YOUNG CONAWAY STARGATT & TAYLOR, LLP
Attorneys at Law

WILMINGTON
GEORGETOWN
MIDDLETOWN
NEW YORK

Stephanie L. Hansen
P 302.571.6733
F 302.576.3519
shansen@ycst.com

July 2, 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: Interim Compliance Report Under the Sussex County Voluntary Compliance Agreement (HUD) and Consent Decree (USDOJ)

Dear Ms. Delaney and Mr. Fregiato:

This correspondence serves as an interim compliance report from Sussex County ("Interim Compliance Report"). Since the submission of the County's first semi-annual compliance report on May 28, 2013, a number of items became due under 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 (Civil Action No. 12-1591-MPT) and the County's revised draft Affordable and Fair Housing Marketing Plan submitted to USDOJ on May 13, 2013. Each item is addressed below and the corresponding exhibits are attached.

I. Items Due Under the Consent Decree

A. **Section IV(18)** - Fair Housing Compliance Officer. This section requires the FHCO to report to the County every six months on activities taken in compliance with the CD. Six months from the date of the CD was June 19, 2013. The FHCO presented her report to the County at the County Council meeting on June 11th in compliance with this section. Attached as **Exhibit 1** are: (1) the County Council meeting agenda, and (2) the Memorandum from FHCO Brandy Nauman that was presented to Council and discussed at the June 11th County Council meeting.

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

Webpage: This section requires the County to develop an Affordable Housing webpage and update the webpage twice annually with certain information. The County was required to post its first compliance report on the webpage and notify USDOJ of such posting within six (6) months after entry of the CD (June 19th, 2013). The County launched the webpage on June 19th, 2013, and the content of the webpage conforms to the requirements of this section and to the revised draft Affordable and Fair Housing Marketing Plan currently under review by USDOJ. The webpage can be accessed at:

http://www.sussexcountyde.gov/fairhousing/

II. Items Due Under the Revised Draft Affordable and Fair Housing Marketing Plan

A. **Section IV(A)(1)(a)** – Outreach Activities. (Sussex County's Efforts)

This section requires the County to 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. The timetable on this requirement is July 1, 2013. Attached as **Exhibit 2** is a letter from the attorney for the County's Planning and Zoning Commission, Mr. Vincent Robertson, to the Director of the Delaware Office of State Planning Coordination ("OSPC"), dated June 20, 2013, making it clear that this is the County's policy and asking for guidance regarding the appropriate procedural mechanism within the PLUS process for presenting this position. Also, within **Exhibit 2** is the response letter from the Director of OSPC to Attorney Robertson, dated June 25, 2013, stating the appropriate procedural mechanism (comment by the County on each individual application). As of this time, there are no applications within the PLUS process awaiting the County's comment; however the County's comment will be included on all future residential applications.

B. **Section IV(A)(1)(b)** – Outreach Activities. (Sussex County's Efforts)

This section requires the County to 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. The timetable on this requirement is July 1, 2013. Attached as **Exhibit 3** is the revised Application for Major Subdivision with the Equal Housing Opportunity logo and the instructions given to interested parties and applicants filling out the Application for Major Subdivision titled "Subdivision Process, Sussex County" (the "Instructions"). On the second page of the Instructions, please note the County's new instructions to applicants:

> *"Sussex County promotes racially/ethnically diverse, mixed income Affordable Housing in all areas under its jurisdiction. Accordingly, Developers are encouraged to provide affordable housing opportunities to Sussex County residents in all new developments, affirmatively market those affordable housing units to diverse populations, and meet with surrounding residents early in the development approval process."*

As of July 1st, 2013, this revised Application for Major Subdivision and the corresponding Instructions are in place and will be distributed to future applicants and interested parties.

C. **Section IV(A)(3)(a)** – Outreach Activities. (Neighborhood Meetings)

This section requires the County to encourage affordable housing developers to have neighborhood meetings with residents early in the plan approval process. The timetable on this requirement is July 1, 2013. As seen in the Instructions mentioned above as part of **Exhibit 3**, the County is now in compliance with this requirement.

