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September 28, 2016

ELECTRONIC TRANSMISSION AND FEDERAL EXPRESS OVERNIGHT
Ms. Barbara Delaney
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Philadelphia Center Director
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Lori Wagner, Esq.
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Chief
Attn: DJ #175-15-46
Housing and Civil Enforcement Section
Civil Rights Division
United States Department of Justice
1800 G Street NW
Washington, DC 20006

Re: Final Semi-Annual Compliance Report Under the Sussex County Voluntary Compliance Agreement (HUD) and Consent Decree (USDOJ)

Dear Ms. Delaney and Ms. Wagner:

This correspondence serves as Sussex County's eighth and final semi-annual compliance report ("Final Semi-Annual Compliance Report") as required under Section V(A)(1) of the Voluntary Compliance Agreement ("VCA") executed between Sussex County and the U.S. Department of Housing and Urban Development ("HUD") on November 28, 2012, and Sections VI(18) and VII(27) of the Consent Decree ("Consent Decree" or "CD") executed between Sussex County and the U.S. Department of Justice ("USDOJ") on November 28, 2012, entered by the Court on December 19, 2012 (Civil Action No. 12-1591-MPT, the "Case"). Exhibits are attached as noted.

This correspondence expressly incorporates by reference all of the previous reporting information submitted to HUD and USDOJ in the County's correspondences including, but not limited to, those dated December 28, 2012; March 28, 2013; May 28, 2013; July 2, 2013; July 23, 2013; August 5, 2013[1]; September 30, 2013; October 30, 2013; November 7, 2013, November 27, 2013; January 6, 2014; March 19, 2014; May 9, 2014[2]; June 19, 2014; December 19, 2014; June 19, 2015; September 21, 2015; October 28, 2015; December 18, 2015, May 11, 2016; June 17, 2016; and September 23, 2016.

At this time, the County believes that it is in compliance with all requirements of the Consent Decree and expects the Consent Decree to expire on December 19, 2016, and the Case to be dismissed in accordance with Section IX(33). The County also believes it is in compliance with all requirements of the VCA and expects the VCA to expire on November 28, 2016.

I. Requirements Under the Consent Decree

The compliance status of each requirement is addressed below in the numerical order in which the requirement is found in the CD.

A. **Section I(8)(a) through (d)** – General Injunction. The County believes it is in compliance with the continuing obligations of the general injunction as set forth in this section.

B. **Section II** – Development of New Horizons by Diamond State Community Land Trust ("Diamond State CLT"). With the exception of Subsection II(11)(a), the requirements of this section become active only upon submission of an application by Diamond State CLT. Since no application has been received, the requirements have not been activated. With regard to Subsection II(11)(a), the County affirmatively states that it is in compliance with the requirements of this subsection which prohibit public disparagement of Diamond State CLT, the New Horizons development project, or the viability of the community land trust model for affordable housing development.

Subsection II(11)(b) states that the County shall, upon request by Diamond State CLT, provide letters from the County to actual or potential funders or any other governmental entity indicating the County's support for Diamond State CLT's New Horizons project. As mentioned in the County's Fourth Semi-Annual Compliance Report, although Diamond State CLT did not request a letter of support for New Horizons, they did request support for a project in which they

[1] The August 5, 2013 correspondence was sent solely to HUD in response to HUD's July 30, 2013 email request from Ms. Sharese Paylor for additional information on the County's interaction with DSHA and the Delaware Office of State Planning Coordination in drafting the AI Evaluation and Proposed Priority Fair Housing Plan.

[2] The May 9, 2014 correspondence was sent solely to HUD in partial response to HUD's correspondence to the County dated April 21, 2014.

were to build affordable housing in Ingram Village in Ellendale and, in August 2014, the County provided letters of support of the project to the Delaware State Housing Authority and certification from the County to FHL Bank of Pittsburgh. The County has also now provided additional letters of support for this project to FHL Bank of Pittsburgh detailing how the County is exempting this project from the payment of sewer impact fees, and reimbursing Diamond State CLT for its water connection fee for the three homes being built (see the attached **Exhibit A**). This effort has been successful and Diamond State CLT has released information that it is now building these first three homes in Ingram Village. As a result, the County believes it is in compliance with this requirement.

C. **Section III(12)** – Additional Provisions Related to Affordable and Fair Housing. This section requires certain notice to an applicant should the County Council or Planning and Zoning Commission decline, reject, or deny any type of request or application for zoning or land use approval related to an Affordable Housing proposal or a proposal processed under the Moderately Priced Housing Unit ("MPHU") program or the Sussex County Rental Program ("SCRP"). In particular, the County is to supply written findings explaining the specific grounds for its action to the applicant within ten (10) days of the date on which the final decision was made. The County believes it has not declined, rejected, or denied any such request and, therefore, believes it is in compliance with this section. As mentioned in the County's last compliance report, the Board of Adjustment denied a special use exception application from Immanuel Shelter for an emergency homeless shelter and supplied written findings explaining the specific grounds for its action to the applicant within ten (10) days of the date on which the final decision was made. The applicant subsequently filed an appeal of the decision to the Delaware Superior Court and has now withdrawn that appeal. The County is not agreeing or admitting that the denial of the special use exception application from Immanuel Shelter is an action that is required to be reported under this provision of the CD, but it was included in the last compliance report in order to be forthcoming and over-inclusive regarding this provision. Noteworthy, the County will now be implementing a procedure under which an applicant desiring to construct a group residential facility for persons with disabilities may submit an application and, if the project meets the definition of a single family dwelling under the Sussex County Code Chapter 115(Zoning), Section 115-4(B) as a group residential facility licensed and approved by the appropriate state agencies serving ten (10) or fewer persons with disabilities on a 24-hour per day basis, the application may be administratively approved. The application is attached hereto as **Exhibit B**. Again, the County does not believe this is material that is required to be submitted to USDOJ under this CD, but the County is submitting it herein as an example of how the County is committed to addressing the needs of members of the protected classes under the State and Federal Fair Housing Acts.

Since the last compliance report, neither County Council nor the Planning and Zoning Commission have declined, rejected, or denied any type of request or application for zoning or land use approval related to an Affordable Housing proposal or a proposal processed under the MPHU or SCRP programs. As a result, the County believes it is in compliance with this section.

D. **Section III(13)(a) through (d)** - Additional Provisions Related to Affordable and Fair Housing. This section requires the County to submit to USDOJ a draft Affordable and Fair Housing Marketing Plan ("Marketing Plan") inclusive of specific items within one hundred (100) days of the adoption of the CD. The one-hundred-day deadline was April 1, 2013. The County submitted its draft Marketing Plan in its correspondence to USDOJ and HUD dated March 28, 2013. USDOJ provided comments to the draft Marketing Plan by letter dated April 29, 2013, and the County submitted a revised Marketing Plan to USDOJ by letter dated May 13, 2013. The County submitted a second revised Marketing Plan in its correspondence to USDOJ on July 2, 2013 to incorporate "gender identity" as a new protected class in accordance with a new law recently enacted in Delaware. Subsequently, the County requested a date change for one of the items in the Marketing Plan (the date by which to hold the Homebuyer Fair) in its correspondence to USDOJ dated July 23, 2013, and with that correspondence, submitted another revised Marketing Plan showing the date change.

Under the provisions of this section of the Consent Decree, the County must proceed to implement the Marketing Plan within five (5) days upon its approval by USDOJ. The County considers its Marketing Plan approved by USDOJ. As mentioned within the County's Fourth Semi-Annual Compliance Report, the County asked one final time for approval from USDOJ on the Marketing Plan and stated that unless it was informed otherwise by USDOJ by January 1, 2015, it would consider the Marketing Plan approved. No such communication was received from USDOJ and USDOJ has never communicated to the County that the Marketing Plan is insufficient or not approved. Regardless, since the Marketing Plan was first submitted to USDOJ over three (3) years ago, the County has proceeded in good faith to implement the provisions of the Marketing Plan as those items have come due. Compliance with the Marketing Plan has been addressed in other correspondences to USDOJ including, but not limited to, those dated July 2, 2013; September 30, 2013; January 6, 2014; September 21, 2015; and various semi-annual compliance reports submitted by the County. As required under the Marketing Plan, the County's third annual Homebuyer Fair was held on September 24, 2016. Attached as **Exhibit C** are the marketing materials and other information required under the Marketing Plan related to the third annual Homebuyer Fair. At this time, the County believes that it has fulfilled all of the requirements of this section and the Marketing Plan.

E. **Section IV(14)** – Fair Housing Compliance Officer. This section required the County to designate a Fair Housing Compliance Officer ("FHCO"). As set forth in its correspondence to USDOJ and HUD dated December 28, 2012, the County is in compliance with this requirement.

F. **Sections IV(15) and (16)** - Fair Housing Compliance Officer. These sections require the FHCO to receive and review all complaints of housing discrimination made against the County, to keep a written record of verbal complaints, and to provide HUD and USDOJ with a copy of the complaints received and the County's response. Since the County's Seventh Semi-Annual Compliance Report dated June 17, 2016, the County has not received any complaints of housing discrimination. The County would like to note that its complaint form is available in Spanish on the County's website and in the County's offices. The County believes it is in compliance with this requirement.

G. **Section IV(17)** - Fair Housing Compliance Officer. This section requires the FHCO to maintain copies of the CD, the Fair Housing Policy, the HUD Complaint form and HUD pamphlet entitled "Are you a victim of housing discrimination?" (HUD official forms 903 and 903.1, respectively) and make these materials freely available to anyone, upon request, without charge, including all persons making fair housing complaints to the FHCO. The required materials continue to be freely available, upon request, without charge, to anyone at the County's office of Community Development and Housing and on the County's website. As a result, the County believes it is in compliance with this section.

H. **Section IV(18)** - Fair Housing Compliance Officer. This section requires the FHCO to report to the County every six months on activities taken in compliance with this CD. As mentioned in the last compliance report, the last reporting to the County took place on June 14, 2016. The final reporting is not due until sometime before December 19, 2016, but is being tentatively scheduled to occur on December 6, 2016. As a result, the County believes it is in compliance with this section.

I. **Section V(19)** – Fair Housing Policy. Among other things, this section requires the County to adopt a Fair Housing Policy with the text as set forth in the CD at Attachment A. The policy was so adopted and notice of the fulfillment of this requirement was sent to USDOJ and HUD in the County's correspondence dated December 28, 2012. The Fair Housing Policy has subsequently been revised to reflect new protected class status for gender identity in Delaware and to include the County's Anti-NIMBY language. Notice of each revision was sent to your office via correspondences dated July 2, 2013, and July 23, 2013.

This section also requires the County to include the Fair Housing Policy in all literature and information or application materials provided to residential developers, including developers of affordable housing. As mentioned in the Sixth Semi-Annual Compliance Report, the County has inserted the Fair Housing Policy in its Application for Major Subdivision. This section also requires the County to include the Fair Housing Policy as a readily accessible link on the County's website. This link is currently active and can be found on the County's website and under the Community Development & Housing webpage at:
http://www.sussexcountyde.gov/fair-housing-policy.

Lastly, the Fair Housing Policy is available in Spanish on the County's website and in the County's offices. As a result, the County believes it is in compliance with this section.

J. **Section V(20)** – Fair Housing Policy. This section requires the County to place the "Equal Housing Opportunity" or fair housing logo on the County's website and on all future published notices and advertisements related to housing or residential development. The County states affirmatively that this requirement continues to be fulfilled and includes the agendas from recent meetings of the Board of Adjustment, the Planning and Zoning Commission, and County Council as examples illustrating such compliance as **Exhibit D**.

K. **Section VI(21) – (23)** – Training. As discussed in the last compliance report, the County's fourth annual in-person training was held on June 9, 2016, and the training certificates

of each of the County attendees of the in-person training were included as an exhibit within the report. The training certificates of those that were unable to attend the training and, instead, viewed the videotape of the training, are attached hereto as **Exhibit E**. The fourth annual in-person training was the last training required under the CD and with this correspondence, the County has submitted all of the required training certificates. As a result, the County believes it is in compliance with this section.

New Employees: One new County employee (Alan Shields) has been hired since the submission of the Seventh Semi-Annual Compliance report whose employment position the County believes is covered under the terms of the CD. Mr. Shields received the fair housing training in compliance with the 30-day requirement in the CD and his training certificate is included within **Exhibit E**.

1. Alan Shields (hired 7/18/2016, trained 7/25/2016)

L. **Section VII(24)(a) through (c)** – Reporting and Recordkeeping. The requirements of this section do not become active until Sussex County acts upon Diamond State CLT's preliminary subdivision plat application for New Horizons. Since no such application has been submitted as of this time, the requirements of this section have not been activated. Additionally, as mentioned in the Third Semi-Annual Compliance Report, Sussex County understands that Diamond State CLT will not be pursuing the development of the New Horizons project on the land that was the subject of the original application.

M. **Section VII(25)** – Reporting and Recordkeeping. This section requires the submission to USDOJ of contact information for the FHCO, the adopted Fair Housing Policy, a printout of the County's website showing the "Equal Opportunity Logo," the name of the fair housing trainer, and other information required by section 21(a). As set forth in the County's previous correspondences, the County has fulfilled the requirements of this section.

N. **Section VII(26)** – Reporting and Recordkeeping. This section required the County to submit the executed Certificates of Training and Receipt of Consent Decree for the initial in-person training, and the proposed Marketing Plan, to USDOJ by April 1, 2013. These documents were submitted to USDOJ and HUD in the County's correspondence dated March 28, 2013. As a result, the County believes it has fulfilled the requirements of this section (also please see the County's response to Section VI(21) – (23) above).

O. **Section VII(27)(a) through (f)** – Reporting and Recordkeeping.

Webpage: This section requires the County to develop an Affordable Housing webpage and update the webpage twice annually with certain information. The County was required to post its first compliance report and notify USDOJ of such posting within six (6) months after entry of the CD (by June 19, 2013). The County launched the webpage on June 19, 2013, and the content of the webpage conforms to the requirements of this section and to the draft Marketing Plan. However, the County has gone above and beyond the requirement to update the webpage twice annually and, instead, updates the webpage on a continuous basis as

new material related to affordable housing becomes available. For your reference, the web address to the County's Affordable Housing webpage is:

http://www.sussexcountyde.gov/affordable-and-fair-housing-resource-center

Compliance Report Postings: This section also sets forth the information that should be posted on the webpage as part of the compliance report postings. In particular, the compliance report postings on the webpage should include: (a) copies of any letters of support by the County for New Horizons; (b) a summary of each zoning or land-use request or application related to Affordable Housing or housing being processed under the MPHU or SCRP programs and certain information related to those requests or applications; (c) representative copies of any published notices or advertisements containing the phrase "Equal Housing Opportunity" or the fair housing logo; (d) copies of any Certifications of Training and Receipt of Consent Decree signed since the preceding compliance report; (e) copies of any materials previously submitted to USDOJ if such materials have been substantially altered or amended since they were last submitted; and (f) copies of any changes to the County's zoning or land use laws, regulations, policies or procedures addressing the construction of or approval process for Affordable Housing or housing being processed under the MPHU or SCRP programs enacted since the previous compliance report was submitted.

The County states affirmatively that the above required information has been posted on the Affordable Housing webpage. Since the County's submission of the Seventh Semi-Annual Compliance Report, the County states the following with respect to the items required above, each in the order as presented above:

(a) The County has not issued any letters of support for New Horizons and there is no active application for New Horizons in front of the County.

(b) There have been no zoning or land-use requests or applications related to Affordable Housing or housing being processed under the MPHU or SCRP programs on which County Council or the Planning and Zoning Commission have made a determination since the County's Seventh Semi-Annual Compliance Report. As reiterated in the County's Seventh Semi-Annual Compliance Report, USDOJ and the County have agreed that the phrase 'A summary of each zoning or land-use request or application related to Affordable Housing' refers to zoning or land use requests or applications for housing development projects intended or designed for households earning less than 80% of the Area Median Income ("AMI") as calculated by the U.S. Department of Housing and Urban Development. Such projects do not include requests or applications from individual homeowners seeking variances or special use exceptions from the County's Board of Adjustment. Instead, this provision is interpreted as applying to requests and applications from developers of residential housing projects. A residential housing project is interpreted as a project to construct housing in which more than one family is intended to be served and in which some portion of the

project is specifically proposed by the developer as intended to serve households earning less than 80% AMI.

(c) Attached are representative copies of published notices containing the phrase "Equal Housing Opportunity" (**see Exhibit D**). These notices are the agendas of County Council, the Planning and Zoning Commission, and the Board of Adjustment.

(d) As mentioned earlier in this correspondence, the County has hired one new employee since the Seventh Semi-Annual Compliance report whose employment position the County believes is covered under Sections VI(21) to (23) of the CD and this employee has completed the required training. A copy of his certificate of training will be posted on the County's website concurrent with the posting of this Final Semi-Annual Compliance Report.

(e) There have been no materials submitted to USDOJ under the CD that have been substantially altered or amended since such materials were last submitted to USDOJ.

(f) There have been no changes to the County's zoning or land use laws, regulations, policies or procedures addressing the construction of or approval process for Affordable Housing, or housing being processed under the MPHU or SCRP programs enacted since the previous compliance report was submitted. However, the County is in the process of revising the SCRP program and submitted a draft ordinance to amend the SCRP program to HUD and USDOJ on September 23, 2016, to solicit any comments. The draft ordinance was introduced at the County Council meeting held on September 27, 2016, and is scheduled for a public hearing and possible vote on November 1, 2016.

P. **Section VII(28)** – Reporting and Recordkeeping. This section requires the County to send to USDOJ any proposed change to the County's zoning or land-use laws, regulations, policies or procedures addressing the construction of or approval process for Affordable Housing or housing being processed under the MPHU or SCRP programs prior to the County's consideration. As reiterated in the Seventh Semi-Annual Compliance Report, USDOJ and the County understand that this section is meant to address proposed changes to laws, regulations, policies, or procedures that are intended to specifically address the construction of or approval process for Affordable Housing programs, or housing being processed under the MPHU or SCRP programs, not changes which implicate residential development in general. As mentioned in the Seventh Semi-Annual Compliance Report, the County has been in the process of reviewing the County Code provisions governing the SCRP program with stakeholders in order to make the SCRP program more effective. The draft ordinance to revise the SCRP program was sent to HUD and USDOJ on September 23, 2016, and the draft ordinance was introduced at the County Council meeting held on September 27, 2016. The introduction of an ordinance is the first step in the Council's legislative procedural process. At the time of introduction, the

ordinance becomes available for review by the public and will go through the public hearing process at a subsequent date. During the public hearing, any interested stakeholder is permitted to speak and submit comments on the ordinance. Finally, at the conclusion of the hearing, the Council will vote on the ordinance and when approved, the new SCRP program will be enacted. The ordinance is scheduled for a public hearing and possible vote on November 1, 2016. As a result, the County believes it is in compliance with this section.

Q. **Section VII(29)** – Reporting and Recordkeeping. This section requires the County to retain all records relating to any provision of the CD and gives USDOJ the opportunity to inspect and copy any such records. The County affirmatively states that it is in compliance with this section.

R. **Section VIII(30) – (31)** – Compensation of Aggrieved Persons. These sections require compensation to Diamond State CLT and set forth a procedure whereby, once the compensation is received, a release from Diamond State CLT ("Release") is obtained and sent to the County. The compensation has been received by Diamond State CLT and the Release has been received by the County via correspondence from USDOJ dated January 3, 2013. As a result, the County believes the requirements of these sections have been fulfilled.

S. **Section IX(32) – (33)** – Jurisdiction and Scope of Decree. These sections set forth the jurisdiction of the Court in this matter and state that the CD is in effect for four (4) years after its entry. As the CD was entered by the Court on December 19, 2012, the date of its expiration is therefore December 19, 2016. Nothing in these sections requires compliance on the part of the County.

T. **Section IX(34)** – Jurisdiction and Scope of Decree. This section states that modifications to the CD, other than a time limit for performance, will be effective upon the filing of a written agreement between the County and USDOJ with the Court. In order to modify the CD to include the agreement between USDOJ and the County regarding certain training provisions, calculations of deadlines, and posting of Certificates of Training and Receipt of Consent Decree, the County submitted to USDOJ a draft Stipulation and Order for review within the First Semi-Annual Compliance Report and reports thereafter. As per communication from USDOJ, it is the County's understanding that all of the terms in that Stipulation and Order are acceptable to USDOJ and USDOJ has never expressed a contrary opinion. Additionally, even though the Stipulation and Order have not been filed with the Court, the County and USDOJ have been proceeding as though the Stipulation and Order have been properly filed. As a result, the County believes it is in compliance with the provisions of this section.

U. **Sections X (Enforcement of This Decree), XI (Costs and Fees) and XII (Termination of Litigation Hold)**– Nothing in these sections require compliance on the part of the County.

II. Requirements Under the Voluntary Compliance Agreement ("VCA")

Since the submission of the County's Seventh Semi-Annual Compliance Report, HUD issued a VCA monitoring review letter dated August 30, 2016 (the "August 2016 HUD Review Letter") to the County. HUD stated that only those provisions of the VCA that they believed were outstanding or incomplete were addressed within the August 2016 HUD Review Letter. Pertinent information from the August 2016 HUD Review Letter is discussed below where appropriate. Within the August 2016 HUD Review Letter, HUD stated: "two critical deliverables that remain incomplete which include a final approved Priority Fair Housing Plan; and Impacted Communities Study and infrastructure prioritization." The County submitted the Impacted Communities Study to HUD on September 23, 2016. The infrastructure prioritization (the "Prioritization Policy") is attached hereto as **Exhibit F**.

The County believes that with the submission of the Impacted Communities study on September 23, 2016, the Prioritization Policy within this compliance report, and the content of this Final Compliance Report addressing all other comments in the August 2016 HUD Review Letter, the Priority Plan should now be approved by HUD and that all requirements of the VCA have been met. As a result, the County does not agree with HUD's request that the VCA remain open past its expiration date of November 28, 2016.

In accordance with Section IX(2) and (3) of the VCA, this Final Compliance Report contains the County's notification to HUD that the County believes it is has completed all work, training, and reporting required under the VCA and invites HUD to begin its final evaluation and review. Please note that the County does not agree with HUD's assertion in the August 2016 HUD Review Letter that the data (presumably from the Impacted Communities Study) and the prioritization plan must be reviewed and approved by HUD. There is simply no provision in the VCA which requires such review and approval by HUD. Since the inception of the VCA, it has always been the parties' understanding that the County would have the final say on all of the elements listed in Section III.7(c) of the VCA including the investment strategies, priority designation of infrastructure (including the funding of such infrastructure) and formalization of any approval process or processes. HUD's position that it has the authority under the VCA to review and approve those elements listed in Section III.7(c) is not supported by the express terms of the VCA and is therefore unenforceable under the terms of the VCA.

A. **Section II** – General Provisions. The only provision in this section requiring compliance on the part of the County is Section II(7). This section requires that the County make a copy of the VCA available for review to any person, in accordance with the law. The County affirmatively states that it continues to be in compliance with this section.

B. **Section III(1)** – Corrective Actions. This section references the training requirements set forth in Section VI(21)(a) through (c) of the CD. As discussed in the last compliance report, the County's fourth annual in-person training was held on June 9, 2016, and the training certificates of each of the County attendees of the in-person training were included as an exhibit

within the report. The training certificates of those that were unable to attend the training and, instead, viewed the videotape of the training, in addition to the certificates of any new employees since the last compliance report, are attached hereto as **Exhibit E**. The fourth annual in-person training was the last training required under the CD. In its August 2016 HUD Review Letter, HUD agreed that the County has completed all required in-person trainings and stated that this provision for training will remain open for any new hires that occur during the term of the VCA. The County agrees that any new hires that occur during the term of the VCA will receive the required training. As a result, the County believes it is in compliance with this section.

C. **Section III(2)** – Corrective Actions. Under this provision in the VCA, the County is required to address the decision to deny the New Horizons Cluster Subdivision proposal and reimburse Diamond State CLT as agreed upon in Sections II(10) and VIII of the CD. As set forth in previous compliance reports, the County believes it is in compliance with this section. The February 2016 HUD Review Letter states that HUD agrees the County is in compliance with this section and recommends that the County "continue to engage with Diamond State CLT in identifying land for affordable housing opportunities, as this is comprehensively documented in the 2011 Analysis of Impediments." The County is continuing to engage in discussions with Diamond State CLT. As a result, the County believes it is in compliance with this section and the August 2016 HUD Review Letter did not identify the requirements of this section as being outstanding or incomplete.

D. **Section III(3)** – Corrective Actions. This section requires the County to limit the evaluation of future land use proposals to compliance with the County Code and State law. The County affirmatively states that it is in compliance with this section and the February 2016 HUD Review Letter states that this provision of the VCA has been met.

E. **Section III(4)** – Corrective Actions. This section requires the County to comply with guidance and instructions provided by the State of Delaware to affirmatively further fair housing, to the greatest extent feasible or practicable, contingent upon funding and the County's authority. The County believes it is in compliance with this section and the February 2016 HUD Review Letter states that HUD agrees.

F. **Section III(5)** – Corrective Actions. This section requires the County to hire or appoint the FHCO and to notify HUD of the appointment within 30 days. As set forth in the County's correspondence to HUD and USDOJ dated December 28, 2012, the County is in compliance with this requirement. The February 2016 HUD Review Letter states that this provision of the VCA has been met.

G. **Section III(6)** – Corrective Actions. This section only becomes active if the FHCO resigns or is otherwise terminated prior to the expiration of the VCA. Because that situation has not arisen, there is nothing in this section that requires compliance by the County at this time.

H. **Section III(7)** – Corrective Actions.

1. **Section III(7)(a)** requires that the County review and evaluate the 1998, 2003, and 2011 Analysis of Impediments ("AI's"), develop a proposed priority fair housing plan to address the identified impediments that continue to exist, and submit the plan to DSHA and HUD for review and approval within 120 days of the effective date of the VCA (by March 28, 2013). In response, the County performed the required review and evaluation, drafted the Priority Plan, and submitted the Priority Plan to HUD and DSHA for review and approval.

In the April HUD Review Letter, HUD listed eight separate recommendations that it believed the County needed to address in order to be in compliance with the VCA under Section III(7)(a). All of the recommendations involved changes to the County's Priority Plan. There has been much correspondence between HUD and the County regarding these eight recommendations and the reader is directed to previous compliance reports and correspondences for the entirety of the discussion. The County submitted its revised Priority Plan on October 28, 2015. HUD addressed the County's revised Priority Plan in its February 2016 HUD Review Letter and the County and HUD discussed specific issues related to the revised Priority Plan in the February 2016 HUD Conference Call. As mentioned in the February 2016 HUD Review Letter, most of the HUD recommendations have been addressed to HUD's satisfaction; however HUD required some additional information regarding HUD Recommendations Nos. 1 and 2 (which are considered together) and HUD Recommendation No. 5. In addition, there was an outstanding item due under HUD Recommendation No. 8. The County submitted correspondence with a re-revised Priority Plan to HUD on May 11, 2016, which we believe addressed these recommendations. HUD responded back to the County in its August 2016 HUD Review Letter with additional questions regarding HUD Recommendations Nos. 1 and 2 (considered together), HUD Recommendation No. 5, HUD Recommendation No. 6, and HUD Recommendation No. 8.

Without waiving any of the County's general or specific objections to the eight recommendations as set forth in previous compliance reports, below is a synopsis of the status of the eight original HUD Recommendations, HUD's current position on each, and the County's response to each.

a. HUD Recommendation Nos. 1 and 2

Mentioned in the July 2015 HUD Review Letter, the outstanding action item that HUD was requiring to be in the Priority Plan was "a timeline for the strategy of meeting with housing advocates to explore options for increasing the supply of accessible, affordable housing, including what outreach will be performed to housing advocates, how will suggestions be compiled, how will the Recipient assess these suggestions, and how long does the Recipient anticipate the process will take (HUD's recommendation in the November 2014 letter)."

The County responded by revising its Priority Plan and submitted the revised Priority Plan on October 28, 2015. The February 2016 HUD Review Letter requested additional information under HUD Recommendation Nos. 1 and 2. In particular, HUD recommended that "the County specifically identify in the Priority Plan how it will monitor and measure the success of the deferral option and aforementioned activities. What type of evaluation instrument will be utilized? Who will develop, administer, and evaluate the methodology for the instrument to ensure effectiveness? The Priority Plan should also reference that the County will include a report of findings at the conclusion of the activities."

The County re-revised its Priority Plan to address these issues raised by HUD and submitted its re-revised Priority Plan to HUD on May 11, 2016. HUD raised the following additional questions in its August 2016 HUD Review Letter:

August 2016 HUD Review Letter:

HUD states: "*What marketing or community engagement does the County expect to do to promote the sewer fee deferral option and Affordable Housing Support Policy and Template Support Letter? How will developers be aware these options are available? This should be part of the Priority Plan. The County's efforts will be futile if the affordable housing community is not aware of them.*"

County's Response: In order to promote the sewer fee deferral option and the Template Support Letter (both of which are detailed in the Affordable Housing Support Policy), the County will include the Affordable Housing Support Policy as a link on its Planning and Zoning webpage (which is broadly available to anyone with access to the Internet desiring information on how to apply to develop property in Sussex County), it will be posted in the Planning and Zoning office, and it will be included in any application materials given to applicants desiring it to build residential developments in Sussex County. This information has now been incorporated within the County's Priority Plan and the revised Priority Plan is attached hereto as **Exhibit G**.

We believe that these recommendations are now complete.

b. HUD Recommendation No. 3

According to the February 2016 HUD Review Letter, this recommendation remains complete.

c. HUD Recommendation No. 4

According to the February 2016 HUD Review Letter, this recommendation remains complete.

d. HUD Recommendation No. 5

Within the February 2016 HUD Review Letter, HUD requested further discussion with the County on the sewer impact fee deferral option as a method by which the County would increase the supply of affordable housing in the Balance of State available to households making 80% or less of the median household income. The County and HUD discussed the sewer impact fee deferral option during the February 2016 HUD Conference Call. As mentioned in the County's correspondence and re-revised Priority Plan submitted to HUD on May 11, 2016, the County is going to continue to track the number of affordable housing units built which have taken advantage of the sewer impact fee deferral and the County has added the availability of the sewer deferment incentive to the existing Affordable Housing Support Policy in order to raise public awareness of this incentive and encourage its use. However, the County and HUD recognize that a change to the County's SCRP program may be even more effective. The County submitted to HUD the draft ordinance to revise the SCRP program on September 23, 2016, and it is scheduled for a public hearing and possible vote on November 1, 2016.

August 2016 HUD Review Letter:

HUD stated that this recommendation is complete. In order to provide technical assistance only, HUD requested much additional information on the process the County followed in drafting the revised SCRP program ordinance.

County's Response:

By way of responding to HUD's request for additional information, the County states that while it appreciates HUD's offer of technical assistance, the VCA requires only that the County submit to HUD a draft of the ordinance prior to its consideration by County Council and HUD, in its

August 2016 HUD Review Letter agreed that this recommendation is complete. The draft ordinance has now been submitted to HUD and it is not anticipated that County Council will consider the ordinance until sometime in November or December of 2016. Prior to drafting the ordinance, the County discussed with HUD some broad parameters for changing the SCRP program in the February 2016 HUD Conference Call. In accordance with the timeline as set forth in County's Priority Plan, the County subsequently met with non-profit affordable housing developers, for-profit housing developers, and the Delaware State Housing Authority in order to solicit comments on how to make the SCRP program more effective. Proposed modifications to the SCRP program were presented to County Council on July 26, 2016, and have now been incorporated into the draft ordinance sent to HUD and USDOJ on September 23, 2016. The draft ordinance was introduced at County Council's meeting held on September 27, 2016, and is scheduled for a public hearing and possible vote on November 1, 2016.

e. HUD Recommendation No. 6

Within the July 2015 HUD Review Letter, HUD requested a copy of the County's LEP Plan to review and provide comments. HUD stated that the comments, if any, will not become part of the approval of the Priority Plan, but rather will be for technical assistance for the County. This was the only outstanding action item within this recommendation. The County submitted its LEP Plan to HUD within its September 21, 2015, Interim Report. HUD acknowledged the County's submission and provided its comments in the February 2016 HUD Review Letter. In its correspondence to HUD dated May 11, 2016, the County mentioned that it revised the end-date of the implementation period for the LEP Plan from December 31, 2015 to September 30, 2016.

