



KATHLEEN JENNINGS
ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
820 NORTH FRENCH STREET
WILMINGTON, DELAWARE 19801

CIVIL DIVISION (302) 577-8400
CRIMINAL DIVISION (302) 577-8500
FRAUD DIVISION (302) 577-8600
FAX (302) 577-2610

September 27, 2023

Delaware General Assembly
411 Legislative Avenue
Dover, Delaware 19901

RE: Delaware Manufactured Homeowner Attorney Fund Annual Report

Members of the Delaware General Assembly:

In accordance with 25 *Del. C.* § 7046(d), the Department of Justice shall file an annual report with the General Assembly providing information for the Manufactured Homeowner Attorney Fund. This report includes information for the periods of July 1, 2021 through June 30, 2022 and July 1, 2022 through June 30 2023.

As of June 30, 2023, the amount in the Attorney Fund was \$30,934.91. The amount spent between July 1, 2021 and June 30, 2022 was \$193,260. The amount spent between July 1, 2022 and June 30, 2023 was \$147,100. The annual totals do not include expenditures by the contractor, Community Legal Aid Society, Inc. (CLASI), for work done during the second quarter of the reporting year because invoices are sent after the end of the relevant quarter. For the same reason, these totals include expenditures for the second quarter of the prior year.

From July 1, 2021 through June 30, 2022, CLASI worked on 106 cases and represented 97 homeowners and HOAs. From July 1, 2022 through June 30, 2023, CLASI worked on 151 cases and represented 142 manufactured homeowners and HOAs. These cases include:

1. CLASI succeeded in the Delaware Supreme Court with a case regarding a manufactured housing community's obligation to consider requests for reasonable accommodations under the Fair Housing Act even during the eviction process. In this case an elderly homeowner received an eviction notice following his grandson, who had not been approved as a tenant, moving into his home to act as a caretaker after a hospitalization. The homeowner requested that the son be permitted to live in the home as a caretaker as a reasonable accommodation. The request was made after the court rendered judgment in the initial trial but prior to the trial *de novo* before a three-judge panel. The Justice of the Peace Court held that the accommodation request was untimely and did not consider whether the request was reasonable. The Supreme Court reversed, holding that the request was timely and that JP Court erred by refusing to consider whether the request was reasonable. The action was remanded to the Justice of the Peace Court for further proceedings. *Kravis v. Justice of the Peace Court 17*, 296 A.3d 872 (TABLE), 2023 WL 2975136 (Del. 2023).
2. CLASI represented a healthcare worker and single mother who fell behind on her rent due to the COVID-19 pandemic. She was approved for rental assistance, but missing paperwork from the community from the community owner prevented the assistance from being distributed.

- CLASI negotiated on behalf of the client and resolved the paperwork issue. The result is that the landlord was paid all the back rent they were due, and the tenant and her child avoided eviction and are now securely housed. JP17-22-002106.
3. CLASI represented a grandmother who has resided in her community for 30 years without a formal lease. She was late with paying her rent for two months but was soon caught up and paid late fees in the third month. The community owner accepted the payment but did not provide the tenant with its intent to reserve its right to accept the payment and still terminate the lease until two days after accepting the payment. The community owner filed to evict based on the late payments. The tenant's CLASI attorney successfully argued that the lateness of the community owner's reservation of rights prevented the community owner from evicting the tenant. The tenant and her family (including her children and grandchildren who live with her) can now continue to live in their home. JP16-21-006365.

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/Brian S. Eng

Brian S. Eng
Manufactured Housing Ombudsman

cc: Owen Lefkon, Director, Fraud and Consumer Protection Division