



LAWS OF DELAWARE
VOLUME 85
CHAPTER 343
153rd GENERAL ASSEMBLY
FORMERLY
SENATE SUBSTITUTE NO. 2
FOR
SENATE BILL NO. 23

AN ACT TO AMEND TITLE 9, TITLE 22, AND TITLE 29 OF THE DELAWARE CODE RELATING TO HOUSING SUPPLY AND HOUSING AFFORDABILITY.

WHEREAS, Delawareans of all income levels deserve to have access to housing they can afford; and

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

WHEREAS, Delaware lacks sufficient affordable housing to meet the needs of its residents, with an estimated shortage of nearly 20,000 affordable units to meet the needs of renters with incomes of less than 50% of the Area Median Income; and

WHEREAS, municipalities and counties in this State are required to engage in an comprehensive planning process that takes housing into account, but the process can fall short when it comes to actually increasing the supply of housing, particularly affordable housing, for Delaware residents; and

WHEREAS, zoning codes play a critical role in shaping housing supply and affordability, and can be used to support a range of policy goals related to housing, including an increased supply of affordable housing and more diversity in the types of housing available; and

WHEREAS, zoning codes can also impede strategic growth and development in the housing realm if they are not consistent with best practices; and

WHEREAS, the April 2025 Affordable Housing Production Task Force Final Report identified local zoning reform as essential to increasing housing supply and diversity, stating that “changes are needed at the local level to enable more diverse housing types”, and recommending the creation of a legislative framework for such changes; and

WHEREAS, Senate Joint Resolution No. 8 from the 153rd General Assembly created a technical assistance pilot program aimed at helping local jurisdictions modify their zoning ordinances to better support development, including housing development, in this State; and

WHEREAS, while several local jurisdictions have taken advantage of the resources afforded by Senate Joint Resolution No. 8 to modernize their zoning codes, addressing housing supply and affordability requires a comprehensive, statewide approach that goes beyond voluntary participation and technical assistance; and

WHEREAS, requiring local jurisdictions to take zoning-related measures to increase the supply and diversity of housing, particularly affordable housing, while providing them with flexibility as to method, is a reasonable and measured approach to closing this State’s housing gaps.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend Subchapter II, Chapter 26, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Subchapter II. The Quality of Life Act

§ 2652. Definitions.

For the purposes of this subchapter:

(2) “Comprehensive plan” or “comprehensive development plan” shall mean, from and after the respective dates by which the counties must be in compliance with this subchapter, a plan that meets the requirements of this ~~subchapter~~ subchapter and that is reviewed and certified in accordance with § 9103 of Title 29. Wherever in this subchapter land use regulations are required to be in accordance with the comprehensive plan, such requirements shall mean only that such regulations must be in conformity with the applicable maps or map series of the comprehensive plan. Whenever in this subchapter land use orders, permits or zoning district changes are required to be in accordance with the comprehensive plan, such requirements shall mean only that such orders, permits and changes must be in conformity with the map or map series

of the comprehensive plan and county land use regulations enacted to implement the other elements of the adopted comprehensive plan.

§ 2656. Required and optional elements of comprehensive plan; studies and surveys [Effective until Nov. 15, 2026].

(f) The comprehensive plan and its elements shall contain policy recommendations and a timeline for the implementation of the plan and its elements.

(g) The comprehensive plan shall include:

(6) A housing element that is consistent with county housing plans, standards and principles. Such housing plans shall be in accordance with state and federal rules and regulations and the housing plan or housing element of the comprehensive plan shall include the following:

h. An affordable housing plan that complies with Subchapter III of Chapter 92 of Title 29.

§ 2656. Required and optional elements of comprehensive plan; studies and surveys [Effective Nov. 15, 2026].

(f) The comprehensive plan and its elements shall contain policy recommendations and a timeline for the implementation of the plan and its elements.

(g) The comprehensive plan shall include:

(6) A housing element that is consistent with county housing plans, standards and principles. Such housing plans shall be in accordance with state and federal rules and regulations and the housing plan or housing element of the comprehensive plan shall include the following:

h. An affordable housing plan that complies with Subchapter III of Chapter 92 of Title 29.

§ 2658. Evaluation and appraisal of comprehensive plan.

(b) The State shall not be obligated to provide state financial assistance or infrastructure improvements to support land use or development actions by the County where the County’s adopted comprehensive plan or portions thereof are determined to be substantially inconsistent with state development ~~policies.~~ policies, including policies related to affordable housing.

