

2020 STATEWIDE ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

FULL DOCUMENT

November 2020



DELAWARE STATE FAIR HOUSING CONSORTIUM

Prepared this Analysis of Impediments with assistance from the Lawyers' Committee for Civil Rights Under Law, and the Poverty and Race Research Action Council (PRRAC)

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I. Executive Summary

In 2017, all jurisdictions in Delaware receiving U.S. Department of Housing and Urban Development (HUD) funding, as well as public housing authorities (PHAs) operating in those jurisdictions established a Consortium to conduct a Statewide Analysis of Impediments to Fair Housing Choice (AI). This includes the following entities:

- Delaware State Housing Authority (DSHA)
 - Includes Kent and Sussex Counties
- New Castle County
 - New Castle County Housing Authority (NCCHA)
- Newark Housing Authority (NHA)
- City of Wilmington
- Wilmington Housing Authority (WHA)
- City of Dover
- Dover Housing Authority (DHA)

The Lawyers' Committee for Civil Rights Under Law (Lawyers' Committee) and the Poverty and Race Research Action Council (PRRAC) worked closely with the Consortium to prepare an analysis that generally follows the structure of the HUD-proposed Assessment of Fair Housing (AFH) pursuant to HUD's 2015 rule on affirmatively furthering fair housing. Early in the development of this analysis, HUD dropped the requirement for the AFH. However, the Consortium chose to follow the AFH structure.

This analysis is a thorough examination of structural barriers to fair housing choice and access to opportunity for members of historically marginalized groups protected from discrimination by the federal Fair Housing Act (FHA). The AI provides a planning process for the Consortium, individually and/or collaboratively, to take meaningful actions to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities.

The goals and priorities were determined with significant input from a wide range of stakeholders during the initial community participation process. To provide a foundation for the conclusions and recommendations presented in this AI, the Lawyers' Committee and PRRAC reviewed and analyzed:

- Data from the U.S. Census Bureau and other sources about the demographic, housing, economic, and educational landscape of the state;
- Various state, city, and housing authority documents and ordinances; and
- Data reflecting housing discrimination complaints.

The AI draws from these sources to understand fair housing issues such as: patterns of integration and segregation of members of protected classes; racially or ethnically concentrated areas of poverty; disparities in access to opportunity for protected classes; and, disproportionate housing needs. The analysis also examines publicly supported housing, as well as fair housing issues for persons with disabilities. Private and public fair housing enforcement, outreach capacity, and resources are evaluated as well. The AI identifies contributing factors to fair housing issues and steps that should be taken to address these barriers or "impediments" – the operative term in past AIs.

This AI follows the process for the Assessment of Fair Housing (AFH) created by the U.S. Department of Housing and Urban Development (HUD) to meet HUD's 2015 rule on affirmatively furthering fair housing. This includes using the HUD-provided data, guidance, and assessment tool. The assessment tool includes a series of prompts that comply with HUD's AFH User Interface application.

While no longer required, the report is written to respond to the assessment tool prompts. Text contained in these blue boxes indicate an assessment tool prompts.

Overview of Delaware

With a population just under one million residents, Delaware ranks 45th out of 50 states. It is also the second smallest state in the country, but the sixth densest state. The most populous parts of the state are largely suburbs, with some cities and rural areas. The state's White population percentage is consistent with the United States however more heavily Black and less heavily Asian American or Pacific Islander and Hispanic. Certain areas, such as Wilmington and Dover, have moderate to high levels of segregation.

Over time, Delaware has become more diverse. The White population has steadily fallen, from 79.2 percent in 1990 to current day levels at 63 percent. The other racial and ethnic groups have seen corresponding levels of growth, with the population of Black residents rising from 16.7 percent in 1990 to 21.3 percent by the most recent estimates. Conversely, the Hispanic population surged from 2.4 percent (15,717 persons) in 1990 to 9 percent of the current population with 84,793 persons.

Within each jurisdiction, most racial or ethnic minority groups experience higher rates of housing problems, including but not limited to severe housing cost burden, than non-Hispanic White households. Among all racial or ethnic groups, Hispanic households are most likely to experience severe housing problems. These housing burdens are especially acute for renters, and places with higher concentrations of renters also experience the highest cost burdens. The cities in this analysis also experience the challenges of having an aging housing stock, which, in New Castle County particularly, is more likely to contain lead paint and lack accessibility features for people with disabilities. On top of all of this, extremely segregated areas limit access to opportunities like a proficient education and proximity to good jobs, and work to perpetuate these conditions.

There is a great need for the construction of more affordable housing in high opportunity areas in order to break down some of these barriers and increase access to opportunity. Policies that foster greater integration could also help address gentrification and the displacement of racial minorities. Consortium members have enacted some policies to prevent displacement and increase the supply of affordable housing, including source of income protections, incentives for the development of affordable housing in high opportunity areas, voluntary inclusionary housing, and anti-discrimination laws that afford protections beyond the federal Fair Housing Act. Still, these protections and incentives are not enough to stem the loss of affordable housing and meet the housing needs of low- and moderate-income residents, including low-income people of color and persons with disabilities.

Delaware is a national leader in efforts to ensure community integration for persons with disabilities. In 2016, the State became the first jurisdiction in the nation to successfully fulfill the terms of a settlement with the U.S. Department of Justice (DOJ) in a case alleging violations of the Americans

with Disabilities Act's (ADA) community integration mandate, and was released from court oversight. The State has a variety of programs that provide affordable housing and supportive services to persons with disabilities. Even so, in each county, affordable, accessible units are concentrated in racially segregated areas that are more heavily Black than the surrounding area. The need for accessible units appears to be particularly acute in Wilmington and Dover, which have disproportionately older multifamily housing stock than the surrounding suburban areas. In order to allow for the integration of people with disabilities into neighborhoods, the amount of accessible units must be increased, and their distribution is important to ensure that people with disabilities are not confined to particular neighborhoods.

Key Points:

- Delaware is becoming more diverse: the White population declined from 79.2 percent in 1990 to 63 percent today. Conversely, the Hispanic population surged from 2.4 percent (15,717 persons) in 1990 to 9 percent of the current population with 84,793 persons.
- Extremely segregated areas limit access to opportunities such as high performing schools and proximity to good jobs, and work to perpetuate these conditions.
- There is a need for more affordable housing in high opportunity areas to meet the needs of low- and moderate-income residents, especially low-income people of color and persons with disabilities.
- Statewide, racial or ethnic minority groups are likely to experience higher rates of housing problems (lack of complete kitchen facilities, lack of adequate plumbing, overcrowding or cost burden).
- Delaware has made good progress in addressing the needs of persons with disabilities, but there is still a need for more affordable, accessible and evenly distributed housing.

Overview of New Castle County

New Castle County is the most populous and the most diverse of the three counties. Its population is predominantly White (59 percent), with significant percentages of Black (24 percent), Hispanic (10 percent), and Asian American or Pacific Islander residents (5 percent). The White population has fallen sharply, from 86.7 percent in 1990 to current day levels at 58.5. The other racial and ethnic groups have seen corresponding levels of growth, with the population of Black residents rising from 9.5 percent in 1990 to 24.1 percent by the most recent estimates. The Hispanic population had a modest rate of growth from 1.8 percent in 1990 to 9.6 percent of the county's current population.

Within New Castle County, the City of Wilmington displays high levels of segregation. Minority residents have less access to opportunity, while the predominantly White suburbs tend to be wealthier and have more access to opportunity. The housing stock in Wilmington also tends to be older and geared toward renters, while the suburbs enjoy newer, single family homes. The advanced age of the housing stock greatly increases the likelihood of the presence of lead paint, and the statistics across the state show that New Castle County has much higher incidences of lead paint than the other counties. The county's only Racially and Ethnically Concentrated Areas of Poverty (R/ECAPS) — are also located in Wilmington.

When evaluating access to opportunity, there are large gaps between Wilmington and the county's more suburban areas. This is particularly concerning for racial minorities, given the high percentage of Black residents in Wilmington compared to the predominantly White suburbs. While school proficiency levels in the county are relatively good, they are markedly lower in Wilmington. Conversely, transit access is very high in the county, but is even higher in Wilmington. There is significant disparity in access to employment in the county, with White residents receiving notably higher access than Black residents. Finally, environmental health scores in Wilmington are extremely low, near the 10th percentile for each racial/ethnic group when disaggregated by group. Meanwhile, the scores for the whole county are about 30 points higher, indicating much better environmental health in the suburbs.

There are a variety of programs that provide affordable housing and supportive services to persons with disabilities. Even so, in New Castle County, affordable, accessible units are concentrated in racially segregated areas that are more heavily Black than the surrounding county. The need for accessible units appears to be particularly acute in Wilmington, which has disproportionately older multifamily housing stock than the surrounding areas. In order to integrate people with disabilities into neighborhoods, the amount of accessible units must be increased, and their distribution is important to ensure they are not confined to particular neighborhoods.

There is also a large disparity in the siting of publicly supported housing. While the percentages of each category of publicly supported housing in the county fall below 1.5 percent of the county's total housing stock, in Wilmington, public housing, Project-based Section 8, and Housing Choice Vouchers (HCV) each make up close to 5 percent of the City's housing stock. This concentration of affordable housing can have the effect of segregating racial minorities who are disproportionately low-income.

New Castle County requires the distribution of a Tenants' Rights Guide (which establishes minimum standards for utilities, infestations, plumbing, etc.), registration of rental units, and entry to units for inspection. A combination of private (Housing Opportunities of Northern Delaware) and public (Wilmington Civil Rights Commission, Community Legal Aid Society, Inc.) organizations work to protect tenants facing housing discrimination and unsafe living conditions, etc.

Key Points:

- The county needs to make more efforts to bridge the gaps in access to opportunity between its urban and suburban jurisdictions.
- The City of Wilmington is particularly segregated, with Black residents facing low access to opportunity.
- The county's publicly supported housing stock is concentrated in Wilmington. Only 2.1 percent of housing outside of Wilmington is publicly supported, compared to 16 percent in Wilmington.
- While access to transit is higher in Wilmington, access to environmentally healthy neighborhoods, employment, and high proficiency schools are significantly lower.
- There are four R/ECAPs in Wilmington, two of which have distinctly low access to proficient schools.

- In Newark, the continuing growth of University of Delaware enrollment has placed huge pressure on the local housing market, to the disadvantage of low-income families of color who are the predominant group of residents on the Newark PHA waitlist. This ongoing pressure is also displacing residents that are part of workforce.

Overview of Kent County

Kent County is the least populous of the three counties, and the second most diverse. Its population is predominantly White, at 63 percent, with significant Black (24 percent) and Hispanic (7 percent) populations. Since 1990, both the Black and Asian American or Pacific Islander populations have doubled, and the Hispanic population has increased significantly. Segregation levels in Kent County and the City of Dover are low. Even so, Dover contains the county's only R/ECAP. The demographics of this solitary Dover R/ECAP closely mirror the demographics of the rest of the City, suggesting that the concentration of poverty, rather than a concentration of racial and ethnic minorities, is what sets it apart.

The City of Dover is much more heavily Black than the county at large, and therefore disparities in access to opportunity between the city and the suburbs results in a disproportionate effect on Black residents. While school proficiency across the County is good, it is markedly lower in Dover, and therefore impacts Black students disproportionately. Conversely, transportation access in the county receives middling scores while it is far better in Dover. There are no great disparities in the employment market with statistics in Dover and Kent County closely tracking each other. Finally, environmental health scores in Dover are middling, while the whole of Kent County scores are about 20 points higher, suggesting great environmental health in the suburbs than the city.

When it comes to households experiencing housing problems such as overcrowding and high housing cost burden, the statistics for Dover and Kent County roughly mirror each other. Overall, Hispanics experience the highest rate of housing problems, with Black residents following closely behind.

Each category of publicly supported housing makes up less than 1.5 percent of the total housing stock in Kent County, with HCVs representing the largest share. Within the City of Dover, those numbers rise considerably, with the smallest category (Other Multifamily Housing) representing nearly 1.5 percent of the housing stock, and every other category hovering around 2.5 percent each. The population of Dover has a notably stronger concentration of minorities than the surrounding county. This concentration of affordable housing in the city may have the effect of concentrating minorities, who are disproportionately low-income, in Dover.

The State has a variety of programs that provide affordable housing and supportive services to persons with disabilities. Even so, in Kent County, affordable, accessible units are concentrated in racially segregated areas that are more heavily Black than the surrounding county. In comparison to New Castle County, both Kent and Sussex Counties have relative concentrations of persons with ambulatory and independent living disabilities. Kent County also has the strongest concentrations of people with cognitive disabilities and people with disabilities in general (across all age groups). The need for accessible units appears to be particularly acute in Dover, which has disproportionately older multifamily housing stock than the surrounding suburban areas. In order to allow for the integration of people with disabilities into neighborhoods, the number of accessible units must be increased, and their

distribution is important to ensure that people with disabilities are not confined to particular neighborhoods.

Kent County has the least amount of Fair Housing Enforcement services that are specific to the county. However, they make up for it by having many of the statewide enforcement mechanisms based out of Dover, including the Delaware Division of Human Relations (DDHR) Commission. They are tasked with promoting inclusion, cooperation, and fair treatment broadly across a number of issues. They also receive complaints and resolve them in cooperation with the State Human Relations Commission.

Key Points:

- The City of Dover contains the only R/ECAP outside of Wilmington and contains the fourth highest number of affordable, accessible units.
- Segregation level in Kent County are overall low, comp
- The City of Dover has more Black residents than the rest of Kent County and are particularly impacted by lower access to proficient school and environmentally healthy neighborhoods.
- Public housing makes up 3.6 percent of Kent County's housing, compared to 9.1 percent of the City of Dover. Barriers to mobility prevent tenants from moving to higher opportunity areas.

Overview of Sussex County

Sussex County is the second most populous and the most racially and ethnically homogenous of the three counties. Its population is predominantly White (75 percent), but with significant percentages of Black (12 percent) and Hispanic (9 percent) residents. Since 1990, both White and Black non-Hispanic populations have declined gradually. However, the Hispanic population surged during this time from comprising 1,476 persons (or 1.3 percent of population) in 1990 to almost 20,000 persons or (9.2 percent of population) according to most recent estimates. There are no R/ECAPs in Sussex County.

There do not appear to be large disparities across racial/ethnic groups when it comes to access to opportunity; however, there are notable highs and lows across the various opportunity categories. School proficiency levels in the County are moderate to good, with markedly higher scores in the areas near the coast, compared to the areas near the Maryland border. Transportation access in Sussex County is the lowest of all three counties. Sussex has middling access to the employment market. Finally, Sussex County has the highest levels of environmental health out of all three counties. However, environmental health hazards have much more localized effects. For example, poultry processing facilities are an important industry which is also a major source of water pollution. Additionally, while conducting stakeholder meetings as part of the community engagement process, this analysis discovered serious racial disparities in access to water and sewer hookups in rural areas of Sussex County. These disparities are due to ongoing community opposition efforts, which redirect housing to the western side of the County.

Across the state, Hispanic households face the highest rates of overcrowding. The overcrowding rate for Hispanic households in Sussex County is more than double the statewide average, at 17 percent. This is likely due to the high proportion of Hispanic agricultural workers in the rural parts of Sussex County. While the vast majority of Sussex County residents own their homes, Hispanics are the only racial or ethnic group in Sussex County that are more likely to be renters. Hispanics in Sussex County

are disproportionately low wage workers, and renters with incomes at 30 percent area median income (AMI) face a greater than 30 percent cost burden at a rate of 68 percent, and a greater than 50 percent cost burden at a rate of 58 percent.

The State has a variety of programs that provide affordable housing and supportive services to persons with disabilities. Even so, in Sussex County, affordable, accessible units are concentrated in racially segregated areas that are more heavily Black than the surrounding county. In order to allow for the integration of people with disabilities into neighborhoods, the number of accessible units must be increased, and their distribution is important to ensure that people with disabilities are not confined to particular neighborhoods.

Each of the categories of publicly supported housing in the County makes up less than 1 percent of the County's housing stock, and these percentages are the lowest of the three counties. Additionally, in comparison to New Castle County, both Kent and Sussex Counties have relative concentrations of persons with ambulatory and independent living disabilities. The highest concentration of people with hearing disabilities is located in Sussex County. However, the low percentage of publicly supported housing, which can be relied upon to be accessible either through new construction standards or Section 504 retrofitting, means that these high concentrations of people with disabilities face challenges in obtaining accessible housing.

Sussex County has affirmatively modified its County Code definitions of family and dwelling in order to better accommodate group homes. The County has also adopted a Fair Housing Policy outlining its commitment to refraining from discriminatory zoning and land use decisions, etc. Sussex has a solitary Fair Housing Compliance Officer to which residents may report violations of state, federal or county fair housing policy.

Key Points:

- Since 1990, the both White and Black non-Hispanic populations have declined gradually. However, the Hispanic population surged during this time from comprising 1,476 persons (or 1.3 percent of population) in 1990 to almost 20,000 persons or (9.2 percent of population) according to most recent estimates.
- Only 1.1 of all housing units in Sussex County are publicly supported housing, compared to 3.6 percent in Kent County and 2.1 percent in New Castle County.
- Community opposition has historically prevented additional affordable housing from being built in Sussex County, particularly in the coastal areas where there are few affordable housing options but highly proficient schools.
- Serious racial disparities in access to water and sewer hookups affect rural part of the County.
- Hispanic households experience the highest rates of overcrowding and severe cost burden.

II. Community Participation Process

Assessment Tool: Describe outreach activities undertaken to encourage and broaden meaningful community participation in the AFH process, including the types of outreach activities and dates of public hearings or meetings. Identify media outlets used and include a description of efforts made to reach the public, including those representing populations that are typically underrepresented in the planning process such as persons who reside in areas identified as R/ECAPs, persons who are limited English proficient (LEP), and persons with disabilities. Briefly explain how these communications were designed to reach the broadest audience possible. For PHAs, identify your meetings with the Resident Advisory Board.

To ensure that the analysis contained in an AI accurately reflects conditions in a community and that the goals and strategies are targeted and feasible, the participation of a wide range of stakeholders is of critical importance. A broad array of outreach was conducted through community meetings, focus groups, and public hearings. After receiving a brief outline of the Analysis of Impediments process and their role within it, stakeholders were asked to contribute their fair housing ideas concerns, and analysis through extensive meetings and outreach, especially to groups that represented the perspectives of marginalized peoples, social service organizations and housing providers. After the initial draft of the AI was completed, data gathered by the consultant was used in conjunction with concerns brought by stakeholders to draft the Goals and Strategies presented in this document.

In preparing this AI with assistance from the Consortium, the Lawyers' Committee and PRRAC reached out to neighborhood residents, fair housing organizations, civil rights and advocacy organizations, legal services providers, social services providers, housing developers, industry groups, landlord associations, tenant associations, neighborhood associations, and undocumented families to hear directly about fair housing issues affecting residents of Delaware. Additional meetings were held with public officials from the Sussex County Planning and Zoning department and the County Attorney's office. All meetings took place in facilities that are accessible to persons with disabilities. More than 100 organizations and individuals were consulted during the AI process.

Stakeholder Meetings

There were several types of stakeholder meetings: general public meetings; focus groups; meetings with public housing agencies; meetings with housing and social services groups that represent members of protected classes, meetings with legal services and fair housing organizations, meetings with community associations, and meetings with government officials.

Public Hearings

There were four public hearings and several community meetings during the 45-day comment period, from early September through the end of October, 2018. During the comment period, additional stakeholder and community meetings were held in addition to the four public hearings. Public hearings were held in New Castle, Kent, and two in Sussex County. Each meeting was held in the evening, and an additional daytime meeting was held in Sussex County.

Targeted Outreach to Protected Classes

For persons with limited English proficiency (LEP), translation services were made available for all public hearings. The Executive Summary of the draft Analysis of Impediments was translated into Spanish. In addition, all meetings took place in facilities that are accessible to persons with ambulatory disabilities and the public was given 72-hours prior to each meeting to make a request for reasonable accommodations.

There was a concerted effort focused on engaging and encouraging community participation by populations that are typically underrepresented in local planning processes through collaboration with community organizations that work directly with the targeted populations. This effort was particularly focused in Sussex County, a rural county with a population of low-income people of color who have not been traditionally engaged in planning processes.

Media

The participating jurisdictions launched an AI website to inform the public about the AI meetings and other updates during the process - <https://destatewideai.wordpress.com/>. The website hosts the draft AI, comment instructions, and presentations from each of the public hearings. AI information was also posted on the participating jurisdictions individual websites.

Community Engagement Process

The consultants undertook several significant efforts to engage the community during all stages of the development of the AI. The consultants held one-on-one in-person meetings with the gamut of potentially interested stakeholders in order to both inform them about the AI process and get their feedback about broad trends and issues specific to their organizations' missions. During the next stage of the community engagement process, the consultants met with a series of focus groups that brought together small groups of stakeholders. Some of the focus groups were targeted participants on the basis of the neighborhoods in which they live or work. Others brought together stakeholders by virtue of the type of work they perform. Examples included organizations that represent racial and ethnic minorities, organizations that represent persons with disabilities, legal services providers, housing providers, homeless services providers, tenant organizations, and representatives from the business community. The consultants also engaged government partners and other regulatory agencies, including the various councils, housing agencies, housing authorities, planning and zoning departments, county and City attorneys, and other relevant agencies.

The consultants held focus group meetings at a variety of times, including the evening, that were more likely to accommodate the work schedules of low-income individuals. All focus groups complied with federal requirements for accessibility to persons with disabilities and individuals with limited English proficiency. Community engagement through this point informed the first draft.

A first draft AI was published for public comment, following revisions consistent with the comments of Consortium staff, prior to releasing a final draft for public comment. By having two rounds of public comment on drafts that are more and less advanced, the Consortium was able to mitigate any fears that public comment can be ineffectual. During both the informal public comment process on the first draft and during the formal public comment process, public meetings were held in each county at different times of day and on different days of the week.

In completing the Community Participation Process section of the final AI report, the consultants reviewed and summarized all comments received from the public during the 45-day comment period

and explained the rationale for why the Consortium has not accepted any comments, as applicable. The robust community engagement process involved hundreds of stakeholders from a broad spectrum of interests. The AI balanced stakeholder input while ultimately maintaining a focus on the ultimate purposes of the Fair Housing Act and the AI process, which are to eradicate housing discrimination, to foster residential integration, and to increase access to opportunity for protected class members.

Provide a list of organizations consulted during the community participation process.

ACE Peer Resource Center
ACLU of Delaware
The ARC of Delaware
City of Dover
City of Wilmington
Delaware Coalition Against Domestic Violence
Delaware Community Legal Aid Society, Inc.
Delaware Community Reinvestment Action Council
Delaware Commission on Human Relations
Delaware Council on Housing
Delaware Department of Health and Social Services
Delaware Department of Transportation
Delaware Division of Public Health
Delaware Hispanic Commission
Delaware Housing Assistance Program
Delaware Housing Opportunity Fund
Delaware State Housing Authority
Delaware Statewide Fair Housing Consortium
Delaware Technical Community College
Delaware Transit Corporation
Domestic Violence Coordinating Council
Dover Housing Authority
Ellendale Community Civic Improvement Association Inc.
Family Promise
First State Community Action Agency
Housing Alliance Delaware
Housing Opportunities of Northern Delaware
Kent County
Latin America Community Center
Leon Weiner and Associates
Living Grace Worship Cathedral
Long Neck Rotary
Lower Sussex NAACP
Messick Development Partnership
Milford Housing Development Corporation
New Castle County

Newark Housing Authority
Pathways to Success
See Spot Run
Shepherd's Office
South Delaware Alliance for Racial Justice
Southeast Rural Community Assistance Project, Inc.
St. John AME Zion Church
Stand by Me
State Council for Persons with Disabilities
Sun Behavioral Health
Sussex Community Action Coalition
Sussex County
Sussex County Habitat
Sussex Housing Group
University of Delaware
Wilmington HOPE Commission
Wilmington Housing Authority

How successful were the efforts at eliciting meaning community participation? If there was low participation, provide the reasons.

As indicated above, there were a multitude of community meetings held during this process. As a result of this robust community participation process, hundreds of residents, stakeholders, service providers, affinity groups and government agencies were consulted and their input helped shaped the AI. This process highlighted the importance of partnering with community-based organizations and having their members facilitate meetings to ensure that participants have an open and honest dialogue.

Most of the many meetings held were well-attended. The exception was that several of the public hearings had inconsistent attendance, ranging from five people to approximately fifty people. The meetings with the lowest attendance were in the areas of higher opportunity such as Kent County; the meeting with the highest attendance was in rural Sussex County, where attendees were primarily people of color. One of the reasons appears to be that people who were concerned about their own housing issues attended to make their voices heard while those in higher income neighborhoods did not find these meetings as pressing.

Summarize all comments obtained in the community participation process. Include a summary of any comments or views not accepted and the reasons why.

See Appendix V.

III. Fair Housing Analysis

A. Demographic Summary

This Demographic Summary provides an overview of data concerning race and ethnicity, sex, familial status, disability status, limited English proficiency, national origin, and age. The data discussed reflects the composition of the state, each of the counties, and each of the three entitlement cities of Wilmington, Newark, and Dover, including comparisons to the larger Philadelphia Metropolitan Statistical Area¹ (MSA). Current conditions are captured through the 2013-2017 American Community Survey (ACS) 5-year estimates, HUD-provided Comprehensive Housing Affordability Strategy (CHAS) data, and decennial Census data provided changes over time in the nearly three decades since the 1990 Census. The broader discussion in the succeeding sections of this Analysis of Impediments builds upon the demographic analysis in this section and at times will refer back to this section.

Demographic Patterns Since 1990

Over time, Delaware has become more diverse. The White population has steadily fallen, from 79.2 percent in 1990 to current day levels at 63 percent. The other racial and ethnic groups have seen corresponding levels of growth, with the population of Black residents rising from 16.7 percent in 1990 to 21.3 percent by the most recent estimates. Conversely, the Hispanic population surged from 2.4 percent (15,717 persons) in 1990 to 9 percent of the current population with 84,793 persons.

New Castle County is the most populous and the most diverse of the three counties. Its population is predominantly White (59 percent), with significant percentages of Black (24 percent), Hispanic (10 percent), and Asian American or Pacific Islander residents (5 percent). The White population has fallen sharply, from 86.7 percent in 1990 to current day levels at 58.5 percent. The other racial and ethnic groups have seen corresponding levels of growth, with the population of Black residents rising from 9.5 percent in 1990 to 24.1 percent by the most recent estimates. The Hispanic population had a modest rate of growth from 1.8 percent in 1990 to 9.6 percent of the county's current population.

Kent County is the least populous of the three counties, and the second most diverse. Its population is predominantly White, at 63 percent, with significant Black (24 percent) and Hispanic (7 percent) populations. Since 1990, both the Black and Asian American or Pacific Islander populations have doubled, and the Hispanic population has increased significantly. Segregation levels in Kent County and the City of Dover are low.

Sussex County is the second most populous and the most racially and ethnically homogenous of the three counties. Its population is predominantly White (75 percent), but with significant percentages of Black (12 percent) and Hispanic (9 percent) residents. Since 1990, both White and Black non-Hispanic populations have declined gradually. However, the Hispanic population surged during this time from comprising 1,476 persons (or 1.3 percent of population) in 1990 to almost 20,000 persons or (9.2 percent of population) according to most recent estimates.

¹ The Philadelphia-Camden-Wilmington MSA serves as the "Region" for the Delaware, Wilmington and Newark jurisdictions.

Table A-1: Demographic Trends

State of Delaware								
	1990 Trend		2000 Trend		2010 Trend		Current	
Race/Ethnicity	#	%	#	%	#	%	#	%
White, Non-Hisp.	527,988	79.2	567,926	72.5	586,752	65.3	594,911	63.0
Black, Non-Hisp.	110,904	16.7	153,929	19.6	186,782	22.1	201,411	21.3
Hispanic	15,717	2.4	37,238	4.75	73,221	8.2	84,793	9.0
Asian/Pacific Island, Non-Hisp.	8,746	1.3	18,421	2.4	28,546	3.6	36,295	3.8
Native American, Non-Hisp.	1,838	0.3	3,929	0.5	2,824	0.6	2,887	0.3
New Castle County								
White, Non-Hisp.	321,291	86.7	330,402	77.3	331,836	61.6	324,937	58.5
Black, Non-Hisp.	35,014	9.5	61,594	14.4	124,426	23.1	133,538	24.1
Hispanic	6,686	1.8	19,140	4.5	46,921	8.7	53,113	9.6
Asian/Pacific Island, Non-Hisp.	6,574	1.8	13,839	3.2	23,234	4.3	30,215	5.4
Native American, Non-Hisp.	515	0.1	1,447	0.3	984	0.2	1,162	0.2
Kent County								
White, Non-Hisp.	86,056	77.5	91,323	72.1	105,891	65.2	108,627	62.7
Black, Non-Hisp.	20,301	18.3	27,086	21.4	37,812	23.3	41,729	24.1
Hispanic	2,526	2.3	4,068	3.2	9,346	5.8	11,820	6.8
Asian/Pacific Island, Non-Hisp.	1,338	1.2	2,620	2.1	3,340	2.1	3,504	2.0
Native American, Non-Hisp.	581	0.5	1,211	1.0	916	0.6	967	0.6
Sussex County								
White, Non-Hisp.	91,709	81.0	122,888	78.5	149,025	75.6	161,347	74.9
Black, Non-Hisp.	18,800	16.6	23,017	14.7	24,544	12.4	26,144	12.1
Hispanic	1,476	1.3	6,915	4.4	16,954	8.6	19,860	9.2
Asian/Pacific Island, Non-Hisp.	568	0.5	1,204	0.8	1,972	1.0	2,576	1.2
Native American, Non-Hisp.	645	0.6	946	0.6	924	0.5	758	0.4
<i>Note 1: All % represent a share of the total population. Note 2: Data Sources: 2010 Decennial Census; 2017 American Community Survey (ACS) 5-Year Estimates. Note 3: Data for 1990 and 2000 trends are based on race/ethnicity groupings in the Brown University Longitudinal Tract Database. Race/ethnicity from the 2010 Decennial Census and ACS do not include responses for more than one race. Note 4: Refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).</i>								

Race is defined, by the U.S. Census Bureau, as a person's self-identification with one or more social groups. An individual can report as White, Black or African American, Asian, American Indian and Alaska Native, Native Hawaiian and Other Pacific Islander, or some other race. Survey respondents may report multiple races.

Ethnicity is categorized based on whether a person is of Hispanic origin. For this reason, ethnicity is broken up into two categories, Hispanic or Latino and Not Hispanic or Latino. Hispanics may report as any race.

In all of the tables used in this analysis, the Race groupings include only those who report that they are *not* of Hispanic origin. Those of Hispanic origin are reported under the Race groupings as Hispanic, as this includes people of any race.

