural challenges—such as low income, precarious housing conditions, and limited access to rental assistance—that drive repeat eviction filings. They also highlight the relational impact of the work: once clients receive support from a legal aid provider, they develop a level of trust that encourages them to return when new issues arise.

3i. Feedback from the Justice of the Peace Court

The RTR statute requires a report on the JP Court's experience with the process. A survey of twenty-one magistrates, ten court staff members, and one mediator conducted in October 2025 provides valuable insight into how the Right to Representation (RTR) program is functioning in courtrooms statewide. Their feedback reflects strong support for the program's purpose while identifying operational challenges and areas for improvement as implementation continues to mature.

- **Broad Support for RTR's Goals:** Judges and staff generally agree that RTR enhances fairness and helps tenants better understand the eviction process.
- **Representation Improves Case Quality:** Judges noted that represented tenants raise more relevant defenses, communicate more effectively, and engage more meaningfully in hearings.
- **Earlier and Smoother Case Resolution:** Most respondents reported increased stipulations and earlier settlements when attorneys or QTAs are involved.
- **Increased Motion Practice:** Judges observed more motions filed in represented cases—viewed by some as ensuring legal accuracy and by others as causing some delay.
- **Too Many Unrepresented Tenants:** Most respondents report that large numbers of tenants still come to court without counsel, despite required notices.
- **Persistent Challenges for Pro Se Tenants:** Many respondents reported that unrepresented tenants struggle to articulate defenses, gather evidence, or understand their rights.
- **Low Participation in Diversion:** Respondents noted limited use of mediation, and challenges related to tight notice-to-trial timelines that hinder meaningful diversion.
- **Inconsistent Notice Compliance:** Judges reported varying approaches to verifying landlord RTR notices, with discretion often determining whether cases proceed or are continued.
- **Need for Broader System Improvements:** Respondents recommended clearer forms, improved court website resources, standardized guidance, more outreach, and better long-term housing supports.

Overall, the judiciary's feedback shows strong alignment with RTR's core goals while highlighting opportunities for clearer communication, deeper tenant engagement, more

consistent notice practices, and stronger support for diversion as implementation matures. Judges noted low participation in mediation and shared that the Court is monitoring its use and considering changes to make it more useful and accessible. Respondents also identified challenges related to inconsistent verification of landlord notices, and the Court indicated that guidance on handling failures of notice is forthcoming. As these improvements take shape, the legal aid agencies will continue to work with the Court to explore practical steps that enhance communication, encourage earlier engagement, and ensure tenants receive the information and support needed to meaningfully participate in the eviction process.

3j. Form 50 Agent Activity

The RTR statute requires reporting on the experience level of Form 50 agents (non-attorney representatives authorized under Delaware Supreme Court Rule 57 to represent landlords) and the number of filings made by each agent within a 12-month period. The form was updated in 2023 to include an optional field requesting the number of units owned or managed by the filing entity; however, because Form 50 is not collected digitally, this information remains difficult to analyze at scale. The JP Court provided scanned copies of all **1,939** submitted Form 50 certificates for the reporting period. A random review of **175** forms showed that only **26%** contained responses to the optional “units owned/managed” field, limiting the usability of this data.

The Court also provided aggregate information on Form 50 agent filing activity for July 1, 2024–June 30, 2025. A total of **548 agents** filed **8,863 cases** statewide:

- **50 agents** (9% of all agents) filed 45-268 cases each or 4,573 total (52% of Form 50 filings).
- **152 agents** filed 11–44 cases each or 3,132 in total (35% of Form 50 filings).
- **346 agents** filed 1–10 cases each or 1,158 in total (13% of Form 50 filings), including **136 agents** who filed only one case.

This JP Court data shows that a small group of agents account for the majority of eviction filings in Delaware. As Form 50 data collection improves, targeted outreach, education efforts, and compliance monitoring directed toward frequent filers may offer the greatest opportunity for meaningful system improvements.

3k. FY 2025 Data Summary

During FY 2025, RTR served 1,726 low-income tenants, most with incomes below 100% of the federal poverty level. Most cases were resolved through litigation or negotiated settlements outside of court, with only a small number ending in withdrawal or no direct service. About 17% of households reported unsafe or substandard housing conditions, which were more likely to require extended representation. Clients served by Right to Representation lived in all three

counties in numbers consistent with statewide eviction filing patterns. Eviction filings, which peaked in 2019, have remained below pre-pandemic levels in 2024–2025, reflecting the stabilizing effects of RTR and related housing supports.

