

LAWS OF DELAWARE  
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CHAPTER 299  
152nd GENERAL ASSEMBLY  
FORMERLY  
HOUSE BILL NO. 442

AN ACT CREATING AN AFFORDABLE HOUSING PRODUCTION TASK FORCE.

WHEREAS, the 2023 Delaware State Housing Authority (“DSHA”) Statewide Housing Needs Assessment concluded that 50% of Delaware home renters and 21% of Delaware homeowners are “cost burdened” meaning rent or mortgage payments consume 30% or more of a household’s gross income; and

WHEREAS, according to the DSHA’s 2023 “Statewide Housing Needs Assessment” 39% of renters have income between 50-120% of average median income yet only 17% of home sales in Delaware are affordable to households in that income range; and

WHEREAS, DSHA’s 2023 Statewide Housing Needs Assessment recommended prioritizing affordable housing statewide, including developing policies, targeted programs, and better coordination of federal, state, and local resources to produce more affordable housing in Delaware.

NOW, THEREFORE:

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

Section 1. Affordable Housing Production Task Force.

(a) Creation of Task Force.

There is hereby created an Affordable Housing Production Task Force (“Task Force”) which is established to investigate and make findings and recommendations regarding how the State and local governments can promote the production of rental units and homes that are affordable at various income levels throughout Delaware.

(b) Mission of Task Force.

The Task Force shall do all the following:

(1) Consider and review best practices related to land use, affordable housing production, and affordable housing financing which have been adopted in other states.

(2) Review zoning and permitting laws and regulations that govern residential land use in the State and evaluate how well these laws and regulations enable or inhibit the production of affordable housing in Delaware.

(3) Study and review land use development and the residential housing construction industry practices and determine what factors, in Delaware, are limiting the production of new affordable rental and owned housing projects for households below 120% of the Area Medium Income (“AMI”).

(4) Deliver a final report to the General Assembly and the Governor that provides specific recommendations, including recommendations from the Task Force’s Subcommittees, as approved by the Task Force, for enabling and encouraging the production of additional affordable housing in Delaware that meets the needs of Delaware’s population including the needs of those populations identified in the Delaware State

Housing Authority's 2023 "Statewide Housing Needs Assessment", and for each recommendation include the following:

a. Whether it should be implemented by:

- 1.State government.
2. Local government.
3. The private sector.

b. Whether implementation would require any of the following:

- 1.Legislation.
2. Regulatory changes.
3. Funding subsidies.

(c) Composition of Task Force.

The Task Force shall be comprised of the following 20 members, or a designee appointed by a member serving by virtue of position:

(1) A member of the Senate, appointed by the President Pro Tempore of the Senate, who shall serve as Co-Chair.

(2) A member of the House, appointed by the Speaker of the House of Representatives, who shall serve as Co-Chair.

(3) The Director of the State Housing Authority, who shall serve as Co-Chair.

(4) One member of the Senate, from the Minority Caucus, appointed by the President Pro Tempore in consultation with the Minority Leader in the Senate.

(5) One member of the House, from the Minority Caucus, appointed by the Speaker of the House in consultation with the Minority Leader of the House.

(6) The Director of the Office of State Planning Coordination.

(7) The Director of the Division of Climate, Coastal & Energy.

(8) One resident from New Castle County, with land use planning expertise, appointed by the Governor.

(9) One resident from Kent County, with land use planning expertise, appointed by the Governor.

(10) One resident from Sussex County, with land use planning expertise, appointed by the Governor.

(11) The Executive Director of the Delaware League of Local Governments.

(12) The Chief Executive Officer of the Delaware Association of Realtors.

(13) The President of the Delaware Apartment Association.

(14) The President of the Home Builders Association of Delaware.

(15) One representative from the housing financing industry, appointed by the Council on Housing.

(16) One representative of the manufactured housing industry, appointed by the President Pro Tempore of the Senate.

(17) One representative of the housing development industry, appointed by the Speaker of the House of Representatives.

(18) One citizen of this State, who is a community leader with housing advocacy experience, appointed by the President Pro Tempore of the Senate.

(19) One citizen of this State, who has personally experienced housing insecurity, appointed by the Speaker of the House of Representatives.

(20) One citizen of this State, who is a community leader with housing advocacy experience, appointed by the Governor.

(d) Task Force Subcommittees.

The Task Force shall create subcommittees. Each subcommittee must be chaired by a member of the Task Force. Subcommittee members may include individuals who are not members of the Task Force. A subcommittee may not have more than 9 members. A subcommittees' recommendations, if approved by the Task Force, shall be included in the Final Report of the Task Force.

(1) Each subcommittee must:

- a. Identify challenges and barriers to increasing supply to match demand.
- b. Identify potential solutions.
- c. Prioritize actionable recommendations and strategies.

