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March 28, 2013

ELECTRONIC TRANSMISSION
AND FEDERAL EXPRESS OVERNIGHT

Ms. Barbara Delaney
(Barbara.R.Delaney@hud.gov)
Office of Fair Housing and Equal Opportunity
Philadelphia Center Director
100 Penn Square East - Wanamaker Building,
10th Floor
Philadelphia, PA 19107

Christopher J. Fregiato, Esq.
(Christopher.Fregiato@usdoj.gov)
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: Sussex County Compliance Status Report

Dear Ms. Delaney and Mr. Fregiato:

The purpose of this correspondence is to forward to you certain items from Sussex County in compliance with certain requirements under 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 the Consent Decree ("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.

1. Proposed Affordable and Fair Housing Marketing Plan

Sections III(13) and VII(26) of the CD require the County to submit to USDOJ with 100 days of the effective date of the CD (on or before April 1, 2013), a proposed Affordable

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and Fair Housing Marketing Plan incorporating the elements listed in Section III(13)(a) through (d). Attached please find as **Exhibit A** the County's proposed Affordable and Fair Housing Marketing Plan incorporating the required elements.

2. Submission of Training Certificates

Section VI(21) of the CD requires the County to provide in-person training on the requirements of the CD and of the Fair Housing Act to all County officers, elected and appointed officials, or employees who have duties related to the planning, zoning, permitting, construction, or occupancy of residential housing, including, but not limited to: the County Administrator; all members, staff and employees of the Planning and Zoning Commission, the Board of Adjustment, and the County Council; and all staff and employees of the Department of Community Development and Housing and the Department of Planning and Zoning. Such in-person training was to be held within ninety days of the entry of the CD (on or before March 19, 2013). The County held the required in-person training on March 8, 2013, with a trainer approved by USDOJ and with materials meeting the approval of USDOJ. The training was video-recorded and each participant received a copy of the CD. In addition, each participant executed the certification of training at the conclusion of the training session.

Prior to the in-person training, provisions were agreed to between USDOJ and the County in which any elected, appointed, or hired individual who, for good cause, could not attend the initial, in-person training could satisfy the initial training requirement by viewing the videotape of the live training within 90 days of entry of the decree, provided that any person who completes the video training in lieu of live training will report the reason on his/her training certification form (Attachment B of the CD) that will be submitted to USDOJ. When the in-person training required by the CD would cause any given County department to operate with less than 25% of its regular employees for the duration of the training, then up to 25% of that department's staff may be considered to have good cause to be trained by video instead of in-person, provided that no individual asserts this basis for good cause in any two consecutive years.[1]

The County held two make-up sessions for attendees that, for good cause, were unable to attend the in-person training on March 8, 2013. The first make-up session was held on March 15th, and the final make-up session was held on March 26th. As a result, the County was able to have trained all persons required under the CD. In total, 57 persons attended the in-person training or one of the make-up sessions. Because the second make-up training session was held outside of the 90-day requirement by seven (7) days, the County would like to request

[1] Emails from Chris Fregiato, USDOJ, to Stephanie Hansen, dated December 12, 2012, and January 30, 2013.

that USDOJ exercise its administrative discretion and not hold the County in violation. The County's objective was to reach every potential attendee and in order to do so, minimal extra time was required. As you will see from the other submissions attached to this correspondence and the discussion of those submissions below, the County has been earnestly and vigorously working to achieve all of the objectives and requirements of both the CD and the VCA, and has been able to meet most of the requirements well ahead of the time that the items required were due.

Section VII(26) of the CD requires that the County submit to USDOJ all executed copies of the Certification of Training and Receipt of Consent Decree ("Certificates") within 100 days after the execution of the CD (on or before April 1, 2013). The Certificates from all 57 attendees are attached hereto as **Exhibit B**. Although the 90-day training requirement was not met for those attending the second make-up training session, the requirement to submit all of the Certificates evidencing the training within 100 days was met.

3. Proposed Priority Fair Housing Plan

In particular, under the VCA, Section III(7)(a), the County was required to review and evaluate the 1998, 2003, and 2011 Analysis of Impediments to determine what impediments were identified, if past impediments continue to exist, and develop a proposed priority fair housing plan to address the identified impediments. The proposed priority fair housing plan was to incorporate a strategy to increase housing opportunities throughout the County, taking into account the housing needs of African American and Hispanic residents and develop mechanisms in which Sussex County will use CDBG and other funding to affirmatively further fair housing. The proposed priority fair housing plan was to be submitted to HUD and the Delaware State Housing Authority (DSHA) for review within 120 days of the effective date of the VCA (on or before March 28, 2013).

The County has performed the required review and evaluation, and attaches hereto as **Exhibit C**, the Sussex County A.I. Evaluation and Proposed Priority Fair Housing Plan for your review. In developing this plan, the County Community Development and Housing office held a teleconference with DSHA on March 14, 2013, and met with the Office of State Planning Coordination on March 18, 2013. A copy of this plan is being sent separately to DSHA.

4. FHCO's Presentation of Strategies

Section III(7)(a)(iii) of the VCA states that within 120 days of the effective date of the VCA (March 28, 2013), the County's Fair Housing Compliance Officer ("FHCO") must identify successful models of affordable housing strategies used in other states, counties or localities similar in jurisdiction and authority to Sussex County to recommend to County Council

and to assist the County in formulating an affordable housing policy as required under the Consent Decree.

The County's FHCO, Mrs. Brandy Nauman, identified six successful strategies from other locales which may be similar in jurisdiction and authority to Sussex County and presented those strategies to County Council for their consideration on March 26, 2013. Attached as **Exhibit D**, please find a Memorandum from Mrs. Nauman to the members of Sussex County Council and the Administrator setting forth an outline of the presentation that she made at the Sussex County Council meeting on March 26, 2013. Also attached as a part of this exhibit is the agenda showing Mrs. Nauman as a scheduled speaker.

5. Amendment of MPHU Program

Section III(7)(b) of the VCA requires the County to amend the Moderately Priced Housing Unit ("MPHU") program to include provisions that create access to persons that are between 50% and 125% of the median income. The revised provisions are to be posted on the County's website.

An ordinance amending the MPHU program as required above was drafted and introduced at the County Council meeting on March 26, 2013. Attached as **Exhibit E** is a copy of the proposed ordinance. Within two weeks after ordinance introduction, the County will generally advertise the public hearing on the ordinance. The public hearing for this ordinance has not yet been set, but when it has been set, it will be advertised on the County's website in compliance with the Delaware Freedom of Information Act. In compliance with the VCA and the CD, we will notify you when the date for the public hearing has been set.