Legal aid achieved a wide range of housing-stabilizing results, including preventing evictions and judgments, securing financial relief and settlements, preserving housing subsidies, and helping tenants avoid displacement or relocate safely. Default eviction judgments declined from nearly one-third of outcomes in 2019 to under one-fifth by 2024–2025, reflecting increased tenant participation and earlier legal intervention. Only 11% of clients returned for a subsequent eviction or housing case, consistent with national recurrence rates. Court feedback shows strong support for RTR’s goals, with judges reporting clearer issues, earlier settlements, and improved engagement in represented cases, while also identifying continued challenges related to unrepresented tenants, notice consistency, and limited use of mediation. Form 50 data show that a small group of agents account for most eviction filings, highlighting the value of targeted outreach and compliance efforts.

4. Accounting of Year 2 RTR expenditures – 7-1-24 to 6-30-25

	Total Legislature RTR Budget*	Legislature RTR Funds Spent	Total ERA/VAWA Funds Spent on RTR	Total RTR Funds Expended
	\$1,560,723			
DVLS		\$119,348		
CLASI		\$759,539		
LSCD		\$682,993		
Total for Legal Services Agencies		\$1,561,880	\$1,946,000	\$3,507,880
RTR Coordinator	\$161,735	\$96,324		\$96,324
Total FY 2025 RTR/Eviction Defense Funds	\$1,722,458	\$1,658,204		\$3,604,204
Roll over funds available for FY 2026 for RTR Coordinator**		\$64,254		

*FY 2025 Legislature funding was \$1.5 million for legal services, and \$150,000 for RTR Coordinator. The budget for FY 2025 includes \$60,723 in funds rolled over from legal services and \$11,735 for RTR Coordinator from FY 2024.

** The legislative allocation for FY 2026 was \$3,000,000 rather than the anticipated \$3.2 million. The RTR Coordinator is being funded in FY2026 by rollover funds from FY 2025, plus some eviction defense funds allocated by each agency.

4a. Funding and Capacity

Delaware's Right to Representation program has expanded steadily since its launch, supported by a combination of state appropriations and federal Emergency Rental Assistance funds. In FY 2025, legislative funding expended by the legal aid agencies totaled \$1,561,880, allocated across DVLS, CLASI, and LSCD to support core staffing for representation and training. In addition, the agencies utilized \$1,946,000 in ERA funds plus some VAWA funds, bringing total service capacity to \$3,507,880 for the year. This combined funding level—more than \$3.5 million—allowed the program to reach projected Year 3 service levels a year early, enabling all three legal aid providers to staff up, take on additional cases, and engage more tenants earlier in the eviction process than originally projected.

The RTR Coordinator position was funded separately in FY 2025, with \$161,735 (including \$11,735 in rollover funds from year 1) in legislative funds. After \$96,324 in expenditures, \$64,254 in coordinator funds will roll over into FY 2026.

Taken together including legislative funds, rollover funds utilized, and ERA funds, the total FY 2025 investment in RTR was \$3,604,204. Cost per case for the 1,726 cases handled comes to \$2,088 per case.

For FY 2026 or Year 3, RTR will be almost entirely supported by state legislative funding but supplemented by approximately \$498,000 in remaining ERA funds available during the first quarter of the fiscal year. This transitional ERA support will help maintain staffing continuity and service levels as the program moves fully into its third year and ERA funds wind down entirely. Legal services costs are increasing in FY 2026 due to salary increases to be consistent with comparable State public interest positions, as well as significant employee benefit cost increases. The impact will likely be that cost per case will increase to approximately \$2300, meaning that the program will not be able to sustain the year 2 level of cases.

4b. Return on Investment

In 2021, [national Right to Counsel experts at Stout projected that Delaware's investment in tenant representation would generate a 276% return](#), saving the State at least \$2.76 for every dollar invested by reducing the public costs of eviction and housing instability. An average case cost in FY 2025 of \$2,088 produces a strong return on investment, given that each case averted or resolved without displacement avoids much higher public costs associated with shelter use, emergency services, educational disruption, and homelessness.

This finding is particularly significant given Delaware's housing instability trends. From 2020 to 2025, Delaware experienced a 36 percent increase in the number of people experiencing homelessness. While eviction does not always result in immediate homelessness, research from

multiple jurisdictions consistently shows that eviction is a leading pathway into the shelter system. One of the most direct benefits of a right to representation is that it keeps people housed and out of emergency shelter, thereby avoiding the high public costs associated with homelessness services.