§ 2660. County comprehensive plan.

(e) Within ~~18~~ 12 months of the date of adoption of the county comprehensive plan or revisions thereof, New Castle County shall amend its official zoning map or maps to rezone all lands in accordance with the uses and intensities of uses provided for in the future land use element for the County.

(1) In the event that the County does not complete the rezoning required under this subsection (e) within the required 12-month period, a rezoning application filed by a property owner shall be approved by the County if the requested zoning classification is consistent with the future land use map or map series and applicable implementing provisions of the comprehensive plan, unless the County makes written findings, based on substantial evidence in the record, that one or more of the following apply:

a. The requested zoning classification is inconsistent with the future land use map or map series or applicable implementing provisions of the comprehensive plan.

b. The application fails to satisfy applicable procedural or submission requirements.

(2) The County shall determine whether a rezoning application filed by a property owner under paragraph (e)(1) of this section is complete within 21 days of submission. If the County does not issue a written completeness determination within 21 days, the application is deemed complete.

(3) The County shall take final action on the rezoning application within 120 days after the application is determined or deemed complete, unless the applicant agrees in writing to an extension. Final action on any associated site plan is not subject to the 120-day timeline.

(4) If the County denies a rezoning application under subsection (e) of this section, the denial must be in writing and must identify the specific future land use map designation or statutory standard upon which the denial is based.

(5) If a public hearing was held in connection with adoption of the comprehensive plan or revision of the comprehensive plan, that hearing shall satisfy all hearing and notice requirements otherwise required under this title. This provision does not prevent a local land use agency from adopting hearing and notice requirements.

Section 2. Amend Subchapter II, Chapter 49, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Subchapter II. The Quality of Life Act

§ 4952. Definitions.

For the purposes of this subchapter:

(2) “Comprehensive plan” or “comprehensive development plan” shall mean, from and after the respective dates by which the counties must be in compliance with this subchapter, a plan that meets the requirements of this ~~subchapter~~ subchapter and that is reviewed and certified in accordance with § 9103 of Title 29. Wherever in this subchapter land use regulations are required to be in accordance with the comprehensive plan, such requirements shall mean only that such regulations must be in conformity with the applicable maps or map series of the comprehensive plan. Whenever in this subchapter land use orders, permits or zoning district changes are required to be in accordance with the comprehensive plan, such requirements shall mean only that such orders, permits and changes must be in conformity with the map or map series of the comprehensive plan and county land use regulations enacted to implement the other elements of the adopted comprehensive plan.

§ 4956. Required and optional elements of comprehensive plan; studies and surveys [Effective until Nov. 15, 2026].

(f) The comprehensive plan and its elements shall contain policy recommendations and a timeline for the implementation of the plan and its elements.

(g) The comprehensive plan shall include:

(6) A housing element that is consistent with county housing plans, standards and principles. Such housing plans shall be in accordance with state and federal rules and regulations and the housing plan or housing element of the comprehensive plan shall include the following:

h. An affordable housing plan that complies with Subchapter III of Chapter 92 of Title 29.

§ 4956. Required and optional elements of comprehensive plan; studies and surveys [Effective Nov. 15, 2026].

(f) The comprehensive plan and its elements shall contain policy recommendations and a timeline for the implementation of the plan and its elements.

(g) The comprehensive plan shall include:

(6) A housing element that is consistent with county housing plans, standards and principles. Such housing plans shall be in accordance with state and federal rules and regulations and the housing plan or housing element of the comprehensive plan shall include the following:

h. An affordable housing plan that complies with Subchapter III of Chapter 92 of Title 29.

§ 4958. Evaluation and appraisal of comprehensive plan.

(b) The State shall not be obligated to provide state financial assistance or infrastructure improvements to support land use or development actions by the county where the County’s adopted comprehensive plan or portions thereof are determined to be substantially inconsistent with State development ~~policies.~~ policies, including policies related to affordable housing.

§ 4960. County comprehensive plan.

(e) Within ~~48~~ 12 months of the date of adoption of the county comprehensive plan or revision thereof, Kent County shall amend its official zoning map(s) to rezone all lands in accordance with the uses and intensities of uses provided for in the future land use element for the County.