Table A-2: Demographics

	Delaware			Philadelphia Region		
Race/Ethnicity	#		%	#		%
White, Non-Hisp.	594,911		63.0	3,793,936		62.6
Black, Non-Hisp.	201,411		21.3	1,231,099		20.3
Hispanic	84,793		9.0	546,680		9.0
Asian/Pacific Is., Non-Hisp.	36,295		3.9	347,716		5.7
Countries of Origin						
#1	Mexico	16,454	1.9	India	65,128	1.2
#2	India	8,838	1.0	Mexico	53,736	1.0
#3	China	4,438	0.5	China	37,755	0.7
#4	Guatemala	3,899	0.5	Vietnam	28,206	0.5
#5	Philippines	2,572	0.3	Korea	25,980	0.5
Limited English Proficiency (LEP) Language						
#1	Spanish	25,777	3.0	Spanish	141,836	2.5
#2	Chinese	2,930	0.3	Chinese	33,585	0.6
#3	French Creole	1,378	0.2	Vietnamese	19,385	0.3
#4	Gujarati	1,069	0.1	Korean	14,394	0.3
#5	Other Asian	801	0.1	Russian	13,495	0.2
Sex						
Male	456,876		48.8	2,932,332		48.3
Female	486,856		51.6	3,133,312		51.7
Age						
Under 18	204,053		21.6	1,342,727		22.1
18-64	579,117		61.4	3,819,425		63.0
65+	160,565		17.0	903,492		14.9
Family Type						
Families with children	89,595		38.0	53,342		40.5
<i>Note 1: All % represent a share of the total population within the jurisdiction or region, except family type, which is out of total families. Note 2: Most populous places of birth and languages at the jurisdiction level may not be the same as the most populous at the Region level, and are thus labeled separately. Note 3: Data Sources: Decennial Census; ACS 2013-2017 5 YEAR ESTIMATES. Note 4: China does not include Hong Kong and Taiwan. Note 5: Refer to the Data Documentation for details www.hudexchange.info/resource/4848/affh-data-documentation.</i>						

Table A-3: Demographics

	New Castle County			Kent County			Sussex County		
Race/Ethnicity	#	%		#	%		#	%	
White, Non-Hisp.	324,937	58.5		108,627	62.7		161,347	74.9	
Black, Non-Hisp.	133,538	24.1		41,729	24.1		26,144	12.1	
Hispanic	53,113	9.6		11,820	6.8		19,860	9.2	
Asian/Pacific Island, Non-Hisp.	30,215	5.4		3,504	2.0		2,576	1.2	
Countries of Origin									
#1	Mexico	10,540	2.4	Haiti	708	0.5	Mexico	3,505	1.6
#2	India	7,909	1.8	India	627	0.4	Guatemala	3,377	1.6
#3	China	4,078	0.9	Philippines	616	0.4	Haiti	1,615	0.8
#4	Philippines	1,470	0.3	Mexico	604	0.4	Philippines	505	0.2
#5	Jamaica	1,268	0.3	Jamaica	508	0.3	El Salvador	494	0.2
Limited English Proficiency (LEP) Language									
#1	Spanish	12,865	2.9	Spanish	2,007	1.3	Spanish	7,170	3.5
#2	Chinese	2,573	0.6	French Creole	518	0.3	Other Indo-European	1,519	0.7
#3	Gujarati	831	0.2	Other W. Germanic	445	0.3	Asian/Pac. Island	764	0.4
#4	Other Asian	621	0.1	German	324	0.2	Other	24	0.0
Sex									
Male	268,818	48.4		83,544	48.3		109,173	48.5	
Female	286,218	51.6		89,601	51.7		116,149	51.6	
Age									
Under 18	41,512	14.5		40,551	23.4		41,512	19.3	
18-64	190,472	66.6		105,261	60.8		119,805	55.6	
65+	54,234	19.0		27,333	15.8		54,234	25.2	
Family Type									
Families with children	53,342	40.9		18,461	41.7		17,792	29.9	
<i>Note 1: All % represent a share of the total population within the jurisdiction or region, except family type, which is out of total families. Note 2: Most populous places of birth and languages at the jurisdiction level may not be the same as the most populous at the Region level, and are thus labeled separately. Note 3: Data Sources: Decennial Census; ACS 2013-2017 5 YEAR ESTIMATES. Note 4: China does not include Hong Kong and Taiwan. Note 5: Refer to the Data Documentation for details www.hudexchange.info/resource/4848/affh-data-documentation.</i>									

Table A-4: Demographics

	City of Wilmington			City of Newark			City of Dover		
Race/Ethnicity	#	%		#	%		#	%	
White, Non-Hisp.	20,188	28.3		23,923	72.0		15,608	42.1	
Black, Non-Hisp.	40,757	57.2		3,086	9.3		15,134	40.8	
Hispanic	7,700	10.8		2,345	7.1		3,251	8.8	
Asian/Pacific Island, Non-Hisp.	1,047	1.5		3,012	9.1		1,085	2.9	
National Origin									
#1	Mexico	2,036	3.1	China	1,352	4.1	Jamaica	344	1.0
#2	Jamaica	433	0.7	India	423	1.3	Philippines	259	0.8
#3	Colombia	149	0.2	U.K.	182	0.6	Haiti	195	0.6
#4	Kenya	149	0.2	Mexico	130	0.4	Mexico	189	0.6
#5	Germany	137	0.2	Saudi Arabia	124	0.4	India	131	0.4
Limited English Proficiency (LEP) Language									
#1	Spanish	3,042	4.6	Asian/Pac. Is	929	2.9	Spanish	410	1.2
#2	Chinese	61	0.1	Other Indo-European	250	0.8	French Creole	96	0.3
#3	Portuguese	39	0.1	Spanish	202	0.6	Vietnamese	92	0.3
#4	Greek	32	0.1	Other	130	0.4	French	87	0.3
Sex									
Male	33,448	49.6		15,855	47.7		17,698	47.7	
Female	37,828	53.1		17,388	52.3		19,411	52.3	
Age									
Under 18	16,377	23.0		3,592	10.8		7,837	21.1	
18-64	45,493	63.8		25,670	77.2		24,080	64.9	
65+	9,406	13.2		3,981	12.0		5,192	14.0	
Family Type									
Families w/ children	6,428	44.3		1,593	31.9		3,525	45.6	
<i>Note 1: All % represent a share of the total population within the jurisdiction or region, except family type, which is out of total families. Note 2: 10 most populous places of birth and languages at the jurisdiction level may not be the same as the 10 most populous at the Region level, and are thus labeled separately. Note 3: Data Sources: Decennial Census; ACS 2013-2017 5 YEAR ESTIMATES. Note 4: China does not include Hong Kong and Taiwan. Note 5: United Kingdom includes Crown Dependencies. Note 6: Refer to the Data Documentation for details</i> www.hudexchange.info/resource/4848/affh-data-documentation									

State of Delaware

Race and Ethnicity

The 2013-2017 ACS indicate that 63.0 percent of residents were non-Hispanic White, 21.3 percent of residents were non-Hispanic Black, 9.0 percent were Hispanic or Latino, and 3.9 percent were non-Hispanic Asian Americans or Pacific Islanders, 0.3 percent were non-Hispanic Native Americans, 2.3 percent were non-Hispanic multiracial individuals, and 0.2 percent identified as some other race.

As will be discussed in the Segregation/Integration section, diversity and integration are not synonymous, and the state has areas of racial and ethnic concentration as well as more integrated cities and neighborhoods.

The White population has steadily fallen, from 79.2 percent in 1990, to 72.5 percent in 2000, to 65.3 percent in 2010, and then to current day levels at 63.0 percent. The other racial and ethnic groups have seen corresponding levels of growth, with the population of Black residents rising from 16.7 percent in 1990 to 22.1 percent in the most recent Census (falling slightly by the most recent estimates to 21.3 percent).

National Origin

The most common national origins in the state are, from most populous to least populous, Mexico, India, China (excluding Hong Kong and Taiwan), Guatemala, and the Philippines. Foreign born individuals do not tend to make up a significant proportion of the population. The most represented country, Mexico, has only 16,454 residents statewide, making up just 1.93 percent of the total population. The next most represented country, India, is roughly half that.

Limited English Proficiency

The most commonly spoken first languages of individuals with Limited English Proficiency (LEP) are Spanish, Chinese, French Creole, Gujarati, and Other Asian language. Spanish, with about 26,000 LEP speakers, is much more likely to be spoken than the next most spoken language, Chinese. However, none of these languages represents a significant percentage of the population.

Sex

In Delaware, 51.6 percent of residents are female while 48.8 percent are male. This has remained consistent over time, even as the population of the state increased by 42 percent since 1990.

Age

The population distribution highlights working age adults as the clear majority (61.4 percent), followed by minors under 18 (21.6 percent) and seniors aged 65+ (17.0 percent). These numbers are very similar to the Philadelphia MSA, and most jurisdictions within the state adhere to this trend, with the exception of one clear outlier, Newark at 77.2 percent of working age.

Familial Status

Statewide, 38.0 percent of families are families with children under 18. This percentage is comparable to the Philadelphia MSA and most other jurisdictions in this analysis, except for

Newark and Sussex, which are outliers due to the presence of the University of Delaware in Newark and the large elderly population in Sussex.

Philadelphia Region

The Philadelphia MSA is the Region for the City of Wilmington, the City of Newark, and New Castle County.

Race and Ethnicity

As of 2017, 62.6 percent of residents were non-Hispanic White, 20.3 percent of residents were non-Hispanic Black, 9 percent were Hispanic, 5.7 percent were non-Hispanic Asian Americans or Pacific Islanders, 0.1 percent were non-Hispanic Native Americans.

National Origin

The most common national origins are India, Mexico, China (excluding Hong Kong and Taiwan), Vietnam and Korea. Foreign-born individuals do not make up a significant proportion of the population. The most represented country, India, has 65,128 residents, or 1.2 percent.

Limited English Proficiency

The most commonly spoken first languages of individuals with LEP in the Philadelphia region are Spanish, Chinese, Vietnamese, Korean, and Russian. Spanish, with about 141,836 LEP speakers, is more than four times as likely to be spoken as the next most spoken language, Chinese. However, none of these languages represents a significant percentage of the population.

Sex

In the region, 51.7 percent of residents are female while 48.3 percent are male.

Age

The age distribution for the Philadelphia region closely tracks Delaware's statewide average. Working age adults comprise the clear majority (63 percent), followed by minors under 18 (22.1 percent) and seniors aged 65+ (14.9 percent). These numbers are also similar to Wilmington and New Castle County. The outlier is Newark, which has a large majority of working aged adults. This is mostly likely due to the presence of the University of Delaware.

Familial Status

The Philadelphia region's percentage of families with children (42.3 percent) is relatively higher than the statewide average (38.0 percent). New Castle County's follows close behind, at 40.5 percent.

New Castle County

Race and Ethnicity

As of 2017, 58.5 percent of residents were non-Hispanic White, 24.1 percent of residents were non-Hispanic Black, 9.6 percent were Hispanic or Latino, and 5.4 percent were non-Hispanic Asian Americans or Pacific Islanders. Since 1990, the White population has fallen sharply, from 86.7 percent to current day levels at 58.5 percent. The other racial and ethnic groups have seen corresponding levels of growth, with the population of Black residents rising from 9.5 percent in

1990 to 24.1 percent by the most recent estimates. The Hispanic population had a modest rate of growth from 1.8 percent in 1990 to 9.6 percent of the county's current population.

National Origin

The most common national origins in the County are, from most populous to least populous, Mexico, India, China (excluding Hong Kong and Taiwan), the Philippines, and Jamaica. Foreign-born individuals do not make up a significant proportion of the population. The most represented country, Mexico, has only 10,540 residents countywide, or 2.4 percent. Next is India with 1.8 percent of the population.

Limited English Proficiency

The most commonly spoken first languages of individuals with LEP are Spanish, Chinese, Gujarati, and Other Asian Language. Spanish, with about 13,000 LEP speakers, is five times more likely to be spoken than the next most spoken language, Chinese. However, none of these languages represents a significant percentage of the population.

Sex

In the County, 51.6 percent of residents are female while 48.4 percent are male. This has remained consistent over time.

Age

New Castle County's age distribution is similar to the state average. Working age adults comprise the majority (66.6 percent), followed by seniors 65+ (19.0 percent) and minors under 18 (14.5 percent).

Familial Status

New Castle County as a whole has a much higher share of families with children than the city of Newark but is quite similar to Wilmington. The share of families at 40.5 percent is similar to that of Delaware and the Philadelphia region.

Kent County

Kent County and the Region for the City of Dover are coterminous. This report analyzes Kent County and regional conclusions may be drawn based on that analysis.

Race and Ethnicity

As of 2017, 62.7 percent of residents were non-Hispanic White, 24.1 percent of residents were non-Hispanic Black, 6.8 percent were Hispanics, and 2 percent were non-Hispanic Asian Americans or Pacific Islanders. Since 1990, the White non-Hispanic population declined gradually as a percentage of the population. However, both the Black and Asian American or Pacific Islander populations doubled, and the Hispanic population has increased significantly from 2,526 in 1990 to 11,820 persons in 2017.

National Origin

The most common national origins in Kent County are Haiti, India, the Philippines, Mexico, and Jamaica. Foreign-born individuals make up a miniscule percentage of the population, with the largest, Haiti, having only 708 residents, or 0.5 percent.

Limited English Proficiency

The most common primary languages of LEP individuals are Spanish, French Creole, Other West Germanic Language, and German. Spanish, with about 2,000 LEP speakers, is four times more likely to be spoken than the next most spoken language, French Creole. However, none of these languages represent a significant percentage of the population.

Sex

In the county, 51.7 percent of residents are female while 48.3 percent are male.

Age

The county's population is distributed with working age adults as majority (60.8 percent), followed by minors under 18 (23.4 percent) and seniors aged 65+ (15.8 percent). These statistics do not drastically depart from Dover, which has a slightly higher percentage of working aged residents, often typical of capital cities.

Familial Status

Kent County has a relatively high percentage of families with children, at 41.7 percent. This rate trails Dover with 45.6 percent families.

Sussex County**Race and Ethnicity**

As of 2017, 74.9 percent of residents were non-Hispanic White, 12.1 percent of residents were non-Hispanic Black, 9.2 percent were Hispanic or Latino, and 1.2 percent are non-Hispanic Asian Americans or Pacific Islanders. Since 1990, both White and Black non-Hispanic populations have declined gradually. However, the Hispanic population surged during this time from comprising 1,476 persons (or 1.3 percent) in 1990 to almost 20,000 persons or (9.2 percent) according to most recent estimates.

National Origin

The most common national origins are Mexico, Guatemala, Haiti, the Philippines, and El Salvador. Foreign-born individuals do not make up a significant proportion of the population. The most represented country, Mexico, has only 3,505 residents or 1.5 percent. Guatemala follows closely behind, but the third highest country, Haiti, has roughly half.

Limited English Proficiency

The primary languages of LEP individuals are Spanish, Other Indo-European languages, and Asian and Pacific Island languages. Spanish LEP speakers make up 3.5 percent of the population, or 7,170 people. The other language groups each make up less than 1 percent.

Sex

In the County, 51.6 percent of residents are female while 48.5 percent are male. This has stayed consistent over time.

Age

Sussex County has the highest percentage of seniors, aged 65 or more, at 25.2 percent. The population is then distributed with working age adults comprising 55.6 percent and minors under 18 at 19.3 percent.

Familial Status

Sussex has the lowest percentage of families with children (29.9 percent). Kent and New Castle Counties are roughly equal, and about 10 points higher, than Sussex. Sussex also has the highest percentage of seniors, consistent with its large retiree population.

City of Wilmington**Race and Ethnicity**

Wilmington is unique among the jurisdictions here because the majority of the City's population is Black, at 57.2 percent. White residents make up only 28.3 percent, while 10.8 percent are Hispanic residents, and 1.5 percent are Asian American or Pacific Islander residents. The City's large African American population makes up roughly half of the entire Black population in New Castle County, which is predominantly White.

National Origin

The top countries of national origin are Mexico, Jamaica, Colombia, Kenya, and Germany. There are 2,036 foreign-born residents from Mexico comprise, or 3.1 percent of the population. The other countries of origin trail far behind Mexico, with the next highest, Jamaica, making up less than 1 percent of the population with 433 residents.

Limited English Proficiency

The most commonly spoken languages by residents with LEP are Spanish, Chinese, Portuguese, and Greek. Spanish is by far the most widely spoken, with 3,042 LEP speakers, or 4.6 percent of the population. The next most common spoken language, Chinese, only represents 0.1 percent.

Sex

Wilmington is the current outlier in gender distribution than the other jurisdictions in this analysis with 46.9 percent men and 53.1 percent women.

Age

Wilmington's age distribution is similar to the statewide average. Working age residents comprise 63.8 percent, while 23 percent are under 18, and 13.2 percent are over age 65.

Familial Status

Wilmington has the second highest share of families with children of the jurisdictions in this analysis, at 44.3 percent. It closely tracks New Castle County (40.5 percent) and the region (42.3 percent).

City of Newark**Race and Ethnicity**

As of 2017, 72 percent of Newark's residents were non-Hispanic White, 9.3 percent of residents were non-Hispanic Black, 7.1 were Hispanic or Latino, and 9.1 percent were non-Hispanic Asian Americans or Pacific Islanders.

National Origin

The top countries of national origin are China (excluding Hong Kong and Taiwan), India, United Kingdom (including Crown Dependencies), Mexico, and Saudi Arabia. Foreign-born individuals do not make up a significant proportion of the population. China is the leader, with 1,352 residents, or 4.1 percent of the population and next highest, India, has only 423 residents.

Limited English Proficiency

The most commonly spoken first languages are Spanish, Other Indo-European languages, and Asian and Pacific Island languages. Asian and Pacific Island languages are the most common among LEP speakers, with 929 individuals, or 2.9 percent of the population. Each of the other language groups makes up less than 1 percent of the population.

Sex

In Newark, 52.3 percent of residents are female while 47.7 percent are male. As a college town, gender distribution is likely driven by the campus population.

Age

The age distribution of Newark residents has the lowest percentage of minors under 18, at 10.8 percent and the lowest percentage of seniors 65 and over (12.0 percent). The majority of residents are working age adults (18-64), at 77.2 percent. This trend is also likely driven by the presence of the University of Delaware.

Familial Status

Newark is an outlier when it comes to the share of families with children as compared to the other jurisdictions, at 31.9 percent. It significantly trails New Castle County, likely offset by the presence of the university.

City of Dover

Race and Ethnicity

As of 2017, 42.1 percent of residents were non-Hispanic White, 40.8 percent of residents were non-Hispanic Black, 8.7 percent were Hispanic or Latino, and 2.9 percent were non-Hispanic Asian Americans or Pacific Islanders.

National Origin

The top countries of national origin are Jamaica, the Philippines, Haiti, Mexico, and India. Foreign-born individuals do not make up a significant share of the population. The most prevalent country of origin, Jamaica, has only 344 residents, or 1 percent of the population. Each other national origin group has less than 300 residents.

Limited English Proficiency

The top languages spoken by individuals with LEP are Spanish, French Creole, Vietnamese, and French. LEP individuals do not make up a significant percentage of Dover's population, with the most common language, Spanish, comprising only 410 individuals, or 1.2 percent of the population. The next prominent language, French Creole, has only 96 LEP speakers.

Sex

In Dover, 52.3 percent of residents are female while 47.7 percent are male.

Age

Dover's age distribution closely tracks the statewide average with the majority of residents in the working age group (64.9 percent), while 21.1 percent are under 18, and 14 percent are over 65 years.

Familial Status

Dover has the highest percentage of families of any jurisdiction at 45.6 percent. Kent County follows close behind, at 41.7 percent.

III. Fair Housing Analysis continued

B. General Issues

i. Segregation/Integration

The following analyzes segregation and integration patterns and trends at the state, regional, and city/town levels.

Segregation

Describe and compare segregation levels in the jurisdiction and region. Identify the racial/ethnic groups that experience the highest levels of segregation.

The following tables reflect the Dissimilarity Indices for each jurisdiction. The Dissimilarity Index measures the percentage of a certain group's population that would have to move to a different census tract in order to be evenly distributed within a city or metropolitan area in relation to another group. Dissimilarity Index values range from 0 to 100 with the higher the value, the higher the extent of the segregation. For example, if a city's Black/White Dissimilarity Index was 65, then 65 percent of Black residents would need to move to another neighborhood in order for Black and White residents to be evenly distributed across all neighborhoods in the city.

Dissimilarity Index	
Value	Level of Segregation
0-40	Low Segregation
41-54	Moderate Segregation
55-100	High Segregation

The most populous parts of Delaware are suburban, with some cities and rural areas. Certain areas, including major cities such as Wilmington and Dover, have moderate to high levels of segregation. This is most prominent in Black and Hispanic populations within New Castle County. Dissimilarity indices have also increased across Non-White/White populations since 2010, indicating that the county is becoming more segregated over time. Still, the county is less segregated than the Philadelphia region as a whole, which experiences high levels of segregation.

The City of Wilmington experiences high levels of segregation. However New Castle County, excluding the City of Wilmington, experiences low to moderate levels of segregation.

Table B-1: Dissimilarity Index Values Trends by Race and Ethnicity

	New Castle County				Philadelphia Region			
	1990	2000	2010	Current	1990	2000	2010	Current
Non-White/White	28.6	31.4	30.9	38.2	67.2	61.0	55.6	59.6
Black/White	37.9	40.1	39.5	47.6	74.8	70.1	67.0	70.9
Hispanic/White	22.7	35.9	39.2	42.7	60.8	58.4	55.1	56.9
Asian/White	28.2	27.5	27.9	37.0	42.2	42.4	40.3	45.7
	City of Wilmington				City of Dover			
	1990	2000	2010	Current	1990	2000	2010	Current
Non-White/White	59.2	56.5	53.1	56.2	23.6	20.8	19.7	26.0
Black/White	60.6	59.5	55.4	58.9	27.1	22.7	21.3	30.0
Hispanic/White	59.0	52.1	52.0	59.7	15.4	19.7	22.9	25.7
Asian/White	37.4	28.6	24.2	35.3	17.0	17.8	14.1	19.0

Note 1: Data Sources: Decennial Census; Note 2: Indices for 1990, 2000, and 2010 are based on race/ethnicity groupings in the Brown University Longitudinal Tract Database. Current indices are based on the 2013-2017 American Community Survey estimates and do not include responses for more than one race; Note 3: Asian is the abbreviation for Asian or Pacific Islander; Note 4: Refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

This is also pronounced in the City of Wilmington's Black and Hispanic populations. By comparison Asian and Pacific Islander populations have low levels of segregation, but has been increasing since 2010. Dover experiences low levels of segregation across its populations. It is also experiencing a recent trend towards increasing segregation.

In addition to the Dissimilarity Index, social scientists also use the Isolation and Exposure Indices to measure segregation. These indices, when taken together, capture the neighborhood demographics experienced, on average, by members of a particular racial or ethnic group within a City or metropolitan area. The Isolation Index measures the extent to which minority members are exposed only to one another. Values for the Isolation Index range from 0 to 100. The Exposure Index is a group's exposure to all racial groups. Values for the Exposure Index also range from 0 to 100. A larger value means that the average group member lives in a census tract with a higher percentage of people from another group.

Table B-2: Isolation Index Values by Race and Ethnicity

	City of Wilmington				City of Newark				City of Dover			
	1980	1990	2000	2010	1980	1990	2000	2010	1980	1990	2000	2010
Non-White/ White	69	66.1	57.5	52.1	92.6	89.4	85.8	79.7	72.6	67.7	56.3	48.4
Black/White	70.8	69.9	71.3	70	6.7	7.9	7.5	8.6	40.7	37.6	41.9	46.4
Hisp/White	15.6	22	23.2	24.7	1.5	1.7	2.8	5.3	2.1	3.1	4.6	7.3
Asian/White	0.7	0.7	1.1	1.8	2.3	3.8	5.9	9.6	1.8	2.4	4.6	4
<i>Note 1: Data Sources: Decennial Census; Note 2: Indices for 1980, 1990, 2000, and 2010 are based on race/ethnicity groupings in the Brown University Longitudinal Tract Database; Note 3: Refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).</i>												

Table B-3: Exposure Index Values

	City of Wilmington				City of Newark				City of Dover			
	1980	1990	2000	2010	1980	1990	2000	2010	1980	1990	2000	2010
Black/White	23.4	22.3	18.8	17.4	90.1	87	84.6	77.6	55.7	57.1	49.3	42.9
Hisp/White	30.5	26.6	25.1	21.8	91.9	88.8	85.3	78.4	69.4	63.4	51.4	43.9
Asian/White	55.9	45.9	42.9	40.2	91.8	89	84.6	78	70	65.2	52.8	47
White/Black	26.9	28.4	33.3	36.1	4.2	5.4	6.3	7.1	23.3	27.1	35.2	41
Hisp/Black	53.3	50.7	50.4	52.2	4.4	5.5	6.6	8	26.3	30.9	39.5	44.7
Asian/Black	39.6	47.0	46.3	48.2	3.8	5.3	6.2	7.2	25.6	28.9	37.4	41.7
White/Hisp	3.4	4.7	7.7	9.7	1.3	1.5	2.5	4.7	1.9	2.8	4	6.3
Black/Hisp	5.2	7	8.7	11.2	1.3	1.4	2.6	5.3	1.7	2.9	4.3	6.7
Asian/Hisp	3.3	6	9.2	9.3	1.4	1.6	2.4	4.6	1.9	2.9	4	6.3
White/Asian	0.3	0.5	1	1.6	1.4	3.4	4.6	7.9	1.5	2	3.5	3.4
Black/Asian	0.2	0.4	0.6	0.9	1.3	3.3	4.5	8	1.3	1.8	2.3	3.1
Hisp/Asian	0.2	0.4	0.7	0.8	1.6	3.7	4.4	7.7	1.5	2	3.5	3.2
<i>Note 1: Data Sources: Decennial Census; Note 2: Indices for 1980, 1990, 2000, and 2010 are based on race/ethnicity groupings in the Brown University Longitudinal Tract Database; Note 3: Refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).</i>												

Statistics are only available for the cities of Wilmington, Dover and Newark. In these cities, the Isolation Index has declined for White residents while increasing for all other groups.

The Exposure Index values for Black/White, Hispanic/White, and Asian/White have consistently fallen over time in these areas, with corresponding rises in the index values for the other groups. The overall trend indicates that segregation levels are falling within these areas, though the White population in Newark has a high Isolation Index that is decreasing less quickly than in other cities.

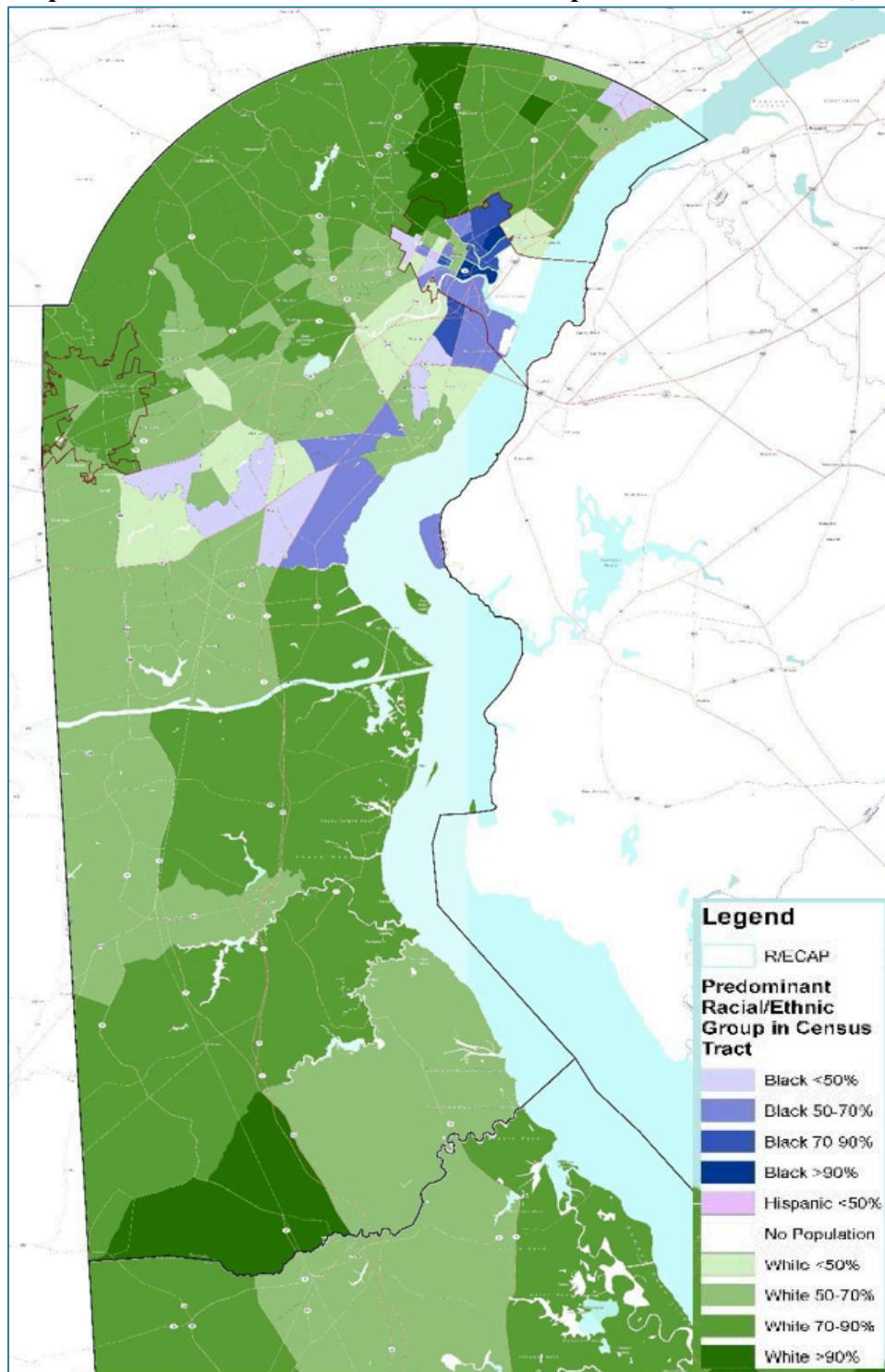
Table B-4: Isolation and Exposure Indices

	City of Wilmington				City of Newark				City of Dover			
2010	White	Black	Hisp.	Asian	White	Black	Hisp.	Asian	White	Black	Hisp.	Asian
White	52.1	36.1	9.7	1.6	79.7	7.1	4.7	7.9	48.4	41	6.3	3.4
Black	17.4	70	11.2	0.9	77.6	8.6	5.3	8	42.9	46.4	6.7	3.1
Hisp.	21.8	52.2	24.7	0.8	78.4	8	5.3	7.7	43.9	44.7	7.3	3.2
Asian	40.2	48.2	9.3	1.8	78	7.2	4.6	9.6	47	41.7	6.3	4
<i>Note 1: Data Sources: 2010 Decennial Census; Note 2: Asian is the abbreviation for Asian or Pacific Islander; Note 3: Refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).</i>												

Of the three cities for which data is available, patterns of segregation are most prominent in Wilmington. The Isolation Index for Black residents is 70 whereas the White-Black Exposure Index is 36.1, or nearly half, though the City is majority Black. The White Isolation Index is 52.1, whereas the Black-White and Hispanic-White Exposure Indices are low at 17.4 and 21.8 respectively. The Asian American or Pacific Islander Isolation and Exposure Indices for Wilmington are more consistent, probably due to the low Asian American or Pacific Islander population in the City in the first place. For Dover and Newark, Exposure Indices are far more consistent across populations than in Wilmington, suggesting less segregation in these cities. For example, the White-Black, Hispanic, and Pacific Islander Exposure Indices in Dover are 41, 44.7 and 41.7 respectively, which are all close to the Black Isolation Index of 46.4. Similar patterns exist in Newark, though Newark also has a larger White population than does Dover or Wilmington.

Identify areas with relatively high segregation and integration by race/ethnicity, national origin, or LEP group, and indicate the predominant groups living in each area.