August 2016 HUD Review Letter:

HUD states: *"This provision is complete. Please send a copy of the final LEP Plan to the Department for its file."*

County's Response:

The final LEP Plan is attached hereto as **Exhibit H**.

f. HUD Recommendation No. 7

According to the February 2016 HUD Review Letter, this recommendation is complete.

g. HUD Recommendation No. 8

Within the February 2016 HUD Review Letter, HUD stated that this recommendation is complete, and mentioned that the County stated it would send a letter to State legislators in Sussex County making them aware of the County requirement under the Analysis of Impediments to support legislative protection for borrowers to assist them in meeting housing costs. The letter was sent and attached to the Seventh Semi-Annual Compliance Report as an exhibit.

August 2016 HUD Review Letter:

HUD states that this recommendation remains complete and reiterated its initial general comments regarding supporting recommendations for legislation with data.

County's Response:

The County appreciates HUD's comments and recognizes that no further response on the part of the County is required under this recommendation.

The County believes that with the additional information provided above and the submission of the revised Priority Plan as **Exhibit G** hereto, the County has addressed all of HUD's outstanding requirements for approval of its Priority Plan and the Priority Plan should now be approved.

2. **Section III(7)(a)(i).** As mentioned in the February 2016 HUD Review Letter, HUD considers this provision of the VCA to have been met.

3. **Section III(7)(a)(ii).** As mentioned in the February 2016 HUD Review Letter, HUD considers this provision of the VCA to have been met.

4. **Section III(7)(a)(iii).** As mentioned in the February 2016 HUD Review Letter, HUD considers this provision of the VCA to have been met.

5. **Section III(7)(b)**. As mentioned in the February 2016 HUD Review Letter, HUD considers this provision of the VCA to have been met.

6. **Section III(7)(c)** requires the County to perform an internal evaluation of the Impacted Communities through the Strong Communities Initiative in order to determine investment strategies, priority designation of infrastructure and/or community development for those elements of infrastructure over which the County has primary governing authority. This section also requires the County to evaluate its past participation in providing secondary elements of infrastructure in the Impacted Communities with the goal of prioritizing the funding for such infrastructure improvements and formalizing an approval process for continued County participation in such infrastructure projects.

August 2016 HUD Review Letter:

HUD states: "*This provision of the VCA remains open and pending. The Department requests a copy of the Study within 15 days of receipt of this letter. The County has stated that the contract period was extended until June 30, 2016; however, this is a critical segment of the Agreement and the Department will be focusing on this provision in future correspondence with the County.*

County's Response:

The Impacted Communities Study was sent to HUD on September 23, 2016, and the County's Prioritization Policy which incorporates formal approval processes where appropriate is attached hereto as **Exhibit F**. As a result, the County believes this requirement of the VCA is complete.

I. **Section III(8)** – Corrective Actions. Following the internal evaluation and drafting of an approval process for future primary and secondary infrastructure projects, this section requires the County to provide such improvements and services so long as such assistance is consistent with the County's available resources, and is consistent with relevant statutes, rules, regulations and policies. The evaluation of the Impacted Communities, the approval process, and the approvals granted will be made publicly available on Sussex County's website on an on-going basis.

August 2016 HUD Review Letter:

HUD states: "*This provision of the VCA is open and ongoing.*"

County's Response:

The Impacted Communities Study and the County's Prioritization Policy which incorporates formal approval processes where appropriate have now been submitted to HUD. The County commits to provide such improvements and services as set forth in the Prioritization Policy, following the approval processes therein set forth, so long as such assistance is consistent with the County's available resources, and is consistent with relevant statutes, rules, regulations and policies. The Impacted Communities Study and the Prioritization have now been made publicly available on Sussex County's website with the posting of this Final Compliance Report and the approvals granted will be made publicly available on the County's website on an on-going basis. As a result, the County considers this requirement of the VCA complete.

J. **Section III(9)** – Corrective Actions. Under this provision in the VCA, the County is required to revise its methodology, as currently proposed by DSHA, to target minorities with disproportionate housing needs to ensure that minorities are benefiting from all affordable housing programs supported by the County. Within the County's Fifth Semi-Annual Compliance Report, the County attached documentation from past DSHA CDBG Quarterly Status Reports to show that its methodology does target minorities with disproportionate housing needs. Within the July 2015 HUD Review Letter, HUD agreed that the CDBG reports show that minorities are targeted for funding. However, HUD further stated that "as the Recipient plans to incorporate the Impacted Community Study into the targeting process, this provision remains open while the Study is completed." As mentioned within the February 2016 HUD Review Letter, this continues to be HUD's position, in particular, this provision remains open while the Impacted Communities Study is being completed.

August 2016 HUD Review Letter:

HUD states: *"This provision of the VCA has been partially met, and this provision remains open while the Impacted Communities Study is completed."*

County's Response:

The Impacted Communities Study has been completed and sent to HUD on September 23, 2016. In addition, as can be seen within the Impacted Communities Study and the Prioritization Policy, the County has historically targeted minorities with disproportional housing needs to ensure that minorities are benefitting from all affordable housing programs supported by the County. In addition, information from within the Impacted Communities Study has been incorporated into the Prioritization Policy which, in turn, continues to guide the County in targeting minorities to ensure that they are benefitting from all affordable housing programs supported by the County. The County now considers this requirement under the VCA complete.

K. **Section IV** – Public Notice of the VCA. As mentioned in the February 2016 HUD Review Letter, HUD considers this provision of the VCA to have been met.

L. **Section V** – Reporting and Compliance Requirements. Under Section A(1), the County must submit semi-annual reports to HUD for the duration of the CD. Under Section A(2) the reports must contain information on each corrective action (progress made, work remaining, reasons for any delay, dates of completion or proposed completion), and must be signed and certified as accurate by the FHCO. This correspondence from the County is meant to satisfy the requirements of these sections for the eighth and final semi-annual compliance report.

M. **Section VI** – Recordkeeping Requirements. This section requires the County to maintain adequate files along with all materials relating to the County's implementation of the VCA. The County asserts that it is in compliance with this section.

N. **Actions Taken Outside of VCA Provisions** – HUD stated in the 2016 August HUD Review Letter: *"The Department notes that the County provided letters of support for a Diamond State CLT affordable housing project in Ingram Village in Ellendale. The County stated that it provided letters of support of the project to the Delaware State Housing Authority and certification from the County to FHL Bank of Pittsburgh mentioning that the County encourages the creation of affordable housing through the land trust model of home ownership as well as detailing the benefits of the sewer deferral program. The County provided that the effort was successful and Diamond State CLT released information that it is now building its first three homes in Ingram Village. The Department recognizes this effort by the County and recommends that it be recorded in the Priority Plan as an action taken to increase the supply of affordable housing."* The County has revised the Priority Plan to include this information and has attached it hereto as **Exhibit G.**

This concludes the County's Final Semi-Annual Compliance Report. At this time, the County believes that it is in compliance with all requirements of the Consent Decree and expects the Consent Decree to expire on December 19, 2016, and the Case to be dismissed in accordance with Section IX(33). The County also believes that with the submission of the Impacted Communities study on September 23, 2016, the Prioritization Policy within this Final Compliance Report, and the content within this Final Compliance Report addressing all other comments in the August 2016 HUD Review Letter, the Priority Plan should now be approved by HUD and that all requirements of the VCA have been met. As a result, the County does not agree with HUD's request that the VCA remain open past its expiration date of November 28, 2016.

This Final Compliance Report contains the County's notification to HUD that the County believes it is has completed all work, training, and reporting required under the VCA and invites HUD to begin its final evaluation and review. Please note that, as discussed earlier in the correspondence, the County does not agree with HUD's assertion in the August 2016 HUD

Review Letter that the data (presumably from the Impacted Communities Study) and the prioritization plan must be reviewed and approved by HUD.

Feel free to contact me with any questions or comments.

Sincerely yours,

Stephanie L. Hansen

Ms. Alice Hung (via email at Alice.Hung@usdoj.gov)
Ms. Melody Taylor-Blancher (via email at Melody.C.TaylorBlancher@hud.gov)
Ms. Mary Jean Carabello (via email at MaryJean.Carabello@hud.gov)
Ms. Danielle.L.Sievers (via email at Danielle.L.Sievers@hud.gov)
Mr. Todd Lawson (via email at tlawson@sussexcountyde.gov)
Mr. Brad Whaley (via email at bwhaley@sussexcountyde.gov)

I attest that the material presented in this Final Semi-Annual Compliance Report is accurate to the best of my knowledge as the Sussex County Fair Housing Compliance Officer.

Brandy B. Nauman
Sussex County Fair Housing Compliance Officer

Exhibit List

Exhibit A – Support Letter for Diamond State CLT

Exhibit B – Application for Group Residential Facility for Persons with Disabilities

Exhibit C - 2016 Homebuyer Fair materials

Exhibit D – Representative agendas of County Council, the Planning and Zoning Commission, and the Board of Adjustment.

Exhibit E – Certificates of Training

Exhibit F – Prioritization Policy

Exhibit G – Revised Priority Plan (September 2016), including redline against May 2016 version

Exhibit H – Revised LEP Plan

EXHIBIT A

BRAD D. WHALEY
DIRECTOR OF COMMUNITY
DEVELOPMENT & HOUSING
(302) 855-7777 T
(302) 854-5397 F
bwhaley@sussexcountyde.gov

Sussex County
DELAWARE
sussexcountyde.gov

TO: Federal Home Loan Bank of Pittsburgh
Affordable Housing Program Application 5407
Diamond State Community Land Trust in Ingram Village 2

SUBJECT: Sussex County Support for Permanently Affordable Homes in Ingram Village

DATE: July 22, 2016

Sussex County is pleased to be working with the Diamond State Community Land Trust to help create new, permanently affordable homes in the Town of Ellendale.

We are contributing financially to this work in the following ways.

Sewer Impact Fees Waiver

As the July 6, 2015 letter from Christopher Keeler, Director of Assessment for the County, indicates – per Delaware Code, Title 9, sections 8105, 8106 and 8110, and Sussex County Code, Chapter 110, section 94 – property taxes, as well as, sewer and water assessments are exempt from taxation as long as the recorded property owner meets the criteria stated in the code of being created for charitable purposes. Such entities are not liable to taxation and assessment for public purposes by any county, municipality or other political subdivision of the State.

What this means, in the case of county sewer impact fees, is that Diamond State CLT, as an organization which takes the land off the market, holding it in trust for the community, and transfers homeownership through a leasehold estate, will never be liable for these fees, which amount to $8,000 per home in the Ellendale sewer district.

Water Connection Fee

In addition, each home in Ellendale is charged a $1,500 fee by the water company for connection to the water system. By this letter, we are confirming the continued commitment to reimburse Diamond State Community Land Trust for these fees after the fact.

Summary

By these two programs, Sussex County government is a strong financial partner in the development of permanently affordable homes in Ingram Village, offsetting the development costs of these homes by $9,500 each.

I hope this makes clear the extent of the County's commitment to affordable housing.

COUNTY ADMINISTRATIVE OFFICES WEST COMPLEX
22215 DUPONT BOULEVARD | PO BOX 589
GEORGETOWN, DELAWARE 19947

2016 Community Stability

FHLBank

Affordable Housing Program
Plan Consistency Form

Application Name: Diamond State CLT in Ingram Village 2 **Application Number:** 5407

Instructions: This form is to be completed for submission of points under the Community Stability section of the Affordable Housing Program (AHP) application. Please review the 2016 Community Stability Guidebook and 2016 Implementation Plan for further instructions.

Note: ***This form is to be completed by the Plan Author, a representative of the Plan Approval Committee or the Plan Manager. This form is not to be completed by the sponsor unless the sponsor is also the Plan Author, Plan Approval Committee, or the Plan Manager as noted below.***

SECTION I:

The AHP project is consistent with a community plan. ☒Yes ☐No

Title of Plan: Sussex County Comprehensive Plan

Date Plan Approved (must be within 7 years from August 11, 2016): 06/2008

Date Plan Updated (must be within 7 years from August 11, 2016, if applicable): 06/2013

Include all AHP Project Address(es): Lot 176 South Lee Avenue, Lot 251 Jenny Street, and Lot 253 Jenny Street, Ellendale, DE 19941

At least 75 percent of the AHP properties listed above are located within the boundaries of the plan's consideration. ☒Yes ☐No

SECTION II:

The project meets at least one specific targeted priority outlined in the plan referenced in Section I.
Note: To be considered for points under this section, the "Targeted Priorities" section under "Community Planning" must be selected.

☐ N/A

If applicable, describe:

The specific targeted priority outlined in the plan:

The Housing Element of the plan encourages the creation of affordable housing through the community land trust model of homeownership.

How the project meets this targeted priority:

This project would create 3 permanently affordable CLT homes in Ingram Village.

The above-named plan directly mentions this project. ☒Yes ☐No

SECTION III:

Indicate who is signing this form:

☒ Plan Author

☐ Plan Approval Committee

☐ Plan Manager

Please explain how you are authorized to sign this form on behalf of the referenced plan:

I am the Director of the Sussex County Community Development and Housing Department.

	CERTIFIATION **I certify that I am authorized to sign this form and I represent the Plan Author, Plan Approval Committee or Plan Manager. I have met with the project sponsor and discussed this form and the statements are true and correct. I, the Plan Designee, have reviewed the address(es) within the project's plan and at least 75 percent of the address(es) are within the boundaries of the Community Plan.**
	Signature Click here to enter date Date
	Brad D. Whaley Name (Typed)
	Director Title
	Sussex County Community Development & Housing Organization
	302-855-7777 Phone Number

2016 Community Stability

FHLBank

Affordable Housing Program
Community Designation Form

Application Name: Diamond State CLT in Ingram Village 2 **Application Number:** 5407

Instructions: This form is to be completed for submission of points under the Community Stability section of the Affordable Housing Program (AHP) application. Please review the 2016 Community Stability Guidebook and 2016 Implementation Plan for further instructions.

Note: This form must be completed and signed by the head of either the local agency receiving the designation (such as a Main Street Director) or the head of the designating agency (such as a Director or Manager of the State Main Street Office).

COMMUNITY DESIGNATION DESCRIPTION

Designation Name: Strong Community

Name of Entity Proclaiming Designation: Sussex County Community Development

Is this designation currently in effect? ☒Yes ☐No

COMMUNITY DESIGNATION PROJECT ADDRESS(ES)

To be eligible for points under this category, all project sites must be known and indentified. List the addresses of all properties in the AHP project and the associated designation for that address below. Attach additional pages if necessary.

Project Address	Name of Designation (Main Street, Blueprint, etc.)
Lot 251, Jenny Street, Ellendale, DE 19941	Strong Community
Lot 253, Jenny Street, Ellendale, DE 19941	Strong Community
Lot 176, South Lee Avenue, Ellendale, DE 19941	Strong Community
Enter project address here	Enter designation name here
Enter project address here	Enter designation name here

Are all project sites known and identified? ☒Yes ☐No

Are at least 75 % of the AHP properties within the designation area? ☒Yes ☐No

COMMUNITY DESIGNATION TANGIBLE BENEFIT(S)

Designation's tangible benefit(s):
- ☒ Funding/grants
- ☐ Technical assistance
- ☒ Other: This designation by the Governor of Delaware increases the possibility of State and Federal funding by identifying the area as a concentrated area of rural poverty.

CERTIFICATION

Indicate who is signing this form:
- ☒ Head of local implementing organization
- ☐ Head of agency proclaiming designation

Please explain how you are authorized to certify the community designation identified above.
I certify that the designation described above is active, that the property or properties listed above are within the area of the active designation and that the information provided as to the tangible benefits of the designation are true and correct.

I certify that the designation described above is active, that the property or properties listed above are within the area of the active designation and that the information provided as to the tangible benefits of the designation are true and correct.

Signature	07/21/2016 Date
Brad D. Whaley Name (Typed)	Director Title

	Sussex County Community Development	302-855-7777
	Organization or Company Name	Phone Number

EXHIBIT B

Case #_____

Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
(302) 855-7878 ph. (302) 854-5079 fax

Application for Group Residential Facility for Persons with Disabilities

Purpose: A group residential facility licensed and approved by the appropriate state agencies serving 10 or fewer persons with disabilities on a twenty-four-hour-per-day basis (a "Group Residential Facility for Persons with Disabilities") is considered a single family dwelling under the Sussex County Code, Chapter 115 (Zoning), § 115-4(B). The purpose of this Application is to provide the Applicant with an opportunity to demonstrate that its proposed use of the property as set forth in this Application meets the definition of a Group Residential Facility for Persons with Disabilities under the Sussex County Code.

Property Address: _____

Tax Map #: _____ **Property Zoning:** _____

Applicant Information

Applicant Name: _____
Applicant Address: _____
City, State, Zip: _____
Applicant Phone #: _____ Applicant e-mail: _____

Property Owner Information

Owner Name: _____
Owner Address: _____
City, State, Zip: _____ Purchase Date: _____
Owner Phone #: _____ Owner e-mail: _____

Agent/Attorney Information

Agent/Attorney Name: _____
Agent/Attorney Address: _____
City, State, Zip: _____
Agent/Attorney Phone #: _____ Agent/Attorney e-mail: _____

Criteria for Demonstrating Property Use as a Group Residential Facility for Persons with Disabilities.

(Please provide a written statement regarding each criteria)

Disability means, with respect to a person: (1) A physical or mental impairment which substantially limits one or more of such person's major life activities, (2) a record of having such impairment, or (3) being regarded as having such an impairment, but such term does not include current, illegal use of a controlled substance as defined in § 102 of the Controlled Substances Act (21 U.S.C. 802) or Title 16 of Chapter 47, Uniform Controlled Substances Act. 6 Del. C. § 4602(10).

1. Housing

   A. How long is it anticipated that the occupants of the facility will stay at the facility?

   B. Are the occupants anticipated to treat the facility as their home, even on a temporary basis and, if so, how?

2. Physical or Mental Impairment

   Examples include, but are not limited to: recovery from drug or alcohol addiction, chronic depression, mental retardation, organic brain syndrome, emotional or mental illness, learning disabilities, physiological disorder or condition, cosmetic disfigurement, anatomical loss affecting various body systems.

   A. Does the Applicant intend to provide housing for persons with a physical or mental impairment?

   (1) Describe the type(s) of impairment(s) that occupants are anticipated to possess.

   (2) Provide documentation as an attachment to this Application demonstrating the Applicant's intent to provide this type of housing.

3. Substantial Limitation of a Major Life Activity

"Major life activities" include, but are not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

A. Is it anticipated that the physical or mental impairment substantially limits one or more of such person's major life activities and, if so, how?

B. What is the major life activity that is anticipated to be substantially limited?

4. Number of Persons

A. Is the facility anticipated to serve 10 or fewer persons with physical or mental impairments on a 24-hour basis?

5. State Licensing

A. Is the facility required to be licensed or approved by a State agency? _____

B. If so required, when does the Applicant anticipate applying for such licensure/approval? If licensure/approval has already been granted, please provide the details and any supporting documentation.

* ***Please be advised that the decision of the Department is final when signed by the Director of the Planning and Zoning Department and will be mailed to the Applicant within three (3) business days. Any final decision of the Department may be appealed to the Sussex County Board of Adjustment within thirty (30) days after the final decision of the Department. To determine whether the decision has been made prior to receiving the decision in the mail, you may call the Planning & Zoning Department at (302) 855-7878. Please include the case number when calling about the decision.***
* ***Please be advised that any action taken in reliance on the Department's decision before it is finalized and the expiration of any applicable appeal period is taken at the Applicant's risk.***

The undersigned states that that he or she has completed this Application honestly, truthfully and to the best of his/her knowledge and belief.

_____ _____

Applicant Signature Date

For office use only:

Date Submitted: _____

Staff accepting application: _____ Application & Case #: _____

Location of property:

_____

_____

_____

_____

Decision of the Department of Planning and Zoning:

The Application: Meets _____

Does not meet _____

the definition of a single family dwelling under the Sussex County Code Chapter 115 (Zoning), § 115-4(B) as a group residential facility licensed and approved by the appropriate state agencies serving 10 or fewer persons with disabilities on a twenty-four-hour-per-day basis.

_____

Director, Sussex County Planning & Zoning

Date: _____

EXHIBIT C

2016 SUSSEX COUNTY HOMEBUYER FAIR

Get the keys to homeownership!

Saturday, September 24, 2016

9 a.m. to 1 p.m.

Delaware Technical & Community College, Jack F. Owens Campus, Carter Partnership Center

https://www.sussexcountyde.gov/2016-homebuyer-fair

Welcome from **County Administrator Todd Lawson**

Dear Attendees,

On behalf of the Sussex County Council, it is my pleasure to welcome you to our third annual Sussex County Homebuyer Fair.

We are excited once again to bring together bring together housing resources and would-be buyers for a third year. Given the success of the last two years, the fantastic turnout and positive feedback, it was clear that the Homebuyer Fair should become an annual event. So here we are to help a new round of home-buyers on their path to home ownership!

Buying a home can be intimidating for first-time homebuyers, many of whom have plenty of questions, especially about what kinds of programs are available to make the process less daunting. That's where the Sussex County Homebuyer Fair can be a valuable tool, to help any homebuyer, but new buyers especially, wade through the process in their quest to realize the American Dream.

Quality, affordable housing is the key to strengthening an economy and making for a more successful community. That can be a challenge for any locale, and Sussex County is no different. The Delaware Housing Needs Assessment released in 2014 identified major and distinctive housing needs in Sussex County. We can work through those challenges, though. It is my hope that this year's fair results in the further creation of a solid network of government, non-profits, and private sector organizations dedicated to creating homeownership opportunities for Sussex County residents. Not one of us alone can provide housing to our residents. Instead, it takes cooperation and coordination across all sectors.

I truly appreciate your willingness to take the first step to housing. We look forward to providing a venue for years to come where potential homebuyers can come to learn about all of the various resources and opportunities available to them from organizations and businesses across the state.

Welcome from **Community Development & Housing Director Brad Whaley**

Dear Partners and Attendees,

Welcome to the 2016 Sussex County Homebuyer Fair!

We are excited to bring together organizations from the public, private, and non-profit sectors in Sussex County to provide potential homebuyers will all the resources necessary to attain homeownership. We look forward to doing this every year!

I hope that you find this event to be educational, and that you connect with the resources you need to make homeownership a reality.

The last two years were very successful. It's so rewarding to hear about attendees that have gone on to purchase their own home using tools they received at the Homebuyer Fair. We look forward to hearing more of these stories!

I want to extend my sincere thanks to Anas Ben Addi, Director of the Delaware State Housing Authority, Merritt Burke, CEO of the Sussex County Association of REALTORS®, Bernice Edwards, Executive Director of First State Community Action, and Joe Myer, Executive Director of NCALL Research for helping us make this event possible in Sussex County. I would also like to thank the many staff members from these organizations. We could not do this without you! Thank you so much.

Sussex County Association of REALTORS®

HOME BUYER FAIR

WELCOME TO THE THIRD ANNUAL

ALL OF US AT THE SUSSEX COUNTY ASSOCIATION OF REALTORS® WOULD LIKE TO WELCOME YOU TO THE OWENS CAMPUS OF DELAWARE TECHNICAL & COMMUNITY COLLEGE. ALONG WITH OUR PARTNERS IN SUSSEX COUNTY GOVERNMENT AND THE MANY HOUSING-RELATED AGENCIES YOU SEE HERE ON CAMPUS, WE'RE PLEASED TO OFFER YOU A COMPREHENSIVE ONE-STOP SHOPPING ATMOSPHERE HERE TODAY.

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- Loan Fund

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302-678-9400

www.NCALL.org

EQUAL HOUSING OPPORTUNITY

Sussex County Government would like to thank the following organizations that have generously supported the Homebuyer Fair and helped make the event possible. Your support is greatly appreciated.

PARTNERS

Delaware State Housing Authority
First State Community Action Agency
NCALL Research, Inc. & $tand By Me
Sussex County Association of REALTORS®

GOLD SPONSORS

Wells Fargo Home Mortgage, Rehoboth Beach
Meridian Bank, Hockessin

BRONZE SPONSORS

Dry Zone, LLC

PRINTING SPONSOR

Discover Bank

TECHNOLOGY SPONSOR

Automated Copy Systems, Inc.

Delmarva Document Solutions, Inc.

Special thanks to Delaware Technical & Community College, Owens Campus and Lighthouse Cove Catering for their support!

EXHIBITORS

Bank of England

Capstone Homes

Chatman, LLC

Delaware Community Reinvestment Action Council

Delaware Division of Human Relations

Delaware Financial Literacy Institute/ The Money School

Delaware Manufactured Homeowners Association

Diamond State Community Land Trust

Legal Shield & Identity Shield

Milford Housing Development Corporation

NRL Mortgage, LLC

Sussex County Emergency Medical Services

Sussex County Habitat for Humanity

Tri-Gas & Oil Co., Inc.

USDA Rural Development

RAFFLE CONTRIBUTORS

Arena's at the Airport

Bayside Resort Golf Club

Best Ace Hardware & Garden Center, Lewes

Big Fish Grill

Catcher's Restaurant & Catering

Flex World Fitness

Irish Eyes Pub & Restaurant

Pizza King, Georgetown

Rise Fitness + Adventure

Sussex County Economic Development

The Sugar Shack

World Gym, Millsboro

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First State ~ Making Home Ownership a Reality!

First State Community Action Agency's **Comprehensive Housing Department** is dedicated to providing personalized guidance, education, and information to help consumers find housing that's right for them!

We provide:

- First-Time Home Buyer Seminars
- Pre- / Post-Purchase Housing Counseling
- Budget / Credit Counseling
- Mortgage Default Counseling
- Foreclosure Prevention Counseling & Seminars
- Pre-Rental& Post-Rental/Tenancy Counseling

Other Housing Related Services:

- Heating Replacement / Repair
- Lead Abatement & Removal
- Summer Cooling Assistance
- Financial Litaracy Workshops
- Earned Income Tax Credit Program

FirstState
Community Action Agency
People Helping People Build Community

Our friendly, certified housing counselors will address your housing needs and help you obtain, and maintain, the home of your dreams! We serve residents in all three Delaware counties.

Call 800-372-2240 or visit www.FirstStateCAA.org to connect with a housing counselor today!

Save the Date!

FIRST STATE COMMUNITY ACTION AGENCY, INC.

51st Anniversary Celebration

Monday / November 21, 2016

Dover Downs Hotel & Conference Center

1131 N. DuPont Highway • Dover, DE 19901

5:00 p.m. Reception • 6:00 p.m. Dinner / Program

Communities United in the Fight Against Poverty

FirstState
Community Action Agency
People Helping People Build Community

The evening will feature extraordinary music, gourmet cuisine, silent auction, recognition ceremony, and a prominent keynote speaker.

$125 per person

For more information: **302-856-7761 ext.138.**

Raffle

Receive a stamp from each exhibitor to be entered into a raffle for gift cards, gift baskets, and more!

1	2	3	4	5	6
7	8	9	10	11	12
13	14	15	16	17	18

StandbyME
The Delaware Financial Empowerment Partnership

DryZone™

Protecting Your Investment

Crawl Spaces | Basements | Foundations | Concrete Lifting

19	20	21	22	23	24
*	**	***	****	*****	******

MEDICAL EMERGENCY SERVICES

SUSSEX COUNTY

DELAWARE

ALS

Move from renter to owner — buy your first home

You may be able to become a homeowner sooner than you think. We have several low down payment options for first-time homebuyers who may not have a large down payment saved, including:

- *your*First Mortgage℠
- Mortgages with built-in renovation financing
- FHA and VA loans
- Easy-to-own Guaranteed Rural Housing program

When you're ready, let's talk.
I'll be by your side, with tools and resources to help you move through the process with confidence as you buy your first home.

Rebecca Frankel Willey
Home Mortgage Consultant
Phone: 302-226-4069
Toll Free: 888-217-5700 x:4069
Fax: 866-360-7093
18977 MUNCHY BRANCH RD, Suite 6
REHOBOTH BEACH, DE 19971
www.wfhm.com/loans/rebecca-willey
Rebecca.F.Willey@wellsfargo.com
NMLSR ID 457816

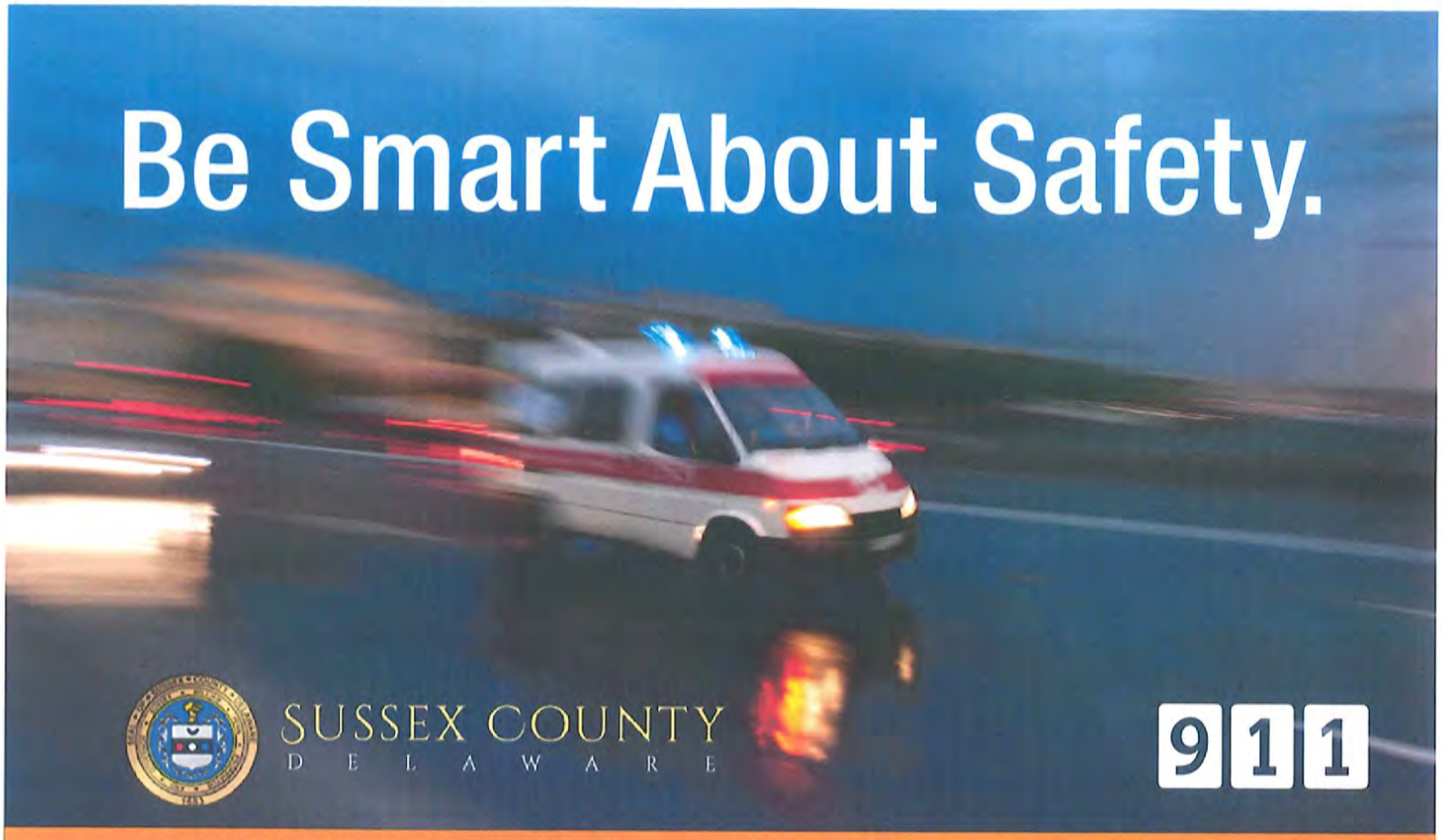
EQUAL HOUSING LENDER

Information is accurate as of date of printing and is subject to change without notice. Wells Fargo Home Mortgage is a division of Wells Fargo Bank, N.A. © 2011 Wells Fargo Bank, N.A. All rights reserved. NMLSR ID 399801.
100719 - 09/16

REV 5/16

Together we'll go far

Be Smart About Safety.