(1) In the event that the County does not complete the rezoning required under this subsection (e) within the required 12-month period, a rezoning application filed by a property owner shall be approved by the County if the requested zoning classification is consistent with the future land use map or map series and applicable implementing provisions of the comprehensive plan, unless the County makes written findings, based on substantial evidence in the record, that one or more of the following apply:

a. The requested zoning classification is inconsistent with the future land use map or map series or applicable implementing provisions of the comprehensive plan.

b. The application fails to satisfy applicable procedural or submission requirements.

(2) The County shall determine whether a rezoning application filed by a property owner under paragraph (e)(1) of this section is complete within 21 days of submission. If the County does not issue a written completeness determination within 21 days, the application is deemed complete.

(3) The County shall take final action on the rezoning application within 120 days after the application is determined or deemed complete, unless the applicant agrees in writing to an extension. Final action on any associated site plan is not subject to the 120-day timeline.

(4) If the County denies a rezoning application under subsection (e) of this section, the denial must be in writing and must identify the specific future land use map designation or statutory standard upon which the denial is based.

(5) If a public hearing was held in connection with adoption of the comprehensive plan or revision of the comprehensive plan, that hearing shall satisfy all hearing and notice requirements otherwise required under this title. This provision does not prevent a local land use agency from adopting hearing and notice requirements.

(f) In the event that the comprehensive plan includes provisions governing the rate of growth of particular planning districts or sub-areas of the County, the County’s zoning district regulations shall be amended to reflect the timing elements of the comprehensive plan.

Section 3. Amend Subchapter II, Chapter 69, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Subchapter II. The Quality of Life Act

§ 6952. Definitions.

For the purposes of this subchapter:

(2) “Comprehensive plan” or “comprehensive development plan” shall mean, from and after the respective dates by which the counties must be in compliance with this subchapter, a plan that meets the requirements of this ~~subchapter~~. subchapter and that is reviewed and certified in accordance with § 9103 of Title 29. Wherever in this subchapter land use regulations are required to be in accordance with the comprehensive plan, such requirements shall mean only that such regulations must be in conformity with the applicable maps or map series of the comprehensive plan. Whenever in this subchapter land use orders, permits or zoning district changes are required to be in accordance with the comprehensive plan, such requirements shall mean only that such orders, permits and changes must be in conformity with the map or map series of the comprehensive plan and county land use regulations enacted to implement the other elements of the adopted comprehensive plan.

§ 6956. Required and optional elements of comprehensive plan; studies and surveys [Effective until Nov. 15, 2026].

(f) The comprehensive plan and its elements shall contain policy recommendations and a timeline for the implementation of the plan and its elements.

(g) The comprehensive plan shall include:

(6) A housing element that is consistent with county housing plans, standards and principles. Such housing plans shall be in accordance with state and federal rules and regulations and the housing plan or housing element of the comprehensive plan shall include the following:

h. An affordable housing plan that complies with Subchapter III of Chapter 92 of Title 29.

§ 6956. Required and optional elements of comprehensive plan; studies and surveys [Effective Nov. 15, 2026].

(f) The comprehensive plan and its elements shall contain policy recommendations and a timeline for the implementation of the plan and its elements.

(g) The comprehensive plan shall include:

(6) A housing element that is consistent with county housing plans, standards and principles. Such housing plans shall be in accordance with state and federal rules and regulations and the housing plan or housing element of the comprehensive plan shall include the following:

h. An affordable housing plan that complies with Subchapter III of Chapter 92 of Title 29.

§ 6958. Evaluation and appraisal of comprehensive plan.

(b) The State shall not be obligated to provide state financial assistance or infrastructure improvements to support land use or development actions by the county where the county’s adopted comprehensive plan or portions thereof are determined to be substantially inconsistent with State development ~~policies~~. policies, including policies related to affordable housing.

§ 6960. County comprehensive plan.

(e) Within ~~18~~ 12 months of the date of adoption of the county comprehensive plan or revisions thereof, Sussex County shall amend its official zoning map or maps to rezone all lands in accordance with the uses and intensities of uses provided for in the future land use element for the County.

(1) In the event that the County does not complete the rezoning required under this subsection (e) within the required 12-month period, a rezoning application filed by a property owner shall be approved by the County if the requested zoning classification is consistent with the future land use map or map series and applicable implementing provisions of the

comprehensive plan, unless the County makes written findings, based on substantial evidence in the record, that one or more of the following apply:

a. The requested zoning classification is inconsistent with the future land use map or map series or applicable implementing provisions of the comprehensive plan.

b. The application fails to satisfy applicable procedural or submission requirements.