6. Strong Communities Initiative

Section III(7)(c) of the VCA requires the County, through the Strong Communities Initiative, to perform an internal evaluation of the Impacted Communities 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. The County must also 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. Although this task does not have a time limit or due date mentioned, the County has begun this task in earnest. Attached as **Exhibit F** please find the "Sussex County Strong Communities Initiative" recently developed by the County which will be put into action in accordance with the Proposed Priority Fair Housing Plan.

With this correspondence, the County believes that it has fulfilled the requirements of:

1. Section III(13) of the CD to submit a proposed Affordable and Fair Housing Marketing Plan to USDOJ;

2. Section VII(26) of the CD to submit the Certificates and the Affordable and Fair Housing Marketing Plan to USDOJ;

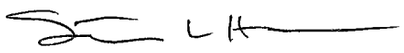
3. Section IV(21)(a) through (d), (22), and (23) of the CD regarding the initial training;

4. Section III(1) of the VCA regarding the initial training; and

5. Section III(7)(a)(i) through (iii) of the VCA.

Please contact me with any questions or comments.

Sincerely yours,



Stephanie L. Hansen

SLH:slh
cc: Ms. Alice Hung, USDOJ (via email only at Alice.Hung@usdoj.gov)
Ms. Melody Taylor-Blancher (via email only)
Mr. Todd Lawson (via email only)
Mrs. Brandy Nauman (via email only)

Exhibit List

Exhibit A -	Draft Sussex County Affordable and Fair Housing Marketing Plan
Exhibit B -	Copies of Certification of Training and Receipt of Consent Decree
Exhibit C -	Sussex County A.I. Evaluation and Proposed Priority Fair Housing Plan
Exhibit D -	Memorandum from Mrs. Nauman to the members of Sussex County Council and the Administrator, dated March 22, 2013
	Sussex County Council Agenda, March 26, 2013
Exhibit E -	Ordinance No. ___, An Ordinance to Amend Chapter 72, Article I of the Code of Sussex County by Amending the Definition and Application of "Moderate Income" Used to Determine Eligibility for Moderately Priced Housing Units.
Exhibit F-	Sussex County Strong Communities Initiative

Exhibit A

-DRAFT-

Sussex County Affordable and Fair Housing Marketing Plan

I. Mission Statement

It is Sussex County's mission to promote non-discrimination and ensure fair and equal housing opportunities for all. Further, to inform housing developers and the general public that the County supports the development of affordable housing opportunities in Sussex County.

II. The Fair Housing Act Summary

A. The Fair Housing Act prohibits discrimination in housing because of:

1. Race or color;

2. National origin;

3. Religion;

4. Sex;

5. Familial status (families with children under the age of 18, or who are expecting a child); or

6. Handicap (If you or someone close to you has a disability).

The Delaware Code enlarges this list to include creed, marital status, and age.

B. The Fair Housing Act covers most housing. In some circumstances, the Act exempts owner-occupied buildings with no more than four units, single-family housing sold or rented without the use of a broker and housing operated by organizations and private clubs that limit occupancy to members.

C. What is Prohibited. In the Sale and Rental of Housing: no one may take any of the following actions based on race, color, national origin, religions, sex, familial status or handicap (disability);

1. Refuse to rent or sell housing;

2. Refuse to negotiate for housing;

3. Make housing unavailable;

4. Deny a dwelling;

5. Set different terms, conditions or privileges for sale or rental of a dwelling;

6. Provide different housing services of facilities;

7. Falsely deny that housing is available for inspection, sale or rental;

8. For profit, persuade owners to sell or rent (blockbusting); or

9. Deny anyone access to membership in a facility or service (such as a multiple listing service) related to the sale or rental of housing.

D. In Mortgage Lending: No one may take any of the following actions based on race, color, national origin, religion, sex, familial status or handicap (disability):

1. Refuse to make a mortgage loan;

2. Refuse to provide information regarding loans;

3. Impose different terms or conditions on a loan, such as different interest rate, points, or fees;

4. Discriminate in appraising property;

5. Refuse to purchase a loan; or

6. Set different terms or conditions of purchasing a loan.

E. In addition: It's illegal for anyone to:

1. Threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise that right; and

2. Advertise or make any statement that indicates a limitation or preference based on race, color, national origin, religion, sex, familiar status, or handicap. This prohibition against discriminatory advertising applies to single-family and owner-occupied housing that is otherwise exempt from the Fair Housing Act.

F. Additional Protection If You Have a Disability: If you or someone associated with you:

1. Have a physical or mental disability (including hearing, mobility and visual impairments, chronic alcoholism, chronic mental illness, AIDS, AIDS Related Complex and mental retardation) that substantially limits one or more major life activities;

2. Have a record of such a disability; or

3. Are regarded as having such a disability, your landlord may not:

a. Refuse to let you make reasonable modifications to your dwelling or common use areas, at your expense, if necessary for the disabled person to use the housing. (Where reasonable, the landlord may permit changes only if you agree to restore the property to its original condition when you move.)

b. Refuse to make reasonable accommodations in rules, policies, practices or services if necessary for the disabled person to use the housing.

However, housing need not be made available to a person who is a direct threat to the health or safety of others or who currently uses illegal drugs.

G Requirements of New Buildings: In buildings that are ready for first occupancy after March 13, 1991, and have an elevator or four or more units:

1. Public and common areas must be accessible to persons with disabilities.

2. Doors and hallways must be wide enough for wheelchairs.

3. All units must have:

a. An accessible route into and through the unit;

b. Accessible switches, electrical outlets, thermostats and other environmental controls;

c. Reinforced bathroom walls to allow later installation of grab bars and

d. Kitchen and bathrooms that can be used by people in wheelchairs.

If a building with four or more units has no elevator and will be ready for first occupancy after March 13, 1991, these standards apply to ground floor units.

These requirements for new buildings do not replace any more stringent standards in State or Local law.

H. Housing Opportunities for Families: Unless a building or community qualifies as housing for older persons, it may not discriminate based on familial status. That is, it may not discriminate against families in which one or more children under 18 live with:

1. A parent;

2. A person who has legal custody of the child or children, or

3. The Designee of the parent or legal custodian, with the parent or custodian's written permission.

Familial status protection also applies to pregnant women and anyone securing legal custody of a child under 18.

Exemption: Housing for older persons is exempt from the prohibition against familial status discrimination if:

1. The U.S. Department of Housing and Urban Development (HUD) Secretary had determined that it is specifically designed for and occupied by elderly persons under a Federal, State or Local government program;

2. It is occupied solely by persons who are 62 years or older;

3. It houses at least one person who is 55 or older in at least 80 percent of the occupied units, and adheres to a policy that demonstrates an intent to house persons who are 55 or older.

A transition period permits resident on or before September 13, 1988 to continue living in the housing, regardless of their age, without interfering with the exemption.

