



SPONSOR: Sen. Hansen & Sen. Walsh & Sen. S. McBride &
Rep. Heffernan & Rep. Osienski
Sens. Gay, Sokola; Reprs. Baumbach, Hensley

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 286

AN ACT TO AMEND TITLE 9 AND TITLE 17 OF THE DELAWARE CODE RELATING TO NEW CASTLE COUNTY NEIGHBORHOOD IMPROVEMENT DISTRICTS.

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

1 Section 1. Amend Title 9 of the Delaware Code by creating a new Chapter 35 and by making deletions as shown
2 by strike through and insertions as shown by underline as follows:

3 CHAPTER 35. New Castle County Neighborhood Improvement Districts.

4 § 3501. Short title.

5 This Act shall be known as the “New Castle County Neighborhood Improvement District Act.”

6 § 3502. Legislative findings.

7 The General Assembly finds and declares that:

8 (a) Marshaling New Castle County resources in a concerted manner under “one roof” to focus on persistent
9 neighborhood problems, as contemplated by this Act, increases the possibility of successfully resolving systemic
10 neighborhood problems.

11 (b) Preserving and improving neighborhoods is critical to the long-term well-being of the State of Delaware and to
12 New Castle County.

13 (c) The provision of enhanced services, including for example, district-wide sanitation and snow removal, within
14 New Castle County’s neighborhoods would result in greater neighborhood stability and improved quality of life.

15 (d) Numerous jurisdictions around the world and the United States, including Philadelphia, Baltimore, Buffalo,
16 and Allentown, among many others, have successfully implemented and been the beneficiaries of such enhanced services
17 through the creation of neighborhood improvement districts.

18 (e) The enhanced services and related programs provided within a neighborhood improvement district are funded
19 by property owners within each district, who are the primary beneficiaries thereof, which reduces additional demands on
20 the strained public treasury.

21 (f) It is in the best interests of the State, County, and its residents to create, where feasible and desired by the
22 property owners and residents in each district, assessment-based neighborhood improvement districts to promote more

23 attractive and healthier neighborhoods.

24 (g) The County should be given broad discretion in establishing by ordinance the type of assessment-based
25 enhanced services and programs that are most consistent with neighborhood needs, goals, and objectives as determined and
26 expressed by property owners and residents in the district.

27 § 3503. Definitions.

28 The following words and phrases when used in this Chapter shall have the meanings provided herein:

29 (1) “Benefited property” means a non-exempt specially assessed property located within a neighborhood
30 improvement district that benefits from enhanced services and related programs based on a rational nexus test.
31 Properties need not benefit equally to be considered to have benefited.

32 (2) “Cost of services” includes consulting fees, professional fees, preliminary planning expenditures, feasibility
33 study expenditures, financing costs, administrative costs, and any other expenditures necessary or incidental to the
34 development or provision of enhanced services and related programs.

35 (3) “District advisory council” means an optional advisory committee comprised of property owners and residents
36 from the neighborhood improvement district that may be established under § 3507 of this title for the purpose of
37 providing recommendations to the neighborhood improvement district management association regarding needed
38 enhanced services within the district.

39 (4) “Enhanced services” means additional or increased services aimed at improving the ability of property owners
40 and residents to enjoy a safer and healthier neighborhood due to the provision of expanded services, which include
41 services such as district-wide street cleaning, district-wide snow removal, district-wide trash removal, and
42 maintenance of open space.

43 (5) “Neighborhood” means a limited geographic area situated within an unincorporated area of New Castle County
44 and located in a residential district, the limits of which form the neighborhood improvement district boundaries, as
45 identified on a filed record plan.

46 (6) “Neighborhood improvement district” means a neighborhood, as identified on a filed record plan, in which a
47 special assessment is levied on designated property, other than exempt property, for the purpose of promoting the
48 general health and welfare of the district, hereinafter referred to as a “NID.”

49 (7) “Neighborhood improvement district management association” means the corporate body that oversees the
50 management of each neighborhood improvement district established pursuant to § 3506 of this title, which
51 hereinafter shall be referred to as a “NIDMA.”

52 (8) “Neighborhood improvement district plan” means the strategic plan for enhanced neighborhood services and

53 related programs required under § 3505 of this title, hereinafter referred to as a “NIDP,” to be provided within the
54 district pursuant to the plan implemented and administered by the NIDMA.