(2) The County shall determine whether a rezoning application filed by a property owner under paragraph (e)(1) of this section is complete within 21 days of submission. If the County does not issue a written completeness determination within 21 days, the application is deemed complete.

(3) The County shall take final action on the rezoning application within 120 days after the application is determined or deemed complete, unless the applicant agrees in writing to an extension. Final action on any associated site plan is not subject to the 120-day timeline.

(4) If the County denies a rezoning application under subsection (e) of this section, the denial must be in writing and must identify the specific future land use map designation or statutory standard upon which the denial is based.

(5) If a public hearing was held in connection with adoption of the comprehensive plan or revision of the comprehensive plan, that hearing shall satisfy all hearing and notice requirements otherwise required under this title. This provision does not prevent a local land use agency from adopting hearing and notice requirements.

(f) In the event that the comprehensive plan includes provisions governing the rate of growth of particular planning districts or sub-areas of the County, the County's zoning district regulations shall be amended to reflect the timing elements of the comprehensive plan.

Section 4. Amend § 702, Title 22 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 702. Comprehensive development plan [Effective until Nov. 15, 2026].

(b) Comprehensive plan means a document in text and maps, containing at a minimum, a municipal development strategy setting forth the jurisdiction's position on population and housing growth within the jurisdiction, expansion of its boundaries, development of adjacent areas, redevelopment potential, community character, and the general uses of land within the community, and critical community development and infrastructure issues. The comprehensive planning process shall demonstrate coordination with other municipalities, the county and the State during plan preparation. The comprehensive plan must be reviewed and certified by the Governor under § 9103 of Title 29. The comprehensive plan for municipalities of greater than 2,000 population shall also contain, as appropriate to the size and character of the jurisdiction, a description of the physical, demographic and economic conditions of the jurisdiction; as well as policies, statements, goals and planning components for public and private uses of land, transportation, economic development, affordable housing, community facilities, open spaces and recreation, protection of sensitive areas, community design, adequate water and wastewater systems, protection of historic and cultural resources, annexation and such other elements which in accordance with present and future needs, in the judgment of the municipality, best promotes the health, safety, prosperity and general public welfare of the jurisdiction's residents. The comprehensive plan for municipalities of greater than 2,000 population must also include an affordable housing plan consistent with Subchapter III of Chapter 92 of Title 29.

(h) The State shall not be obligated to provide state financial assistance or infrastructure improvements to support land use or development actions by the municipality where the municipality's adopted comprehensive plan or portions thereof are determined to be substantially inconsistent with State development policies, including policies related to affordable housing.

§ 702. Comprehensive development plan [Effective Nov. 15, 2026].

(b) Comprehensive plan means a document in text and maps, containing at a minimum, a municipal development strategy setting forth the jurisdiction's position on population and housing growth within the jurisdiction, expansion of its boundaries, development of adjacent areas, redevelopment potential, community character, and the general uses of land within the community, and critical community development and infrastructure issues. The comprehensive planning process shall demonstrate coordination with other municipalities, the county and the State during plan preparation. The comprehensive plan must be reviewed and certified by the Governor under § 9103 of Title 29. The comprehensive plan for municipalities of greater than 2,000 population shall also contain, as appropriate to the size and character of the jurisdiction, a description of the physical, demographic and economic conditions of the jurisdiction; as well as policies, statements, goals and planning components for public and private uses of land, transportation, economic development, affordable housing, community facilities, open spaces and

recreation, protection of sensitive areas, climate change and resiliency, community design, adequate water and wastewater systems, protection of historic and cultural resources, annexation and such other elements which in accordance with present and future needs, in the judgment of the municipality, best promotes the health, safety, prosperity and general public welfare of the jurisdiction’s residents. The comprehensive plan for municipalities of greater than 2,000 population must also include an affordable housing plan consistent with Subchapter III of Chapter 92 of Title 29.

(h) The State shall not be obligated to provide state financial assistance or infrastructure improvements to support land use or development actions by the municipality where the municipality’s adopted comprehensive plan or portions thereof are determined to be substantially inconsistent with State development policies, including policies related to affordable housing.

Section 5. Amend § 9103, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 9103. Comprehensive Plan Review and Certification Process.