Applying Stout’s conservative estimate to FY 2025 investments, Delaware allocated a total of \$4,241,286 to Right to Representation (\$3,604,204 from the Legislature and from DSHA for legal services, plus \$637,082 in DSHA/ERA-funded settlement assistance). Using Stout’s savings ratio of 276%, this investment is estimated to have generated **\$11,706,000 in cost savings to the State**, primarily by reducing the need for expensive social safety-net responses tied to disruptive displacement, including shelter use, emergency services, and health-related interventions.

Notably, Stout’s analysis reflects state-level savings only. Additional cost savings at the county, municipal, and community level were not quantified but almost certainly accrue through reduced shelter utilization, emergency response, healthcare costs, and educational disruption. These local savings have not been quantified but are in addition to the state savings calculated above.

5. Complementary Supports

Two DSHA programs significantly intersected with RTR in FY 2025.

5a. Rental Assistance Program (Aug 2024 – May 2025)

- Served 1,556 renters
- Average assistance: \$5,476
- Limited to tenants with active eviction filings
- Applications submitted by DSHA-appointed agencies

5b. Settlement Assistance Fund

By resolving arrears and securing timely payments, settlement assistance provides direct financial benefit to landlords, strengthening cooperation and incentivizing stable housing outcomes.

- Allowed for up to \$1,500 per case for negotiated resolutions
- Assisted 480 tenants from July 2024–June 2025 (28% of all cases handled)
- Average settlement cost: \$1,327
- Total settlement assistance funds for FY 2025: \$637,082
- Enabled tenants to remain housed, preserve vouchers, or relocate without an eviction record
- Fund was fully depleted by Sept 2025

These supports helped stabilize households during a period of rising rents and economic strain. With both programs now exhausted, RTR remains one of the few remaining statewide stabilizing interventions in eviction cases.

6. Eviction Diversion Program and Impact on RTR

The Eviction Diversion Program was launched by the JP Court on July 1, 2024. Initial steps included hiring a program coordinator and sending letters encouraging landlords and tenants to use the Court's Online Dispute Resolution (ODR) platform. Several mediators were added in early 2025. Mediation occurs primarily through asynchronous messages exchanged between parties on the ODR platform.

Legal aid providers have resolved many cases through direct negotiation outside ODR and have identified the need for a more robust mediation system. National models indicate that mature diversion systems benefit from multiple points of engagement, proactive communication, and integrated supports. As the Eviction Diversion Program evolves, there may be opportunities to align with these practices to strengthen participation and outcomes.

7. Priorities for FY 2026 (Year 3)

Several implementation challenges and opportunities identified in Year 2 will guide the program's strategic priorities for the third year of Right to Representation. Outreach data and results of the JP Court survey show that many eligible tenants still do not fully understand required court notices or the availability of free legal assistance, resulting in too many households arriving in court without representation. Court staff, landlords, and legal aid providers each highlighted the need for clearer communication tools to help tenants navigate case timing and procedures. And the expiration of ERA rental and settlement-assistance funds has reduced the availability of financial supports that previously helped resolve cases early and stabilize households.

To address these challenges and continue strengthening the eviction response system, Year 3 priorities include:

- **Strengthening early tenant engagement** through enhanced multilingual materials, expanded community outreach, and coordinated communication strategies with the JP Court and landlords.
- **Supporting the JP Court in strengthening the Eviction Diversion Program** by offering recommendations to promote and improve mediation and align Delaware's approach with best practices from other successful diversion systems.

- **Expanding digital tools and access points** by advancing the Legal Help Link, enhancing online intake, and continuing integration with Delaware 211 to support outreach and intake assistance.
- **Strengthening long-term workforce capacity by continuing to refine the QTA model** and assessing new training approaches to prepare for future demand.
- **Increasing data quality and analytic capacity** to support evaluation, improve accuracy across agencies, and inform long-term planning for full statewide implementation.
- **Pursue new financial support opportunities to reestablish the settlement assistance fund**, recognizing that this resource delivers critical benefits to both tenants and landlords.

Despite major efficiencies achieved in Year 2—including expanded staff capacity, technology tools, and outreach—experience to date suggests that the long-term cost of providing high-quality, statewide representation may be higher than initially anticipated. Rising personnel and benefits costs, increased case complexity, and the loss of settlement assistance funds that previously helped resolve cases earlier and at lower cost are the primary factors contributing to this shift. Continued analysis and planning in Year 3 will help ensure the program remains aligned with the Legislature’s vision and is positioned for full implementation by Year 5.