Smart911 is a free 9-1-1 service available in your community.

No one plans to call 9-1-1, but now you can plan ahead.

Sign up for Smart911 to give 9-1-1 valuable information about yourself, family members, your home, pets and even vehicles that will be immediately available to 9-1-1 when you make an emergency call. These details can save valuable seconds or even minutes during an emergency.

Seconds count when....

- A child goes missing.
- There's a fire.
- You experience a medical emergency.
- There's an accident at home, or on the job.
- You are in a vehicle accident.

Seconds Save Lives. Sign Up Today.

Sign Up For Free

Smart911.com™

Smart911 is private and secure and provided free to citizens by your local 9-1-1 and public safety agencies.

Find us on

Fair Housing Word Find

There are 15 fair housing words hidden in this puzzle. The words may be backward, forward, diagonal, vertical or horizontal. How many can you find?

V	N	G	L	G	V	Z	H	L	J	K	B	C	U	C
C	N	N	Y	T	I	L	I	B	A	S	I	D	Z	K
R	O	I	N	T	M	S	A	U	L	F	R	G	A	C
D	I	S	C	R	I	M	I	N	A	T	I	O	N	F
Q	G	U	T	I	C	N	O	B	O	O	G	C	N	N
K	I	O	G	A	K	F	U	E	V	I	H	U	P	Q
W	L	H	A	F	T	D	Q	T	M	Z	T	U	N	D
P	E	A	T	M	V	U	G	R	R	I	S	A	G	N
Y	R	P	I	A	A	V	S	K	I	O	Q	L	N	J
I	I	C	W	L	E	N	D	I	N	G	P	D	D	M
U	K	O	O	E	I	B	M	V	W	P	K	P	Q	B
V	U	L	R	G	P	M	E	R	A	H	B	A	O	X
P	K	O	I	P	L	G	A	U	O	S	O	T	F	G
N	P	R	U	M	I	C	B	F	D	O	B	E	F	J
R	O	J	R	U	E	D	A	S	D	A	V	A	A	A

COLOR	DISABILITY	DISCRIMINATION
EQUAL	FAIR	FAMILIAL
HOUSING	LENDING	NATIONAL
OPPORTUNITY	ORIGIN	RACE
RELIGION	RIGHTS	STATUS

NOTES

THANK YOU!

For information on next year's fair, as well as affordable and fair housing resources please visit the Sussex County Community Development & Housing website:

www.sussexcountyde.gov/community-development-housing

EQUAL HOUSING OPPORTUNITY

Contact Information:
Brandy Nauman, Sussex County Housing Coordinator & Fair Housing Compliance Officer
22215 DuPont Boulevard, P.O. Box 589
Georgetown, DE 19947
(302) 855-7779
bnauman@sussexcountyde.gov

SUSSEX COUNTY

Feria de la vivienda

¡Conozca las claves para acceder a una vivienda!

Sábado, 24 de septiembre

De 9 a. m. a 1 p. m. • Delaware Tech, Owens Campus
Carter Partnership Center • Georgetown, DE

¡Déjenos ayudarle a hacer realidad sus sueños de vivienda propia!

¡Reúnase con consejeros de vivienda autorizados por el HUD!

¡Informe crediticio GRATIS!

Conozca las claves para acceder a una vivienda, independientemente de su situación pasada o presente. Esto incluye lo siguiente:

- **Herramientas de planificación financiera**
- **Programas y productos a su disposición**
- **Cómo encontrar y trabajar con un agente inmobiliario cualificado**
- **¡Reúnase con inspectores, abogados especializados, agentes de seguros de vivienda y más!**

••• GRATIS •••

¡Abierto al público!

Se recomienda preinscripción. Visite
https://www.sussexcountyde.gov/2016-feria-de-la-vivienda
o llame al 302-855-7779

Este es un evento patrocinado de manera conjunta por el Gobierno de Sussex County, la Autoridad de la Vivienda del Estado de Delaware (DSHA), la Sussex County Association of REALTORS®, First State Community Action Agency y NCALL

SUSSEX COUNTY

Homebuyer Fair

Get the keys to home ownership!

Saturday, September 24

9am - 1pm • Delaware Tech, Owens Campus
Carter Partnership Center • Georgetown, DE

Learn the "keys to home ownership," regardless of your current and/or past situation. These include:

- **Financial planning tools**
- **Programs and products that are available to YOU**
- **How to locate and work with a qualified REALTOR®**
- **Visit with Inspectors, Settlement Attorneys, Homeowners Insurance Agents and More!**

Let us help make your homeownership dreams come true!

Meet with HUD-approved housing counselors!

FREE Credit Report!

••• FREE •••

Open to the Public!

Pre-registration recommended...Visit
https://www.sussexcountyde.gov/2016-homebuyer-fair
or call 302-855-7779

This is a joint event sponsored by Sussex County Government, Delaware State Housing Authority, Sussex County Association of REALTORS®, First State Community Action Agency and NCALL Research, Inc.

Sussex County Homebuyer Fair
24-Sep-16
Marketing Details

County

1	County Administration Building	2 The Circle	Georgetown	DE	19947	English & Spanish Flyers 8/22/16
2	West Complex Administrative Building	22215 DuPont Blvd.	Georgetown	DE	19947	English & Spanish Flyers 8/18/16
3	County's Website	Homepage Banner and CD&H News & Events Section				Posted 8/19/16 - English & Spanish Fair Page
4	Social Media	Facebook, Twitter, Google +				9/7/16
5	Press Release					Released 9/7/16
6	Delmarva Broadcasting	Radio Commercials				9/5/16 - 9/23/16
7	WMDT	TV Commercials				9/12/16 - 9/23/16
8	Voice Radio Network	Radio Commercials	Spanish & English			9/5/16 - 9/23/16
9	Hoy en Delaware					Spanish Ad in September Print Edition & Event Listing (English & Spanish Links) on their Social Media sites
10	The Scene					Advertised in the County's employee newsletter on 9/9/16
11	Mass Email Distribution					Sent 7/29/16, 9/6/16

Libraries

*The following libraries received an interoffice memo from Brandy Nauman on 8/30/16 with twenty (15) English/Spanish fair postcard flyers to post in visible locations of each library.

1	Bridgeville	600 S. Cannon St.	Bridgeville	DE	19933
2	Delmar	101 N. Bi-State Blvd.	Delmar	DE	19940
3	Frankford	8 Main St.	Frankford	DE	19945
4	Georgetown	123 W. Pine St.	Georgetown	DE	19947
5	Greenwood	100 Mill St.	Greenwood	DE	19950
6	Laurel	101 E. 4th St.	Laurel	DE	19956
7	Lewes	111 Adams St.	Lewes	DE	19958
8	Milford	11 S. E. Front St.	Milford	DE	19963
9	Millsboro	217 W. State St.	Millsboro	DE	19966
10	Milton	121 Union St.	Milton	DE	19968
11	Rehoboth Beach	226 Rehoboth Ave.	Rehoboth Beach	DE	19971
12	Seaford	600 N. Market St. Ext.	Seaford	DE	19973
13	Selbyville	11 Main & McCabe St.	Selbyville	DE	19975
14	South Coastal	43 Ken Ave	Bethany Beach	DE	19930

Towns

*The following town/city officials received an email from Brandy Nauman on 9/7/16 with a letter and both English and Spanish flyers attached.

1	Bethany Beach	Lisa Kail	Town Clerk	admin@townofbethanybeach.com
2	Bethany Beach	Clifford Graviet	Town Manager	admin@townofbethanybeach.com
3	Bethel	Jeff Hastings	Council President	jeff@greenhouses@comcast.net
4	Bethel	Annie Miller	Town Clerk	betheltownclerk@gmail.com
5	Blades	Robert Atkinson	Mayor	bladesmayor@bladesde.com
6	Blades	Karen Raines	Town Clerk	karenraines@bladesde.com
7	Blades	Vikki Prettyman	Town Administrator	vikkiprettyman@bladesde.com
8	Bridgeville	Patricia Correll	Commission President	townofbridgeville@gmail.com
9	Bridgeville	Jesse Savage	Town Manager	jsbridgeville@gmail.com
10	Dagsboro	Norwood Truitt	Mayor	townadministrator@townofdagsboro.com
11	Dagsboro	Amelia Ronco	Finance Clerk	dagsborofinanceclerk@mediacomblr.net

12	Delmar	Michael Houlihan	Mayor	mike.countryestates@bayland.net
13	Delmar	Kimberly Layton	Municipal Clerk	klayton.delmar@verizon.net
14	Delmar	Sara Bynum-King	Town Manager	townmgr.delmar@verizon.net
15	Dewey Beach	Diane Hanson	Mayor	dianehanson@townofdeweybeach.com
16	Dewey Beach	Ashleigh Hudson	Town Clerk	ashleigh@townofdeweybeach.com
17	Dewey Beach	Marc Appelbaum	Town Manager	townmanager@townofdeweybeach.com
18	Ellendale	Norman Jones, Jr.	Mayor	norm912@aol.com
19	Ellendale	Kimberly Hughes	Vice Mayor	kimhughes ellendale@comcast.net
20	Fenwick Island	Eugene N. Langan	Mayor	glangan@fenwickisland.org
21	Fenwick Island	Kristy Brittingham	Administrative Clerk	admincleric@fenwickisland.org
22	Frankford	Joanne Bacon	Council President	joannebacon@msn.com
23	Georgetown	Bill West	Mayor	bwest@georgetowndel.com
24	Georgetown	Eugene S. Dvornick, Jr.	Town Manager	gdvornick@georgetowndel.com
25	Greenwood	Donald Donovan	Mayor	ddonovan@townofgreenwood.us
26	Greenwood	John McDonnell	Town Manager	jmcdonnell@townofgreenwood.us
27	Henlopen Acres	Thomas Roth	Town Manager	troth@2henlopenacres.com
28	Laurel	John Shwed	Mayor	jtshwed@verizon.net
29	Laurel	Jamie Smith	Town Manager	laurelm@comcast.net
30	Lewes	Ted Becker	Mayor	tbecker@cityoflewes.de.us
31	Lewes	Paul Eckrich	City Manager	peckrich@cityoflewes.de.us
32	Milford	Bryan W. Shupe	Mayor	bshupe@milfordde.gov
33	Milford	Eric Norenberg	City Manager	enorenberg@milfordde.gov
34	Millsboro	Sheldon P. Hudson	Town Manager	hjon@millsboro.org
35	Millville	Robert Gordon	Mayor	millville@mvtown.com
36	Millville	Deborah Botchie	Town Manager	dbotchie@mvtown.com
37	Milton	Theodore Kanakos	Mayor	mayor@cityofmilton.de.us
38	Milton	Kristy Rogers	Town Administrator	krogers@cityofmilton.de.us
39	Ocean View	Walter F. Curran	Mayor	mayor@oceanviewde.com
40	Ocean View	Dianne Vogel	Town Manager	townmanager@oceanviewde.com
41	Rehoboth Beach	Samuel R. Cooper	Mayor	secretary@cityofrehoboth.com
42	Rehoboth Beach	Sharon Lynn	City Manager	slynn@cityofrehoboth.com
43	Seaford	David Genshaw	Mayor	dgenshaw@seafordde.com
44	Seaford	Dolores J. Slatcher	City Manager	dslatcher@seafordde.com
45	Seaford	Trisha Newcomer	Economic Development Manager	tnewcomer@seafordde.com
46	Selbyville	Stacey Long	Town Manager	tmselbyville@mchi.com
47	Slaughter Beach	Harry Ward	Mayor	mayor@slaughterbeachde.com
48	Slaughter Beach	Bob Wood	Secretary	secretary@slaughterbeachde.com
49	South Bethany	Pat Voveris	Mayor	patvoveris@gmail.com
50	South Bethany	Melvin Cusick	Town Manager	townmanager@southbethany.org

Employers

*The following companies were sent a mailed letter invitation from Brandy Nauman on 8/31/16 with English and/or Spanish postcard flyers to post in visible locations to employees. Additional flyers were sent to companies with satellite locations.

	Company Name	Address	City	State	Zip	Type of Industry	Method
1	Mountaire Farms, Inc.	29005 John J. Williams Hwy.	Millsboro	DE	19966	Manufacturing	Mail
2	Allen Harim Foods, LLC	126 N. Shipley St.	Seaford	DE	19973	Manufacturing	Mail
3	BJ's Wholesale Club, Inc.	26676 Centerview Dr.	Millsboro	DE	19966	Retail	Mail
4	Eastern Shore Poultry Company, Inc	21724 Broad Creek Ave.	Georgetown	DE	19947	Manufacturing	Mail
5	Perdue Farms, Inc	200 Savannah Dr.	Georgetown	DE	19947	Manufacturing	Mail
6	Kent-Sussex Industries	301 N. Rehoboth Blvd.	Milford	DE	19963	Health Care & Social Services	Mail
7	WAL-MART Stores, Inc.	4 College Park Ln	Georgetown	DE	19947	Retail	Mail
8	WAL-MART Stores, Inc.	939 DuPont Blvd.	Milford	DE	19963	Retail	Mail
9	WAL-MART Stores, Inc.	22899 Sussex Hwy.	Seaford	DE	19973	Retail	Mail
10	WAL-MART Stores, Inc.	18922 Rehoboth Mall Blvd.	Rehoboth Beach	DE	19971	Retail	Mail
11	Intervet, Inc.	29160 Intervet Ln.	Millsboro	DE	19966	Manufacturing	Mail
12	Lowe's Home Centers, Inc.	26688 Centerview Dr.	Millsboro	DE	19966	Retail	Mail

13	Lowe's Home Centers, Inc.	20364 Plantations Rd.	Lewes	DE	19958	Retail	Mail
14	Lowe's Home Centers, Inc.	22880 Sussex Hwy	Seaford	DE	19973	Retail	Mail
15	PATS Aircraft Systems Integration	21583 Baltimore Ave.	Georgetown	DE	19947	Manufacturing	Mail
16	Seawatch International, Ltd.	242 S. Rehoboth Blvd.	Milford	DE	19963	Manufacturing	Mail
17	Genesis Eldercare National Centers, Inc.	1100 Norman Eskridge Hwy.	Seaford	DE	19973	Health Care & Social Services	Mail
18	Beebe Medical Center	424 Savannah Rd.	Lewes	DE	19958	Health Care & Social Services	Mail
19	Bayhealth Medical Center, Inc.	21 W. Clarke Ave.	Milford	DE	19963	Health Care & Social Services	Mail
20	Harbor Healthcare & Rehabilitation Center	301 Ocean View Blvd.	Lewes	DE	19958	Health Care & Social Services	Mail
21	Nanticoke Health Services	801 Middleford Rd.	Seaford	DE	19973	Health Care & Social Services	Mail

Organizations & Non-Profits

*The following organizations were sent a mailed or hand-delivered letter invitation on 8/30/16 from Brandy Nauman with English and Spanish postcard flyers to post in visible locations to employees

	Company Name	Address	City	State	Zip	Type	Contact Name	Email	Method
1	First State Community Action Agency	308 N. Railroad Ave	Georgetown	DE	19947	Housing Counseling & Community Service	Kanesha Trott	ktrott@fscaa.org	Hand-Delivered 8/30
2	NCALL Research, Inc.	110 S. Bedford St.	Georgetown	DE	19947	Housing Counseling & Community Development	Lucia Campos	lcampos@ncall.org	Hand-Delivered 8/30, Letter Mailed 8/31
3	La Esperanza	216 N. Race St.	Georgetown	DE	19947	Community Service & Education	Crystal Timmons-Underwo	cunderwood@laesperanza.org	Hand-Delivered 8/30
4	Delaware State Housing Authority	18 The Green	Dover	DE	19901	Housing Authority	Jonathan Starkey	jonathan@dehousing.com	Hand-Delivered 8/24, Letter Mailed 8/31
5	Sussex County Habitat for Humanity	P.O. Box 759	Georgetown	DE	19947	Affordable Housing Developer	Kevin Gilmore	kevin@sussexcountyhabitat.org	Mailed 8/31
6	Milford Housing Development Corporation	977 E. Masten Cir.	Milford	DE	19963	Affordable Housing Developer	Darla Dixon	ddixon@milfordhousing.com	Mailed 8/31
7	Diamond State Community Land Trust	P.O. Box 1484	Dover	DE	19903	Affordable Housing Developer	Jo Ann Zorb	joannzorb@diamondstateclt.org	Mailed 8/31
8	West Rehoboth Community Land Trust	P.O. Box 633	Rehoboth Beach	DE	19971	Affordable Housing Developer	Beth Doty	bethdoty42@gmail.com	Mailed 8/31
9	Delaware Office of Human Relations	546 S. Bedford St.	Georgetown	DE	19947	Education & Enforement	Romona Fullman & Claudia Sosa-Ducote	romona.fullman@state.de.us	Hand-Delivered 8/30
10	Sussex County Association of REALTORS	23407 Park Avenue	Georgetown	DE	19947	Realtors	Angela Emerson	angela@scsor.com	Hand-Delivered 8/30
11	Delaware Financial Literacy Institute	3301 Green Street	Claymont	DE	19703	Education & Financial Literacy	Ronni Cohen	ronni@dfli.org	Mailed 8/31

Impacted Communities

*Residents of properties in the impacted communities listed below were direct mailed a postcard flyer on August 31, 2016

1. Lucas Development
2. Pinetown
3. New Hope/S. Old State Road
4. West Rehoboth
5. Polly Branch
6. Dog Patch
7. Mount Joy
8. Concord
9. Possum Point/Riverview
10. Coverdale Crossroads
11. Diamond Acres
12. Cool Spring
13. Cedar Creek
14. Greentop

Miscellaneous Drop-Offs

World Gym, Millsboro
Big Fish Grill, Rehoboth
Lullaby Learning Center, Milton

EXHIBIT D

MICHAEL H. VINCENT, PRESIDENT
SAMUEL R. WILSON JR., VICE PRESIDENT
ROBERT B. ARLETT
GEORGE B. COLE
JOAN R. DEAVER

2 THE CIRCLE | PO BOX 589
GEORGETOWN, DE 19947
(302) 855-7743 T
(302) 855-7749 F
sussexcountyde.gov

Sussex County Council

AGENDA

SEPTEMBER 20, 2016

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. **Proclamation – Constitution Week**

2. **Wastewater Agreement No. 1030**
   Sussex County Project No. 81-04
   Johnsons Glade
   Ocean View Expansion of the Bethany Sanitary Sewer District

3. **Delaware Department of Transportation 2018-2023 Capital Transportation Program Request**

4. **Administrator's Report**

Gina Jennings, Finance Director

1. **Quarterly Pension Update and Recommendation**

Ron Verosko, Safety Manager

1. **Fleet Procurement Update**

EQUAL HOUSING OPPORTUNITY

Hans Medlarz, County Engineer

1. **Concord Road Expansion of the Blades Sanitary Sewer District**

   A. **Amendment No. 2 – Additional Services**

2. **Pump Station 23 Modifications, Project #14-22**

   A. **Substantial Completion and Balancing Change Order**

3. **South Coastal Regional Wastewater Facility**

   A. **Reaffirmation of Engineer of Record**

   B. **Approval of Preparation of Preliminary Engineering Report**

4. **Agreement for Wastewater Services – Lewes Board of Public Works (BPW)**

5. **Sussex County Administrative Office Building Stair Repairs, Project #16-33**

   A. **Recommendation to Award**

John Ashman, Director of Utility Planning

1. **Request to Prepare and Post Notices for the Martin Expansion of the Sussex County Unified Sanitary Sewer District (Millville Area)**

Lawrence Lank, Director of Planning and Zoning

1. **Request to Withdraw Change of Zone No. 1800 filed on behalf of Sussex Real Estate Partners, LLC**

Old Business

Conditional Use No. 2049
Blue Claw, LLC

Change of Zone No. 1796
Lockwood Design and Construction, Inc.

Conditional Use No. 2046
Lockwood Design and Construction, Inc.

Grant Requests

1. **Millsboro Historical Society for upkeep of The Godwin School**

2. **Delaware Nanticoke Rotary Foundation for tennis courts enhancement**

Introduction of Proposed Zoning Ordinances

Council Members' Comments

Executive Session – Job Applicants' Qualifications, Personnel, and Land Acquisition pursuant to 29 Del. C. §10004(b)

Possible Action on Executive Session Items

1:30 p.m. Public Hearings

Conditional Use No. 2053 filed on behalf of Red Dog Plumbing and Heating c/o Ken Wood
"AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN HVAC BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.10 ACRES, MORE OR LESS" (located at the northwest of Roxana Road (Route 17) across from Smith Avenue and 400 feet northeast of Smithfield Acres Road (Road 52B) (Tax I.D. No. 533-10.00-14.00) (911 Address: 37058 Roxana Road, Selbyville)

Conditional Use No. 2054 filed on behalf of Utilisite, Inc.
"AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE, EQUIPMENT STORAGE, AND PARKING FOR A CONSTRUCTION COMPANY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.0 ACRES, MORE OR LESS" (located at the east of Robinsonville Road (Road 277) 800 feet north of Harts Road (Road 277A) (Tax I.D. No. 234-6.00-99.01) (911 Address: 20721 Robinsonville Road, Lewes)

Sign Ordinance
"AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115 ("ZONING"), ARTICLE XXI ("SIGNS")

Adjourn

****

Sussex County Council meetings can be monitored on the internet at www.sussexcountyde.gov.

****

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on September 13, 2016 at 4:30 p.m., and at least seven (7) days in advance of the meeting.

This Agenda was prepared by the County Administrator and is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the Meeting.

Agenda items listed may be considered out of sequence.

####

ROBERT C. WHEATLEY, CHAIRMAN
IRWIN G. BURTON, III
DOUGLAS B. HUDSON
MARTIN L. ROSS

2 THE CIRCLE | PO BOX 417
GEORGETOWN, DE 19947
(302) 855-7878 T
(302) 854-5079 F
sussexcountyde.gov

Sussex County
Planning & Zoning Commission

AGENDA

September 22, 2016

6:00 P.M.

Call to Order

Approval of Agenda

Approval of Minutes – September 8, 2016

Old Business

C/U #2056 Raynol E. Garcia
An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for an office, storage of vehicles and equipment and repair equipment to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 1.06 acres, more or less. The property is located at the east of Marshall St. (Rd. 225) 2,800 ft. north of Johnson Rd. (Rd. 207). 911 Address: 7411 Marshall St., Lincoln. Tax Map I.D. 330-15.00-20.01

C/Z #1806 WYWJ Ventures, LLC
An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 (Agricultural Residential District) to a CR-1 (Commercial Residential District) for a certain parcel of land lying and being in Northwest Fork Hundred, Sussex County containing 3.034 acres, more or less. The property is located at the west of Sussex Hwy. (U.S. Rt. 13), 950 ft. south of Adams Rd. (Rd. 600). 911 Address: 14392 Sussex Hwy., Bridgeville. Tax Map I.D. 530-14.00-21.00

C/Z #1807 WYWJ Ventures, LLC
An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 (Agricultural Residential District) to a CR-1 (Commercial Residential District) for a certain parcel of land lying and being in Northwest Fork Hundred, Sussex County containing 8.0475 acres, more or less. The property is located at the west of Sussex Hwy. (U.S. Rt. 13), 2,110 ft. north of Cannon Rd. (Rt. 18). 911 Address: None Available. Tax Map I.D. 131-19.00-4.00

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115 ("ZONING"), ARTICLE XXI ("SIGNS").

Public Hearings

C/U #2057 Delaware Electric Cooperative, Inc.
An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for an electric substation to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 4.0 acres, more or less. The property is located at the south of Zoar Rd. (Rt. 48) 3,300 ft. east of Gravel Hill Rd. (Rt. 30) and 2,000 ft. west of Lawson Rd (Rd. 296). 911 Address: Not Available. Tax Map I.D. 234-21.00-138.00 (Part of)

C/U #2058 Old Orchard Ventures, LLC, c/o Barry Baker
An Ordinance to grant a Conditional Use of land in a MR (Medium Density Residential District) for multi-family (duplex) dwelling structures (24 units) to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 9.33 acres, more or less. The property is located at the northeast of Old Orchard Rd (Road 269A.) approximately 1,115 ft. southeast of New Rd (Rd. 255). 911 Address: 16773 Old Orchard Rd., Lewes. Tax Map I.D. 335-8.00-25.00

C/U #2059 Julie Norwood
An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a beauty salon to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 24,205 square ft., more or less. The property is located at the northwest corner of John J. Williams Hwy. (Rt. 24) and Retz Ln. (a private rd.) 911 Address: None Available. Tax Map I.D. 334-12.00-25.00

C/Z #1809 MOCA Properties, LLC / Solid Image
An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 (Agricultural Residential District) to a CR-1 (Commercial Residential District) for a certain parcel of land lying and being in Little Creek Hundred, Sussex County containing 6.24 acres, more or less. The property is located at the east of Sussex Hwy. (U.S. Rt. 13) 650 ft. south of Whitesville Rd. (Rt. 64). 911 Address: 11244 Whitesville Rd., Laurel. Tax Map I.D. 532-6.00-87.02

Other Business

Delmarva Petroleum Service
Preliminary Site Plan

Cellco Partnership (Verizon Wireless) for Whaleys Corner
Preliminary Site Plan

Stockley Materials, LLC
Preliminary Site Plan

Atlantis Industries at King Farm Industrial Park
Revised Preliminary Site Plan

The Reserves
Request to Amend Setbacks

Lands of Diana Bennett off Davis Landing Rd.
Minor Subdivision off 50 ft. easement

Additional Business

Discussion regarding Comprehensive Plan
Opportunity for public comment regarding Comprehensive Plan

****

Planning and Zoning Commission meetings can be monitored on the internet at www.sussexcountyde.gov.

****

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on September 15, 2016, at 9:23 am., and at least seven (7) days in advance of the meeting.

This Agenda is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the Meeting.

Agenda items listed may be considered out of sequence.

####

DALE A. CALLAWAY, CHAIRMAN
JEFFREY M. HUDSON
JOHN M. MILLS
NORMAN C. RICKARD
E. BRENT WORKMAN

2 THE CIRCLE | PO BOX 417
GEORGETOWN, DE 19947
(302) 855-7878 T
(302) 854-5079 F
sussexcountyde.gov

Sussex County Board of Adjustment

AGENDA

SEPTEMBER 19, 2016

7:00 P.M.

Call to Order

Pledge of Allegiance

Approval of Agenda

Approval of Minutes July 18, 2016

Approval of Finding of Facts July 18, 2016

Public Hearings

Case No. 11838 – Larry F. Silcott and Frances A. Silcott seek variances from the front yard, side yard, and rear yard setbacks (Section 115-25C of the Sussex County Zoning Code). The property is located at the east side of Bucks Branch Rd. approximately 0.38 mile north of Atlanta Rd. 911 Address: 20823 Bucks Branch Rd., Seaford. Zoning District: AR-1. Tax Map: 531-3.00-77.00

Case No. 11839 – Jefferson T. Brown seeks variances from the front yard, side yard, and rear yard setbacks (Sections 115-42B and 115-183C of the Sussex County Zoning Code). The property is located on the west side of Quillen Rd. approximately 381 ft. south of Canal Rd. 911 Address: 20608 Quillen Rd., Rehoboth Beach. Zoning District: GR. Tax Map: 334-19.12-37.02

Case No. 11840 – Thomas J. Flynn seeks variances from the side yard and rear yard setbacks (Sections 115-25C and 115-183C of the Sussex County Zoning Code). The property is located on the west side of Boat Dock Dr. E. approximately 1,253 ft. west of Woodland Cir. in Angola by the Bay Subdivision. 911 Address: 23423 Boat Dock Dr. E., Lewes. Zoning District: AR-1. Tax Map: 234-17.08-71.00

Case No. 11841 – Lois E. Kelly seeks a variance from the side yard setback (Section 115-185F of the Sussex County Zoning Code). The property is located on the south side of Bayshore Dr. approximately 328 ft. south of Ashcroft Dr., in the Bayshore Subdivision. 911 Address: 32332 Bayshore Dr., Millsboro. Zoning District: AR-1. Tax Map: 234-23.00-925.00

EQUAL HOUSING OPPORTUNITY

Case No. 11842 – Realista B.R. Rodriguez seeks a variance from the rear yard setback (Section 115-25C of the Sussex County Zoning Code). The property is located on the west side of Bridgeway Dr. W. approximately 919 ft. west of Woodland Cir. in the Angola by the Bay Subdivision. 911 Address: 23254 Bridgeway Dr. W., Lewes. Zoning District: AR-1. Tax Map: 234-11.20-184.00

Case No. 11843 – Richard H. Bell, III for Coastal Highway, LLC seeks a special use exception for promotional outdoor display (Sections 115-80A and 115-210A(1) of the Sussex County Zoning Code). The property is located on the west side of Coastal Hwy. (Rt. 1) approximately 0.21 mile south of Cave Neck Rd. 911 Address: 16192 Coastal Hwy., Lewes Zoning District: C-1. Tax Map: 235-23.00-54.06

Case No. 11844 – Michael Evans seeks variances from the side yard setbacks (Sections 115-42B, 115-183C and 115-181B of the Sussex County Zoning Code). The property is located on the northwest side of Blue Teal Rd. approximately 0.27 mile northeast of Swann Dr. 911 Address: 37059 Blue Teal Rd., Selbyville. Zoning District: GR. Tax Map: 533-12.16-438.00

Case No. 11845 – Frank Wesley seeks a variance from the front yard setback (Section 115-34B of the Sussex County Zoning Code). The property is located on the southwest side of Judson Ln. approximately 521 ft. northeast of Seagrass Plantation Ln. 911 Address: 30009 Judson Ln., Dagsboro. Zoning District: MR RPC. Tax Map: 134-7.00-697.00

Case No. 11846 – Ernest Maier, Inc. dba Parker Block Co. seeks a special use exception to operate a concrete batch plant and to use a manufactured home type structure as an office (Sections 115-23A, 115-105A, and 115-210A(1) of the Sussex County Zoning Code). The property is located on the south side Millsboro Hwy., east side of Mumford Rd. approximately 295 ft. east of the intersection of Mumford Rd. and Millsboro Hwy. 911 Address: 30243 Millsboro Hwy., Millsboro. Zoning District: LI-2 & AR-1. Tax Map: 133-20.00-15.01

Additional Business

Case No. 11634 – Ockel Acres, LLC seeks a special use exception to place a telecommunication tower (Section 115-23C(17) of the Sussex County Zoning Ordinance). The property is located on the north side of E. Redden Rd. and on the west side of Donovan Rd. 911 Address: 17120 Ockels Ln., Milton. Zoning District: AR-1. Tax Map: 235-24.00-1.05
REQUEST TIME EXTENSION

Case No. 11658 – Cellco Partnership d/b/a Verizon Wireless seek a special use exception to place a telecommunication tower (Section 115-23C(17) & 115-210 of the Sussex County Zoning Ordinance). The property is located northwest side of E. Trap Rd. approximately 1510 ft. northeast of Whaley's Corner Rd. 911 Address: 24387 E. Trap Rd., Georgetown. Zoning District AR-1. AR-1. Tax Map: 133-1.00-3.00
REQUEST TIME EXTENSION

****

Board of Adjustment meetings can be monitored on the internet at www.sussexcountyde.gov.

****

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on August 23, 2016, at 8:52 a.m., and at least seven (7) days in advance of the meeting.

This Agenda is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the Meeting.

Agenda items listed may be considered out of sequence.
Revised: September 9, 2016 (to include approval of Minutes and Finding of Facts for July 18, 2016)

####

EXHIBIT E

ATTACHMENT B

CERTIFICATION OF TRAINING AND RECEIPT OF CONSENT DECREE

On 6/9/16, I attended training on the federal Fair Housing Act. I have had all of my questions concerning these topics answered to my satisfaction.