III. Revised Documents

The State of Delaware recently passed legislation which created "gender identity" as a new protected class under the Delaware Fair Housing Act (6 Del.C. Ch. 46). As a result, the County has revised three documents previously submitted to USDOJ and HUD to reflect the addition of this new protected class and has attached those documents hereto as **Exhibit 4**:

(1) The revised draft Affordable and Fair Housing Marketing Plan;

(2) The Sussex County Fair Housing Policy; and

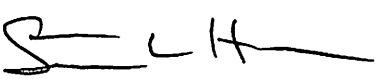
(3) The Sussex County Housing Discrimination Complaint Intake Form.

Also, while reviewing the Delaware Fair Housing Act, it came to our attention that Delaware uses the term "disability" to refer to the Federal protected class term "handicap." As a result, the County has revised the documents to incorporate both of these terms where appropriate.

Lastly, the County has corrected an omission in the revised draft Affordable and Fair Housing Marketing Plan sent to you on May 13, 2013. Section IV(A)(1)(i) of the plan did not set forth a timetable for compliance. With this revised draft plan sent to you today, the County is proposing a compliance date of December 31, 2013. The County has already held the initial planning session with all of the stakeholders and has a goal of holding the Homebuyer Fair this Fall.

Please feel free to contact me with any questions or comments.

Sincerely yours,



Stephanie L. Hansen

cc: Alice Hung (via email at Alice.Hung@usdoj.gov)
Ms. Melody Taylor-Blancher (via email at Melody.C.TaylorBlancher@hud.gov)
Mr. Todd Lawson (via email at tlawson@sussexcountyde.gov)
Ms. Brandy Nauman (via email at bnauman@sussexcountyde.gov)

Exhibit List

Exhibit 1 - Sussex County Council Agenda for June 11, 2013
Memorandum from FHCO Brandy Nauman to Sussex County Council (6/7/13)

Exhibit 2 - Letter from Vincent Robertson to Constance Holland (6/20/13)
Letter from Constance Holland to Vincent Robertson (6/25/13)

Exhibit 3 – Revised Application for Major Subdivision
Revised Subdivision Process, Sussex County

Exhibit 4 – Draft Sussex County Affordable and Fair Housing Marketing Plan
Sussex County Fair Housing Policy
Sussex County Housing Discrimination Complaint Intake Form

Exhibit 1

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

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

Sussex County Council

AGENDA

JUNE 11, 2013

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Todd Lawson, County Administrator

1. State of Delaware Wastewater Operator of the Year – Ann Hobbs
2. Proclamation – Laurel High School Girls' Softball Team
3. Appointments
   - A. Board of Adjustment
   - B. Library Advisory Board
   - C. Planning & Zoning Commission
4. Discussion and Possible Introduction of an Ordinance pertaining to Lot Maintenance
5. Administrator's Report

Gina Jennings, Finance Director

1. Pension Update and Recommendation

EQUAL HOUSING OPPORTUNITY

Hal Godwin, Deputy County Administrator

1. Wastewater Agreement

   A. Millville by the Sea – Sub Phase 2C-2

2. Legislative Update

3. Barking Dog Noise Ordinance Discussion

Rodney Marvel, Assistant Director of Environmental Services

1. South Bethany Sewer Line Renovations #12-29

   A. Substantial Completion

   B. Change Order No. 1

Brandy Nauman, Sussex County Fair Housing Compliance Officer

1. Fair Housing Update

Grant Request

1. Town of Georgetown for repairs to the fountain on The Circle

Introduction of Proposed Zoning Ordinances

Any Additional Business Brought Before Council

Executive Session – Land Acquisition pursuant to 29 Del. C. §10004(b)

Possible Action on Executive Session Items

****

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

****

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on June 4, 2013 at 4:15 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.