I. If you think your rights have been violated: Please visit HUD's website at www.hud.gov for the most accurate and up-to-date information. HUD is ready to help with any problem of housing discrimination. If you think your rights have been violated, the Housing Discrimination Complaint Form is available for you to download, complete and return, or complete online and submit, or you may write a letter or telephone the HUD office nearest you. You have one year after the alleged violation to file a complaint with HUD, but you should file it as soon as possible.

1. What to tell HUD

a. Your name and address;

b. The name and address of the person your complaint is against (the respondent);

c. The address or other identification of the housing involved;

d. A short description of the alleged violation (the event that caused you to believe your rights were violated); and

e. The date(s) of the alleged violation.

2. Where to write or call: Send a letter to the fair housing office nearest you, or if you wish, you may call that office directly.

a. For Delaware:

Wilmington Field Office
U.S. Dept. of Housing and Urban Development
920 North King Street, Suite 404
Wilmington, DE 19801-3016

Telephone: (302) 573-6300
Fax: (302) 573-6259
Email: DE_Webmanager@hud.gov

3. If you are disabled: HUD also provides:

a. A TTY phone for the deaf/hard of hearing users

b. Interpreters

c. Tapes and Braille materials

d. Assistance in reading and completing forms

To learn more on what happens after you file a complaint, please visit HUD's website at www.hud.gov for the most accurate and up-to-date information.

III. Historical Housing Information

A. What Sussex County has Done to Affirmatively Further Fair Housing

1. How Long CD&H has Been in Existence

Sussex County's Department of Community Development & Housing was created 24 years ago when the Delaware State Housing Authority (DSHA) made the Community Development Block Grant (CDBG) program available to local government jurisdictions.

2. Specific County Accomplishments

a. Discussion of the Moderately Priced Housing Unit (MPHU) Program and the Sussex County Rental Program (SCRP)

1. In 2006, the County created the Moderately Priced Housing Unit Program (MPHU), which focuses on integrating affordable housing units within a market-rate development. The program focuses on providing housing to households with incomes between 80% and 120% of AMI. In 2006, County Council approved the first project for participation in the program, The Villages of Elizabethtown, located in Milton. In 2008, the Council approved five additional projects for the program in Dagsboro, Georgetown (x2), and Ellendale (x2) generating 180 more affordable units for the program.
2. In 2008, the County created the Sussex County Rental Program (SCRP), which integrates affordable rental housing within a market-rate rental project. The program focuses on providing housing to households with incomes between 30% and 80% of the AMI. In July 2009, County Council approved the first project for participation in the program, The Arbors of Cottagedale. The project was proposed just outside of Lewes and would provide twenty-six (26) affordable rental units.
3. The MPHU and SCRP program applications/Request for Proposal processes were amended to include point incentives for Universal Design and Good Neighborhood Design features.

b. Discussion of the Neighborhood Stabilization Program I (NSP 1) and the Neighborhood Stabilization Program II (NSP 2)

1. In 2008, the County was awarded $2 million in Neighborhood Stabilization Program I (NSP 1) funding through the Housing and Economic Recovery Act of 2008 stimulus package. NSP 1 funding was designed to stabilize distressed neighborhoods by assisting low- and moderate-income homebuyers purchase foreclosed homes. HUD designated five targeted zip codes in Sussex County for NSP 1: 19956 (Laurel), 19973 (Seaford), 19947 (Georgetown), 19950 (Greenwood), and 19963 (Milford). The County assisted thirty-one (31) households with the funding. Sussex County also exceeded the HUD requirement to spend 25% of funds ($500,000) on those households at or below 50% of Area Median Income (AMI), by directing $1.1 million on those households. The County partnered with three non-profit affordable housing providers, as well as administered their own NSP homebuyer assistance model.
2. In 2009, the County was awarded $939,204 in Neighborhood Stabilization Program II (NSP 2) through the American Recovery and Reinvestment Act (ARRA) of 2009. Like NSP 1, NSP 2 was created to continue the work of stabilizing neighborhoods by incentivizing the purchase of foreclosed homes in communities that have been negatively affected by foreclosure. HUD targeted five census tracts in Sussex County for NSP 2 funding: 509 (Milton/Lewes area), 510.01 (Lewes/Rehoboth), 511 (Rehoboth/Dewey Beach), 507.02 (Millsboro/Long Neck area), and 501.02 (Lincoln/Milford area). To-date, the County has assisted nine (9) households with the funding. The County partnered with two local non-profit housing developers to help spread the funding efficiently to those most in need, as well as utilizing their own NSP homebuyer assistance model.

c. Discussion of use of Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), and Housing Preservation Grant (HPG)

1. For over 20 years, the Community Development & Housing Department has administered the Community Development Block Grant Program (CDBG). The office uses the funds to protect and support the most vulnerable residents of the County. The funds are primarily used for the rehabilitation of income-eligible owner-occupied properties, home modifications for persons with disabilities, water/sewer hookups, demolitions, and small infrastructure projects. The County applies for CDBG funds on behalf of municipalities and rural communities across the County. In addition to the County Council, all participating towns are required to sign an affirmatively furthering fair housing resolution.

2. The County also uses Housing Preservation Grant (HPG) funds from the U.S. Department of Agriculture Rural Development and HOME Investment Partnerships Program (HOME) funds from HUD for the rehabilitation of income-eligible owner-occupied properties.
3. Annually, CD&H assists approximately 130 households with CDBG, HOME, and HPG funds.

d. Use of County Council Grant Funding and General Funding for Infrastructure in Impacted Communities.

1. Through Sussex County's Human Service Grant program, the County Council provides numerous grants to various agencies annually that promote and advocate for affordable, fair housing, and other humanitarian efforts. Some of these organizations include, Delaware Housing Coalition, La Esperanza, Habitat for Humanity, NCALL Research, First State Community Action, Sussex Housing Group, and DCRAC. The Human Service Grant funding also allows rural communities to seek small infrastructure improvement grants like, funding for streetlights, road improvements, handicap accessibility, and community clean-ups.
2. Sussex County Council also provides funding for CD&H to assist with emergency housing rehabilitations, typically an average of $60,000 annually. This funding goes primarily towards assisting low- and moderate-income owner-occupied properties with rehabilitations, but has also assisted rural communities with improvements to their community centers.

e. Discussion of County Vacant Properties.

Sussex County owns two (2) vacant properties that were purchased in preparation for future County Airport Runway expansion. Since the expansion was not expected to take place for several years, the County created a RFP process that encouraged local non-profit housing providers to submit plans for the use of the vacant homes. The County elected to award Sussex County Habitat for Humanity the vacant homes to lease. One of the homes would provide housing to future Habitat families that were currently in substandard housing and needed safe housing until their Habitat home was completed. The second home would house AmeriCorps volunteers that work with Habitat for Humanity in the construction of homes.

f. Discussion of Foreclosure Prevention Efforts.