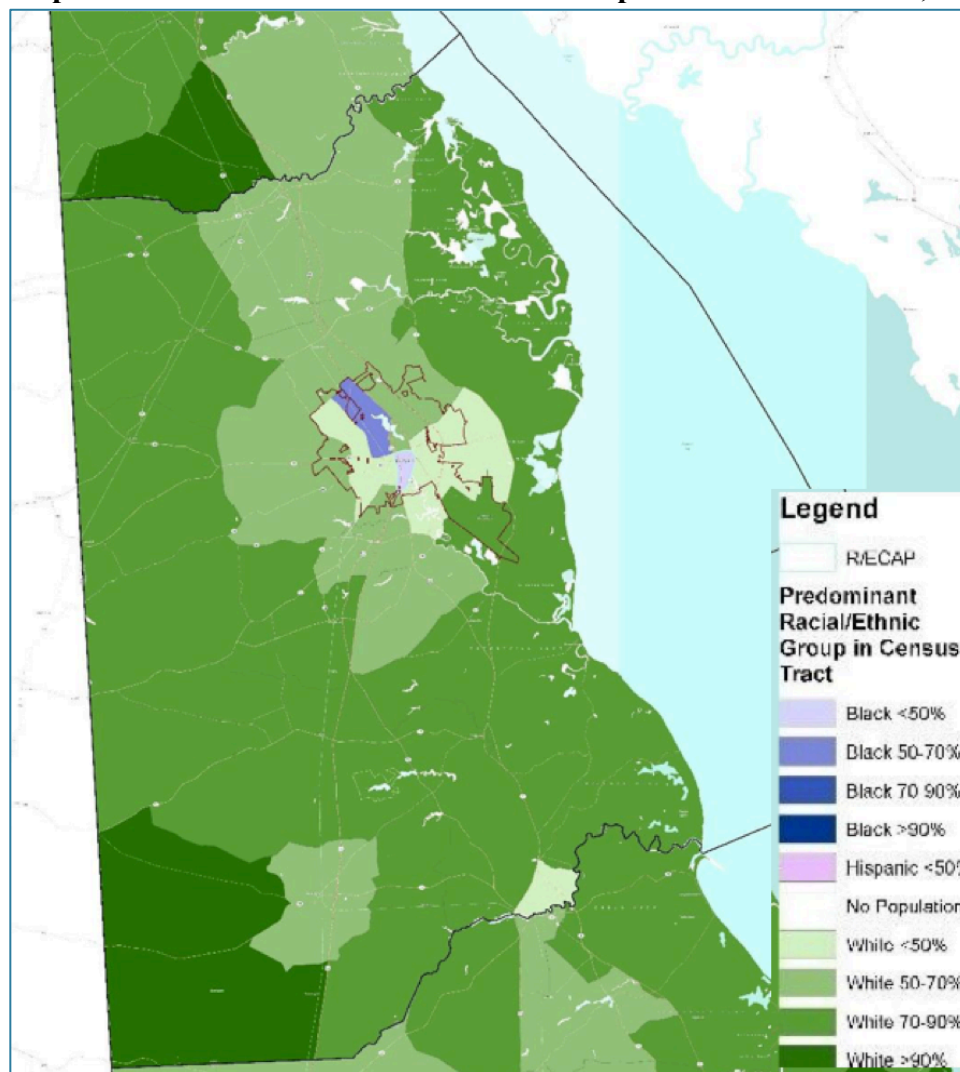
Map B-1: Predominant Race or Ethnic Group within Census Tract, New Castle County²



²Data Source: American Community Survey, 2013-2017 Estimates

Northern New Castle County is more heavily populated, especially around in areas surrounding Wilmington and Newark. Some patterns of segregation are present in the region, with more White residents present in the suburbs of Wilmington and Newark, including Pike Creek, Wood Mill, Elsmere, Talleyville, Arden, and Claymont. Higher concentrations of Black residents exist below I-95, in a belt spanning from the neighborhood of Wilmington Manor and New Castle to Bear and Glasgow. Asian American or Pacific Islander residents are the most evenly dispersed throughout this area, though there are higher concentrations of Asian American or Pacific Islander residents in the area northeast of Newark. Hispanic residents are also concentrated more heavily in certain areas of the county, including Wilmington, Elsmere, and Bear.

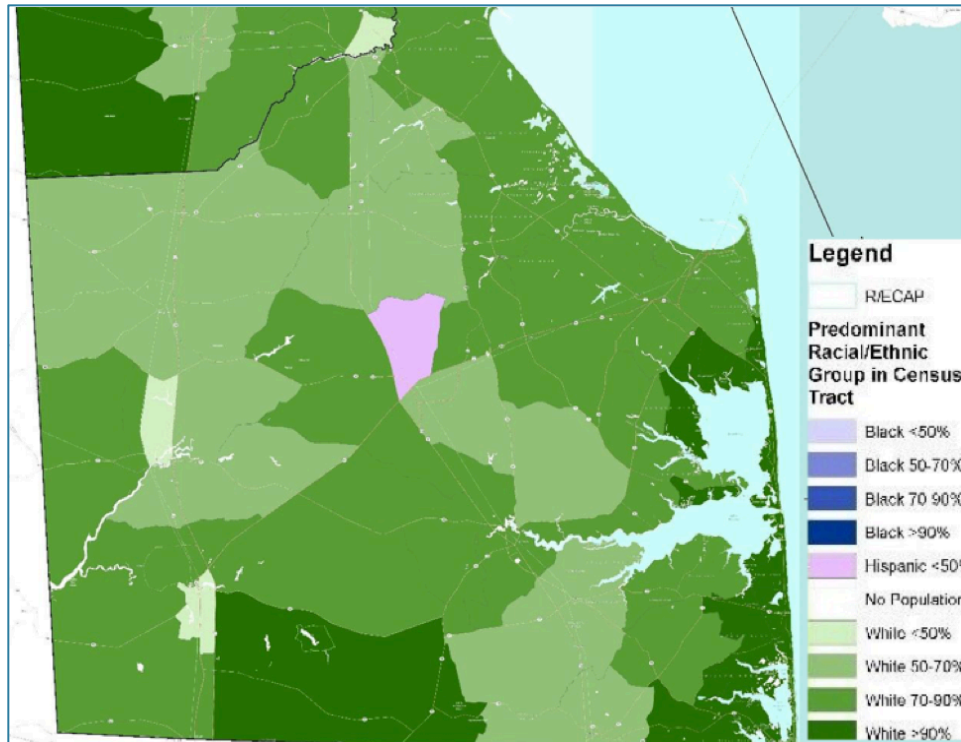
Map B-2: Predominant Race or Ethnic Group within Census Tract, Kent County³



³Data Source: American Community Survey, 2013-2017 Estimates

Kent County's population is most concentrated in Dover and Smyrna. The area between them, along Route 1, is similarly heavily populated until Frederica and Felton. The more rural areas along the western border of the county are less populated and primarily have White residents. Black and Hispanic residents live closer to the more heavily populated areas of the county. While Dover itself has distinct patterns of segregation, the suburbs surrounding the City are more integrated than the City itself. Smyrna and Clayton, at the northern edge of the county, have higher concentrations of White residents than does Dover

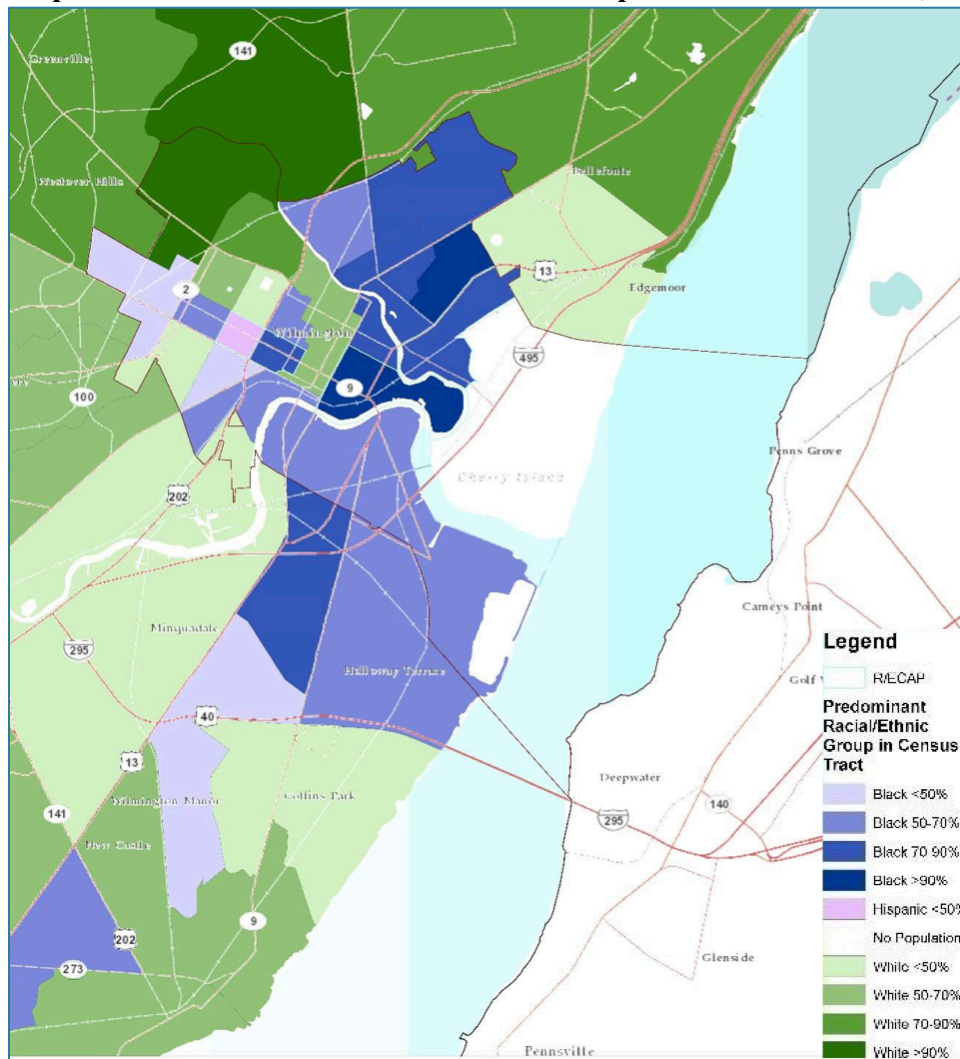
Map B-3: Predominant Race or Ethnic Group within Census Tract, Sussex County⁴



In Sussex County, populations are mostly concentrated in Georgetown, along the east coast, and along Route 13 spanning from Bridgeville to Laurel. Some patterns of segregation are present in this area. Georgetown has a higher concentration of Hispanic residents that are located in the northeast part of the City. Seaford similarly has a higher concentration of Black residents than does the rest of the county. Notably, the east coast of the county is mostly White when compared with the rest of the county. So, too, are the more rural areas of the county, such as along the southern border.

⁴Data Source: American Community Survey, 2013-2017 Estimates

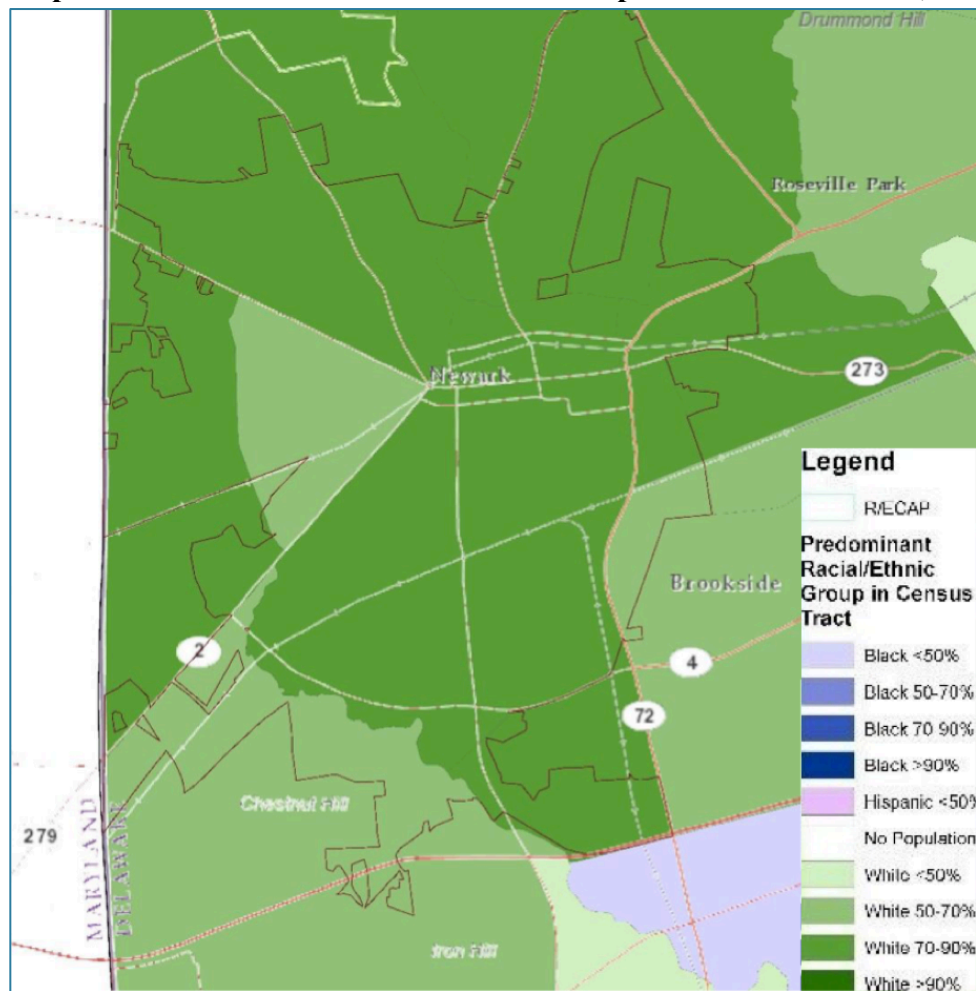
Map B-4: Predominant Race or Ethnic Group within Census Tract, Wilmington⁵



Maps of Wilmington indicate some housing patterns along racial and ethnic lines, with a higher concentration of White residents in the northwest area of the City. Black and Hispanic residents are concentrated south of Pennsylvania Ave and/or east of I-95. Except for this area, the City is segregated along I-95, with White residents living mostly west of I-95 and Black residents living mostly east of the highway. White residents also tend to live in the suburbs of Wilmington, especially in Bellefonte, Elsmere, Hockessin, and Talleyville. Hispanic residents are more evenly dispersed throughout the rest of the City and its surrounding region, except for the concentrations mentioned above.

⁵Data Source: American Community Survey, 2013-2017 Estimates

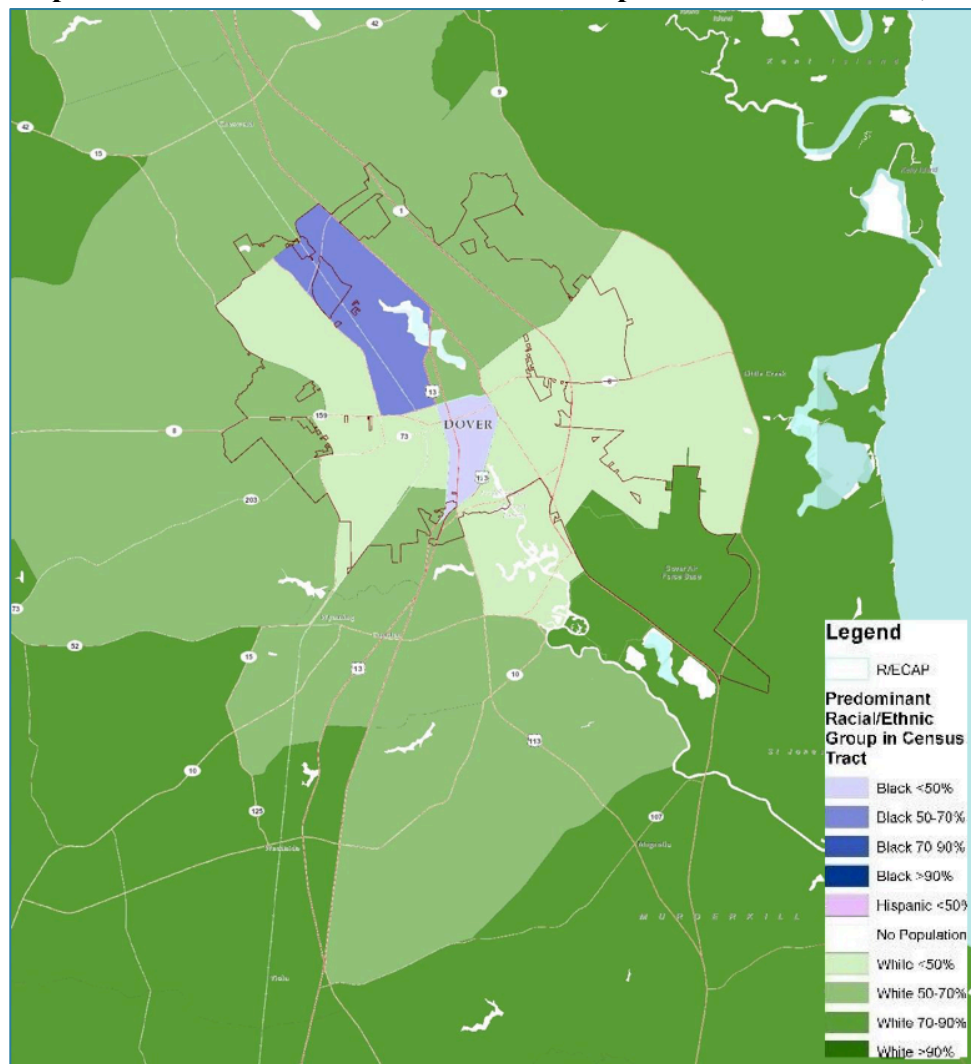
Map B-5: Predominant Race or Ethnic Group within Census Tract, Newark⁶



Newark and its surrounding areas do not indicate major patterns of residential segregation. The City is majority White but has significant minority populations as well, likely due to the presence of the University of Delaware. The neighborhood of Brookside and the areas further southeast of Newark have slightly higher concentrations of Black residents than do the areas immediately adjacent to the University of Delaware campus. There is a significant Asian American or Pacific Islander presence in Newark as well, especially in the southwest portion.

⁶Data Source: American Community Survey, 2013-2017 Estimates

Map B-6: Predominant Race or Ethnic Group within Census Tract, Dover⁷



Dover's population is somewhat segregated, with higher concentrations of Black residents in the areas by Fort Branch and Silver Lake. The Dover Air Force Base is in east Dover and has a lower population density. There are higher population concentrations of Black residents especially in the east of the City by Delaware State University (a Historically Black University) and Delaware Technical Community College, while to the north there are higher concentrations of White residents by Dupont Manor and Dover Mall. Another concentration of Black residents is in Towne Point. Two especially high concentrations of Black residents exist towards the center of the City. The first area is between West State College Road, Walker Road, and McKee Road. The second concentration is the area between West Division Street and West North Street.

Statewide, most of the population is concentrated in New Castle County, especially around the City of Wilmington. This area is part of the greater Philadelphia MSA. The City of Dover and its

⁷Data Source: American Community Survey, 2013-2017 Estimates

surrounding area, as well as Milford and the east coast of Sussex County, similarly also have higher population densities.

In Delaware, Hispanic residents are mostly concentrated in urban and suburban areas. The state's largest Hispanic population is in New Castle County, extending from Wilmington to Newark and Bear. There is less of a presence of Hispanic residents further south in the state, in both Kent and Sussex Counties. Where there is a Hispanic presence in some areas, some segregation occurs, with Hispanic populations being more visible in neighborhoods than others.

The Asian American or Pacific Islander population in Delaware is extremely low, and restricted almost entirely to the north half of New Castle County, above the Chesapeake and Delaware Canal. There are few Asian American or Pacific Islander residents in Wilmington itself.

Integration

The most integrated parts of Delaware tend to be the immediate suburbs of cities. Urban areas such as Wilmington, Dover, and Georgetown have higher populations of non-White residents than does the rest of the state, but these cities are also overtly segregated. Clear and stark lines of segregation exist in Wilmington, especially, where the Isolation Index for Black residents is 70. Though the suburbs have higher White populations than do cities, non-White populations are more evenly dispersed throughout these areas.

Rural areas, for the most part, tend to have higher concentrations of White residents. There is little presence of Black, Hispanic, or Asian American or Pacific Islander populations in the rural areas of Delaware.

Black residents disproportionately reside in areas with higher population densities, overall. This is true especially of Wilmington, which has a higher than average concentration of Black residents and is also more densely populated in general. Black residents are also more integrated in the belt spanning from the neighborhood of Wilmington Manor to Bear and Glasgow, especially as opposed to the north of New Castle County, which has fewer Black residents than average. In Kent County, Black residents mostly live in Dover and the suburbs of the City, as well as larger towns along Routes 1 and 13. There are few Black residents in the rural areas of the county. The same holds for Sussex County, with Black residents being more evenly dispersed and present in and around major towns, such as Georgetown, Milford, and Seaford.

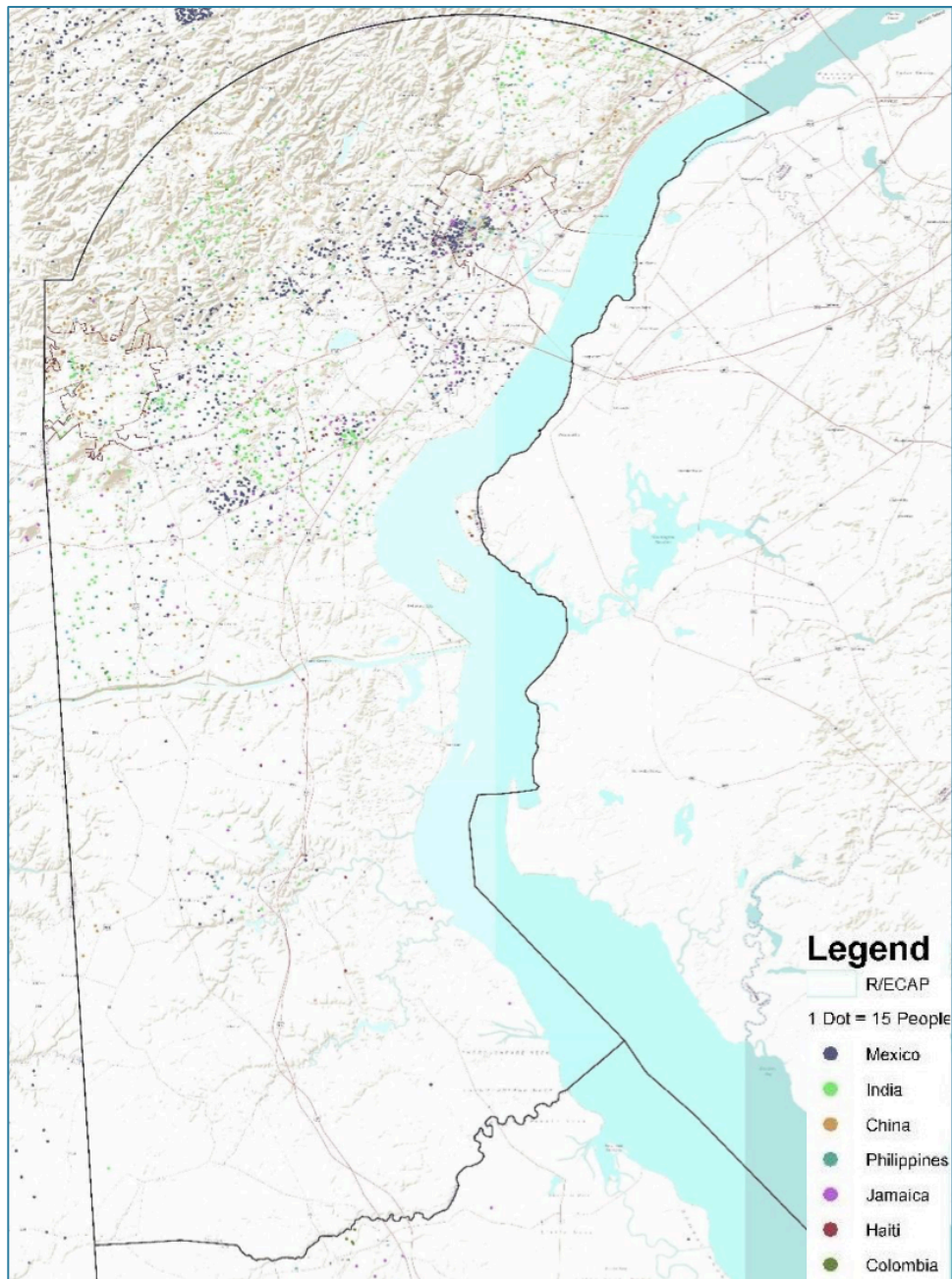
Hispanic residents are more evenly dispersed throughout the state. While in more densely populated cities, such as Wilmington or Georgetown, clear lines of segregation exist, Hispanic residents are also more evenly dispersed throughout suburbs in the state.

Asian American or Pacific Islander residents are primarily found in suburbs. Notably, there is a low presence of Asian American or Pacific Islander in Wilmington itself, despite the City being densely populated. Most Asian American or Pacific Islander residents are found in New Castle County, though there are significant populations in Dover and its suburbs as well. Again, there are almost no Asian American or Pacific Islander residents in rural areas of Delaware.

National Origin

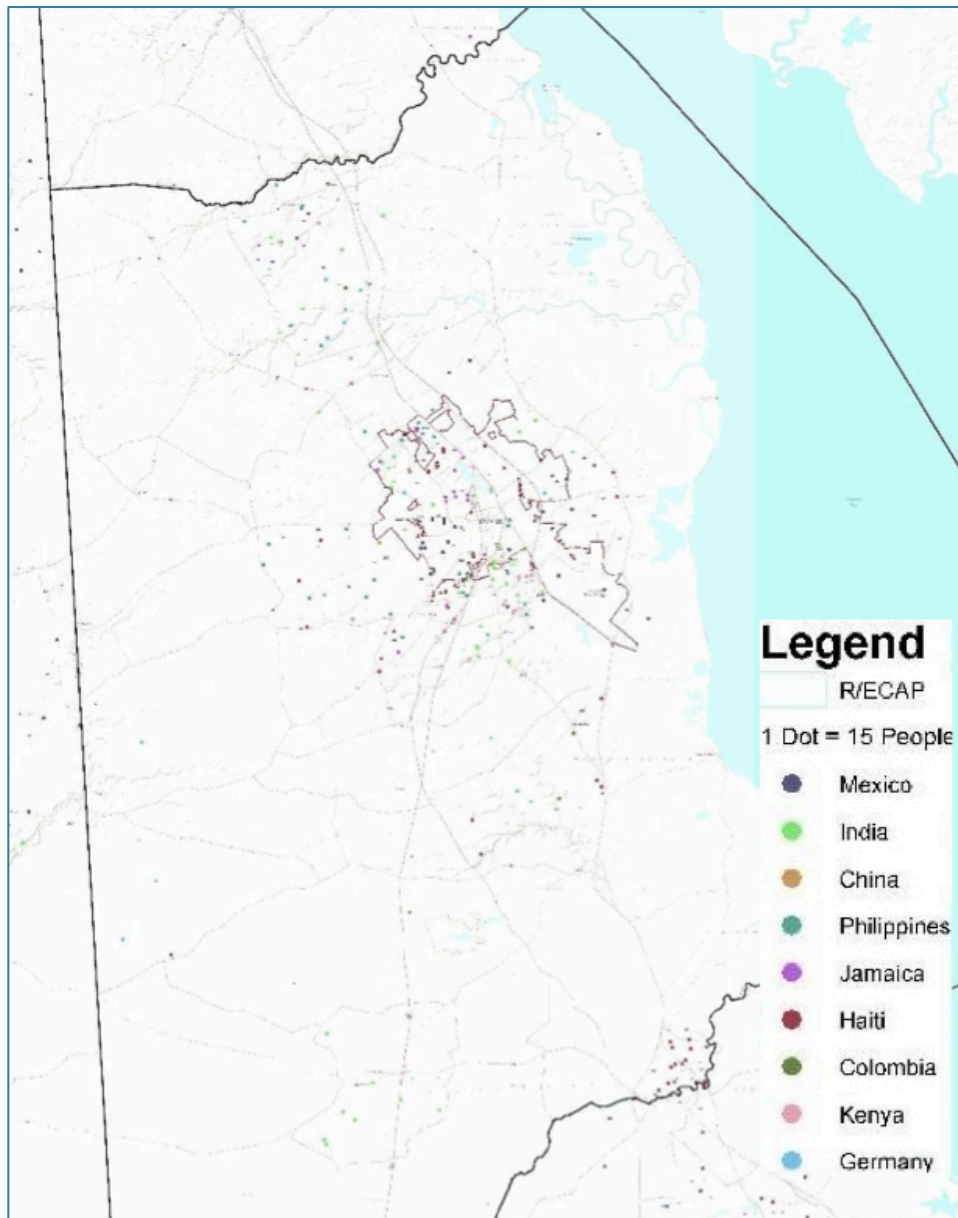
In considering patterns of segregation and integration on the basis of national origin and LEP status, it is important to keep in mind that, although certain national origins are likely to be correlated with LEP individuals who speak the primary languages of those countries, there are nuances to the analysis. For instance, recent immigrants, who are more likely to have LEP status, may be concentrated in different neighborhoods than second or third generation Americans. This can have important implications for local housing and community development policies. It may not make sense to prioritize resources for translated materials in a neighborhood that is, for example, 20 percent Filipino but where also just 1 percent of residents are LEP Tagalog speakers. At the same time, if a neighborhood is 10 percent Filipino but 5 percent of residents are LEP Tagalog speakers, such an investment may be more effective. Apparent discrepancies between which neighborhoods have national origin concentrations and which have LEP concentrations are reflective of the underlying HUD-provided data, and those differences may be useful for planning purposes.