####

BRANDY BENNETT NAUMAN
HOUSING COORDINATOR &
FAIR HOUSING COMPLIANCE OFFICER
(302) 855-7777 T
(302) 854-5397 F
bnauman@sussexcountyde.gov

Sussex County
DELAWARE
sussexcountyde.gov

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: Fair Housing Policy

DATE: June 7, 2013

During Tuesday's Council meeting, I will provide you with a brief update on actions taken in compliance with the U.S. Department of Justice and U.S. Department of Housing & Urban Development fair housing settlement agreements over the last six months in order to comply with Section IV(18) of the Consent Decree. Below you will find an outline of the items I will be discussing. Please note that no action is required of Council; this is simply an update.

U.S. Department of Justice Consent Decree

- Section III(13)(a) through (d) – Affordable and Fair Housing Marketing Plan
  - o Moderately Priced Housing Unit Amendment
- Sections IV(15) and (16) – Housing Discrimination Complaints
- Section IV(17) – Availability of Fair Housing Materials
- Section V(19) – Fair Housing Policy
- Section V(20) – Equal Housing Opportunity Logo on County website, advertisements, and notices
- Section VI(18) – Submission of First Semi-Annual Compliance Report (5/28/13)
- Section VI(21 – 23) and VII(26) – Fair Housing Training (3/8/13) and submission of Certificates of Training

- Section VII(27)(a) through (f) – Affordable Housing Webpage
- Section VIII(30) – (31) – Compensation to Diamond State CLT

U.S. Department of Housing & Urban Development Voluntary Compliance Agreement

- Section II – VCA Availability
- Section III(1) – Fair Housing Training (3/8/2013)
- Section III(2) - Compensation to Diamond State CLT
- Section III(4) – Sussex County Analysis of Impediments Evaluation and Proposed Priority Fair Housing Plan
- Section III(7)(a)(iii) – Successful Models of Affordable Housing Strategies; Anti-NIMBY Policy and update of Fair Housing Policy to include Anti-NIMBY Policy
- Section III(7)(b) – Moderately Priced Housing Unit Amendment
- Section III(7)(c) – Strong Communities Initiative
- Section IV – Publishing of VCA
- Section V – Submission of First Semi-Annual Compliance Report (5/28/2013)

If you have any questions, please do not hesitate to ask. Thank you.

CC: Brad Whaley, Director of CD&H
Stephanie Hansen, Esquire
Robin Griffith, Clerk of Council

Exhibit 2

GRIFFIN & HACKETT, P.A.
ATTORNEYS AT LAW

19264 MILLER ROAD, UNIT A
REHOBOTH BEACH, DELAWARE 19971

JAMES D. GRIFFIN
DAVID R. HACKETT
VINCENT G. ROBERTSON

(302) 226-8702

FAX: (302) 226-8704
robertson@griffinhackettlaw.com

COPY

June 20, 2013

Constance Holland, Director
Office of State Planning Coordination
122 Martin Luther King Jr. Boulevard South
Dover, DE 19901

RE: Affordable Housing

Dear Connie:

As you know, Sussex County promotes affordable housing opportunities for its residents. In an effort to emphasize that with the developers in our County, the County is being more pro-active in encouraging developers to include affordable housing opportunities in new developments within Sussex County.

In a recent analysis of affordable housing in Sussex County, it has been stated that the County should support and promote affordable housing early in the application process-particularly the PLUS process managed through your office.

To accomplish this, one of 2 things can occur procedurally, it seems. One option would be to send your office a blanket statement promoting the inclusion of affordable housing in residential developments seeking approval in our County. We would request that the statement automatically be incorporated into the PLUS comments for every residential PLUS review for Sussex County projects. This would be consistent with Sussex County's desire to promote affordable housing wherever possible. Alternatively, we could include the comment individually on each project. If this second alternative is more workable for your Office, please let me know. Likewise, I will let you know who to add to your list of participants in the PLUS comment process so that the affordable housing comments can be transmitted to your Office.

After you have considered the information in this letter, please let me know how you wish to proceed. Likewise, if you have any questions, please let me know and I will be happy to reply with answers.

As always, thanks for your consideration of this request and your support of Sussex County.

Respectfully submitted,

GRIFFIN & HACKETT, P.A.