CD&H collaborates with the Attorney General and Office of State Bank Commissioner to provide consumer education events pertaining to foreclosure prevention. These events take place every month in areas of the County most hard hit by the foreclosure crisis. The Department also records and monitors monthly foreclosure filing and Sheriff Sale data.

IV. Outreach Activities

A. Description of Specific Outreach Activities

1. Sussex County's Efforts.

a. The County will encourage developers to affirmatively market their units to diverse populations by making it clear in the County's comments during the PLUS process on the development proposal that this is the County's policy. (Timetable: By July 1, 2013)

b. The County will develop standard language that will be incorporated into every residential development plan review subject to the PLUS process which sets forth the County's policy to affirmatively further fair housing by emphasizing the desire for the creation of racially/ethnically diverse, mixed-income communities and encouraging developers to affirmatively market their units to diverse populations. (Timetable: By July 1, 2013)

c. The County will propose an ordinance to modify its Moderately Priced Housing Unit ("MPHU") Program to apply to homebuyers earning 50% to 120% of the County's median income. (Introduced on March 26, 2013)

d. The County will continue discussions with Diamond State Community Land Trust ("DSCLT") and other providers of low to moderate income housing to create additional incentives within the MPHU Program to entice developers to price some homes to be affordable to lower area median income families. (Timetable: Dec. 31, 2013)

e. The County will formulate a policy regarding affordable housing projects seeking support. As part of this policy, conditional support letters may be provided upon proof of affordability. The support letter would not only commend affordable housing construction, but also perhaps provide waivers of certain fees upon satisfaction of the planning approval process. (Timetable: Dec. 31, 2013)

f. Sussex County held a Fair Housing training session on March 8th, 2013 to educate staff on Fair Housing requirements. Elected and appointed representatives of the County participated in the training, including members of County Council and the Planning and Zoning Commission. (Timetable: Currently in-place)

g. Partner with www.DelawareHousingSearch.org, a website that provides a comprehensive listing of publicly-assisted properties for sale, as well as publicly-

assisted and market-rate rental units. The website is fully supported by a toll-free bilingual call center. Listings are monitored daily for accuracy and fair housing compliance. The advanced search feature allows individuals to search using a wide variety of criteria, including income, accessibility features, proximity to services, and more. (Timetable: Currently in place).

h. Work with the Sussex County Association of Realtors to expand their listing form to include accessibility features of available units. The accessibility features should also be searchable on the Association's MLS database. (Timetable: Dec. 31, 2013)

2. Community Involvement

a. Public participation in updates to Comprehensive Plan (Timetable: Currently in-place)

b. Notices of meetings published in accordance with State law and on the County's Fair Housing webpage. (Timetable: Currently in-place)

i. Notice of the County's Department of Community Development and Housing meetings and public hearings will be published in at least one Hispanic newspaper or website. (Timetable: Dec. 31, 2013)

c. Amendments to the Zoning and Subdivision sections of the County Code will not be more restrictive on affordable housing. (Timetable: Currently in-place)

3. Neighborhood Meetings

a. The County will encourage affordable housing developers to have neighborhood meetings with residents early in the plan approval process. (Timetable: July 1, 2013)

b. The County's Community Development & Housing Department will spearhead the Sussex County Strong Communities Initiative to improve the quality of life for residents in historically low-income rural areas. (Timetable: Currently in-place)

4. Coordination

a. The County will coordinate housing strategies with the DSHA and the Office of State Planning Coordination as part of the updates to the Sussex County Comprehensive Plan. (Timetable: Currently in-place)

b. 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. (Timetable: Currently in-place)

5. Fair Housing Materials

a. The County will maintain brochures and other written material on services, education and information offered by other agencies related to discrimination in housing and the development of affordable housing. The material will be available at the Community Development and Housing Department of Sussex County and on the County's website. (Timetable: Currently in-place)

6. Fair Housing Webpage (Timetable: June 19th, 2013)

a. The County will develop a Fair Housing webpage that will be publicly accessible and which will have links to the following information and documents:

i. Sussex County's Housing Discrimination Complaint Form;

ii. A link to the Delaware Human Relations Commission complaint page;

iii. A link to HUD's complaint page;

iv. HUD Complaint, Form 903;

v. HUD pamphlet, Form 903.1;

vi. Sussex County's Fair Housing Policy;

vii. Compliance reports due to the federal government;

viii. Copies of any letters of support issued by the County in support of New Horizons;

ix. 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;

x. Copies of the redacted Certificates of Training;

xi. A link to 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 (housing intended to serve households earning less than 80% of the area median income) or housing being processed under the MPHU or SCRP programs;

xii. A link to the County's Affordable and Fair Housing Marketing Plan once available;

xiii. Information on the plan filed by Diamond State Community Land Trust once an application has been acted upon by the Planning and Zoning Commission; and

xiv. Listing of certain information about the New Horizons development as required under Paragraph 11(e) of the Consent Decree once the development has final plan approval.

V. Marketing

A. The County will develop materials describing the County's outreach work and post or make those materials available at the County Administration Building, the West Complex, and on the County's website. (Timetable: Early 2014)

VI. Timetable for Implementation

The timetable for each action item listed above is listed within the discussion of the item.

VI. Contact Information

Sussex County
Brandy Nauman, Fair Housing Compliance Officer
22215 DuPont Boulevard
P.O. Box 589
Georgetown, DE 19947
Phone: 302.855.7779
Fax: 302.854.5397
Email: bnauman@sussexcountyde.gov
Website: TBD

Exhibit B

ATTACHMENT B

CERTIFICATION OF TRAINING AND RECEIPT OF CONSENT DECREE

On March 8th, 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

Todd F. Lawson

Print Name

March 8, 2013

Date

County Administrator

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 3-8-2013, 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.

Harold F. Godwin
Signature

HAROLD F. GODWIN
Print Name

3-8-2013
Date

DEPUTY ADMINISTRATOR
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 3/8/13, 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

Brandy B. Nauman
Print Name

3/8/13
Date

Housing Coordinator & Fair Housing Compliance Officer
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

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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.

C. Shane Abbott
Signature

C. Shane Abbott
Print Name

3.8.13
Date

Assitant Director Planning & Zoning
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
Home Telephone Number

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

Jeff Shockley
Print Name

3-8-13
Date

Environmental Manager
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
Home Telephone Number

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.

Lawrence B. Lank
Signature

Lawrence B. Lank
Print Name

March 8, 2013
Date

Director of Planning and Zoning
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
Home Telephone Number

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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.

