



# RIGHT TO REPRESENTATION

## NEWSLETTER



## PROGRESS REPORT

### MAKING STRIDES

With a new legislative session underway, we are doubling down and renewing our efforts to achieve the passage of SB101. This newsletter will bring you up to date on the many important developments that have occurred since the bill's passage through the senate and tabling in committee last year, and outline ways in which you can lend your support.

Now more than ever, we need your renewed support and dedication to this cause. As ever, we believe that stable housing is a fundamental human right, and when it comes to eviction no one should have to go it alone. Let's make that belief a reality.

### Present Status

The current landscape is very promising and we are hopeful that SB101 will come up for a committee vote soon.

### Partner Organizations

- ACLU
- ACLU of Delaware
- Community Legal Aid Society
- Delaware Volunteer Legal Services, Inc.
- H.O.M.E.S. Campaign (HOMES)
- Housing Alliance Delaware

# PASSAGE OF RULE 57.1

## TENANT ADVOCATES

As of March 1st, 2022, the Delaware Supreme Court now allows for Qualified Tenant Advocates to represent Tenants in eviction cases at court. This represents a major step in the fight to level the playing field, as landlords and landlord entities have long been afforded this ability through Rule 57.

With the adoption of Rule 57.1, qualified tenant advocates may prosecute or defend eviction proceedings, engage in settlement negotiations, file pleadings and other documents, and appear in the Justice of the Peace Court with the consent of their residential tenant-client.

All tenant advocates will be trained by one of Delaware's three legal aid agencies and will remain under the supervision of a Delaware legal aid lawyer throughout the representation.

This historic change is thanks to the unified efforts of Delaware legal aid partners, the Delaware Supreme Court, and all those who are working to improve eviction defense in Delaware.

"[The adoption of the new rule is] a big deal" and "an important advancement for tenants in Delaware in trying to make the playing field a little less uneven."

-John Whitelaw, Advocacy Director for the Community Legal Aid Society of Delaware





## RD2 POLL RESULTS

### THE NUMBERS

Public Policy Polling conducted a poll of Representative District 2, one of the hardest hit by the eviction crisis, revealing promising results.

**“The Delaware Right to Representation for Eviction Defense campaign commissioned a poll of voters in RD 2 to learn where they stand on right to representation,” said Jim Williams from Public Policy Polling. “The results from that poll spotlight an alarming reality: in a district where 80 percent of residents are people of color and 66 percent of residents rent their homes, 53 percent of renters have been evicted or know someone who has been evicted.”**

The poll results also showed that support for a statewide right to legal representation extends beyond just renters. An overwhelming percentage of residents in RD 2 – *71 percent* – support legislation to establish a statewide right to legal representation for renters facing eviction in Delaware.

71% of  
residents  
support  
legislation



# NOV. 17 PRESS CONFERENCE

## QUICK RECAP

We had a fantastic press conference on the 17th! Several media outlets were in attendance as advocates and experts spoke and shined a spotlight on the need for this legislation and our multilayered campaign in RD 2, leveraging digital, mail, and canvassing to help grow support for Senate Bill 101.

We heard from Carrie Casey, manager of New Castle County's Community Development and Housing Department:

**"From 2019 to 2020, Delaware had a 26% increase in the number of people experiencing homelessness—the largest increase in the country. While people who are evicted may not immediately experience homelessness, research from a variety of jurisdictions has indicated that eviction is often a primary reason as to why people have entered the shelter system."**



From the left: Delaware H.O.M.E.S. Campaign Co-Chair Dr. Ann Aviles, ACLU of Delaware Communications Director Morgan Kelly, CLASI Executive Director Daniel Atkins, New Castle County Division of Community Development and Housing Manager Carrie Casey, Community Advocate and Author Dr. Deborah Gilbert-White, and ACLU of Delaware Digital Communication Strategist Priya Hay-Chatterjee.

The press conference also uplifted a groundbreaking study by Stout Risius Ross, LLC (The Stout Report), which reveals that the estimated economic benefits of a right to representation for renters facing eviction in Delaware are astounding. Neil Steinkamp, Managing Director of Stout said:

**"Stout estimates that for every dollar invested in an effectively implemented right to representation for low-income Delaware residents, the state of Delaware could save at least \$2.76. These cost savings would be attributable to needing fewer social safety net responses for Delaware residents experiencing homelessness and other traumas related to disruptive displacement arising from the eviction process and related housing instability."**





# RTR AROUND THE UNITED STATES

## ON THE RISE

The movement towards equity and housing security continues to spread. Right to representation measures for renters in eviction proceedings have been enacted to date in three states – Washington, Maryland, and Connecticut – and twelve cities: New York City, San Francisco, Newark, N.J., Cleveland, Philadelphia, Boulder, Baltimore, Seattle, Louisville, Denver, Toledo, and Minneapolis.

The data coming out of these cities and states is clear, right to representation measures are making a world of difference in tenant outcomes.

86% of renters who had representation as a result of New York City's right to counsel law were able to remain in their homes.

In San Francisco, the eviction filing rate decreased by 10% between 2018 & 2019. While 67% of those who had full representation stayed in their homes.

In Cleveland, 93% of evictions or involuntary moves were prevented, and 83% of renters secured rental assistance.

## LEND YOUR SUPPORT

### FOLLOW & SHARE

The Delaware Right to Representation movement is being housed by the ACLU of Delaware website and social media platforms. Be sure to follow our hub page and social media accounts to get the latest news and updates as we continue the fight to make Right to Representation a reality in Delaware.

RTR Hub Page:

[aclu-de.org/delaware-right-to-representation](https://aclu-de.org/delaware-right-to-representation)



[facebook.com/ACLUDelaware](https://facebook.com/ACLUDelaware)



[twitter.com/ACLUDelaware](https://twitter.com/ACLUDelaware)



[youtube.com/user/ACLUDelaware](https://youtube.com/user/ACLUDelaware)

## SHARE YOUR STORY

If you've been evicted or had an eviction filed against you, we want to hear about your experience navigating evictions filings, court, and/or the eviction process. Share your story to help level the playing field and get renters the right to legal representation for eviction defense.

Please note: **stories collected using this form will not be used without the storyteller's permission.** If DE RTR would like to share your story, we will follow up with you for your consent.

Story Collection Form:

[aclu-de.org/evictionstory](https://aclu-de.org/evictionstory)