



March 15, 2022

Re: Testimony in Support of SB 101

To Chair Johnson, Vice-Chair Bolden, and members of the House Housing & Community Affairs Committee:

Thank you for the opportunity to testify in support of SB 101, which would provide a right to counsel for tenants facing eviction in Delaware. Our organization, the National Coalition for a Civil Right to Counsel, has been involved in [all sixteen successful eviction right to counsel bills to date](#), and we are currently supporting efforts in dozens of other jurisdictions around the country.

Eviction cases implicate virtually every basic human need a family can have: safety, mental and physical health, child custody, employment, education, and so on. Yet the massive imbalance of power between landlords and tenants in the courtroom has led to the evictions process becoming a pro forma procedure devoid of due process that nearly always yields the same result regardless of the facts or law. In Baltimore, where only 1% of tenants had representation prior to the passage of a right to counsel, a [study](#) found that 80% of tenants had a potential defense to eviction but only 8% successfully did so without representation.

The results from the jurisdictions that have enacted and implemented a right to counsel are stunning. In New York City, 84% of tenants are remaining in their homes, and both the default rate and eviction filing rate have dropped by roughly 30%. In San Francisco, nearly 60% of tenants are retaining their units, and of the 30% who did not remain in their unit, 70% received a favorable settlement, such as a move-out with sufficient time and money. And in Cleveland, the results speak to success on several levels. First, not only did 93% of tenants avoid disruptive displacement, but of the 21% of clients who were unaware of rental assistance at the time they contacted Legal Aid, approximately 98% wanted rental assistance and Legal Aid helped 81% of those clients obtain it. In other words, Legal Aid played a key role in both awareness and securing of rental assistance, which is critical in helping the City emerge from the pandemic without widespread disruption. Moreover, 92% of clients who wanted additional time to move, and 97% who sought monetary relief, were able to get it.

The landlord community has become increasingly receptive to right to counsel. The NYC program has been [embraced by the Real Estate Board of NY](#), which has urged New York State to enact legislation expanding the NYC program statewide, and [Cleveland landlords who were interviewed by Stout](#) “generally support the intent of RTC-C and believe tenants should be represented in eviction cases.” This support is logical because there are numerous benefits to landlords: where the landlord/tenant relationship has irretrievably broken down, tenant representation can be a great advantage to landlords in helping the sides reach a resolution, and

as indicated by the Cleveland data, tenant representation can help secure rental assistance that flows to landlords.

We are happy to answer any questions you may have, as we have done for policymakers in many other jurisdictions. Thank you for your consideration of this important bill.

Sincerely,



John Pollock
Coordinator, NCCRC