

Staff Report

March 2026

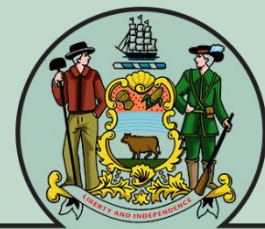
Focused Review: Complaint-Handling Practices

- Division of Human and Civil Rights

153rd General Assembly, 2nd Session

*Respectfully submitted to the
Joint Legislative Oversight and Sunset Committee*

Authored by: Division of Legislative Services



**JOINT LEGISLATIVE OVERSIGHT
& SUNSET COMMITTEE**

Division of Human and Civil Rights

Focused Review: Complaint-Handling Practices

This focused review assessed how the Division of Human and Civil Rights (“Division”) handles discrimination complaints under the Delaware Equal Accommodations Law (“DEAL”) and state and federal Fair Housing Acts (“FHA”). The Division and the Delaware Human and Civil Rights Commission (“Commission”) share responsibility for administering these laws. The Division manages complaint handling, while the Commission has a more limited role only conducting hearings when necessary.

This review found that the Division continues to fulfill its core civil rights enforcement responsibilities, processing hundreds of complaints and maintaining federal funding certification by meeting most federal performance standards. The Division also filled key staff vacancies, updated commissioner training and bylaws, and expanded statewide outreach and training—strengthening both governance and public awareness of civil rights protections.

“Complaint-processing timeliness was identified as the Division’s primary operational challenge, driven by the complexity of cases and constrained resources.”

However, complaint-processing timeliness was identified as the Division’s primary operational challenge, driven by the complexity of cases and constrained resources.

- DEAL complaints, which should be resolved within 120 days, averaged 341 days to close.
- FHA complaints, which have a 100-day state and federal benchmark to resolve, averaged 220 days to close.

The Division attributed delays to staffing recruitment and retention challenges, technology limitations, expanding responsibilities without corresponding resources, and limited state investment.

Staff recommendations focus on improving timeliness, increasing transparency, and strengthening enforcement capacity, while building on the Division’s demonstrated strengths in outreach, compliance, and civil rights administration.

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Special thanks: We appreciate the support of the Delaware Division of Human and Civil Rights staff in preparing this report.

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I. About This Report

This staff report, prepared by the Division of Legislative Services (“DLS”), provides a focused review of the complaint-handling processes and procedures used by the Division of Human and Civil Rights (“Division”). The Division and the Delaware Human and Civil Rights Commission (“Commission”) share responsibility for administering Delaware’s Fair Housing and Equal Accommodations laws. The Division manages complaints, while the Commission has a more limited role, only conducting hearings when necessary. The Joint Legislative Oversight and Sunset Committee (“JLOSC” or “Committee”) selected this topic and assigned it to the Division of Legislative Services staff on June 26, 2025.

JLOSC is a bipartisan 10-member legislative body which performs periodic legislative review of the performance and activities of state entities designed to increase accountability and improvement. The primary purpose of any JLOSC review is to assess genuine public need and performance of the entity under review. JLOSC performs its duties with support provided by the dedicated and objective staff of DLS. DLS serves as an independent and confidential reference bureau for the General Assembly and supplies many services, including staff support for JLOSC.

JLOSC staff completes focused reviews as assigned by majority vote of JLOSC members. A focused review contrasts with the broader evaluation of a full review and evaluates a component within an entity, such as a specific statute, policy, rule, regulation, or program related to the entity. The Committee and its staff define the scope of a focused review, guiding the research process. Once the research is completed, a staff report is prepared for JLOSC members, summarizing the research, findings, conclusions, and recommendations.

JLOSC staff prepared this report following research conducted in line with an agreed-upon project scope. The focused review adhered to national evaluation standards, requiring thorough planning and execution to gather sufficient evidence supporting the findings and conclusions based on the review’s objectives and scope. Staff believe the evidence obtained provides a reasonable basis for their findings and conclusions. Additionally, the Objectives, Scope, Methodology section discusses the fieldwork procedures used while conducting the research and developing this report.

This staff report may contain recommendations for JLOSC to review and discuss. Committee members are not obligated to adopt the staff’s recommendations and may modify or reject them, or propose new ones. Final recommendations are determined during public meetings and adopted with an affirmative vote from 7 members. Once JLOSC adopts recommendations, the review progresses to the implementation phase, which may involve drafting legislation.

Next Steps

JLOSC will hold a public meeting to receive an overview of the staff report and accept public comment on the scope of the review.¹ Following this, the Committee will determine the appropriate next steps, which may include adopting recommendations or scheduling additional meetings for further discussion.²

¹ Public meeting notices found on the Committee’s website and the State of Delaware’s Public Meeting Calendar.

² 29 Del. C. § 10214.

II. Objective, Scope, Methodology

Objective

To evaluate the complaint-handling practices used to enforce Delaware’s Fair Housing and Equal Accommodations laws.

Scope

This focused review examined complaint-handling processes and procedures used by Division staff during the review period of January 1, 2022 through September 30, 2025. The review also considered related information such as staffing, public hearings, training materials, and funding.

Methodology

This evaluation examined complaint-handling practices, including how housing cases are managed in comparison to federal standards, which the Division must follow to receive funding. All complaints received under Delaware’s Fair Housing and Equal Accommodations laws are processed and investigated by Division staff. The Commission is responsible for conducting hearings that stem from the Division’s investigations. Fieldwork included reviewing publicly available information, analyzing data sets that the Division provided, and working directly with Division staff to understand operations.

Fieldwork Completed

- Reviewed relevant websites, public documents, and news articles.
- Reviewed related legislation.
- Reviewed information supplied by Division staff, including:
 - Complaint and investigation process.
 - Final orders.
 - Staffing and budget documents.
 - Articles and by-laws.
 - Meeting minutes.
 - Public hearing minutes.
 - Regulations.
 - Annual reports.
 - Manuals and handbooks.
 - Training programs.
- Reviewed prior JLOSC reviews of the Commission.
- Researched similar offices in other states.
- Reviewed U.S. Department of Housing and Urban Development’s (“HUD”) 2015 and 2023 Performance Assessment Reports of the Division and Commission.

III. Review Background

The Commission was established as the “State Human Relations Commission” by legislation passed by the 121st Delaware General Assembly on December 28, 1961. The primary mission of the Commission was to “cooperate with the Governor, the General Assembly, public agencies, officials, firms, corporations, civic groups and individuals in promoting amicable relationships among the various racial and cultural groups within the State.” Their responsibilities were listed as the following:

1. Act as conciliator in matters involving race, color, creed, national origin or ancestry.
2. Make such investigations, surveys and studies as are pertinent to the performance of its duties.
3. Make recommendations to the Governor and General Assembly concerning the legislation needed.

The Commission was given additional administrative and enforcement authority both in 1963 when the Equal Accommodations law was passed, and in 1969 when the Equal Rights to Housing law was passed. The Delaware Fair Housing Act was amended in 1992 to bring it into conformity with the Federal Fair Housing Act of 1988.

In 1970, the Office of Human Relations was established as part of state government to provide staff support, file investigation, and fiscal and clerical support to the Commission.

In 1983, the Office of Human Relations became the Division of Human Relations in the Department of Community Affairs and maintained the same responsibilities to the Commission. In 1991, the Division of Human Relations was transferred to the Department of State.³

In 2022, the Commission was renamed the Delaware Human and Civil Rights Commission to clarify its authority and help the public understand that the agency was responsible for enforcing legal protections against discrimination, the name change emphasized its role in civil rights. Including “civil rights” signaled that the agency accepted, investigated, resolved, and enforced complaints. The updated name also reduced public confusion by distinguishing the agency from other similarly named entities, such as the Department of Human Resources and the City of Dover’s Human Relations Commission. The Division’s name was also updated to the Division of Human and Civil Rights; however, current regulations have not yet been updated to reflect these name changes.⁴

JLOSC previously reviewed the Commission in 1985, 2002, and 2017. During the last review, the Commission size reduced from 28 to 18 commissioners, and its governing statute was updated to include quorum and commission standards. The Commission also submitted its proposed amendments to its governing statute relating to its powers and duties in Chapter 45, Title 6 (Equal Accommodations), and Chapter 46, Title 6 (Fair Housing Act).⁵

³ [29 Del. C. § 8736.](#)

⁴ [1 DE Admin. Code 600.](#)

⁵ Senate Bill 122 with House Amendment 1, 149th Delaware General Assembly, enacted September 2027.