Map B-7: National Origin Concentration, New Castle County⁸



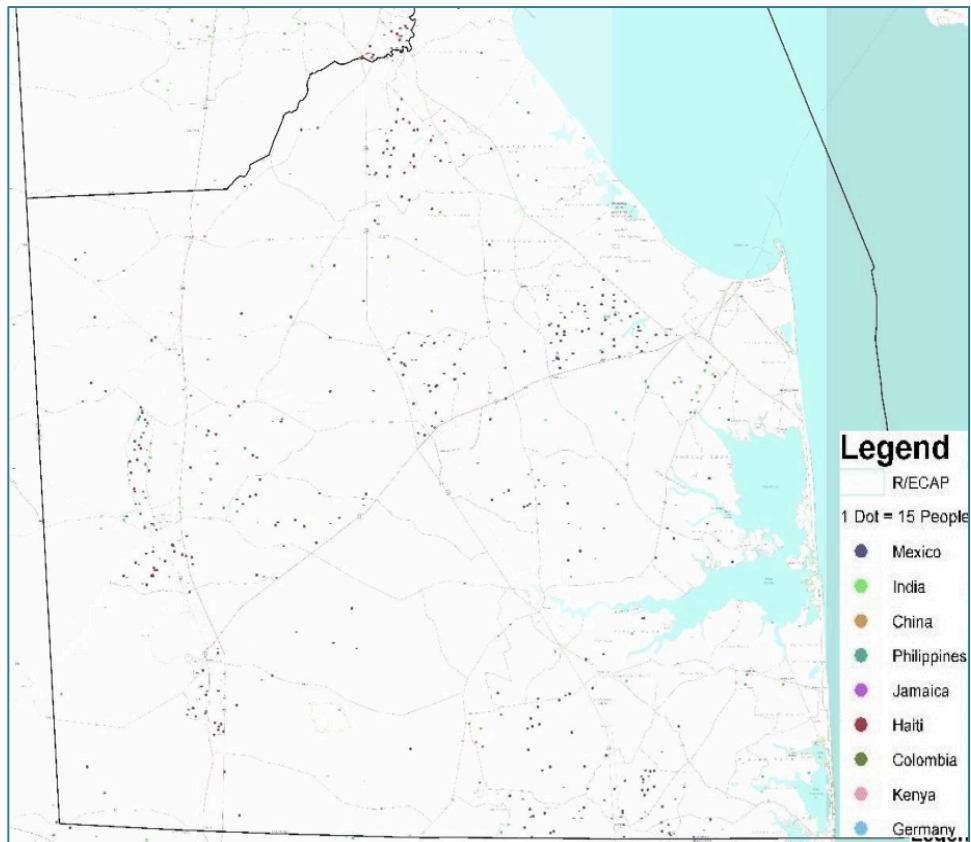
⁸ Data Source: American Community Survey, 2013-2017 Estimates

Map B-8: National Origin Concentration, Kent County⁹



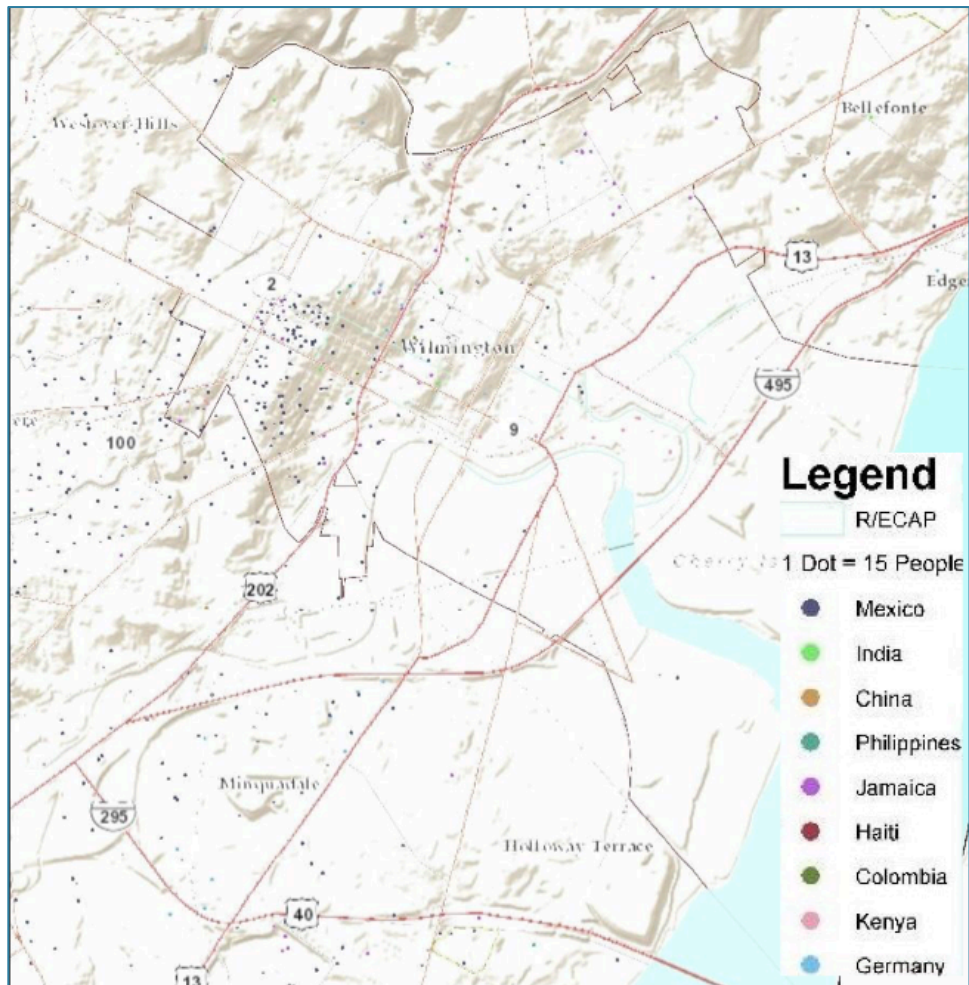
⁹Data Source: American Community Survey, 2013-2017 Estimates

Map B-9: National Origin Concentration, Sussex County¹⁰



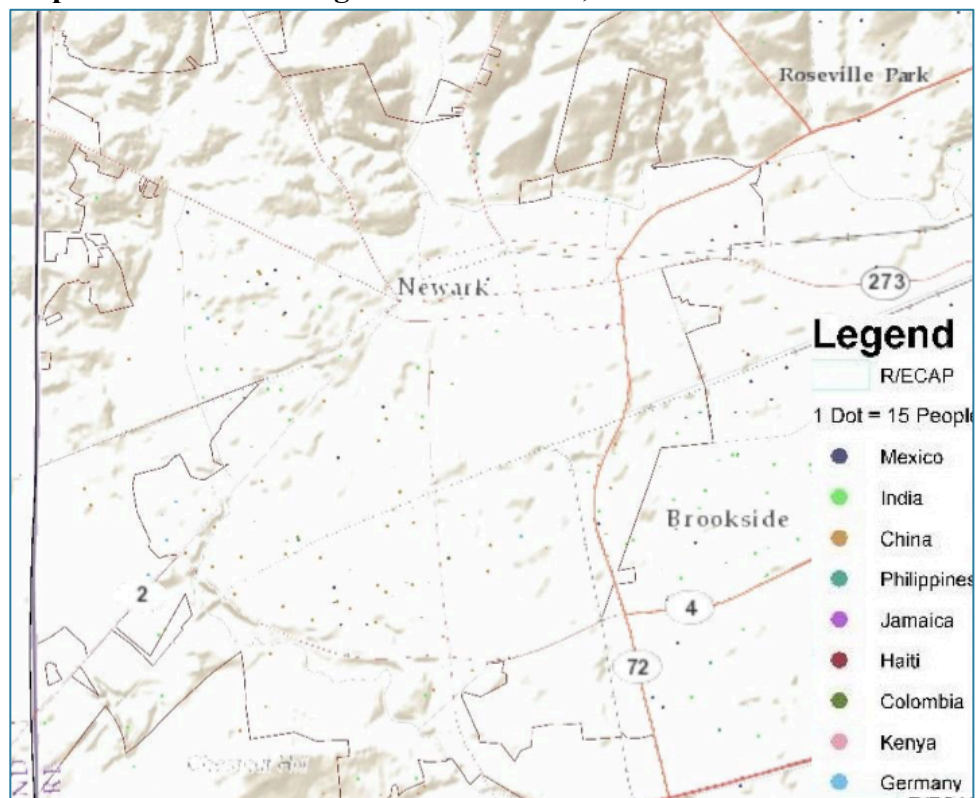
¹⁰Data Source: American Community Survey, 2013-2017 Estimates

Map B-10: National Origin Concentration, Wilmington¹¹



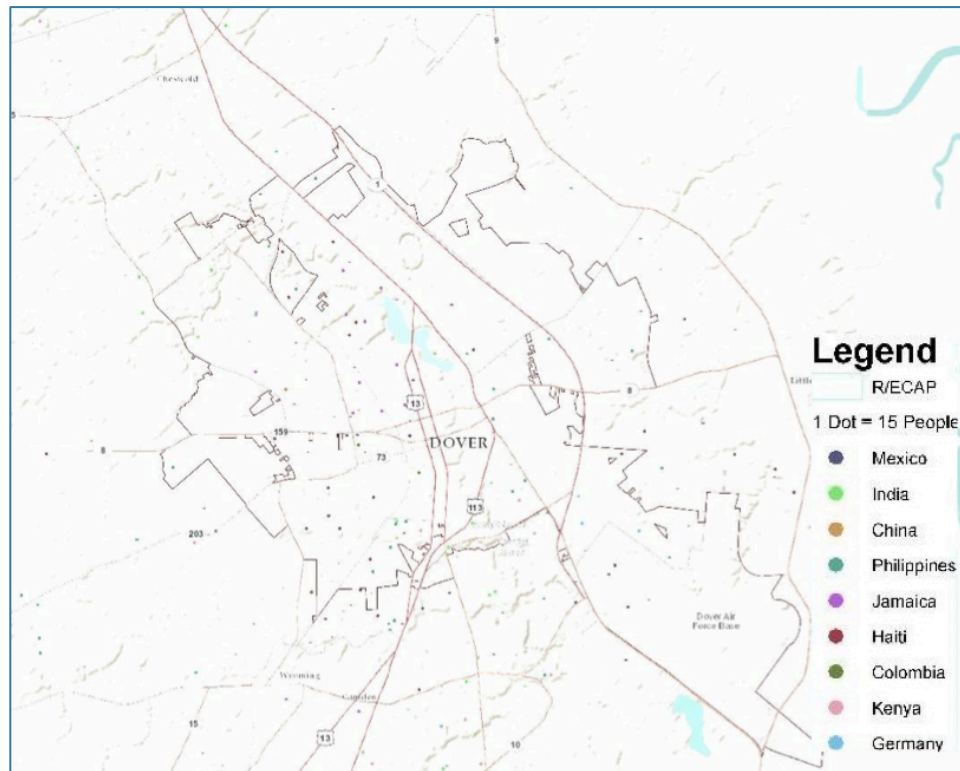
¹¹Data Source: American Community Survey, 2013-2017 Estimates

Map B-11: National Origin Concentration, Newark¹²



¹²Data Source: American Community Survey, 2013-2017 Estimates

Map B-12: National Origin Concentration, Dover¹³



Regionally, it is difficult to track major patterns of residency based on national origin. HUD-provided maps do not display national origin data for the state as a whole.

In New Castle County, immigrants from Mexico are concentrated in the area stretching from the neighborhood of Wilmington Manor to Newark and Bear. They are also more dispersed through the south of the county, and have less of a presence along the densely populated northern border of the county. The most prominent concentrations of immigrants from Mexico are in Elsmere, Stanton, Wilmington Manor (neighborhood in the Wilmington suburbs), Bear, and Brookside (neighborhood in Newark). In Kent County, immigrants from Mexico reside primarily in Dover, but also have some presence on the east coast of the county. In Sussex County, people of Mexican national origin are concentrated in the far southeastern, northeastern, and northwestern portions of the county.

Immigrants from India, who are the second most populous group of a different national origin, reside primarily in Pike Creek, Talleyville, Brookside, Bear Glasgow, and Stanton. There is little to no presence of immigrants from India south of Middletown, in New Castle County. There are some residents from India in the suburbs of Dover, especially to its south and west.

¹³Data Source: American Community Survey, 2013-2017 Estimates

Residents from China, excluding Hong Kong and Taiwan, primarily live around Newark, where the University of Delaware might be a significant draw. There is no significant presence of immigrants from China excluding Hong Kong and Taiwan in Kent County.

Immigrants from the Philippines reside primarily in Bear within New Castle County, and are more widely dispersed in neighboring Brookside and Glasgow. There are also some residents from the Philippines at the very northern border of the county, by Claymont. Residents in Kent County are more integrated than they are in New Castle County, with a presence in Smyrna, Dover, Highland Acres and Little Creek.

Immigrants from Jamaica are found mostly in the neighborhood of Wilmington Manor. They are also more evenly dispersed in the suburbs by Middletown.

Immigrants from Guatemala are most commonly found in Kent County, specifically in the area surrounding Dover and north to Cheswold and Smyrna. There are significant populations in the north of Dover, as well as south to Highland Acres. Lastly, there is a significant population in Georgetown in Sussex County.

Haitian immigrants, though found primarily in Kent County, are around in certain neighborhoods of Dover as well as to its immediate south, east and west. There is also a notable population of Haitian immigrants by Milford, at the very southern border of the county. Lastly, there is a significant population near Seaford in Sussex County.

Explain how these segregation levels and patterns in the jurisdiction and region have changed over time (since 1990).

Some broad conclusions can be drawn about segregation and integration trends in Delaware. At the time, information on Dissimilarity, Isolation and Exposure Indices are only available for some cities and areas of the state.

Dissimilarity Index Values for non-entitlement jurisdictions have been increasing over the past decades. The Non-White/White Racial/Ethnic Dissimilarity Index increased from 1990 to 2000, dropping slightly in 2010 before increasing to its current value of 34.12. This value still falls under low levels of segregation, but is a marked increase from the 1990 value of 20.35. These changes are most pronounced in Black/White and Hispanic/White Dissimilarity Indices, and have remained fairly consistent for the Asian American or Pacific Islander/White value.

Dissimilarity Index Values are available for the entitlement jurisdictions of New Castle County, Wilmington and Dover. Across these areas, though there was a general decline of Dissimilarity Index Values from 1990 to 2010, the current value has risen since 2010. While Dover follows this trend, values remain under low levels of segregation. This is not true of New Castle County, and specifically Wilmington. Wilmington has the most pronounced segregation of these areas, with Non-White/White Dissimilarity Index Values ranging from 53.14 in 2010 to 59.18 in 1990. Again, these trends are most obvious in Black/White and Hispanic White indices.

Data suggests that Dover has become somewhat less segregated since 1980, the earliest year for which Isolation and Exposure Indices are available. Isolation Indices are decreasing for White

residents, but have increased for Black, Hispanic, and Asian American or Pacific Islander residents since the 1980s. Exposure Indices paint a similar picture, with Black/White, Hispanic/White and Asian American or Pacific Islander/White values decreasing since the 1980s. This suggests that though White residents are being exposed to more and more non-White residents, the reverse is not the case. One possible explanation for this is that Dover itself has had an increase in non-White residents since the 1980s, or that White residents have been leaving the City over past decades.

Similar patterns hold true for Wilmington. Wilmington's Exposure Indices for Non-White/White residents is far lower than those of Dover and Newark. The Black/White Exposure Index value has been decreasing since 1980, and is now at 17.4. While the White/Black Exposure Index value has risen since that time, the City remains highly segregated. This may be because of more internal segregation within the City or because an increase in the proportions of Black and Hispanic residents in the City over time.

Newark has significantly higher Exposure Indices, but these values have dropped considerably since 1980. The Black/White value dropped from 90.1 to 77.6, the Hispanic/White value from 91.9 to 78.4, and the Asian/White value from 91.8 to 78. Again, this is despite the fact that White Isolation Indices are decreasing, suggesting some level of White migration from the City.

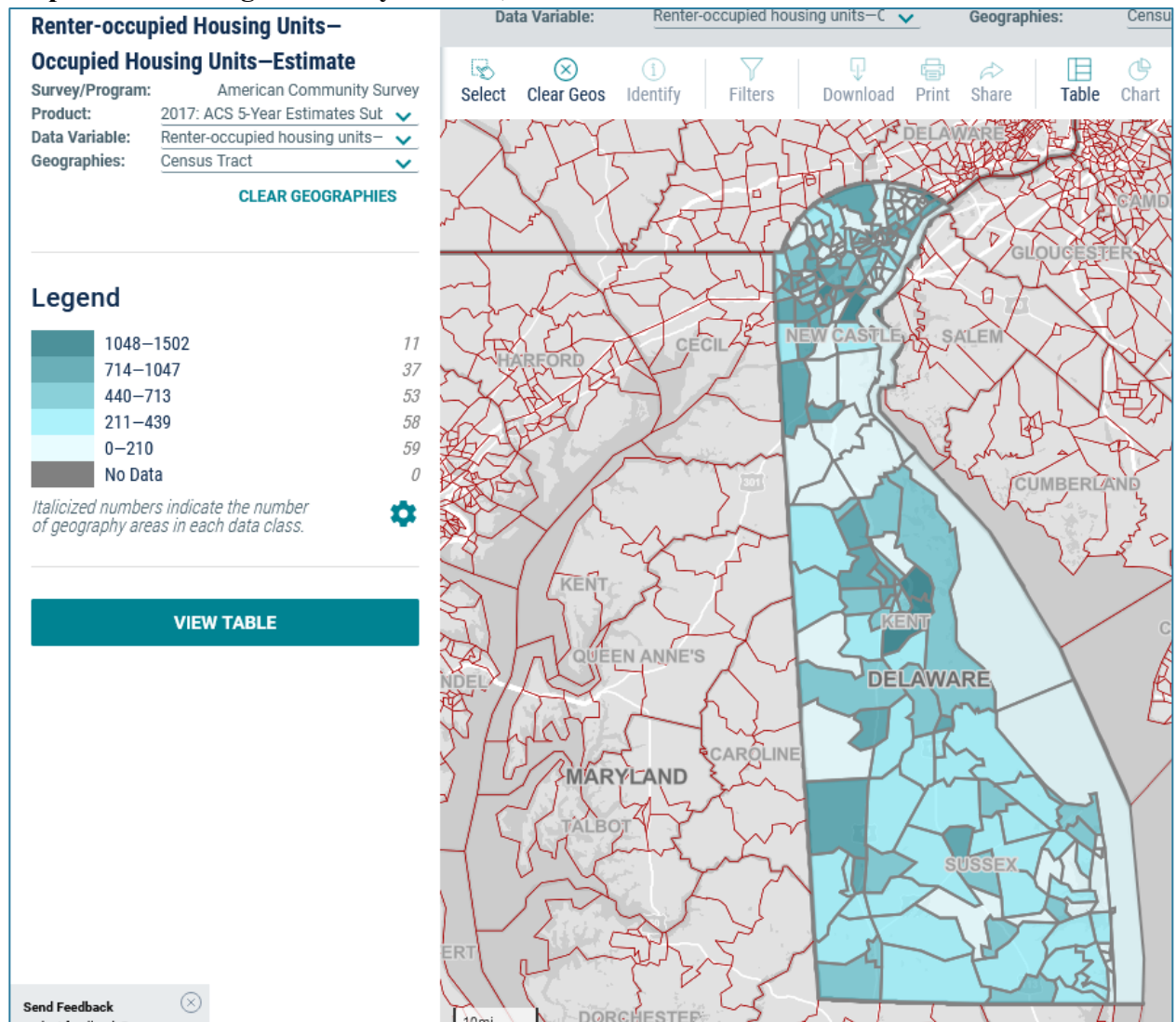
Consider and describe the location of owner and renter occupied housing in the jurisdiction and region in determining whether such housing is located in segregated or integrated areas, and describe trends over time.

About one third of households in Delaware are renters. Most renters reside in or near metropolitan areas such as Wilmington and Dover. The belt stretching from Wilmington to the neighborhood of Wilmington Manor to Newark in New Castle County has the highest percentage of renters in the state, with Wilmington being the most visible of these areas. The percent of renters can reach as high as 88.5 percent in Wilmington, as opposed to about 5 percent in more rural areas of the state, such as rural Kent and Sussex Counties.

Two thirds of households in Delaware own their homes. This is most visible in the more rural areas of the state. Homeowners typically reside in the suburbs and rural areas of New Castle County, with especially high concentrations along the county's southern border. In Kent County, homeowners are most present along the western border of the state, and in Sussex County, homeowners are slightly more evenly dispersed.

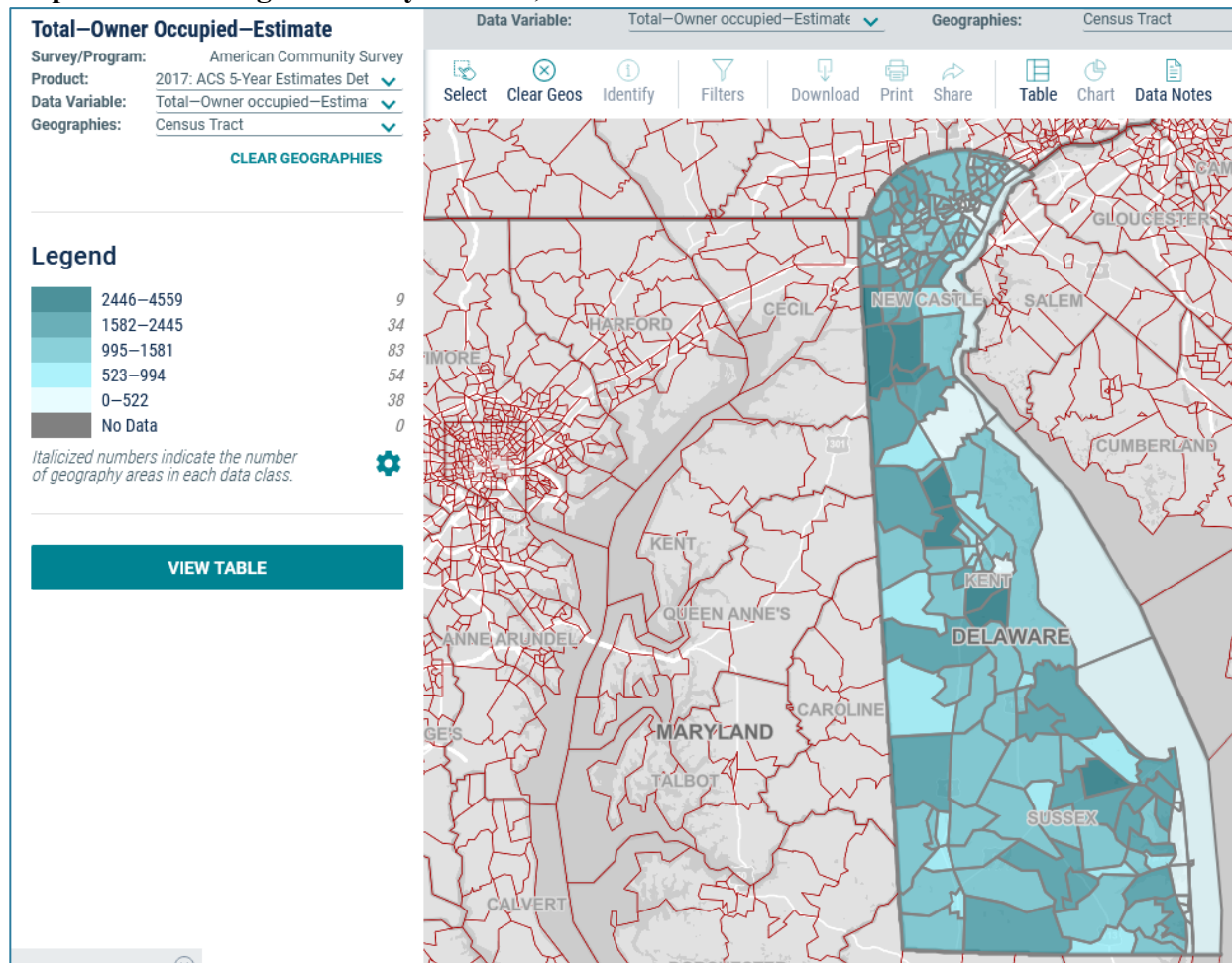
The cities of Wilmington, Newark and Georgetown follow similar patterns with low percentages of homeowners. Newark has as little as 15 percent homeowners, though this might also be due to the number of University of Delaware students in the area. Dover and Georgetown have neighborhoods with home ownership rates ranging from 30 to 45 percent.

Map B-13: Housing Tenure by Renters, Delaware¹⁴



¹⁴ Data Source: American Community Survey, 2013-2017 Estimates

Map B-14: Housing Tenure by Owners, Delaware¹⁵



¹⁵Data Source: American Community Survey, 2013-2017 Estimates

III. Fair Housing Analysis continued

B. General Issues

ii. Racially or Ethnically Concentrated Areas of Poverty (R/ECAP)

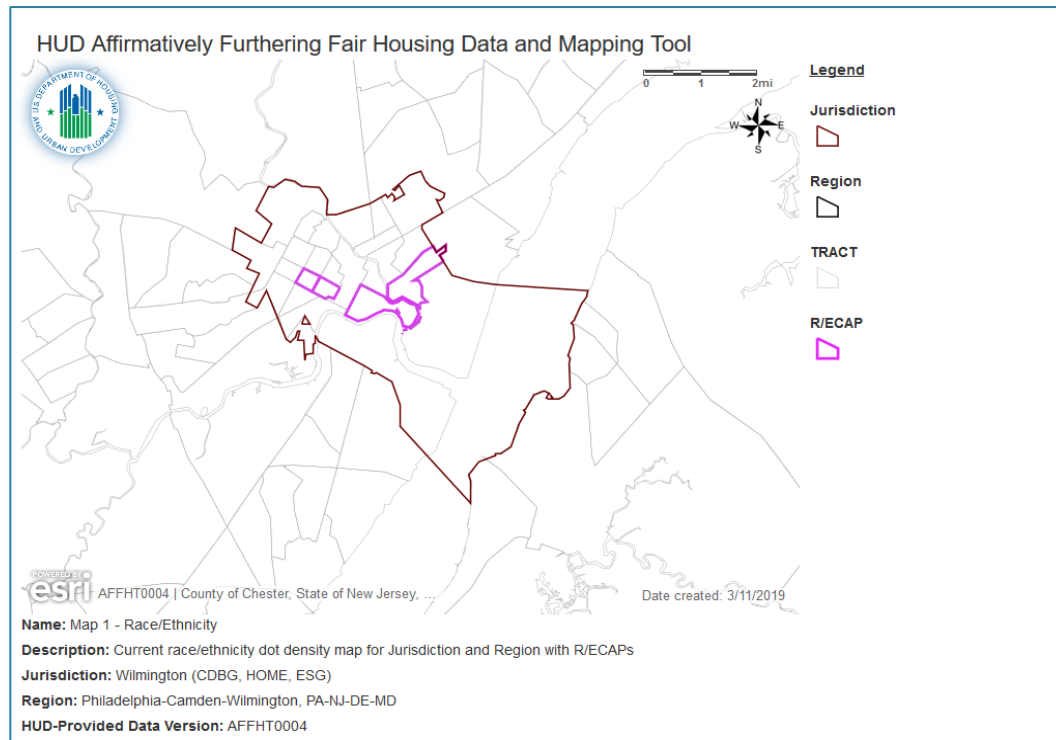
This section analyzes racially and ethnically concentrated areas of poverty. R/ECAPs are geographic areas with significant concentrations of poverty and minority populations. HUD has developed a census-tract based definition of R/ECAPs. In terms of racial or ethnic concentration, R/ECAPs are areas with a non-White population of 50 percent or more. With regards to poverty, R/ECAPs are census tracts in which 40 percent or more of individuals are living at or below the poverty limit or that have a poverty rate three times the average poverty rate for the metropolitan area, whichever threshold is lower.

Where one lives has a substantial effect on mental and physical health, education, crime levels, and economic opportunity. Urban areas that are more residentially segregated by race and income tend to have lower levels of upward economic mobility than other areas. Research has found that racial inequality is thus amplified by residential segregation. Concentrated poverty is also associated with higher crime rates and worse health outcomes. However, these areas may also offer some opportunities as well. Individuals may actively choose to settle in neighborhoods containing R/ECAPs due to proximity to job centers and access to public services. Ethnic enclaves in particular may help immigrants build a sense of community and adapt to life in the U.S. The businesses, social networks, and institutions in ethnic enclaves may help immigrants preserve their cultural identities while providing a variety of services that allow them to establish themselves in their new homes. Overall, identifying R/ECAPs is important in order to better understand entrenched patterns of segregation and poverty.

Describe and identify the predominant protected classes residing in R/ECAPs. How do the demographics of the R/ECAPs compare with the demographics?

Within Delaware, there are four R/ECAPs in Wilmington and one R/ECAP in Dover. There are two sets of R/ECAPs in downtown Wilmington, with two adjacent R/ECAPs in each set. The R/ECAP in downtown Dover straddles the St. Jones River. These R/ECAPs tend to be heavily Black with the average population for all R/ECAPs being 70.4 percent Black and 13.4 percent White. The inverse is shown statewide with White residents comprising 63 percent, and Black residents make up 21.3 percent. There are no clear patterns with regard to foreign-born residents. While R/ECAPs have shifted slightly between adjacent census tracts over the years, the general patterns of segregation and concentrated poverty in Wilmington and Dover have remained largely the same.

Map B-15: R/ECAPs, City of Wilmington¹⁶



¹⁶Data Source: ACS; refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

Map B-16: R/ECAPs, City of Dover¹⁷

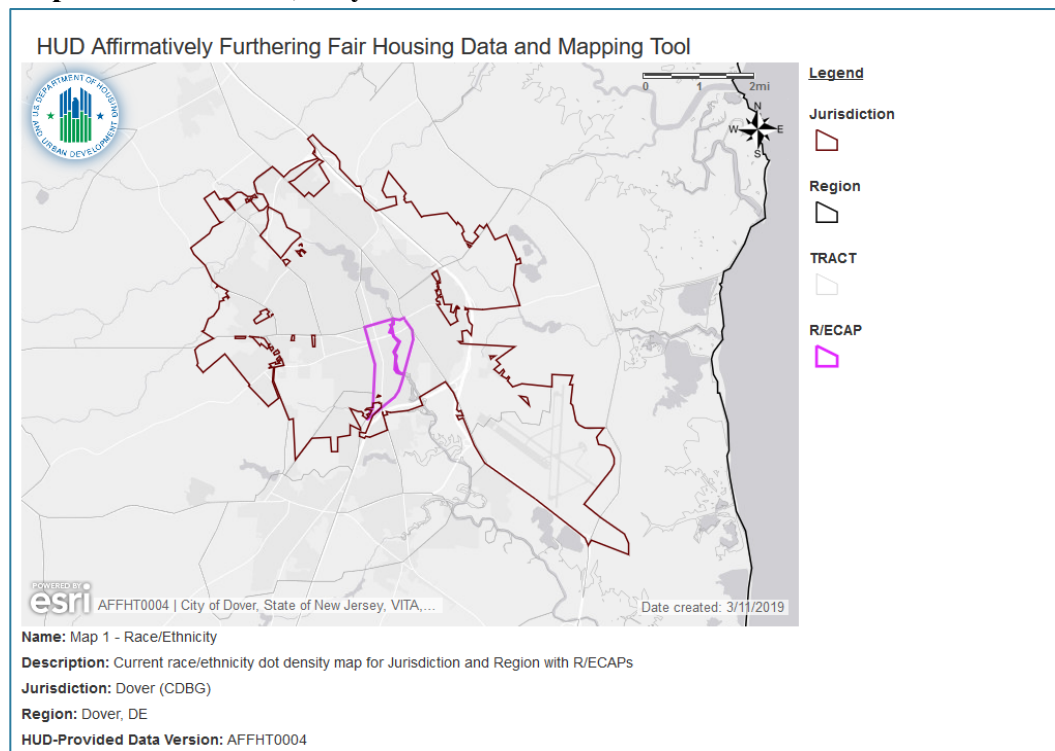


Table B-5: R/ECAPs Demographics

City of Wilmington									City of Dover	
R/ECAP Census Tract	21		22		29		30.02		413	
Race/Ethnicity	#	%	#	%	#	%	#	%	#	%
Total Population	1,968		2,527		3,587		3,453		2,273	
White, Non-Hispanic	57	2.9	127	5.0	148	4.1	568	16.5	952	41.9
Black, Non-Hispanic	1,621	82.4	1,146	45.4	3,326	92.7	2,581	74.8	1,041	45.8
Hispanic	211	10.7	1,169	46.3	39	1.1	254	7.4	142	6.3
Asian/Pacific, Non-Hisp.	29	1.5	0	0.0	0	0.0	4	0.1	40	1.7
Native American, Non-Hisp.	0	0.0	32	1.3	2	0.1	10	0.3	24	1.1
Family Type										
Total Families	408		492		687		407		544	
Families with children	255	62.5	274	55.7	437	63.6	239	58.7	312	57.4
<i>Note 1: Data Sources: Decennial Census; ACS; Note 2: Refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).</i>										

¹⁷ Data Source: ACS; refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

Table B-6: R/ECAPs Countries of Origin

City of Wilmington												City of Dover		
Census Tract 21			Census Tract 22			Census Tract 29			Census Tract 30.02			Census Tract 413		
	#	%		#	%		#	%		#	%		#	%
Dominican Republic	38	1.9	Mexico	237	9.4	Kenya	76	2.1	Jamaica	39	1.1	Philippines	40	1.8
India	32	1.6	Dominican Republic	81	3.2	Jamaica	44	1.2	Mexico	34	0.9	Haiti	39	1.7
Korea	23	1.2	Guatemala	20	0.8	Nigeria	15	0.4	Canada	15	0.4	England	6	0.3
Other Caribbean	15	0.8	Colombia	14	0.6				Germany	11	0.3	Jamaica	1	0.0
El Salvador	10	0.5	Cuba	13	0.5				Liberia	6	0.2			
Note 1: Data Sources: Decennial Census; ACS; Note 2: Refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).														

However, on a more granular level these patterns are less stark. The demographics of Dover's R/ECAP is similar to the demographics of the city. Of the four R/ECAPs in Wilmington, one R/ECAP actually falls below the city's average Black population, but it has a similar Hispanic population at 46 percent. This is also the R/ECAP with the most significant foreign-born population, with 9.4 percent of Mexican origin. The remaining tracts far exceed the average Black population, at 82, 93, and 75 percent, respectively.

