

# NOTICE TO DELAWARE LANDLORDS

Effective November 22, 2023

In 2023, Delaware's General Assembly created the Right to Legal Representation in Evictions and Other Landlord-Tenant Actions (text available at [bit.ly/SBIDE](https://bit.ly/SBIDE)), through which **eligible low-income tenants** in Delaware are provided **access to legal representation** from legal aid agencies in eviction and subsidy (voucher) termination cases. **Services will be phased in over three years starting on November 22, 2023.**

## WHO IS ELIGIBLE?

Once the law is fully implemented, a tenant will have a right to legal representation if:

- (1) the household income in the preceding 12 months is not greater than 200% of the federal poverty guidelines;
  - (2) the household resides in a non-exempt unit; and (3) the legal services organizations do not decline representation.
- In 2023, 200% of federal poverty guidelines for a family of one is a yearly income of under \$29,160, and for a family of four under \$60,000. Check [bit.ly/EvictionHelpDE](https://bit.ly/EvictionHelpDE) for the current income guidelines, which are updated every year in January.
  - The eligibility guidelines are provided for under 25 Del. C. § 5602.

The Delaware Code recognizes that during the phase-in period, the legal aid agencies will not be able to provide assistance to all eligible households, and therefore, the Code provides for additional eligibility criteria. Income and other restrictions used during the phase-in will be lifted as funding and staffing permit.

## WHAT CASES ARE ELIGIBLE?

Under the Right to Representation, legal aid agencies can provide representation to a tenant only in certain cases. These cases are limited to when: (1) the landlord has provided notice of eviction, rental arrears, lease violation, or tenancy termination; (2) the tenant's housing subsidy is being terminated; or (3) a covered proceeding is initiated or a landlord-tenant proceeding that the legal aid agency determines is eligible under the code.

- The covered proceedings are provided for under 25 Del. C. § 5602.

## WHAT IS THE LANDLORD'S RESPONSIBILITY?

Effective November 22, 2023, **all landlords or housing authorities are required by statute to provide their tenants with the attached notice, prepared by the Right to Representation Coordinator, that explains the legal representation available to tenants and other available resources.**

**The attached notice must be provided by the landlord or housing authority to tenants at all of the following events:**

- On signing a written rental agreement or entering into a rental agreement that is oral.
- On the first renewal or modification of a rental agreement occurring any time after Nov. 21, 2023.
- When the landlord provides any of the notices that rent is past due, that the tenant has violated a material provision of the rental agreement, or that the rental agreement is terminated.
- When a tenant receives notice of the termination of a housing subsidy.

**For links to electronic versions of the attached tenant notice in English, Spanish, and Haitian Creole, please visit: [bit.ly/EvictionHelpDE](https://bit.ly/EvictionHelpDE)**