Michael Vincent
Signature

MICHAEL VINCENT
Print Name

3/8/13
Date

COUNTY COUNCIL
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
Home Telephone Number

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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.

Melissa Thibodeau
Signature

Melissa Thibodeau
Print Name

3-8-13
Date

Zoning Inspector
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
Home Telephone Number

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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

Steven D. Hickman

Print Name

3-8-13

Date

Zoning inspector

Position with Sussex County

[redacted]

Home Street Address

[redacted]

City, State, Zip

[redacted]

Home Telephone Number

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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

3-8-13

Date

Permit Tech- Assessment

Position with Sussex County

[redacted]

Home Street Address

[redacted]

City, State, Zip

[redacted]

Home Telephone Number

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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.

Stacie L Rogers
Signature

Stacie L Rogers
Print Name

3-8-13
Date

Accountant II
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
Home Telephone Number

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.

Julia Wheatley
Signature

JULIA WHEATLEY
Print Name

3/8/2013
Date

DIRECTOR OF ECONOMIC DEVELOPMENT
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 Friday 3/8/2013 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

March 8, 2013

Date

Planning & Zoning Commissioner

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

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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.

Vance Phillips
Signature

Vance Phillips
Print Name

3-8-13
Date

Councilman
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
Home Telephone Number

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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.

Dale McDowell
Signature

Dale McDowell
Print Name

3/8/13
Date

Senior Planner
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
Home Telephone Number

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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.

Nicole Riddick
Signature

Nicole Riddick
Print Name

3/8/13
Date

Secretary I
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
Home Telephone Number

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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

John J. Ashman
Print Name

3/8/13
Date

Director of Utility Planning
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
Home Telephone Number

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.

Gary D. Longe
Signature

Gary D. Longe
Print Name

3/8/13
Date

Director of Utility Permits
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
Home Telephone Number

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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

J. Everett Moore Jr

Print Name

3/8/13

Date

COUNTY ATTORNEY

Position with Sussex County

[redacted]

Home Street Address

[redacted]

City, State, Zip

[redacted]

Home Telephone Number

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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.

Dan Wilson
Signature

Dan W. Wilson
Print Name

3-8-13
Date

Council Man
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
Home Telephone Number

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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

MARTIN L. ROSS
Print Name

March 8, 2013
Date

COMMISSIONER; PLANNING & ZONING
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 3/6/13, 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

Brad D Whitley

Print Name

3/6/13

Date

Director - Sussex Cty Comm. Dev.

Position with Sussex County

[redacted]

Home Street Address

[redacted]

City, State, Zip

[redacted]

Home Telephone Number

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.

William M. Jones
Signature

William M. Jones
Print Name

3-8-13
Date

Rehab. Specialist
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 Mar 8 2013, 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

JOAN A. DEAVER

Print Name

3 | 8 | 13

Date

Council woman

Position with Sussex County

[redacted]

Home Street Address

[redacted]

City, State, Zip

[redacted]

Home Telephone Number

ATTACHMENT B

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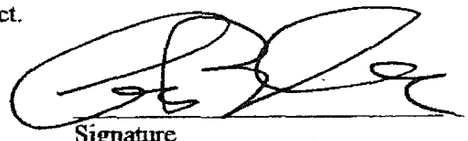

Signature

George B. Cole

Print Name

MAR 8 2013

Date

Councilman

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 03/08/2013, 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.

Rodney W. Smith
Signature

RODNEY W. SMITH
Print Name

03/08/2013
Date

COMMISSIONER
PLANNING & ZONING COMMISSION
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
Home Telephone Number

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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.

Anderson E. Wright
Signature

Anderson E. Wright
Print Name

3/8/13
Date

Chief of Building Code
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
~~Home~~ Telephone Number
cell

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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.

Kelly Passwaters
Signature

Kelly Passwaters
Print Name

5/8/13
Date

Zoning Inspector
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
Home Telephone Number

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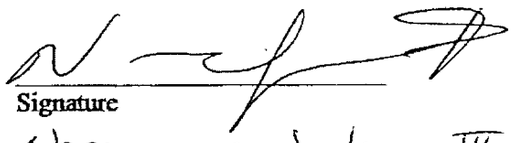

Signature

Norman C Jackson III

Print Name

3/8/13

Date

Code Officer II

Position with Sussex County

[redacted]

Home Street Address

[redacted]

City, State, Zip

[redacted]

Home Telephone Number

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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

ROGER L. SMITH SR
Print Name

3/8/13
Date

INSPECTOR BUILDING CODE
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
Home Telephone Number

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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.

Dean Pettyjohn
Signature

Dean Pettyjohn
Print Name

3-8-13
Date

Planning & Zoning Inspector
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
Home Telephone Number

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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]
Signature

Michael B Johnson
Print Name

3/8/2013
Date

Planning & Zoning Commissioner
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
Home Telephone Number

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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

Robin A. Griffith
Print Name

3/8/13
Date

Clerk of the Council
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
Home Telephone Number

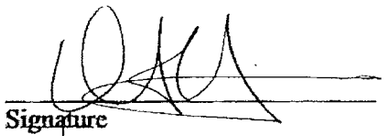
ATTACHMENT B

CERTIFICATION OF TRAINING AND RECEIPT OF CONSENT DECREE

On 3/8/13, 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

Vincent G. Robertson

Print Name

3/8/13

Date

Asst. County Attorney

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 MARCH 1, 2013, 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.

James P. Sharp
Signature

JAMES P. SHARP
Print Name

3/8/13
Date

ASSISTANT COUNTY ATTORNEY
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
Home Telephone Number

OFFICE

ATTACHMENT B

CERTIFICATION OF TRAINING AND RECEIPT OF CONSENT DECREE

On March 8, 2013, 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

JOHN M. MILLS

Print Name

3/8/13

Date

BOARD OF ADJUSTMENT MEMBER

Position with Sussex County

[redacted]

Home Street Address

[redacted]

City, State, Zip

[redacted]

Home Telephone Number

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.

Jeffrey M. Hudson
Signature

Jeffrey M. Hudson
Print Name

3/8/13
Date

Board of Adjustment
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

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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

3/8/2013
Date

BOA
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 Fri. 3/8/13, 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

Norman C. Rickard

Print Name

Friday 3/8/13

Date

Board of Adjustment

Position with Sussex County

[redacted]

Home Street Address

[redacted]

City, State, Zip

[redacted]

Home Telephone Number

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.

Dale A. Callaway
Signature

DALE A. CALLAWAY
Print Name

3-8-2013
Date

BOARD OF ADJUSTMENT
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 Mar. 8th 2013 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.