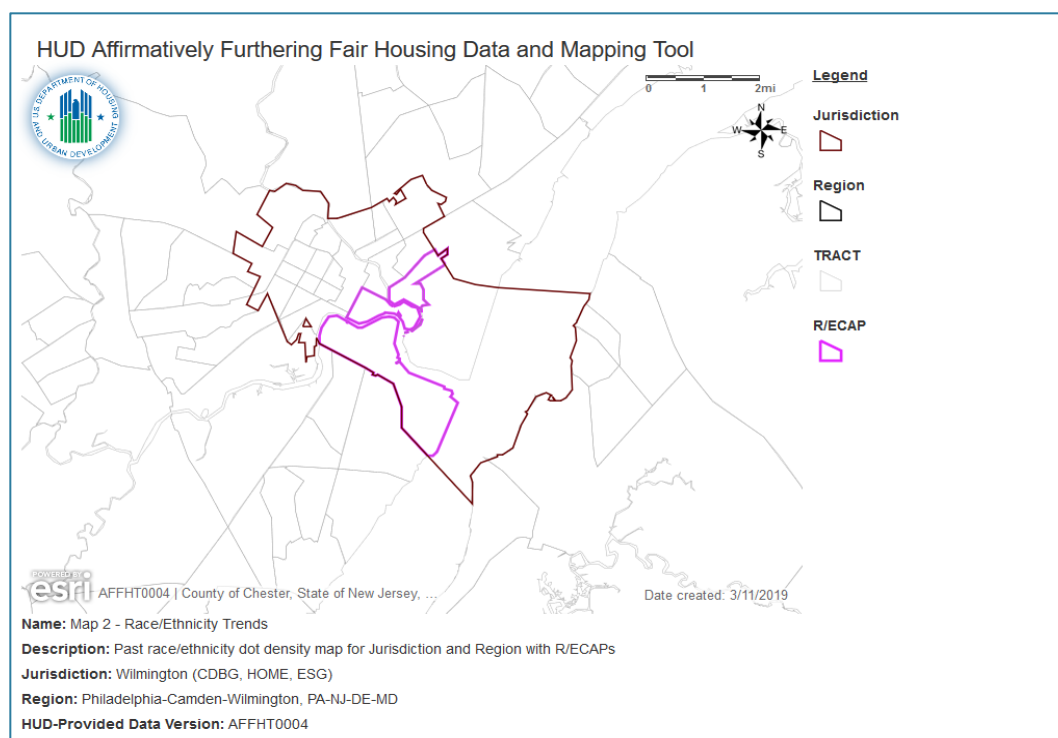
In terms of national origin, there are not clear patterns of foreign-born resident concentration across the five R/ECAPs. Of the state's top countries of national origin, China (excluding Hong Kong and Taiwan) is not in the top national origin list for any individual R/ECAP. Another top country of national origin, India, maintains similar numbers to the state's average across the R/ECAPs in which they appear. Residents originally from the Dominican Republic appear in two of the Wilmington R/ECAPs as the first and second highest countries of national origin, respectively, but are not on the state's top list.

Describe how R/ECAPs have changed over time in the jurisdiction and region (since 1990).

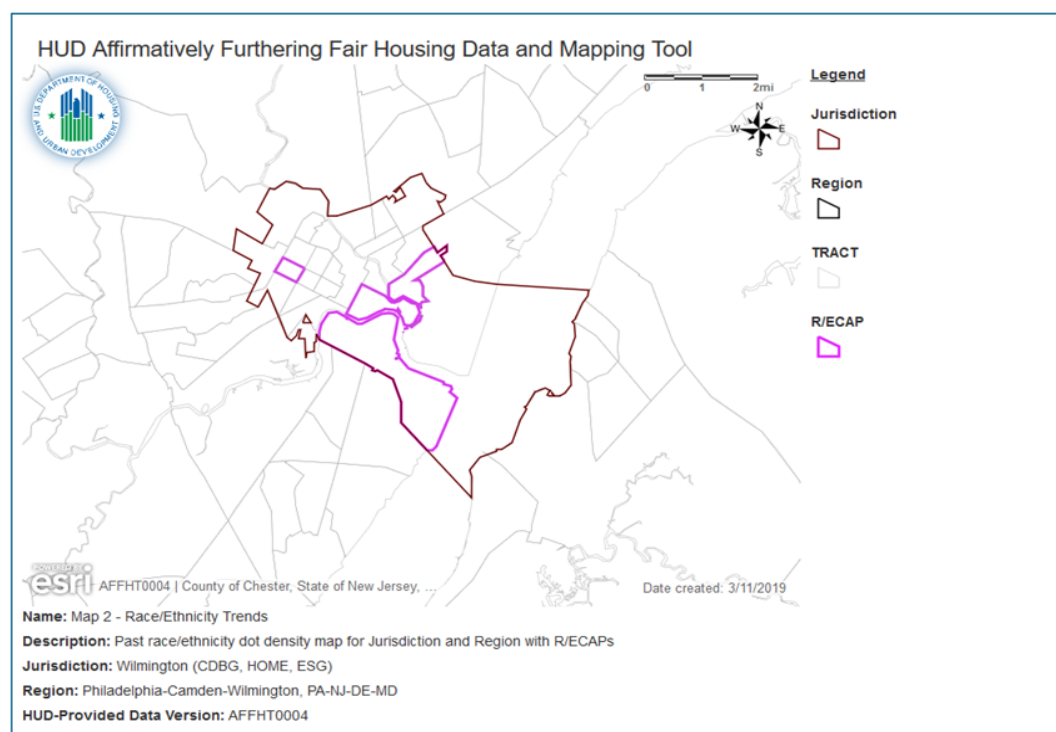
The location of R/ECAPS has seen some variation across the last three decades, with the most notable variation in Wilmington. Although there is currently one R/ECAP located in downtown Dover, that R/ECAP did not exist during the 1990, 2000, or 2010 Census.

Map B-17: R/ECAPs 1990, City of Wilmington¹⁸

¹⁸ Data Source: Decennial Census; refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

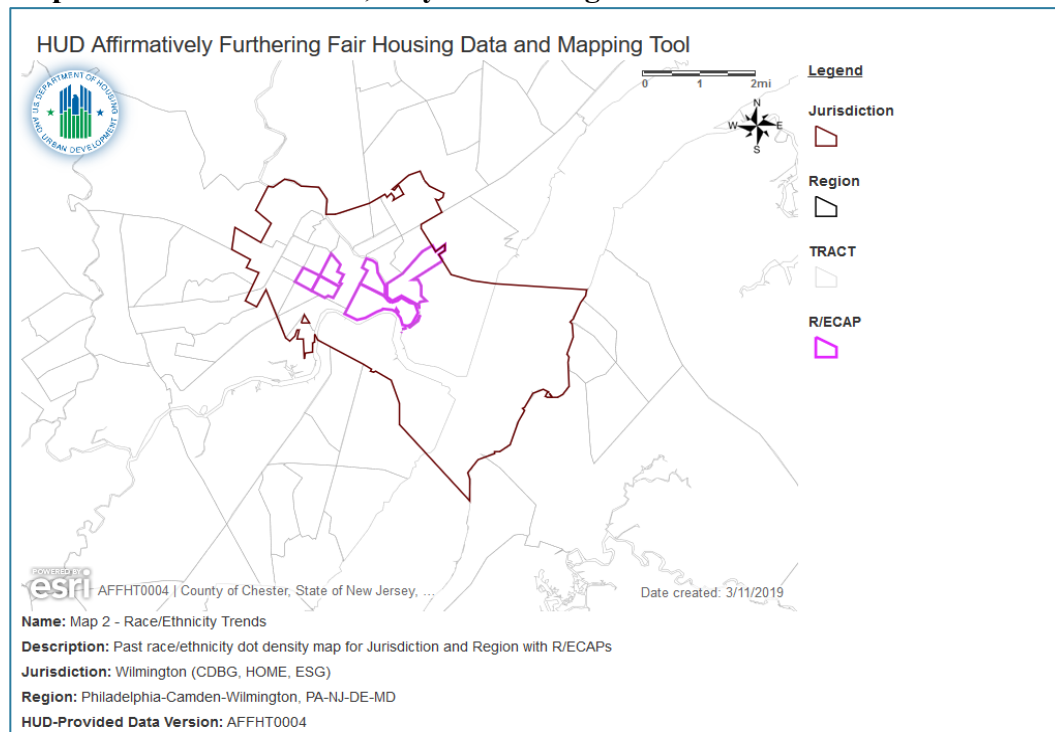


Map B-18: R/ECAPs 2000, City of Wilmington¹⁹



¹⁹ Data Source: Decennial Census; refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

Map B-19: R/ECAPs 2010, City of Wilmington²⁰



The amount of R/ECAPs in Wilmington has been uneven, starting out in 1990 with only three, rising to six in 2010, and falling back down to the four maintained today. In 2010, Wilmington had the four current R/ECAPs described previously, as well as two others, each adjacent to the two current groupings.

In 2000, Wilmington maintained the two R/ECAPs along the Christina River that it displays today, as well as the westernmost of the two present day R/ECAPs on the west side. It also had one R/ECAP south of Christina River, which appears in both the 2000 and 1990 Census. The north, west, and eastern boundaries of this R/ECAP are made of the Christina and Delaware Rivers. The southern boundary roughly follows Terminal Avenue, as well as the railroad tracks.

Beyond the HUD-provided data, provide additional relevant information, if any, about R/ECAPs in the jurisdiction and Region affecting groups with other protected characteristics.

The program participant may also describe other information relevant to its assessment of R/ECAPs, including activities such as place-based investments and mobility options for protected class groups.

Some efforts have been made to revitalize the City of Wilmington. One effort in the City's Riverside neighborhood, at the northeast corner of the City, includes a locally funded redevelopment plan that would create mixed-income housing and further investment in public

²⁰ Data Source: Decennial Census; refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

schools and health services. The plan anticipates \$100 million in investments over the course of the project. Leaders are building support from residents of the area, by involving them directly in the process.

Further south, in 2008, the Eastside neighborhood was designated a Blueprint Community by the Federal Home Loan Bank of Pittsburgh, giving it access to capacity-building services and a revitalization plan. Community leaders are working with a variety of organizations to bring developers to the neighborhood, improve upon existing buildings and establish new buildings with multiple purposes. While these projects have external support, it is important to note that primary direction comes from community leaders and residents themselves. Similar programs were started later in Northeast Wilmington and Washington Heights.

III. Fair Housing Analysis continued

B. General Issues

iii. Disparities in Access to Opportunity

This section examines disparities in access to opportunity in the areas of: Education, Transportation, Employment, Low Poverty, and Environmental Health. Following the format recommended by the AFH template, each area is analyzed using HUD's Disparities in Access to Opportunity Index, which disaggregates based on racial/ethnic group, as well as racial/ethnic group below the poverty line. High index scores indicate high performing schools and low index scores reflect low school performance. Large disparities in index scores across racial and ethnic groups should be especially noted. The HUD mapping tool plots access to opportunity based on census tract of residence to show how patterns of segregation may affect access to opportunity.

Education

On a high level, it is clear that there are disparities in access to opportunity in nearly every category, especially when comparing Black and White residents and patterns of segregation. The Wilmington and Dover schools have very poor index scores across racial and ethnic groups, while Newark's scores are very high. The counties show more middling numbers, although New Castle County has the lowest scores and the worst disparities. Residentially, Black and Hispanic students are concentrated in overlapping areas where schools are lower performing, demonstrating the far-reaching effects of segregation on disparities in access to opportunity.

Note on Access to Educational Opportunity Analysis: although schools in Delaware are organized by school district, HUD's school proficiency index uses school-level data on the performance of 4th grade students on state exams to describe which neighborhoods have high-performing school nearby and which are near low performing-elementary schools. In Delaware, it is also necessary to add the caveat that the "Delaware School Choice Program" permits parents to apply to attend any school in the state, both within their district, and across school district lines, subject to space availability, and in some cases, admissions requirements. However, the vast majority of public-school students (68 percent) attend their local attendance zone school, only 12 percent transfer within district, and only 4 percent participate in cross-district transfers. In addition, 11 percent of all students attend public charter schools. For these reasons, the HUD data provides a reasonable analysis though it may not be as accurate as it is in states with more traditional school assignments. The most exception to this trend is in the greater Wilmington area, where a large number of students in the Red Clay (23 percent) and Christina (38 percent) districts transfer out of district – to charter schools, traditional districts, or magnet schools.

For the protected class groups HUD has provided data, describe any disparities in access to proficient schools in the jurisdiction and region.

Philadelphia Region

Table B-7: School Proficiency Index by Race/Ethnicity

	Philadelphia Region
Total Population	
White, Non-Hispanic	59.13
Black, Non-Hispanic	22.28
Hispanic	29.99
Asian/Pacific Islander, Non-Hispanic	50.65
Native American, Non-Hispanic	36.94
Population below federal poverty line	
White, Non-Hispanic	46.10
Black, Non-Hispanic	14.50
Hispanic	19.53
Asian/Pacific Islander, Non-Hispanic	30.43
Native American, Non-Hispanic	29.44
<i>Data Sources: Decennial Census; ACS; Great Schools; Common Core of Data; SABINS; (www.hudexchange.info/resource/4848/affh-data-documentation)</i>	

Disparities in access to proficient schools in the Philadelphia region across racial and ethnic groups are profound. Non-Hispanic Black and Hispanic students attend poor performing schools with proficiency scores of 22 and 30 respectively. Schools attended by non-Hispanic White residents and non-Hispanic Asian American or Pacific Islanders score much higher at 59 and 51. To a lesser degree, Native American students also experience low access to proficient schools

Table B-8: School Proficiency Index by Race/Ethnicity

	New Castle County	Kent County	Sussex County
Total Population			
White, Non-Hispanic	52.65	60.66	60.39
Black, Non-Hispanic	41.68	52.81	44.98
Hispanic	37.72	54.58	53.40
Asian or Pacific Islander, Non-Hispanic	58.76	56.39	58.91
Native American, Non-Hispanic	46.36	61.43	61.03
Population below federal poverty line			
White, Non-Hispanic	50.68	61.91	59.90
Black, Non-Hispanic	38.91	45.23	42.83
Hispanic	32.49	47.22	51.39
Asian or Pacific Islander, Non-Hispanic	65.61	50.39	75.85
Native American, Non-Hispanic	48.79	49.94	72.66
<i>Note 1: Data Sources: Decennial Census; ACS; Great Schools; Common Core of Data; SABINS; Note 2: Refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).</i>			

New Castle County

There is considerable divergence across racial and ethnic groups in neighborhood access to high-performing elementary schools. Hispanics and non-Hispanic Black students attend lower performing schools than those of all other racial groups. By contrast, schools attended by Asian American or Pacific Islanders are the highest-performing, followed closely those attended by non-Hispanic White residents. In New Castle County, school proficiency scores across racial and ethnic groups range from the high 30s to the high 50s.

Kent County

Schools attended by non-Hispanic Black students are lower performing (53) than those attended by non-Hispanic White (60.7) and Non-Hispanic Native American students (61.4). Asian American or Pacific Islanders and Hispanics attend schools with proficiency rates in this range.

Sussex County

Schools attended by non-Hispanic Black students are lower performing (45) than all other racial and ethnic groups. Non-Hispanic White and Non-Hispanic Native American students in the county attend higher performing schools (60.4 and 61).

Table B-9: School Proficiency Index by Race/Ethnicity

	City of Wilmington	City of Newark	City of Dover
Total Population			
White, Non-Hispanic	31.23	72.05	33.60
Black, Non-Hispanic	24.89	73.94	33.35
Hispanic	44.17	71.95	28.17
Asian or Pacific Islander, Non-Hispanic	29.28	76.09	36.09
Native American, Non-Hispanic	27.42	74.42	35.31
Population below federal poverty line			
White, Non-Hispanic	27.37	69.24	37.86
Black, Non-Hispanic	26.00	76.32	33.45
Hispanic	54.31	63.27	26.89
Asian or Pacific Islander, Non-Hispanic	45.80	81.32	37.05
Native American, Non-Hispanic	48.35	65.07	N/a
<i>Note 1: Data Sources: Decennial Census; ACS; Great Schools; Common Core of Data; SABINS; Note 2: Refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).</i>			

City of Wilmington

School proficiency scores in Wilmington range from 25 to 31 for each racial and ethnic group, except for Hispanics, who score slightly higher at 44. Non-Hispanic White and Asian American or Pacific Islander students experience lower access to proficient schools in Wilmington when compared to the Philadelphia region.

City of Newark

Access to high-performing elementary schools is similar across all racial and ethnic groups, with proficiency scores in the 70s. Access to proficient schools in Newark is higher than in the City of Wilmington overall. Notably, there are not extreme disparities between racial and ethnic groups in Newark.

City of Dover

Neighborhood access to proficient schools is similar across racial and ethnic groups. The non-Hispanic members of each racial/ethnic group experience similar levels of access to proficient elementary schools within Dover with proficiency scores between the low- to mid- 30s. Schools attended by Hispanics are slightly lower-performing with a score of 28.17. Across racial and ethnic groups, access to high-performing elementary schools in Dover is lower than Kent County overall.

For the protected groups HUD has provided data, describe how disparities in access to proficient schools relate to residential living patterns in the jurisdiction and region.

Access to proficient schools varies widely across the state of Delaware. Schools in the southwest corner of Sussex County have very low access to proficient schools. Bordering these neighborhoods to the east are neighborhoods with notably high access to proficient schools. School proficiency levels are highest in the central areas of Kent County and eastern section of Sussex County with pockets of high scores appearing in the north as well.

From the following AFFH maps, non-Hispanic Black residents are especially concentrated in neighborhoods across the state with low school proficiency scores, especially in the north and central sections of the state where there are Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs). Hispanics appear to be concentrated - albeit in smaller densities - in overlapping areas with non-Hispanic Black residents with lower-performing schools.

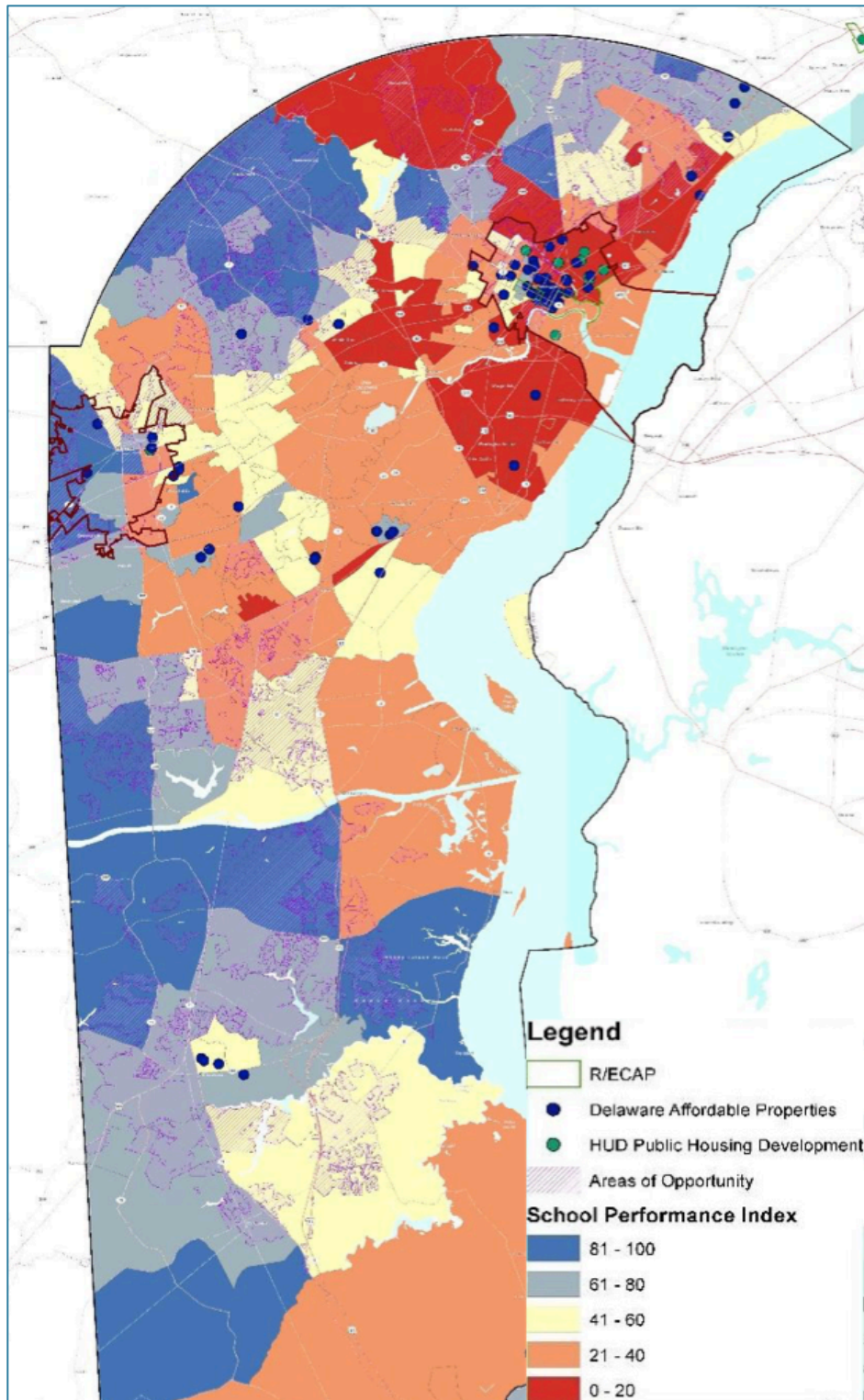
New Castle County

Access to proficient schools varies across New Castle County. Higher-performing schools are along the western boundary as well as in the south around the Chesapeake and Delaware Canal.

Overlaying race and ethnicity to school proficiency levels reveals a correspondence between these factors. Non-Hispanic Black and Hispanic residents appear to concentrate in neighborhoods with low proficiency scores. Asian American or Pacific Islanders and non-Hispanic White residents appear spread across neighborhoods with high-performing schools.

Map B-20: School Performance Index and Areas of Opportunity, New Castle County²¹

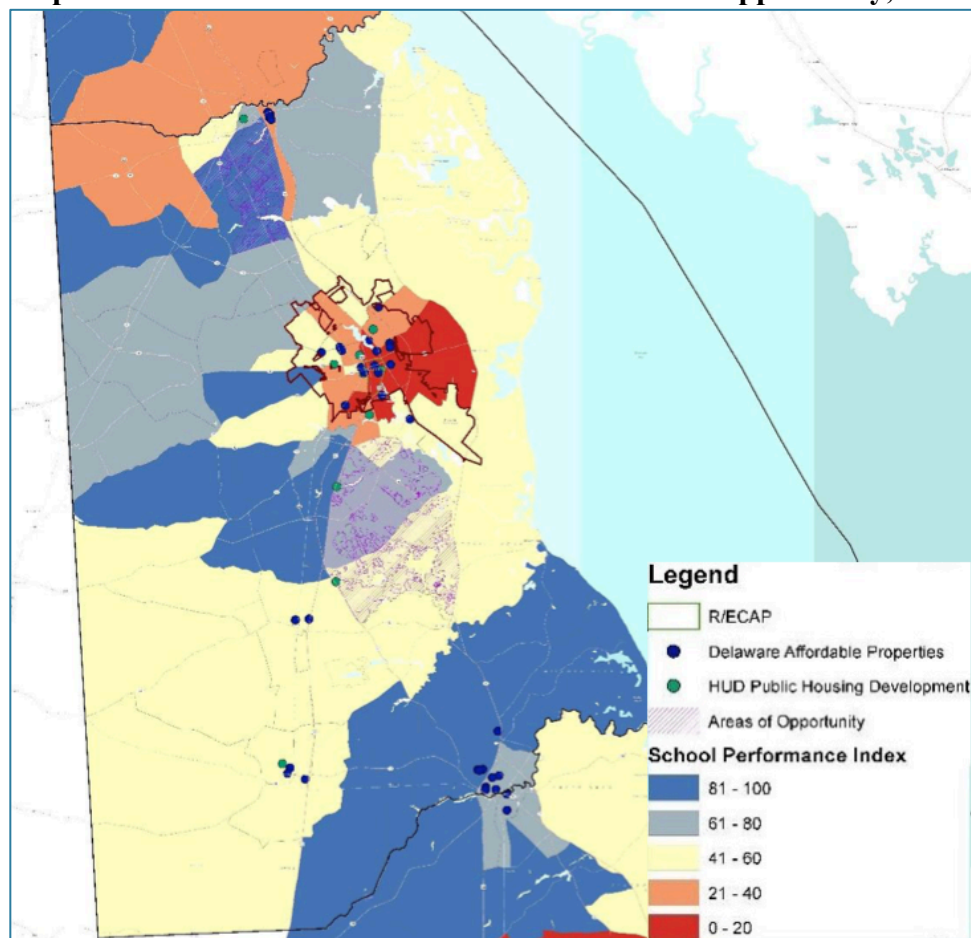
²¹ Data Source: Great Schools; Common Core of Data; SABINS; refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).



The five most frequent places of birth for the foreign-born population in the jurisdiction are Mexico, India, China (excluding Hong Kong and Taiwan), the Philippines, and Jamaica. While individuals of Mexican, Philippine, and Jamaican origin appear to concentrate in neighborhoods with low performing schools, Indian and Chinese members of the foreign-born population reside across neighborhoods with both low- and high-performing schools.

Kent County

Map B-21: School Performance Index and Areas of Opportunity, Kent County²²



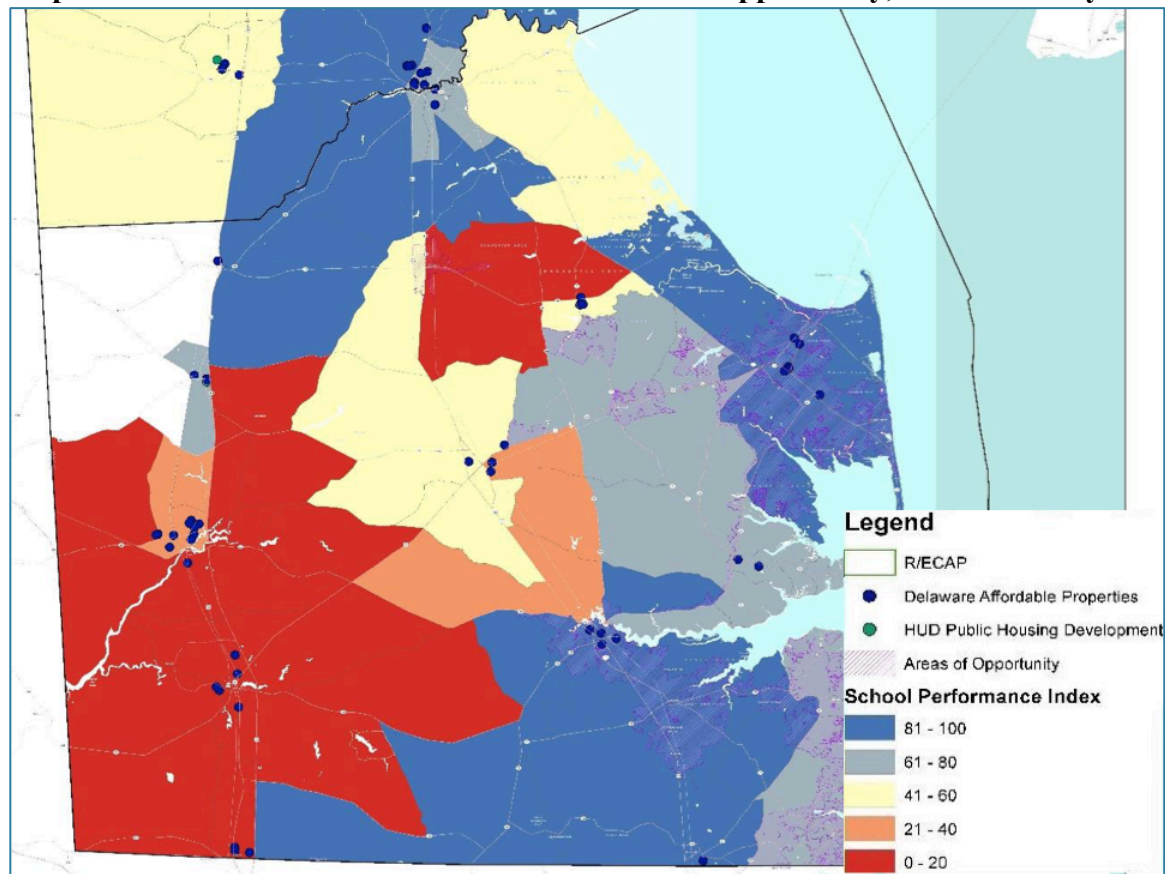
In central Kent County, there is a cluster of neighborhoods surrounding the R/ECAP with notably low access to proficient schools. In this area, school proficiency scores range from single digit values to the low 30s. Non-Hispanic Black students appear to cluster in these neighborhoods. Hispanics, Asian American and Pacific Islanders, and non-Hispanic White residents also appear in this section of the county. However, no other group is as densely clustered in these neighborhoods as non-Hispanic Black residents.

The rest of the county beyond this central area consists of neighborhoods with varying levels of access to proficient schools; while neighborhoods in the southwest obtain school proficiency scores in the 50s, there are certain census tracts in the northern, central, and southeastern areas with scores in the 90s. Non-Hispanic White students are spread across neighborhoods with low- and high-performing schools.

Sussex County

²² Data Source: Great Schools; Common Core of Data; SABINS; refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

Map B-22: School Performance Index and Areas of Opportunity, Sussex County²³



Access to proficient schools varies widely in Sussex County. The western portion of the county has very low-performing schools with proficiency scores as low as 1 to 12. Neighborhoods in the center of the county experience only marginally higher access to proficient schools. Meanwhile, the northern, eastern, and southern sections of the county have access to very high performing schools with scores in the high 80s and high 90s—among the highest in the state.

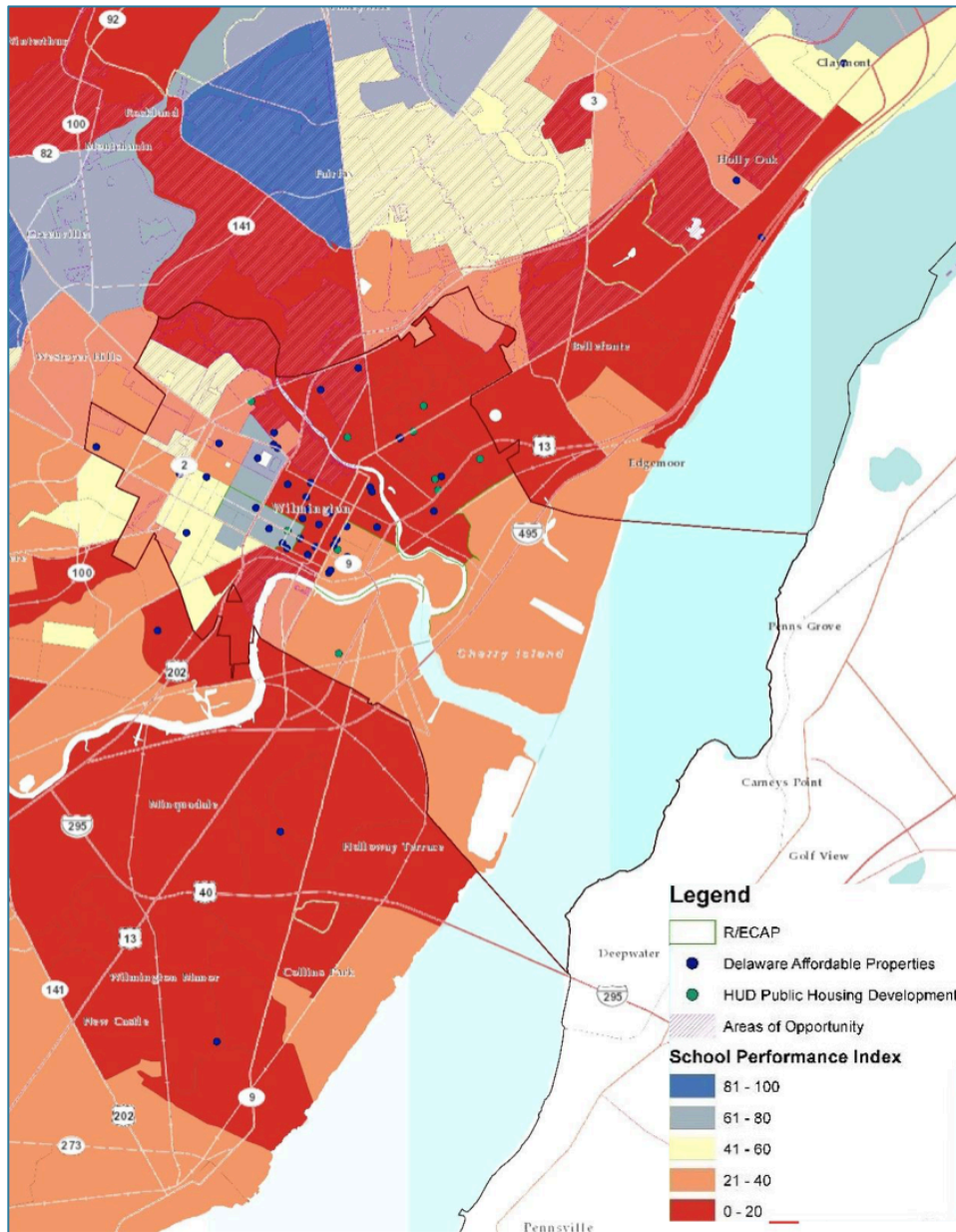
Overlaying race and ethnicity over the school proficiency map reveals how White residents are heavily clustered in the highest-performing eastern neighborhoods. Hispanics appear to cluster in the central neighborhoods with low access to proficient schools. Non-Hispanic Black residents appear largely in both the central and eastern neighborhoods with the lowest-performing schools.