I also have been given and I have read a copy of the Consent Decree entered in United States v. Sussex County, Delaware, et al., Case No. 12-1591-MPT (D. Del.). I understand my legal responsibilities and will comply with those responsibilities. I further understand that the Court may impose sanctions on Sussex County or the Planning and Zoning Commission of Sussex County if I violate any provision of this Decree.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signature

Robert B. Arlett
Print Name

6/21/16
Date

Councilman
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
Home Telephone Number

"I was unable to attend the live-training session due to:

_____ I was a member of the 25% of my department's staff that was required to report to work on the day of training.

_____ Traveling either out of State, or out of the Country

_____ Illness

_____ I was hired by the County, or transferred departments, after the date of the training."

01:12731981.2

ATTACHMENT B

CERTIFICATION OF TRAINING AND RECEIPT OF CONSENT DECREE

On June 9 2010 I attended training on the federal Fair Housing Act. I have had all of my questions concerning these topics answered to my satisfaction.

I also have been given and I have read a copy of the Consent Decree entered in United States v. Sussex County, Delaware, et al., Case No. 12-1591-MPT (D. Del.). I understand my legal responsibilities and will comply with those responsibilities. I further understand that the Court may impose sanctions on Sussex County or the Planning and Zoning Commission of Sussex County if I violate any provision of this Decree.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Diane L Baker
Signature

Diane L Baker
Print Name

12/13/12
Date

Clerk IV
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
Home Telephone Number

"I was unable to attend the live-training session due to:

✓ I was a member of the 25% of my department's staff that was required to report to work on the day of training. I wanted video after June 13 - 15, 2010 at my desk. /DB

_____ Traveling either out of State, or out of the Country

_____ Illness

_____ I was hired by the County, or transferred departments, after the date of the training."

01:12731981.2

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Pauline J Brown
Signature

Pauline Brown
Print Name

6/14/16
Date

Supervisor Building Permit Control/Assessment
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
Home Telephone Number

"I was unable to attend the live-training session due to:

X I was a member of the 25% of my department's staff that was required to report to work on the day of training.

_____ Traveling either out of State, or out of the Country

_____ Illness

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01:12731981.2

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signature

Stacie Burton

Print Name

6/21/14

Date

Clerk II

Position with Sussex County

[redacted]

Home Street Address

[redacted]

City, State, Zip

[redacted]

Home Telephone Number

"I was unable to attend the live-training session due to:

✓ I was a member of the 25% of my department's staff that was required to report to work on the day of training.

_____ Traveling either out of State, or out of the Country

_____ Illness

_____ I was hired by the County, or transferred departments, after the date of the training."

01:12731981.2

ATTACHMENT B

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signature

George B. Cole

Print Name

6/21/16

Date

Councilman

Position with Sussex County

[redacted]

Home Street Address

[redacted]

City, State, Zip

[redacted]

Home Telephone Number

"I was unable to attend the live-training session due to:

_____ I was a member of the 25% of my department's staff that was required to report to work on the day of training.

_____ Traveling either out of State, or out of the Country

_____ Illness

_____ I was hired by the County, or transferred departments, after the date of the training."

01:12731981.2

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On _____, I attended training on the federal Fair Housing Act. I have had all of my questions concerning these topics answered to my satisfaction.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signature

Joan R. Deaver

Print Name

6/21/16

Date

Councilwoman

Position with Sussex County

[redacted]

Home Street Address

[redacted]

City, State, Zip

[redacted]

Home Telephone Number

"I was unable to attend the live-training session due to:

_____ I was a member of the 25% of my department's staff that was required to report to work on the day of training.

_____ Traveling either out of State, or out of the Country

__✓__ Illness

_____ I was hired by the County, or transferred departments, after the date of the training."

01:12731981.2

ATTACHMENT B

CERTIFICATION OF TRAINING AND RECEIPT OF CONSENT DECREE

On 6/20/16, I attended training on the federal Fair Housing Act. I have had all of my questions concerning these topics answered to my satisfaction.

I also have been given and I have read a copy of the Consent Decree entered in United States v. Sussex County, Delaware, et al., Case No. 12-1591-MPT (D. Del.). I understand my legal responsibilities and will comply with those responsibilities. I further understand that the Court may impose sanctions on Sussex County or the Planning and Zoning Commission of Sussex County if I violate any provision of this Decree.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Willi Godwin
Signature

William Godwin
Print Name

6/20/16
Date

Tax Assessor
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
Home Telephone Number

"I was unable to attend the live-training session due to:

_____ I was a member of the 25% of my department's staff that was required to report to work on the day of training.

_____ Traveling either out of State, or out of the Country

X Illness

_____ I was hired by the County, or transferred departments, after the date of the training."

01:12731981.2

ATTACHMENT B

CERTIFICATION OF TRAINING AND RECEIPT OF CONSENT DECREE

On 6/19/16 * I attended training on the federal Fair Housing Act. I have had all of my questions concerning these topics answered to my satisfaction.

I also have been given and I have read a copy of the Consent Decree entered in United States v. Sussex County, Delaware, et al., Case No. 12-1591-MPT (D. Del.). I understand my legal responsibilities and will comply with those responsibilities. I further understand that the Court may impose sanctions on Sussex County or the Planning and Zoning Commission of Sussex County if I violate any provision of this Decree.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signature

Robin A. Griffith
Print Name

6/19/16
Date

Clerk of the Council
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

Home Telephone Number

"I was unable to attend the live-training session due to:

✓ I was a member of the 25% of my department's staff that was required to report to work on the day of training.

_____ Traveling either out of State, or out of the Country

_____ Illness

_____ I was hired by the County, or transferred departments, after the date of the training."

01:12731981.2

* Listened to Audio / Video

ATTACHMENT B

CERTIFICATION OF TRAINING AND RECEIPT OF CONSENT DECREE

On 6-15-16, I attended training on the federal Fair Housing Act. I have had all of my questions concerning these topics answered to my satisfaction.

I also have been given and I have read a copy of the Consent Decree entered in United States v. Sussex County, Delaware, et al., Case No. 12-1591-MPT (D. Del.). I understand my legal responsibilities and will comply with those responsibilities. I further understand that the Court may impose sanctions on Sussex County or the Planning and Zoning Commission of Sussex County if I violate any provision of this Decree.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signature

Steven D. Hickman
Print Name

6-15-16
Date

Zoning Inspector
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
Home Telephone Number

"I was unable to attend the live-training session due to:

_____ I was a member of the 25% of my department's staff that was required to report to work on the day of training.

X Traveling either out of State, or out of the Country

_____ Illness

_____ I was hired by the County, or transferred departments, after the date of the training."

01:12731981.2

ATTACHMENT B

CERTIFICATION OF TRAINING AND RECEIPT OF CONSENT DECREE

On 7/12/16, I attended video training on the federal Fair Housing Act. I have had all of my questions concerning these topics answered to my satisfaction.

I also have been given and I have read a copy of the Consent Decree entered in United States v. Sussex County, Delaware, et al., Case No. 12-1591-MPT (D. Del.). I understand my legal responsibilities and will comply with those responsibilities. I further understand that the Court may impose sanctions on Sussex County or the Planning and Zoning Commission of Sussex County if I violate any provision of this Decree.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signature

Dawne M. Hinks
Print Name

7/13/16
Date

Residential Plans Reviewer
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
Home Telephone Number

✓ "I was unable to attend the live-training session due to:

_____ I was a member of the 25% of my department's staff that was required to report to work on the day of training.

_____ Traveling either out of State, or out of the Country

✓ Illness

_____ I was hired by the County, or transferred departments, after the date of the training."

01:12731981.2

ATTACHMENT B

CERTIFICATION OF TRAINING AND RECEIPT OF CONSENT DECREE

On 6/20/16, I attended training on the federal Fair Housing Act. I have had all of my questions concerning these topics answered to my satisfaction.

I also have been given and I have read a copy of the Consent Decree entered in United States v. Sussex County, Delaware, et al., Case No. 12-1591-MPT (D. Del.). I understand my legal responsibilities and will comply with those responsibilities. I further understand that the Court may impose sanctions on Sussex County or the Planning and Zoning Commission of Sussex County if I violate any provision of this Decree.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

C.S. Holder Jr.
Signature

C.S. HOLDER JR.
Print Name

6/20/16
Date

Assessor
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
Home Telephone Number

"I was unable to attend the live-training session due to:

_____ I was a member of the 25% of my department's staff that was required to report to work on the day of training.

_____ Traveling either out of State, or out of the Country

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01:12731981:2

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signature

Jennifer Jackson
Print Name

June 14 2016
Date

Permit Tech II
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
Home Telephone Number

"I was unable to attend the live-training session due to:

_____ I was a member of the 25% of my department's staff that was required to report to work on the day of training.

_____ Traveling either out of State, or out of the Country

_X_ Illness

_____ I was hired by the County, or transferred departments, after the date of the training."

01:12731981.2

ATTACHMENT B

CERTIFICATION OF TRAINING AND RECEIPT OF CONSENT DECREE

On June 19 2016, ~~I attended training~~ watched the training session on-line on the federal Fair Housing Act. I have had all of my questions concerning these topics answered to my satisfaction.

I also have been given and I have read a copy of the Consent Decree entered in United States v. Sussex County, Delaware, et al., Case No. 12-1591-MPT (D. Del.). I understand my legal responsibilities and will comply with those responsibilities. I further understand that the Court may impose sanctions on Sussex County or the Planning and Zoning Commission of Sussex County if I violate any provision of this Decree.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Lawrence B. Lank
Signature

Lawrence B. Lank
Print Name

6.19.16
Date

Director of Planning and Zoning
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
Home Telephone Number

"I was unable to attend the live-training session due to:

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_____ Illness

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01:12731981.2

ATTACHMENT B

CERTIFICATION OF TRAINING AND RECEIPT OF CONSENT DECREE

On 6/14/16, I attended training on the federal Fair Housing Act. I have had all of my questions concerning these topics answered to my satisfaction.

I also have been given and I have read a copy of the Consent Decree entered in United States v. Sussex County, Delaware, et al., Case No. 12-1591-MPT (D. Del.). I understand my legal responsibilities and will comply with those responsibilities. I further understand that the Court may impose sanctions on Sussex County or the Planning and Zoning Commission of Sussex County if I violate any provision of this Decree.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Danielle Jones
Signature

Danielle Jones
Print Name

6/14/16
Date

Permit Technician
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
Home Telephone Number

"I was unable to attend the live-training session due to:

✓ I was a member of the 25% of my department's staff that was required to report to work on the day of training.

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_____ Illness

_____ I was hired by the County, or transferred departments, after the date of the training."

01:12731981.2

ATTACHMENT B

CERTIFICATION OF TRAINING AND RECEIPT OF CONSENT DECREE

On 6/14/10, I attended training on the federal Fair Housing Act. I have had all of my questions concerning these topics answered to my satisfaction.

I also have been given and I have read a copy of the Consent Decree entered in United States v. Sussex County, Delaware, et al., Case No. 12-1591-MPT (D. Del.). I understand my legal responsibilities and will comply with those responsibilities. I further understand that the Court may impose sanctions on Sussex County or the Planning and Zoning Commission of Sussex County if I violate any provision of this Decree.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Kelly Passwaters
Signature

Kelly Passwaters
Print Name

6/14/10
Date

Zoning Inspector III
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
Home Telephone Number

"I was unable to attend the live-training session due to:

X I was a member of the 25% of my department's staff that was required to report to work on the day of training.

_____ Traveling either out of State, or out of the Country

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01:12731981.2

ATTACHMENT B

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Carrie Patterson
Signature

Carrie Patterson
Print Name

June 14, 16
Date

Building Permit Tech
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
Home Telephone Number

"I was unable to attend the live-training session due to:

X I was a member of the 25% of my department's staff that was required to report to work on the day of training.

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_____ Illness

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01:17731981.2

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CERTIFICATION OF TRAINING AND RECEIPT OF CONSENT DECREE

On 6-16, I attended training on the federal Fair Housing Act. I have had all of my questions concerning these topics answered to my satisfaction.

I also have been given and I have read a copy of the Consent Decree entered in United States v. Sussex County, Delaware, et al., Case No. _____ (D. Del.). I understand my legal responsibilities and will comply with those responsibilities. I further understand that the Court may impose sanctions on Sussex County or the Planning and Zoning Commission of Sussex County if I violate any provision of this Decree.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

E.F. Quillen
Signature

E.F. Quillen
Print Name

6-16-2016
Date

Planning & Zoning Inspector
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
Home Telephone Number

ATTACHMENT B

CERTIFICATION OF TRAINING AND RECEIPT OF CONSENT DECREE

On June 16, 2016, I attended training on the federal Fair Housing Act. I have had all of my questions concerning these topics answered to my satisfaction.

I also have been given and I have read a copy of the Consent Decree entered in United States v. Sussex County, Delaware, et al., Case No. 12-1591-MPT (D. Del.). I understand my legal responsibilities and will comply with those responsibilities. I further understand that the Court may impose sanctions on Sussex County or the Planning and Zoning Commission of Sussex County if I violate any provision of this Decree.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signature

Ryan Stuart
Print Name

June 16, 2016
Date

Constable 1
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
Home Telephone Number

"I was unable to attend the live-training session due to:

✓ I was a member of the 25% of my department's staff that was required to report to work on the day of training.

_____ Traveling either out of State, or out of the Country

_____ Illness

_____ I was hired by the County, or transferred departments, after the date of the training."

01:12731981.2

ATTACHMENT B

CERTIFICATION OF TRAINING AND RECEIPT OF CONSENT DECREE

On 6/14/2016, I attended training on the federal Fair Housing Act. I have had all of my questions concerning these topics answered to my satisfaction.

I also have been given and I have read a copy of the Consent Decree entered in United States v. Sussex County, Delaware, et al., Case No. 12-1591-MPT (D. Del.). I understand my legal responsibilities and will comply with those responsibilities. I further understand that the Court may impose sanctions on Sussex County or the Planning and Zoning Commission of Sussex County if I violate any provision of this Decree.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signature

JEFFREY W WHALEY
Print Name

6/14/16
Date

Zoning Inspector
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
Home Telephone Number

"I was unable to attend the live-training session due to:

__X__ I was a member of the 25% of my department's staff that was required to report to work on the day of training.

_____ Traveling either out of State, or out of the Country

_____ Illness

_____ I was hired by the County, or transferred departments, after the date of the training."

01:12731981.2

ATTACHMENT B

CERTIFICATION OF TRAINING AND RECEIPT OF CONSENT DECREE

On 6-28-16, I attended training on the federal Fair Housing Act. I have had all of my questions concerning these topics answered to my satisfaction.

I also have been given and I have read a copy of the Consent Decree entered in United States v. Sussex County, Delaware, et al., Case No. _____ (D. Del.). I understand my legal responsibilities and will comply with those responsibilities. I further understand that the Court may impose sanctions on Sussex County or the Planning and Zoning Commission of Sussex County if I violate any provision of this Decree.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Charles Wheatley
Signature

Charles Wheatley
Print Name

6-29-16
Date

Plans Examiner + Certified Bld Inspector
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
Home Telephone Number

ATTACHMENT B

CERTIFICATION OF TRAINING AND RECEIPT OF CONSENT DECREE

On [illegible], I attended training on the federal Fair Housing Act. I have had all of my questions concerning these topics answered to my satisfaction.

I also have been given and I have read a copy of the Consent Decree entered in United States v. Sussex County, Delaware, et al., Case No. 12-1591-MPT (D. Del.). I understand my legal responsibilities and will comply with those responsibilities. I further understand that the Court may impose sanctions on Sussex County or the Planning and Zoning Commission of Sussex County if I violate any provision of this Decree.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signature

Robert C. Wheatley

Print Name

12/18/12

Date

Planning & Zoning Commissioner

Position with Sussex County

[redacted]

Home Street Address

[redacted]

City, State, Zip

[redacted]

Home Telephone Number

"I was unable to attend the live-training session due to:

_____ I was a member of the 25% of my department's staff that was required to report to work on the day of training.

_____ Traveling either out of State, or out of the Country

_____ Illness

_____ I was hired by the County, or transferred departments, after the date of the training."

01:12231912

ATTACHMENT B

CERTIFICATION OF TRAINING AND RECEIPT OF CONSENT DECREE

On _____, I attended training on the federal Fair Housing Act. I have had all of my questions concerning these topics answered to my satisfaction.

I also have been given and I have read a copy of the Consent Decree entered in United States v. Sussex County, Delaware, et al., Case No. 12-1591-MPT (D. Del.). I understand my legal responsibilities and will comply with those responsibilities. I further understand that the Court may impose sanctions on Sussex County or the Planning and Zoning Commission of Sussex County if I violate any provision of this Decree.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Sam Wilson
Signature

SAM WILSON
Print Name

6/21/16
Date

Councilman
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
Home Telephone Number

"I was unable to attend the live-training session due to:

_____ I was a member of the 25% of my department's staff that was required to report to work on the day of training.

_____ Traveling either out of State, or out of the Country

_✓_ Illness

_____ I was hired by the County, or transferred departments, after the date of the training."

01:12731981.2

ATTACHMENT B

CERTIFICATION OF TRAINING AND RECEIPT OF CONSENT DECREE

On 8/1/16, I attended training on the federal Fair Housing Act. I have had all of my questions concerning these topics answered to my satisfaction.

I also have been given and I have read a copy of the Consent Decree entered in United States v. Sussex County, Delaware, et al., Case No. 12-1591-MPT (D. Del.). I understand my legal responsibilities and will comply with those responsibilities. I further understand that the Court may impose sanctions on Sussex County or the Planning and Zoning Commission of Sussex County if I violate any provision of this Decree.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

E Brent Workman
Signature

E Brent Workman
Print Name

8/1/16
Date

BOA
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
Home Telephone Number

"I was unable to attend the live-training session due to:

_____ I was a member of the 25% of my department's staff that was required to report to work on the day of training.

X Traveling either out of State, or out of the Country

_____ Illness

_____ I was hired by the County, or transferred departments, after the date of the training."

01:12731981.2

ATTACHMENT B

CERTIFICATION OF TRAINING AND RECEIPT OF CONSENT DECREE

On 7/25/10, I attended training on the federal Fair Housing Act. I have had all of my questions concerning these topics answered to my satisfaction.

I also have been given and I have read a copy of the Consent Decree entered in United States v. Sussex County, Delaware, et al., Case No. 12-1591-MPT (D. Del.). I understand my legal responsibilities and will comply with those responsibilities. I further understand that the Court may impose sanctions on Sussex County or the Planning and Zoning Commission of Sussex County if I violate any provision of this Decree.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Alan W. Shields
Signature

Alan W. Shields
Print Name

7/19/10
Date

Constable I
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
Home Telephone Number

"I was unable to attend the live-training session due to:

_____ I was a member of the 25% of my department's staff that was required to report to work on the day of training.

_____ Traveling either out of State, or out of the Country

_____ Illness

X I was hired by the County, or transferred departments, after the date of the training."

01:12731981.2

EXHIBIT F

Sussex County Infrastructure Prioritization Policy (September 2016)

Sussex County performed an internal evaluation of the fourteen (14) communities (the "Impacted Communities") listed in the Voluntary Compliance Agreement with the U.S. Department of Housing and Urban Development, dated November 28, 2012. This evaluation is set forth in the Impacted Communities Study by GCR, Inc., dated September 2016.

Using information provided in the Impacted Communities Study (the "Study"), the County has performed an analysis of its investment strategies and funds spent in the Impacted Communities. The information that follows in this Sussex County Infrastructure Prioritization Policy ("Policy") sets forth the County's current investment strategies and how it prioritizes infrastructure and/or community development over which it has primary governing authority. Also discussed is the County's participation in providing secondary elements of infrastructure, the source of the funding, how the funding for such infrastructure is prioritized, and the formal approval process for providing such infrastructure. Lastly, this policy discusses those elements of infrastructure over which the County has no governing authority and which, as a result, cannot be prioritized for delivery by the County or be part of a formal County approval process. It should be noted that the County views this Policy as a living document that will be influenced by the continual public processes that guide the development of Sussex County.

I. Overview

By far, the largest source of housing-related funding available to the County is the federal funding it receives from the Community Development Block Grant ("CDBG") and the Home Investment Partnerships Program ("HOME"). In total, these two funding sources comprise approximately 58% of the funding from all sources that the County Department of Community Development and Housing utilizes. Based on CDBG and HOME awarded grant allocations from FY2009 through FY2016, the County has determined that approximately 20%[1] of the funding has been awarded to the Impacted Communities.

A requirement of both CDBG and HOME funding is that this funding be used to assist low-to-moderate income (LMI") residents of Sussex County. According to the Delaware State Housing Authority, there are approximately 39,646 LMI residents in Sussex County.[2] As determined within the Impacted Community Study, the percentage of LMI residents within the Impacted Communities ranges between 74% and 100%, for a total number of LMI residents within the Impacted Communities of 2,307 (see **Attachment 1**). Of the total number of LMI residents countywide, the number of LMI residents within the Impacted Communities is approximately 6%. According to the Study, only 23% of the residents within the Impacted Communities are White, while approximately 65% of the residents within

[1] This percentage was calculated by reviewing all CDBG/HOME awards from FY2009 through FY2016, identifying all the funding targeted to rural impacted communities, and dividing by the overall award allocation. The exact percentage is 19.89%. The calculation is only based on initial awards.

[2] The County LMI% was found using DSHA's Sussex County Housing Fact Sheet (4/26/16). The Fact Sheet identified that Sussex County has 79,368 Total Households, and there are 16,182 Households with incomes below $25,000. The 16,182 Households were multiplied by the County's average household size of 2.45 (as taken from Fact Finder Census 2010 information).

the Impacted Communities are Black or African American, with an additional 5% self-identifying "Other/Multi-Racial". Six percent (6%) of the residents did not disclose their race.

In sum, the County's internal evaluation of the Impacted Communities determined that 20% of CDBG funding is spent within the Impacted Communities, which counts for only 6% of the total LMI residents in Sussex County.[3] As a result of this analysis, the County believes its current investment strategy of funding within the Impacted Communities is appropriate, and it is confident that its expenditures within the Impacted Communities have gone to serve LMI individuals, the majority of which are minorities.

II. Infrastructure – Primary Governing Authority

With some important caveats, the County has primary governing authority over the establishment and expansion of public sewer, drinking water, and street light districts. The most important caveat to this statement is that the County, by policy, only establishes any of these districts if the residents within the proposed districts agree, by referendum, to the establishment of the district. Although the County has the statutory authority to establish or expand a sewer district without a referendum of the residents within the proposed district, the County believes strongly that the residents within the proposed districts should have the controlling voice since the establishment of a sewer, water, or street light district brings with it a cost for that service that the residents must bear from that point forward.

The second caveat to this statement is that not all public water and sewer districts are governed by the County. As more fully set forth in the Impacted Communities Study, public water and sewer districts are also established and maintained by municipalities and private service providers. In many instances, the closest public water or sewer system is a system established and maintained by either a municipality or a private service provider. The establishment and governance of public water and sewer districts by private service providers is overseen by the Delaware Public Service Commission.

A. County Public Sewer

Investment Strategy and Priority Designation

Public sewer in Sussex County is provided by Sussex County, the municipalities, and private wastewater companies such as Tidewater Environmental Services, Inc. and Artesian Wastewater Management, Inc. The County's strategy to expand sewer service is currently set forth within the Sussex County 2008 Comprehensive Plan Update. This strategy will continue to evolve as the County embarks on its revision of the Comprehensive Plan due in 2018.

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[3] This figure does not account for scattered site funding invested in the Impacted Communities through CDBG, HOME, HPG, and County Council Emergency Repair Funding, which would likely increase the investment to the Impacted Communities by 5%-10%. Scattered site funding is funding that is available to households located in the unincorporated areas of Sussex County, which also include the Impacted Communities.

A major component in drafting the 2018 Comprehensive Plan is the solicitation of public comments and the incorporation of new reports and data gathered by the County since 2008. This process has already begun in earnest. Valuable data from the Impacted Communities Study will figure into the investment strategy and prioritization of providing sewer service to areas not currently served by public sewer. At the conclusion of the County's study period, the 2018 Comprehensive Plan will be adopted by County Council sometime in 2018.

The County's current strategy is to continue expanding County sewer service in a pre-planned manner according to officially adopted wastewater service area plans.[4] The priority designated for the individual expansions is as set forth in the current County Five Year Capital Improvement Program. The County establishes sanitary sewer districts in accordance with the provisions of Title 9 of the Delaware Code, Chapter 65, by taking the question of whether to establish the district to the electors in the proposed sewer district by a referendum. Fifty or more legal voters of a proposed sanitary sewer district may petition the county government to submit the question of organizing a sanitary sewer or water district to a vote of electors in that district. Alternatively, a sewer district boundary may be extended upon the request of a property owner/developer when new development is planned for an area after meeting with the County and upon the approval by Sussex County Council. The County implements five programs aimed at providing assistance for low income residents to cover the cost of connecting to public sewer: (1) the County Sewer and Water Low-Income Assistance Program; (2) the State West Rehoboth Sewer Low-Income Assistance Program; (3) the County Sewer Low-Income Septic & Connection Fee Assistance Program; (4) the Federal Rural Development Hookup Cost/Loan Grant Program; and (5) the State Septic & Connection Fee Loan Program.[5] Additionally, CDBG Hook-Up funding is also available to assist owner-occupied households with incomes at or below 80% AMI with connections to central water and sewer systems.

The information compiled in the Impacted Communities Study will help to focus the County's attention on the desires of the residents within those communities that have identified connection to public water and sewer as a priority for their community. As the public discussion continues regarding the 2018 Comprehensive Plan and the development of future capital improvement programs, meaningful evaluation of those communities' desire for public sewer will occur. In its evaluation, the County will consider issues such as:

(1) The location of the Impacted Community and whether it is located within or in close proximity to an existing County sewer district, a potential municipal annexation area, a primary or secondary sewer planning area, or outside of all of the above.

(2) The acreage and spatial distribution of the Impacted Community and whether such community is growing or shrinking in size regarding the number of residents residing within the community.

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[4] Sussex County Comprehensive Plan Update, June 2008, p. 1 - 6.

[5] See http://www.sussexcountyde.gov/sewer-and-water-assistance-programs

(3) Whether the community is located within a water resource protection area or some other sensitive environmental area that may be impacted by the operation of septic systems as recognized by the State of Delaware.

(4) Whether the community has expressed a desire for public sewer extension into the community.

(5) The likelihood of providing sewer to the community as a condition of nearby planned new development.[6]

(6) The likelihood that a nearby municipality will provide sewer to the community.

Importantly, the County has already embarked on a strategy of seeking agreements with private service providers where a private sewer district is nearby or planned, and sewer connection to an existing County sewer service district is not economically feasible. One example of this is the Bulk Wastewater Services Agreement with Artesian Wastewater Management Inc. considered by County Council on August 30, 2016. Using information provided within the Impacted Communities Study regarding the residents' desire for public water and sewer, the County will consider pursuing other agreements with private service providers to supply the desired service.

B. County Public Water

Investment Strategy and Priority Designation

Private water service providers and municipalities supply nearly all of the public drinking water in Sussex County. Dewey Beach is the only area in the County served by a water system that is owned and operated by Sussex County.[7] The County's water supply strategy is currently set forth within the Sussex County 2008 Comprehensive Plan Update. This strategy will continue to evolve as the County embarks on its revision of the Comprehensive Plan due in 2018.

A major component in drafting the 2018 Comprehensive Plan is the solicitation of public comments and the incorporation of new reports and data gathered by the County since 2008. This process has already begun in earnest. Valuable data from the Impacted Communities Study will figure into the investment strategy and prioritization of providing water service to areas not currently served with public water. At the conclusion of the County's study period, the 2018 Comprehensive Plan will be adopted by County Council sometime in 2018.

The County is not currently embarking on strategy to expand County-owned and maintained public water districts, although pursuing agreements similar to the agreements discussed above

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[6] Through the expansion of the West Rehoboth Sewer District for the The Villages at Red Mill Pond North, the County in partnership with the developer was able to expand county sewer to serve Pinetown, an Impacted Community.

[7] Sussex County Comprehensive Plan Update, June 2008, p. 6 – 2.

regarding public sewer with private water service providers that have established, or will be establishing, water service districts is under consideration. The information compiled in the Impacted Communities Study will help to focus the County's attention on the desires of the residents within those communities that have identified connection to public water as a priority for their community. Importantly, under Title 9 of the Delaware Code, Chapter 65, fifty or more legal voters of a proposed water district, may petition the county government to submit the question of organizing a water district to a vote of residents in that district.

In its evaluation of whether to pursue an agreement with a private water service provider, the County will consider issues such as:

(1) The location of the Impacted Community and whether it is located near an existing or planned private water service area or within a potential municipal annexation area.

(2) The acreage and spatial distribution of the Impacted Community and whether such community is growing or shrinking in size regarding the number of residents residing within the community.

(3) Whether the community is located within an area that may be vulnerable to contamination by the operation of septic systems as recognized by the State of Delaware.

(4) Whether the community has expressed a desire for public water the community.

(5) The likelihood of providing public water to the community as a condition of nearby planned new development.

(6) The likelihood that a nearby municipality will provide public water to the community.

As is the case with the establishment or expansion of a public sewer district, the establishment or expansion of a public water district, even through the process of an agreement with a private service provider, must be approved by the residents within the proposed district or expansion area.

C. Street Lights

Investment Strategy and Priority Designation

As mentioned in the Impacted Communities Study, Chapter 95 of the Sussex County Code provides the legal authority for the County to establish a street lighting district and levy taxes. It also provides the guidelines for the establishment, maintenance and modification of the street lighting district. Communities are eligible to apply if there are at least ten (10) or more dwellings, there is a minimum length of 500 linear feet of roadway, and it is situated in such a way that it is reasonably and economically capable of being improved by the installation, maintenance and operation of streetlights.

In order for a street lighting district to be established, the community must present an initial request to the Sussex County Engineering Department indicating their desire to form a district. If more than 50% of residents submit petitions in support, the County will move forward with creating a lighting district. Ultimately, votes are cast by the residents, and the determination is made by the simple majority of votes cast. If passed, each property owner is charged an annual fee.

The Impacted Communities Study reveals that street lighting is a high priority for a number of the Impacted Communities. In order to address this issue, the County's strategy will be to provide education and outreach to those communities that have expressed a desire for street lights in their community and the process for establishing a street lighting district. The County will also provide a link on its website to the specific sections of the County Code that govern this process. It is anticipated that the meetings with the communities will begin sometime after January 2017 and will include not only information on how to petition the County for a street lighting district, but how to petition the County for other services identified by the communities as priorities as well. This strategy proved successful recently in the Pinetown Community whereby the County administered the Chapter 95 program for the residents and new street lights have been installed.

III. Infrastructure – Secondary Governing Authority

The County considers infrastructure elements over which it has secondary governing authority as those elements for which it receives funding (federal, state, or local), but which are governed primarily by laws and programs implemented by either federal or state government.

A. Funding Distributed by the County's Department of Community Development and Housing ("CD&H")

The top priority for a majority of the Impacted Communities is individual resident home repair. According to the Impacted Communities Study, 11 of the 14 Impacted Communities choose home repair as the number one Resident Need in their community. This validates the County's past approach to spending since the vast majority of the federal funds (88.5%) awarded to the County (CDBG, HPG[8], and HOME funds) have been spent on owner-occupied home repairs.[9] It is noteworthy that although these are federal funds, the County only receives these funds as a sub-grantee of the Delaware State Housing Authority ("DSHA"). As a sub-grantee, the County has to request the funds from DSHA and receives only such funding as DSHA allots to it.

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[8] HPG is the Housing Preservation Grant fund administered by the U.S. Department of Agriculture Rural Development (USDA). As mentioned in the Impacted Communities Study, the HPG program provides funding to rehabilitate housing for low-income (<50% AMI) households in rural areas.

[9] This percentage was derived by reviewing CDBG, HOME, and HPG awards from FY2009 through FY2016 for funding specifically allotted to rehabilitation, that amount was divided by the overall amount awarded during that period.