The Commission’s governing statute requires 18 members, all of whom are appointed by the Governor.⁶ The statute requires that “all reasonable efforts must be made to ensure” each county of the State is represented by 5 members, and the remaining 3 members are selected without regard to the county in which they reside.⁷ The Commission elects a chair from among the members of the Commission.⁸

The Commission is supported by Division staff whose size is similar to what it was during the 2017 JLOSC review, increasing by 2 full-time employees. Today, the Division’s current staff consists of 8 full-time employees and 1 contractual employee. As of November 2025, the Division employs 8 individuals with 1 Sussex County investigator position vacant. The current Division positions include:

1. Director.
2. Planner, Training, and Outreach Coordinator.⁹
3. Supervisor.
4. Administrative Specialist III.
5. Administrative Specialist II.
6. Investigator – New Castle County.
7. Investigator – New Castle County.
8. Investigator – Kent County.
9. Investigator – Sussex County.¹⁰

The Division not only manages the complaint-handling processes but also supports the Commission by delivering mandatory training required through conciliatory agreements and final commission orders. It provides proactive outreach and statewide education to ensure residents, businesses, and service providers understand their rights and responsibilities under the state and federal Fair Housing Act (“FHA”) and the Delaware Equal Accommodations Law (“DEAL”). This outreach includes training on legal protections, how to file complaints, and what to expect during investigations. Through partnerships with community organizations and participation in fairs, forums, and local events, the Division offers targeted outreach, distributes resources, and connects the public with information about the Commission and available protections. The Division reported the following public outreach data during the review period:

- 2022: 30 public engagements, 34 training sessions.
- 2023: 26 public engagements, 20 training sessions.
- 2024: 20 public engagements, 26 training sessions.
- 2025: 25 public engagements, 14 training sessions.¹¹

⁶ [31 Del. C. § 3001\(a\).](#)

⁷ [31 Del. C. § 3001\(a\)\(2\).](#)

⁸ [31 Del. C. § 3002\(a\).](#)

⁹ This position is partially federally funded.

¹⁰ Currently the only vacant position as of November 2025. This position is federally funded.

¹¹ As of September 25, 2025.

IV. Complaint-Handling Processes and Procedures

Scope and Authority

Division staff are statutorily authorized under Title 6, Chapters 45 and 46 to receive, investigate, and adjudicate complaints alleging discrimination under DEAL and FHA. This section summarizes complaint volumes, protected class allegations, processing timeliness, and the processes used to investigate, resolve, and adjudicate complaints during the review period.

The Division supplied JLOSC staff with spreadsheet data exported from its case management system detailing all complaints received during the review period. The analysis below covers complaints received from January 2022 through September 2025, with 2025 representing partial-year data.

Complaint Volume and Case Status

Across all complaint categories—including DEAL, FHA, and total complaints—case volumes peaked in calendar year 2022 and declined in subsequent years. Fewer complaints were received in 2023 and 2024, with additional reductions observed in 2025.

Although approximately 75% of all complaints received during the review period have been closed, 25% remain open. This reflects the fact that investigations, conciliation efforts, and adjudication frequently extend beyond the year in which a complaint is filed, resulting in a cumulative caseload over time.

The Division reported that it operated with approximately half of its authorized positions vacant for much of the review period. Despite staff efforts, persistent vacancies significantly slowed case processing. Hiring delays, uncompetitive salaries, and high turnover limited the Division’s capacity to manage its workload effectively and required repeated recruitment efforts.

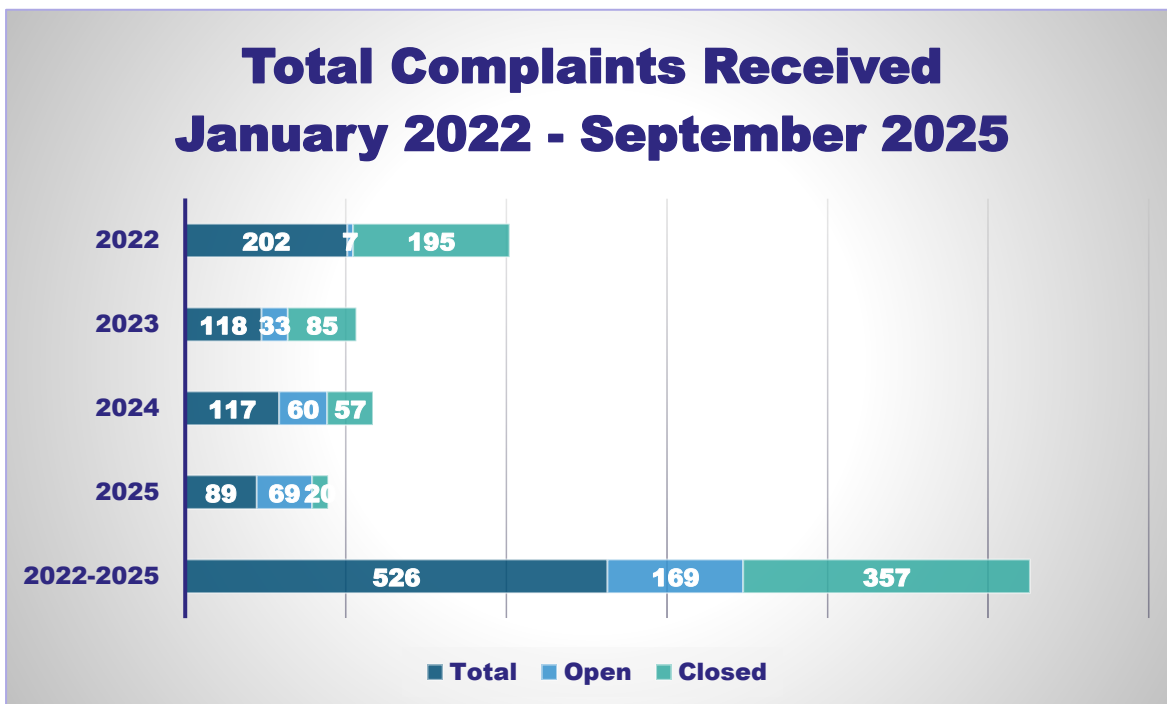


Figure IV-1 presents total complaints received by year and their disposition (open or closed) as of the reporting date.

DEAL Complaints Received January 2022 - September 2025

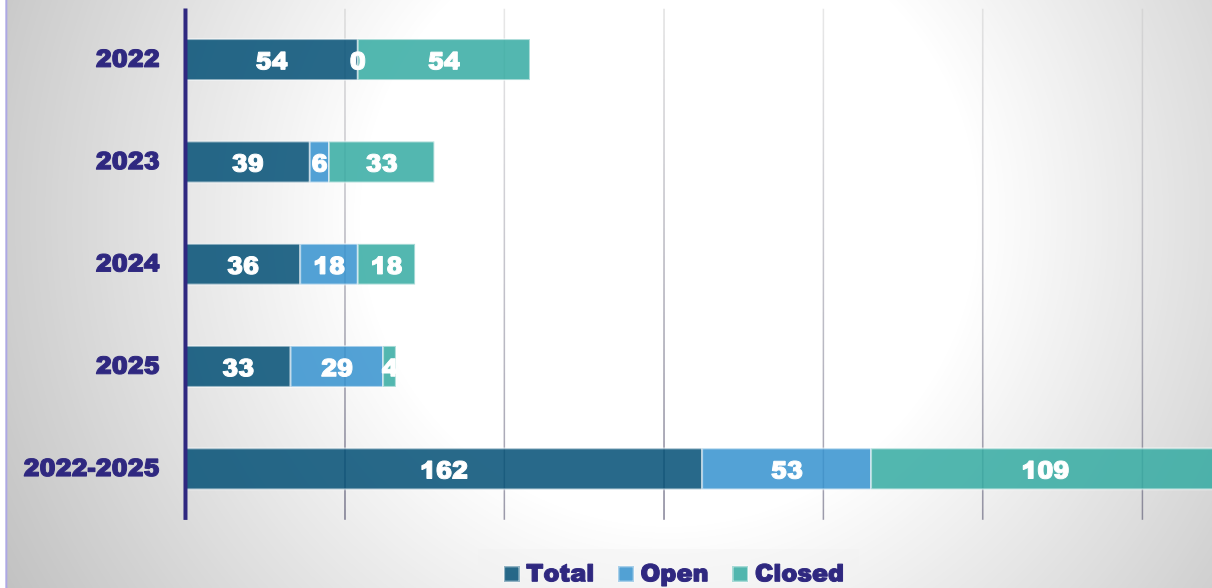


Figure IV-2 presents total DEAL complaints received by year and their disposition (open or closed) as of the reporting date.

FHA Complaints Received January 2022 - September 2025

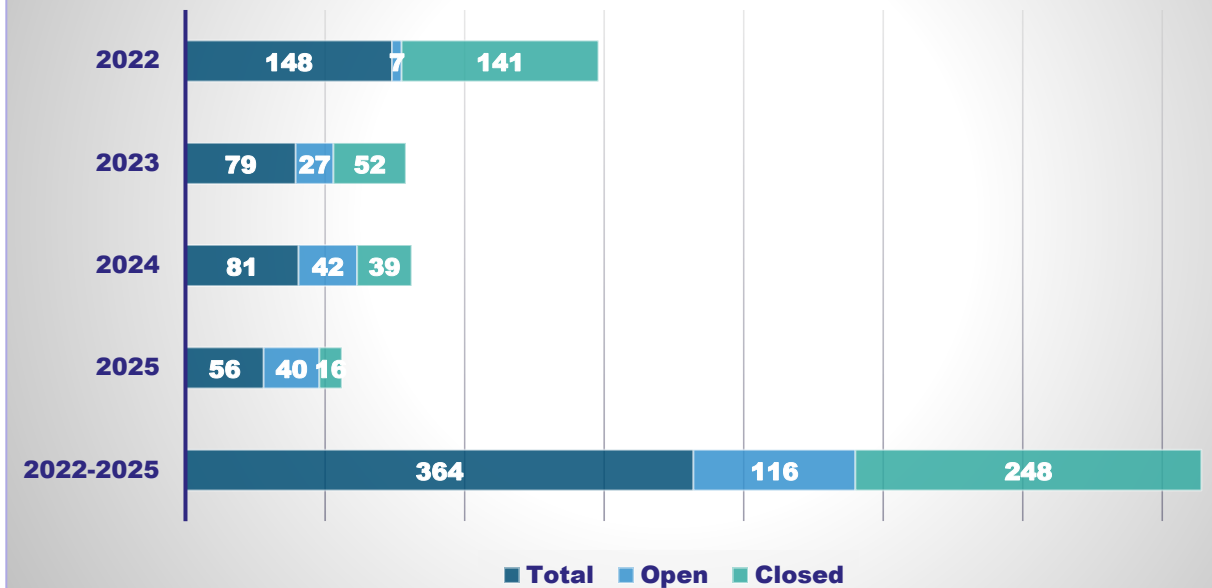


Figure IV-3 presents total FHA complaints received by year and their disposition (open or closed) as of the reporting date.