55 (9) “Rational nexus” means that there is a rational, definable benefit that accrues to any non-exempt property
56 owner assessed a special assessment fee for said benefit in a NID created under this chapter.

57 (10) “Residential district” means, for purposes of this chapter, a limited geographical area comprised of real
58 property consisting predominantly of buildings and structures for housing individuals and families, including
59 single-family detached homes, single-family semi-detached homes, townhouses, condominiums, apartments,
60 manufactured homes, modular homes, and any combination of the above.

61 (11) “Service area” means the area within the boundaries of the NID in which the NIDMA provides or administers
62 enhanced services.

63 (12) “Special assessment” or “special assessment fee” means the fee assessed on non-exempt properties within a
64 NID levied by the County for purposes of providing enhanced services in a district under § 3508 of this title.

65 (13) “Sunset provision” means a provision in the NIDP which, under § 3505 of this title, provides for the
66 dissolution of the NID, unless re-enacted by County Council, on a date up to 5 years from commencement as
67 identified in the approved Final NIDP and in the County ordinance establishing a NID. The NID may be continued
68 beyond such initial date, provided the County adopts an ordinance extending the lifespan of the NID, following a
69 review by County Council of the NID and the enhanced services provided therein.

70 § 3504. Powers of New Castle County.

71 New Castle County shall have the power to:

72 (a) Establish within the County certain areas designated as a NID.

73 (b) Designate a nonprofit corporation, created for the purposes of this chapter, as the NIDMA with the certain
74 powers established under this chapter.

75 (c) Through the County Office of Finance, administer on behalf of or in conjunction with the NIDMA, and in
76 accordance with any specific provisions contained in the County ordinance establishing the NID, all appropriations and
77 expenditures as determined by the NIDMA, which may include federal, state, and County funds received by the County
78 Office of Finance on behalf of the NIDMA, as necessary, including to prepare or have prepared preliminary research,
79 planning, and feasibility studies to determine needed enhanced services and related programs in the NID, including services
80 such as graffiti removal, district-wide sanitation needs, and snow removal. The provision of enhanced services is to
81 supplement, not replace, the existing level of services provided within the NID.

82 (d) Review proposed appropriations and expenditures of funds within the NID by or on behalf of the NIDMA,

83 and provide recommendations related thereto.

84 (e) Advance funds to a NIDMA as may be necessary to carry out the purposes of this Act.

85 (f) Levy a special assessment on non-exempt properties located within the NID necessary to fund enhanced
86 services within the NID.

87 (g) Collect a special assessment on behalf of the NIDMA levied on designated properties within the NID
88 and to employ necessary legal methods to ensure collection of the special assessment.

89 (h) Impose and file liens on property for nonpayment of the special assessment.

90 (i) Include an initial sunset provision of up to 5 years in the County ordinance creating the NID and in the
91 agreement between the County and the NIDMA.

92 § 3505. Creation of a neighborhood improvement district.

93 (a) Establishment.

94 (1) Property owners and residents in a proposed NID, or the County, may petition to establish a NID, subject
95 to all requirements under this chapter.

96 (2) Where property owners or residents desire to establish a NID, or the County initiates such action, which
97 occurs by way of a proposed ordinance sponsored by the District Council Member, a petition in a form
98 established by the County must be submitted pursuant to the procedures provided for in this chapter. The
99 proposed ordinance must identify criteria that support creation of a NID.

100 (3) The submission of a petition to establish a NID creates no obligation on the County to move forward with
101 any of the procedures outlined in this chapter.

102 (b) Specific procedures.

103 (1) The County shall provide to all property owners and lessees thereof located in the proposed NID a copy of
104 the preliminary plan (the "Preliminary NIDP") and the location, date, and time of the public hearing at least
105 30 calendar days prior to the hearing required under this chapter. In addition, notice of the public hearing
106 must be advertised at least 10 business days prior to the hearing in a newspaper of general circulation in the
107 County.

108 (2) The hearing is for the purpose of receiving public comment on the Preliminary NIDP from property
109 owners and residents within the proposed NID.

