

Wilmington, Delaware
June, 2023

#

WHEREAS, Senate Substitute No. 1 for Senate Bill No. 1 (SS No. 1 for SB No. 1),

Sponsor:

An Act to Amend Title 25 of Delaware Code Relating to Residential Landlord-Tenant Code, establishes a right to representation during evictions and other landlord-tenant actions for low-income Delawareans. It also requires landlords to provide notice of such rights to tenants periodically; and

**Council
Member
Darby**

WHEREAS, nationally, landlords file about 3.6 million eviction cases in a typical year. About half of all eviction cases in Delaware are in New Castle County. The County's Justice of the Peace Court handles about 8,000 landlord-tenant cases in a typical year, with about 1,000 leading to evictions. The substantial eviction rates in New Castle County contribute to a consequential homeless population. The 2022 Housing All; and

WHEREAS, low-income renters are more disproportionately impacted by evictions and the consequences. Low-income renters have higher eviction rates because they often lack the financial capacity to challenge eviction notices and navigate court processes. Low-income renters with children have an eviction rate three times higher than other low-income earners; and

WHEREAS, SS No. 1 for SB No. 1 facilitates access to legal representation for individuals whose annual household income is less than 200% of the federal poverty guidelines. It also makes more information available to tenants on their rights by requiring landlords to provide disclosures approved by the Right to Representation Coordinator to explain what legal representation is available to them. SS No. 1 for SB No. 1 authorizes the

Coordinator to distribute written information to landlords and tenants to ensure that all parties are informed of their rights; and

WHEREAS, evictions of individuals and families with limited financial means increase the risk of homelessness, unemployment, loss of personal property, poorer mental health, and relocation to substandard housing. An eviction action can also cause damage to creditworthiness, which further impedes a household's ability to secure permanent housing, and creates significant costs for state and local governments; and

WHEREAS, landlord-tenant actions, such as evictions, can worsen social inequities. Women face higher eviction rates than men. Eviction rates are significantly higher in neighborhoods with people of color. Black women face the highest eviction rates of any demographic group due to lower income and inadequate access to legal resources; and

WHEREAS, the impacts of the eviction process can have far-reaching effects. Pregnant women who experienced evictions reported significantly lower infant birth weights and infant prematurity rates compared to pregnant women who did not experience evictions. Mothers who went through the eviction process also reported significantly higher levels of mental distress; and

WHEREAS, SS No. 1 for SB No. 1 establishes a residential eviction diversion program, modeled on the Superior Court's Residential Mortgage Foreclosure Mediation Program, to mediate post-filing eviction disputes and mitigate the disruptions of evictions on the lives of both landlords and tenants.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Wilmington City Council supports Senate Substitute No. 1 for

Senate Bill No. 1 (SS No. 1 for SB No. 1), An Act to Amend Title 25 of Delaware Code Relating to Residential Landlord-Tenant Code, which aims to establish a right to representation for evictions and other landlord-tenant actions for Delawareans with household incomes below 200% of the federal poverty guidelines.

BE IT FURTHER RESOLVED that the Wilmington City Council encourages members of the Delaware General Assembly to support SS No. 1 for SB No. 1, which requires landlords to provide notice of the right to legal representation to tenants periodically.

Passed by City Council,

ATTEST: _____
City Clerk

SYNOPSIS: This Resolution expresses support for Senate Substitute No. 1 for Senate Bill No. 1 (SS No. 1 for SB No. 1), An Act to Amend Title 25 of the Delaware Code Relating to Residential Landlord-Tenant Code, which establishes a right to representation for evictions and other landlord-tenant actions for Delawareans with household incomes below 200% of the federal poverty guidelines. Section 2 of the bill authorizes the creation of a residential eviction diversion program, modeled after the Superior Court’s Residential Mortgage Foreclosure Mediation Program, to mediate post-filing eviction disputes and mitigate the disruptions of evictions on the lives of both landlords and tenants.