City of Wilmington

Map B-23: School Proficiency Index, City of Wilmington²⁴

²³ Data Source: Great Schools; Common Core of Data; SABINS; refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

²⁴ Data Source: Great Schools; Common Core of Data; SABINS; refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).



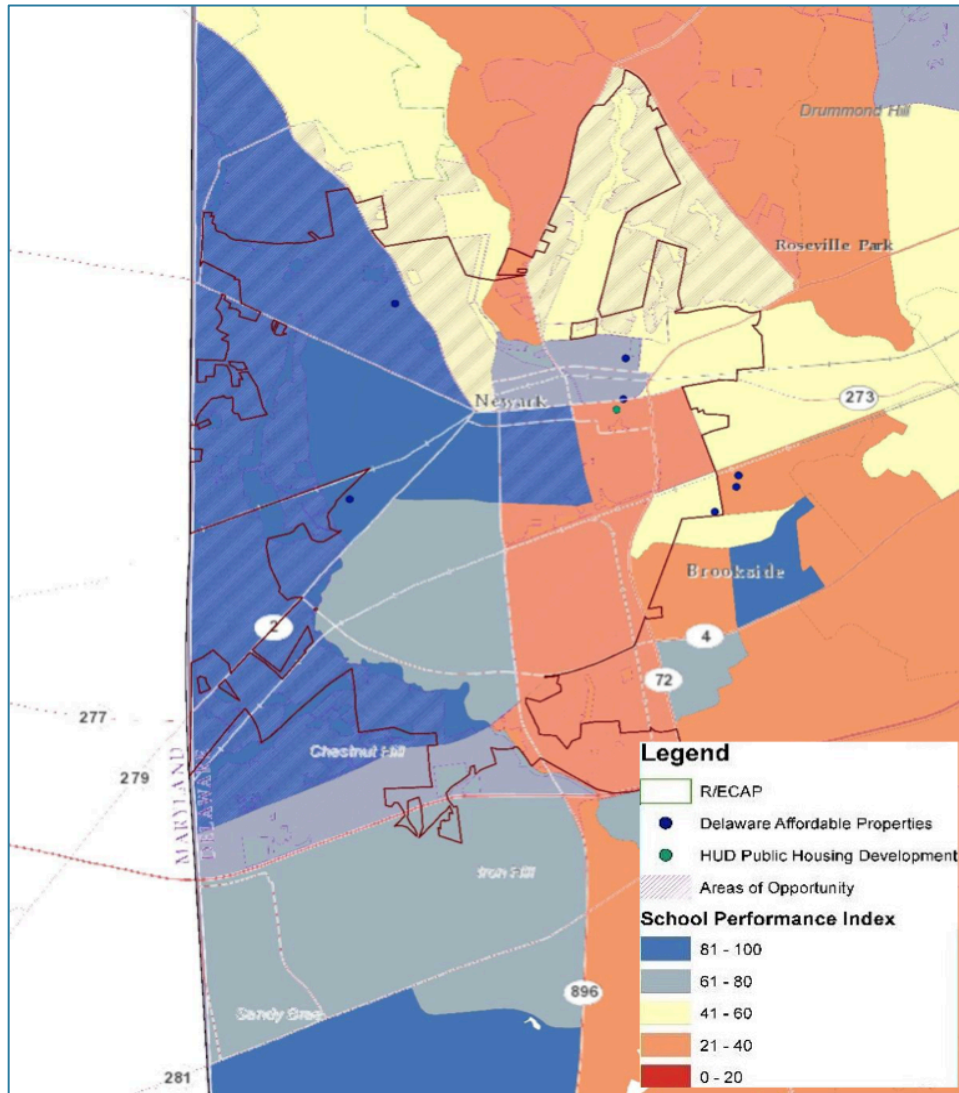
In Wilmington, schools are lower performing in the northern and eastern neighborhoods and much higher in the western neighborhoods. Overlaying race and ethnicity over school proficiency levels reveals the extent to which non-Hispanic Black residents appear to be clustered across the city with the lowest school proficiency scores. Of the city's four R/ECAPS, two have distinctly low access to proficient schools.

The most frequent place of birth for foreign-born residents is Mexico, who are spread across neighborhoods with low access to proficient schools. The four other most common places of birth for Wilmington's foreign-born population are Jamaica, Colombia, Kenya and German. Individuals born in Jamaica, Colombia, and Kenya reside in areas with low access to proficient schools,

whereas individuals born in Germany reside in the area of Wilmington with the highest access to proficient schools.

City of Newark

Map B-24: School Performance Index and Areas of Opportunity, City of Newark²⁵



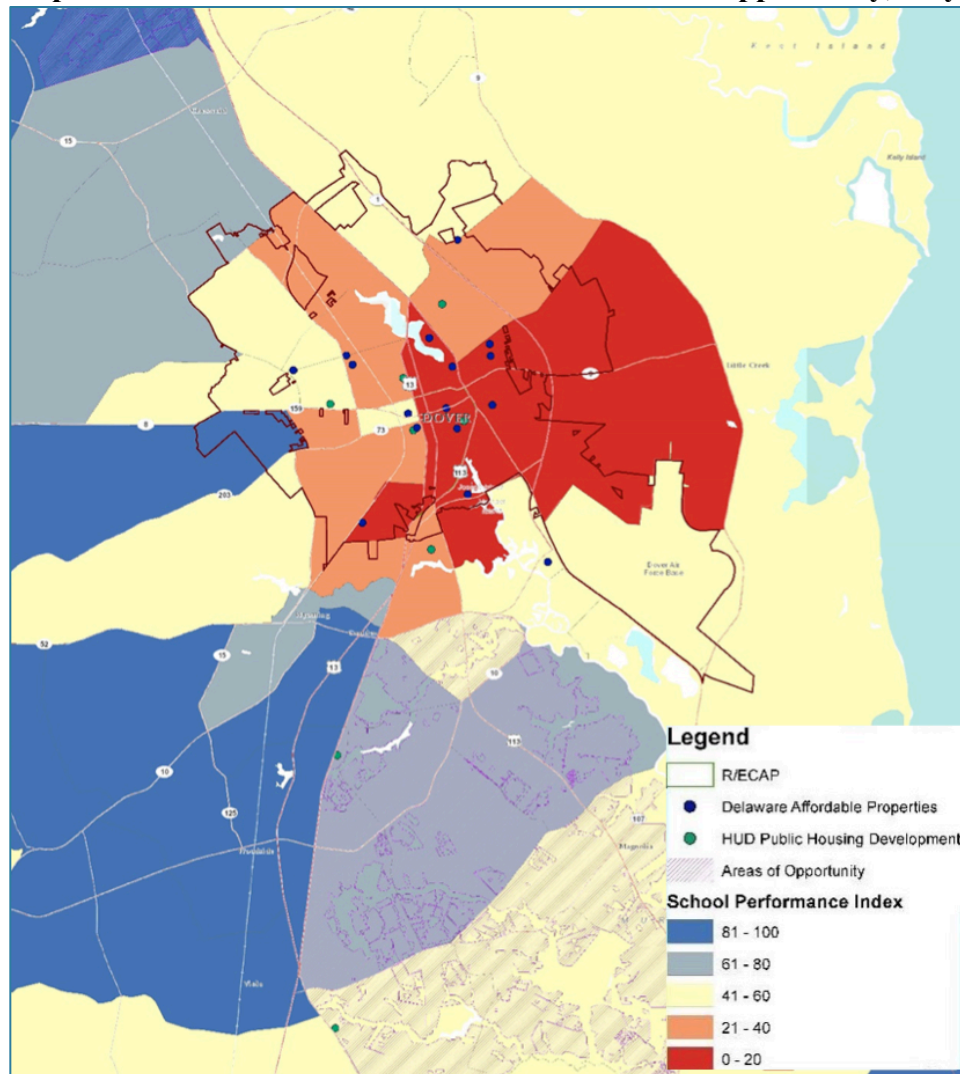
In Newark, though most census tracts have notably high performing schools, there are several neighborhoods with significantly lower performing schools. Census tracts on the western border have among the highest access to proficient schools in the state with scores in the 90s. Meanwhile, neighborhoods closer to the city center score in the low 20s.

²⁵ Data Source: Great Schools; Common Core of Data; SABINS; refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

Overlaying race and ethnicity over school proficiency levels shows how all racial and ethnic groups appear in neighborhoods with high and low performing schools. Even so, White residents - though present in a variety of neighborhoods - do appear to cluster in the high performing area.

City of Dover

Map B-25: School Performance Index and Areas of Opportunity, City of Dover²⁶



Access to proficient schools varies only slightly across Dover with all school proficiency index values falling on the lower end of the scale (mid-30s and below). Schools are lower performing in the central neighborhoods. Meanwhile, schools are slightly higher performing in the south-easternmost neighborhood. The R/ECAP in central Dover corresponds with an area of low-performing schools. Non-Hispanic Black residents appear to concentrate in neighborhoods with

²⁶ Data Source: Great Schools; Common Core of Data; SABINS; refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

low proficiency scores. Non-Hispanic White residents appear spread across neighborhoods with both the lowest and highest relative performing schools.

The five most frequent places of birth for the foreign-born population are Jamaica, the Philippines, Haiti, Mexico, and India. Individuals of these origins appear to be spread across areas with low access to proficient schools.

Informed by community participation, any consultation with other relevant government agencies, and the participant's own local data and local knowledge, discuss programs, policies, or funding mechanisms that affect disparities in access to proficient schools.

The state of Delaware contains 19 traditional school districts encompassing 228 schools, 6 regional vocational-technical high schools, and 24 charter schools²⁷

Significant changes in school enrollment by race and income level within school districts can have significant housing market impacts, affecting perceived school quality, and influencing home-buying decisions and prices, and exacerbating income segregation across district lines.

In Wilmington, the growth in the number of suburban students has outpaced that of urban students, and racial separation in the schools has increased, in spite of the configuration of the city's four school districts, which serve both the city and suburbs (Colonial, Christina, Red Clay, and Brandywine)²⁸. According to a 2014 report by the Civil Rights Project, between 1989 and 2011, White student enrollment in schools within the city limits of Wilmington fell almost 47 percent from 64.5 to 18.6 percent. In suburban schools, White students made up the largest share of enrollment at 45.1 percent while Black student enrollment increased 35 percent from 28.3 to 63.6 percent²⁹. In 1989, public school students in Wilmington were predominantly White. However, by 2011, the majority had shifted toward Black students³⁰ (this trend is exacerbated by the high rate of private school attendance for Wilmington resident children). Additionally, Hispanic students grew to 14 percent of students³¹.

The increasing racial and economic isolation of students in the Wilmington area is likely due to a combination of factors, including drawing of school attendance zones to perpetuate patterns of neighborhood housing segregation; abandonment of efforts to integrate students across schools in diverse districts (and lack of student transportation); and the absence of significant efforts to locate affordable housing near the highest performing schools.

Overall, racial segregation within Delaware school districts is not yet at extreme levels, but these trends are not stable, and unless state and local housing policy affirmatively expands housing

²⁷ See <http://www.rodelfoundationde.org/ata glance/>

²⁸ This school district configuration was originally designed in response to a 1976 school desegregation case (which effectively ended in 1995 with the court's declaration of "unitary status."). Arielle Niemeyer et al, "The Courts, the Legislature, and Delaware's Resegregation: A Report on School Segregation in Delaware, 1989---2010" (UCLA Civil Rights Project, 2014), <https://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/courts-the-legislature-and-delawares-resegregation/niemeyer-delaware-segregation-2015.pdf>

²⁹ Niemeyer, p. 41

³⁰ Niemeyer, p. 41

³¹ Niemeyer, p. 42

choices for low-income children of color in high performing, low poverty school districts, the trend is likely to continue. As the Civil Rights Project pointed out in its 2014 report,

“Compared to Philadelphia and Baltimore, Delaware is still far ahead of where it would be if desegregation had never been ordered, but its advantage is slipping away. It is time to move beyond the polemics of the old plan and to find ways to use voluntary choice, good educational options, and serious moves against housing segregation to produce a healthier future for the state’s schools and society.”

The most concerning educational trend is the increasing double segregation by race and poverty; Black and Hispanic children are much more likely to attend schools that are over 50 percent low-income (20% and 17% respectively) than are White students in the state (4 percent of whom attend schools with over 50 percent low-income children).

The patterns of “access to proficient schools” are closely related to patterns of concentration of lower income children. According to the Delaware Department of Education’s results from the 2018 Smarter Balanced Assessments (tests given to students in grades 3-8 to measure proficiency), out of the top ten proficient schools for both math and English language arts, only two were located in urban areas. Meanwhile, in the bottom ten proficient schools, seven were located in urban areas³². Correspondingly, academic achievement, as measured by the share of fourth grade students scoring Proficient on Delaware’s “Smarter Balanced” tests in English/Language Arts (ELA) and Math in 2017-2018, varies widely for students of different races/ethnicities, and for both tests, the share achieving proficiency is dramatically lower (about 35 percent lower) for low-income³³ students as compared to non-low-income students. The high share of low-income students (as well as students with disabilities) that do not achieve proficiency is one reason behind a currently pending lawsuit challenging the state’s funding for disadvantaged students³⁴.

In summary, patterns of segregation “across” school district lines are increasing, but not as yet a serious concern outside the Wilmington area. However, rapid changes in enrollment by race and ethnicity in New Castle County school districts over the past twenty years, accompanied by increasing within-district segregation by race and income in districts serving the City of Wilmington, will likely continue to have an inflationary effect on housing prices in the areas served by higher performing schools, increasing racial and income segregation and adversely affecting access to proficient schools for African American and Hispanic children.

³² <https://www.delawareonline.com/story/news/education/2018/08/02/what-most-and-least-proficient-schools-delaware/876396002/>

³³ Low-income defined as receiving SNAP or TANF.

³⁴ <https://www.law.com/delawarelawweekly/2018/10/08/delaware-aclu-challenge-to-inadequate-school-funding-gets-green-light/>

III. Fair Housing Analysis

B. General Issues

iii. Disparities in Access to Opportunity

Transportation

This section analyzes access to public transportation and transportation cost using two HUD-calculated opportunity indices to measure access to transportation: the Transit Index and the Low Transportation Cost Index. The Transit Index estimates transit trips for a family of three, with a single parent, with an income of 50 percent of the median income for renters in the region. The higher the number, the more likely residents in that neighborhood utilize public transit. The Low Transportation Cost Index estimates transportation costs for a family of three, with a single parent, with an income at 50 percent of the median income for renters in the region. The higher the number, the better (i.e., the lower the cost of transportation in the neighborhood).

For protected class groups HUD has provided data, describe any disparities in access to transportation related to costs and access to public transit.

Across Delaware, there are minimal disparities in transit trips and transportation costs related to race/ethnicity, national origin, or percentages of families with children. These values are highest in urban areas such as Wilmington and Middletown, which have higher populations of Black and Hispanic residents, but the differences in access are minimal. These values decrease further south, with New Castle County having the most consistent access to low cost transportation. Kent and Sussex Counties do not have the same access as suburban areas in New Castle County, likely due to the higher number of commuters.

Table B-10: Transit and Low Transportation Cost Indices

	State of Delaware		Philadelphia Region	
Total Population	Transit	Low Transp. Cost	Transit	Low Transp. Cost
White, Non-Hispanic	55.73	N/A	72.42	68.69
Black, Non-Hispanic	66.19	61.12	86.56	82.27
Hispanic	64.40	58.55	83.36	79.59
Asian/Pacific Islander, Non-Hispanic	67.76	61.15	80.06	76.18
Native American, Non-Hispanic	50.39	44.01	79.90	76.43
Population below federal poverty line				
White, Non-Hispanic	55.32	50.57	78.97	76.23
Black, Non-Hispanic	67.81	64.48	90.67	86.78
Hispanic	67.01	61.16	88.05	84.50
Asian/Pacific Islander, Non-Hispanic	69.51	64.04	88.40	85.39
Native American, Non-Hispanic	81.51	76.56	88.57	84.56
<i>Note 1: Data Sources: Decennial Census; ACS; LAI; Note 2: Refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).</i>				

Table B-11: Transit and Low Transportation Cost Indices

	New Castle County		Kent County		Sussex County	
Total Population	Transit	Low Transp. Cost	Transit	Low Transp. Cost	Transit	Low Transp. Cost
White, Non-Hispanic	71.26	65.38	37.90	34.05	31.14	24.09
Black, Non-Hispanic	74.40	67.43	43.41	41.03	30.38	25.74
Hispanic	77.32	70.71	41.99	39.38	32.95	26.01
Asian/Pacific Islander, Non-Hisp.	74.02	66.77	41.99	38.40	32.00	26.24
Native American, Non-Hisp.	73.06	66.61	40.14	36.00	33.10	24.02
Population below federal poverty line						
White, Non-Hispanic	75.47	71.56	37.18	33.77	32.02	24.69
Black, Non-Hispanic	78.75	71.89	45.99	45.41	30.40	28.79
Hispanic	80.40	72.82	42.48	42.11	32.12	25.65
Asian/Pacific Islander, Non-Hisp.	78.00	71.07	38.06	37.62	30.62	28.44
Native American, Non-Hisp.	87.22	80.48	34.23	35.39	33.86	23.61
<i>Note 1: Data Sources: Decennial Census; ACS; LAI; Note 2: Refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).</i>						

Table B-12: Transit and Low Transportation Cost Indices

	City of Wilmington		City of Newark		City of Dover	
Total Population	Transit	Low Transp. Cost	Transit	Low Transp. Cost	Transit	Low Transp. Cost
White, Non-Hispanic	91.56	87.26	75.78	73.65	49.80	49.83
Black, Non-Hispanic	92.31	88.41	77.70	73.42	49.37	51.70
Hispanic	92.81	88.99	77.81	74.84	47.96	51.00
Asian/Pacific Islander, Non-Hisp.	91.34	88.63	76.55	73.58	49.96	49.05
Native American, Non-Hisp.	92.50	89.15	77.02	73.25	49.16	48.04
Population below federal poverty line						
White, Non-Hispanic	91.43	88.28	76.76	79.41	49.51	49.87
Black, Non-Hispanic	92.42	89.22	81.74	74.66	50.64	53.42
Hispanic	94.01	90.35	77.55	80.98	44.10	50.71
Asian/Pacific Islander, Non-Hisp.	89.98	92.12	82.09	76.09	42.77	46.32
Native American, Non-Hisp.	93.03	88.72	73.00	80.00	N/A	N/A
<i>Note 1: Data Sources: Decennial Census; ACS; LAI; Note 2: Refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).</i>						

State of Delaware

Statewide, White (55.73) and Native American (50.39) residents are the least likely to utilize public transportation, while Black (66.19), Hispanic (64.40) and Asian American or Pacific Islanders (67.76) are the most likely. For those below the poverty line, there is a negligible difference, with one big exception: Native Americans. While the general population ranks 50.39 on the Transit Index, for Native Americans below the poverty line, it rises to 81.51. Similarly, while the Low Transportation Cost Index value for the general Native American population is 44.01 (the lowest of any group), for those below the poverty line it rises 30 points to 76.56. An index value is not given for White residents, but Black, Hispanic, and Asian American or Pacific Islanders are 61.12, 58.55, and 61.15, respectively. The reason for similar Black, Hispanic, and Asian American or Pacific Islander values as compared to Native Americans is not immediately apparent, although the Native American population is much smaller than these other groups.

Philadelphia Region

In the Philadelphia Region, people living below the poverty line are higher across every racial group, except White residents, for both the Transit Index and the Low Transportation Cost Index. Black (86.56), Hispanic (83.36), Asian American or Pacific Islander (80.06), and Native American (79.90) residents are all more likely to utilize public transportation than White residents (72.42). Similarly, these groups all have better access to low transportation costs than White (68.69) residents in the region.

New Castle County

In New Castle County, access to public transportation is more equal with Hispanics having the highest access (77.32), followed by Black residents (74.40), Asian American or Pacific Islanders (74.02), Native Americans (73.06), and finally White residents (71.26). People below the poverty line have better access to public transportation across each racial group. There is also fairly equal access to low cost transportation across racial groups, with Hispanics once again having the best access (70.71), followed by Black residents (67.43), Asian American or Pacific Islanders (66.77), Native Americans (66.61), and finally White residents (65.38).

City of Wilmington

Wilmington, within both New Castle County and the Philadelphia Region, has the best access to public transportation and low transportation cost. The index value for each racial group ranks in the 90s indicating high access to public transportation, and below the poverty line there is also high access but vary slightly with White residents (91.43), Black residents (92.42), Hispanic residents (94.01), Asian American or Pacific Islanders (89.98), and Native Americans (93.03). Low Transportation Cost Index values are lower overall, but still in the high 80s for each racial group. The value for each racial group rises by 0-4 points for those below the poverty line.

City of Newark

Newark also has high access to public transportation and low transportation cost, although not nearly as high as Wilmington. There is little difference in access to public transportation across racial groups, and differences between the general population and those below the poverty line are

also negligible. Once again, there is little disparity between racial groups for Low Transportation Cost Index values hovering around the 73rd percentile. For each group below the poverty line, their values rise slightly, ranking between 74 and 80.

Kent County

Kent County has markedly lower index values for access to public transportation and low transportation cost than New Castle County. Black residents have the highest access to public transportation (43.41), followed by Hispanics and Asian American or Pacific Islanders (tied at 41.99), and White residents (37.90) have the lowest access. There is very little difference between the general population and residents below the poverty line in access to public transportation. Access to low cost transportation is similarly highest for Black residents (41.03), followed by Hispanics, (30.38), Asian American or Pacific Islanders (38.40), Native Americans (36.00), and White residents (34.05). For those below the poverty line, index values fell slightly, although not by much.

City of Dover

Compared to Kent County, Dover has higher access to public transportation and low-cost transportation. Access to transit index values for every group are in the high 40s. For those below the poverty line, values are more disparate, with White and Black residents holding steady, Hispanics falling to 44.10, and Asian American or Pacific Islanders falling to 42.77. Low Transportation Cost Index values are also similar across racial groups, with Black (51.70) and Hispanic (51.00) residents having the highest access, followed by White (49.83), Asian American or Pacific Islander (49.05) and Native American residents (48.04). For those below the poverty line, the differences are negligible.

Sussex County

Of every jurisdiction, Sussex County has the worst access to public transportation and low transportation cost. For access to low transit cost, there are not any great disparities across racial groups as each index value hovers around 25. For people below the poverty line, the differences are negligible. Access to public transportation across racial groups is also relatively similar, with index values all in the low 30s. Differences between the general population and those below the poverty line are also negligible.

For the protected class groups HUD has provided data, describe any disparities in access to transportation related to residential living patterns.

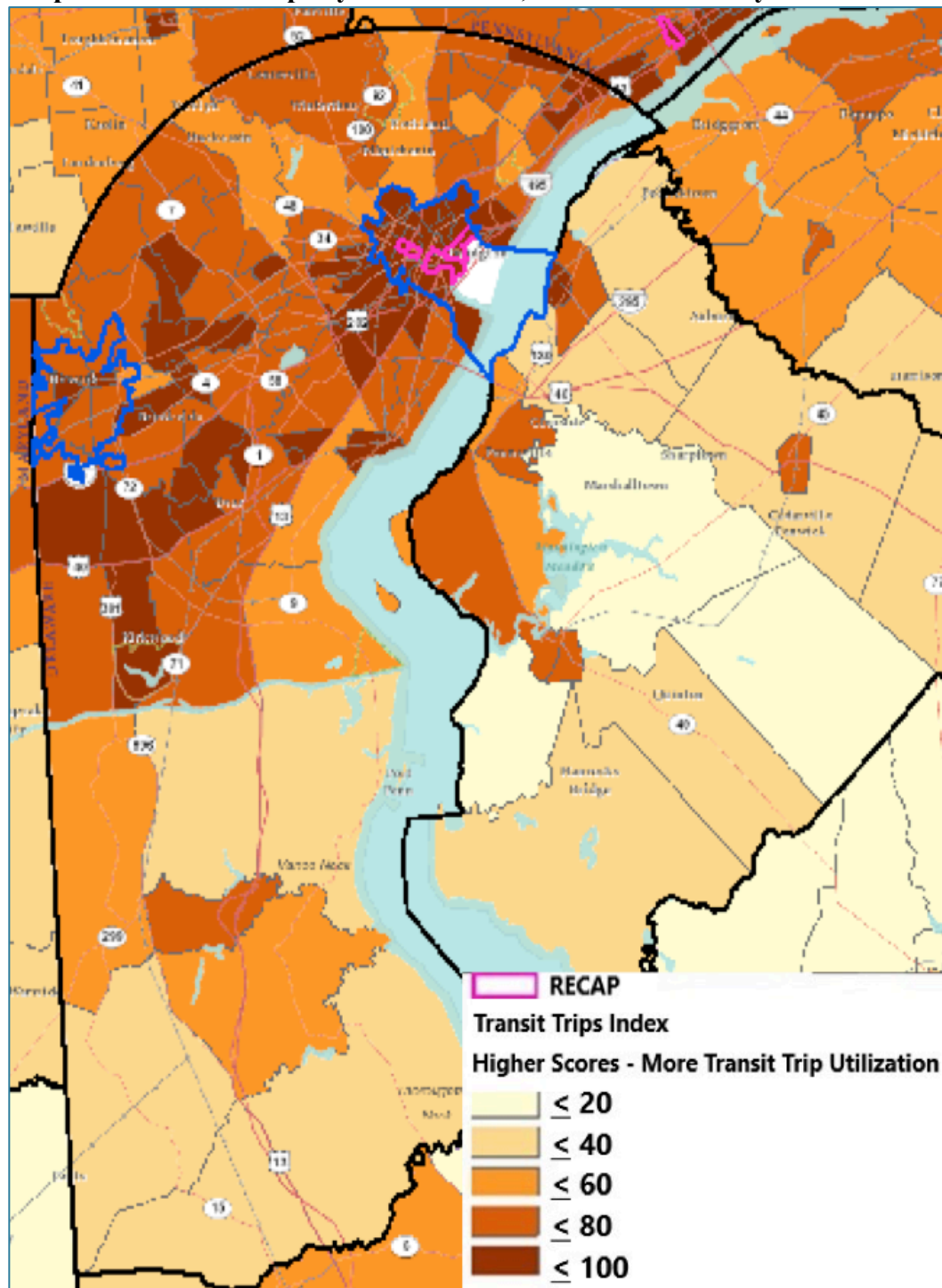
From analyzing the maps on the following pages, there are no noticeable patterns in Transit Trip Index values based on race/ethnicity, national origin, or percentages of families with children. In Delaware, both Transit Trip and Low Transportation Cost Index values are higher in more populated areas, especially New Castle County. Areas with lower percentages of families with children do tend to be areas with higher Low Transportation Cost Index values, but these are more populated urban areas. Transit Trip Index values are consistently high north of the Chesapeake and Delaware Canal, but lower in the southern half of the county.

Wilmington and Newark, the two major metropolitan areas in the county, understandably have the highest values for both the Transit Trip Index Values and the Low Transportation Cost Index. This is true of the entire jurisdiction of Wilmington, as well as its immediate surrounding areas such as Edgemont and Elsmere. Newark has similar patterns, with both of these values being highest in the center of the cities.

Kent County has noticeably lower Transit Trip Index values and Low Transportation Cost Index values. The highest Low Transportation Cost Index value is in Dover, at 67, and the highest Low Transit Trip Index value is also in Dover, at 63. Rural areas of the county have significantly lower transportation access than Dover, Smyrna, and Milford. There are slight disparities in transportation access, with Black and Hispanic residents generally living in more populated areas and having better access than the mostly White, rural, areas of the county.

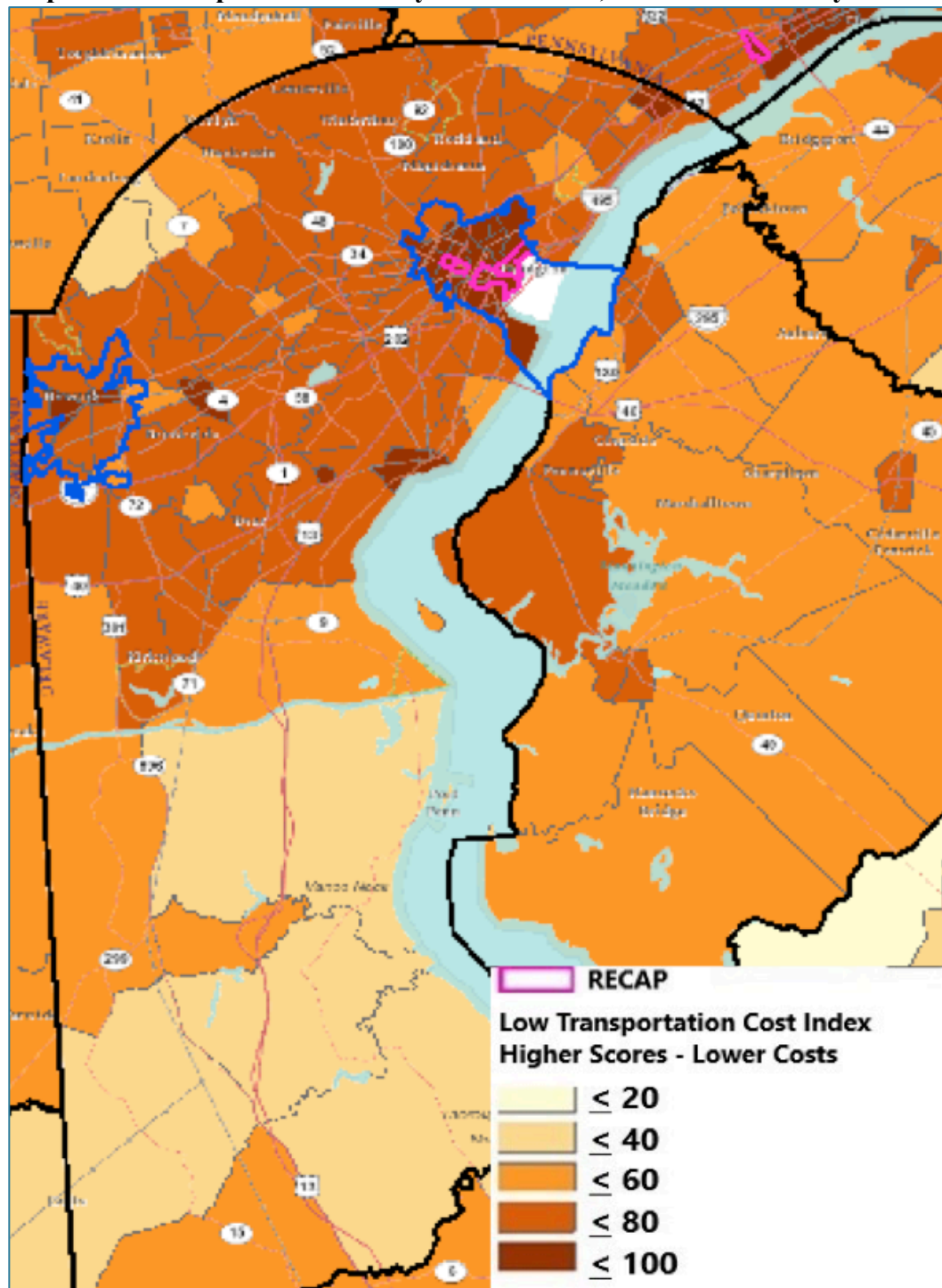
Sussex County follows similar patterns, with even lower Transit Trip Index values and Low Transportation Cost Index values than Kent County. Noticeable areas of higher (but still comparatively low) access to transportation include Georgetown, Seaford, and the area surrounding Rehoboth Bay. While Georgetown and Seaford have higher populations of Black and Hispanic residents, Rehoboth Beach has higher concentrations of White residents, suggesting more comparable levels of access to transportation across the well-populated areas of the county. White, rural areas of the county have lower levels of access than more diverse metropolitan areas.

