



SPONSOR: Sen. Huxtable & Rep. K. Johnson
Sens. Sokola, Townsend, Lockman; Rep. Wilson-Anton

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 171

AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO THE DELAWARE STATE HOUSING AUTHORITY.

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

1 Section 1. Amend Chapter 40, Title 31 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows and by redesignating accordingly:

3 § 4028. Notification of application for Low Income Housing Tax Credit Program.

4 (a) ~~Whenever a Low Income Housing Tax Credit Program application is submitted to the Delaware State Housing~~
5 ~~Authority, the Housing Director shall notify by certified and regular mail any state senators and representatives in whose~~
6 ~~districts any development project will be located. In addition, the Housing Director shall so notify the chief executive~~
7 ~~officer of any local government in whose jurisdiction any development project will be located.~~

8 (b) ~~Whenever a preliminary ranking of Low Income Housing Tax Credit Program applications is made by the~~
9 ~~Delaware State Housing Authority, the Housing Director shall notify by certified and regular mail any state senators and~~
10 ~~representatives in whose districts any development project will be located. In addition, the Housing Director shall so notify~~
11 ~~the chief executive officer of any local government in whose jurisdiction any development project will be located.~~

12 §4030. Housing Development Fund.

13 (f) ~~When any loan or grant application is submitted to the Housing Development Fund, the Housing Director of the~~
14 ~~Delaware State Housing Authority shall notify by certified and regular mail any state senators and representatives in whose~~
15 ~~districts any development project funded by said loan or grant will be located. In addition, the Housing Director shall so~~
16 ~~notify the chief executive officer of any local government in whose jurisdiction any development project will be located.~~

17 (g) ~~When any loan or grant is awarded by the Housing Development Fund, the Housing Director of the Delaware~~
18 ~~State Housing Authority shall notify by certified and regular mail any state senators and representatives in whose districts~~
19 ~~any development project funded by said loan or grant will be located. In addition, the Housing Director shall so notify the~~
20 ~~chief executive officer of any local government in whose jurisdiction any development project will be located.~~

SYNOPSIS

This bill repeals the requirement that the Housing Director provide notice of the allocation of Low-Income Housing Tax Credits and Housing Development Funds to the state senator, the state representative, and the chief executive officer of the local jurisdiction in which the project receiving the allocation is located.

These notification requirements are duplicative of federal requirements to notify a jurisdiction's chief executive officer of an allocation of Low-Income Housing Tax Credits. Additionally, such notification requirements are considered to be impediments to fair housing choice. The 2011 and 2020 Analysis of Impediments to Fair Housing Choice reports, identified the notification requirements as impediments to fair housing. The reports were jointly prepared by Delaware State Housing Authority and local governments that receive HUD funding in fulfillment of their obligation to conduct fair housing planning. Furthermore, the National Council of State Housing Agencies (NCSHA), a nonpartisan organization that represents state housing finance agencies, discourages the use of notification requirements in their 2017 Recommended Practices in Housing Credit Administration report.

Author: Senator Sokola