Complaint Filing Deadlines and Protected Classes

Complaints that the Division received fall into two categories: **DEAL** and **FHA**. Individuals who believe they have experienced discrimination covered under either statute may file a complaint with the Division; however, each complaint type has specific statutory filing deadlines. Complaints submitted after these deadlines are not eligible for investigation.

- **DEAL complaints** must be filed within **180 days** of the alleged discriminatory public-accommodation practice.
- **FHA complaints** must be filed within **1 year** of the alleged incident or the date the alleged incident was discovered.

In addition, each complaint must allege discrimination based on at least one protected class recognized by law. Under **DEAL**, discrimination is prohibited in places open to the public across **12 protected class categories**. **FHA** complaints are governed by both state and federal law, with **15 protected classes** recognized under state law and **7 protected classes** under federal law related to the sale, lease, or rental of housing or applications for credit. The chart below lists all protected classes that DEAL and FHA laws prohibit discrimination.

DEAL Protected Classes (12)	State FHA Protected Classes (15)	Federal FHA Protected Classes (7)
Age	Age	
Color	Color	Color
Creed	Creed	
Disability	Disability	Disability
	Familial Status	Familial Status
Gender Identity	Gender Identity	
	Housing Status	
Marital Status	Marital Status	
Military Status	Military Status	
National Origin	National Origin	National Origin
Race	Race	Race
Religion	Religion	Religion
Sex	Sex	Sex
Sexual Orientation	Sexual Orientation	
	Source of Income	

Figure IV-4 presents protected classes included in DEAL and state and federal FHA laws.

JLOSC staff reviewed complaint data that the Division provided and found that most complaints listed more than one protected class. Across the review period, disability was the most frequently cited protected class, followed by race, color, and sex.¹²

For reporting purposes, protected-class data were counted by mention and standardized using the following approach:

- Each **protected class** was counted once per complaint when present.
- Subcategories used by the Division (for example, sex-related classifications such as female, male, or harassment) were consolidated into **13 major protected-class categories**.
- Complaint data included all protected classes except for 2 recently added categories: **military status** (DEAL and state FHA, added July 2025) and **housing status** (state FHA, added September 2024).
- Protected-class mentions reflect allegations reported at intake and do not represent investigative findings or legal conclusions.
- Complaints missing protected-class information were excluded from this analysis; in total, 138 complaints lacked this data due to being rejected or referred out to another agency and therefore not investigated by the Division.

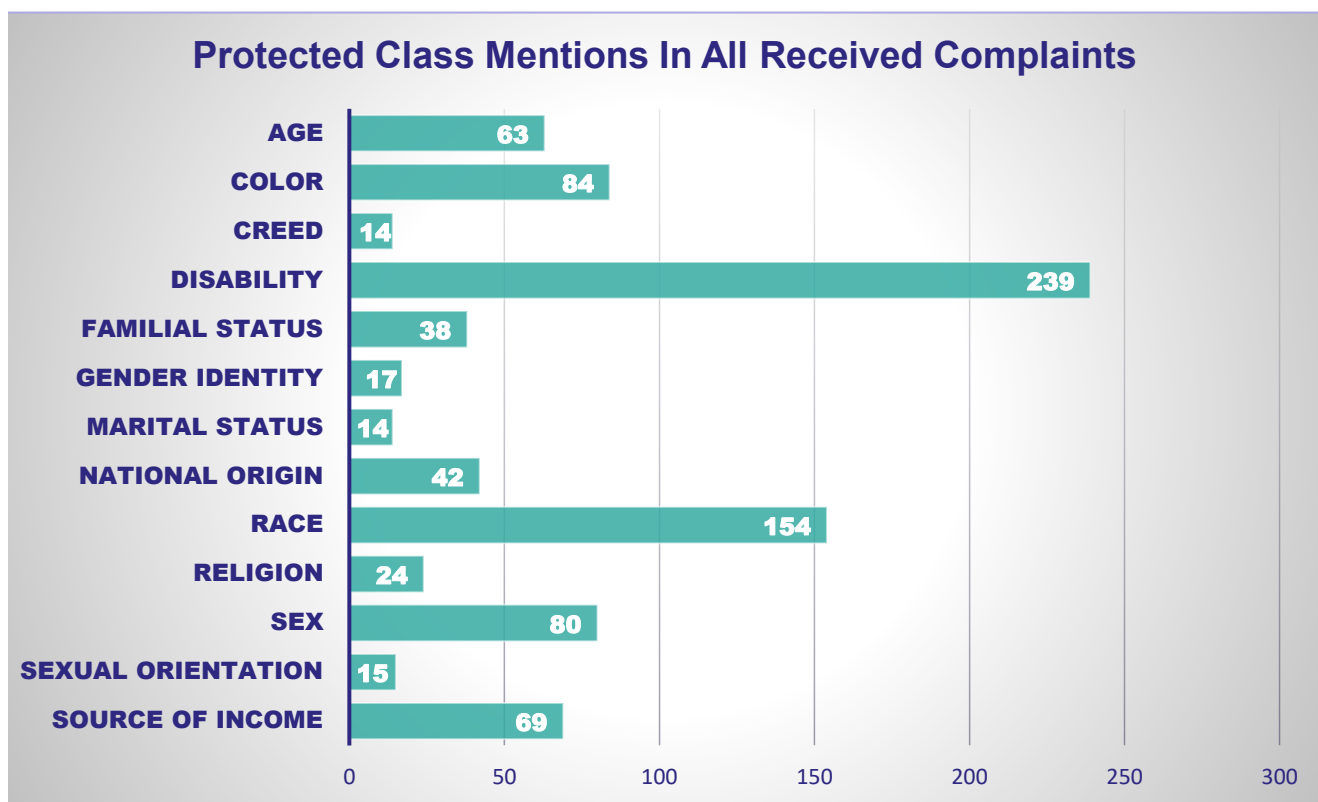


Figure IV-5 presents protected classes alleged in all complaints received January 2022 through September 2025. Individual complaints may include multiple protected classes. Chart does not imply findings or determinations.

¹² This reflects national patterns, with disability-based discrimination reported most frequently, followed by race, according to the National Fair Housing Alliance’s 2025 Housing Trends Report. Report available at: <https://nationalfairhousing.org/resource/2025-fair-housing-trends-report>.

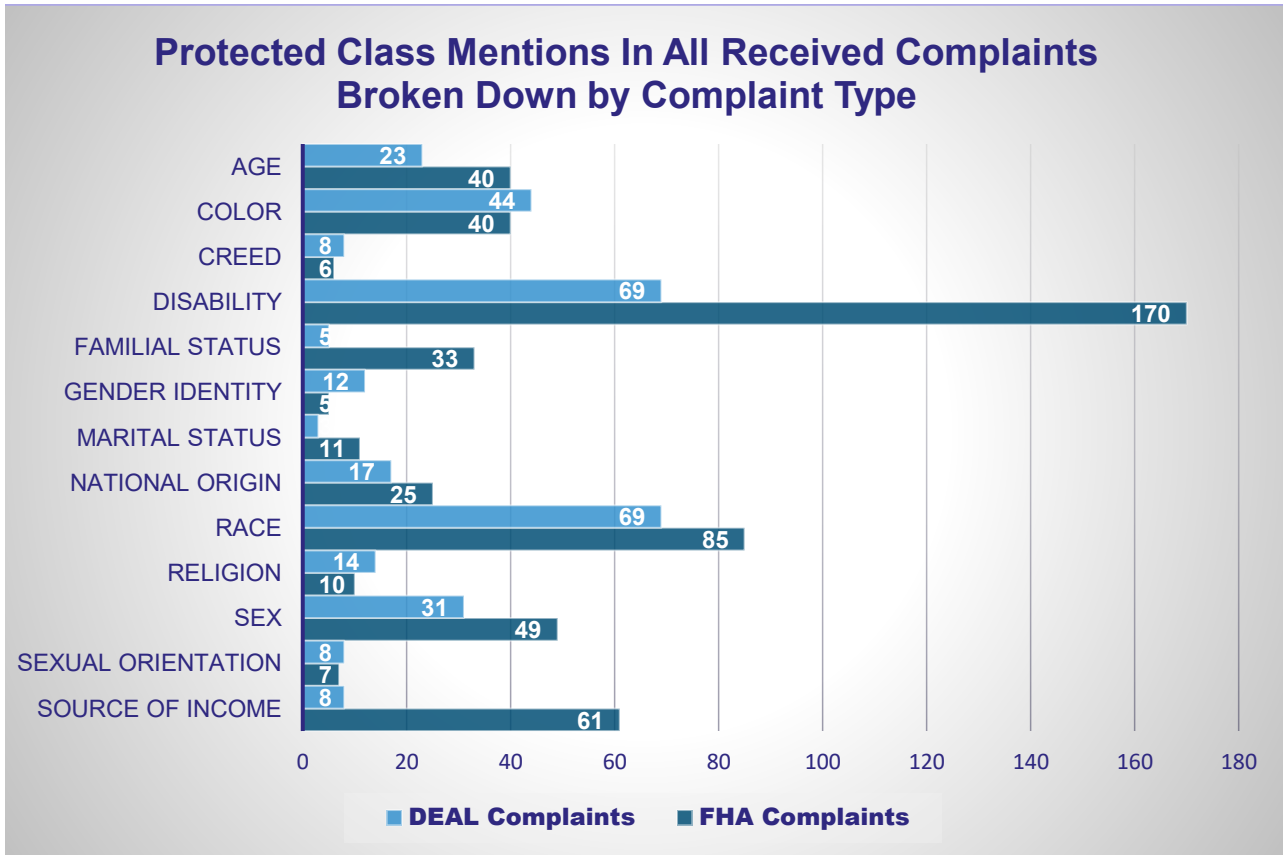


Figure IV-6 presents protected classes alleged in DEAL and FHA complaints received January 2022 through September 2025. Individual complaints may include multiple protected classes. Chart does not imply findings or determinations.