Ken Morley
Signature

Ken Morley
Print Name

3-8-13
Date

Building Inspector
Position with Sussex County

[redacted]
Home Street Address

[redacted]
City, State, Zip

[redacted]
Home Telephone Number

ATTACHMENT B

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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.

S L H
Signature

Stephanie L Hansen
Print Name

3/8/13
Date

Attorney
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 3/15/13, 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.

Christopher S. Keeler
Signature

Christopher S. Keeler
Print Name

3/15/13
Date

Assistant Director of 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:

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

__✓__ Traveling either out of State, or out of the Country.

_____ Illness

_____ Other: _____

ATTACHMENT B

CERTIFICATION OF TRAINING AND RECEIPT OF CONSENT DECREE

On March 15, 2013, 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.

Martha R. Miller
Signature

Martha R. Miller
Print Name

3/15/13
Date

Assessment Data Entry 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:

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

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_____ Illness

_____ Other: _____

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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 Brown
Signature

Pauline Brown
Print Name

3/15/13
Date

Building Permits - Supervisor
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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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.

Russell K Warrington
Signature

RUSSELL K. WARRINGTON
Print Name

3 · 15 · 2013
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 the training.

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_____ Illness

_____ Other: _____

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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

Erwin G. Burton III

Print Name

3/15/2013

Date

P & Z Commission

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 the training.

__✓__ Traveling either out of State, or out of the Country.

_____ Illness

_____ Other: _____

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

Dana N. Lathbury
Print Name

3/15/2013
Date

Building Code Clerk 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:

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

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

_____ Illness

_____ Other: _____

ATTACHMENT B

CERTIFICATION OF TRAINING AND RECEIPT OF CONSENT DECREE

On March 26th, 2013 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.

M L Haynes
Signature

Michelle L. Haynes
Print Name

March 26th, 2013
Date

Clerk at Bldg. Permit Desk
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 the training.

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

_____ Illness

_____ Other: _____

ATTACHMENT B

CERTIFICATION OF TRAINING AND RECEIPT OF CONSENT DECREE

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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.

Michael Izzo
Signature

Michael Izzo
Print Name

3/26/13
Date

County Engineer
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 the training.

__X__ Traveling either out of State, or out of the Country.

_____ Illness

_____ Other: _____

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.

Crystal Brock
Signature

Crystal Brock
Print Name

3/26/13
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:

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

____ Traveling either out of State, or out of the Country.

____ Illness

____ Other: _____

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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.

Eddy Park
Signature

Eddy Parkie
Print Name

3-26-13
Date

Director of Assessments
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 the training.

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

_____ Illness

_____ Other: _____

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.

Dionne L Baker
Signature

Dionne L. Baker
Print Name

3/26/13
Date

Clerk
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 the training.

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_____ Illness

_____ Other: _____

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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.

Danielle Hollis
Signature

Danielle Hollis
Print Name

3/26/13
Date

Clerk II Assessment Div/Building Permits
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 the training.

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

_____ Illness

__✓__ Other: was not employed with Sussex County at the date of the initial training.

01:12731981.2

ATTACHMENT B

CERTIFICATION OF TRAINING AND RECEIPT OF CONSENT DECREE

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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 A. Norwood

Print Name

3/26/13

Date

Zoning Inspector II/Clerk

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 the training.

____ Traveling either out of State, or out of the Country.

____ Illness

____ Other: _____

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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.

Charlie Wheatley
Signature

Charles Wheatley
Print Name

3-26-13
Date

Building 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 the training.

____ Traveling either out of State, or out of the Country.

____ Illness

____ Other: _____

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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

Sean Molloy

Print Name

3-26-2013

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 the training.

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

_____ Illness

_____ Other: _____

Exhibit C

Sussex County AI Evaluation and Proposed Priority Fair Housing Plan

AI Report	Goal	Strategies to Meet Goal	Actions Taken to Meet Goal	Actions to be Pursued by County	Notes
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. Strong Communities Initiative (see attached discussion) 2. Partner with the Delaware Chapter of the National Assoc. of Housing and Redevelopment Officials to offer diversity training as part of the County's new curriculum training.	1998 AI, p. 13.
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 representation on the Universal Design Coalition. Universal Design is a way of homebuilding that incorporates barrier-free and accessible design features. The 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.	1998 AI, p. 28.

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 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.	1998 AI, p. 29.
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 impediment has been addressed.		1998 AI, p. 30
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.	1998 AI, p.43
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 will explore the creation of a Housing Trust Fund.	1998 AI, 43.

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 to DSHA on 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.	1998 AI, p. 45. Impediment #10 in 2011 AI
1998	To increase affordable housing and efforts to encourage zoning for affordable housing.		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 introduced legislation to increase the reach of the MPHU program to households earning 50% to 120% of MHI. 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.	1998 AI, p. 52.
1998		Fair housing training of policy makers.	Accomplished on 6/5/12, 3/8/13, and will occur annually for the next 3 years.	County CD&H will continue representation at numerous fair housing events held in Delaware.	1998 AI, p. 59.

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.	1998 AI, p. 61.
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 $3,500 in 2012 to the West Rehoboth Coalition and more than $63,000 to the West Rehoboth Community Land Trust from 2006 to 2013. CD&H has allocated over $635,000 in CDBG funds to help with revitalization and rehabilitation efforts. As a result, the County believes this impediment has been addressed.		1998 AI, p. 61.

2003	"..to address Fair Housing issues in Sussex County, with particular attention to the rapidly growing Hispanic population."	"A strategy should be developed...		The County's Affordable and Fair Housing Marketing Plan will include notices of County CD&H meetings and public hearings in at least one Hispanic newspaper or website. The County will support DelawareHousingSearch.org, a new free and real-time online service that lists all of the state's public and private rental units, as well as publicly-funded for-sale units. The County has also now instituted a Housing Discrimination Complaint Form and process.	2003 AI, p. 95.
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 will conduct the four-factor analysis.	2011 AI, p. 472. Impediment #1

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 will conduct the four-factor analysis.	2011 AI, p. 472. Impediment #1
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."		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.	2011 AI, p. 473. Impediment #2.

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 oweners 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 introduced legislation to increase the reach of the MPHU program to households earning 50% to 120% of MHI. The County will also continue to participate in the NSP 1 and NSP 2 programs.	2011 AI, p. 474. Impediment #3
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 introduced legislation to increase the reach of the MPHU program to households earning 50% to 120% of MHI. The County will also continue to participate in the NSP 1 and NSP 2 programs. The County will consider expanding incentives offered to developers to participate in the MPHU and SCRP programs.	2011 AI, p. 443, 475. Impediment #3

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."		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.	2011 AI, p. 475. Impediment #3
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.	The County will review this report and determine if any action on the part of the County is necessary.	Impediment #4
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 impediment has been addressed.		2011 AI, p. 477. Impediment #5

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 Fair Housing Marketing Plan.	2011 AI, p. 479. Impediment #8
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.	2011 AI, p. 479. Impediment #8

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."		The County will formalize a package of incentives to be offered to developers of affordable housing communties that can provide a guarantee to the County of the ultimate affordability of the units. 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.	2011 AI, p. 480. Impediment #8
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 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. In addition, the County will consider drafting 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.	Impediment #9

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 implemented.		2011 AI, p. 480. Impediment #9
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."		The County is currently drafting legislation to address this issue.	2011 AI, p. 443 – 444; Impediment #9 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.")