8. RTR Program Status Update

The 2023 Fiscal Note assumed eviction filings would return to the pre-pandemic level of 18,000 per year, overestimating caseloads at full implementation. In reality, eviction filings have remained far lower—due in part to expanded legal assistance as well as rental and settlement assistance. Updated projections show a full implementation caseload of roughly **2,139 cases annually**, not 3,000. Although caseloads are lower than originally anticipated, **per-case costs have risen** and federal funds for legal services and settlement assistance have expired, meaning **state legislative funding must increase** to sustain service capacity, meet statutory obligations, and support effective eviction defense. The percentage assumptions for the case volume projection below have been estimated and updated from the original fiscal note assumptions as a result of two years of actual experience.

Right To Representation Case Volume Projection				
Metric	1-20-23 Fiscal Note Assumptions	Fiscal Note Projections	Year 5 (FY 2028) Full Implementation Assumptions	Year 5 (FY 2028) Full Implementation Projections
Planning Assumption		Return to pre- pandemic filing levels		Use FY25 actual volume
Current Annualized Filings		18,000		11,792
Income- Eligible	68.7%	12,366	68.7%	8,101
Cases not lost by default	70%	8656	80%	6,481
Adjusted for Landlord reasonable filing rate	46%	~4,000	55%	3,564
Accept/seek free representation	75%	3,000 cases/year	60%	2,139 cases/year

Right to Representation Annual Cost Projections							
Program Year	Legislature Funding	DSHA/ERA & VAWA funding	Total Funding	Legislature Funded Cases	DSHA/ERA & VAWA Funded Cases	Total RTR Cases	Avg. Cost per RTR Case
FY24 11/22/23 - 6/30/24) Actual	\$750,547	\$1,087,000	\$1,837,547	619	338	957	\$1,920
FY25 (year 2) Actual	1,658,204	\$1,946,000	\$3,604,204	821	905	1,726	\$2,088
FY26 (Projected Year 3)	3,000,000	\$498,000	\$3,498,000	1,422	175	1,521	~\$2,300
FY27 (Projected Year 4)	\$4,584,000	\$0	~\$4,584,000	1,875	0	1,910	~\$2,400
FY28 (Projected Year 5)	\$5,347,000	\$0	~\$5,347,000	2,022	0	2,139	~\$2,500

Additional Considerations:

- In addition to case specific costs, Year 1 costs charged to ERA included startup costs and other non-case specific expenses including developing and refining the QTA training curriculum.
- Use of settlement assistance funds allows the Legal Aid agencies to handle cases more efficiently by facilitating settlement discussions between the landlord and the tenant. Access to this funding has been critical for landlord engagement, as these funds ensure landlords are paid, reduce turnover costs, and support continued relationships with tenants who might otherwise face displacement. FY25 included \$640,000 in DSHA/ERA settlement assistance for settling 480 cases and paying landlords an average of \$1,327 per case. Settlement assistance in FY 2026 includes \$300,000 in settlement assistance for NCC residents provided by New Castle County ordinance. The RTR Coordinator has applied for \$250,000 from TD Bank grant for pre-filing settlement assistance and has prepared a \$500,000 ordinance for the City of Wilmington to consider.

- FY 2026 (Year 3) includes the final ERA distribution of \$498,000 for legal services in the first quarter.
- FY 2026 (Year 3) Case projections are based on funding already received from the Legislature and DSHA/ERA.
- Years 4–5 assumes no VAWA, no ERA, and no or limited settlement assistance funds.
- Cost increases have been incorporated into projections for Years 3, 4, and 5 due to rising salary and benefit costs, and the potential increase in hours per case due to loss of settlement assistance funds.

9. Conclusion

In its second year, Delaware’s Right to Representation program strengthened eviction case handling statewide by: expanding access to legal assistance, enhancing coordination with the JP Court and landlords, and advancing the innovative Qualified Tenant Advocate model. The program’s outcomes—reduced default judgments, more focused case presentation, meaningful settlement results, and improved housing stability—align with national research showing that legal representation is one of the most effective tools for preventing homelessness and its costly downstream impacts. Avoiding an eviction record is especially critical, as many landlords will not rent to a household with a prior filing and a family’s housing subsidy is often lost after an eviction—making record prevention one of the program’s most important contributions to future rehousing opportunities.