(f) Within 20 days of receipt of the findings and recommendations from the Cabinet Committee, the Governor shall certify the comprehensive plan or return the comprehensive plan to the municipality or county for revision. The municipality or county shall have the right to accept or reject any or all of the recommendations. The final decision on the adoption of the comprehensive plan is that of the municipality or county. plan if the plan is consistent with all comprehensive plan requirements under Title 9 for counties or Title 22 for municipalities, as applicable, and demonstrates consideration of State development policies. If the Governor determines a plan is inconsistent with the statutory requirements for comprehensive plans or with State development policies, the Governor shall return the plan to the municipality or county for further revision in accordance with this section. If a plan is returned to a municipality or county for revisions, the municipality or county has 45 days to make the necessary revisions and return the plan to the Governor.

Section 6. Amend § 9202, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 9202. Definitions.

For the purpose of this chapter:

- (1) “Affordable housing” means housing that is affordable to households making up to 80% of the AMI for rental units and up to 120% of the AMI income for homeownership units.
- (2) “Area median income” or “AMI” means the median income for households based on household size and geographic area as established annually by the U.S. Department of Housing and Urban Development.
- (3) “Homeownership unit” means a dwelling unit intended for owner occupancy, including a single-family detached dwelling unit, a single-family attached dwelling unit, a townhouse, a condominium, a manufactured home, and any other dwelling unit offered for sale to and occupied by the owner of the dwelling unit.
- (4) “Rental unit” means a dwelling unit intended for occupancy by a tenant under a lease or rental agreement, including an apartment, a multifamily dwelling unit, an accessory dwelling unit, a manufactured home offered for rent, and any other dwelling unit occupied by an individual other than the owner.

Section 7. Amend Chapter 92, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Subchapter III. Affordable Housing Act

§ 9220. Purpose.

The purpose of this subchapter is to increase the supply and diversity of housing in this State for all income levels by supporting local jurisdictions in their efforts to close housing supply gaps, including affordable housing supply gaps, through measures such as rezoning to allow for higher-density development and more diverse housing types.

§ 9221. Affordable housing plans.

(a) A local jurisdiction that has a population greater than 2,000 and that is required to adopt a comprehensive plan under Title 9, Title 22, or this title must include an affordable housing plan consistent with this subchapter as part of its comprehensive plan. The affordable housing plan must establish a concrete strategy with clearly defined and measurable goals and outcomes to accomplish all of the following objectives:

- (1) Make meaningful and measurable progress towards a strategic goal of having 20% of all housing units in the local jurisdiction qualify as affordable housing.
- (2) Diversify the types of housing, including affordable housing, available in the local jurisdiction.

(b) An affordable housing plan developed under this subchapter must be developed in collaboration with the Delaware State Housing Authority. Once an affordable housing plan is adopted, it becomes incorporated into the local jurisdiction's comprehensive plan.

(c) A local jurisdiction must adopt its initial affordable housing plan concurrently with its next comprehensive plan, except as provided under subsection (d) of this section. Thereafter, an affordable housing plan must be included in every comprehensive plan.

(d) Notwithstanding the timeframe provided for under subsection (c) of this section, a local jurisdiction that adopts its next comprehensive plan before February 1, 2027, is not required to adopt its first affordable housing plan or comply with the requirements under § 9222 of this title until its next 5-year comprehensive plan review.

(e) An affordable housing plan must be developed through an open and inclusive process, which must take place concurrently with the comprehensive plan development process.

(f) At the request of a local jurisdiction, the Delaware State Housing Authority shall provide technical assistance in implementing the local jurisdiction's affordable housing plan.

§ 9222. Required and optional elements of affordable housing plans.

(a) An affordable housing plan developed under this subchapter must do all of the following:

(1) Clearly state the local jurisdiction's goals, policies, and objectives for increasing the housing supply for all income levels, including how the local jurisdiction will achieve the requirement under § 9221 (a)(1) of this title.

(2) Describe existing or planned efforts for the development of affordable housing, or, if such efforts do not exist, efforts that the local jurisdiction will undertake to increase or improve affordable housing.

(3) Provide a timeline showing how the local jurisdiction will achieve the affordable housing objectives established in the affordable housing plan.

(b) An affordable housing plan must include all of the following elements for increasing housing diversity and production, including for affordable housing, in the local jurisdiction:

(1) Increases in maximum permitted residential density, including increases in the number of dwelling units permitted per acre in order to facilitate an affordable and diverse housing stock.