Vincent G. Robertson

VGR:ssj
cc: Todd Lawson, Sussex County Administrator
Michael Vincent, President, Sussex County Council
Bob Wheatley, Chairman, Sussex County Planning and Zoning
Brady Housman, Fair Housing Compliance Office
J. Everett Moore, Sussex County Attorney
Lawrence Lank, Sussex County Planning & Zoning
Stephanie Hansen, Esquire (via email)

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

June 25, 2013

Mr. Vincent G. Robertson, Esq.
Griffin & Hackett, P.A.
19264 Miller Road, Unit A
Rehoboth Beach, DE 19971

RE: Letter dated 6/20/2013 – Affordable Housing

Dear Mr. Robertson:

I am in receipt of your letter dated June 20, 2013 in reference to affordable housing in Sussex County. The Office of State Planning is pleased to work with Sussex County to support and promote affordable housing through our Preliminary Land Use Service (PLUS) process.

I would respectfully request we work with Sussex County staff to provide comment on each project. Please let us know the correct individuals to inform monthly.

Again, we sincerely appreciate the efforts of Sussex County to provide affordable housing and look forward to working with you in the future.

Sincerely,

Constance C. Holland, AICP
Director, Office of State Planning Coordination

CC: Todd Lawson, Sussex County Administrator
Michael Vincent, President, Sussex County Council
Bob Wheatley, Chairman, Sussex County Planning & Zoning
Brady Housman, Fair Housing Compliance Officer
J. Everett Moore, Sussex County Attorney
Lawrence Lank, Sussex County Planning Director
Stephanie Hansen, Esquire

122 Martin Luther King Jr. Blvd. South – Haslet Armory · Third Floor · Dover, DE 19901
Phone (302)739-3090 · Fax (302) 739-5661 · www. stateplanning.delaware.gov

Exhibit 3

APPLICATION FOR MAJOR SUBDIVISION

Sussex County Planning and Zoning Commission

Please provide 25 copies of a signed and sealed plan, a copy of proposed restrictive covenants and supporting statements, where applicable, 51% of property owners consent

DATE:	Application Number:

Proposed Subdivision Name:		Type Of Subdivision:
		☐ Standard ☐ Cluster ☐ ESDD
Hundred:	Tax Map Number:	Zoning District:
Location:		
Name and Address of Applicant		
Name and Address of Firm Responsible for Preparing Plan		

Subdivision Acreage In Lots:	Streets:	Open Space:	Residual Lands:
Total Gross Acreage:	Lots/Acre:	Other:	Minimum Lot Size:
Number of Lots:	Type of Streets:	Type of Sewer:	Type of Water:
Preliminary Fee & Receipt Number: $500.00		Final Fee and Receipt Number:	

_____ Date: ____/____/____

Applicant's Signature

_____ Date: ____/____/____

Surveyor or Engineer's Signature

COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE 19947

SUBDIVISION PROCESS
SUSSEX COUNTY

Applicant or agent meets informally with the Planning and Zoning Department staff.

The applicant files an application form and support documents (preliminary survey/subdivision plan, fees, etc.). The application is required to be filed for scheduling with the Planning and Zoning Commission.

Public notices for public hearings before the Planning and Zoning Commission are advertised in 2 local newspapers at least 20 working days prior to the scheduled meeting of the Planning and Zoning Commission.

The Planning and Zoning Department staff sends plans to the Technical Advisory Committee for agency comments on the application (preliminary plan) with a required response date.

The Planning and Zoning Commission holds a public hearing and receives public comments and a report on the Technical Advisory Committee comments. The Commission may recommend approval, approval with stipulations, denial, or defer an application for additional comments from agencies or for further consideration by the Commission. All decisions are advertised in a local newspaper.

As of June 2, 2009, if the subdivision is approved, the preliminary plan is valid for three years. Originally, preliminary approval was valid for one year and an Applicant, with reason, could request additional time.

The Commission will consider the final plans after receipt of all appropriate agency approvals and/or permits. All decisions are advertised in a local newspaper.

Once approved as a final plan, the applicant has 60 days to record the record plat.

Once recorded in the Office of the Recorder of Deeds in and for Sussex County, any major subdivision shall be rendered null and void if substantial construction is not commenced thereon within 5 years of the date of recordation.