At the same time, the loss of settlement assistance funds and the increasing complexity and time required for many cases present financial challenges that will need to be addressed in Year 3. These factors, combined with rising personnel costs, indicate that sustaining high-quality, statewide representation may require additional resources to maintain the Legislature’s intended level of service.

With continued legislative support, ongoing collaboration with the JP Court and landlords, and targeted improvements in outreach, communication tools, digital access, and workforce development, RTR is well positioned to deepen its impact, strengthen Delaware’s housing stability infrastructure, and deliver long-term social and economic benefits for families and communities across the state.

Appendices

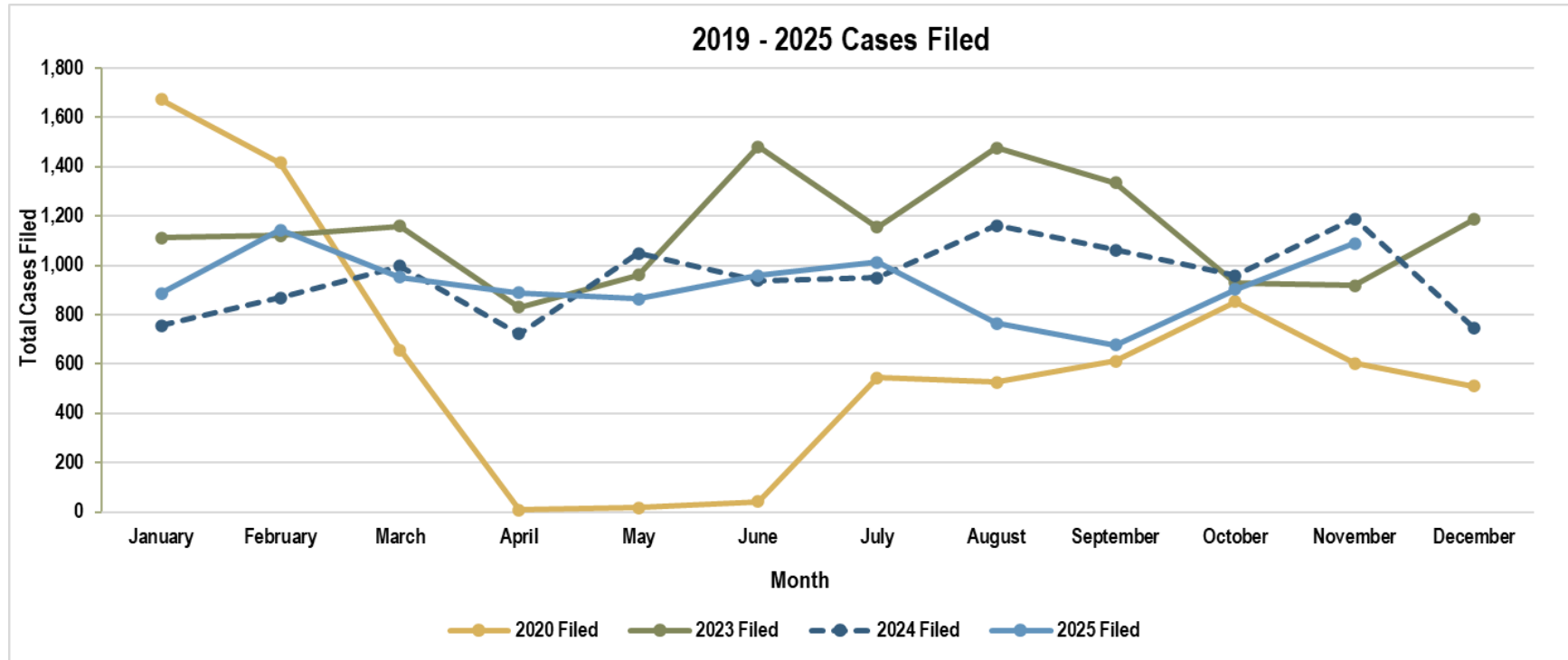
Appendix 1. Monthly Totals of Cases Filed, Writs Approved, and Evictions Completed, Delaware, 2019-2025