110 (3) Objections, if any, to the Preliminary NIDP may be submitted by non-exempt specially assessed property
111 owners within the proposed NID. In order to defeat the proposed NIDP, at least 50% of the specially assessed
112 property owners must timely lodge an objection in the manner required under this chapter. All objections must

113 be in writing, notarized, and be submitted to the general manager of the Department of Community Services
114 or designee thereof by hand delivery or electronic mail by the 45th calendar day following the public hearing
115 under this subsection. A scan or photocopy of a notarized document is valid.

116 (c) Contents of the Preliminary NIDP.

117 The Preliminary NIDP must include all of the following:

118 (1) A map indicating the boundaries of the proposed NID, as identified on the filed record plan. A
119 designated property may not be included in more than one NID unless expressly authorized by ordinance of
120 County Council.

121 (2) A written report from the County containing:

122 a. The name of the proposed NID.

123 b. A detailed description of the service area of the proposed NID.

124 c. A list of all properties to be specially assessed.

125 d. A list and brief description of proposed enhanced services and the estimated annual cost of the
126 services.

127 e. A proposed budget for the first fiscal year, including proposed expenditures for enhanced services
128 and related programs, which includes associated costs of services such as personnel, administration,
129 maintenance, and operational costs.

130 f. The revenue sources for funding the proposed enhanced services and programs.

131 g. The estimated time for implementation of the proposed services and programs.

132 h. A brief statement identifying the NIDMA.

133 i. A general description of the powers and duties of the NIDMA.

134 j. The method of determining the special assessment fee to be levied on non-exempt properties within
135 the NID under § 3508 of this title.

136 (3) The Preliminary NIDP must:

137 a. Identify the respective duties and responsibilities of the NIDMA and the County in relation to the
138 NID.

139 b. Require that a written agreement be entered into between the NIDMA and the County.

140 c. Require in the agreement between the NIDMA and the County, and in the ordinance creating the
141 NID, that the County must provide no less than the level of County services provided within the NID as
142 before creation of the NID.

143 d. Provide in the agreement between the County and the NIDMA, and in the ordinance creating the
144 NID, a sunset provision of up to 5 years, subject to extension thereafter by County Council following
145 review of the NID and related enhanced services as provided for in § 3510 of this title.

146 e. Require in the agreement between the County and the NIDMA and in the ordinance creating the
147 NID that the County is responsible for collection of a special assessment levied within the NID.

148 f. Allow for and encourage any owners of exempt property in the NID to provide in-kind services or
149 a financial contribution to the NIDMA in lieu of a special assessment fee.

150 g. Require that in order to defeat establishment of the proposed NID, at least 50% of the specially
151 assessed property owners in the NID must lodge a written, notarized objection to the proposed NID. Such
152 objection must be delivered to the general manager of the Department of Community Services or
153 designee thereof via hand delivery or electronic mail no later than 45 calendar days following the hearing
154 in which the County Council considers the Preliminary NIDP under subsection (b) of this section.

155 (d) The Proposed Final NIDP.

156 Subsequent to the hearing on the Preliminary NIDP, unless the requisite number of objections to the Preliminary
157 NIDP identified in subsection (b) of this section, has been timely submitted, the County shall provide a proposed final
158 NIDP (the “Proposed Final NIDP”) to all property owners and lessees thereof located within the proposed NID that reflects
159 all revisions to the Preliminary NIDP based on comments from specially assessed property owners and residents submitted
160 at or within 45 calendar days following the public hearing. All revisions to the Preliminary NIDP reflected in the Proposed
161 Final NIDP are to be identified in an easily discernible manner, such as changes being in boldfaced or italicized type.

162 (e) Public hearing - Proposed Final NIDP.

163 Subject to the timely lodging of the requisite number of objections referenced in subsection (b) of this section, a
164 public hearing to consider the Proposed Final NIDP must be held by the County. Notice of the hearing, including
165 date, time, and place, and the means to lodge an objection, must be provided at least 30 calendar days prior to the hearing to
166 all property owners and lessees thereof located in the proposed NID and must be advertised at least 10 business days prior
167 to the hearing in a newspaper of general circulation in the County.

168 (f) Veto of the Proposed Final NIDP.

169 (1) Following the public hearing required under subsection (e) of this section, specially assessed property
170 owners located within a proposed NID have 45 calendar days from the date of the hearing to object to the
171 Proposed Final NIDP.