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.		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.	Impediment #11
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 will be implementing the Strong Communities Initiative and putting into effect an Affordable and Fair Housing Marketing Plan to meet this goal.	Impediment #11
2011		Foreclosures appear to disporportionately 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 participate on the Delaware Mortgage Fraud Task Force. As a result, the County considers this strategy implemented.		Impediment #12

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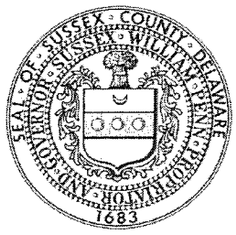

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Sussex County Strong Communities Initiative

The mission of Sussex County's Strong Communities Initiative is to improve the quality of life for residents in historically low-income rural areas. This initiative will incorporate a comprehensive approach to community development through the collaboration of government, nonprofit, and private organizations.

The following communities are targeted for participation in the Strong Communities Initiative:

- Lucas Development
- Pine Town
- New Hope
- West Rehoboth
- Polly Branch
- Dog Patch
- Mount Joy
- Concord
- Possum Point
- Coverdale Crossroads

In order to accomplish the mission of the Initiative, Sussex County's Community Development & Housing office will first conduct an internal evaluation of each targeted community. This evaluation will include the following:

- Mapping and census tract information of each community
- A historical description of each community (if available), as well as contact information for community leaders and representatives
- Number of units in each community, including the number of sub-standard units
- Demographics of each community, including contact information of property owners (if available)

- Review by the State Historic Preservation office, regarding historic significance and concerns of each community
- A survey, conducted door-to-door by the Community Development & Housing office, seeking the input of residents regarding the issues affecting their particular community and prioritized improvements
- Documented meetings with each community to discuss the feasibility of improvements that are within the County's scope of action

Information obtained from the survey and community meetings will be formatted into a prioritized list of infrastructure needs and requested services for each community. These lists will be used to determine future funding allocations and expenditure requests.

To assist with the implementation of this initiative, Sussex County intends to request Community Development Block Grant (CDBG) funding specifically for the targeted communities. In particular, the County will seek funding for (light) Code Enforcement. The position generated by the funding will be dedicated to serving and assisting the Strong Communities with demolitions, improvements, and maintenance. In addition to code enforcement, this position will serve as a liaison to the communities and implement the Strong Communities Initiative. The intent of this request is not to cause undue stress or hardship to homeowners, but rather aid with a collaborative approach to community improvements. Further, County will also request CDBG funding for demolition, that will target removal and clean-up of condemned vacant structures. In addition, as in years past, the County will request funding for owner-occupied housing rehabilitation for the targeted strong communities.

The County will request guidance and input from the Delaware State Housing Authority, the Office of State Planning Coordination, First State Community Action Agency, Sussex County Habitat for Humanity, Milford Housing Development Corporation, the Delaware Housing Coalition, and the Sussex Housing Group in the formation of this initiative.

It is Sussex County's intent to work closely with each community on an individual basis, incorporating all available resources to improve the communities, and offer options to create a more diversified living experience for all residents.

All information pertaining to the implementation and ongoing status of Sussex County's Strong Communities Initiative will be available on the County's new Affordable & Fair Housing Webpage.

Exhibit D

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HOUSING COORDINATOR &
FAIR HOUSING COMPLIANCE OFFICER
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MEMORANDUM

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Samuel R. Wilson, Vice President
The Honorable George B. Cole
The Honorable Joan R. Deaver
The Honorable Vance Phillips
Todd Lawson, County Administrator

FROM: Brandy Nauman, Fair Housing Compliance Officer

RE: Affordable Housing Strategies for Consideration

DATE: March 22, 2013

On Tuesday, March 26, 2013, I present successful affordable housing strategies in other locales which may be similar in jurisdiction and authority to Sussex County. These strategies are items for consideration as a means to expand our existing affordable housing programs to improve their access and impact to residents. Below is a summarized listing of the items that will be discussed.

1. Anti-NIMBY Policy
    a. Expand the County's Fair Housing Policy to include an Anti-NIMBY policy
        i. Clarify the County's position on affordable housing
        ii. Require that all public speakers at County public hearings sign an acknowledgement that "Sussex County, in its zoning and land use decisions, does not discriminate against persons based on race, color, religion, national origin, disability, familial status, or sex."
2. Inclusionary Zoning
    a. Option 1: Amend the existing Moderately Priced Housing Unit (MPHU) and Sussex County Rental Program (SCRP) Ordinances from voluntary participation to mandatory in Levels 1 & 2.
    b. Option 2: Amend the existing Moderately Priced Housing Unit (MPHU) and Sussex County Rental Program (SCRP) Ordinances to improve bonuses and incentives offered to developers.
        i. Waive or reduce impact/permitting fees for affordable units or;

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ii. Defer payment of impact/permitting fees for affordable units until developer receives Certificate of Occupancy or;
iii. Allow for design flexibility of affordable units (i.e. setbacks, variances)

3. Training
    a. Offer periodic fair housing training to municipal officials/staff, lenders, and Realtors.
4. Foreclosed Subdivisions
    a. Identify projects for developers to purchase foreclosed subdivisions for the provision of affordable housing.
5. Affordable Housing Outreach
    a. The County will consider drafting a letter to affordable housing developers supporting affordable housing located in areas identified by DSHA as appropriate for affordable housing.
    b. Develop a team of County employees from various departments (i.e. CD&H, P&Z, Economic Development, Administration) to connect affordable housing developers with existing incentive programs available from the State and non-profit organizations.
6. Brownfields
    a. County would agree to explore the possibility that Brownfields redevelopment in the County may provide a mechanism to develop additional affordable housing.

Thank you.