Month	2019			2020			2021			2022			2023			2024			2025		
	Filed	Writs	Eviction	Filed	Writs	Eviction	Filed	Writs	Eviction	Filed	Writs	Eviction	Filed	Writs	Eviction	Filed	Writs	Eviction	Filed	Writs	Eviction
January	1594			1504	411	264	551	100	201	829	116	105	1245	206	156	895	160	124	887	270	160
February	1553			1440	393	229	540	113	61	915	189	142	1255	235	158	859	203	120	1143	235	177
March	1260			657	253	110	677	156	96	1027	173	131	1137	333	249	866	271	200	951	197	155
April	1323			9	25	0	568	149	112	956	174	140	819	236	186	830	219	174	890	208	140
May	1435			15	2	0	533	118	90	868	149	119	1081	309	218	928	242	157	865	217	176
June	1324			46	5	2	567	130	73	918	152	103	1219	271	213	942	201	146	959	197	119
July	1677	173	133	551	41	11	634	232	153	876	194	135	1038	300	189	1131	165	130	1012	205	147
August	1673	397	310	565	13	22	847	188	156	1140	154	113	1244	426	265	1005	258	170	764	237	167
September	1467	372	228	732	21	19	837	117	127	989	104	107	1129	431	341	1098	202	121	678	156	102
October	1623	369	261	713	69	53	897	184	142	997	212	153	1029	235	193	1218	201	171	1334	326	223
November	1361	388	274	663	31	29	778	101	63	922	152	110	1076	216	126	872	244	141	1,089		
December	1459	303	208	568	47	15	921	165	103	1050	170	119	954	267	202	773	228	135			
Total	17,749	2,002	1,414	7,463	1,311	754	8,350	1,753	1,377	11,487	1,939	1,477	13,226	3,465	2,496	11,417	2,594	1,789	10,572	2,248	1,566

Source: Delaware Justice of the Peace Court, Filing Data, 2019-2024. Data provided directly by the Delaware Justice of the Peace Court.

Notes: Case filing data was provided separately from the writs and evictions data. For 2019, complete data for writs and evictions were unavailable and includes data from July 19 – December 27, 2019. 2025 data for filings includes January 1 – November 22, 2025, and writs and evictions data includes January 1 - November 1, 2025.

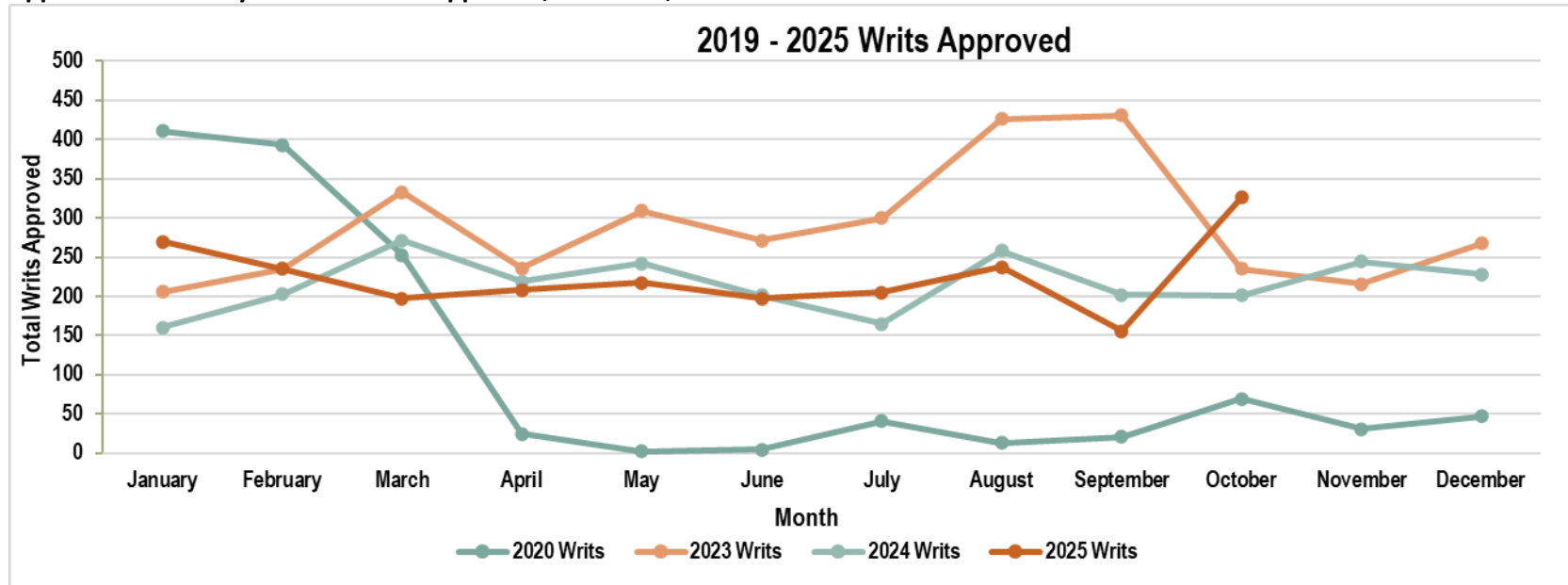
Appendix 2. Monthly Totals of Housing Cases Filed, Delaware, 2019 – 2025



Source: Delaware Justice of the Peace Court, Filing Data, 2019-2024. Data provided directly by the Delaware Justice of the Peace Court.