Complaint Investigation Process

The Division applies a standardized, multi-step process for all DEAL and FHA complaints:

1. **Intake and Initial Assessment:** Staff conduct an intake review to determine whether the complaint alleges conduct covered by DEAL or FHA and involves a recognized protected class.
2. **Jurisdiction Evaluation:** A detailed review confirms that the complaint falls within applicable statutory authority, regulations, and organizational policies.
3. **Case Assignment:** Jurisdictionally valid complaints are assigned to an investigator based on complexity, subject-matter expertise, and investigator workload.
4. **Investigation:** Investigators conduct thorough and impartial investigations, which include evidence collection, interviews, document review, and a fact-finding conference.
5. **Conciliation:** Throughout the investigation, staff attempt to resolve complaints through voluntary, no-fault conciliation agreements. Conciliation may involve mediation or negotiation sessions aimed at achieving a mutually acceptable resolution, promoting open communication and collaboration between the parties involved.
6. **Closure and Documentation:** Following the resolution or conclusion of the investigation, the case is referred to the administrative process for next steps based on closure type and then formally closed. A detailed report documents all findings, actions undertaken, and outcomes. Records are securely maintained for future reference and potential follow-up actions.

Complaint Investigation Timeliness

The Division processes complaints with limited staff, requiring an end-to-end case management model in which a single investigator handles each complaint from intake through investigation, resolution, and closure.¹³ This structure requires investigators to perform multiple specialized functions while managing growing caseloads, contributing to longer processing times.

Each FHA complaint is entered into the state's Civil Rights Case Management System ("CREMS") and, when required under federal law, also into the federal Housing Enforcement Management System ("HEMS"). Complaints involving only state-protected classes are recorded solely in CREMS. Data for both FHA and DEAL complaints is additionally maintained in a Salesforce database.

The Division provided JLOSC staff with a Salesforce-generated spreadsheet listing all complaints received between January 1, 2022, and September 30, 2025. During that period, 643 complaints were filed: 114 were referred to another agency, 3 were Commission-initiated cases, 364 were FHA complaints, and 162 were DEAL complaints. For this report, the analysis focuses on the FHA and DEAL complaints. Reviewing data received for DEAL and FHA complaints, all the following fields have completed information:

- Case number.
- Subject.
- Status.
- Open date.

There are a variety of reasons for incomplete information in the spreadsheet. For example, a dismissed complaint may have a final closure date and never have case filed or investigation closure dates. The remaining fields with inconsistently reported information include:

- Case filed date.
- Investigation closed date.
- Investigation results.
- Dismissal or rejection basis.
- Closed date.

Given these data limitations, JLOSC staff calculated the number of days DEAL and FHA complaints were closed or remained open.¹⁴ The data was compared to the following statutory benchmarks:

- DEAL complaint procedures state that the Division has 120 days from when a complaint is filed to investigate and attempt resolution.¹⁵

¹³ Additional information found in Appendix A.

¹⁴ Case open dates used in the absence of case filed dates.

¹⁵ [6 Del. C. § 4508\(c\)\(1\)](#).

-
- FHA complaint procedures state that the Division must complete the investigation within 100 days of the complaint file date, unless impracticable.¹⁶ If the deadline cannot be met the Division must notify both the complainant and respondent in writing and explain the delay reasons.¹⁷
 - Federal case-processing timeliness also includes a 100 day benchmark.

DEAL Complaint Investigation Timeliness

During the review period, the Division received 162 DEAL complaints. As of September 30, 2025, 109 complaints had been closed in an average age of 341 days—well above the 120-day statutory benchmark. Less than half of the 162 DEAL complaints remain open, with 53 open an average of 253 days. The following is a breakdown of the open cases:

- **2022 – no open complaints.**
- **2023 – 6 open, averaging 646 days.**
 - 2 are “pending Commission decision.”
 - 2 are “investigator assigned.”
 - 1 is “intake in process.”
 - 1 is “FFC scheduled.”¹⁸
- **2024 – 18 open, averaging 379 days.**
 - 6 are “intake in process.”
 - 5 are “investigator assigned.”
 - 3 are “new.”
 - 1 is “conciliation pending.”
 - 1 is “pending commission decision.”
 - 1 is “hearing scheduled.”
 - 1 is “pending final closure.”
- **2025 – 29 open, averaging 94 days.**
 - 14 are “new.”
 - 5 are “intake in process.”
 - 3 are “pending Commission decision.”
 - 3 are “investigator assigned.”
 - 1 is “FFC scheduled.”
 - 1 is “hearing scheduled.”
 - 1 is “pending complaint signature.”
 - 1 is “pending final closure.”

¹⁶ [6 Del. C. § 4610\(b\)\(4\)](#); [6 Del. C. § 4610\(c\)](#); [6 Del. C. § 4610\(f\)](#).

¹⁷ Correspondence dates were not included with complaint data.

¹⁸ “Fact finding conference” according to the Division’s DEAL complaint flowchart.

FHA Complaint Investigation Timeliness

During the review period, the Division received 364 FHA complaints. As of September 30, 2025, 248 complaints had been closed in an average age of 220 days—well above the 100-day state and federal statutory benchmarks. Of the 364 FHA complaints received, 116 remained open an average of 417 days. The following is a breakdown of these open cases:

- **2022 – 7 open, averaging 691 days.**
 - 4 are “pending final closure.”
 - 1 is “determination pending.”
 - 1 is “investigator assigned.”
 - 1 is “complaint filed.”
- **2023 – 27 open, averaging 805 days.**
 - 13 are “investigator assigned.”
 - 6 are “intake in process.”
 - 4 are “determination pending.”
 - 1 is “pending final closure.”
 - 1 is “conciliation pending.”
 - 1 is “pending complaint signature.”
 - 1 is “reopened.”
- **2024 – 42 open, averaging 392 days.**
 - 27 are “intake in process.”
 - 4 are “conciliation pending.”
 - 3 are “determination pending.”
 - 3 are “investigator assigned.”
 - 2 are “FFC scheduled.”
 - 1 is “pending final closure.”
 - 1 is “waiting on manager approval.”
 - 1 is “reopened.”
- **2025 – 40 open, averaging 135 days.**
 - 15 are “new.”
 - 8 are “intake in process.”
 - 7 are “investigator assigned.”
 - 3 are “pending final closure.”
 - 2 are “pending complaint signature.”
 - 2 are “waiting manager approval.”
 - 1 is “complaint filed.”
 - 1 is “FFC scheduled.”
 - 1 is “determination pending.”

