



Eviction filings in Delaware: July 1 – September 30, 2020

Key Findings:

New eviction filings rose 38.2 percent – from 521 filings in July 2020 to 720 filings in September 2020. This was still well below the 1,500 new filings for an average month prior to the COVID-19 pandemic.

4.5 percent of the 643 landlords that filed new evictions accounted for 38.6 percent of the 1,731 new evictions during the 3-month period.

68.7 percent of the filing landlords (442) submitted a single eviction filing (25.5 percent of all evictions).

In 83 percent of filings, landlords were represented in court—either by an attorney (21%) or a Form 50 agent (62%).

On March 17, 2020, in response to the emerging COVID-19 pandemic, Governor John Carney instituted a statewide moratorium on evictions extending through the end of June. No new filings for evictions were submitted during this time period and filings resumed on July 1. In this brief, we track eviction filings in Delaware for the three months (July through September) that immediately followed the lifting of this moratorium based upon publicly available data

obtained from the website [Delaware State Court Connect](#).

Eviction filings are the first step in a legal eviction process, and thus are a bellwether for trends in court-issued possession orders which grant landlords the ability to legally carry out actual evictions.

Housing experts have expressed widespread concern over the possibility that the pandemic-induced economic crisis will lead to a massive increase in evictions. Over the summer, a national study projected that Delaware would potentially see 6,250 new eviction filings per month, which would be a rough quadrupling of pre-pandemic filing levels.¹

Delaware’s Justice of the Peace (JP) Court System has resumed accepting new eviction filings following the lifting of the statewide moratorium in July. On September 4, the federal Centers for Disease Control and Prevention initiated a nationwide moratorium on pandemic-related evictions. Currently, the Delaware JP courts have continued to accept new eviction filings but are only issuing possession orders in very limited circumstances when to do so meets a narrowly defined “interest of justice” standard. Additionally, as part of the pre-trial process, the JP courts are referring eviction cases, when feasible, to an online dispute resolution system.²

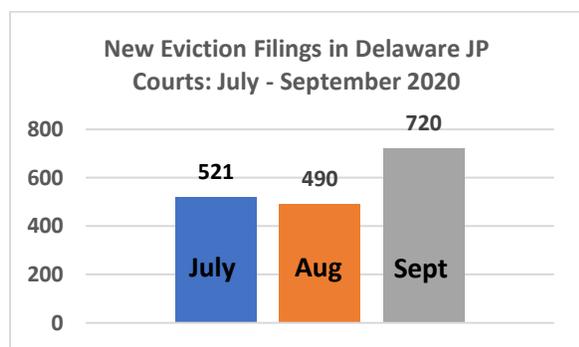
NEW EVICTION FILINGS

The figure presents new eviction filings posted in the three months immediately following the lifting of the eviction moratorium. There were a total of

¹ Projection was presented by S. Metraux “Housing Assistance During the COVID-19 Pandemic: Anticipating the Need in Delaware” on July 31, 2020, sponsored by the Joseph R. Biden School of Public Policy & Administration, University of Delaware. Presentation available at: <https://www.bidenschool.udel.edu/news/Documents/housing-assistance-073020.pdf>. Source of the projection was Stout, Risius

& Ross, LLC, “Estimation of Households Experiencing Rental Shortfall and Potentially Facing Eviction,” available at: <https://bit.ly/evictionestimates>. Both sites accessed on 10/21/20. ² Information on post-CDC moratorium eviction filings in Delaware comes from the National Apartment Association’s “COVID-19 Information for Delaware,” accessed on 10/21/20 at: <https://www.naahq.org/covid-19-information-delaware>.

1,731 new eviction filings in this three-month period. During July and August, the number of monthly filings was about one-third of the 1,500 such filings that the Delaware JP Courts received during an average pre-pandemic month. In September (after the CDC moratorium was instituted) the number of filings increased to 720. This latter number was, however, still well below the pre-pandemic filing levels.



LANDLORD FILING PATTERNS

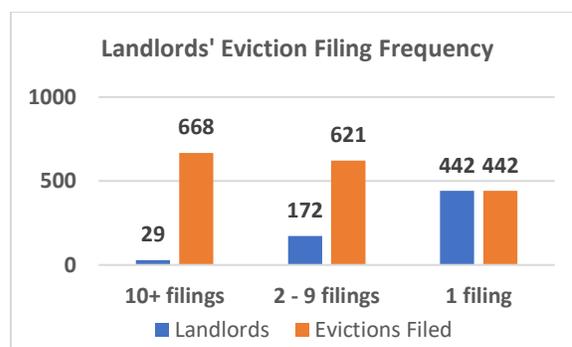
The second figure shows that 29 landlords submitted a combined 668 new eviction filings in this three-month period. This means that 4.5 percent of the 643 landlords that filed new evictions accounted for 38.6 percent of the 1,731 new evictions.

The number of evictions filed by each of these 29 top-filing landlords ranged from 123 to 10. Further information on these “frequent filers” is unavailable beyond that many are property management companies for apartment complexes. This notwithstanding, the volume of filings, as a proportion of units managed, would be relatively high.