172 (2) If at least 50% of specially assessed property owners within a proposed NID fail to timely lodge an

173 objection to the Proposed Final NIDP, the County Council may, following the 45 day period, consider an
174 ordinance to establish a NID, or in the case of an amendment to a previously approved Final NIDP, adopt any
175 amendments consistent with subsection (g) of this section.

176 (3) After the deadline has passed for objections under this section without the requisite number of objections
177 having been lodged that would defeat the establishment of the NID, the County Council may proceed to
178 consider the Proposed Final NIDP.

179 (g) Amendments to an approved Final NIDP.

180 (1) A previously approved NIDP (a "Final NIDP"), upon the recommendation of the NIDMA board, may be
181 amended at any time after establishment of the NID. At least 51% of non-exempt specially assessed property
182 owners within the NID must approve the proposed amendment by lodging an approval in writing with the
183 general manager of the Department of Community Services or designee thereof via hand delivery or
184 electronic mail no later than 45 calendar following the public hearing required under this subsection.

185 (2) Amendments to a Final NIDP may include any of the following:

186 a. Substantially changed enhanced services or programs to be provided in the NID.

187 b. Increase in expenditures of at least 25% of the total NIDMA budget for the fiscal year.

188 c. Changing the special assessment fee levied on properties in the NID.

189 d. Changing the legal entity that administers enhanced services within the NID.

190 e. Changing the NID boundaries.

191 f. Other substantial changes to the Final NIDP as determined by County Council.

192 (3) The County shall provide a copy of the proposed amendments to all property owners and lessees thereof
193 located within the proposed NID as well as notice of the hearing on the proposed amendments specifying the
194 date, time, and place of the hearing, and the means to lodge an approval. All amendments are to be identified
195 in an easily discernible manner, such as changes being in boldfaced or italicized type. Such notice must be
196 provided at least 30 days prior to the hearing.

197 (4) The County shall provide public notice of the hearing on any proposed amendment to a Final NIDP by
198 publication of a notice in at least one newspaper having a general circulation in the County, specifying the
199 date, time, and place of the hearing, the means to lodge an approval, and the amendments to be considered.
200 The notice must be published at least 10 business days prior to the hearing.

201 (5) Upon receiving the requisite number of votes under paragraph (g)(1) of this section, the County Council
202 may proceed to consider the proposed amendments to the Final NIDP.

203 (6) Prior to any hearing to consider proposed amendments to increase the boundaries of a NID, each owner of
204 property and lessees thereof proposed to be added to a NID must be notified of the date, time, and location of
205 the public hearing on the proposed amendments and must be provided all information identified under
206 subsections (c) and (d) of this section.

207 § 3506. Creation of the neighborhood improvement district management association.

208 (a) Association designated.

209 When the County approves a NID under this chapter, a NIDMA must be designated by the County to administer the
210 enhanced services within the NID.

211 (b) Administration.

212 (1) Each NID must be administered by a NIDMA.

213 (2) A NIDMA must be incorporated as a nonprofit corporation in this state.

214 (c) Powers.

215 A NIDMA created under this chapter has all the powers provided for in § 3507 upon the effective date of the
216 County ordinance creating the NID.

217 (d) Board.

218 Each NIDMA must have an administrative board.

219 (1) The board must be comprised of either 3 or 5 voting members and at least 1 non-voting member
220 representing the County.

221 (2) Each NIDMA board must include a representative of the specially assessed property owners located in the
222 NID as one of the voting members of the board.

223 (3) Board members of a NIDMA are not required to be residents of the NID.

224 § 3507. Powers of the neighborhood improvement district management association.

225 (a) General Powers. Subject to available funding, and as provided for in this chapter and the agreement between
226 the County and the NIDMA, a NIDMA has, in addition to any other powers provided pursuant to the charter
227 establishing the nonprofit corporation, the power to:

228 (1) Sue or be sued, implead or be impleaded, complain, and defend in all courts.

229 (2) Employ necessary staff or contract for the provision of same.

230 (3) Prepare planning or feasibility studies or contract for the preparation thereof to assess enhanced services
231 within the NID.

232 (4) Provide for enhanced services and related programs within the NID.