Note: 2025 data includes January 1 - November 22, 2025.

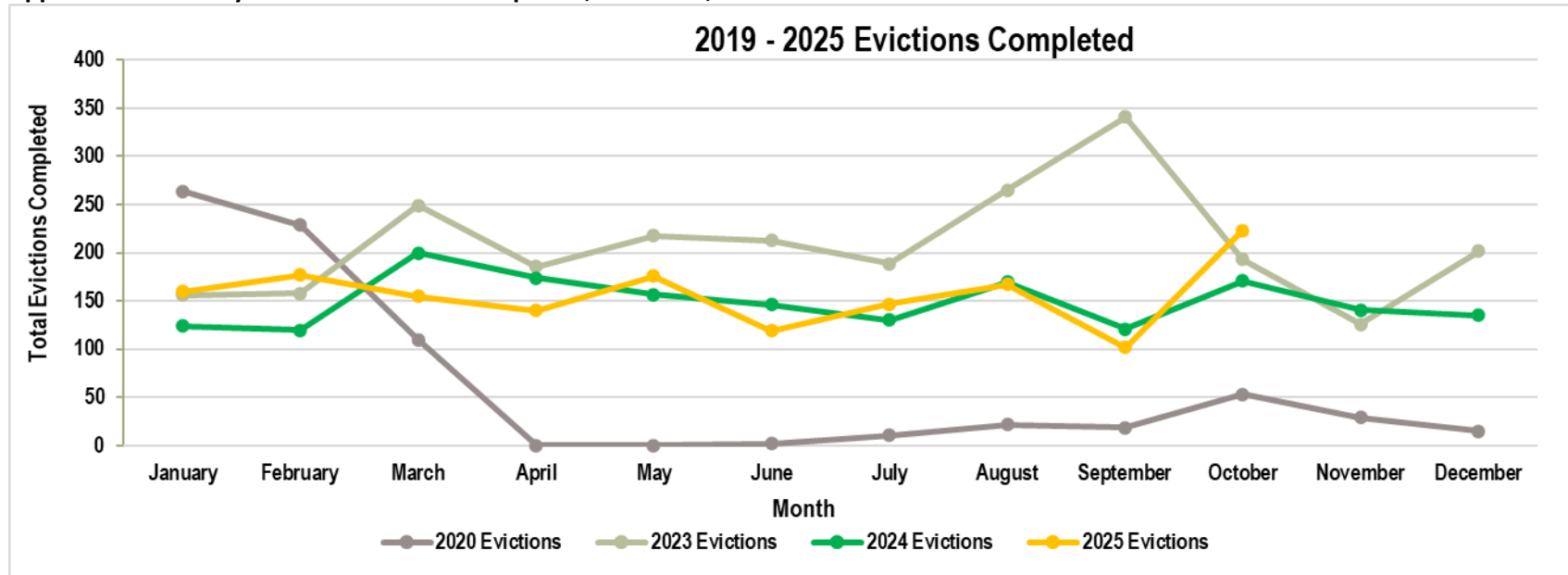
Appendix 3. Monthly Totals of Writs Approved, Delaware, 2019 – 2025



Source: Delaware Justice of the Peace Court, Filing Data, 2019-2025. Data provided directly by the Delaware Justice of the Peace Court.

Notes: For 2019, complete data for writs was unavailable and includes data from July 19 – December 27, 2019. 2025 data for writs data includes January 1 - November 1, 2025.