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

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Sussex County Council

AGENDA

March 26, 2013

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Marlene Mervine, Nanticoke Conservancy Presentation

Todd Lawson, County Administrator

1. **Recognition of Caroling on The Circle Food Drive Participants**
2. **Administrator's Report**

Susan Webb, Finance Director

1. **Pension and OPEB Funds Recommendation**

Hal Godwin, Deputy County Administrator

1. **Wastewater Agreement – Americana Bayside, DelDOT Segment 3 – Phase 1**
2. **Legislative Update**

Lawrence Lank, Director of Planning & Zoning

1. **Discussion of Possible Pilot Program for Certain Land Use Activities prior to Application Approval**

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Brandy Nauman, Sussex County Fair Housing Compliance Officer

1. **Fair Housing Program Update and Discussion and Possible Introduction of a Proposed Ordinance Relating to Moderately Priced Housing Units (MPHUs)**

John Ashman, Director of Utility Planning

1. **SR26, Phase III, Millville Sanitary Sewer District Expansion Report**

Jim Hickin, Sussex County Airport Manager

1. **Airport Lease Amendments**

   A. **Bill Briedis**

   B. **Georgetown Air Services**

Grant Requests

1. **Huntington's Disease Society of America for Team Hope Walk**
2. **League of Women Voters of Sussex County for printing expenses**
3. **Sussex Central High School Softball Boosters sponsoring billboard sign**
4. **Lewes Historical Society for the Annual Chautauqua Tent Show**
5. **Cape Henlopen Senior Center for building repairs**
6. **Big Brothers Big Sisters of Delaware for annual fundraiser.**
7. **Delaware Storm U12 Travel Softball Team for tournament expenses**
8. **Georgetown Little League for operating expenses**
9. **Milford Senior High School to sponsor After-Prom party**
10. **Sussex County Health Promotion Coalition for SHORE Camp operating expenses**
11. **Lewes-Rehoboth Rotary Club for 2013 Trail Guide Book publication expenses**
12. **Prevent Child Abuse Delaware for Stewards of Children Initiative expenses**

Introduction of Proposed Zoning Ordinances

Any Additional Business Brought Before Council

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

Possible Action on Executive Session Items

1:30 p.m. Public Hearings

Change of Zone No. 1726 filed on behalf of Robert M. & Sandra E. Davidson
"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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 7.57 ACRES, MORE OR LESS" (land lying north of Route 9 approximately 800 feet east of Route 5 at Harbeson); (Tax Map I.D. 2-35-30.00-26.00)

Conditional Use No. 1958 filed on behalf of Omar Road, LLC
"AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR WAREHOUSING AND RELOCATION OF A HELICOPTER PAD AS EXTENSION TO CONDITIONAL USE NO. 1679 (OFFICE AND WAREHOUSING) AND CONDITIONAL USE NO. 1858 (HELICOPTER LANDING SITE, PRIVATE) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 8.46 ACRES, MORE OR LESS" (land lying north of Omar Road (Route 54) approximately 1,692 feet east of the intersection of Omar Road and Dukes Road (Road 354); (Tax Map I.D. 4-33-7.00.15.01 & 15.02)

****

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

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In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on March 19, 2013 at 4:40 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.

####

Exhibit E

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 72, ARTICLE I OF THE CODE OF SUSSEX COUNTY BY AMENDING THE DEFINITION AND APPLICATION OF "MODERATE INCOME" USED TO DETERMINE ELIGIBILITY FOR MODERATELY PRICED HOUSING UNITS.

WHEREAS, Sussex County Code, Chapter 72, Article I, defines "moderate income" and eligibility requirements for moderately priced housing units; and

WHEREAS, § 72-5 of the current ordinance defines "moderate income" as "80% to 125% of area median income adjusted for household size as defined by the U.S. Department of Housing and Urban Development (HUD)"; and

WHEREAS, Sussex County desires to broaden the definition of "moderate income" to "50% to 125% of the area median income adjusted for household size as defined by the U.S. Department of Housing and Urban Development (HUD)" and its application under the Chapter, thereby allowing a greater number of residents to qualify for moderately priced housing units.

NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. Amend Sussex County Code, Chapter 72, Article I, § 72-3C., Governmental Findings, by deleting the language in brackets and inserting the underlined language as follows:

> "C. In turn, the supply of moderately priced housing has decreased over the past 10 years as housing costs have escalated due to the influx of affluent households. The most recent real estate data suggests that households earning [80%]*50%* to 125% of the area median income have very few choices for modern, modest quality housing except in the most western areas of the County and, even there, choices and supply are limited."

Section 2. Amend the definition of "Moderate Income" in Sussex County Code, Chapter 72, Article I, § 72-5, Definitions, by deleting the language in brackets and inserting the underlined language as follows:

"MODERATE INCOME

Those levels of income established by the County Administrator which prohibit or severely limit the financial ability of persons to buy housing in Sussex County. [Initially, m]Moderate income is established as [80%]*50%* to 125% of area median income adjusted for household size as defined by the U.S. Department of Housing and Urban Development (HUD). Income includes salary, wages, dividends, interest and all other sources recognized by HUD from the eligible buyer and all other adults who will occupy the MPHU. Further, for persons or households with significant assets that do not produce income, the Department will establish criteria for imputing income to such assets."

Section 3. Effective Date. This Ordinance shall become effective on _____, 2013.

Synopsis

This Ordinance amends the definition of "moderate income" used to determine eligibility for moderately priced housing units (and its application under Chapter 72, Article I) to "50% to 125% of the area median income adjusted for household size as defined by the U.S. Department of Housing and Urban Development (HUD)" from the original eligibility requirement of "80% to 125% of the area median income adjusted for household size as defined by the U.S. Department of Housing and Urban Development (HUD)."

Deleted text is in brackets. Additional text is underlined and in italics.

Exhibit F

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DEVELOPMENT & HOUSING

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- Number of units in each community, including the number of sub-standard units
- Demographics of each community, including contact information of property owners (if available)

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

- Review by the State Historic Preservation office, regarding historic significance and concerns of each community
- A survey, conducted door-to-door by the Community Development & Housing office, seeking the input of residents regarding the issues affecting their particular community and prioritized improvements
- Documented meetings with each community to discuss the feasibility of improvements that are within the County's scope of action

Information obtained from the survey and community meetings will be formatted into a prioritized list of infrastructure needs and requested services for each community. These lists will be used to determine future funding allocations and expenditure requests.

To assist with the implementation of this initiative, Sussex County intends to request Community Development Block Grant (CDBG) funding specifically for the targeted communities. In particular, the County will seek funding for (light) Code Enforcement. The position generated by the funding will be dedicated to serving and assisting the Strong Communities with demolitions, improvements, and maintenance. In addition to code enforcement, this position will serve as a liaison to the communities and implement the Strong Communities Initiative. The intent of this request is not to cause undue stress or hardship to homeowners, but rather aid with a collaborative approach to community improvements. Further, County will also request CDBG funding for demolition, that will target removal and clean-up of condemned vacant structures. In addition, as in years past, the County will request funding for owner-occupied housing rehabilitation for the targeted strong communities.

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