In conformance with the Impacted Communities Study, the County intends to continue to spend the majority of its federal funds on home repairs; however, it also recognizes that there are other issues in the Impacted Communities that are important to the residents. Historically, infrastructure elements other than home repairs that have also been funded with CDBG, HPG, and HOME are water and sewer hookups, home accessibility, and demolition of structures. CDBG funds have also been awarded for street/road improvements, minor drainage improvements, and sidewalk installation; however, the use of those funds requires a local match of the CDBG funding awarded.[10] Because of this match requirement, the use of CDBG funds for such infrastructure has only been utilized in the municipalities in the past. Lastly, light (minimal) code enforcement is an eligible CDBG funded activity.[11]

Under Chapter 96 of the Sussex County Code (the Sussex County Improvement Program), residents can now petition the County to request technical and financial assistance for the construction of new pavement and related improvements. This program requires the homeowners association to present an initial request to the County indicating their desire to receive assistance. If more than 50% of residents submit petitions in support, the County will move forward with the project improvements and financing. Ultimately, votes are cast by the residents, and the determination is made by the simple majority of votes cast. If passed, each property owner is charged an annual fee based on a 15-year repayment period.

In order to address desired elements of infrastructure within the Impacted Communities, the County will be implementing a Rural Community Funding Plan. This Plan is based upon the County's calculation of the past amount of CDBG funds spent within the Impacted Communities, on an average yearly basis, such amount being approximately $236,500/year.[12] In practice, this amount will be adjusted in accordance with the amount of CDBG funding actually received by the County. In order to spread the available funding equitably across the Impacted Communities, the County will use a three-year funding cycle and each community will be assigned a percentage of this funding based upon the number of LMI residents residing within each community as a percentage of the total number of LMI residents in all of the Impacted Communities combined, such percentage being derived from the information presented in the Impacted Communities Study.

By way of example only, the initial three-year funding cycle may look as described in **Attachment 2** to this Policy. However, the funding total will be based upon the actual funding received by the County and the actual 1st Year, 2nd Year, and 3rd Year Funding will depend upon the requests made of the County by the individual Impacted Communities.

The remaining federal funds received by the County (HOME and HPG) will be allocated by a system of first-come first-served, with HPG funding allocated on an advertised call-in day.

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[10] Infrastructure Match Requirements as identified in the Delaware Community Development Block Grant Program Guidelines for FY2016, page 18; http://destatehousing.com/Landlords/landlordmedia/cdbg_fy2016_proguide.pdf

[11] Definition of Infrastructure in the Delaware Community Development Block Grant Program Guidelines for FY2016, page 3; http://destatehousing.com/Landlords/landlordmedia/cdbg_fy2016_proguide.pdf

[12] This calculation is derived from the County's funding awards for the Impacted Communities from fiscal years 2009 to 2016.

The County's Community Development and Housing Department ("CD&H") implements the distribution of the federal funding awarded by DSHA mentioned above. In addition, CD&H receives a certain amount of funding every year from County Council referred to as County Council Emergency Repair Funds. This amount varies each year, but is generally in the range of $100,000 to $200,000. These funds are designed to assist with low- and moderate-income households with targeted emergency repairs, such as no water, no heat, or a severely leaking roof (see **Attachment 3** for the application).

In order to access the federal funding, the County already has in place a formal approval process in which individuals fill out an application and submit the application to CD&H for consideration. The application takes into account the household income, disability status and age of the applicant, as well as the type of home repair requested. Each of those elements is assigned a weight to guide in the CD&H's decision-making process (see **Attachment 4** for a copy of the application and guidelines). The County intends to continue using these funds for the purposes mentioned and utilizing the application process to document and track the spending of these funds.

B. Funding Distributed by County Council

County Council distributes grant funds (referred to as County Council Non-Profit Grants and County Council Human Service Grants in the Impacted Communities Study) to applicants to address such infrastructure as after school programs, financial literacy education, street lights, and community center repairs. The formal approval process consists of an applicant filling out an application and that application being considered at an open meeting of County Council. It should be noted that these grants are discretionary grants given out by a majority vote of County Council and the funds are applied for by a non-profit entity on behalf of the community. Because the County Council Non-Profit Grants are given out on a first-come, first-served basis, prioritization has been difficult. The County Council Human Service Grants are distributed once a year through a deadline application process. Over the last few years, data collected on the application is used to determine the prioritization of the funds. Data used to determine the allocation of funding is number of beneficiaries, financial need, and if other grants were already given to the entity by Sussex County Government. The applications for these grants are attached as **Attachments 5 and 6** to this Policy.

The Impacted Communities Study provides a baseline of information from within the Impacted Communities about which elements of infrastructure are important to the residents within those communities and the relative importance of those elements. Initially, County Council members will be presented with a synopsis of the Impacted Communities Study and will receive, as part of the synopsis, a compilation and synopsis of how the County Council grant funding has been spent in the Impacted Communities since FY10. The Impacted Community Study will be consulted by the County when each grant request is submitted and, going forward, at the end of each year, the County will compile a report (or chart/table) showing the allocation of Council's grant funding for the previous year in the Impacted Communities and this information will be presented to County Council. Although the resulting vote on each grant request is captured within the minutes of each County Council meeting and posted on the County's website, the yearly compilation will also be posted on the County's website.

C. Funding Utilized by the County Constable's Office

Every year, the State of Delaware, through the Delaware Department of Health and Social Services, Division of Public Health (DPH), provides $10,000 to Sussex County in order to carry out rodent control activities (the "Rodent Control Program"). Under this contract, the following activities are authorized:

"Services/activities must focus on the alteration of the physical environment within residential or public communities through the elimination of food and water sources as well as the eradication of harborage areas.

A. Neighborhood Clean-up Program (i.e., Strong Community Program)

* Roll-off/dumpster rental, etc.

* Necessary tools and safety equipment,

* Associates utilization of work release/prison labor.

B. Certified Pest Control Services (Residential/Public Communities, etc.)

C. Rodent Harborage Clean-up/Eradication

D. Purchase of Neighborhood Rodent Proof Trash Containers."[13]

The Rodent Control Program is implemented by the Sussex County Constable's Office by receipt of a complaint or by requests for assistance by community leaders, property owners, and groups such as First State Community Action on a first-come, first-served basis. There is no formal application process if the request is for assistance.

Upon receiving a complaint or request for assistance, the Constable's Office first examines the conditions leading to the situation to determine whether an enforcement action should be initiated against a property owner. The Constable's Office also has the discretion to provide assistance to resolve the issue complained of, and then cost recover against the property owner through any legal means. Often, this takes the form of a lien against the property if the property owner cannot be located, is uncooperative, or is financially unable to rectify the issue that is the subject of the complaint or the request for assistance.

The Constable's Office considers the following factors when determining whether to expend Program funds:

1. Are the funds requested for a service or activity authorized under the Contract?

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[13] DPH Contract # 14-223 Between the Division of Public Health, Delaware Department of Health & Social Services, and Sussex County for Rodent Control Services, Appendix B (the "Contract").

2. Have funds been expended within this community recently (i.e., the past two to three years)?

3. Consideration of the magnitude of the public health threat

A. Number of people/residences affected

B. Type of threat (i.e., rodents, trash, insects, etc.)

4. Anticipated cost of the service or activity relative to the amount of funds remaining under the Contract.

5. Are the funds for the service or activity to be expended within an Impacted Community?[14]

A. Is the service or activity listed as an identified resident or community need within the Impacted Communities Study?

Because the funds from this Program are not grants and, instead, are generally related to an enforcement effort by the Constable's Office, a formal approval process for requesting the funds is not appropriate. Instead, these funds will continue to be utilized on a case-by-case basis. However, under the terms of the contract with DPH, the Constable's Office must provide periodic status reports and financial reports to DPH as well as a final State fiscal year expenditure report within 30 calendar days of the end of the contract period.[15]

The Constable's Office will copy the Director of the Sussex County Community Development and Housing Department on the reports sent to DPH so that these funds can be tracked and made publicly available via Sussex County's website as part of the County's larger effort in tracking funding provided to low-to-moderate income communities in Sussex County in general, and specifically, the Impacted Communities.

IV. Infrastructure – No Governing Authority

There are some infrastructure elements identified as priorities within the Impacted Communities over which the County has no governing authority. Those elements are water quality testing, animal control services, sidewalks, and public transportation. Water quality testing is controlled and provided by the Delaware Department of Health and Social Services, Division of Public Health. Animal control services are provided by the State of Delaware, Office of Animal Welfare. Public transportation is controlled by the State of Delaware Department of Transportation. Lastly, sidewalks within the Impacted Communities for those homes located along State roads are controlled by the State of Delaware Department of Transportation.

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[14] "Impacted Community" refers to one of the 14 communities identified in the Sussex County Impacted Communities Study, prepared by GCR Inc., dated September 2016 (the "Impacted Communities Study").
[15] *Id.*

With the exception of animal control services, the County has not typically provided any funding towards these elements of infrastructure since it has no governing authority over these. However, recognizing that these are issues that, in some cases, are important to residents of some Impacted Communities, the County will provide letters of support for the service on behalf of the particular communities to the appropriate governing agency.

Regarding animal control services, the County does have a contract in the amount of $683,000/year with the State of Delaware to provide this service in Sussex County, although outside of the broad parameters of the contract, it does not dictate to the Office of Animal Welfare how those funds must be spent. In the case where an Impacted Community has identified animal control as a priority, the County will send a letter of support to the Office of Animal Welfare specifically requesting assistance from the Office in that community.

Attachment 1

LMI Figures for Sussex County
Version 9/28/16

Place	Population	LMI %*	# LMI Individuals	% of County Population	% of County LMI Population	% of Impacted Community LMI Population
Sussex County	**197,145**	**20.11%**	**39,646**			
Milford**	9,559	40.80%	3,900	1.98%	9.84%	
Seaford	6,928	53.80%	3,727	1.89%	9.40%	
Georgetown	6,422	55.80%	3,583	1.82%	9.04%	
Laurel	3,708	50.00%	1,854	0.94%	4.68%	
Millsboro	3,877	42.80%	1,659	0.84%	4.19%	
Milton	2,576	48.20%	1,242	0.63%	3.13%	
Bridgeville	2,048	51.90%	1,063	0.54%	2.68%	
Selbyville	2,167	41.20%	893	0.45%	2.25%	
Lewes	2,747	28.20%	775	0.39%	1.95%	
Delmar	1,597	46.60%	744	0.38%	1.88%	
Blades	1,241	46.10%	572	0.29%	1.44%	
Frankford	847	51.80%	439	0.22%	1.11%	
Greenwood	973	41.80%	407	0.21%	1.03%	
Ocean View	1,882	21.10%	397	0.20%	1.00%	
Rehoboth	1,327	16.50%	219	0.11%	0.55%	
Dagsboro	805	25.60%	206	0.10%	0.52%	
Bethany	1,060	17.70%	188	0.10%	0.47%	
Millville	544	28.00%	152	0.08%	0.38%	
Ellendale	381	37.90%	144	0.07%	0.36%	
Dewey	341	27.50%	94	0.05%	0.24%	
Slaughter Beach	207	40.90%	85	0.04%	0.21%	
South Bethany	449	18.40%	83	0.04%	0.21%	
Fenwick	379	16.60%	63	0.03%	0.16%	
Bethel	171	18.90%	32	0.02%	0.08%	
Henlopen Acres	122	8.30%	10	0.01%	0.03%	
Coverdale	490	86.00%	421	0.21%	1.06%	**18.27%**
Cedar Creek	370	78.00%	289	0.15%	0.73%	**12.51%**
New Hope/S. Old State Rd.	282	99.00%	279	0.14%	0.70%	**12.10%**
Possum Point	270	86.00%	232	0.12%	0.59%	**10.07%**
Cool Springs	258	74.00%	191	0.10%	0.48%	**8.28%**
Diamond Acres	194	92.00%	178	0.09%	0.45%	**7.74%**
Polly Branch	169	86.00%	145	0.07%	0.37%	**6.30%**
Greentop	161	79.00%	127	0.06%	0.32%	**5.51%**
Concord	137	86.00%	118	0.06%	0.30%	**5.11%**
Mount Joy	138	84.00%	116	0.06%	0.29%	**5.03%**
West Rehoboth	113	96.00%	108	0.06%	0.27%	**4.70%**
Dog Patch	56	94.00%	53	0.03%	0.13%	**2.28%**
Pinetown	45	81.00%	36	0.02%	0.09%	**1.58%**
Lucas	12	100.00%	12	0.01%	0.03%	**0.52%**
Totals	**2,695**		**2,307**			

Notes:

1) County and Municipal populations were taken from Census.gov Fact Finder Using 2010 General Population and Housing Characteristics

*2) *LMI Percentages derived from Attachment B to the Delaware CDBG Program Guidelines FY2016 List of Low/Moderate-Income Benefit Figures*

3) #LMI individuals calculated by multiplying population figures by LMI percentage

4) % of County Population derived from dividing Number of LMI Individuals by County Population

5) County LMI % was found using DSHA's Sussex County Housing Fact Sheet (4/26/16). The Fact Sheet identified that Sussex County has 79,368 Total Households, and there are 16,182 Households with incomes below $25,000. This number is conservative because $25,000 is significantly less than 80% AMI, so the overall estimate of LMI individuals in Sussex County is likely higher than the 39,646 individuals used for the calculation. The 16,182 Households were multiplied by the County's Average Household Size of 2.45 (taken from Fact Finder Census 2010 information).

6) Impacted Communities population data is derived from the Impacted Communities Study. The population figures are inferred by taking the number of Households from each community (Section VI, Figure 24) and multiplying by the average household size (Section VI, Figure 39).

*7) **Because Milford is split across both Counties, the population number is inflated.*

Attachment 2

Sussex County's Community Development Rural Community Funding Plan

Using data from previous Community Development Block Grant (CDBG) allotments for Rural Communities, the Community Development & Housing Department has determined that $1,892,000.00 has been awarded to Rural Communities throughout Sussex County since 2009. This breaks down to an average of $236,500.00 per year to assist these communities.

In order to spread the available funding equitably across the Rural Communities, the Department will use a three (3) year funding cycle. This overall funding level is $709,500.00 ($236,500.00 X 3) for demonstration purposes. This is just an estimated projection of funding based on historical grant awards, each year Sussex County submits a competitive grant for consideration by the Delaware State Housing Authority (DSHA).

Each community will be assigned a percentage of this funding, which is derived from the percentage of LMI residents. The percentage represents each community's LMI population as a percentage of the total LMI population across the 14 rural communities surveyed in the Impacted Communities Study.

Note: All numbers are rounded and may change as funding levels change.

Initial Funding Cycle Total:
$709,500.00

Community Name	% Impacted Community LMI Population	Funding Cycle Total Based on LMI %	Rounded To Nearest Even Thousand #:	1st Year Funding	2nd Year Funding	3rd Year Funding
Coverdale Crossroads	18.27%	$129,625.65	$128,000.00	$0.00	$64,000.00	$64,000.00
Cedar Creek	12.51%	$88,758.45	$88,000.00	$0.00	$44,000.00	$44,000.00
New Hope/S Old State Rd.	12.10%	$85,849.50	$74,000.00	$0.00	$74,000.00	$0.00
Possum Point/Riverview	10.07%	$71,446.65	$68,000.00	$0.00	$0.00	$68,000.00
Cool Springs	8.28%	$58,746.60	$58,000.00	$0.00	$58,000.00	$0.00
Diamond Acres	7.74%	$54,915.30	$56,000.00	$0.00	$0.00	$56,000.00
Polly Branch	6.30%	$44,698.50	$50,000.00	$50,000.00	$0.00	$0.00
Greentop	5.51%	$39,093.45	$38,000.00	$38,000.00	$0.00	$0.00
Concord	5.11%	$36,255.45	$36,000.00	$36,000.00	$0.00	$0.00
Mount Joy	5.03%	$35,687.85	$42,000.00	$42,000.00	$0.00	$0.00
West Rehoboth	4.70%	$33,346.50	$38,000.00	$38,000.00	$0.00	$0.00
Dog Patch	2.28%	$16,176.60	$16,000.00	$16,000.00	$0.00	$0.00
Pinetown	1.58%	$11,210.10	$16,000.00	$16,000.00	$0.00	$0.00
Lucas Development	0.52%	$3,689.40			$0.00	$0.00
			$708,000.00	**$236,000.00**	**$240,000.00**	**$232,000.00**

Attachment 3

Sussex County Community Development Emergency Rehab Program

GENERAL GUIDELINES:

- Home must be owner-occupied and the only real property in the applicant's name
- Applicant must have owned the property for a minimum of two (2) years
- County taxes must be current
- Needed repairs must not exceed $7,500
- Household income must be at or below 80% of Area Median Income
- Applicant must meet or exceed fifteen (15) points to qualify for emergency repairs

APPLICANT:

Applicant Name: _____ Phone #: _____

Property Address: _____ Date: _____

Parcel ID #: _____ Taxes: _____

SCORING:

Household Income _____ points

☐ 30% AMI or below (10 points)
☐ 31% - 50% AMI (5 points)
☐ 51% - 80% AMI (2.5 points)

Disabled (with medical documentation) _____ points

☐ Yes (5 points)
☐ No (0 points)

Age _____ points

☐ Applicant is 65 or older (2.5 points)
☐ Applicant is under 65 (0 points)

Repair Requested _____ points

☐ No water, no heat, or handicap accessibility (10 points)
☐ Leaking Roof (7.5 points)
☐ Electrical/Plumbing Issues (2.5 points)

_____ **Total Points**

Attachment 4

COMMUNITY
DEVELOPMENT & HOUSING

BRAD D. WHALEY
DIRECTOR

(302) 855-7777 T
(302) 854-5397 F

Sussex County
DELAWARE
sussexcountyde.gov

Fill out and return to the Department as soon as possible. Please print. **Date:** _____

Applicant Name: _____

Name(s) on Deed: _____

Mailing Address: _____

Physical 911 Address (if different from above): _____

Phone Number: (___) _____ **Cell Phone/Emergency Number:** (___) _____

Parcel I.D. Number: _____ **Is the home in town limits?** □ Yes □ No

Ownership: □ Own House & Own Land □ Own House & Rent Land □ Rent House & Rent Land

Type of Home: □Mobile/Manufactured □ 1 Story □ 2 Story **Age of Home:** _____

Is the home insured? □ Yes □ No

Do you owe any County Taxes? □ Yes □ No
***Current County law prohibits any building permits to be issued for a property with unpaid County taxes. Therefore, the Department will be unable to perform any work on your home until taxes are paid in full. Contact the Collections Department at (302) 855-7831 to enroll in a payment plan.*

Number of people in the household: _____ **Total gross household income per year: $** _____

Repairs Needed. *Please check all applicable boxes.*

□Bathroom □Doors □Electrical □Floors □Kitchen □Plumbing □ Heat

□Hookup to County Sewer/Water □Well Repair/Replacement □Siding □Windows □Roof

□Handicap Accessibility (Describe Need: _____)

□Other (Describe Need: _____)

Disclosure Statement
***If any of the above contact information changes, you are responsible for calling the Department of Community Development & Housing to update your record. If we are unable to contact you when your name comes up, we will not guarantee your spot on the waiting list.*

Si usted necesita ayuda con interpretación o traducción, por favor, contacte a Guillermo Montalvo al (302) 854-5281.

Attachment 5

SUSSEX COUNTY COUNCIL NON-PROFIT GRANT PROGRAM
GUIDELINES FOR SUBMITTAL AND AFFIDAVIT OF UNDERSTANDING

The Sussex County Council makes available a limited amount of funding to non-profit organizations that serve the citizens of Sussex County. Each application for funding shall be evaluated by Sussex County administrative staff and shall be subject to final approval from Sussex County Council.

In the attached application, each organization must outline its intended uses for the awarded funding and provide a detailed breakdown of the expenses and costs for such uses. Any funding awarded to the organization must be used in substantial conformity with anticipated expenditures of the submitted application.

All expenditures must have adequate documentation and must be expended within one (1) year of award of funds.

For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before funding is released. Grant is relinquished if supporting documentation is not provided within one year of County Council award.

Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization acknowledges that the funding shall be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious activities.

In the event that such funding is used in violation of the requirements and assurances contained in this grant application, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.

I acknowledge and represent on behalf of the applicant organization that I have read and understand the above statements.

_____	_____
Applicant/Authorized Official	Title
_____	_____
Witness	Date

SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: _____

PROJECT NAME: _____

FEDERAL TAX ID: _____ NON-PROFIT: ☐ YES ☐ NO

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?

☐ YES ☐ NO *IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION:

ADDRESS: _____

_____

_____ _____ _____

(CITY) (STATE) (ZIP)

CONTACT PERSON: _____

TITLE: _____

PHONE: _____ EMAIL: _____

TOTAL FUNDING REQUEST: _____

Has your organization received other grant funds from Sussex County Government in the last year?

☐ YES ☐ NO

If YES, how much was received in the last 12 months? _____

Are you seeking other sources of funding other than Sussex County Council?

☐ YES ☐ NO

If YES, approximately what percentage of the project's funding does the Council grant represent? _____

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- ☐ Fair Housing
- ☐ Infrastructure[1]
- ☐ Health and Human Services
- ☐ Other _____
- ☐ Cultural
- ☐ Educational

BENEFICIARY CATEGORY

- ☐ Disability & Special Needs
- ☐ Elderly Persons
- ☐ Minority
- ☐ Victims of Domestic Violence
- ☐ Low to Moderate Income[2]
- ☐ Other _____
- ☐ Homeless
- ☐ Youth

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:

_____

SECTION 3: PROGRAM SCOPE

A. Briefly describe the program for which funds are being requested. The narrative should include the need or problem to be addressed in relation to the population to be served or the area to benefit.

B. IF RELIGIOUS AFFILIATION WAS CONFIRMED ABOVE IN SECTION 1, PLEASE FILL OUT THE FOLLOWING SECTION. IF RELIGIOUS AFFILIATION WAS NOT CHECKED IN SECTION 1, THIS SECTION MAY BE LEFT BLANK.

A faith-based nonprofit organization is eligible to receive and apply for a grant on the same basis as other nonprofit organizations, with respect to programs which are eligible. In the selection of grantees, the County will not discriminate for or against an organization on the basis of the organization's religious characterization or affiliation. However, certain requests to utilize funding for programs with religious purposes may not be eligible due to constitutional principles of the United States and/or the State of Delaware.

Briefly describe the components of the program that involve religious purposes and the components that involve secular purposes, or non-religious purposes. If both non-religious and religious purposes are involved in the program, this narrative must include the specific actions that will be implemented in order to ensure that the funding is solely used for non-religious purposes and will not be used to advance or inhibit religious or faith-based activities.

If your organization has a religious affiliation, please submit proof with this application that there is separate accounting for non-religious activities. After the awarded funds have been made, receipts of the non-religious purchases shall be submitted in accordance with Section 5 below before funds will be disbursed

SECTION 4: BUDGET

REVENUE Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	
EXPENDITURES Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. **(Put amounts in as a negative)**	
TOTAL EXPENDITURES	$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	$ 0.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the_____agrees that:
(Name of Organization)

1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.
2) For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.
3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.

SECTION 5: STATEMENT OF ASSURANCES (continued)

4) All information and statements in this application are accurate and complete to the best of my information and belief.
5) All funding will benefit only Sussex County residents.
6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
7) All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
8) **In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.**

_____ Applicant/Authorized Official

Date

_____ Witness

Date

Attachment 6

Human Service Grant Application

Section1: Applicant Information

Legal Name of Agency/Organization *

Project Name *

Federal Tax ID *

Non-Profit *

- Yes
- No

Please include a copy of a letter from the IRS stating your current non-profit status *

Choose File No file chosen Upload

Files must be less than **5 MB**.
Allowed file types: **gif jpg png bmp txt rtf pdf doc docx.**

Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.) *

- Yes
- No

Organization's Mission *

Address *

Address

City *

State *

ZIP Code *

Zip Code *

Contact Person *

Title

Phone Number

Email Address

Total Funding Request *

Has your organization received other grant funds from Sussex County Government in the last year? *

- Yes
- No

If YES, how much was received in the last 12 months?

Are you seeking other sources of funding other than Sussex County Council? *

- Yes
- No

If YES, approximately what percentage of the project's funding does the Council grant represent?

Section 2: Program Description

Program Category (choose all that apply) *

- [ ] Fair Housing
- [ ] Health and Human Services
- [ ] Cultural
- [ ] Infrastructure [1]
- [ ] Educational
- [ ] Other...

[1] Infrastructure could include roadway construction, trash disposal, well and septic repair, public water and sewer hookup, street lighting, and construction for accessibility purposes.

Beneficiary Category *

- Disability & Special Needs
- Victims of Domestic Violence
- Homeless
- Elderly Persons (62 +)

- Low to Moderate Income [2]
- Minority
- Youth
- Other...

[2] To qualify as low to moderate income, the project must benefit households that have less than 80% of AMI for Sussex County which is defined annually by the U.S. Department of Housing & Urban Development. For 2014, 80% of AMI for a family size of one is $26,220.

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program *

Which Council Districts benefit by this project? (choose all that apply) *

- District 1
- District 2
- District 3
- District 4
- District 5

Visit http://www.sussexcountyde.gov/county-council to see what areas these districts represent.

Section 3: Program Scope

A. Briefly describe the program for which funds are being requested. The narrative should include the need or problem to be addressed in relation to the population to be served or the area to benefit.*

B. IF RELIGIOUS AFFILIATION WAS CONFIRMED ABOVE IN SECTION 1, PLEASE FILL OUT THE FOLLOWING SECTION. IF RELIGIOUS AFFILIATION WAS NOT CHECKED IN SECTION 1, THIS SECTION MAY BE LEFT BLANK.

A faith-based nonprofit organization is eligible to receive and apply for a grant on the same basis as other nonprofit organizations, with respect to programs which are eligible. In the selection of grantees, the County will not discriminate for or against an organization on the basis of the organization's religious characterization or affiliation. However, certain requests to utilize funding for programs with religious purposes may not be eligible due to constitutional principles of the United States and/or the State of Delaware.

Briefly describe the components of the program that involve religious purposes and the components that involve secular purposes, or non-religious purposes. If both non-religious and religious purposes are involved in the program, this narrative must include the specific actions that will be implemented in order to ensure that the funding is solely used for non-religious purposes and will not be used to advance or inhibit religious or faith-based activities.

If your organization has a religious affiliation, please submit proof with this application that there is separate accounting for non-religious activities. After the awarded funds have been made, receipts of the non-religious purchases shall be submitted in accordance with Section 5 below before funds will be disbursed.

Section 4: Budget

REVENUE

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) *

$

EXPENDITURES

Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing, telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal.

Description	Amount
	$
	$
	$
	$
	$
	$
	$
	$
TOTAL EXPENDITURES	$
***TOTAL DEFICIT FOR PROJECT OR ORGANIZATION**	$

*The project will not be eligible for a grant unless there is a deficit.

Section 5: Statement of Assurances

If this grant application is awarded funding,

Name of Organization *

agrees that:

1. For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and

supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

2. For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.
3. No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.
4. All information and statements made in this application are accurate and complete to the best of my information and belief.
5. All funding will benefit only Sussex County residents.
6. All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
7. All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
8. **In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.**

Applicant/Authorized Official *

Date

2016 ▼ Aug ▼ 9 ▼

☐ I acknowledge and represent on behalf of the application organization that I have read and understand the Grant Program Guidelines and Affidavit of Understanding.

Submit Application

EXHIBIT G

Sussex County AI Evaluation and Proposed Priority Fair Housing Plan (Revised ~~May~~September 2016)

	AI Report	Goal	Strategies to Meet Goal	Actions Taken to Meet Goal	Actions to be Pursued by County	Notes
1	1998	To develop a greater understanding of race relations within communities that are being served.	Governmental agencies "should participate in diversity training and study circles groups to develop a greater understanding of race relations within communities that are being served."	1. The County issued an RFP for the Impacted Communities Study, and awarded the contract to GCR. The contract period is **July 1, 2014 – June 30, 2016**. 2. After discussions with NAHRO regarding partnership, it was determined that the County would need to develop its own training.[i] As a result, in **July 2015**, the County launched the Sussex County Learning & Performance Center, an online and in-person training center available to all County staff. An online course titled, "Diversity on the Job: Diversity and You" is currently available to all staff.	1. Through the Strong Communities Initiative, complete the Impacted Communities Study. (Timeframe: Completion in **June 2016**) 2. Partner with the DE Chapter of the Nat'l. Assoc. of Housing and Redevelopment Officials (NAHRO) to offer diversity training as part of the County's new curriculum training. See "Actions Taken to Meet Goal". Upon the completion of the Impacted Communities Study, the County will consider this strategy completed.	1998 AI, p. 13.
2	1998	To expand housing opportunities for persons with disabilities.	"Specific funding should be allocated on a state and jurisdictional level to groups or agencies to expand housing opportunities for persons with disabilities."	DSHA provides funding for persons with disabilities through the Housing Development Fund, the Tax Credit program, and SRAP Vouchers.	CD&H[ii] representation on the Universal Design Coalition.[iii] Universal Design is a way of homebuilding that incorporates barrier-free and accessible design features. The County will continue to support DelawareHousingSearch.org, a new free and real-time online service implemented by DSHA that lists all of the State's public and private rental units, as well as publicly funded for-sale units. This program is specifically geared towards the disabled through various search features. Each year, the County receives an annual report which lists the accomplishments of this collaborative effort. So long as the program is continuing to result in accomplishments related to fair housing for persons with disabilities, the County will consider its support of this program an effective strategy to meet the stated goal. Actions to be taken as a result of the review of the April 2012 Community and Choice document: 1. Track funding for accessibility modifications. (Timeframe: Beginning **July 1, 2015**)[iv] 2. Partner with The Money School to introduce financial literacy and credit repair course's to the County's low-income communities. (Timeframe: **July 1, 2016 – June 30, 2017**)[v] 3. The County will financially support the Money Follows the Person Demonstration and/or the Delaware Aging and Disability Resource Center (ADRC). (Timeframe: **July 1, 2016 – June 30, 2017**)[vi]	1998 AI, p. 28.