- 233 (5) Contract for the provision of enhanced services within the NID.
- 234 (6) Determine the appropriation and expenditure of NID funds, which may include federal, state, and County
235 funds received by the Office of Finance on behalf of the NIDMA; provided that the funds must be
236 administered by the Office of Finance on behalf of, and as directed by, the NIDMA and in accordance with
237 any specific provisions contained in this chapter and the agreement between the County and the NIDMA.
238 Such funds are to be used in connection with cost of services and to provide for enhanced services within the
239 NID, including, district-wide snow removal, district-wide trash removal, and maintenance of open space.
- 240 (7) Solicit in-kind services or financial contributions from any owners of exempt property located within the
241 NID in lieu of special assessment fees. This may include entering into voluntary agreements between the
242 NIDMA and any owners of exempt property for the provision of same.
- 243 (8) Designate an optional district advisory committee, to be referred to as the District Advisory Council
244 ("DAC"), for each NID. Each DAC must consist of an odd number of members, between 5 and 9, who are
245 representative of the neighborhood's character, including age, gender, and cultural diversity, and must include
246 at least 2 non-exempt specially assessed property owners.
- 247 (9) Obtain or apply for funds from any source for which the NID may be eligible, including grants and
248 government programs. Any funds obtained from a source other than special assessments of non-exempt
249 property owners must be used to offset the obligations of the non-exempt property owners in the NID.
- 250 (10) Engage in any action or advocacy in furtherance of the purposes of this chapter.

251 § 3508. Special assessments and liens.

252 (a) Special assessments.

- 253 (1) The ordinance by County Council approving a Final NIDP establishes a special assessment on all non-
254 exempt benefited properties within the NID.
- 255 (2) County Council has the authority to exempt property within the NID from any special assessment.
- 256 (3) Special assessments must be apportioned in a manner that is equitable.
- 257 (4) All property subject to a special assessment must benefit directly or indirectly from the enhanced services
258 or related programs provided within the NID under the Final NIDP, but all properties do not need to benefit equally.
- 259 (5) Revenue from any special assessment imposed under a Final NIDP must be accounted for by the Office
260 of Finance and utilized by the NIDMA to provide enhanced services and related programs within the NID as set forth
261 in the Final NIDP.

262 (6) All special assessments authorized under this chapter are calculated using July 1 as the first day of the
263 fiscal year.

264 (7) Special assessments may be included on the tax bills of properties within the NID under the heading
265 “Neighborhood Improvement District,” or as otherwise established in the ordinance creating the NID.

266 (8) County Council may, by ordinance, impose interest and penalties for failure to timely pay any special
267 assessment and permit the payment of special assessments in installments.

268 (b) Liens.

269 (1) Special assessments imposed on any benefited property within a NID under a Final NIDP, including any
270 interest and penalties thereon, automatically become a lien on the property upon imposition of the special assessment.

271 (2) The lien imposed under paragraph (b)(1) of this section:

272 a. Is subordinate to property tax liens.

273 b. Is of even priority with any lien arising under paragraphs (a)(1)c. through (a)(1)k. of § 2901 of Title
274 25.

275 c. Has priority over all other liens and encumbrances on the property.

276 (3) The lien imposed under paragraph (b)(1) of this section continues as a lien against the property for 10
277 years from July 1 of the year for which the special assessment was imposed, but if the property remains the
278 property of the person who was the owner at the time the special assessment was imposed, the lien continues until
279 the assessment is collected.

280 (4) The lien imposed under paragraph (b)(1) of this section is afforded the same treatment as a tax lien under
281 §§ 2902 and 2906 of Title 25.

282 (5) Upon the filing of a Notice of Lien by the County with the Prothonotary of the Superior Court, the special
283 assessment imposed upon a property under a Final NIDP is, as of the date of filing the Notice of Lien, a lien upon
284 all real property that the property owner owns at the time, or at any time after such Notice of Lien has been filed,
285 located in the County (including all real property situated within any incorporated town or city located within the
286 County).

287 (6) If any special assessment remains unpaid after the due date, the Chief Financial Officer may institute a
288 proceeding for the enforcement of the lien, with all accrued penalties and interest and all costs, under the monition
289 method for collecting delinquent taxes established under Chapter 87 of this title. Such grounds and buildings, or
290 any part thereof, may be sold by the Sheriff of the County as is provided by law. The Sheriff shall, out of the
291 purchase money of the premises so sold, pay all costs arising from the process and sale to the parties entitled

292 thereto respectively, and shall pay the amount of the special assessment with accrued penalties thereon to the
293 Office of Finance. Any residue of purchase money must be deposited by the Sheriff in accordance with applicable
294 rules and procedures of the Superior Court.