An applicant aggrieved by a decision of the Commission may appeal the decision to the County Council within 30 days of the official action of the Commission. Such appeal shall be an appeal on the record of the public hearing before the Commission and shall specify the grounds of the appeal. The appellant shall pay an appeal fee. The appeal process takes several steps as found in Subdivision Code (Chapter 99 of the Sussex County Code) Section 99-39. The Council may reverse a decision only upon a finding that the Commission made an error in its interpretation of the applicable sections of the Code; or the Commission's findings and conclusions were not the result of an orderly or logical review of the evidence and the applicable provisions of the Code. The Council

shall act on the record within 60 days of receipt of the transcript. The Council is only considering the transcript of the record. There is not a public hearing on the appeal. Any party aggrieved by the decision of the Council may appeal to the appropriate Court.

NOTES: The process may take approximately 3 to 6 months due to the number of applications pending (Change of Zoning, Conditional Use, and Subdivisions).
Typically 5 public hearings are held per meeting (twice a month).
We review the applications in que and if we find something controversial we may schedule fewer applications for public hearing for the meeting being scheduled.
Certain applications require review through the Office of State Planning Coordination (OSPC) for PLUS (Preliminary Land Use Service) based on a MOU with the OSPC.

Sussex County promotes racially/ethnically diverse, mixed income Affordable Housing in all areas under its jurisdiction. Accordingly, Developers are encouraged to provide affordable housing opportunities to Sussex County residents in all new developments, affirmatively market those affordable housing units to diverse populations, and meet with surrounding residents early in the development approval process.

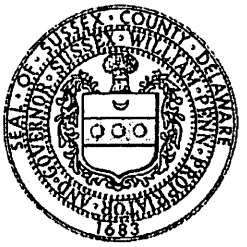
lbl-02-01-2007
lbl-11-07-2008
lbl-03-15-2010
lbl-04-20-2010
lbl-12-13-2010
lbl-07-01-2013

Exhibit 4

COMMUNITY
DEVELOPMENT & HOUSING

BRAD D. WHALEY
DIRECTOR

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



Sussex County
DELAWARE
sussexcountyde.gov

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, age, sexual orientation, disability, and gender identity.

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, religion, sex, familial status, handicap (disability), creed, marital status, age, sexual orientation, or gender identity;
   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, handicap (disability), creed, marital status, age, sexual orientation, or gender identity:
   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, handicap/disability, creed, marital status, age, sexual orientation, or gender identity. 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. 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.

J. If you think your rights have been violated, you may also file a complaint with the Delaware Office of Human Relations. Contact information for the Delaware Office of Human Relations is:

Office of Human Relations
Carvel State Office Building
820 North French Street, 4th Floor

Wilmington, Delaware 19801
Telephone: (302) 577-5287
Website: http://statehumanrelations.delaware.gov/

K. In addition, under the Fair Housing Act (42 U.S.C.A. § 3613) you may also commence a civil action in an appropriate U.S. District Court or State court not later than 2 years after the occurrence or termination of an alleged discriminatory housing practice whether or not you have filed a complaint with HUD or the Delaware Office of Human Relations.

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)
      i. 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 **50%** 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). In total, _547_dwelling units have been approved for development under the MPHU program although, to date, none have been constructed due to the economic downturn in the housing market in Sussex County.
      ii. 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. To date, no units have

been constructed due to the economic downturn in the housing market in Sussex County.

iii. 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)

i. 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.

ii. 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)

i. 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.

ii. 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.

iii. 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.

i. 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.

ii. 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 nearly 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.

g. Discussion of Fair Housing Efforts.
On April 16, 2013, Sussex County Council amended the County's Fair Housing Policy to adopt language that would be read by legal counsel prior to public hearings related to land use and zoning. The language reads as follows:

> "Sussex County, in its zoning and land use decisions, does not discriminate against persons based on race, color, religion, national origin, disability, familial status, sex, creed, marital status, age, sexual orientation, or gender identity. Public comments made on the basis of bias and stereotype concerning people within these protected classes will not be taken into consideration by the County in its deliberations."