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					4. Coordination with the County's Advisory Committee on Aging & Adults with Physical Disabilities. (Timeframe: **Beginning November 2015**)[vii] 5. Alignment with Measurable Results: In order to monitor and measure the success of the County's efforts to increase accessibility, annually beginning in **July 2016 through July 2018**, the County will track the number of County-funded handicapped ramps and other accessibility features installed by developing in-house a chart which will be updated by Community Development and Housing personnel when each feature is funded to reflect the number and type of accessibility feature installed, the date the feature was funded, the address of the property, and amount of funding accessed. We will consider our actions taken as a result of the review of the April 2012 Community and Choice document addressing accessibility to be successful when we are able to show that funding is being utilized for accessibility installations. The County will generate a report of findings at the conclusion of the assessment period. In order to monitor and measure the success of the County's efforts to increase financial literacy and credit repair education, annually beginning in **July 2016 through July 2018**, the County will track the number of courses offered through the partnership with The Money School and number of participants by developing an in-house chart which will be periodically updated by Community Development and Housing personnel to show that the funding is being accessed. The chart will display the course name, the date the course was offered, the entity teaching the course, the number of participants, and the amount of funding that was accessed. We will consider our actions taken as a result of the review of the April 2012 Community and Choice document addressing financial literacy and credit repair education to be successful when we are able to show that funding is being utilized for courses involving financial literacy and credit repair. The County will generate a report of findings at the conclusion of the assessment period. eeting with housing advocates to explore options for increasing the supply of accessible and affordable housing: 1. Perform outreach to housing advocates - (1) Direct contact via phone or email to Milford Housing Development Corporation, Diamond State Community Land Trust, and Habitat for Humanity regarding meeting; (2) hold meeting for direct discussion. (**Completed Feb. 2015**) 2. How suggestions from meeting will be compiled - A synopsis of the discussion points from the meeting will be generated and presented to the County administration for consideration. (**Feb. 2015 through July 2015**) 3. How the County will assess the suggestions - The County will take into account the following in assessing the suggestions from the meeting: (1) Does the County have	

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					jurisdiction under the County Code; (2) would the suggestion require a change to the County Code and if so, the likelihood that such change would be approved; (3) cost to implement the suggestion; (4) does some other law (State/County) prevent the County from fully implementing the suggestion. The timeline for implementation of the suggestion(s) will be dependent upon the answers to the questions in #3 above. (**Feb. 2015 through July 2015**) 4. Result: County determined that sewer impact fee deferral may address this impediment and began implementing this suggestion.[viii] The County contacted each non-profit by phone to inform them of the availability of the deferral option. (**July 2015**) 5. Assessment Period (**July 2015 - July 2018**) 6. Alignment with Measurable Results: In order to monitor and measure the success of the County's sewer deferral option in increasing the supply of accessible and affordable housing, annually beginning in **July 2016 through July 2018**, the County will track the number of affordable housing units built which have taken advantage of the sewer impact fee deferral by developing an in-house chart which will be updated at least annually with information from the County's Utility Permits/Billing Department and other County Departments as necessary to show whether any affordable units were built utilizing the impact fee deferral. The chart will display the application number, the location of the unit(s), the owner of the unit, and the tax parcel identification number. We will consider the sewer deferral option to be successful when we are able to show that it is being utilized by housing providers. The County will generate a report of findings at the conclusion of the assessment period. 7. In order to promote the sewer fee deferral option and the Template Support Letter (both of which are detailed in the Affordable Housing Support Policy), the County will include the Affordable Housing Support Policy as a link on its Planning and Zoning webpage (which is broadly available to anyone with access to the Internet desiring information on how to apply to develop property in Sussex County), it will be posted in the Planning and Zoning office, and it will be included in any application materials given to applicants desiring it to build residential developments in Sussex County.	
3	1998	To expand housing opportunities for persons with disabilities.	"Legislation should be introduced to require developers of multi-family units, condos and apartments to submit plans and/or language for specific review of compliance of ADA and new construction guidelines to the State Council for Persons with Disabilities, and/or licensing and inspection.	The County has determined that the County's Assessment Division requires any building owner applying for a permit to certify that he/she is aware of the requirement for architectural accessibility in certain facilities, as set forth in the Code of Sussex County, Chapter 45 (adoption of ICC/ANSI	The County will discuss this strategy with DSHA and the County's Planning & Zoning office as it may now be a part of DSHA's or the County's review during the PLUS process. (Completed: See "Actions Taken to Meet Goal")	1998 AI, p. 29.

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			divisions."	A117.1-2009), and that the facility for which the building permit has been obtained will be designed and constructed in accordance with those standards and provisions.[ix] As a result, the County believes this strategy has been completed.		
4	1998	To expand housing opportunities for persons with disabilities.	Lack of Affordable Housing and inadequate funding for persons living with AIDS.	The Delaware HIV Consortium specifically works with persons with AIDS to connect them with services and housing. There are rental vouchers allocated to persons with AIDS/HOPWA. As a result, the County believes this strategy has been completed.		1998 AI, p. 30
5	1998		Local jurisdictions not involved in any fair housing activities with respect to mortgage lending.	Sussex County Association of REALTORS offers fair housing training to its members, of which mortgage lenders are affiliates. Also, mortgage originators are required annually to attend approved fair housing training.	Because credit history is a major reason for denial of home mortgage applications in Sussex County, the County will coordinate with HUD- approved housing counseling agencies, as well as financial literacy agencies to target credit repair education through existing advocacy organizations that work with minority populations on a regular basis. Specifically, the County will partner with The Money School to introduce financial literacy and credit repair courses to the County's low-income communities. (Timeframe: **July 1, 2016 – June 30, 2018**)	1998 AI, p.43
6	1998		Limited funding allocated for non-profit advocacy groups.	Sussex County funds numerous non-profit advocacy groups annually through its Human Service Grant program (i.e. DCRAC, Delaware Housing Coalition, Sussex Housing Group). The County explored the creation of a Housing Trust Fund (now called a Community	The County will explore the creation of a Housing Trust Fund. (Timeframe: **April 2016 – July 2016**). Completed – See "Actions Taken to Meet Goal"	1998 AI, 43.

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				Development Fund) in March 2016, and the County's Community Development and Housing Department received approval for the creation of a Community Development Fund in June 2016 in the amount of $165,000 for FY17.		
7	1998 and 2011	"Ensure that members of the protected classes are represented on appointed volunteer boards." [2011 AI]	"...all boards, commissions, and councils should include protected class members from the communities that are being serviced to enhance community participation and to ensure that a fair and equal process is established." [1998 AI]	Sussex County, beginning in the 2013 grant cycle, reports the make-up of County boards and commissions (race, gender, ethnicity, disability status, familial status) to DSHA on an annual basis, as required by the Community Development Block Grant application.	The County will review existing boards and commissions to determine the number of protected class members and, as terms expire, give consideration to qualified candidates that belong to a protected class. The County will report to DSHA on appointments as required. (Timeframe: **Annually as required within the annual CDBG application**)	1998 AI, p. 45.; 2011 AI, DSHA/Balance of State Impediment #10
8	1998	To increase affordable housing and efforts to encourage zoning for affordable housing.	"Ease zoning and other regulatory barriers to affordable rental housing for families." [2011 AI] "Incentivize the development of mixed income housing in non-impacted areas." [2011 AI]	The County passed legislation creating the Moderately Priced Housing Unit (MPHU) and Sussex County Rental Program (SCRP) programs and also now participates in the Neighborhood Stabilization Program I (NSP 1) and Neighborhood Stabilization Program II (NSP 2) programs to address this goal. The County has passed legislation to increase the reach of the MPHU program to households earning 50% to 120% of AMI. The County now includes language promoting affordable housing in its Application for Major Subdivision, the County's Technical Advisory Committee review letters, and	The County is evaluating the effectiveness of the MPHU and SCRP programs and will be identifying barriers to their use and any structural problems within the programs (Timeframe: **October 1, 2015 – June 1, 2017**). Depending upon the results of this evaluation, the County will consider expanding incentives offered to developers to participate in the MPHU and SCRP programs and to developers of affordable housing developments who are able to provide a guarantee to the County of the affordability of the dwelling units. It is anticipated that changes to the MPHU program may follow after changes to the SCRP program. Timeline for changes to the SCRP program: 1. Meet with stakeholders from the housing and development communities (May – June 2016) 2. Draft an outline of major points of revision in the SCRP program and present to County Council for discussion (June – July 2016) 3. Draft revised SCRP program ordinance (July – September 2016) 4. Schedule ordinance introduction (September – October 2016)	1998 AI, p. 52. 2011 AI, Regional Plan Impediment #6, Strategy E, p. 573

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				the County's comments in the PLUS process.[x] The County has added the availability of the sewer deferment incentive to the existing Affordable Housing Support Policy in order to raise public awareness of this incentive and encourage its use.		
9	1998		Fair housing training of policy makers.	Sussex County staff, appointed officials, and elected officials received fair housing training specific to the Fair Housing Act on 6/5/12, 3/8/13, 2/28/14, and 7/23/15.	Sussex County staff, appointed officials, and elected officials will continue to receive fair housing training specific to the Fair Housing Act in 2016.	1998 AI, p. 59. 2011 AI, Regional Plan Impediment #10, Strategy D, p. 577
10	1998		"Funding should be allocated to the affected areas for development of water and sewer districts."	The County funded the extension of sewer to Pinetown (2009), the Ellendale Needs Assessment Study (2000), the Ellendale Water Study (2004), and will be conducting the sewer assessment in Bethel and Laurel (2013).	The County is considering the concept of a Western Sussex Sewer District. This planning incorporates the ability to include impacted areas within the district. The County is working with many stakeholders and investigating the feasibility of creating a County Water District in the Ellendale area including South Old State Road and the New Hope Community. (Timeframe: **Beginning July 2015**)	1998 AI, p. 61.

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11	1998	To protect land owning residents in the West Rehoboth community from losing their property due to increased taxes for infrastructure improvements and development.	"... a Trust Fund should be established."	As a result of interaction with the West Rehoboth Community Land Trust, the studio apartment ordinances (Ordinances 1959 & 2245) were passed. The Land Trust was established to create permanently affordable housing, preserve the historic West Rehoboth Community, as well as revitalize the community. Further, Sussex County granted $7,500 in FY2015 to the West Rehoboth Coalition and more than $71,500 to the West Rehoboth Community Land Trust from 2006 to 2015. CD&H has allocated over $635,000 in CDBG funds to help with revitalization and rehabilitation efforts.	The County will continue to monitor and support the West Rehoboth Coalition and the West Rehoboth Community Land Trust.	1998 AI, p. 61.
12	2003	"..to address Fair Housing issues in Sussex County, with particular attention to the rapidly growing Hispanic population."	"A strategy should be developed...	In accordance with the County's Affordable and Fair Housing Marketing Plan notices of County CD&H meetings and public hearings are published in at least one Hispanic newspaper or website. The County has instituted a Housing Discrimination Complaint Form (available in English and Spanish) and process for addressing complaints. CD&H attends the annual Hispanic Festival.	The County will continue to support DelawareHousingSearch.org. The site can be entirely read in Spanish and has a bilingual call center available. Each year, the County receives an annual report which lists the accomplishments of this collaborative effort. So long as the program is continuing to result in accomplishments related to fair housing for persons within the Hispanic population, the County will consider its support of this program an effective strategy to meet the stated goal. The County will continue to attend the annual Hispanic Festival held in August in Millsboro. At the Festival the County provides various materials related to all County programs and Fair Housing, in English and Spanish.	2003 AI, p. 95.

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13	2011	Increase access to County programs for persons with limited English proficiency (LEP).	"Sussex County should conduct the four-factor analysis outlined in the Federal Register of January 22, 2007, and at www.lep.gov, to determine the extent to which the translation of vital documents is necessary to assist persons with limited English proficiency (LEP) in accessing the County's programs. If it is determined that the need for a Language Access Plan (or LEP plan) exists, the County must prepare the LAP in order to comply with Title VI of the Civil Rights Act of 1964."	Sussex County conducted the four-factor analysis in June 2013, which indicated that only Spanish met the threshold for requiring written translation of vital documents.[xi]	The County will complete, post, and begin implementing a Limited English Proficiency (LEP) Plan. (Timeframe: Announcement on **September 30, 2015;** Implementation Period from **September 30, 2015 to September 30, 2016**)	2011 AI, DSHA/Balance of State Impediment #1, p. 472.
14	2011	"Increase access to County programs for persons with limited English proficiency (LEP)."	"Upon release of updated data from the 2010 U.S. Census, ...Sussex County... should review the data to determine if any of the individual Indo-European languages exceed 1,000 persons with LEP."	Sussex County conducted the four-factor analysis in June 2013, which indicated that only Spanish met the threshold for requiring written translation of vital documents.	The County will complete, post, and begin implementing a Limited English Proficiency (LEP) Plan. (Timeframe: Announcement on **September 30, 2015**; Implementation Period from **September 30, 2015 to September 30, 2016**)	2011 AI, DSHA/Balance of StateImpediment #1, p. 472

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15	2011	"Provide home ownership opportunities to minority households throughout the Balance of State through increased employment opportunities, home ownership counseling, and homebuyer education."	"Strengthen partnerships with local lenders that will offer homebuyer education and other incentives to purchase a home in the Balance of State." Elsewhere in the AI addressing this goal, it states: "Identify effective ways for ... Sussex County... to increase home ownership among minorities, residents of LMI census tracts, and LMI residents. Such methods include: (a) Increasing sustainable home ownership opportunities through financial literacy education including credit counseling and pre- and post-home purchase education; (b) Increasing lending, credit, and banking services in LMI census tracts and minority census tracts; and (c) Increasing marketing and outreach efforts of affordable mortgage products that are targeted for residents of LMI census tracts, LMI residents, and minorities."	Sussex County held its inaugural Homebuyer Fair on September 27, 2014. Attendees of the free event receive copies of their credit report, a brief one-on-one session with a HUD-approved housing counselor, and access to 45+ exhibitors with various resources related to homeownership and financial empowerment. The County does a direct mailing to all residents living within the 14-identified impacted communities. The fair will continue to be held annually each September, in partnership with the Delaware State Housing Authority, Sussex County Association of Realtors, NCALL Research, and First State Community Action Agency. The 2015 fair was held on September 26, 2015.	Because credit history is a major reason for denial of home mortgage applications in Sussex County, the County will coordinate with HUD- approved housing counseling agencies, as well as financial literacy organizations to target credit repair education through existing advocacy organizations that work with minority and LMI residents on a regular basis. Specifically, the County will partner with The Money School to introduce financial literacy and credit repair courses to the County's low-income communities. Further, once the data from the Impacted Communities Study is compiled and released, the County will also be able to assist those communities that have specifically identified financial literacy as a need for their community. (Timeframe: **July 1, 2016 – June 30, 2018**) The County will continue its annual Homebuyer Fair.	2011 AI, DSHA/Balance of State Impediment #2, p. 473
16	2011	"Increase the supply of affordable housing in the Balance of State available to households making 80% or less of the median household income."	"Sussex County should continue to offer the SCRP and the MPHU programs to provide incentives to property owners and investors to build affordable housing." "Developers should be made aware that the cost offset allocations and density bonuses can defray the cost of creating the required affordable units."	The County has passed legislation to increase the reach of the MPHU program to households earning 50% to 120% of MHI. The County has added the availability of the sewer deferment incentive to the existing Affordable Housing Support Policy in order to raise public awareness of this incentive and encourage its use.	The County will also continue to participate in the NSP 1 and NSP 2 programs. The County is evaluating the effectiveness of the MPHU and SCRP programs and will be identifying barriers to their use and any structural problems within the programs (Timeframe: **October 1, 2015 – June 1, 2017**). Depending upon the results of this evaluation, the County will consider expanding incentives offered to developers to participate in the MPHU and SCRP programs and to developers of affordable housing developments who are able to provide a guarantee to the County of the affordability of the dwelling units. It is anticipated that changes to the MPHU program may follow after changes to the SCRP program. Timeline for changes to the SCRP program: 1. Meet with stakeholders from the housing and development communities (May – June 2016) 2. Draft an outline of major points of revision in the SCRP program and present to County Council for discussion (June – July 2016) 3. Draft revised SCRP program ordinance (July – September 2016)	2011 AI, DSHA/Balance of State Impediment #3, p. 474.

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					4. Schedule ordinance introduction (September – October 2016)	
17	2011	"Increase the supply of affordable housing in the Balance of State available to households making 80% or less of the median household income."	"Sussex County should play a more proactive role in seeking out and encouraging developers to participate in the MPHU and SCRP programs."	The County has passed legislation to increase the reach of the MPHU program to households earning 50% to 120% of MHI.	The County is evaluating the effectiveness of the MPHU and SCRP programs and will be identifying barriers to their use and any structural problems within the programs (Timeframe: **October 1, 2015 – June 1, 2017**). Depending upon the results of this evaluation, the County will consider expanding incentives offered to developers to participate in the MPHU and SCRP programs and to developers of affordable housing developments who are able to provide a guarantee to the County of the affordability of the dwelling units. It is anticipated that changes to the MPHU program may follow after changes to the SCRP program. Timeline for changes to the SCRP program: 1. Meet with stakeholders from the housing and development communities (May – June 2016) 2. Draft an outline of major points of revision in the SCRP program and present to County Council for discussion (June – July 2016) 3. Draft revised SCRP program ordinance (July – September 2016) 4. Schedule ordinance introduction (September – October 2016)	2011 AI, DSHA/Balance of State Impediment #3, p. 443, 475.
18	2011	Increase the supply of affordable housing in the Balance of State available to households making 80% or less of the median household income.	"... Sussex County should expand other incentives for property owners and investors to build new affordable rental and owner units in the non-impacted areas of the County, including the reduction or waiver of impact and planning fees and streamlined approval of development projects that feature affordable housing components." "County and local government entities throughout the State of Delaware should reduce and/or waive their respective sewer, water, and/or public facilities and services impact fees for area developers and non-profit organizations seeking to build affordable units, both renter and owner units."	The County provided letters of support for a Diamond State CLT affordable housing project in Ingram Village in Ellendale to the Delaware State Housing Authority and certification from the County to FHL Bank of Pittsburgh mentioning that the County encourages the creation of affordable housing through the land trust model of home ownership as well as detailing the benefits of the sewer deferral program. That the effort was successful and Diamond State CLT has released information that it is now building its first three homes in Ingram Village.	As mentioned in #2 above, the County has instituted and will be assessing the success of the impact fee deferral incentive. If the incentive is utilized in the development of affordable rental and/or owner units, then the County will consider this incentive successful.	2011 AI, DSHA/Balance of State Impediment #3, p. 475. 2011 AI, Regional Plan Impediment #4.

	AI Report	Goal	Strategies to Meet Goal	Actions Taken to Meet Goal	Actions to be Pursued by County	Notes
19	2011	Increase the supply of accessible, affordable housing in the Balance of State.	"Conduct a statewide study to determine the supply/demand characteristics of housing for persons with mobility and sensory impairments.	Community and Choice: Housing Needs for People with Disabilities in Delaware was released by the Delaware Housing Coalition & the Housing Sub-Committee of the Governor's Commission on Community Based Alternatives for People with Disabilities in April 2012. The report is comprehensive and addressed mobility and sensory impairments. As a result, the County believes this strategy has been completed.		2011 AI, DSHA/Balance of State Impediment #4
20	2011	Ensure DSHA policies affirmatively further fair housing and meet all applicable HUD requirements.	"In developing policy priorities for entitlement investment in affordable housing, ...Sussex County should give first consideration to the use of CDBG and HOME funds for new family rental and for-sale housing developments on sites in non-impacted areas."	DSHA has modified their application processes for the HDF and Tax Credit programs. These changes now promote and give incentives to developers to build new rental and for-sale housing in non-impacted areas. As a result, the County believes this strategy has been completed.		2011 AI, DSHA/Balance of State Impediment #5, p. 477
21	2011	Establish fair housing as a priority in the County's long-range planning.	"Develop a statement summarizing the County's overarching policies aimed at affirmatively furthering fair housing choice in both the private and public sectors. The stated policies should extend to all municipalities and unincorporated areas throughout the County. The County's 2012 Comprehensive Plan Update should include this policy statement."		The County will include this information in next Comprehensive Plan Update and will mention Council's Fair Housing Policy Resolution and the Affordable and Fair Housing Marketing Plan. (Timeframe: **October 2015 – 2017**)	2011 AI, DSHA/Balance of State Impediment #8, p. 479

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22	2011	Establish fair housing as a priority in the County's long-range planning.	"During the process of developing the County's 2012 Comprehensive Plan Update, the following should be included: (a) a detailed strategy for increasing the supply of affordable rental housing for families in non-impacted areas; (b) a detailed strategy for expanding the supply of rental housing accessible to persons with mobility impairments; (c) a leadership role should be established for the County in relation to the nature and extent of technical assistance, training, and funding that the County is prepared to provide to municipalities and unincorporated areas; and (d) stated goals to expand the supply of affordable rental housing for families that is within proximity to entry level and/or lower skill jobs."		The County will work with OSPC and DSHA to address the issues mentioned and will include a discussion of those issues in the 2017 Comprehensive Plan Update. (Timeframe: **October 2015 – 2017**)	2011 AI, DSHA/Balance of StateImpediment #8, p. 479
23	2011	Establish fair housing as a priority in the County's long-range planning.	"Collaborate with affordable housing developers to select sites, construct infrastructure, provide financial subsidies, and otherwise support the expansion of affordable housing, including rental units for lower income families."	To assist Diamond State Community Land Trust (DSCLT), Habitat for Humanity, and Milford Housing Development Corporation in acquiring certain funding to pursue develop of a number of affordable housing units, the County supplied letters of support to DSHA and certification to FHLBank.[xii] This action on the part of the County is an example of the County's implementation of its new Affordable Housing Support Policy and Template Support Letter.	The County will continue to implement its new Affordable Housing Support Policy and utilize its Template Support Letter. The County intends to assess the success of this new policy concurrent with the assessment of the impact fee deferral incentive by developing a chart listing the date of the support letter, the entity requesting the support letter, and whether any affordable units were subsequently developed. We will consider this policy to be successful when we are able to show that it is being utilized by housing providers. The County will generate a report of findings at the conclusion of the assessment period. (**July 2016 – July 2018**). Afterwards, and if warranted, the County will pursue new financial incentives for affordable housing development which may include formalizing a package of incentives to be offered to developers of affordable housing communities that can provide a guarantee to the County of the ultimate affordability of the units. In order to promote the sewer fee deferral option and the Template Support Letter (both of which are detailed in the Affordable Housing Support Policy), the County will include the Affordable Housing Support Policy as a link on its Planning and Zoning webpage (which is broadly available to anyone with access to the Internet desiring information on how to apply to develop property in Sussex County), it will be posted in the Planning and Zoning office, and it will be included in any application materials given to applicants desiring it to build residential developments in Sussex County.	2011 AI, DSHA/Balance of State Impediment #8, p. 479 - 480

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					The County will work with the Office of State Planning and Coordination (OSPC) and DSHA to determine the appropriate steps to addressing the issue of long-range planning for affordable housing as part of the update to the County's Comprehensive Plan. (Timeframe: **October 2015 – 2017**) The County is evaluating the effectiveness of the MPHU and SCRP programs and will be identifying barriers to their use and any structural problems within the programs (Timeframe: **October 1, 2015 – June 1, 2017**). Depending upon the results of this evaluation, the County will consider expanding incentives offered to developers to participate in the MPHU and SCRP programs and to developers of affordable housing developments who are able to provide a guarantee to the County of the affordability of the dwelling units. It is anticipated that changes to the MPHU program may follow after changes to the SCRP program. Timeline for changes to the SCRP program: 1. Meet with stakeholders from the housing and development communities (May – June 2016) 2. Draft an outline of major points of revision in the SCRP program and present to County Council for discussion (June – July 2016) 3. Draft revised SCRP program ordinance (July – September 2016) 4. Schedule ordinance introduction (September - October 2016)	
24	2011		"Facilitate and promote land use policies and recommendations that enable an increase in the supply of affordable rental housing in areas with adequate infrastructure."		The County will work with the Office of State Planning and Coordination (OSPC) and DSHA to address these issues and will include a discussion of these issues in the 2017 Comprehensive Plan Update. (Timeframe: **October 2015 – 2017**)	2011 AI, DSHA/Balance of State Impediment #8, Strategy C, p. 488

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25	2011	Ensure that local zoning ordinances are in compliance with the Fair Housing Act.	"Sussex County should define specific geographic areas that are suitable for multi-family housing and work towards reducing regulatory barriers that impede such development."	The County's zoning code, combined with the Office of State Planning and Coordination's (OSPC's) Strategies for State Spending define the specific areas in the County that are suitable for multi-family housing. The County drafted a letter to affordable housing developers supporting affordable housing located in areas identified by DSHA as appropriate for affordable housing in their application for changes to their HDF and Tax Credit programs.	As part of the 2017 Comprehensive Plan Update, the County will work with the Office of State Planning and Coordination (OSPC) and DSHA on the issue of long-range planning for affordable housing in Sussex County. (Timeframe: **October 2015 – 2017**)	2011 AI, DSHA/Balance of State Impediment #9, p. 480
26	2011	Ensure that local zoning ordinances are in compliance with the Fair Housing Act.	"Sussex County should amend its zoning ordinance by lowering the minimum site size standards to encourage the creation of smaller, more affordable residential communities."	The County passed the studio apartment ordinances (Ordinances 1959 & 2245), which address this impediment. As a result, the County considers this strategy completed.		2011 AI, DSHA/Balance of State Impediment #9, p. 480.

	AI Report	Goal	Strategies to Meet Goal	Actions Taken to Meet Goal	Actions to be Pursued by County	Notes
27	2011	Ensure that local zoning ordinances are in compliance with the Fair Housing Act.	Sussex County should revise the definition of "family" in its Code to allow more than four unrelated individuals to live together. The current definition unnecessarily restricts housing choice for persons with disabilities because the Code provides no separate definition for a group home and no exception for this use. "Sussex County ....should simplify [its] definition of 'family' by focusing on whether a household functions as a cohesive unit rather than distinguishing between related and unrelated persons. A restrictive definition that limits the number or type of relationship between persons living together as a household unit in a single-family dwelling unit is incompatible with many modern living situations and potentially discriminates against persons with disabilities."	On December 2, 2014, the County voted to adopt an amendment to the Sussex County Zoning Code regarding the definitions of "dwellings" and "family". As a result, the County considers this strategy completed.		2011 AI, DSHA/Balance of State Impediment #9, p. 443-444; See also 2011 AI, p. 481 ("The definition should not limit the number or type of relationship between persons living together as a household unit in a single-family dwelling unit.")
28	2011	Increase and enhance fair housing outreach and education efforts throughout the County.	Engage HUD-approved housing counselors to target credit repair education through existing advocacy organizations that work extensively with minorities.	NCALL and First State Community Action are the County's partners for the annual Homebuyer Fair. At the Homebuyer Fair, participants can receive a free credit report and a 15-minute meeting with a housing counselor.	Because credit history is a major reason for denial of home mortgage applications in Sussex County, the County will coordinate with housing counseling and financial literacy agencies to target credit repair education through existing advocacy organizations that work with minority populations on a regular basis. Specifically, the County will partner with The Money School to introduce financial literacy and credit repair courses to the County's low-income communities. Further, once the data from the Impacted Communities Study is compiled and released, the County will also be able to assist those communities that have specifically identified financial literacy as a need for their community. (Timeframe: **July 1, 2016 – June 30, 2018**)	2011 AI, DSHA/Balance of State Impediment #11, p. 483

	AI Report	Goal	Strategies to Meet Goal	Actions Taken to Meet Goal	Actions to be Pursued by County	Notes
29	2011	Increase and enhance fair housing outreach and education efforts throughout the County.	Engage in a communication campaign that markets home ownership opportunities to all minorities.	The County is currently implementing the Strong Communities Initiative and an Affordable and Fair Housing Marketing Plan as elements to meet this goal. Sussex County held its annual Homebuyer Fair on September 27, 2014 and September 26, 2015. Advertising of the Fair included a direct mailing campaign to residents in the Impacted Communities. The County supported DelawareHousingSearch.org. The County has attended the annual Hispanic Festival.	The County will continue to implement the Strong Communities Initiative and Affordable and Fair Housing Marketing Plan. The County will continue its annual Homebuyer Fair with targeted marketing as set forth in the Affordable and Fair Housing Marketing Plan. The County will continue to support DelawareHousingSearch.org. The County will continue to attend the annual Hispanic Festival held in August in Millsboro. At the Festival, the County provides various materials related to all County programs and Fair Housing, in English and Spanish.	2011 AI, DSHA/Balance of State Impediment #11, p. 483
30	2011		Foreclosures appear to disproportionately affect minority households in the Balance of State. DSHA & Sussex County can mitigate the impacts of foreclosure by supporting increased buyer education and counseling, as well as supporting legislative protections for borrowers to assist them in meeting housing costs.	County CD&H staff currently participates on the Delaware Mortgage Fraud Task Force. Sussex County funds numerous non-profit counseling agencies annually through its Human Service Grant program (i.e. DCRAC, First State Community Action, and NCALL) that have foreclosure prevention programs and education curriculums. The County has sent a letter to State legislators in Sussex County making them aware of County's requirement under this AI and expressing general support for future legislation addressing this issue.	The County will partner with The Money School to introduce financial literacy and credit repair courses to the County's low-income communities. Further, once the data from the Impacted Communities Study is compiled and released, the County will also be able to assist those communities that have specifically identified financial literacy as a need for their community. (Timeframe: **July 1, 2016 – June 30, 2018)** .	2011 AI, DSHA/Balance of State Impediment #12, p. 483

	AI Report	Goal	Strategies to Meet Goal	Actions Taken to Meet Goal	Actions to be Pursued by County	Notes
31	2011	Regional collaboration among the various entitlement communities throughout the State is needed in order to remedy segregation and concentration issues that persist in the City of Wilmington.	Encourage county planners and elected officials to consider the risks of failing to think and act regionally in terms of deconcentrating poverty in Wilmington. Conduct AFFH workshops with county planners and elected officials.	Sussex County staff, appointed officials, and elected officials received fair housing training specific to the Fair Housing Act on 6/5/12, 3/8/13, 2/28/14, and 7/23/15.	County CD&H staff will continue to attend AFFH workshops held throughout the State and will present a synopsis of the information to members of County Council. Sussex County staff, appointed officials, and elected officials will continue to receive fair housing training specific to the Fair Housing Act in 2016.	2011 AI, Regional Plan Impediment #6, Strategy D, p. 573
32	2011	There exists a continuing need for quality fair housing education, outreach, training, and real estate testing throughout the State.	Localities throughout the State that have rental property registration, licensing, and/or inspection programs should encourage landlords and property management companies to attend fair housing training by providing a calendar of seminars to be provided in each County. This calendar should be updated regularly, provided at time of initial registration, and posted on various jurisdictional websites. Jurisdictions should work collaboratively to facilitate, coordinate, and market fair housing seminars.	County CD&H updates the News & Events section on the department website regularly. CD&H is represented on the Board of Directors for the National Association of Housing & Redevelopment Officials (DE-NAHRO), which hosts an annual fair housing training every April specific to landlords and property managers.	County CD&H updates the News & Events section on the department website regularly, and will provide links to various fair housing seminars throughout the state (Timeframe: **Beginning October 31, 2015**) CD&H will continue to be active on the Board of Directors for the National Association of Housing & Redevelopment Officials (DE-NAHRO), which hosts an annual fair housing training every April specific to landlords and property managers.	2011 AI, Regional Plan Impediment #10, Strategy C, p. 577

Document comparison by Workshare Compare on Wednesday, September 28, 2016 12:31:49 PM

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Rendering set	Standard

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Moved to	0
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[i] The County, through representation on the Board of Directors of DE NAHRO, organized a presentation and proposal by Devona Williams of Goeins-Williams Associates, Inc. from Claymont, Delaware in November 2014. The thought was to coordinate the various governmental jurisdictions throughout Delaware to attend a Diversity Training through DE NAHRO, presented by Goeins-Williams. However, it was determined that all other jurisdictions had diversity and fair housing training curriculums in place. The idea was ultimately abandoned. The County then pursued a proposal directly from Goeins-Williams Associates for Diversity Training in Sussex County in December 2014. Given the County's Annual Fair Housing Training, as well as the impending release of a County Training Program/Software that could focus on such training material, the County elected to abandon the idea of a third party trainer specific to Diversity Training.

[ii] "CD&H" means Sussex County's Community Development and Housing Department.

[iii] Universal design is subtle and the concept is beneficial to everyone. In July 2012, the Governor signed into law a bill designed by the Coalition requiring that the application process for public funding for the development of new dwelling units now incorporates a point scale for Universal Design features.

[iv] In order to increase the availability of and access to homeownership opportunities with accessibility features, the County will be expanding and coordinating its resources for accessibility modifications for homeowners and homebuyers. Specifically, the County receives emergency repair funding that targets owner-occupied households at or below 80% AMI. The funds are frequently used for minor home modifications for persons with disabilities (ramps, walk-in showers, grab bars, and lifts). In the past, the County has not specifically tracked funding used for this purpose. The County will expand its accounting system to accurately identify the number of households assisted with new accessibility features and modifications.

[v] In order to increase the availability of and access to affordable housing for people with disabilities, the County will assist in the effort to improve asset-building opportunities for people with disabilities. Specifically, the County is working with The Money School (Delaware Financial Literacy Institute) to introduce financial literacy and credit repair courses to Sussex County's low-income rural communities. Our goal is to expand that relationship to include courses applicable and/or targeted to people with disabilities.

[vi] In order to build a community-based system of care with a range of housing options, the County will assist in this effort by prioritizing community-based care by redirecting resources from institutional care to community-based services and providing for housing needs. Specifically, the County will financially support the Money Follows the Person Demonstration for individuals exiting long-term facility care to Sussex County residences and/or Delaware Aging and Disability Resource Center (ADRC), web-based system (&hotline). Both are developed and maintained by DHSS.