Map B-26: Transit Trips by Census Tract, New Castle County³⁵



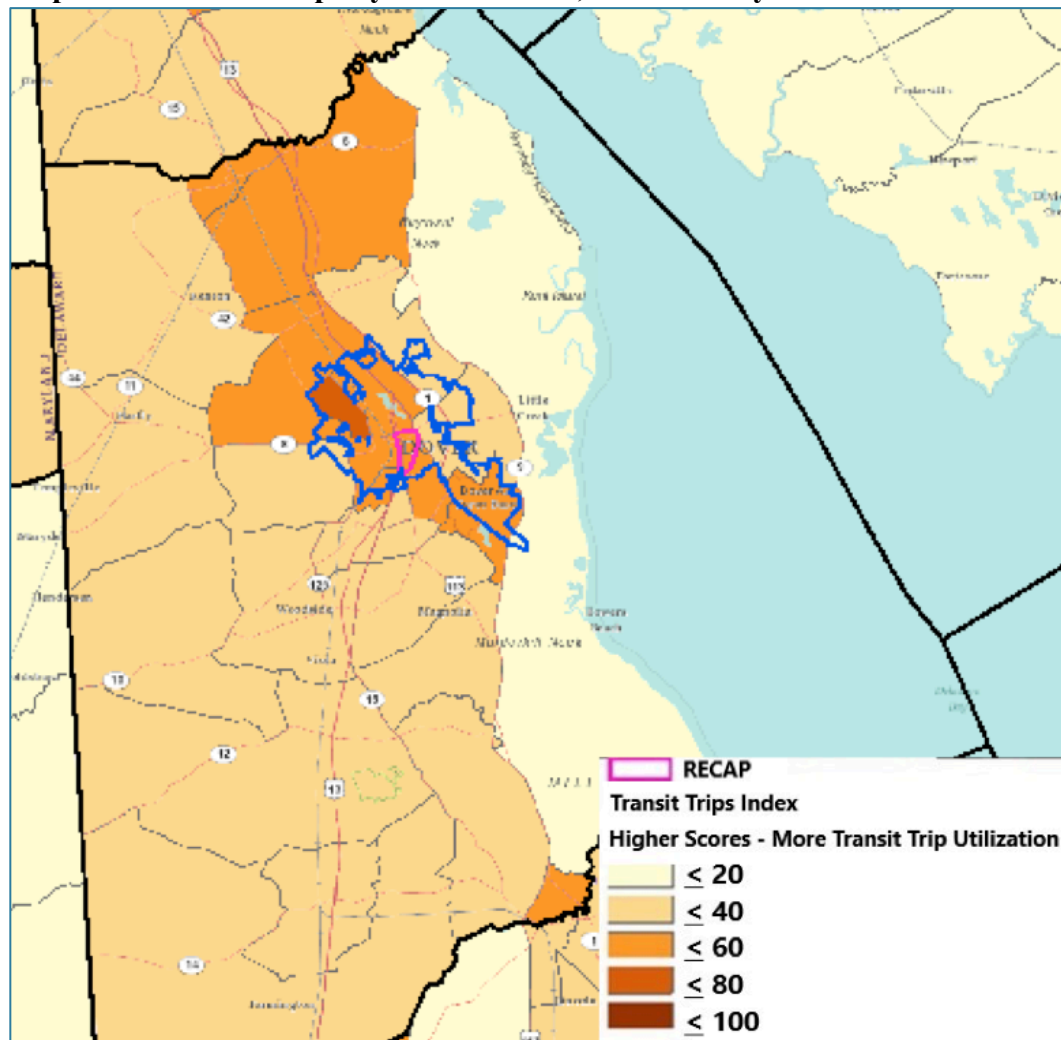
³⁵Data Source: Location Affordability Index (LAI); refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

Map B-27: Transportation Cost by Census Tract, New Castle County³⁶



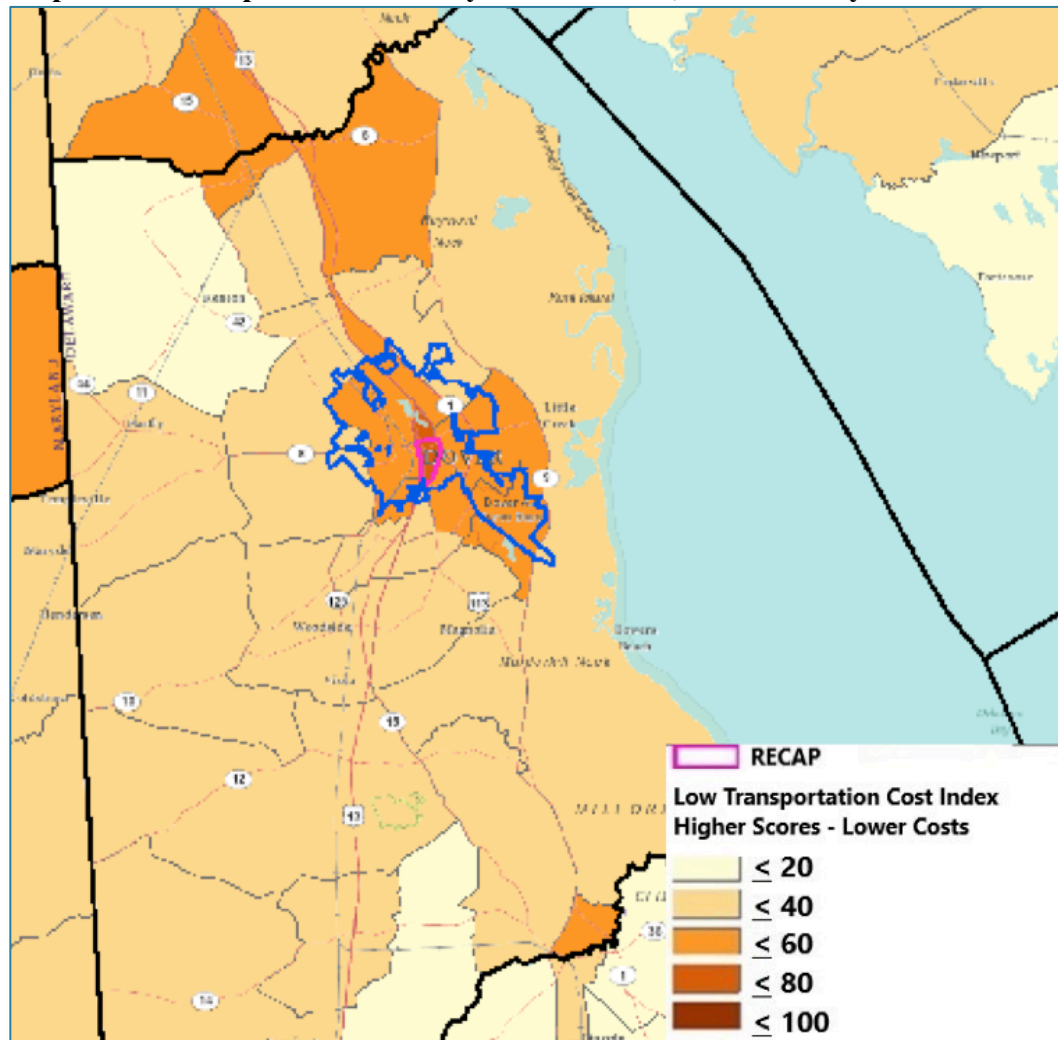
³⁶ Data Source: Location Affordability Index (LAI); refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

Map B-28: Transit Trips by Census Tract, Kent County³⁷



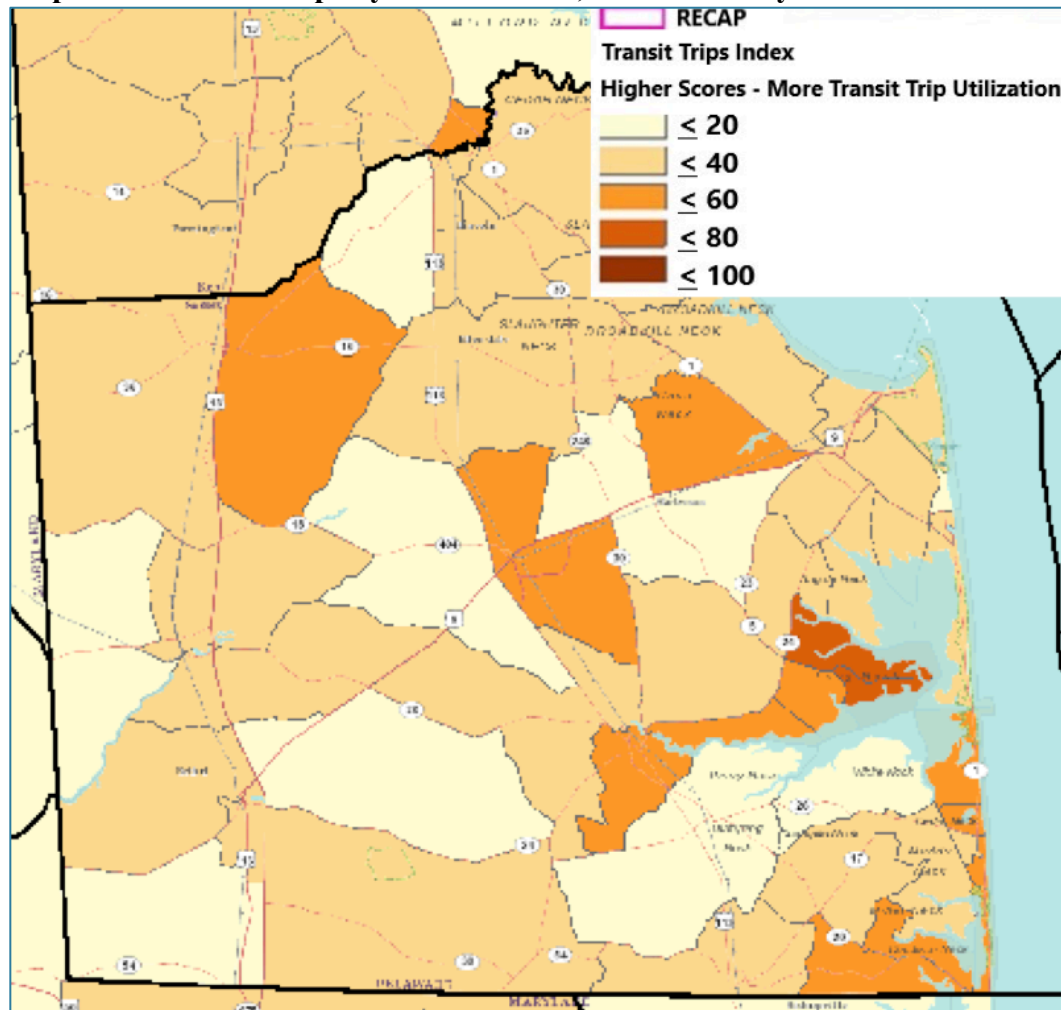
³⁷ Data Source: Location Affordability Index (LAI); refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

Map B-29: Transportation Cost by Census Tract, Kent County³⁸



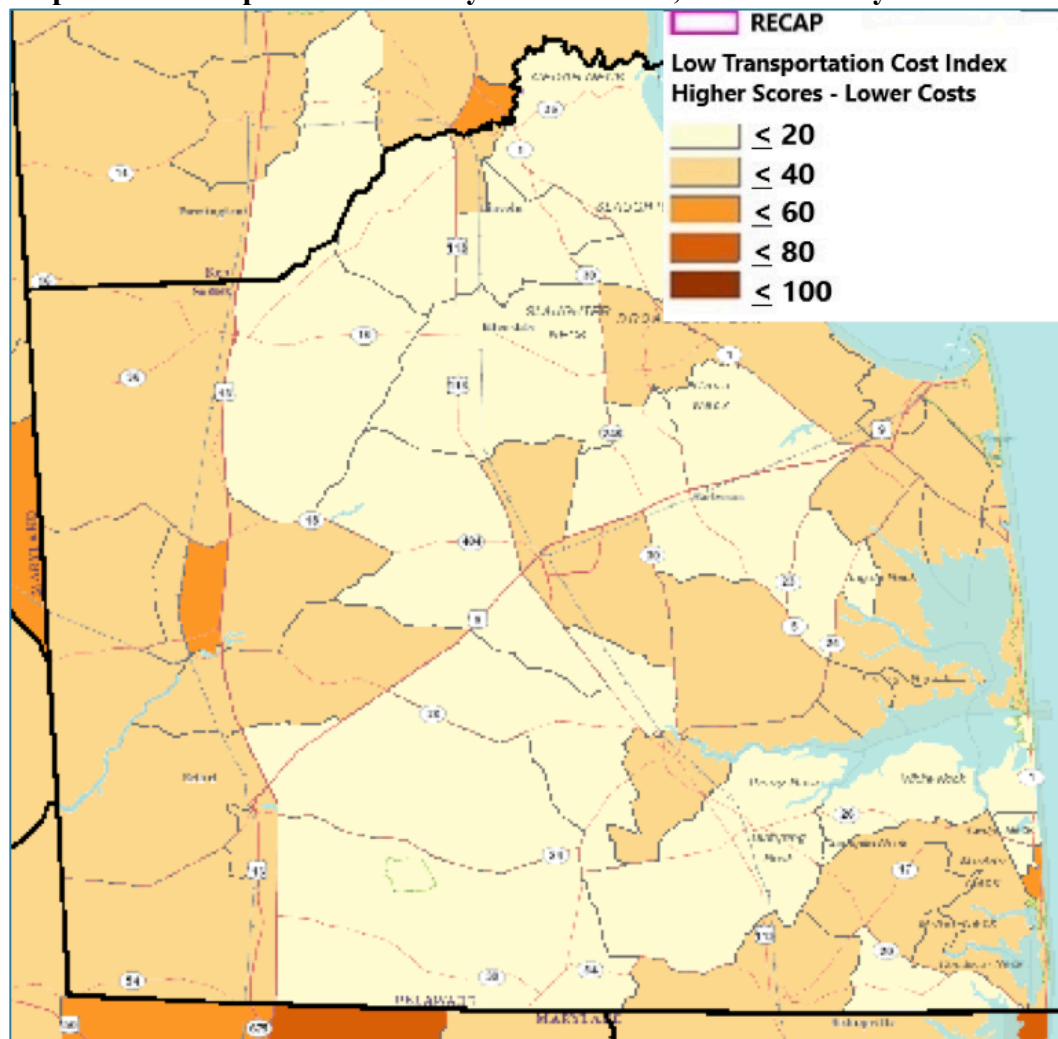
³⁸ Data Source: Location Affordability Index (LAI); refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

Map B-30: Transit Trips by Census Tract, Sussex County³⁹



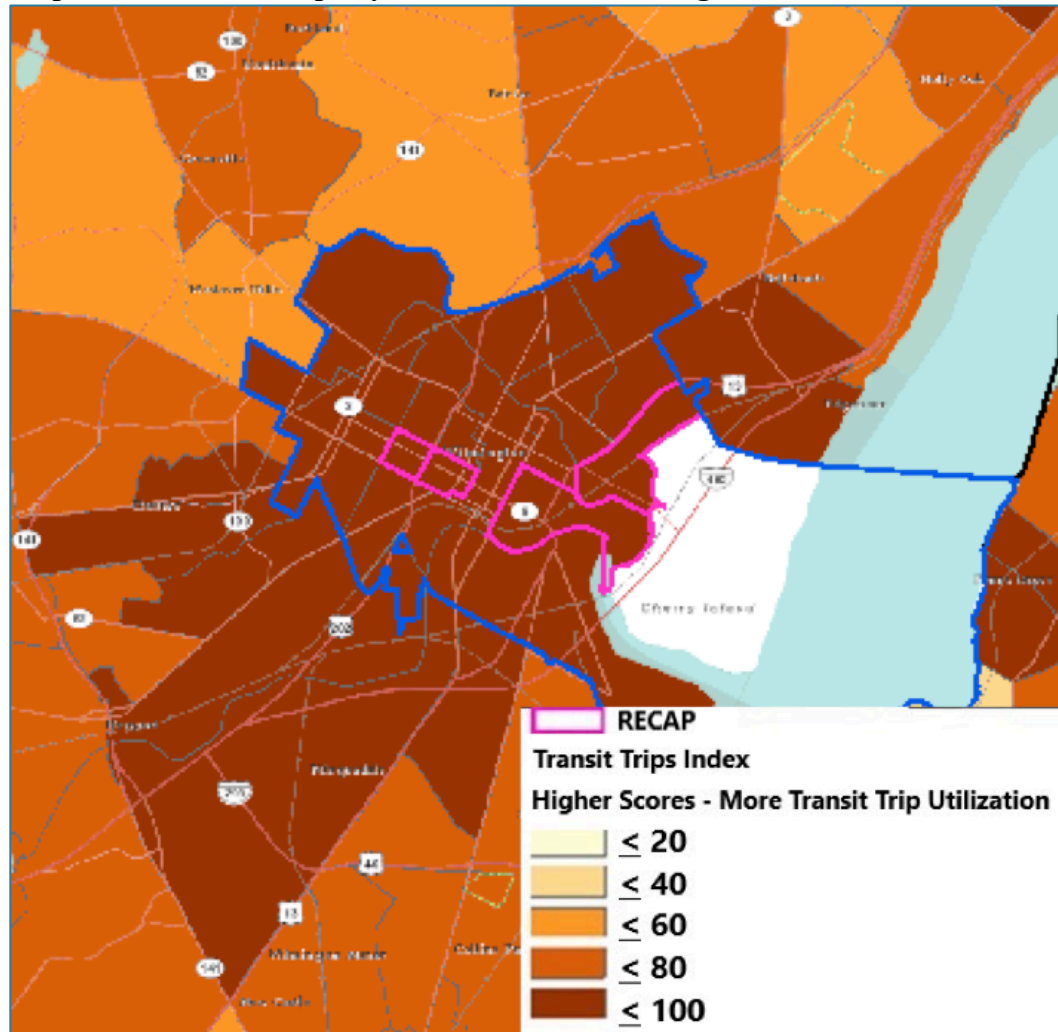
³⁹ *Data Source: Location Affordability Index (LAI); refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).*

Map B-31: Transportation Cost by Census Tract, Sussex County⁴⁰



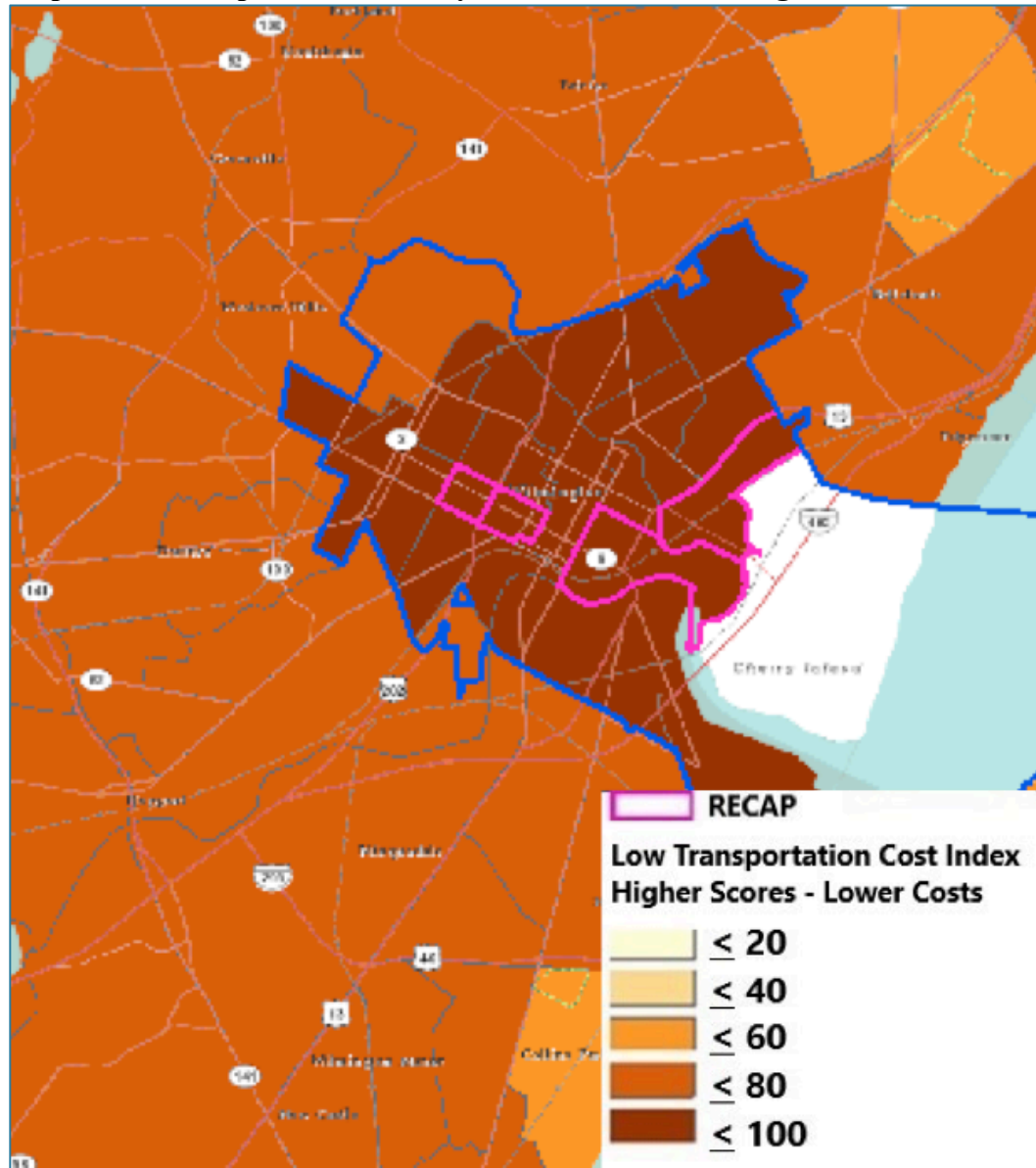
⁴⁰ Data Source: Location Affordability Index (LAI); refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

Map B-32: Transit Trips by Census Tract, Wilmington⁴¹



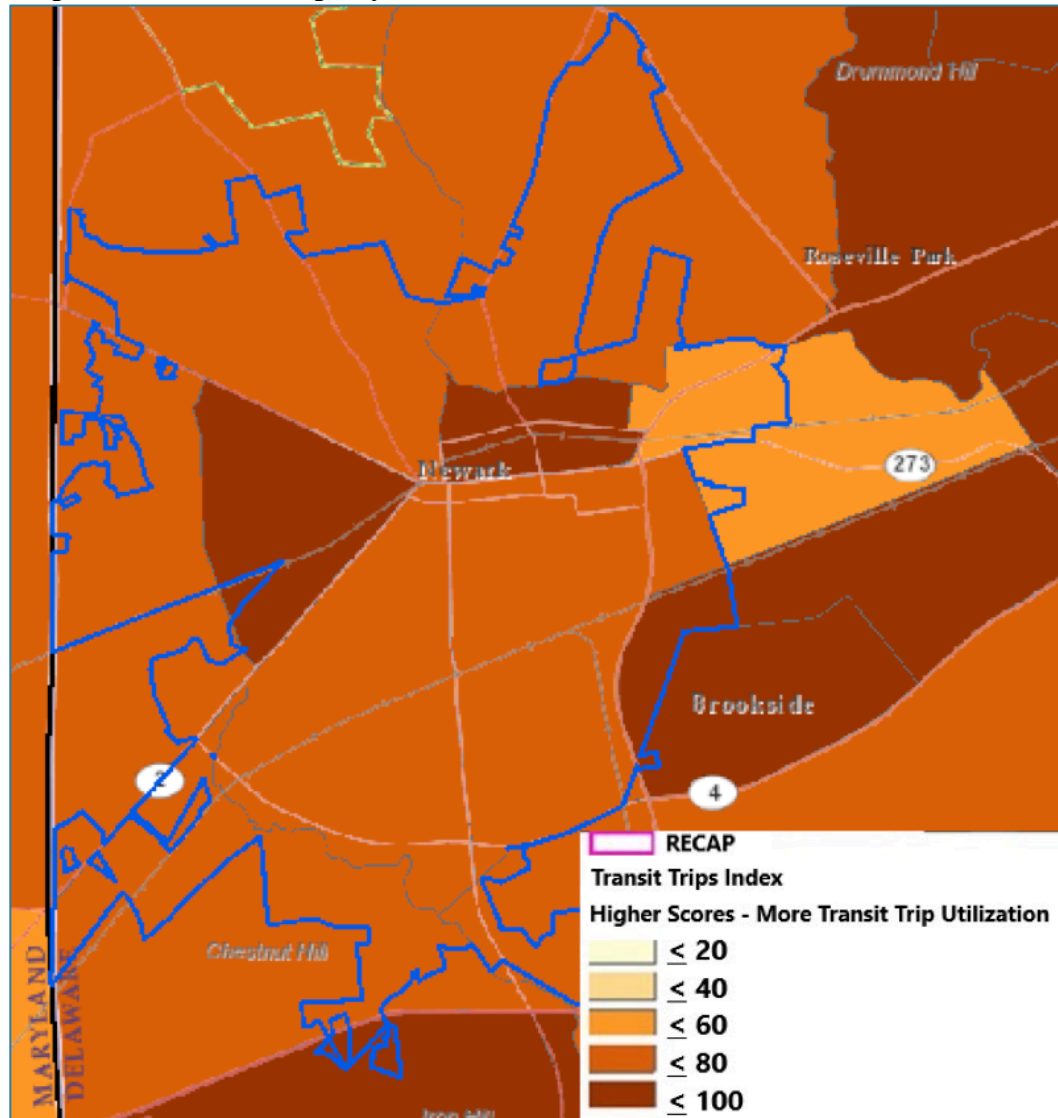
⁴¹ Data Source: Location Affordability Index (LAI); refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

Map B-33: Transportation Cost by Census Tract, Wilmington⁴²



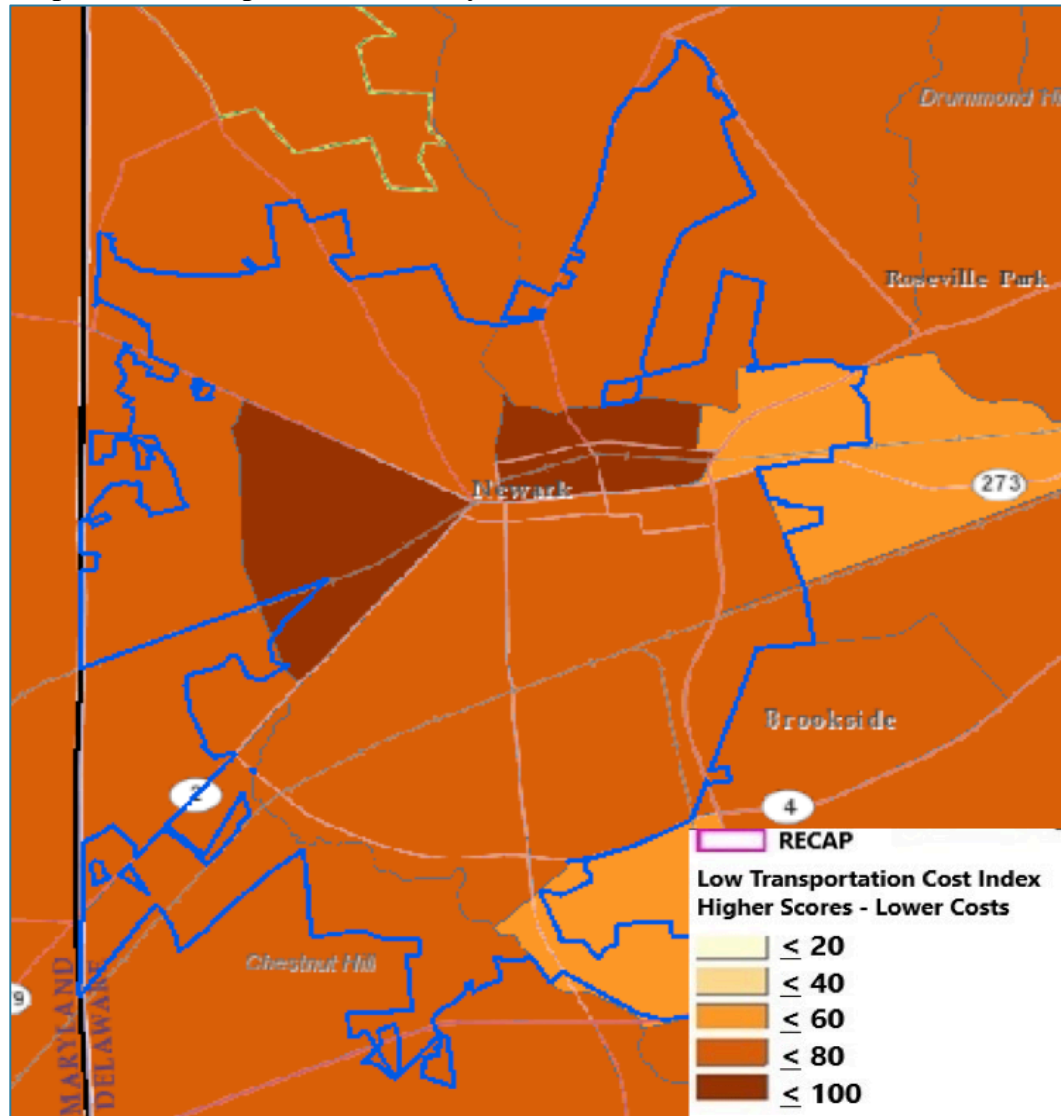
⁴² Data Source: Location Affordability Index (LAI); refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