(2) Authorization for a mix of housing types, including single-family detached, single-family attached, duplexes, triplexes, multifamily dwellings, accessory dwelling units, cottage housing developments, and manufactured housing without the need for a conditional use permit or special exception.

(3) Evaluation of bulk standards, including minimum lot sizes, maximum lot widths, minimum setbacks, minimum unit size, maximum lot coverage, maximum building heights, and dedicated open space requirements, as those standards relate to achieving maximum permitted residential density.

(c) An affordable housing plan must include at least 5 of the following elements for increasing housing production, including affordable housing production, in the local jurisdiction:

(1) Provision of density bonuses or other incentives, which may include additional permitted dwelling units per acre, additional building height, reduced parking requirements, or reduced open space requirements, for including affordable housing units in residential developments or developments that are mixed-use with a majority residential component.

(2) Creation of transit-oriented development zoning designations with significant increases in density along fixed transportation routes, including buses, trains, and other means of public transportation.

(3) Creation of expedited or accelerated permit review and approval timelines for residential development units that include affordable housing units.

(4) Provision of fee waivers, reductions, or deferrals for residential development units that include affordable housing.

(5) Reduction or waiver of local impact fees for any affordable housing unit.

(6) Facilitation of diverse housing types at different price points by adopting form-based codes or other alternative development standards in areas designated for growth in the comprehensive plan.

(7) Amendment of land use regulations to allow single-room occupancy housing as a permitted use in at least 1 residential zone.

(8) Amendment of land use regulations to allow transitional housing, emergency housing shelters, group homes, recovery homes, or other supportive housing as a permitted use in at least 1 residential zone.

(9) Amendment of land use regulations to allow as a permitted use the conversion of commercial, office, and retail spaces into residential use or mixed-use with a majority residential component.

(10) Designation of at least 1 residential zone where multifamily housing is a permitted use by-right as defined in § 9223 of this title, or if such zoning already exists, allowing for a substantial increase, through zoning or rezoning, in the amount of land zoned to allow additional multifamily housing as a permitted use by-right as defined in § 9223 of this title.

(11) Implementation of another strategy for increasing and diversifying affordable housing that has been approved by the Delaware State Housing Authority for the purpose of meeting the obligations of this subsection (c).

(d) Any elements included in this section that a local jurisdiction has completed or made significant and measurable progress towards completing on or after July 17, 2024, may be counted towards satisfying the requirements of this section.

§ 9223. By-right residential uses.

(a) For purposes of this section:

(1) “By-right” means a use identified as a permitted use within a zoning district under a local zoning ordinance that complies with all applicable objective standards and requirements and does not require a rezoning, conditional use permit, special exception, or variance.

(2) “Objective standards” means standards that are measurable, uniformly applicable, and not subject to discretionary personal judgment.

(b) A residential development application for a use that is permitted by-right under the zoning ordinance of a local jurisdiction shall be reviewed through an administrative review and approval process.

(c) Nothing in this section prohibits a local jurisdiction from requiring review or approval by a planning commission, planning board, or other administrative body, provided the review is limited to determining compliance with applicable objective standards.

(d) A local jurisdiction may hold a public meeting for a residential development application described in subsection (b) of this section. Any ordinances or regulations adopted to govern a public meeting held under this subsection (d) must provide for a public meeting that meets all of the following criteria:

(1) Does not constitute and is not conducted as a public hearing.

(2) Is limited to determining compliance with applicable objective standards and requirements.

(3) May allow for public comment, provided all such comment is made only through written submission.

(e) This section supersedes any inconsistent public hearing requirements applicable to a residential development application described in subsection (b) of this section, including public hearing requirements in § 4811, § 6810, § 6811, and § 6812 of Title 9. This section does not impact hearings required in conjunction with Board of Adjustment appeals.

§ 9224. Reporting requirements.

(a) The Delaware State Housing Authority shall coordinate with the Office of State Planning Coordination to gather information from local jurisdictions regarding their compliance with the affordable housing plans developed under this subchapter.

(b) The Delaware State Housing Authority shall coordinate with the Office of State Planning Coordination to develop an annual report showing each local jurisdiction’s progress toward meeting the goals identified in its affordable housing plan.

(c) The Delaware State Housing Authority shall publish the reports required under this section on its website no later than May 15th of each year, beginning in 2028.

Section 8. This Act may be cited as “The Housing for Every Delawarean Act”.

Approved July 13, 2026