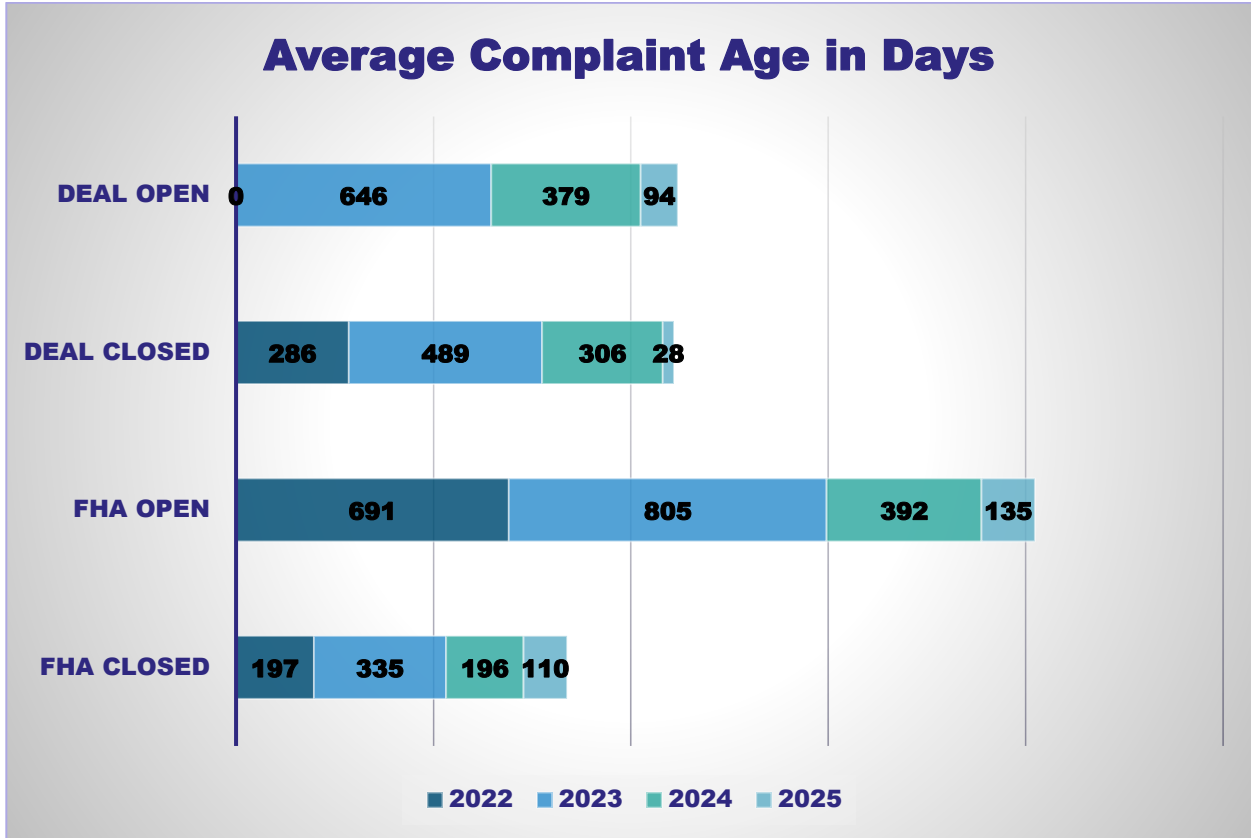


Figure IV-7 presents the average complaint age in days for all DEAL and FHA complaints received January 2022 through September 2025.

Federal Performance Assessments – FHA Complaints

The U.S. Department of Housing and Urban Development (“HUD”), Office of Fair Housing and Equal Opportunity (“FHEO”), conducts performance assessments of the Division’s Fair Housing Assistance Program (“FHAP”). These assessments evaluate whether the agency provides, in practice, rights, remedies, procedures, and judicial review that are substantially equivalent to those available under the federal Fair Housing Act. The most recent assessment covered fiscal years 2021 through 2023 and was completed in February 2024.

Case processing timeliness is the performance standard HUD identified as a significant challenge that needs improvement. HUD concluded that the Division closed 82 cases, but only 21—approximately 26%—were completed within the 100-day benchmark. The average case age rose to 201.5 days, an increase from the previous 2-year period, when the average was 144 days. This decline in timely case completion, from roughly 40% to 26%, has been highlighted as a recurring issue in the last 2 performance assessment reviews completed by HUD and continues to be an area of concern.

HUD found that the Division maintained a satisfactory level of performance and successfully completed the required number of complaint investigations for the State of Delaware. The Division was also found to be highly responsive to FHEO monitoring and proactive in reporting aged cases. The Division successfully met 8 of the 9 performance standards set by HUD and demonstrated strong commitment to eliminating discriminatory practices through statewide education and outreach. Based on these findings, HUD recommended that the Commission’s FHAP certification be maintained.

Complaint Investigation Outcomes

Division investigations result in different outcomes for DEAL and FHA complaints. However, both have conciliation agreement options and if parties enter into a conciliation agreement, respondents are required to complete a training program arranged by the Division, typically a 3-hour course.¹⁹

DEAL Outcomes

1. Conciliation agreement reached; case closed with compliance monitored.
2. Complaint withdrawn following resolution between the parties.
3. Complaint withdrawn without resolution.
4. Administrative hearing held before the Commission.

FHA Outcomes²⁰

1. Conciliation agreement reached; case closed and compliance monitored.
2. Complaint withdrawn following resolution between parties.
3. Complaint withdrawn without resolution.
4. Administrative closure due to complainant failure to cooperate or maintain contact.
5. Written determination issued:
 - No cause: complaint dismissed.
 - Cause found: charge issued; the aggrieved party has 20 days to elect either a Superior Court or Commission hearing.

Hearing Processes

If the Division cannot resolve a complaint, then it moves to the hearing process phase. The Commission is responsible for conducting hearings that stem from the Division's investigations. During the review period, the Commission posted public hearing notices and provided both virtual and anchor locations for all hearings held since 2023, with translator services available on request. The hearing process differs for DEAL and FHA cases, and the details are outlined in this section.

DEAL Cases

If the Division cannot resolve a DEAL complaint, a hearing before the Commission must be held within 60 days after the 120-day investigation and conciliation period expires.

During the hearing, the Commission applies the McDonnell Douglas test.²¹ This test involves a three-step analysis, which Delaware courts have adopted for evaluating claims under DEAL:

1. The complainant must establish a prima facie case of discrimination.²²
2. If a prima facie case is established, the burden shifts to the respondent to provide evidence of a legitimate, non-discriminatory reason for denying the complainant access.

¹⁹ Conciliation agreements are facilitated by the Division and may include a range of mutually agreed-upon relief terms.

²⁰ Additional information on FHA outcomes found in Appendix B.

²¹ *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973).

²² The Complainant must show: 1) they belong to a protected class; 2) they were qualified or entitled to the service; 3) they were denied the service or subjected to an adverse action; and 4) that individuals not of their protected class were treated more favorably.

- The burden then shifts back to the complainant, who must prove by a preponderance of the evidence that the respondent's stated reason is a pretext for discrimination.

After applying this analysis, the Commission determines whether a violation of DEAL has occurred. If a violation is found, the Commission issues an order outlining the violation and required remedies. If no violation is found, the case is dismissed. Any party wishing to challenge the decision must file an appeal with the Superior Court within 30 days.

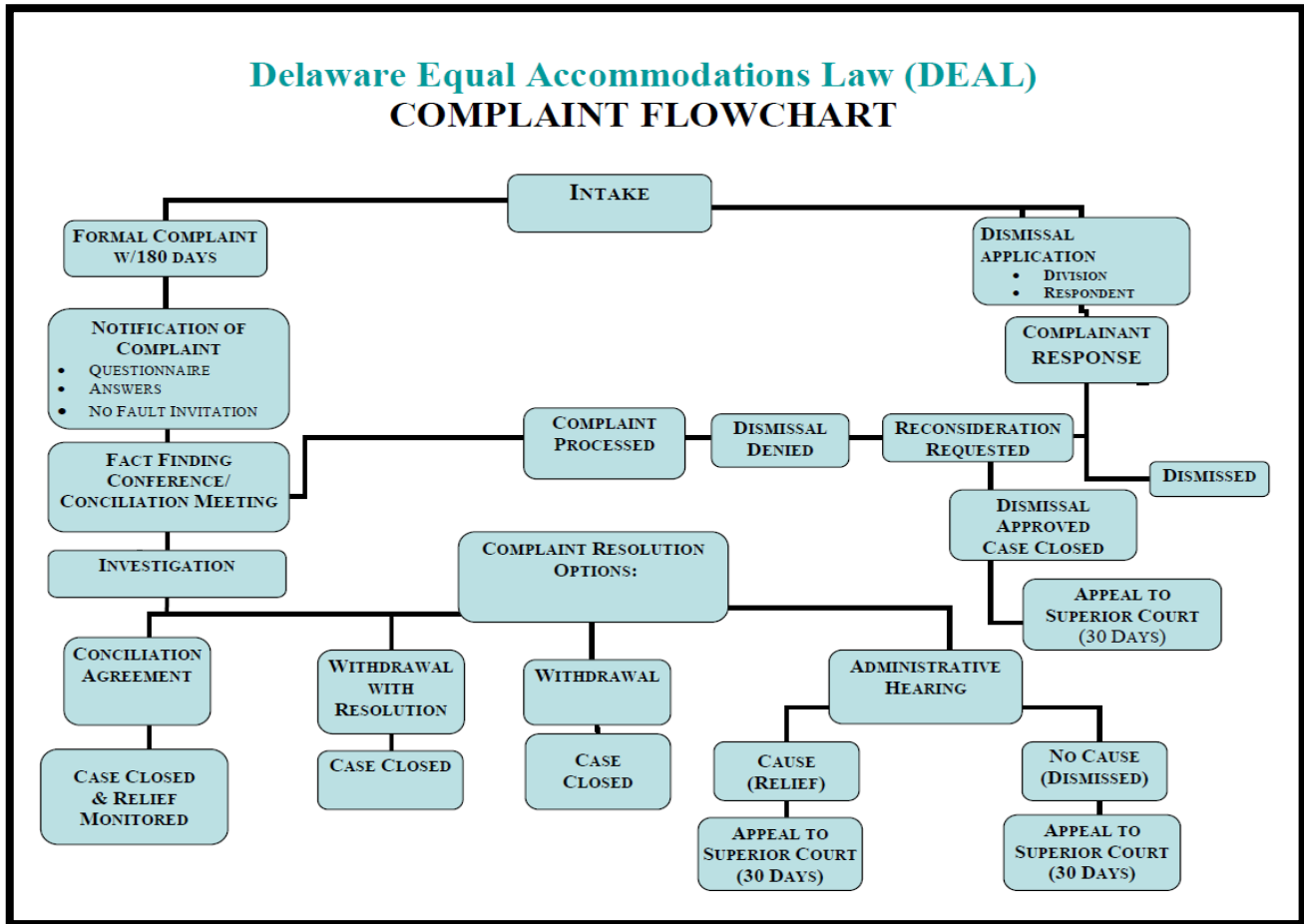


Figure IV-8 presents DEAL complaint flowchart supplied by the Division.