[vii] The County and the Delaware State Housing Authority are scheduled to present to the County's Advisory Committee on Aging & Adults with Physical Disabilities on November 16th to discuss the various programs offered by both agencies that are applicable to this committee and the community they represent. Given the widespread attendance of the meeting, such as representatives from the Division of Services for Aging & Adults with Physical Disabilities and the Delaware Aging & Disability Resource Center, representatives from the County and DSHA plan to also host an informal forum and discussion to discuss ways that both agencies can improve their services to this community. This committee will host the 3rd annual LIVE Conference in Georgetown on October 21, 2015, which will be focused on Transportation:

Moving Forward. Each year, the conference focuses on major issues that affect Aging and Disability Communities. Last year's conference focused on Accessibility. Further, the committee meets every other month, hosting a speaker at every meeting, advertised to the public in advance.

[viii] It was determined by meeting with the housing advocacy groups that the cost of the sewer impact fee was a significant factor affecting the development of affordable housing. The sewer impact fee deferral will act as a financial incentive for affordable housing organizations by reducing the upfront costs of developing each dwelling unit. The impact fee would not be collected until the land upon which the dwelling unit is located is sold. In the case of a community that was developed utilizing a community land trust model, the land is not sold, only the dwelling unit, so the cost of the sewer impact fee is not paid.

[ix] Chapter 45 of the Sussex County Code is an adoption of ICC/ANSI A117.1-2009. The International Code Council (ICC) is committed to meeting or exceeding the accessibility requirements of the Americans with Disabilities Act (ADA) and the Fair Housing Act (FHA).

[x] The County now includes in its Application for Major Subdivision the following statement, "Sussex County promotes racially/ethnically diverse, mixed income, affordable housing in all areas under its jurisdiction. Accordingly, Developers are encouraged to provide affordable housing opportunities to Sussex County residents in all new developments, affirmatively market those affordable housing units to diverse populations, and meet with the surrounding residents early in the development approval process." The County's Technical Advisory Committee (TAC) reviews every submitted subdivision, and each review letter includes the following statement "Sussex County promotes all forms of affordable housing and encourages the Developer to include affordable housing opportunities in its developments, affirmatively market those affordable housing units to diverse populations, and meet with the surrounding residents early in the development approval process." The County provides comments on all proposed residential projects in Sussex County through the State Planning Office's PLUS process. Those comments encourage developers to provide and finance affordable housing opportunities to Sussex County residents and affirmatively market their units to diverse populations.

[xi] CD&H has translated several vital documents to date and are available on the County's website. In July 2014, the County added a notice in English & Spanish on the County's website under meeting calendar, and each calendar event to indicate the availability of sign language or language interpreters.

[xii] See the County's Fourth Semi-Annual Compliance Report dated December 19, 2014; Exhibit 1.

Sussex County AI Evaluation and Proposed Priority Fair Housing Plan (Revised September 2016)

	AI Report	Goal	Strategies to Meet Goal	Actions Taken to Meet Goal	Actions to be Pursued by County	Notes
1	1998	To develop a greater understanding of race relations within communities that are being served.	Governmental agencies "should participate in diversity training and study circles groups to develop a greater understanding of race relations within communities that are being served."	1. The County issued an RFP for the Impacted Communities Study, and awarded the contract to GCR. The contract period is **July 1, 2014 – June 30, 2016**. 2. After discussions with NAHRO regarding partnership, it was determined that the County would need to develop its own training.[i] As a result, in **July 2015**, the County launched the Sussex County Learning & Performance Center, an online and in-person training center available to all County staff. An online course titled, "Diversity on the Job: Diversity and You" is currently available to all staff.	1. Through the Strong Communities Initiative, complete the Impacted Communities Study. (Timeframe: Completion in **June 2016**) 2. Partner with the DE Chapter of the Nat'l. Assoc. of Housing and Redevelopment Officials (NAHRO) to offer diversity training as part of the County's new curriculum training. See "Actions Taken to Meet Goal". Upon the completion of the Impacted Communities Study, the County will consider this strategy completed.	1998 AI, p. 13.
2	1998	To expand housing opportunities for persons with disabilities.	"Specific funding should be allocated on a state and jurisdictional level to groups or agencies to expand housing opportunities for persons with disabilities."	DSHA provides funding for persons with disabilities through the Housing Development Fund, the Tax Credit program, and SRAP Vouchers.	CD&H[ii] representation on the Universal Design Coalition.[iii] Universal Design is a way of homebuilding that incorporates barrier-free and accessible design features. The County will continue to support DelawareHousingSearch.org, a new free and real-time online service implemented by DSHA that lists all of the State's public and private rental units, as well as publicly funded for-sale units. This program is specifically geared towards the disabled through various search features. Each year, the County receives an annual report which lists the accomplishments of this collaborative effort. So long as the program is continuing to result in accomplishments related to fair housing for persons with disabilities, the County will consider its support of this program an effective strategy to meet the stated goal. Actions to be taken as a result of the review of the April 2012 Community and Choice document: 1. Track funding for accessibility modifications. (Timeframe: Beginning **July 1, 2015**)[iv] 2. Partner with The Money School to introduce financial literacy and credit repair course's to the County's low-income communities. (Timeframe: **July 1, 2016 – June 30, 2017**)[v] 3. The County will financially support the Money Follows the Person Demonstration	1998 AI, p. 28.

	AI Report	Goal	Strategies to Meet Goal	Actions Taken to Meet Goal	Actions to be Pursued by County	Notes
					and/or the Delaware Aging and Disability Resource Center (ADRC). (Timeframe: **July 1, 2016 – June 30, 2017**)[vi] 4. Coordination with the County's Advisory Committee on Aging & Adults with Physical Disabilities. (Timeframe: **Beginning November 2015**)[vii] 5. Alignment with Measurable Results: In order to monitor and measure the success of the County's efforts to increase accessibility, annually beginning in **July 2016 through July 2018**, the County will track the number of County-funded handicapped ramps and other accessibility features installed by developing in-house a chart which will be updated by Community Development and Housing personnel when each feature is funded to reflect the number and type of accessibility feature installed, the date the feature was funded, the address of the property, and amount of funding accessed. We will consider our actions taken as a result of the review of the April 2012 Community and Choice document addressing accessibility to be successful when we are able to show that funding is being utilized for accessibility installations. The County will generate a report of findings at the conclusion of the assessment period. In order to monitor and measure the success of the County's efforts to increase financial literacy and credit repair education, annually beginning in **July 2016 through July 2018**, the County will track the number of courses offered through the partnership with The Money School and number of participants by developing an in-house chart which will be periodically updated by Community Development and Housing personnel to show that the funding is being accessed. The chart will display the course name, the date the course was offered, the entity teaching the course, the number of participants, and the amount of funding that was accessed. We will consider our actions taken as a result of the review of the April 2012 Community and Choice document addressing financial literacy and credit repair education to be successful when we are able to show that funding is being utilized for courses involving financial literacy and credit repair. The County will generate a report of findings at the conclusion of the assessment period. Meeting with housing advocates to explore options for increasing the supply of accessible and affordable housing: 1. Perform outreach to housing advocates - (1) Direct contact via phone or email to Milford Housing Development Corporation, Diamond State Community Land Trust, and Habitat for Humanity regarding meeting; (2) hold meeting for direct discussion. (**Completed Feb. 2015**) 2. How suggestions from meeting will be compiled - A synopsis of the discussion points from the meeting will be generated and presented to the County administration for consideration. (**Feb. 2015 through July 2015**)	

	AI Report	Goal	Strategies to Meet Goal	Actions Taken to Meet Goal	Actions to be Pursued by County	Notes
					3. How the County will assess the suggestions - The County will take into account the following in assessing the suggestions from the meeting: (1) Does the County have jurisdiction under the County Code; (2) would the suggestion require a change to the County Code and if so, the likelihood that such change would be approved; (3) cost to implement the suggestion; (4) does some other law (State/County) prevent the County from fully implementing the suggestion. The timeline for implementation of the suggestion(s) will be dependent upon the answers to the questions in #3 above. (**Feb. 2015 through July 2015**) 4. Result: County determined that sewer impact fee deferral may address this impediment and began implementing this suggestion.[viii] The County contacted each non-profit by phone to inform them of the availability of the deferral option. (**July 2015**) 5. Assessment Period (**July 2015 - July 2018**) 6. Alignment with Measurable Results: In order to monitor and measure the success of the County's sewer deferral option in increasing the supply of accessible and affordable housing, annually beginning in **July 2016 through July 2018**, the County will track the number of affordable housing units built which have taken advantage of the sewer impact fee deferral by developing an in-house chart which will be updated at least annually with information from the County's Utility Permits/Billing Department and other County Departments as necessary to show whether any affordable units were built utilizing the impact fee deferral. The chart will display the application number, the location of the unit(s), the owner of the unit, and the tax parcel identification number. We will consider the sewer deferral option to be successful when we are able to show that it is being utilized by housing providers. The County will generate a report of findings at the conclusion of the assessment period. 7. In order to promote the sewer fee deferral option and the Template Support Letter (both of which are detailed in the Affordable Housing Support Policy), the County will include the Affordable Housing Support Policy as a link on its Planning and Zoning webpage (which is broadly available to anyone with access to the Internet desiring information on how to apply to develop property in Sussex County), it will be posted in the Planning and Zoning office, and it will be included in any application materials given to applicants desiring it to build residential developments in Sussex County.	

	AI Report	Goal	Strategies to Meet Goal	Actions Taken to Meet Goal	Actions to be Pursued by County	Notes
3	1998	To expand housing opportunities for persons with disabilities.	"Legislation should be introduced to require developers of multi-family units, condos and apartments to submit plans and/or language for specific review of compliance of ADA and new construction guidelines to the State Council for Persons with Disabilities, and/or licensing and inspection divisions."	The County has determined that the County's Assessment Division requires any building owner applying for a permit to certify that he/she is aware of the requirement for architectural accessibility in certain facilities, as set forth in the Code of Sussex County, Chapter 45 (adoption of ICC/ANSI A117.1-2009), and that the facility for which the building permit has been obtained will be designed and constructed in accordance with those standards and provisions.[ix] As a result, the County believes this strategy has been completed.	The County will discuss this strategy with DSHA and the County's Planning & Zoning office as it may now be a part of DSHA's or the County's review during the PLUS process. (Completed: See "Actions Taken to Meet Goal")	1998 AI, p. 29.
4	1998	To expand housing opportunities for persons with disabilities.	Lack of Affordable Housing and inadequate funding for persons living with AIDS.	The Delaware HIV Consortium specifically works with persons with AIDS to connect them with services and housing. There are rental vouchers allocated to persons with AIDS/HOPWA. As a result, the County believes this strategy has been completed.		1998 AI, p. 30
5	1998		Local jurisdictions not involved in any fair housing activities with respect to mortgage lending.	Sussex County Association of REALTORS offers fair housing training to its members, of which mortgage lenders are affiliates. Also, mortgage originators are required annually to attend approved fair housing training.	Because credit history is a major reason for denial of home mortgage applications in Sussex County, the County will coordinate with HUD- approved housing counseling agencies, as well as financial literacy agencies to target credit repair education through existing advocacy organizations that work with minority populations on a regular basis. Specifically, the County will partner with The Money School to introduce financial literacy and credit repair courses to the County's low-income communities. (Timeframe: **July 1, 2016 – June 30, 2018**)	1998 AI, p.43

	AI Report	Goal	Strategies to Meet Goal	Actions Taken to Meet Goal	Actions to be Pursued by County	Notes
6	1998		Limited funding allocated for non-profit advocacy groups.	Sussex County funds numerous non-profit advocacy groups annually through its Human Service Grant program (i.e. DCRAC, Delaware Housing Coalition, Sussex Housing Group). The County explored the creation of a Housing Trust Fund (now called a Community Development Fund) in March 2016, and the County's Community Development and Housing Department received approval for the creation of a Community Development Fund in June 2016 in the amount of $165,000 for FY17.	The County will explore the creation of a Housing Trust Fund. (Timeframe: **April 2016 – July 2016**). Completed – See "Actions Taken to Meet Goal"	1998 AI, 43.
7	1998 and 2011	"Ensure that members of the protected classes are represented on appointed volunteer boards." [2011 AI]	"...all boards, commissions, and councils should include protected class members from the communities that are being serviced to enhance community participation and to ensure that a fair and equal process is established." [1998 AI]	Sussex County, beginning in the 2013 grant cycle, reports the make-up of County boards and commissions (race, gender, ethnicity, disability status, familial status) to DSHA on an annual basis, as required by the Community Development Block Grant application.	The County will review existing boards and commissions to determine the number of protected class members and, as terms expire, give consideration to qualified candidates that belong to a protected class. The County will report to DSHA on appointments as required. (Timeframe: **Annually as required within the annual CDBG application**)	1998 AI, p. 45.; 2011 AI, DSHA/Balance of State Impediment #10

	AI Report	Goal	Strategies to Meet Goal	Actions Taken to Meet Goal	Actions to be Pursued by County	Notes
8	1998	To increase affordable housing and efforts to encourage zoning for affordable housing.	"Ease zoning and other regulatory barriers to affordable rental housing for families." [2011 AI] "Incentivize the development of mixed income housing in non-impacted areas." [2011 AI]	The County passed legislation creating the Moderately Priced Housing Unit (MPHU) and Sussex County Rental Program (SCRP) programs and also now participates in the Neighborhood Stabilization Program I (NSP 1) and Neighborhood Stabilization Program II (NSP 2) programs to address this goal. The County has passed legislation to increase the reach of the MPHU program to households earning 50% to 120% of AMI. The County now includes language promoting affordable housing in its Application for Major Subdivision, the County's Technical Advisory Committee review letters, and the County's comments in the PLUS process.[x] The County has added the availability of the sewer deferment incentive to the existing Affordable Housing Support Policy in order to raise public awareness of this incentive and encourage its use.	The County is evaluating the effectiveness of the MPHU and SCRP programs and will be identifying barriers to their use and any structural problems within the programs (Timeframe: **October 1, 2015 – June 1, 2017**). Depending upon the results of this evaluation, the County will consider expanding incentives offered to developers to participate in the MPHU and SCRP programs and to developers of affordable housing developments who are able to provide a guarantee to the County of the affordability of the dwelling units. It is anticipated that changes to the MPHU program may follow after changes to the SCRP program. Timeline for changes to the SCRP program: 1. Meet with stakeholders from the housing and development communities (May – June 2016) 2. Draft an outline of major points of revision in the SCRP program and present to County Council for discussion (June – July 2016) 3. Draft revised SCRP program ordinance (July – September 2016) 4. Schedule ordinance introduction (September – October 2016)	1998 AI, p. 52. 2011 AI, Regional Plan Impediment #6, Strategy E, p. 573
9	1998		Fair housing training of policy makers.	Sussex County staff, appointed officials, and elected officials received fair housing training specific to the Fair Housing Act on 6/5/12, 3/8/13, 2/28/14, and 7/23/15.	Sussex County staff, appointed officials, and elected officials will continue to receive fair housing training specific to the Fair Housing Act in 2016.	1998 AI, p. 59. 2011 AI, Regional Plan Impediment #10, Strategy D, p. 577

	AI Report	Goal	Strategies to Meet Goal	Actions Taken to Meet Goal	Actions to be Pursued by County	Notes
10	1998		"Funding should be allocated to the affected areas for development of water and sewer districts."	The County funded the extension of sewer to Pinetown (2009), the Ellendale Needs Assessment Study (2000), the Ellendale Water Study (2004), and will be conducting the sewer assessment in Bethel and Laurel (2013).	The County is considering the concept of a Western Sussex Sewer District. This planning incorporates the ability to include impacted areas within the district. The County is working with many stakeholders and investigating the feasibility of creating a County Water District in the Ellendale area including South Old State Road and the New Hope Community. (Timeframe: **Beginning July 2015**)	1998 AI, p. 61.
11	1998	To protect land owning residents in the West Rehoboth community from losing their property due to increased taxes for infrastructure improvements and development.	"... a Trust Fund should be established."	As a result of interaction with the West Rehoboth Community Land Trust, the studio apartment ordinances (Ordinances 1959 & 2245) were passed. The Land Trust was established to create permanently affordable housing, preserve the historic West Rehoboth Community, as well as revitalize the community. Further, Sussex County granted $7,500 in FY2015 to the West Rehoboth Coalition and more than $71,500 to the West Rehoboth Community Land Trust from 2006 to 2015. CD&H has allocated over $635,000 in CDBG funds to help with revitalization and rehabilitation efforts.	The County will continue to monitor and support the West Rehoboth Coalition and the West Rehoboth Community Land Trust.	1998 AI, p. 61.

	AI Report	Goal	Strategies to Meet Goal	Actions Taken to Meet Goal	Actions to be Pursued by County	Notes
12	2003	"..to address Fair Housing issues in Sussex County, with particular attention to the rapidly growing Hispanic population."	"A strategy should be developed...	In accordance with the County's Affordable and Fair Housing Marketing Plan notices of County CD&H meetings and public hearings are published in at least one Hispanic newspaper or website. The County has instituted a Housing Discrimination Complaint Form (available in English and Spanish) and process for addressing complaints. CD&H attends the annual Hispanic Festival.	The County will continue to support DelawareHousingSearch.org. The site can be entirely read in Spanish and has a bilingual call center available. Each year, the County receives an annual report which lists the accomplishments of this collaborative effort. So long as the program is continuing to result in accomplishments related to fair housing for persons within the Hispanic population, the County will consider its support of this program an effective strategy to meet the stated goal. The County will continue to attend the annual Hispanic Festival held in August in Millsboro. At the Festival the County provides various materials related to all County programs and Fair Housing, in English and Spanish.	2003 AI, p. 95.
13	2011	Increase access to County programs for persons with limited English proficiency (LEP).	"Sussex County should conduct the four-factor analysis outlined in the Federal Register of January 22, 2007, and at www.lep.gov, to determine the extent to which the translation of vital documents is necessary to assist persons with limited English proficiency (LEP) in accessing the County's programs. If it is determined that the need for a Language Access Plan (or LEP plan) exists, the County must prepare the LAP in order to comply with Title VI of the Civil Rights Act of 1964."	Sussex County conducted the four-factor analysis in June 2013, which indicated that only Spanish met the threshold for requiring written translation of vital documents.[xi]	The County will complete, post, and begin implementing a Limited English Proficiency (LEP) Plan. (Timeframe: Announcement on **September 30, 2015;** Implementation Period from **September 30, 2015 to September 30, 2016**)	2011 AI, DSHA/Balance of State Impediment #1, p. 472.
14	2011	"Increase access to County programs for persons with limited English proficiency (LEP)."	"Upon release of updated data from the 2010 U.S. Census, ...Sussex County... should review the data to determine if any of the individual Indo-European languages exceed 1,000 persons with LEP."	Sussex County conducted the four-factor analysis in June 2013, which indicated that only Spanish met the threshold for requiring written translation of vital documents.	The County will complete, post, and begin implementing a Limited English Proficiency (LEP) Plan. (Timeframe: Announcement on **September 30, 2015**; Implementation Period from **September 30, 2015 to September 30, 2016**)	2011 AI, DSHA/Balance of StateImpediment #1, p. 472

	AI Report	Goal	Strategies to Meet Goal	Actions Taken to Meet Goal	Actions to be Pursued by County	Notes
15	2011	"Provide home ownership opportunities to minority households throughout the Balance of State through increased employment opportunities, home ownership counseling, and homebuyer education."	"Strengthen partnerships with local lenders that will offer homebuyer education and other incentives to purchase a home in the Balance of State." Elsewhere in the AI addressing this goal, it states: "Identify effective ways for ... Sussex County... to increase home ownership among minorities, residents of LMI census tracts, and LMI residents. Such methods include: (a) Increasing sustainable home ownership opportunities through financial literacy education including credit counseling and pre- and post-home purchase education; (b) Increasing lending, credit, and banking services in LMI census tracts and minority census tracts; and (c) Increasing marketing and outreach efforts of affordable mortgage products that are targeted for residents of LMI census tracts, LMI residents, and minorities."	Sussex County held its inaugural Homebuyer Fair on September 27, 2014. Attendees of the free event receive copies of their credit report, a brief one-on-one session with a HUD-approved housing counselor, and access to 45+ exhibitors with various resources related to homeownership and financial empowerment. The County does a direct mailing to all residents living within the 14-identified impacted communities. The fair will continue to be held annually each September, in partnership with the Delaware State Housing Authority, Sussex County Association of Realtors, NCALL Research, and First State Community Action Agency. The 2015 fair was held on September 26, 2015.	Because credit history is a major reason for denial of home mortgage applications in Sussex County, the County will coordinate with HUD- approved housing counseling agencies, as well as financial literacy organizations to target credit repair education through existing advocacy organizations that work with minority and LMI residents on a regular basis. Specifically, the County will partner with The Money School to introduce financial literacy and credit repair courses to the County's low-income communities. Further, once the data from the Impacted Communities Study is compiled and released, the County will also be able to assist those communities that have specifically identified financial literacy as a need for their community. (Timeframe: **July 1, 2016 – June 30, 2018**) The County will continue its annual Homebuyer Fair.	2011 AI, DSHA/Balance of State Impediment #2, p. 473
16	2011	"Increase the supply of affordable housing in the Balance of State available to households making 80% or less of the median household income."	"Sussex County should continue to offer the SCRP and the MPHU programs to provide incentives to property owners and investors to build affordable housing." "Developers should be made aware that the cost offset allocations and density bonuses can defray the cost of creating the required affordable units."	The County has passed legislation to increase the reach of the MPHU program to households earning 50% to 120% of MHI. The County has added the availability of the sewer deferment incentive to the existing Affordable Housing Support Policy in order to raise public awareness of this incentive and encourage its use.	The County will also continue to participate in the NSP 1 and NSP 2 programs. The County is evaluating the effectiveness of the MPHU and SCRP programs and will be identifying barriers to their use and any structural problems within the programs (Timeframe: **October 1, 2015 – June 1, 2017**). Depending upon the results of this evaluation, the County will consider expanding incentives offered to developers to participate in the MPHU and SCRP programs and to developers of affordable housing developments who are able to provide a guarantee to the County of the affordability of the dwelling units. It is anticipated that changes to the MPHU program may follow after changes to the SCRP program. Timeline for changes to the SCRP program: 1. Meet with stakeholders from the housing and development communities (May – June 2016) 2. Draft an outline of major points of revision in the SCRP program and present to County Council for discussion (June – July 2016) 3. Draft revised SCRP program ordinance (July – September 2016)	2011 AI, DSHA/Balance of State Impediment #3, p. 474.

	AI Report	Goal	Strategies to Meet Goal	Actions Taken to Meet Goal	Actions to be Pursued by County	Notes
					4. Schedule ordinance introduction (September – October 2016)	
17	2011	"Increase the supply of affordable housing in the Balance of State available to households making 80% or less of the median household income."	"Sussex County should play a more proactive role in seeking out and encouraging developers to participate in the MPHU and SCRP programs."	The County has passed legislation to increase the reach of the MPHU program to households earning 50% to 120% of MHI.	The County is evaluating the effectiveness of the MPHU and SCRP programs and will be identifying barriers to their use and any structural problems within the programs (Timeframe: **October 1, 2015 – June 1, 2017**). Depending upon the results of this evaluation, the County will consider expanding incentives offered to developers to participate in the MPHU and SCRP programs and to developers of affordable housing developments who are able to provide a guarantee to the County of the affordability of the dwelling units. It is anticipated that changes to the MPHU program may follow after changes to the SCRP program. Timeline for changes to the SCRP program: 1. Meet with stakeholders from the housing and development communities (May – June 2016) 2. Draft an outline of major points of revision in the SCRP program and present to County Council for discussion (June – July 2016) 3. Draft revised SCRP program ordinance (July – September 2016) 4. Schedule ordinance introduction (September – October 2016)	2011 AI, DSHA/Balance of State Impediment #3, p. 443, 475.
18	2011	Increase the supply of affordable housing in the Balance of State available to households making 80% or less of the median household income.	"... Sussex County should expand other incentives for property owners and investors to build new affordable rental and owner units in the non-impacted areas of the County, including the reduction or waiver of impact and planning fees and streamlined approval of development projects that feature affordable housing components." "County and local government entities throughout the State of Delaware should reduce and/or waive their respective sewer, water, and/or public facilities and services impact fees for area developers and non-profit organizations seeking to build affordable units, both renter and owner units."	The County provided letters of support for a Diamond State CLT affordable housing project in Ingram Village in Ellendale to the Delaware State Housing Authority and certification from the County to FHL Bank of Pittsburgh mentioning that the County encourages the creation of affordable housing through the land trust model of home ownership as well as detailing the benefits of the sewer deferral program. That the effort was successful and Diamond State CLT has released information that it is now building its first three homes in Ingram Village.	As mentioned in #2 above, the County has instituted and will be assessing the success of the impact fee deferral incentive. If the incentive is utilized in the development of affordable rental and/or owner units, then the County will consider this incentive successful.	2011 AI, DSHA/Balance of State Impediment #3, p. 475. 2011 AI, Regional Plan Impediment #4.

	AI Report	Goal	Strategies to Meet Goal	Actions Taken to Meet Goal	Actions to be Pursued by County	Notes
19	2011	Increase the supply of accessible, affordable housing in the Balance of State.	"Conduct a statewide study to determine the supply/demand characteristics of housing for persons with mobility and sensory impairments.	Community and Choice: Housing Needs for People with Disabilities in Delaware was released by the Delaware Housing Coalition & the Housing Sub-Committee of the Governor's Commission on Community Based Alternatives for People with Disabilities in April 2012. The report is comprehensive and addressed mobility and sensory impairments. As a result, the County believes this strategy has been completed.		2011 AI, DSHA/Balance of State Impediment #4
20	2011	Ensure DSHA policies affirmatively further fair housing and meet all applicable HUD requirements.	"In developing policy priorities for entitlement investment in affordable housing, ...Sussex County should give first consideration to the use of CDBG and HOME funds for new family rental and for-sale housing developments on sites in non-impacted areas."	DSHA has modified their application processes for the HDF and Tax Credit programs. These changes now promote and give incentives to developers to build new rental and for-sale housing in non-impacted areas. As a result, the County believes this strategy has been completed.		2011 AI, DSHA/Balance of State Impediment #5, p. 477
21	2011	Establish fair housing as a priority in the County's long-range planning.	"Develop a statement summarizing the County's overarching policies aimed at affirmatively furthering fair housing choice in both the private and public sectors. The stated policies should extend to all municipalities and unincorporated areas throughout the County. The County's 2012 Comprehensive Plan Update should include this policy statement."		The County will include this information in next Comprehensive Plan Update and will mention Council's Fair Housing Policy Resolution and the Affordable and Fair Housing Marketing Plan. (Timeframe: **October 2015 – 2017**)	2011 AI, DSHA/Balance of State Impediment #8, p. 479

	AI Report	Goal	Strategies to Meet Goal	Actions Taken to Meet Goal	Actions to be Pursued by County	Notes
22	2011	Establish fair housing as a priority in the County's long-range planning.	"During the process of developing the County's 2012 Comprehensive Plan Update, the following should be included: (a) a detailed strategy for increasing the supply of affordable rental housing for families in non-impacted areas; (b) a detailed strategy for expanding the supply of rental housing accessible to persons with mobility impairments; (c) a leadership role should be established for the County in relation to the nature and extent of technical assistance, training, and funding that the County is prepared to provide to municipalities and unincorporated areas; and (d) stated goals to expand the supply of affordable rental housing for families that is within proximity to entry level and/or lower skill jobs."		The County will work with OSPC and DSHA to address the issues mentioned and will include a discussion of those issues in the 2017 Comprehensive Plan Update. (Timeframe: **October 2015 – 2017**)	2011 AI, DSHA/Balance of StateImpediment #8, p. 479
23	2011	Establish fair housing as a priority in the County's long-range planning.	"Collaborate with affordable housing developers to select sites, construct infrastructure, provide financial subsidies, and otherwise support the expansion of affordable housing, including rental units for lower income families."	To assist Diamond State Community Land Trust (DSCLT), Habitat for Humanity, and Milford Housing Development Corporation in acquiring certain funding to pursue develop of a number of affordable housing units, the County supplied letters of support to DSHA and certification to FHLBank.[xii] This action on the part of the County is an example of the County's implementation of its new Affordable Housing Support Policy and Template Support Letter.	The County will continue to implement its new Affordable Housing Support Policy and utilize its Template Support Letter. The County intends to assess the success of this new policy concurrent with the assessment of the impact fee deferral incentive by developing a chart listing the date of the support letter, the entity requesting the support letter, and whether any affordable units were subsequently developed. We will consider this policy to be successful when we are able to show that it is being utilized by housing providers. The County will generate a report of findings at the conclusion of the assessment period. (**July 2016 – July 2018**). Afterwards, and if warranted, the County will pursue new financial incentives for affordable housing development which may include formalizing a package of incentives to be offered to developers of affordable housing communities that can provide a guarantee to the County of the ultimate affordability of the units. In order to promote the sewer fee deferral option and the Template Support Letter (both of which are detailed in the Affordable Housing Support Policy), the County will include the Affordable Housing Support Policy as a link on its Planning and Zoning webpage (which is broadly available to anyone with access to the Internet desiring information on how to apply to develop property in Sussex County), it will be posted in the Planning and Zoning office, and it will be included in any application materials given to applicants desiring it to build residential developments in Sussex County.	2011 AI, DSHA/Balance of State Impediment #8, p. 479 - 480

	AI Report	Goal	Strategies to Meet Goal	Actions Taken to Meet Goal	Actions to be Pursued by County	Notes
					The County will work with the Office of State Planning and Coordination (OSPC) and DSHA to determine the appropriate steps to addressing the issue of long-range planning for affordable housing as part of the update to the County's Comprehensive Plan. (Timeframe: **October 2015 – 2017**) The County is evaluating the effectiveness of the MPHU and SCRP programs and will be identifying barriers to their use and any structural problems within the programs (Timeframe: **October 1, 2015 – June 1, 2017**). Depending upon the results of this evaluation, the County will consider expanding incentives offered to developers to participate in the MPHU and SCRP programs and to developers of affordable housing developments who are able to provide a guarantee to the County of the affordability of the dwelling units. It is anticipated that changes to the MPHU program may follow after changes to the SCRP program. Timeline for changes to the SCRP program: 1. Meet with stakeholders from the housing and development communities (May – June 2016) 2. Draft an outline of major points of revision in the SCRP program and present to County Council for discussion (June – July 2016) 3. Draft revised SCRP program ordinance (July – September 2016) 4. Schedule ordinance introduction (September - October 2016)	
24	2011		"Facilitate and promote land use policies and recommendations that enable an increase in the supply of affordable rental housing in areas with adequate infrastructure."		The County will work with the Office of State Planning and Coordination (OSPC) and DSHA to address these issues and will include a discussion of these issues in the 2017 Comprehensive Plan Update. (Timeframe: **October 2015 – 2017**)	2011 AI, DSHA/Balance of State Impediment #8, Strategy C, p. 488

	AI Report	Goal	Strategies to Meet Goal	Actions Taken to Meet Goal	Actions to be Pursued by County	Notes
25	2011	Ensure that local zoning ordinances are in compliance with the Fair Housing Act.	"Sussex County should define specific geographic areas that are suitable for multi-family housing and work towards reducing regulatory barriers that impede such development."	The County's zoning code, combined with the Office of State Planning and Coordination's (OSPC's) Strategies for State Spending define the specific areas in the County that are suitable for multi-family housing. The County drafted a letter to affordable housing developers supporting affordable housing located in areas identified by DSHA as appropriate for affordable housing in their application for changes to their HDF and Tax Credit programs.	As part of the 2017 Comprehensive Plan Update, the County will work with the Office of State Planning and Coordination (OSPC) and DSHA on the issue of long-range planning for affordable housing in Sussex County. (Timeframe: **October 2015 – 2017**)	2011 AI, DSHA/Balance of State Impediment #9, p. 480
26	2011	Ensure that local zoning ordinances are in compliance with the Fair Housing Act.	"Sussex County should amend its zoning ordinance by lowering the minimum site size standards to encourage the creation of smaller, more affordable residential communities."	The County passed the studio apartment ordinances (Ordinances 1959 & 2245), which address this impediment. As a result, the County considers this strategy completed.		2011 AI, DSHA/Balance of State Impediment #9, p. 480.