(2) The following subcommittees, at a minimum, shall be created by the Task Force:

a. Regulatory and Permitting Subcommittee.

1. This subcommittee must include members from DELDOT.

2. This subcommittee must review, at a minimum, the following topics:

A. Zoning-To include:

- I. Permitted uses.
- II. Conditional uses.
- III. Inclusionary zoning programs.
- IV. Density bonuses.

B. Design and site requirements-To include:

- I. Setbacks.
- II. Minimum and maximum lot sizes.
- III. Maximum building heights.
- IV. Parking requirements.

C. State and local building codes.

b. Finance and Development Subcommittee.

1. This subcommittee must include members from the following:

- A. Federal Home Loan Bank of Pittsburgh.
- B. Community Reinvestment Act ("CRA") Office.

2. This subcommittee must cover, at a minimum, the following topics:
  - A. Dedicated funding sources for affordable housing.
  - B. Developer incentives for constructing affordable housing.
  - C. Prioritizing infill development.
  - D. Cost sharing.
  - E. Legal and financial tools to promote affordable home ownership to include deed restrictions, community land trusts, and workforce housing.
  - F. Surplus land and land donations.
  - G. Grant opportunities to include HUD PRO Housing grants.
- c. Construction Subcommittee.
  1. This subcommittee must include members from the following:
    - A. Delaware Workforce Development Board.
    - B. Architectural firms.
    - C. Civil engineering firms.
    - D. General contractors.
  2. This subcommittee must review, at a minimum, the following topics:
    - A. Workforce development.
    - B. Innovative home construction methods.
- d. Manufactured Housing Subcommittee.
  1. This subcommittee must include members from the following:
    - A. Delaware Manufactured Home Owners Association.
    - B. Delaware Manufactured Home Relocation Authority.
    - C. First State Manufactured Housing Association.
  2. This subcommittee must review, at a minimum, the following topics:
    - A. Financial options including resident -owned manufactured home communities.
- e. Community Focus Groups Subcommittee.
  1. This subcommittee must include Delaware citizens representing the following focus groups:
    - A. Individuals with disabilities.
    - B. Veterans.
    - C. Individuals over the age of 55.
    - D. Behavioral health and substance use disorder counselors.
    - E. Survivors of domestic violence, sexual abuse, and human trafficking.
    - F. Delaware citizens who are cost-burdened renters and homeowners.
  2. This subcommittee must review, at a minimum, the following topics:

A. Supportive services and barriers to affordable housing encountered by these community focus groups.

(e) Duties and responsibilities of Task Force Co-Chairs.

The Co-Chairs of the Task Force shall be responsible for coordinating the administration of the Task Force by, at a minimum, performing the following tasks:

(1) Setting a date, time, and place for the initial organizational meeting.

(2) Supervising the preparation and distribution of the Task Force meeting notices, agendas, minutes, correspondence, and reports.

(3) Sending to the Speaker of the House of Representatives, President Pro Tempore of the Senate, and the Director of the Division of Research of Legislative Council, after the first meeting of the Task Force, a list of the members of the Task Force and who appointed them.

(4) Providing meeting notices, agendas, and minutes to the Director of the Division of Research of Legislative Council.

(5) Ensuring that the final report of the Task Force is submitted to the President Pro Tempore of the Senate and the Speaker of the House of Representatives, with copies to all members of the General Assembly, the Governor, the Director and the Librarian of the Division of Research of Legislative Council, and the Delaware Archives no later than March 1, 2025.

(f) Administration of the Task Force.

(1) The Secretary of the Senate shall notify members of the Task Force serving by virtue of their position of selection to serve on the Task Force and notify individuals authorized to appoint members to the Task Force of their appointing authority.

(2) A member of the Task Force serving by virtue of position who is granted the ability to designate another individual to attend a Task Force meeting must provide the designation, in writing, to the Co-Chairs. An individual attending a meeting for a member serving by virtue of position has the same duties and rights, including voting power, as the member serving by virtue of position.

(3) The Task Force must hold its first meeting no later than 60 days after enactment of this Act.

(4) A quorum of the Task Force is a majority of its members.

(5) Official action by the Task Force, including making findings and recommendations, requires the approval of a quorum of the Task Force.

(6) The Task Force may adopt rules necessary for its operation. If the Task Force does not adopt rules or if the adopted rules do not govern a given situation, Mason's Manual of Procedure controls.

(7) The Delaware State Housing Authority is responsible for providing reasonable and necessary support staff and materials for the Task Force.

Section 2. This Task Force will expire on the date it submits its final report unless its existence is continued by a subsequent act of the General Assembly.

Approved July 17, 2024