Alternately, just over two-thirds of the filing landlords (442, or 68.7 percent) submitted a single eviction filing, accounting for 25.5 percent of all evictions.

Court connect data also showed that, in 83 percent of filings, landlords were represented by either an attorney (21%) or a Form 50 agent

(62%). Under a statute known as Rule 57, non-attorneys may act as “Form 50” agents and stand in for landlord interests when the landlord operates as an artificial entity such as a corporation (including an LLC).



In contrast, a previous study showed that 2 percent of Delaware tenants in eviction cases had legal representation. There is no type of representation corresponding to Form 50 for tenants.³

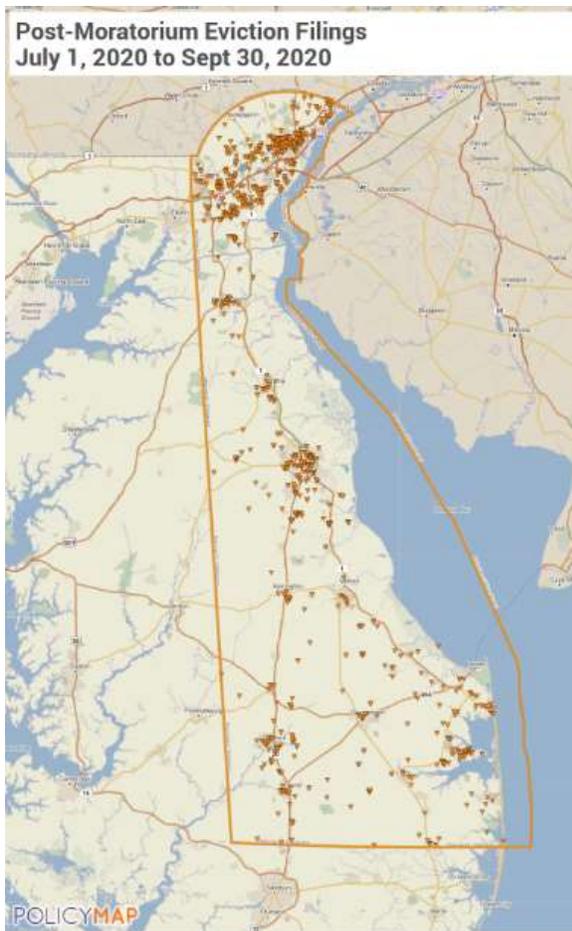
MAPPING TENANT ADDRESSES

Locations of properties that were listed as tenants’ addresses in the 1,731 eviction filings were mapped in the final figure. This map gives a preliminary portrait of spatial concentrations of eviction filings, and does not adjust for variance in the number of rental units. Spatial concentrations of eviction filings in some cases correspond to multiple filings by individual landlords that manage apartment complexes.

Most eviction filings occurred in the northern part of the state. This is the more densely populated part of the state. The largest cluster corresponds to Delaware’s largest city, Wilmington, which also includes high levels of minority and impoverished rental households as compared to other parts of the state. The larger cluster in the center of the state corresponds to Dover, Delaware’s second largest city and capitol.

³ Alexandra Guterbock and Stephen Metraux (2020). “Eviction and Legal Representation in Delaware – An Overview.” Center for

Community Research & Service, University of Delaware. Accessed on 10/21/20 at: <https://udspace.udel.edu/handle/19716/26352>.



complicate the process of understanding the characteristics and circumstances of those who file for eviction. These landlords may be going contrary to a more general reluctance by landlords to pursue eviction cases, or may represent the vanguard of an increasing number of landlords who will file in subsequent months.

The map of eviction filings suggests that, looking beyond the largest concentrations of filings, there is sufficient spread to conclude that post-moratorium evictions are occurring throughout Delaware. This includes the more rural southern part of the state. As the number of eviction filings increase over time, the impact should continue to be felt on a statewide basis, though there will also be areas experiencing particular high impact. Further spatial analyses of these eviction filings data are ongoing, and will more systematically examine potential spatial correlates associated with eviction filings.

These results present a glimpse into the early stages of what is widely seen as a housing crisis that may take years to pass. Continued monitoring of evictions is essential to understanding the extent and nature of the economic impacts related to the COVID-19 pandemic, as well as for planning responses to related economic and social consequences that will arise.

CONCLUSION

This brief provides an early analysis of post-state moratorium eviction filings in Delaware. Despite the increase in September, the number of new eviction filings remains substantially lower than expected. To the extent that evictions in these months represent a trend, the pace of eviction filings in future months are more likely to represent a steadily rising tide than a sudden deluge.

Beyond that, explanations as to why levels of eviction remain low (albeit increasing) are unclear and these levels should be monitored in upcoming months to better understand unfolding trends.

There are a small number of frequent filer landlords who account for a disproportionate number of eviction filings, while a majority of landlords have only filed once. This indicates that there is a substantial diversity among plaintiffs in the eviction cases. This will further

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The authors are grateful to Dan Atkins and Brigitte Hug for their contributions and comments.

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