	AI Report	Goal	Strategies to Meet Goal	Actions Taken to Meet Goal	Actions to be Pursued by County	Notes
27	2011	Ensure that local zoning ordinances are in compliance with the Fair Housing Act.	Sussex County should revise the definition of "family" in its Code to allow more than four unrelated individuals to live together. The current definition unnecessarily restricts housing choice for persons with disabilities because the Code provides no separate definition for a group home and no exception for this use. "Sussex County ... should simplify [its] definition of 'family' by focusing on whether a household functions as a cohesive unit rather than distinguishing between related and unrelated persons. A restrictive definition that limits the number or type of relationship between persons living together as a household unit in a single-family dwelling unit is incompatible with many modern living situations and potentially discriminates against persons with disabilities."	On December 2, 2014, the County voted to adopt an amendment to the Sussex County Zoning Code regarding the definitions of "dwellings" and "family". As a result, the County considers this strategy completed.		2011 AI, DSHA/Balance of State Impediment #9, p. 443-444; See also 2011 AI, p. 481 ("The definition should not limit the number or type of relationship between persons living together as a household unit in a single-family dwelling unit.")
28	2011	Increase and enhance fair housing outreach and education efforts throughout the County.	Engage HUD-approved housing counselors to target credit repair education through existing advocacy organizations that work extensively with minorities.	NCALL and First State Community Action are the County's partners for the annual Homebuyer Fair. At the Homebuyer Fair, participants can receive a free credit report and a 15-minute meeting with a housing counselor.	Because credit history is a major reason for denial of home mortgage applications in Sussex County, the County will coordinate with housing counseling and financial literacy agencies to target credit repair education through existing advocacy organizations that work with minority populations on a regular basis. Specifically, the County will partner with The Money School to introduce financial literacy and credit repair courses to the County's low-income communities. Further, once the data from the Impacted Communities Study is compiled and released, the County will also be able to assist those communities that have specifically identified financial literacy as a need for their community. (Timeframe: **July 1, 2016 – June 30, 2018**)	2011 AI, DSHA/Balance of State Impediment #11, p. 483

	AI Report	Goal	Strategies to Meet Goal	Actions Taken to Meet Goal	Actions to be Pursued by County	Notes
29	2011	Increase and enhance fair housing outreach and education efforts throughout the County.	Engage in a communication campaign that markets home ownership opportunities to all minorities.	The County is currently implementing the Strong Communities Initiative and an Affordable and Fair Housing Marketing Plan as elements to meet this goal. Sussex County held its annual Homebuyer Fair on September 27, 2014 and September 26, 2015. Advertising of the Fair included a direct mailing campaign to residents in the Impacted Communities. The County supported DelawareHousingSearch.org. The County has attended the annual Hispanic Festival.	The County will continue to implement the Strong Communities Initiative and Affordable and Fair Housing Marketing Plan. The County will continue its annual Homebuyer Fair with targeted marketing as set forth in the Affordable and Fair Housing Marketing Plan. The County will continue to support DelawareHousingSearch.org. The County will continue to attend the annual Hispanic Festival held in August in Millsboro. At the Festival, the County provides various materials related to all County programs and Fair Housing, in English and Spanish.	2011 AI, DSHA/Balance of State Impediment #11, p. 483
30	2011		Foreclosures appear to disproportionately affect minority households in the Balance of State. DSHA & Sussex County can mitigate the impacts of foreclosure by supporting increased buyer education and counseling, as well as supporting legislative protections for borrowers to assist them in meeting housing costs.	County CD&H staff currently participates on the Delaware Mortgage Fraud Task Force. Sussex County funds numerous non-profit counseling agencies annually through its Human Service Grant program (i.e. DCRAC, First State Community Action, and NCALL) that have foreclosure prevention programs and education curriculums. The County has sent a letter to State legislators in Sussex County making them aware of County's requirement under this AI and expressing general support for future legislation addressing this issue.	The County will partner with The Money School to introduce financial literacy and credit repair courses to the County's low-income communities. Further, once the data from the Impacted Communities Study is compiled and released, the County will also be able to assist those communities that have specifically identified financial literacy as a need for their community. (Timeframe: **July 1, 2016 – June 30, 2018)** ;	2011 AI, DSHA/Balance of State Impediment #12, p. 483

	AI Report	Goal	Strategies to Meet Goal	Actions Taken to Meet Goal	Actions to be Pursued by County	Notes
31	2011	Regional collaboration among the various entitlement communities throughout the State is needed in order to remedy segregation and concentration issues that persist in the City of Wilmington.	Encourage county planners and elected officials to consider the risks of failing to think and act regionally in terms of deconcentrating poverty in Wilmington. Conduct AFFH workshops with county planners and elected officials.	Sussex County staff, appointed officials, and elected officials received fair housing training specific to the Fair Housing Act on 6/5/12, 3/8/13, 2/28/14, and 7/23/15.	County CD&H staff will continue to attend AFFH workshops held throughout the State and will present a synopsis of the information to members of County Council. Sussex County staff, appointed officials, and elected officials will continue to receive fair housing training specific to the Fair Housing Act in 2016.	2011 AI, Regional Plan Impediment #6, Strategy D, p. 573
32	2011	There exists a continuing need for quality fair housing education, outreach, training, and real estate testing throughout the State.	Localities throughout the State that have rental property registration, licensing, and/or inspection programs should encourage landlords and property management companies to attend fair housing training by providing a calendar of seminars to be provided in each County. This calendar should be updated regularly, provided at time of initial registration, and posted on various jurisdictional websites. Jurisdictions should work collaboratively to facilitate, coordinate, and market fair housing seminars.	County CD&H updates the News & Events section on the department website regularly. CD&H is represented on the Board of Directors for the National Association of Housing & Redevelopment Officials (DE-NAHRO), which hosts an annual fair housing training every April specific to landlords and property managers.	County CD&H updates the News & Events section on the department website regularly, and will provide links to various fair housing seminars throughout the state (Timeframe: **Beginning October 31, 2015**) CD&H will continue to be active on the Board of Directors for the National Association of Housing & Redevelopment Officials (DE-NAHRO), which hosts an annual fair housing training every April specific to landlords and property managers.	2011 AI, Regional Plan Impediment #10, Strategy C, p. 577

[7] The County, through representation on the Board of Directors of DE NAHRO, organized a presentation and proposal by Devona Williams of Goeins-Williams Associates, Inc. from Claymont, Delaware in November 2014. The thought was to coordinate the various governmental jurisdictions throughout Delaware to attend a Diversity Training through DE NAHRO, presented by Goeins-Williams. However, it was determined that all other jurisdictions had diversity and fair housing training curriculums in place. The idea was ultimately abandoned. The County then pursued a proposal directly from Goeins-Williams Associates for Diversity Training in Sussex County in December 2014. Given the County's Annual Fair Housing Training, as well as the impending release of a County Training Program/Software that could focus on such training material, the County elected to abandon the idea of a third party trainer specific to Diversity Training.

[8] "CD&H" means Sussex County's Community Development and Housing Department.

[9] Universal design is subtle and the concept is beneficial to everyone. In July 2012, the Governor signed into law a bill designed by the Coalition requiring that the application process for public funding for the development of new dwelling units now incorporates a point scale for Universal Design features.

[10] In order to increase the availability of and access to homeownership opportunities with accessibility features, the County will be expanding and coordinating its resources for accessibility modifications for homeowners and homebuyers. Specifically, the County receives emergency repair funding that targets owner-occupied households at or below 80% AMI. The funds are frequently used for minor home modifications for persons with disabilities (ramps, walk-in showers, grab bars, and lifts). In the past, the County has not specifically tracked funding used for this purpose. The County will expand its accounting system to accurately identify the number of households assisted with new accessibility features and modifications.

[v] In order to increase the availability of and access to affordable housing for people with disabilities, the County will assist in the effort to improve asset-building opportunities for people with disabilities. Specifically, the County is working with The Money School (Delaware Financial Literacy Institute) to introduce financial literacy and credit repair courses to Sussex County's low-income rural communities. Our goal is to expand that relationship to include courses applicable and/or targeted to people with disabilities.

[vi] In order to build a community-based system of care with a range of housing options, the County will assist in this effort by prioritizing community-based care by redirecting resources from institutional care to community-based services and providing for housing needs. Specifically, the County will financially support the Money Follows the Person Demonstration for individuals exiting long-term facility care to Sussex County residences and/or Delaware Aging and Disability Resource Center (ADRC), web-based system (&hotline). Both are developed and maintained by DHSS.

[vii] The County and the Delaware State Housing Authority are scheduled to present to the County's Advisory Committee on Aging & Adults with Physical Disabilities on November 16th to discuss the various programs offered by both agencies that are applicable to this committee and the community they represent. Given the widespread attendance of the meeting, such as representatives from the Division of Services for Aging & Adults with Physical Disabilities and the Delaware Aging & Disability Resource Center, representatives from the County and DSHA plan to also host an informal forum and discussion to discuss ways that both agencies can improve their services to this community. This committee will host the 3rd annual LIVE Conference in Georgetown on October 21, 2015, which will be focused on Transportation: Moving Forward. Each year, the conference focuses on major issues that affect Aging and Disability Communities. Last year's conference focused on Accessibility. Further, the committee meets every other month, hosting a speaker at every meeting, advertised to the public in advance.

[viii] It was determined by meeting with the housing advocacy groups that the cost of the sewer impact fee was a significant factor affecting the development of affordable housing. The sewer impact fee deferral will act as a financial incentive for affordable housing organizations by reducing the upfront costs of developing each dwelling unit. The impact fee would not be collected until the land upon which the dwelling unit is located is sold. In the case of a community that was developed utilizing a community land trust model, the land is not sold, only the dwelling unit, so the cost of the sewer impact fee is not paid.

[ix] Chapter 45 of the Sussex County Code is an adoption of ICC/ANSI A117.1-2009. The International Code Council (ICC) is committed to meeting or exceeding the accessibility requirements of the Americans with Disabilities Act (ADA) and the Fair Housing Act (FHA).

[x] The County now includes in its Application for Major Subdivision the following statement, "Sussex County promotes racially/ethnically diverse, mixed income, affordable housing in all areas under its jurisdiction. Accordingly, Developers are encouraged to provide affordable housing opportunities to Sussex County residents in all new developments, affirmatively market those affordable housing units to diverse populations, and meet with the surrounding residents early in the development approval process." The County's Technical Advisory Committee (TAC) reviews every submitted subdivision, and each review letter includes the following statement "Sussex County promotes all forms of affordable housing and encourages the Developer to include affordable housing opportunities in its developments, affirmatively market those affordable housing units to diverse populations, and meet with the surrounding residents early in the development approval process." The County provides comments on all proposed residential projects in Sussex County through the State Planning Office's PLUS process. Those comments encourage developers to provide and finance affordable housing opportunities to Sussex County residents and affirmatively market their units to diverse populations.

[xi] CD&H has translated several vital documents to date and are available on the County's website. In July 2014, the County added a notice in English & Spanish on the County's website under meeting calendar, and each calendar event to indicate the availability of sign language or language interpreters.

[xii] See the County's Fourth Semi-Annual Compliance Report dated December 19, 2014; Exhibit 1.

EXHIBIT H

LIMITED ENGLISH PROFICIENCY PLAN

Sussex County, Delaware

Approved _____ Sept. 27, 2016
Todd Lawson, County Administrator Date

A. Introduction

This Limited English Proficiency Plan has been prepared to address Sussex County's responsibilities as a recipient of federal financial assistance to take reasonable steps to provide Limited English Proficiency (LEP) individuals with meaningful access to County programs and services.

It is the policy of Sussex County Government to provide timely meaningful access for LEP persons to all County programs and activities. All personnel shall provide free language assistance services to LEP individuals whom they encounter or whenever an LEP person requests language assistance services. All personnel will inform members of the public that language assistance services are available free of charge to LEP persons and that the organization will provide these services to them.

B. Purpose

The purpose of this Plan is to establish effective guidelines, consistent with Title VI of the Civil Rights Act of 1964 and Executive Order 13166, for agency personnel to follow when providing services to, or interacting with, individuals who have limited English Proficiency. Further, Title VI regulations prohibit discrimination on the basis of race, color, or national origin. Following these guidelines is essential to the success of our mission to *promote public safety, well-being, prosperity and an enriched quality of life in a personal, professional and fiscally responsible manner for those who live, work and vacation in Sussex County*.

This Plan will assist Sussex County Government ("County") staff in providing meaningful access to County programs and activities by persons with Limited English Proficiency. The County is committed to complying with federal requirements in providing free, meaningful access for LEP individuals. No LEP individual will be denied access to a County program because the individual does not speak English or communicates in English on a limited basis.

In order to prepare this plan, the County used the four-factor LEP analysis (updated June 2016) which considers the following factors:

1. The number or proportion of LEP persons in the eligible service population.
2. The frequency with which LEP individuals come into contact with the County.
3. The nature and importance of the program, activity, or service to the LEP person.
4. The resources available to the County and the cost of providing various types of language services.

A summary of the results of the four-factor analysis is in the following section.

C. Meaningful Access: Four-Factor Analysis

1. FACTOR 1: Number or proportion of LEP persons served or encountered in the eligible service area

Source: 2007-2011 American Community Survey 5-Year Estimates, Survey Tables B16001 & S1601

Language Group	Total number of persons 5 years and over speaking the language at home	LEP Persons: Speaks English less than "very well"
Spanish or Spanish Creole	**14,000**	**7,387**
Other Indo-European Languages	**3,581**	**1,303**
French	525	99
French Creole	1,146	686
Italian	197	92
German	357	37
Russian	334	132
Asian & Pacific Island Languages	**1,185**	**487**
Chinese	253	117
Korean	132	36
Vietnamese	296	219
Tagalog	365	44
Other Languages	**265**	**42**
TOTAL LEP PERSONS SPEAKING ENGLISH LESS THAN "VERY WELL"		**9,219**

Source: 2010-2014 American Community Survey 5-Year Estimates, Survey Tables B16001 & S1601

The above data demonstrates that 80 percent of Sussex County's LEP population is Spanish speaking and that no other language meets the 5 percent or 1,000-person threshold for requiring written translation of vital documents.

2. FACTOR 2: The frequency with which the LEP persons come into contact with the program

Based on a review of the Community Development & Housing Department's year-end reports from the last 5 years, approximately 5 percent of beneficiaries annually are Spanish-speaking, with only 1 percent of beneficiaries being LEP persons. Informal interviews with department staff were conducted to confirm how many LEP persons visited, called the office, or were program beneficiaries, and what has been their primary language. These interviews revealed that while there were several Spanish-speaking LEP persons contacting the department and receiving program benefits, there were no LEP persons who spoke languages other than Spanish.

3. **FACTOR 3: The nature and importance of the program, activity, or service provided by the program**

   Sussex County provides direct assistance to project area beneficiaries related to affordable housing, water/sewer hookups, demolition, rehabilitation, and acquisition; therefore, the nature of the activity or service is of significant importance to Sussex County residents.

4. **FACTOR 4: The resources available and costs to Sussex County**

   Translation of vital documents (written and oral) will be contracted by a certified third party. Sussex County will utilize any documents provided by the Delaware State Housing Authority and the U.S. Department of Housing & Urban Development in languages other than English. Further, Sussex County will retain professional interpretation services, to provide oral interpretation in languages other than Spanish, as needed.

   Sussex County employs one bilingual (Spanish) individual with the Community Development & Housing Department. The individual is not yet certified for formal interpretation or translation. Until such certification is obtained, and pending work-load, translation of vital documents (written and oral) will be provided primarily through a contracted local and certified third-party agency. That employee is utilized regularly by the Community Development & Housing Department, and other County Departments when applicable, for informal interpretations.

   As of February 2015, Sussex County has a contract with CTS Language Link to provide Interactive Voice Response interpretation service. At its immediate disposal, CTS has access to interpreters for more than 240 languages. County staff have quick reference guides at every phone to allow for a quick call to an interpreter in the event an LEP individual walks-in or calls for service. CTS provides "Point to Your Language" posters to aid staff in determining the language for which to interpret. This service is available 24 hours a day, 7 days a week, 365 days a year, and available to staff in the field.

D. Definitions

1. Effective Communication – Effective communication occurs when County staff has taken reasonable steps to provide meaningful access to an LEP individual. Effective communication also means that the LEP individual is able to provide and receive required or necessary information.
2. Interpretation – Interpretation means the oral or spoken transfer of one language into one or more other languages. Interpretation can take place in-person, through a telephonic interpreter, or via internet or video.
3. Language Assistance – Language assistance includes interpretation and translation. The County has the sole discretion to determine whether to provide the language assistance in the form of interpretation or translation.
4. Limited English Proficient (LEP) – A person who does not speak English as their primary language **and** who has a limited ability to read, write, speak or understand English may be LEP and be entitled to language assistance with respect to a particular program, benefit or right. The focus is on the client's lack of English proficiency. An individual who proficiently speaks English is not a LEP individual.

5. Meaningful Access – Meaningful access is free language assistance in compliance with federal requirements. The County's goal is to provide meaningful access to the County's programs and services by LEP persons in a manner that balances the following four factors:
    a. The number or proportion of LEP persons eligible to be served or likely to be encountered by the County.
    b. The frequency with which the County comes into contact with a particular language.
    c. The nature and importance of the program, activity, or service to the person's life. A compulsory activity is evidence of importance. For example, voluntary attendance at a public meeting/hearing does not have the same importance as the application and contract process for rehabilitation assistance.
    d. The County's resources and the cost of providing meaningful access. Reasonable steps may cease to be reasonable where the costs imposed substantially exceed the benefits. The County determines the budget for language assistance.
6. Translation – Translation means the written transfer of a message from one language into one or more other languages.
7. Vital Written Documents – Vital written documents include, but are not limited to, consent and complaint forms; intake and application forms with the potential for important consequences; written notices of rights; notices of denials, losses, or decreases in benefits or services; notice of disciplinary action; signs; and notices advising LEP individuals of free language assistance services.

E. Language Assistance

The Fair Housing Compliance Officer will serve as the County's Language Assistance Coordinator.

Contact:
Fair Housing Compliance Officer
Sussex County Community Development & Housing
22215 DuPont Boulevard, P.O. Box 589
Georgetown, DE 19947
Phone: (302) 855-7777
Fax: (302) 854-5397

1. Translation of Documents

Sussex County will translate critical documents into a language when 5 percent of Sussex County's population of persons eligible to be served or likely to be affected or encountered are LEP and all speak a common language other than English. Sussex County will translate critical documents for each eligible LEP language group meeting this threshold. For all non-critical or vital documents, the County will work to ensure that documents include a statement in Spanish that informs LEP persons free language assistance is available upon request.

To date, the only LEP language group meeting the threshold for vital document translation is Spanish. Sussex County's Community Development & Housing office has already translated all vital documents and will continue to translate other important program documents. Attachment A-1 is a listing of all County documents currently translated.

Sussex County will contract with a local certified agency to provide translation (written and oral) of vital documents. To support this effort, the County will seek proper training and certification for government translation and interpretation services for existing bilingual County staff.

2. *Use of Interpreters*

A contracted interpreter is considered a formal interpreter. Formal interpreters are to be used whenever an LEP individual signs a legally-binding document which includes, but is not limited to, Neighborhood Stabilization Program settlements and the signing of Rehabilitation/Demolition Liens and Contracts. If available, a certified Spanish-speaking bilingual County staff person may also provide formal interpretation services for Spanish-speaking individuals.

As of February 2015, Sussex County has a contract with CTS Language Link to provide Interactive Voice Response interpretation service. At its immediate disposal, CTS has access to interpreters for more than 240 languages. County staff have quick reference guides at every phone to allow for a quick call to an interpreter in the event an LEP individual walks-in or calls for service. CTS provides "Point to Your Language" posters to aid staff in determining the language for which to interpret. This service is available 24 hours a day, 7 days a week, 365 days a year, and available to staff in the field.

Informal interpreters may be family members, friends, legal guardians, service representatives or advocates of the LEP individual. Informal interpreters may be appropriate depending upon the circumstances and subject matter. However in many circumstances, informal interpreters, especially children, are not competent to provide quality and accurate interpretations. There may be issues of confidentiality, competency or conflict of interest.

An LEP person may use an informal interpreter of their own choosing and expense in place of or as a supplement to the free language assistance offered by Sussex County. If possible, Sussex County should accommodate a LEP individual's request to have an informal interpreter. In these cases the individual and interpreter should sign a waiver of free interpreter services. The waiver will make clear the quality and accuracy limitations and confidentiality and conflict of interest issues that may arise with the use of an informal interpreter. The waiver will state that persons under the age of 18 cannot be used as interpreters. The waiver will be provided in both English and Spanish.

An outside resource may be community volunteers, members of the faith-based community, or representatives from non-profit or state agencies. Outside resources may be used for interpretive services at public or informal meetings or events. Public meeting notices and advertisements will clearly state the availability of formal interpreters by request.

In an emergency situation, Sussex County may use any interpreter available. Sussex County should first respond to the emergency and follow-up with language assistance as appropriate.

3. *Contracts*

Interpreters and Translators working for Sussex County will sign a "Data Privacy Statement" form (Attachment A-2) as part of the contract documents.

F. Sussex County Staff Training

1. Sussex County will make the Title VI Policy and LEP Plan available to staff.
2. Sussex County will inform existing and new employees of the County's duty to offer free language assistance in compliance with federal requirements.
3. Sussex County will post the LEP Plan on the County's Intranet, as well as the County's Affordable & Fair Housing website.
4. Sussex County will provide all departments and divisions copies of 'I Speak' cards, as well as contact information for sign language and language interpreter services available.

G. Guidelines for Staff Using an Interpreter

1. State the purpose of your communication and describe the type of information you may convey.
2. Speak in short sentences, expressing one idea at a time and allow the information to be interpreted.
3. Speak to the LEP individual and not to the interpreter.
4. Avoid using slang and acronyms. If you must do so, please explain their meaning.
5. Provide brief explanations of technical terms or terms of art, such as household income, recertification, etc.
6. Occasionally ask if the interpreter understands the information or if you should slow down or speed up your speech. If the interpreter is confused, the individual may also be confused.
7. Occasionally ask if the LEP individual understands the information. You may have to repeat or clarify some information by saying it in a different way.
8. Be patient and thank the interpreter.

H. Notice of Free Language Assistance for Sussex County Business

The County will post a sign in English and Spanish in the lobby of the Administration Building and the West Complex Administrative Offices Building informing the public of the availability of the Interactive Voice Response (CTS Language Link) Service at any County department or division.

Community Development & Housing will publish all public meetings and pre-bid meetings for contractors in at least one Hispanic paper and/or website in Spanish.

The County's website will provide a notice in every public meeting event regarding the availability of sign language and language interpreters in both English and Spanish.

I. Reporting

Sussex County staff will document in the LEP individual's file or record when an interpreter is used for the application or contract signing of a Sussex County program, or when an interpreter is used for an LEP

client's public hearing for a proposed subdivision, change of zoning, conditional use, or variance. These records will be maintained for determining the frequency of contact with LEP individuals.

J. Monitoring

Sussex County will review the LEP Plan every 5 years, at minimum. The review will include a summary report of the number of Sussex County individuals accessing federally-assisted programs who are LEP. The summary will also include a listing of the languages used by LEP individuals. When reasonably available, the report will also include data regarding Sussex County individuals accessing County programs and resources not assisted by federal funding.

Sussex County will also determine whether 5 percent of Sussex County's assisted individuals speak a specific language requiring the translation of vital documents as provided in E-1 above.

The Language Assistance Coordinator will do an annual assessment to ensure that all departments and divisions have access to the LEP Plan and tools, as well as sufficient 'I Speak' cards.

K. Distribution and Public Posting

The County Administrator will notify all existing and new employees of the Policy and the location of the LEP Plan and other language-related resources on the County's internal Intranet. In addition, the LEP Plan, quick-reference phone stickers, and 'Point to your language' posters will be distributed to all Department and Division heads.

The LEP Plan will be available to the public on the County's Affordable & Fair Housing website. The public may also view a copy of the Plan in the Human Resources Department and the Community Development & Housing Department.

L. Standard of Care

The LEP Plan does not create a standard of care, a covenant of habitability or any rights to third parties or Sussex County assisted individuals. The Policy does not enlarge Sussex County's duty under any law, regulation, or ordinance. In cases of conflict, the applicable law, regulation or ordinance shall prevail. The Policy is a general guideline as to a standard of care to which Sussex County aspires.

ATTACHMENT A-1

SUSSEX COUNTY SPANISH DOCUMENTS & PROGRAMS

Name of Document/Program	Department/Division	Date Translated/Reviewed/Updated
Condado de Sussex Reclamación Por Discriminación en el Acceso a la Vivienda (Sussex County Housing Discrimination Complaint Intake Form)	Community Development & Housing	February 5, 2014
Política de Igualdad de Acceso a la Vivienda (Fair Housing Policy)	Community Development & Housing	February 5, 2014
Contrato de Construcción (Construction Conract)	Community Development & Housing	February 5, 2014
Acuerdo (Lien Agreement)	Community Development & Housing	February 5, 2014.
Aplicación de Reparaciones (Rehabilitation Application)	Community Development & Housing	July 8, 2014
Estudio de las Comunidades Afectadas del Condado de Sussex (Sussex County Impacted Communities Study Explanation)	Community Development & Housing	July 8, 2014
Estudio de las Comunidades Afectadas del Condado de Sussex (Sussex County Impacted Communities Study Survey)	Community Development & Housing	July 8, 2014
Alojamientos Públicos de Reunión (Public Meeting Accommodations Notice)	Sussex County Government	July 28, 2014
Solicitud de Subsidio Para Alcantarillado Sanitario del Condado de Sussex (Sussex County Sewer Assistance Program)	Billing	August 8, 2014
Feria de la Vivienda (Sussex County Homebuyer Fair Flyer)	Community Development & Housing	September 4, 2014
Formulario de la Feria de la Vivienda (Homebuyer Fair Online Registration Form)	Community Development & Housing	September 4, 2014
Sabía Que… El Condado de Sussex (Sussex County Information Rack Card)	Community Development & Housing	October 1, 2014

Capítulo 96: Mejoras a la Comunidad de Sussex (Chapter 96: Sussex County Improvements)	Engineering	March 26, 2015
Programa de Mejoras a la Comunidad de Sussex en virtud del Capítulo 96 del Código de Sussex County (Chapter 96 of the Sussex County Code - Sussex Community Improvement Program)	Engineering	March 26, 2015
Capítulo 96 del Código de Sussex County Programa de Mejoras a la Comunidad de Sussex Sinopsis del programa (Chapter 96 of the Sussex County Code - Sussex Community Improvement Program - Program Synopsis)	Engineering	March 26, 2015
Formulario de queja por unidad en alquiler (Rental Unit Complaint Form)	Constable	September 10, 2015
Cómo solicitor una licencia de matrimonio (Applying for a Marriage License)	Marriage Bureau	October 6, 2015
Atencion Oficiantes (Officiator Letter)	Marriage Bureau	October 6, 2015
Copias certificadas (Certified Copies)	Marriage Bureau	October 6, 2015
Pareja comprometida (Engaged Couple Letter)	Marriage Bureau	October 6, 2015
Ceremonias de matrimonio (Marriage Ceremonies)	Marriage Bureau	October 6, 2015
Tarifas de la ceremonia (Marriage Fees)	Marriage Bureau	October 6, 2015
Solicitudes de copias certificadas de licencias de matrimonio (Requests for Certified Copies of Marriage License)	Marriage Bureau	October 6, 2015

DATA PRIVACY POLICY

Interpreters working for Sussex County Government (the "County") will have access to various types of confidential information. This includes, but is not limited to, personal and financial information acquired from homeowners and homebuyers applying for County programs. One of the most important responsibilities of the County is to ensure that this information remains confidential.

To that end, no Interpreter may knowingly divulge or disclose confidential information obtained while performing interpreting duties unless the County has given its prior written consent or the Interpreter is complying with a valid legal request. Interpreters must treat confidential information in a professional manner so as to avoid disclosure to unauthorized persons.

The obligation of the Interpreter to protect confidential information is an ongoing obligation and shall survive the termination of the Interpreters' employment or relationship with the County.

I have read, and understand the above privacy statement and agree to ensure the confidentiality of any information obtained during the providing of interpreting services on behalf of the Sussex County Government.

INTERPRETER

Signed Name: _____

Printed Name: _____

Date: _____

SUSSEX COUNTY GOVERNMENT

Signed Name: _____

Printed Name & Title: _____

Date: _____

DATA PRIVACY POLICY

Translators working for Sussex County Government (the "County") will have access to various types of confidential information. This includes, but is not limited to, personal and financial information acquired from homeowners and homebuyers applying for County programs. One of the most important responsibilities of the County is to ensure that this information remains confidential.

To that end, no Translator may knowingly divulge or disclose confidential information obtained while performing translation duties unless the County has given its prior written consent or the Translator is complying with a valid legal request. Translators must treat confidential information in a professional manner so as to avoid disclosure to unauthorized persons.

The obligation of the Translator to protect confidential information is an ongoing obligation and shall survive the termination of the Translator's employment or relationship with the County.

I have read, and understand the above privacy statement and agree to ensure the confidentiality of any information obtained during the providing of translating services on behalf of the Sussex County Government.

TRANSLATOR

Signed Name: _____

Printed Name: _____

Date: _____

SUSSEX COUNTY GOVERNMENT

Signed Name: _____

Printed Name & Title: _____

Date: _____

Waiver of Rights to Free Interpreter Services

Free interpreter services are available through Sussex County Government ("the County"). The County offers interpreter services provided by a skilled interpreter who is trained to protect your privacy. That person understands your primary language and also words related to the program or service you are seeking or receiving. Anyone under the age of 18 will not be considered an acceptable interpreter.

There are risks involved if you choose to proceed without the help of an interpreter or to have a family member or friend interpret for you. That person may:

- Have a conflict of interest
- Not know the correct words and give you wrong information
- Add or leave out information
- Learn things about you that you may not want to share
- Tell others about your health condition or life situation
- Misunderstand what your caregiver or service provider says

The risks of using my own interpreter have been explained to me in my own language. I understand these risks and still choose not to have a skilled interpreter. To the best of my knowledge, the person I am using as my own interpreter is over the age of 18 or older.

I understand that this waiver pertains to interpreter services only and does not entitle my interpreter to act as my Authorized Representative. I also understand that the service agency may secure a skilled interpreter to observe the interpreter I choose during the session to ensure the accuracy of the communication and follow-up instructions.

I also understand that I may withdraw this waiver at any time and request the services of a skilled interpreted provided for free by the County.

_____
Client Name (Printed)

_____
Client Name (Signature & Date)

_____
Service Provider (Signature, Title, & Date)

_____
Interpreter (Signature, if present)

Sussex County Community Development & Housing
Limited English Proficient (LEP)/Deaf Client Services
LEP Client Service Record

Case Name	Case Number
Interpreter/Translator Services Needed ☐ Yes ☐ No Language:	
List Name & Primary Language of Each Household Member	
Name	**Language**
Person #1	
Person #2	
Person #3	
Person #4	
Person #5	
Person #6	
Person #7	
Person #8	
Signature & Title of Staff Completing Form:	**Date:**
Comments:	

RECORD ALL INTERPRETER/TRANSLATION SERVICES PROVIDED TO EACH LEP AND DEAF/HARD OF HEARING CLIENT, INDICATING THE DATE, NAME OF THE CLIENT SERVED, THE NAME OF THE INTERPRETER/TRANSLATOR, AND TRANSLATED DOCUMENTS PROVIDED				
DATE	**CLIENT NAME**	**SERVICE PROVIDED**	**NAME OF PROVIDER**	**STAFF INITIALS**

*Service Codes:

1	Telephone Interpretation	4	Certified Bilingual Staff
2	American Sign Language Interpreter	5	Certified or Skilled Contracted Interpreter
3	Translated Document	6	Other (Specify)