



SPONSOR: Sen. Lockman & Sen. Pinkney & Sen. Townsend &  
Rep. S. Moore & Rep. Dorsey Walker  
Sens. Ennis, Sokola; Reps. Kowalko, Lambert, Morrison,  
Wilson-Anton

DELAWARE STATE SENATE  
151st GENERAL ASSEMBLY

SENATE BILL NO. 90

AN ACT TO AMEND TITLE 6 AND TITLE 25 OF THE DELAWARE CODE RELATING TO FAIR HOUSING.

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

1           Section 1. Amend § 4607, Title 6 of the Delaware Code by making deletions as shown by strike through and  
2 insertions as shown by underline as follows:

3           § 4607. Exemptions in certain situations.

4           (j) ~~A landlord is not required to participate in any government-sponsored rental assistance program, voucher, or~~  
5 ~~certificate system. A landlord's nonparticipation in any government-sponsored rental assistance program, voucher, or~~  
6 ~~certificate system may not serve as the basis for any administrative or judicial proceeding under this chapter. [Reserved.]~~

7           Section 2. Amend § 5116, Title 25 of the Delaware Code by making deletions as shown by strike through and  
8 insertions as shown by underline as follows:

9           § 5116. Fair housing provisions.

10           (e) ~~A landlord not be required to participate in any government-sponsored rental assistance program, voucher, or~~  
11 ~~certificate system. A landlord's nonparticipation in any government-sponsored rental assistance program, voucher, or~~  
12 ~~certificate system may not serve as the basis for any administrative or judicial proceeding under this chapter. [Reserved.]~~

SYNOPSIS

The Delaware Fair Housing Act and Residential Landlord-Tenant Code both prohibit discrimination based on source of income, which is defined as including rental payments from any government program, but both laws also provide that a landlord's nonparticipation in a government-sponsored rental assistance, voucher, or certificate system cannot be the basis for an administrative or judicial proceeding.

This Act revises both the Delaware Fair Housing Act and Residential Landlord-Tenant Code to repeal the exception to discrimination based on source of income that allows a landlord to discriminate against tenants who participate in government-sponsored rental assistance programs. This exemption contributes to a lack of affordable housing in this State. There is currently a severe shortage of affordable housing for extremely low-income households in Delaware, with only 38 affordable rental units available for every 100 extremely low-income households. In addition, studies have shown that people who use government subsidies to move from high-poverty neighborhoods to communities with more opportunity have measurable health improvements and the children in these families earn more in adulthood than children who remain in high-poverty neighborhoods.

At least 12 states and the District of Columbia have fair housing laws that protect against discrimination based on source of income that covers recipients of government subsidies. As of the end of 2019, half of all voucher households in the United States were protected by discrimination laws.

This Act requires a greater than majority vote for passage because § 1 of Article IX of the Delaware Constitution requires the affirmative vote of two-thirds of the members elected to each house of the General Assembly to amend a charter issued to a municipal corporation.

Author: Senator Lockman