

CHAPTER 233
FORMERLY
HOUSE BILL NO. 264

AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO NEW CASTLE COUNTY PROPERTY TAX RATES AND MUNICIPALITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 1102, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1102. Transfer of functions.

(c) ~~Responsibility~~ Except as provided under subsection (e) of this section, responsibility for a local service function or a distinct activity or portion thereof exercised by a municipality located within New Castle County, may be transferred to the County by the concurring affirmative action in the form of an ordinance of the County Council of New Castle County and of the governing body of the municipality concerned. Responsibility for a local service function or a distinct activity or portion thereof not exercised by New Castle County, or by a municipality located within New Castle County, as of January 3, 1967, or exercised by New Castle County as of January 3, 1967, may be transferred to a municipality located within New Castle County by the concurring affirmative action in the form of an ordinance of the County Council of New Castle County and of the governing body of the municipality concerned.

(e) Notwithstanding any other provision of law, for fire protection that is partially financially supported but not directly provided by New Castle County and that is also partially financially supported but not directly provided by a municipality, New Castle County shall convert the net New Castle County fire protection cost into a real property tax rate for each municipality and the unincorporated area under its jurisdiction that does not directly provide fire protection by calculating all of the following for each municipality and the unincorporated area:

(1) The “service area share”, which equals the taxable assessed value of real property within the municipality or the unincorporated area not directly providing fire protection divided by the sum of the taxable assessed value for all real property in the unincorporated area and all municipalities not directly providing fire protection.

(2) The “apportioned gross amount”, which equals the service area share multiplied by the net New Castle County fire protection cost for fire protection.

(3) The “net New Castle County fire protection cost”, which is New Castle County’s contribution of funds or in-kind services to volunteer fire companies within New Castle County, increased by indirect costs applicable to fire protection and decreased by service charges, grants, or other revenue that New Castle County directly attributes or otherwise apportions to fire protection.

(4) The “credit percentage”, which equals the municipality’s actual direct contribution of funds or in-kind contributions of goods or services to a volunteer fire company in the previous year, divided by the municipality’s apportioned gross amount. The “credit percentage” may not exceed 100%. The “credit percentage” is 0% for the unincorporated area.

(5) The “New Castle County fire protection percentage”, which equals 100% minus the municipality’s or the unincorporated area’s credit percentage. The “New Castle County fire protection percentage” for the unincorporated area is 100%.

(6) The “weighted service share”, which equals the municipality’s or the unincorporated area’s service area share multiplied by the municipality’s or the unincorporated area’s New Castle County fire protection percentage.

(7) The “total weighted service amount”, which equals the sum of the weighted service shares.

(8) The “final service weight”, which equals the municipality’s or the unincorporated area’s weighted service share divided by the total weighted service amount.

(9) The “apportioned net fire protection cost”, which equals the final service weight multiplied by the net New Castle County fire protection cost for fire protection.

(10) The “individual fire protection tax rate”, which equals the municipality’s or the unincorporated area’s apportioned net fire protection cost divided by the taxable assessed value of real property in the respective municipality or the unincorporated area. This calculation may be adjusted to raise sufficient revenues after accounting for the historical County-wide level of nonpayment of County real property tax.

Approved February 20, 2020