FHA Cases

If the Division issues a charge against a party, that party has 20 days to choose whether to have the hearing held in Superior Court or before the Commission. If the charged party elects to proceed before the Commission, the Commission must first determine whether the case involves disparate treatment or disparate impact.

- Disparate treatment refers to treating individuals less favorably because of a protected characteristic.²³

²³ *Saville v. Quaker Hill Place*, 531 A.2d 201, 204 (Del. 1987).

- Disparate impact involves policies or practices that appear neutral but disproportionately and unjustifiably disadvantage certain protected groups.²⁴

If the Commission determines the claim involves disparate treatment, it applies the three-prong McDonnell Douglas test. If the claim involves disparate impact, the Commission applies a similar but different test:²⁵

1. The plaintiff bears the initial burden of establishing a prima facie case of disparate impact.
2. If satisfied, the burden shifts to the defendant to show that the discriminatory policy was necessary to achieve a legitimate nondiscriminatory interest.
3. If the defendant does so, the burden shifts back to the plaintiff to show that the interest could be served through less discriminatory means.

The Commission determines whether an FHA violation has occurred. If a violation is found, the Commission will issue an order outlining the violation and the required remedies. If no violation is found, the case is dismissed. Any party wishing to appeal the Commission’s decision must file with the Superior Court within 30 days.

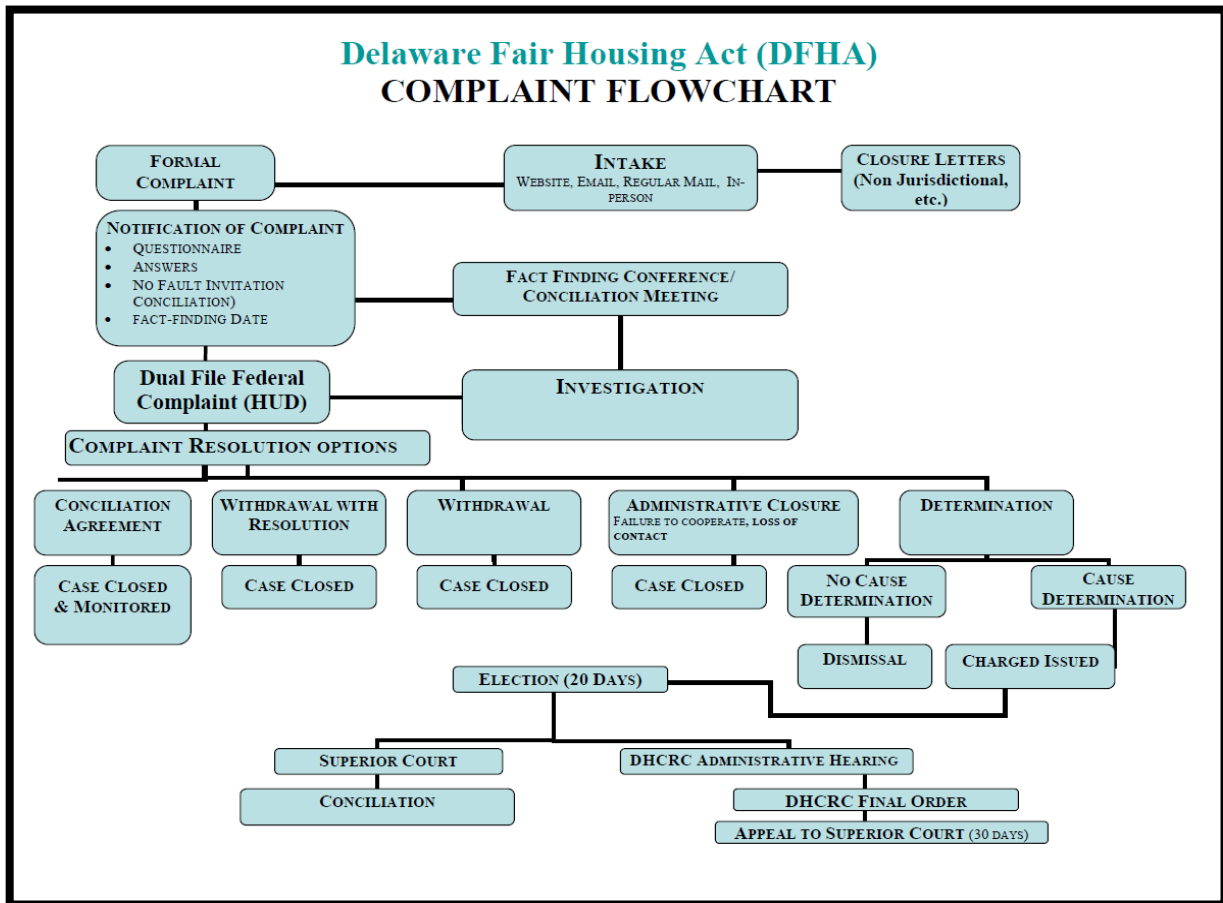


Figure IV-9 presents Delaware FHA complaint flowchart supplied by the Division.

²⁴ *Id.*

²⁵ This test was found best articulated in *Texas Dep't of Hous. & Cmty. Affs. v. Inclusive Communities Project, Inc.*, 576 U.S. 519, 527 (2015).

Disciplinary and Enforcement Authority

After the hearing process, the Commission may order damages, fees, equitable relief, and civil penalties, which differ between DEAL and FHA cases.

DEAL Cases

Upon determining that a respondent has engaged in a discriminatory public-accommodations practice in violation of DEAL, the Commission is authorized to issue a formal order providing comprehensive relief to the aggrieved party and imposing penalties to protect the public interest.²⁶

Relief may include:

1. Actual damage suffered by the aggrieved person, including damages for humiliation and embarrassment.
2. Costs, expenses, and reasonable attorneys' fees.
3. Injunctive or other equitable relief.
4. Civil penalties assessed against the respondent:²⁷
 - Initial violations: Up to \$5,000 for respondents with no prior discriminatory-practice history.
 - Second violations: Up to \$15,000 if the respondent committed one prior violation within the 5-year period preceding the complaint.
 - Subsequent violations: Up to \$25,000 if the respondent committed two or more violations within the 7-year period preceding the complaint.

FHA Cases

Upon determination that a respondent has engaged in a discriminatory FHA practice, the Commission is authorized to issue a formal order that may include actual damages suffered by the aggrieved person, costs, expenses, attorney's fees and injunctive or other equitable relief.²⁸ The Commission may also assess a civil penalty to the offending party:

1. Initial Violations: A penalty not exceeding \$10,000 for respondents with no prior history of discriminatory practices.
2. Secondary Violations: A penalty not exceeding \$25,000 if the respondent has committed 1 prior violation within the 5-year period ending on the date of the complaint.
3. Persistent Violations: A penalty not exceeding \$50,000 if the respondent has committed 2 or more violations within the 7-year period ending on the date of the complaint.

Special Administration Fund

The Special Administration Fund ("SAF") is a dedicated state treasury fund used to support the work of the Delaware Human and Civil Rights Commission.²⁹ It is composed of civil penalties, awarded fees and costs, designated federal grant funds, specifically allocated monies, and any interest earned.

²⁶ [6 Del. C. § 4508\(h\)](#).

²⁷ These fines are paid to the Special Administration Fund.

²⁸ [6 Del. C. § 4612\(g\)](#).

²⁹ [31 Del. C. § 3005](#).

Specifically, SAF consists of:

1. All civil penalties assessed and collected under Chapter 45 or 46 of Title 6.
2. Costs, attorneys' fees, and expenses awarded to the Commission under Chapter 45 or 46 of Title 6.
3. All Community Development Block Grant money designated for the administration and enforcement of Chapter 46 of Title 6.
4. All other money specifically designated for the fund.
5. All interest on or profits earned by the fund.

The Commission may use SAF for any of the following purposes:

1. Payment of litigation expenses, costs, and attorneys' fees in connection with the enforcement provisions of Chapters 45 and 46 of Title 6.
2. Payment of the expenses of investigations conducted under Chapters 45 and 46 of Title 6 and Chapter 30 of Title 31.
3. Payment of studies and surveys conducted under Chapter 30 of Title 31.

V. Fiscal Information

To provide context regarding the fiscal resources available to support the Division’s case-processing responsibilities, the Division supplied the following financial information. As noted in the following chart, most funding is provided through general fund appropriations.

Fiscal Year	Source(s) of Funds	Amount (\$)
2022	General Fund	\$498,300
2023	General Fund	\$529,800
2024	General Fund	\$818,900
2025	General Fund	\$809,900

Figure V-1 presents general fund amounts per fiscal year.

Federal Funding

The Division receives federal funding in addition to state appropriations. The U.S. Department of Housing and Urban Development (“HUD”) administers these federal funds. The Division qualifies for this support because HUD’s Office of Fair Housing and Equal Opportunity certified it as a “substantially equivalent Fair Housing Agency.” Federal funds are used to support fair housing enforcement, training, outreach, and education. These grants have enabled the Division to fund a fair-housing investigator position, provide training for commissioners and staff, and update hardware and software used in case processing.

In addition, HUD provides Partnership Grants and Special Enforcement Efforts (“SEE”) funds to state entities such as the Division to support and strengthen their fair-housing work.

Partnership Grants allow agencies like the Division to engage individuals or public, private, for-profit, or nonprofit organizations with the expertise needed to effectively carry out the agency’s fair-housing responsibilities. These funds are restricted to education and outreach activities, and grant amounts vary based on demonstrated need.

