

LAWS OF DELAWARE  
VOLUME 84  
CHAPTER 458  
152nd GENERAL ASSEMBLY  
FORMERLY  
SENATE BILL NO. 274

AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE RELATING TO ACCESS TO STATE-MAINTAINED HIGHWAYS.

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

Section 1. Amend § 146, Title 17 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 146. Access to state-maintained highways.

(h) (1) Any residential subdivision defined as a Level I or Level II project by the Department in the most recent version of the DelDOT Development Coordination Manual from which access is provided to a state-maintained highway shall be eligible to receive a credit for construction of off-premises improvements to a state-maintained highway. The credited amount shall be a percentage of the cost of the improvements equal to the percentage of the affordable housing lots that are set aside for affordable housing. The developer shall be relieved of the requirement to provide improvements consistent with the credited percentage. The Department shall administer this section and may promulgate regulations for that purpose.

(2) For purposes of this subsection, “affordable housing lots” means a lot on which a residential dwelling is intended to be constructed for a household whose income does not exceed 100% of the median income for the area as defined by the United States Department of Housing and Urban Development.

Approved September 30, 2024