295 (7) The County may collect delinquent special assessments through any other method by which the County
296 may collect delinquent property taxes or other fees or charges imposed by the County.

297 § 3509. Annual audit, report, and meeting; additional audits.

298 (a) The County Auditor or designee thereof, or an entity identified by County Council must annually audit all
299 funds received and expended by or on behalf of the NIDMA. The audit results must be made electronically available to
300 each owner of property and lessees thereof located in the NID, all County departments as determined by County
301 Council, and the County Council within 6 months after the end of each fiscal year.

302 (b) The NIDMA must annually provide a report, in electronic format, including financial and programmatic
303 information and a summary of the annual audit findings as required in subsection (a) of this section to the County and to
304 all owners of property and lessees of property located in the NID, by no later than the annual meeting of the NIDMA,
305 which must be held each year no later than February 28.

306 (c) In addition to the annual audit required under subsection (a) of this section, the County may require additional
307 audits as the County Council, in consultation with the County Auditor or designee thereof, deems appropriate.

308 § 3510. Renewal and dissolution of a neighborhood improvement district.

309 (a) Renewal of a NID.

310 (1) Prior to expiration of a sunset provision of a NID and following a review by County Council of the NID and
311 the enhanced services provided therein, the County Council may extend the NID up to 5 years by voting to
312 extend the ordinance with no changes to the Final NIDP.

313 (2) Following the review of the NID and the enhanced services provided therein, the County Council may
314 consider an extension of the NID with changes to the Final NIDP. Such changes proposed prior to the end of a
315 sunset provision are not considered amendments to the Final NIDP for purposes of this chapter and may be
316 made through the procedure for adopting a Proposed Final NIDP under subsections (d) through (f) of § 3505 of
317 this title.

318 (b) Dissolution upon expiration of the ordinance.

319 Upon the expiration of the ordinance under the sunset provision required under paragraph (c)(3)d. of § 3505 of this
320 title, unless the NID has earlier been renewed by the Council under subsection (a) of this section, the NID must be
321 dissolved, subject to the provisions of subsections (d) and (e) of this section.

322 (c) Request for dissolution.

323 (1) A request for dissolution of a NID may be initiated by a non-exempt specially assessed property owner or
324 the County by means of a petition in a form established by the County. The County Council must hold a hearing
325 to consider the request, consistent with the hearing and approval procedures set forth in this chapter to amend a
326 Final NIDP.

327 (2) The request must be approved by at least 51% of specially assessed property owners within the NID.

328 (d) Upon the dissolution of a NID, subject to the final audit under subsection (e) of this section, the property of the
329 NID will pass as set forth in the County ordinance, with all unencumbered funds, if any, to be divided pro rata among the
330 specially assessed property owners consistent with applicable law and any agreement between the NIDMA and the County,
331 and the NID will cease to exist.

332 (e) Final audit.

333 Upon dissolution of a NID, the County Auditor or designee thereof, or an entity identified by County Council,
334 must perform a final audit, and the audit results must be provided to all property owners and lessees of property in the NID
335 and to County Council within 6 months after dissolution of the NID.

336 § 3511. Implementation.

337 County government shall adopt an ordinance implementing this chapter that provides the procedures and criteria
338 for the establishment and operation of neighborhood improvement districts.

339 Section 2. Amend § 521 of Title 17 by making deletions as shown by strike through and insertions as shown by
340 underline as follows:

341 § 521. Snow removal in nonmunicipal residential communities.

342 (a) For purposes of this section:

343 (1) “Department” ~~shall mean~~ means the Department of Transportation.

344 (2) “Feeder road” ~~shall mean~~ means a road that serves more than a single residential development or community as
345 a primary entry way. These roads may serve any of the following:

346 a. Two or more different residential developments or ~~communities; or~~ communities.

347 b. A residential development or community and either a school, church, ~~business~~ business, or other public
348 building.