SEE funds are awarded on a formula basis to agencies that conduct intake for their programs, as determined by HUD’s Fair Housing Assistance Program (“federal FHAP”) Division. SEE funds are intended to support state agencies’ enforcement activities, including:

- Covering costs associated with conducting intake activities.
- Supplemental enforcement costs related to complex or extended investigations.
- Extraordinary enforcement and investigation expenses associated with fair-housing enforcement activities.

Fiscal Year	Source of Funds	Amount
2022	Federal (HUD/FHEO Cooperative Agreement)	\$150,173
Fiscal Year 2023 Total: \$150,173		
2023	Federal (HUD/FHEO Cooperative Agreement)	\$174,945
2023	Partnership	\$25,000
2023	Special Enforcement Efforts Funds	\$8,000
Fiscal Year 2023 Total: \$207,945		
2024	Federal (HUD/FHEO Cooperative Agreement)	\$217,705.60
2024	Partnership	\$25,000
2024	Special Enforcement Efforts Funds	\$26,300
Fiscal Year 2024 Total: \$269,005.60		

Figure V-2 presents federal funding sources and amounts per fiscal year.

To maintain eligibility for this funding, the agency must spend at least 20% of its total annual budget on fair-housing activities, excluding the funds provided through the HUD Fair Housing Assistance Program grant itself. This requirement applies to agencies that enforce additional anti-discrimination laws beyond fair housing. Each year, the agency must certify to HUD that it meets the 20% expenditure requirement. HUD also conducts performance assessments, most recently completed in February 2024, covering fiscal years 2021 through 2023, and found the Division in compliance.

On January 20, 2025, President Trump signed an executive order titled, *Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government*. The order's primary aim is to redefine "sex" in federal programs as a fixed biological trait determined at conception. HUD has indicated that it may limit federal funding to states whose housing programs recognize gender identity as a protected class.³⁰ As a result, states such as Delaware may face significant reductions in what has historically been a reliable source of federal fair-housing funding.

³⁰ HUD has proposed a rule to eliminate its disparate impact enforcement when it comes to fair housing.

VI. Division Reported Challenges & Accomplishments

The Division submitted the following challenges and accomplishments that relate to Division and Commission operations, many with potential impacts to complaint processing resources.

Division Reported Challenges

Staffing Challenges

The Division has had trouble finding and maintaining adequate staffing levels. The Division stresses that maintaining adequate personnel is crucial for effectively conducting complex investigations, managing hearings, performing community outreach, and fulfilling federal FHAP compliance requirements. The Division currently has 7 full-time employees and 1 contractual staff member, with 1 full-time investigator position open. The Division finds that most employment opportunities remain open or are declined by applicants due to low salaries, which are less competitive when compared to neighboring states. The Division's research suggests:

- Delaware is the second-lowest agency in entry-level pay and the lowest in maximum pay.
- Delaware has no pay progression within the Investigator II classification.
- Delaware investigator salaries sit 17%–34% below regional averages.
- D.C. pays nearly double Delaware's entry salary for comparable work.
- Maryland offers an investigator salary band \$27,747 higher at the top end.

The Division notes that, because of the small staff size and the inability to retain employees, staff are often tasked with completing multiple jobs for both the Division and the Commission to operate adequately.

Technology Challenges

The Division utilizes a system called CREMS to maintain and secure its information. This system requires regular updates to meet both state and federal requirements. As the federal systems updates, the Division's CREMS system must update to maintain compliance to remain certified on the federal level. This often means the Division is requesting 1-time or ongoing appropriations from the state. Unaddressed shortcomings in the Division's systems mean that administrative and investigative staff must repeatedly perform tasks that could be automated, further adding to staff workloads and case processing delays.

Legal Challenges

The Division reports ongoing confusion between the Division and the Delaware Department of Justice ("DOJ") that could impact its ability to uphold its statutory obligations. First, the Division asserts that the Commission's right to effective legal representation in fair housing cases must be statutorily clarified. Second, the Division contends that the statute of limitations in the Fair Housing Act must be clarified.

1. Following the issuance of a Charge of Discrimination, the "judicial election" process introduces several procedural hurdles that currently undermine the Commission's enforcement capabilities. The Attorney General is statutorily mandated to pursue an action within 30 days of a judicial election filing. The Division reports, however, that the DOJ frequently takes months to communicate whether it will provide representation. These delays have recently provided grounds for defense counsel to file motions to dismiss, which threaten the viability of active cases.

The Commission's ability to secure alternative representation is legally and financially restricted. Under Delaware law, agencies are generally prohibited from hiring outside counsel as the Attorney General serves as the default legal representative. While the DOJ has signaled that the Commission may hire Special Counsel using its Special Administrative Fund, this option is entirely dependent on the availability of those funds. When the fund is depleted, the Commission is left without a viable path to pursue litigation unless the DOJ is its legal representation. This can impair the Commission's mission to combat discrimination.

2. The Division reports that DOJ stated that the limitation period for fair housing cases commenced by the Commission is likely 3 years, measured from the date of the alleged discriminatory act. The Division believes that this interpretation fails to account for time that a case may spend in the administrative phase before the Division. This creates a situation where the administrative process itself could inadvertently exhaust the time remaining to file judicial action.

The Commission asserts that the proper statute of limitations should be applied under 6 *Del. C. § 4613*, which starts the clock once the claim is filed in Superior Court. The Commission reports that it is operating under a theorized timeline that is less clearly defined, causing uncertainty and leading to unnecessary procedural challenges.

Legislative Challenges

Over the review period, multiple statutory amendments have created additional responsibilities for the Division and Commission. Staff have absorbed these new responsibilities through internal reallocation and workload shifting. Still, administrative pressure has increased significantly, and these unfunded responsibilities have contributed to increased operational strain, slower complaint and case processing times, and rising backlogs.

Repeated statutory amendments without an accompanying fiscal note will further challenge the Division to fulfill its duties and obligations. Additionally, the Division's enforcement role is tied to federal FHAP requirements. Failure to meet federal FHAP requirements could lead to loss of federal funding that supports enforcement efforts, increased federal oversight or intervention, and damage to Delaware's credibility as a civil rights partner.

Budgetary Challenges

- Staffing – In the coming fiscal years, the Division will continue to face staffing challenges that will compromise its compliance and performance unless attention to recruitment and retention is prioritized. When employees are overextended, burnout and turnover will continue, and loss of experienced personnel reduces efficiency and increases stress.
- Technology – The coming fiscal years will see the Division continue to need technology investments to keep CREMS current or replace it with a more efficient system. Such improvements would automate routine and repetitive tasks, support compliance with timeliness requirements, and expand online access so the public can obtain more case information directly.

Structural Challenges

The Division fears that if it does not receive the staffing authority, competitive compensation, and structural flexibility it needs, Delaware risks slower justice, reduced federal support, higher operational costs, and a weakened civil rights system.

Division Reported Accomplishments

The Division and Commission are proud of the accomplishments they achieved throughout JLOSC's review period. Some of those accomplishments include:

- Partnering with the General Assembly in 2022 to rename the Commission and Division.
- Collaborating with the Governor's Office to fill all Commission vacancies.
- Filling critical staff positions, including 2 administrative specialists and 2 investigators.
- Reviewing, updating, and streamlining the new Commissioner orientation presentation.
- Receiving and processing over 100 discrimination complaints annually throughout the review period.
- Engaging outside counsel to prosecute a housing discrimination case the Attorney General's Office could not pursue due to a conflict; the case remains active in Superior Court.
- Updating and delivering a public awareness presentation outlining the Commission's role, the civil rights laws it enforces, and the complaint process for housing and public accommodations discrimination.
- Reviewing and revising Commission bylaws.
- Initiating updates to regulations under the Delaware Fair Housing Act and Equal Accommodations Law.
- Providing comprehensive fair housing and equal accommodations training to dozens of respondents and employees under conciliation agreements negotiated by agency investigators.
- Testifying at Delaware Office of Management and Budget ("OMB") and Joint Finance Committee ("JFC") budget hearings on conditions in Delaware affecting discrimination and disparities among marginalized populations.
- Coordinating with the Governor's Office to proclaim January as Human and Civil Rights Awareness Month.
- Continuing as the only Delaware agency to plan, promote, and lead activities recognizing the National Day of Racial Healing for more than six consecutive years, using the event to educate the public about anti-discrimination laws and complaint process.

VII. Staff Findings and Recommendations

Staff Finding 1: Case processing timeliness exceeds statutory and federal benchmarks, resulting in an aging caseload.

Data provided by the Division show that average time to close a case exceeded benchmarks for both complaint types during the review period. For DEAL complaints, the statute requires investigation and attempted resolution within 120 days; however, closed DEAL complaints averaged 341 days, and open cases included complaints pending since 2023, with cases averaging 276 days open. FHA complaints exceeded the 100-day state and federal benchmarks, with open cases averaging 135 days as of September 30, 2025. Prior HUD performance assessments have identified timeliness as a recurring challenge.

➤ **Staff Recommendation 1: The Division should develop a timeliness improvement plan with measurable milestones and report progress to JLOSC in January 2027.** The plan should include:

1. Triage protocol for older cases.
2. Monthly tracking of aged cases (e.g., over 100/120 days).
3. Consistent use of required written delay notices for FHA matters when the 100-day benchmark cannot be met.
4. Internal targets for each major step of the process, including intake completion, filing, investigation closure, determination, and final case closure.