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 recently passed 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 and passed on April 23, 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. Proof of affordability may be shown by establishing a link between the housing project seeking approval and funding of some element of that housing project through a non-profit, local, state, or federal housing program. 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: September 30, 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. A link

from to the website will be available from the County's homepage and the Fair Housing webpage. (Timetable: Currently in place).

i. As MPHU and SCRP units are constructed, the County will list the units through the www.DelawareHousingSearch.org website.

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)

i. Work with the Delaware State Housing Authority to provide an annual free Sussex County Homebuyer Fair, that would include the following stakeholders at a minimum:

i. Sussex County Association of Realtors
ii. First State Community Action Agency
iii. NCALL Research, Inc.
iv. Milford Housing Development Corporation
v. Sussex County Habitat for Humanity
vi. Diamond State Community Land Trust
vii. U.S. Department of Agriculture Rural Development Agency

Marketing materials would be posted and/or distributed to at least ten (10) major Sussex County employers employing a substantial low- and moderate-income workforce, as well as the rural Impacted Communities identified through the County's Strong Communities Initiative. (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 in English and Spanish 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.
xv. A link to DelawareHousingSearch.org.
xvi. All affordable and fair housing outreach and marketing material to be developed under this Plan.
xvii. A link to the County's Existing and Future Land Use maps as identified in the Sussex County Comprehensive Plan. Land currently utilized or appropriate for future multi-family residential development is shown on the Existing Land Use map as "Multi-Family Dwellings" and on the Future Land Use map as "Mixed Residential Areas."

V. Marketing

A. The County will develop materials in English and Spanish 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)
    1. Specifically, flyers and/or posters outlining the County's housing outreach efforts and activities will be:
        a. Mailed, emailed, and/or distributed to Sussex County Town Managers.

        b.Posted and/or distributed to all Sussex County libraries.

c. Posted on the County's various social network sites including Facebook, Twitter, and Google+.

d. Mailed, emailed, and/or distributed to non-profit organizations providing housing counseling, regional and local housing development groups, and other social service organizations through Sussex County. Some organizations might include:

i. First State Community Action Agency
ii. NCALL Research, Inc.
iii. La Esperanza
iv. Delaware Housing Coalition
v. Delaware State Housing Authority
vi. Sussex County Habitat for Humanity
vii. Milford Housing Development Corporation
viii. Diamond State Community Land Trust
ix. West Rehoboth Community Land Trust
x. Delaware Office of Human Relations

e. Mailed and/or distributed to the following ten (10) employers situated in Sussex County:

i. Mountaire Farms, Inc.
ii. Allen Harim Foods, LLC
iii. BJ's Wholesale Club, Inc.
iv. Eastern Shore Poultry Company, Inc.
v. Perdue Farms, Inc.
vi. Kent-Sussex Industries
vii. WAL-MART Stores, Inc.
viii. Intervet, Inc.
ix. Lowe's Home Centers, Inc.
x. Seawatch International, Ltd.

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

COMMUNITY
DEVELOPMENT & HOUSING

BRAD D. WHALEY
DIRECTOR

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

Sussex County
DELAWARE
sussexcountyde.gov

SUSSEX COUNTY
HOUSING DISCRIMINATION COMPLAINT
INTAKE FORM

1. Name of aggrieved person or organization (Please print legibly or type)		
Daytime Phone ( )	Evening or Cell Phone ( )	Email Address
Street Address (city, state, and zip code)		
Name of contact person	Daytime Phone ( )	Evening or Cell Phone ( )
2. Against whom is this complaint being filed? (name(s), title of person(s), organization or County department/division)		

3. Do you believe that you were discriminated against because of your race, color, national origin, religion, sex, familial status, handicap/disability, creed, marital status, age, sexual orientation, or gender identity? Check all that apply.