349 (3) “Organization” ~~shall mean~~ means a civic association, neighborhood alliance, homeowners maintenance
350 corporation, homeowners maintenance ~~association~~ association, neighborhood improvement district management
351 association as defined in § 3503 of Title 9, or other similar entity charged with or assuming the duties of

352 maintaining the public areas, open ~~space~~ space, or common facilities within a residential development or
353 community not within the boundaries of a municipality.

354 (4) “Snow event” ~~shall mean~~ means any snow event whose accumulation within the relevant maintenance district
355 is equal to or greater than 2 and less than 4 inches for the cost of plowing the feeder road leading to the school, as
356 determined by the Department.

357 (5) “Snowstorm” ~~shall mean~~ means a snowstorm event whose accumulation within the relevant maintenance
358 district is equal to or greater than 4 inches, as determined by the Department.

359 (6) “Streets” ~~shall mean~~ means those streets within a residential development or community which have been
360 accepted for perpetual maintenance by the Department.

361 (b) An organization created pursuant to New Castle County ordinance or regulation ~~shall have~~ has the authority to
362 contract for snow removal services and include the cost of such snow removal services in assessments made by such
363 organization to property owners of the residential development or community. Such charges or fees ~~shall be~~ are considered
364 assessments for the maintenance of open space and common facilities for collection and lien purposes.

365 (c) An organization may contract for snow removal services for snowstorms impacting the streets within its
366 development or community and be partially reimbursed for the costs of such services, subject to the following conditions:

367 (1) The reimbursement ~~shall~~ must be in an amount not to exceed 75% of the actual contracted cost of said
368 services, but in any event, ~~shall may~~ not exceed 75% of an annual cost analysis determination made by the
369 Department in its implementing regulations under subsection (c) of this section. The regulatory cost
370 determination ~~shall~~ must include, ~~but not be limited to,~~ the Department’s cost of purchasing similar services
371 under its own contracts.

372 (2) The organization’s contracts with contractors providing these services must include provisions for proof of
373 insurance and compliance with all relevant state license requirements, including, ~~but not limited to,~~ the
374 provisions of Chapter 21 of Title 30.

375 (3) The selection of contractors for services ~~shall not be~~ is not subject to Chapter 69 of Title 29.

376 (4) To obtain economies of scale, an organization may enter into written agreements with other organizations
377 to obtain joint snow removal contracts for purposes of this section.

378 (d) An organization with a school located in its development or community may seek reimbursement for any snow
379 event for the cost of plowing the feeder road leading to the school, as prescribed in the Department regulations and subject
380 to the conditions provided in paragraphs (c)(1) through (c)(4) of this section.

381 (e) The Department ~~shall be~~ is responsible for the implementation and administration of this section through the
382 adoption and publication of rules, ~~regulations and/or regulations,~~ or procedures deemed necessary for these purposes.

383 Section 3. This Act is effective immediately and implemented as follows:

384 (1) The Clerk of New Castle County Council shall provide notice, published in the Register of Regulations, that
385 the ordinance required under Chapter 35 of this title has been adopted by County government and the date the
386 ordinance was adopted.

387 (2) The implementation date is the date the ordinance necessary under Chapter 35 of this title was adopted, as
388 provided under paragraph (1).

SYNOPSIS

This Act shall be known as the “New Castle County Neighborhood Improvement District Act.” The Act assembles New Castle County resources under “one roof” to focus comprehensively on persistent, and in some cases legacy, neighborhood problems, thereby promoting the possibilities of successfully resolving systemic neighborhood problems.

Summary of the Act:

- The Act provides for creation of a Neighborhood Improvement District (a “NID”).
- Creation of a neighborhood district provides a source of funding for enhanced services in neighborhoods that are especially in need of such services, including, for example, district-wide snow removal, district-wide trash collection, and maintenance of open space.
 - A primary, but not exclusive, source of funding for the enhanced services is a special assessment on non-exempt properties located within the NID, the primary beneficiaries in the neighborhood.
 - A NID may be initiated by submission of a voluntary petition by property owners or residents in the district, or by the County, subject to objection by at least 50%, in number, of the non-exempt specially assessed property owners in the district.
 - A NID will be created and is to exist for only as long as necessary to resolve problems in a neighborhood, and then, after accomplishing its goal of resolving persistent neighborhood problems, it will be subject to dissolution.

Author: Senator Hansen