Staff Finding 2: Persistent recruitment and retention barriers have materially constrained the Division's ability to meet workload demands.

The Division reported operating for extended periods with high vacancies and noted challenges attracting and retaining staff due to compensation that is not competitive with comparable roles in surrounding states. Its small staffing model also requires employees to take on multiple responsibilities supporting both Division operations and Commission activities, increasing the risk of burnout and operational bottlenecks.

➤ **Staff Recommendation 2: The Division should request compensation and classification review for investigator and key support roles.** JLOSC may consider requesting that the Division seek an evaluation from the Delaware Department of Human Resources to determine whether current classification structures and pay ranges align with the complexity and legal requirements of fair housing and equal accommodations investigations, and whether these positions are compensated comparably to similar roles in surrounding states. The Division would then use the results to inform its discussions with OMB and JFC during the budget process and would provide the findings to JLOSC.

Staff Finding 3: Public reporting is limited, reducing transparency.

Comparable entities in other states publish annual activity reports that include basic caseload statistics, outcomes, and performance measures. The Commission and Division conduct substantial enforcement and outreach work but reporting that combines core metrics for legislators and the public is not required by statute.

➤ **Staff Recommendation 3: Require an annual public report of complaint activity, outcomes, and timeliness.** JLOSC may consider drafting legislation requiring the Division to submit an annual report to the Governor, General Assembly, and the Division of Legislative Services summarizing annual complaint information such as:

- Total DEAL and FHA complaints received and referrals to other agencies.
- Alleged bases of discrimination summarized by major categories.
- Open and closed case status counts and average age of open cases.
- Total cases closed and disposition, including conciliation, withdrawal, dismissal, cause or no cause determinations, hearing outcomes, or court election outcomes where applicable.
- Basic respondent type categories, such as housing provider, public accommodation, or employer if applicable to intake fields.
- Timeliness measures as compared to statutory and federal benchmarks.

JLOSC and Division staff will work together to develop statutory revisions, incorporating technical corrections if appropriate.

Staff Finding 4: Outdated regulatory references.

JLOSC staff observed that published regulations have not been updated to reflect the Division's and Commission's name changes.

➤ **Staff Recommendation 4: Update regulatory references to reflect current names.**

The Division takes the necessary regulatory procedural steps to update the Division and Commission names where outdated references remain in published regulations.

Staff Finding 5: Potential need for statutory clarification regarding representation and timing in fair housing cases.

The Division reported recurring uncertainty regarding legal representation after a fair housing "judicial election" and the practical effect of statute-of-limitations interpretations when a case spends significant time in the administrative process. Delays in representation decisions and unclear timelines can increase litigation risk and threaten the viability of active cases.

➤ **Staff Recommendation 5: Division should review statutory clarification regarding representation and timing in fair housing cases.** The Division should convene discussions with the Department of Justice to clarify roles and timelines following a judicial election and to evaluate whether statutory amendments are necessary to ensure fair housing cases can be prosecuted effectively without unnecessary procedural delay. The Division will report an update to JLOSC in January 2027.

Staff Finding 6: Potential need for statutory clarification. The FHA and DEAL statutes were established in the 1960s and it is unclear whether they have undergone comprehensive review. A full evaluation of both may help ensure clarity, transparency, and accuracy.

- **Staff Recommendation 6: Division should review FHA and DEAL statutes.** The Division should review FHA and DEAL statutes against current processes, procedures, and known operational issues to identify areas where statutory clarification is needed. This review should itemize specific provisions requiring clarification and briefly explain why each clarification is necessary to ensure transparency, accuracy, and alignment with practical case-handling realities. The Division will report an update to JLOSC in January 2027.

Staff Finding 7: Holdover.

Staff recommendations include action items that benefit from periodic progress updates. Beginning in January 2027, the Division could provide JLOSC with a status report. These updates would support JLOSC’s future discussions regarding next steps, including whether any legislative changes should be explored or whether the entity is ready for release from review.

- **Staff Recommendation 7: Division status report in January 2027.** The Division will provide updates on all recommendations adopted by JLOSC in January 2027. JLOSC staff will provide the Division with instructions.

Appendix A

Division Investigator Case Processing Model: End-to-End Case Management

The Division currently operates with limited staff, requiring an end-to-end case management model in which a single investigator manages each complaint from intake through investigation, resolution, and closure. This structure forces investigators to perform multiple specialized tasks—such as intake assessment, legal review, investigation, and resolution—and, as caseloads have grown, has contributed to longer processing times due to the broad range of responsibilities assigned to each investigator.

Investigator Duties:

- Conducts intake.
- Drafts the complaint.
- Performs the investigation.
- Handles conciliation.
- Prepares the final report and determination.

Advantages:

- Promotes continuity and reduces information loss between case stages.
- Strengthens engagement with complainants and respondents.

Disadvantages:

- Require investigators to perform multiple specialized functions, including intake, investigation, conciliation, and reporting.
- Limits scalability as caseload volume increases.

Appendix B

FHA Complaint Outcomes by Disposition Type (July 2023 – June 2025)

Outcome Type	Number of Cases	Percentage of Closed Cases
Conciliation Agreements	18	30.5%
Withdrawn with Resolution	2	3.4%
Administrative Closures	11	18.6%
No Cause Determinations	23	39.0%
Judicial Proceedings Initiated	8	13.6%
Administrative Hearings	0	0%

FHA Complaint Outcomes: Proceeded to Judicial Proceedings (July 2023 – June 2025)

HUD Number	Complaint Name	Judicial Filing/Results
03-22-0197-8	Millar, Gabrielle v. Greenbrier Condos LLC, Nicholas Baldini, Jr., Beatrice Peyton, et al.	Filed 3/20/24 The trial is scheduled for August 3, 2026
03-22-1439-8	Millar, Gabrielle v. 1st Class Properties	Filed 1/24/25 The court approved the parties' request to delay further action pending settlement discussions.
03-23-2883-8	Snook, Thomas v. Villa Belmont Condominium Owners Association, VBCA Management, et al	Attorney General Dismissal
03-23-3304-8	Saunders, Shannon o/b/o Village of Hope America v. SVN Miller Commercial Real Estate, et al.	Filed 3/6/2025 The court approved the parties' request to delay further action pending settlement discussions.
03-23-4884-8	Cahill, James and Elaine v. Elmer Yu, Wilma Yu, Christine Welch, et al.	Filed 12/9/2024 Superior Court Motion to Dismiss Hearing 6/5/2025, Possible Supreme Court appeal

HUD Number	Complaint Name	Judicial Filing/Results
03-22-3870-8	State Human Relations Commission v. FirstService Residential, Roger Fons, Kent County Dept. of Planning Services, Scott Blaier, et al.	Filed 1/29/2025 Under consideration for AG Dismissal
03-21-9308-8	Charles, Rachelle v. Elizabeth Cornish Landing, Severn Companies, Makenzi Fleetwood, et al.	Filed 11/13/2023 Stipulation and Settlement Agreement

FHA Complaint Outcomes: Noteworthy Settlements and Awards (July 2023 – June 2025)

03-22-1557-8 DHCR ex rel. Renee Austin v. Greens at Cedar Apartments, Shallan Fortune, CT Management, Max Sternstein, et al.

Complaint Basis: Disability (physical).

Type of Closure: Settlement agreement.

Monetary Relief: Respondent will pay \$3,500 in compensatory damages, waive and not seek payment for any outstanding debt of \$6,438.15, and pay a civil penalty of \$5,000 to the Commission's Special Administration Fund.

Public Interest Relief: Employees to participate in comprehensive fair housing training (DE staff), and monitoring and reporting.

03-24-4542-8 Baker, Nancy v. Milford Crossing Apartments/Arbor Management, et al.

Complaint Basis: Disability (physical).

Type of Closure: Conciliation.

Monetary Relief: Respondent to pay \$20,000 to settle 2 complaints.

Public Interest Relief: Comprehensive fair housing training for the management team, all staff in rental offices in Delaware, and new hires; all advertisements must display the Equal Housing Opportunity logo and the phrase 'Equal Housing Opportunity'; respondent will notify employees of their non-discrimination policies, rules, and practices. Compliance monitoring for 1 year.

03-22-1441-8 DHCRC ex. rel. McIvor, Etoile v. Roxanne Liddle, Sunnyside Apartments, Lenape Properties Management Inc., Louis Ramunno, et al.

Complaint Basis: Disability (physical).

Complainant Relief: Respondent agrees to pay \$10,000 in compensatory damages.

Type of Closure: Settlement agreement.

Public Interest: Respondent to pay a civil penalty to the Delaware Human and Civil Rights Commission's Special Administration Fund; employees must participate in comprehensive fair housing training; respondent must create a written policy for reviewing lease applicants' income during the application process, consistent with the definition of source of income, including benefits like SSI and TANF, within 30 days, and disseminate it within 30 days.

03-23-3883-8 Brown, Darryl v. Pebble Hill Owner, LLC, et al.

Complaint Basis: Race (Black).

Type of Closure: Conciliation.

Monetary Relief: Respondent to reimburse complainant \$5,000; pay complainant \$2,870 toward future rent starting in July 2024. Respondent agreed to offer complainant a month-to-month lease at \$1,485 until 10/31/25, with no extra payment due to the month-to-month arrangement.

Public Interest: Comprehensive fair housing training; advertise fair housing logos; employees must acknowledge in writing that they have received and read the non-discriminatory housing rules, policies, and practices.