☐ Race or color (Specify)
- ☐ Black
- ☐ White
- ☐ Other

_____

☐ Religion (Specify)

_____

☐ Sex
- ☐ Female
- ☐ Male

☐ Age

☐ Marital Status

☐ National Origin (Specify)

_____

☐ Creed (Specify)

_____

☐ Gender Identity

☐ Sexual Orientation

☐ Familial Status
- ☐ Presence of children under 18 in the family
- ☐ Presence or pending custody of a minor

☐ Handicap/Disability
- ☐ Physical
- ☐ Mental

EQUAL HOUSING OPPORTUNITY

4. What did the person you are complaining against do? Check all that apply.

☐ Made housing unavailable to you because of your race, color, religion, creed, sex, familial status, national origin, age, handicap/disability, marital status, sexual orientation, or gender identity?

☐ Discriminated in the terms, conditions, or privileges of the sale, rental, or rehabilitation of a dwelling

☐ Discriminated in the provision of services or facilities in connection with the sale, rental, or rehabilitation of a dwelling

☐ Engaged in discriminatory advertising or statements with respect to a housing transaction or project

☐ Interfered with the funding, development, or construction of affordable housing

☐ Enforced a zoning or land use law, regulation, policy or procedure that you believe is discriminatory

☐ Coerced, intimidated, or threatened you to keep you from exercising your rights under the State or Federal Fair Housing Law

☐ Other (Explain)

---

5. When did the act(s) checked in Item 4 occur?

6. Summarize in your own words what happened. Use this space for a brief and concise statement of facts. Additional details may be submitted on an attachment. Sussex County Government will furnish a copy of the complaint to the person or organization against whom the complaint is made.

---

7. I declare under penalty of perjury that I have read this complaint (including any attachments) and that it is true and correct.

Signature and Date:

THIS SHADED SECTION FOR COUNTY USE ONLY.

Intake Staff Name	**Filing Date**	**File Number**

Sussex County

FAIR HOUSING POLICY

It is the policy of Sussex County to comply with the Fair Housing Act, as amended, (42 U.S.C. §§ 3601-3619) and the Delaware Fair Housing Act (6 Del. C. Ch. 46), by ensuring that its zoning and land use decisions do not discriminate against persons based on race, color, religion, national origin, handicap/disability, familial status, sex, creed, marital status, age, sexual orientation, or gender identity. This policy means that, among other things, the County and all its officials, agents and employees will not discriminate in any aspect of housing based on these protected characteristics, including by:

(a) making unavailable or denying a dwelling to any person based on a protected characteristic;

(b) discriminating against any person in the terms, conditions or privileges of a dwelling, or in the provision of services or facilities in connection therewith based on a protected characteristic;

(c) Making, printing, or publishing, or causing to be made, printed, or published any notice, statement, or advertisement, with respect to a dwelling that indicates any preference, limitation, or discrimination based on a protected characteristic;

(d) Representing to persons because of a protected characteristic that any dwelling is not available when such dwelling is in fact so available;

(e) interfering with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right protected by the Fair Housing Act;

(f) interfering with the funding, development, or construction of any affordable housing units because of a protected characteristic; and

(g) discriminating on the basis of race or color in any aspect of the administration of its zoning, land use, or building ordinances, policies, practices, requirements, or processes relating to the use, construction, or occupancy of dwellings.

Any person who believes that any of the above policies have been violated by the County may contact:

EQUAL HOUSING OPPORTUNITY

COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 589
GEORGETOWN, DELAWARE 19947

- Sussex County's Fair Housing Compliance Officer, Brandy Nauman, at bnauman@sussexcountyde.gov or (302) 855-7777.
- the U.S. Department of Housing and Urban Development at 1-888-799-2085, or
- the U.S. Department of Justice at 1-800-896-7743 or (202) 514-4713.

It is also the policy of Sussex County to ensure that conduct at public hearings regarding land use and zoning adhere to the intentions of the Fair Housing Policy as outlined above. Legal counsel representing County Council, the Board of Adjustment, and the Planning & Zoning Commission will read the following statement prior to the start of all public hearings:

- "Sussex County, in its zoning and land use decisions, does not discriminate against persons based on race, color, religion, national origin, handicap/disability, familial status, sex, creed, marital status, age, sexual orientation, or gender identity. Public comments made on the basis of bias and stereotype concerning people within these protected classes will not be taken into consideration by the County in its deliberations."