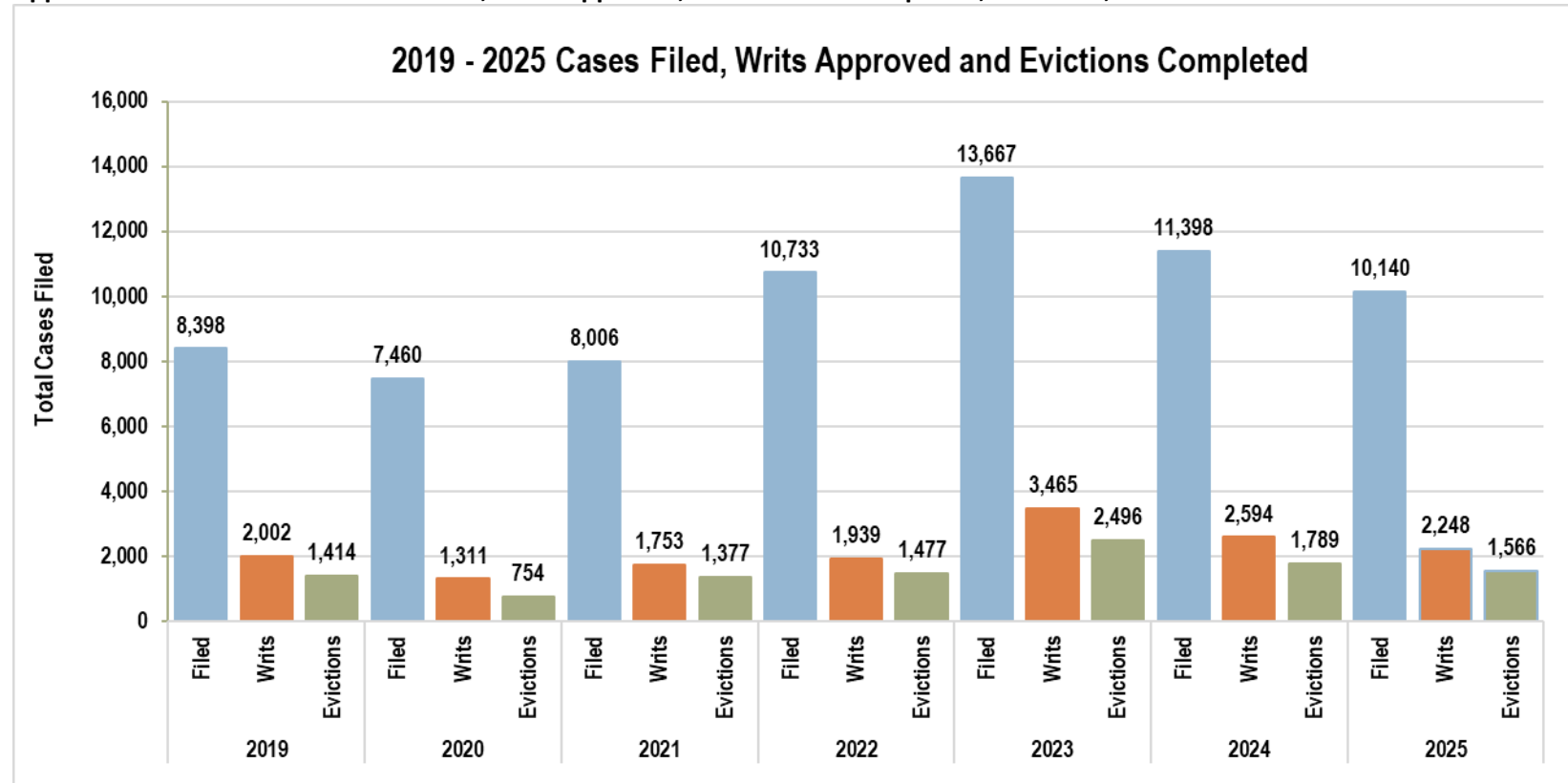
Appendix 4. Monthly Totals of Evictions Completed, Delaware, 2019 – 2025



Source: Delaware Justice of the Peace Court, Filing Data, 2019-2025. Data provided directly by the Delaware Justice of the Peace Court.

Notes: For 2019, complete data for evictions was unavailable and includes data from July 19 – December 27, 2019. 2025 data for evictions data includes January 1 - November 1, 2025.

Appendix 5. Annual Totals of Cases Filed, Writs Approved, and Evictions Completed, Delaware, 2019 – 2025



Source: Delaware Justice of the Peace Court, Filing Data, 2019-2025. Data provided directly by the Delaware Justice of the Peace Court.

Notes: Case filing data was provided separately from the writs and evictions data. For 2019, complete data for writs and evictions were unavailable and includes data from July 19 – December 27, 2019. 2025 data for filings includes January 1 – November 22, 2025, and writs and evictions data includes January 1 - November 1, 2025.