Map B-34: Transit Trips by Census Tract, Newark⁴³



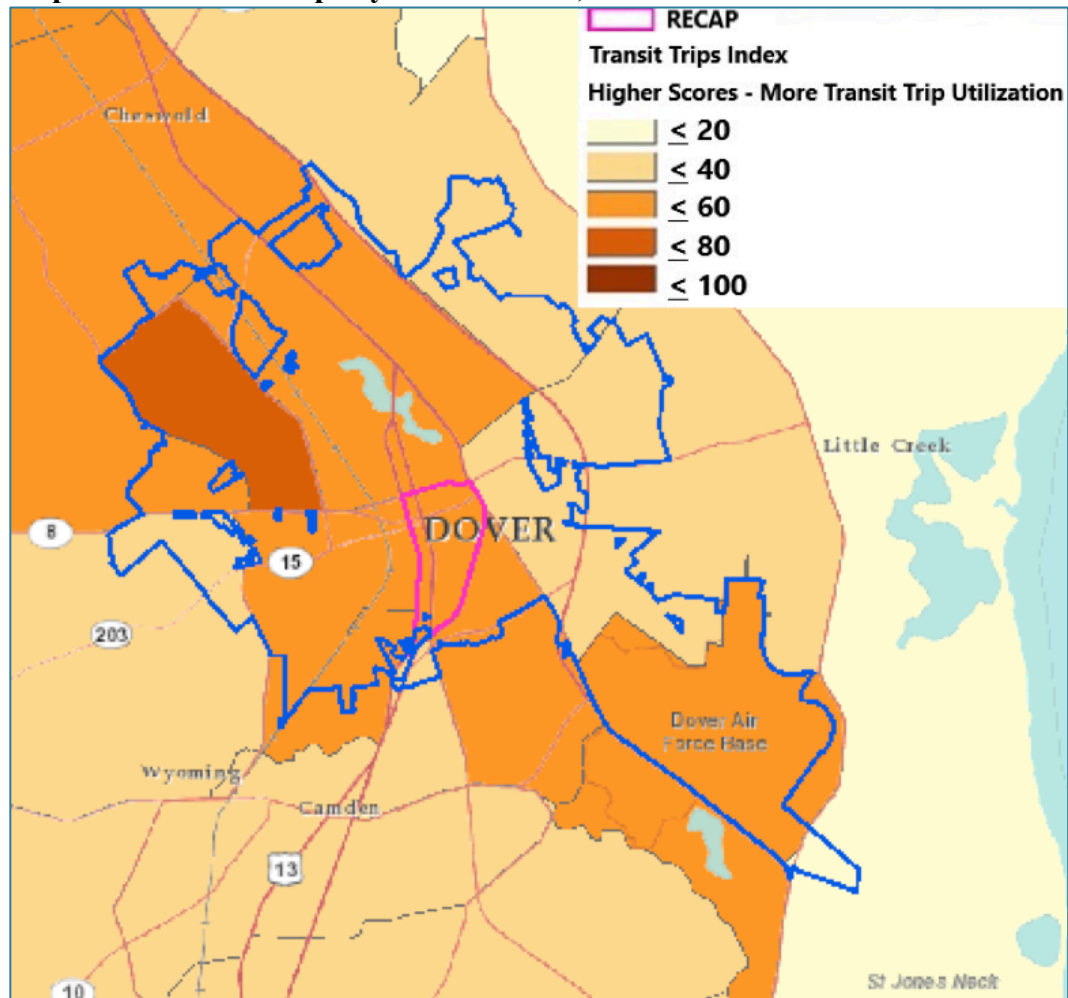
⁴³ Data Source: Location Affordability Index (LAI); refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

Map B-35: Transportation Cost by Census Tract, Newark⁴⁴



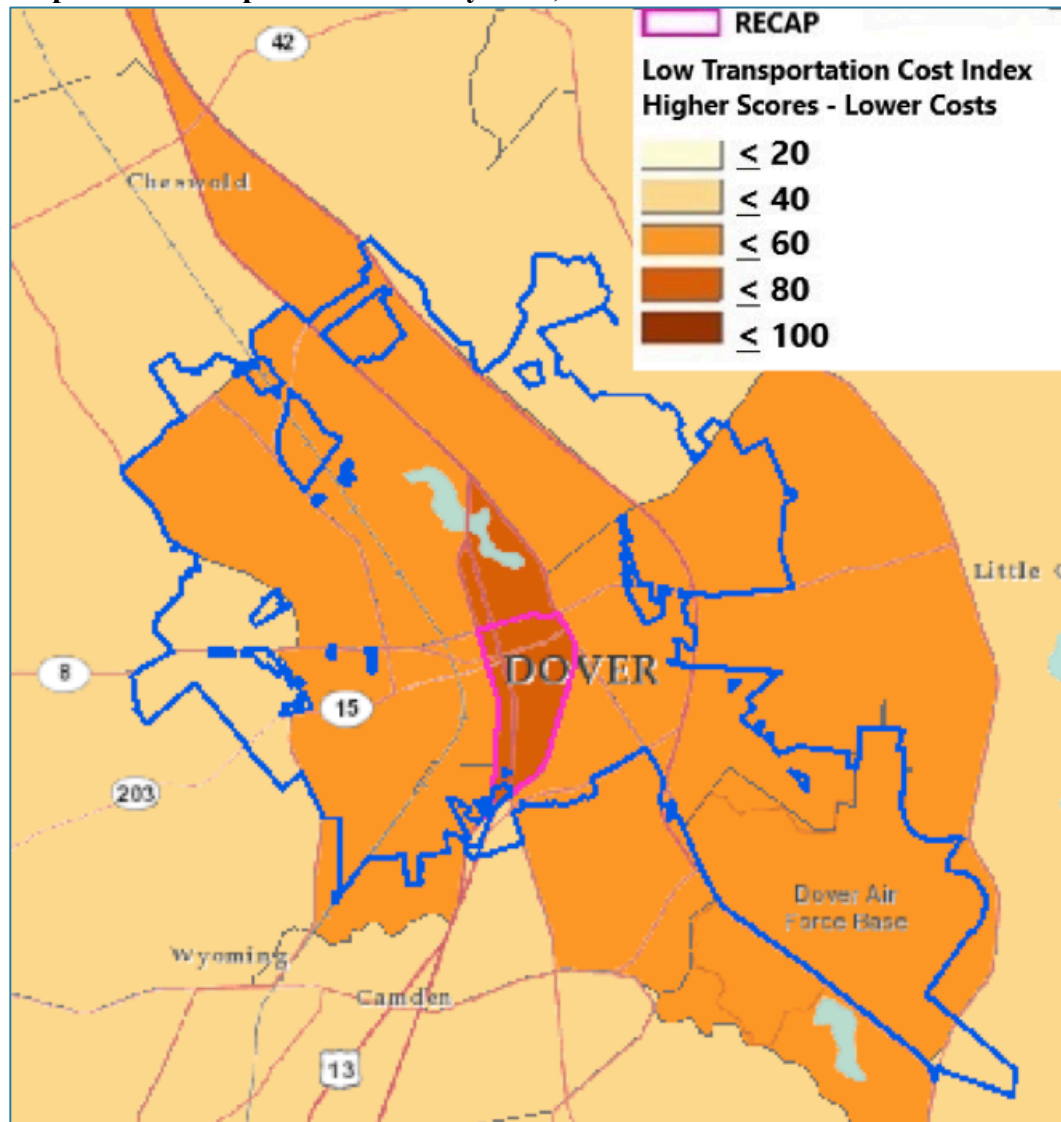
⁴⁴ Data Source: Location Affordability Index (LAI); refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

Map B-36: Transit Trips by Census Tract, Dover⁴⁵



⁴⁵ Data Source: Location Affordability Index (LAI); refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

Map B-37: Transportation Cost by Cost, Dover⁴⁶



⁴⁶ Data Source: Location Affordability Index (LAI); refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

III. Fair Housing Analysis

B. General Issues

iii. Disparities in Access to Opportunity Employment

The section uses two HUD-calculated opportunity indices for Labor Market Engagement and Job Proximity, as well as HUD's mapping tool, to identify regions with high levels of employment and job proximity. They also analyze which members of protected classes have access to those high employment areas. The higher the index score, the higher the access to opportunity.

For protected class groups HUD has provided data, describe any disparities in access to jobs and labor markets by protected class groups.

Across Delaware, Job Proximity and Labor Market values are highest in New Castle County where White residents significantly outpace Black residents, especially in Wilmington. Some areas of Kent County (along the western border) and southern Sussex County have lower Job Proximity Index and Labor Market values, especially in less populated areas. However, there are less disparities across the racial and ethnic groups.

For protected class groups HUD has provided data, describe how disparities in access to employment relate to residential living patterns.

Table B-13: Labor Market and Job Proximity Indices

	State of Delaware	Philadelphia Region	
Total Population	Labor Market	Labor Market	Job Proximity
White, Non-Hispanic	59.64	67.56	52.43
Black, Non-Hispanic	45.52	31.33	43.34
Hispanic	46.21	36.06	48.96
Asian or Pacific Islander, Non-Hispanic	69.76	62.17	54.60
Native American, Non-Hispanic	47.36	45.06	48.55
Population below federal poverty line			
White, Non-Hispanic	54.43	54.12	53.56
Black, Non-Hispanic	37.54	19.73	42.95
Hispanic	39.74	20.65	48.14
Asian or Pacific Islander, Non-Hispanic	69.89	41.90	48.31
Native American, Non-Hispanic	39.91	29.70	45.53
<i>Note 1: Data Sources: Decennial Census; ACS; Note 2: Refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).</i>			

State of Delaware

White and Asian American or Pacific Islander Delawareans live in places with significantly higher Labor Market Index values than do Black, Hispanic, and Native American residents. The index values are 59.64 for White residents, 69.76 for Asian American or Pacific Islander residents, 45.52 for Black residents, 46.21 for Hispanic residents, and 47.36 for Native American residents. The disparities are greater for populations below the poverty line, with Asian American or Pacific Islander residents at 69.89, while Black and Hispanic residents are 37.54 and 39.74, respectively.

Table B-14: Labor Market and Jobs Proximity Indices

	New Castle County		Kent County		Sussex County	
Total Population	Labor Market	Jobs Proximity	Labor Market	Jobs Proximity	Labor Market	Jobs Proximity
White, Non-Hispanic	70.43	52.13	45.52	47.06	46.63	46.80
Black, Non-Hispanic	56.36	48.26	45.85	58.86	39.48	47.87
Hispanic	53.61	52.10	43.63	54.35	39.78	50.97
Asian/Pacific Islander, Non-Hisp.	75.17	52.59	49.02	52.32	49.05	51.41
Native American, Non-Hisp.	62.37	50.46	44.03	55.91	39.39	43.51
Pop. below federal poverty line						
White, Non-Hispanic	65.79	59.97	45.15	45.80	45.70	47.71
Black, Non-Hispanic	47.93	51.56	42.92	67.44	43.51	50.75
Hispanic	45.29	52.13	43.01	59.75	40.36	44.60
Asian/Pacific Islander, Non-Hisp.	77.39	55.49	41.38	50.13	60.71	63.52
Native American, Non-Hisp.	57.67	53.25	49.06	58.86	35.31	39.97
<i>Note 1: Data Sources: Decennial Census; ACS; Note 2: Refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).</i>						

New Castle County

Index values for job proximity and labor market engagement in New Castle County, are impacted by the larger Philadelphia region. Labor engagement is highest along the northern border, which is likely due to the number of commuters to Pennsylvania. However, labor market values drop noticeably in Wilmington and the areas of Elsmere, Stanton, and Wilmington Manor, which also have higher populations of Black and Hispanic residents. These areas have Labor Market values ranging from 0-30, while most other areas in the state range from 50-90. Newark has middle to high labor market engagement values, likely due to the presence of the University of Delaware. Job Proximity values vary widely across the county and even across adjacent census tracts. Table B-14 indicates that White and Asian American or Pacific Islander populations have significantly higher Labor Market Index values than do Black and Hispanic residents. Noticeable patterns based on national origin include residents with Indian or Chinese national origins are found in areas of the county with higher Labor Market Index values. Jobs Proximity values are more consistent across race in the county, but White residents below the federal poverty line actually have a higher Job Proximity Index value than do White residents above the poverty line. This may be because neither index value reflects the quality of jobs available in the area.

Kent County

Job Proximity Index values in Kent County are highest near Dover, Frederica and Smyrna, which also have the highest population concentrations, and somewhat correspond to labor market strength. Labor Market strength is relatively low throughout the county (except in the stated areas of high population concentrations), and does not appear to correspond directly to race, with a few exceptions. The two R/ECAPs in Dover have lower Labor Market index values. More families with children are found near Dover and Smyrna, which also corresponds with slightly higher Labor Market Index values than usual. Labor Market Index values vary less across race in both Kent County and Dover. However, Job Proximity Index values are lowest for White and Asian American or Pacific Islander residents in Kent County and Dover.

Sussex County

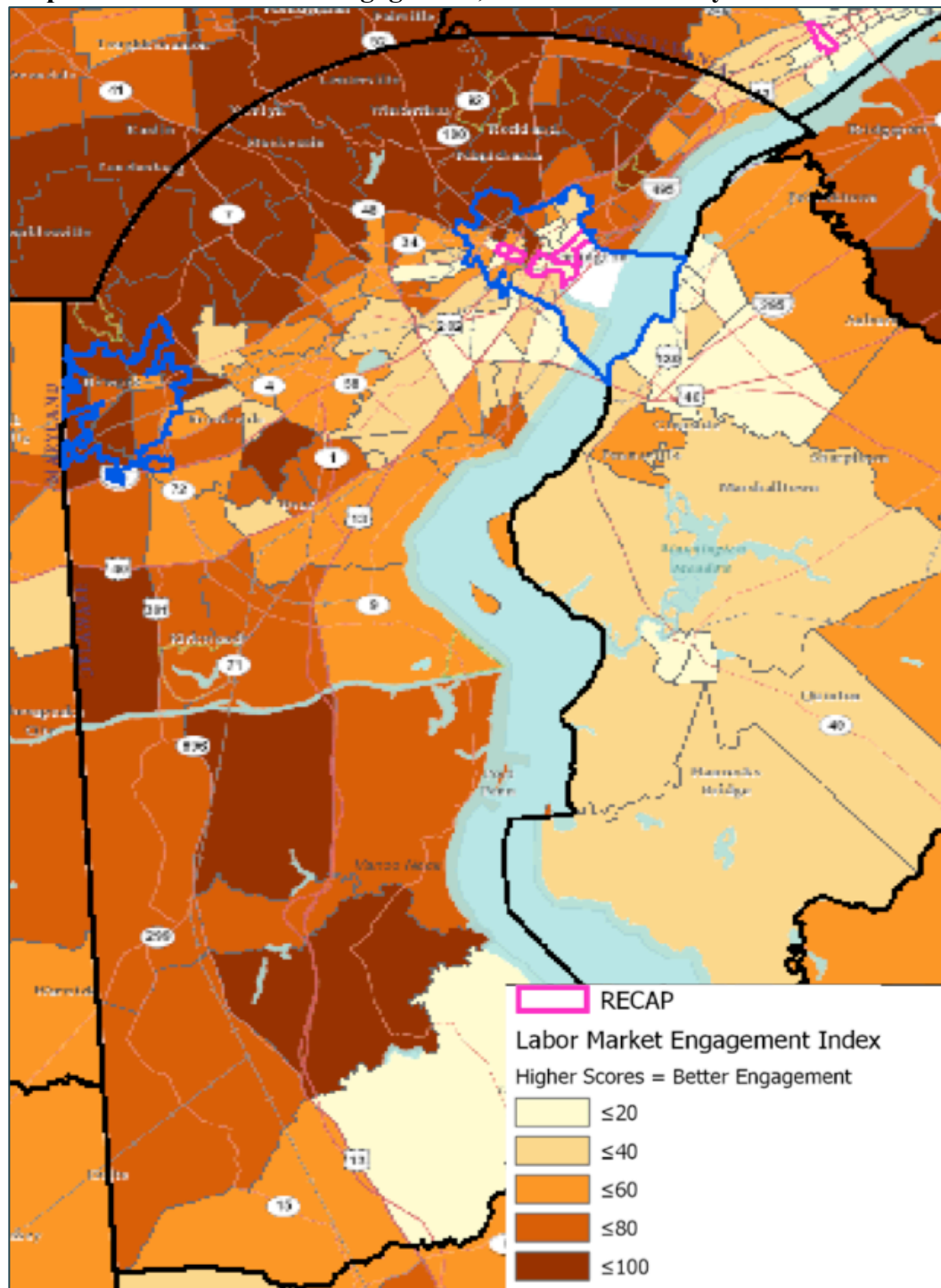
In Sussex County, Job Proximity Index values are lower on the more rural, western border of the county, and higher closer to the coast. Meanwhile Georgetown, one of the more densely populated cities, has lower Labor Market Index values than its surroundings. Rehoboth Beach, which has higher concentrations of White residents and significantly lower concentrations of Black, Hispanic and Asian American or Pacific Islander residents, has the highest Labor Market Index values of the county. This is consistent with the higher Labor Market Index values for White and Asian American or Pacific Islander residents in Sussex County than for Black or Hispanic residents. This area also has fewer families with children.

Table B-15: Labor Market and Jobs Proximity Indices

	City of Wilmington		City of Dover	
Total Population	Labor Market	Jobs Proximity	Labor Market	Jobs Proximity
White, Non-Hispanic	63.03	60.65	45.15	65.59
Black, Non-Hispanic	26.19	47.21	42.07	73.13
Hispanic	29.28	39.91	41.27	73.47
Asian/Pacific Islander, Non-Hisp.	51.37	59.26	47.51	63.89
Native American, Non-Hisp.	34.87	44.37	43.15	72.41
Population below federal poverty line				
White, Non-Hispanic	50.93	56.71	45.66	67.63
Black, Non-Hispanic	22.48	51.00	41.30	79.82
Hispanic	19.56	32.53	38.84	73.71
Asian/Pacific Islander, Non-Hisp.	32.96	52.15	32.88	64.00
Native American, Non-Hisp.	29.80	36.91	N/A	N/A

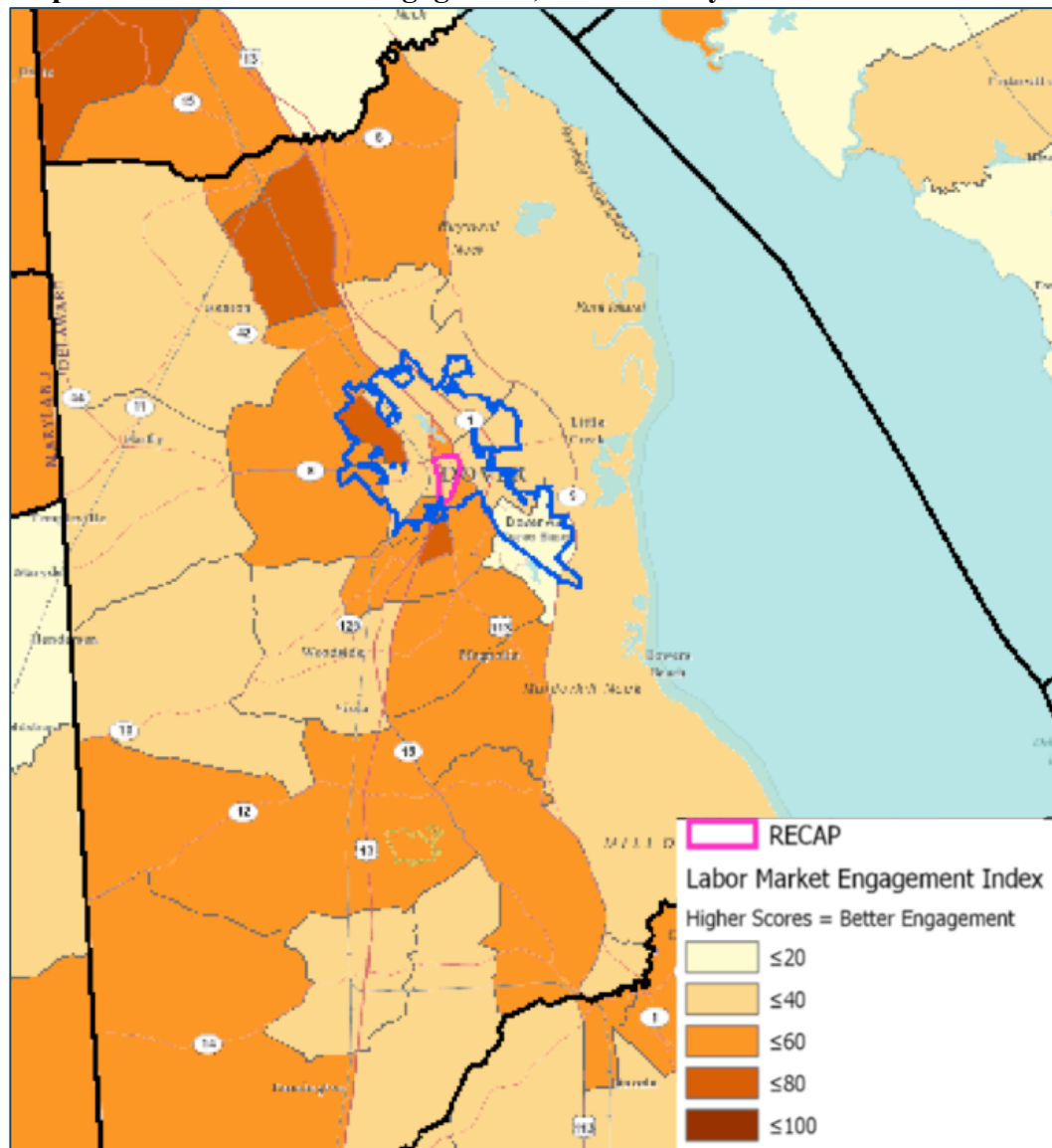
Note 1: Data Sources: Decennial Census; ACS; Note 2: Refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

Map B-38: Labor Market Engagement, New Castle County⁴⁷



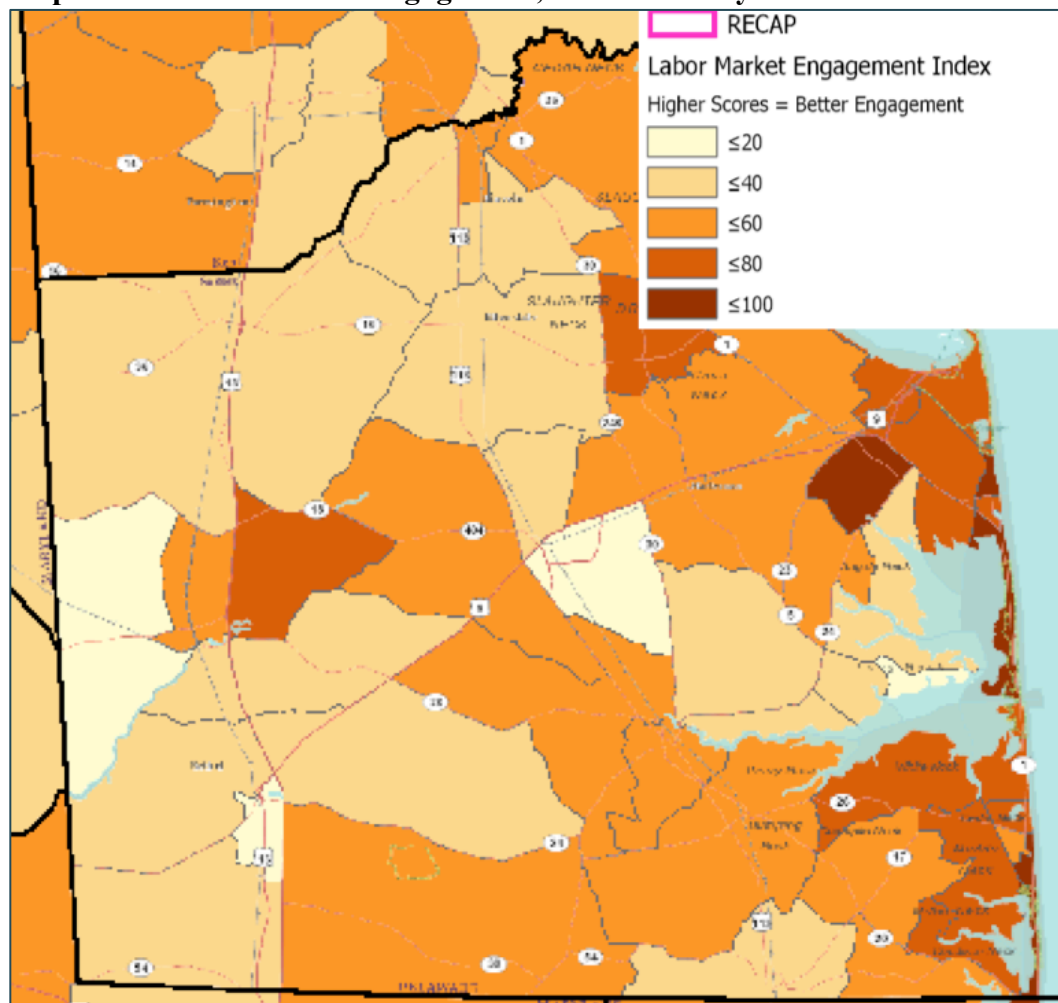
⁴⁷ Data Source: ACS, Decennial Census; refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

Map B-39: Labor Market Engagement, Kent County⁴⁸



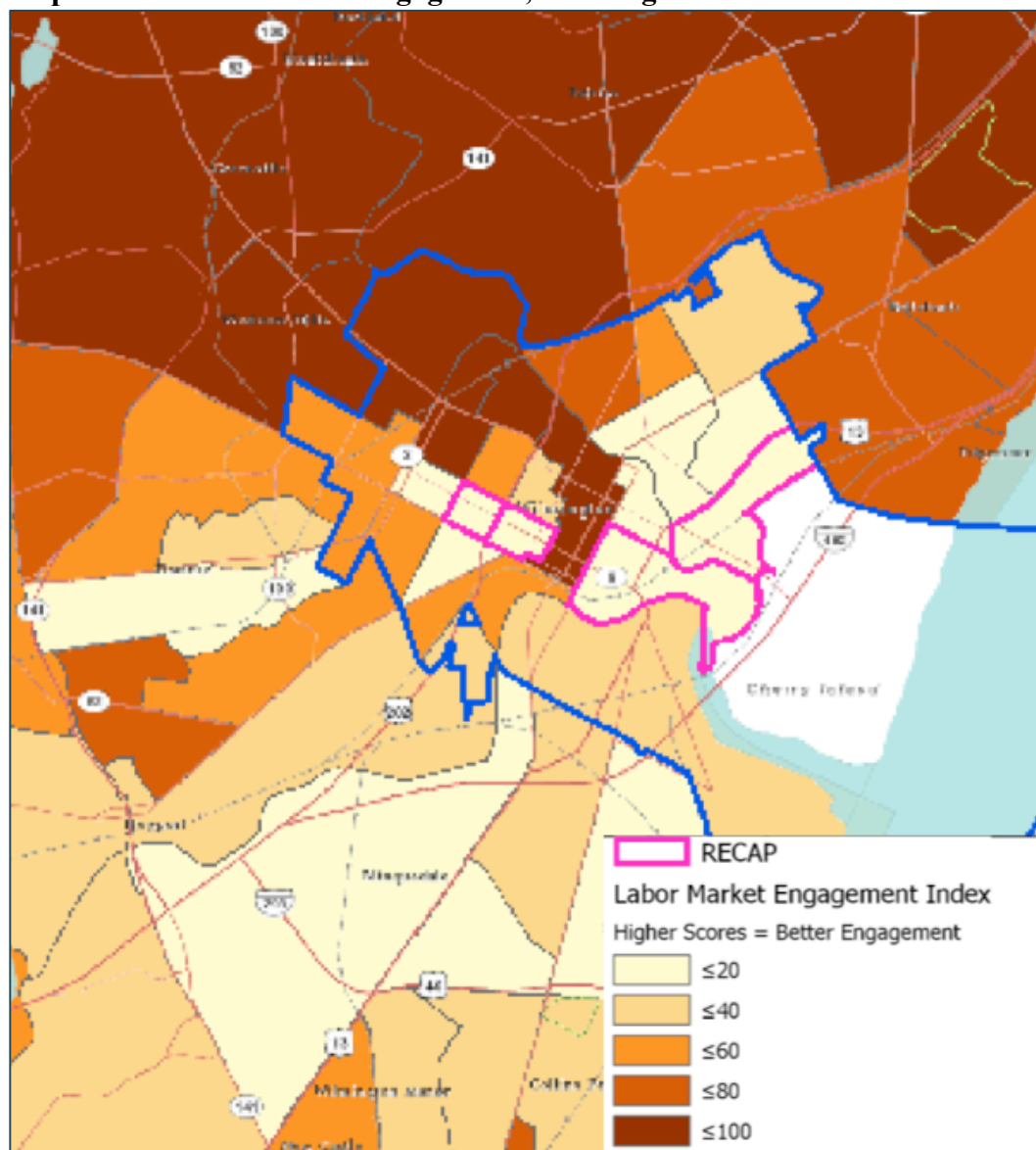
⁴⁸ Data Source: ACS, Decennial Census; refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

Map B-40: Labor Market Engagement, Sussex County⁴⁹

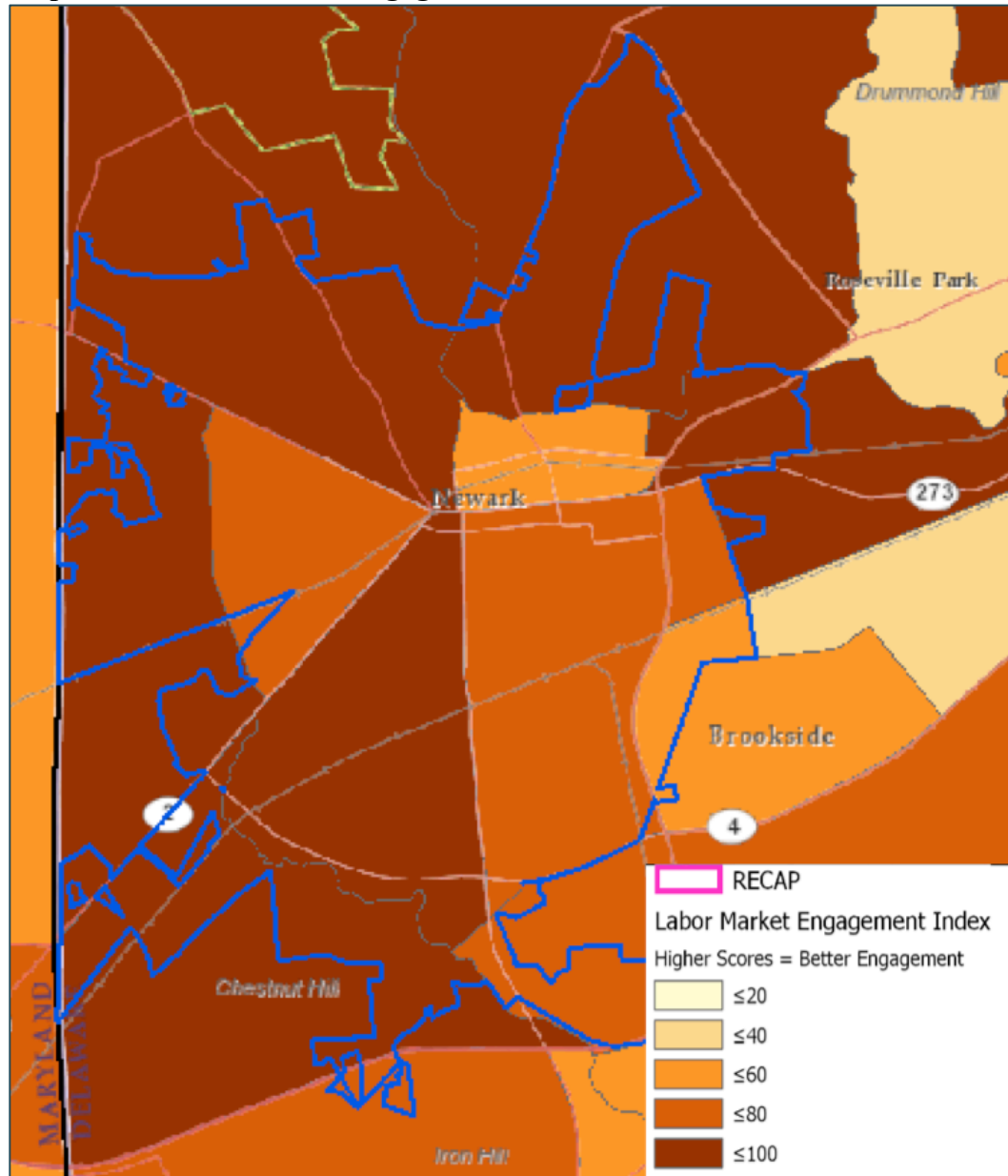


⁴⁹ Data Source: ACS, Decennial Census; refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

Map B-41: Labor Market Engagement, Wilmington⁵⁰

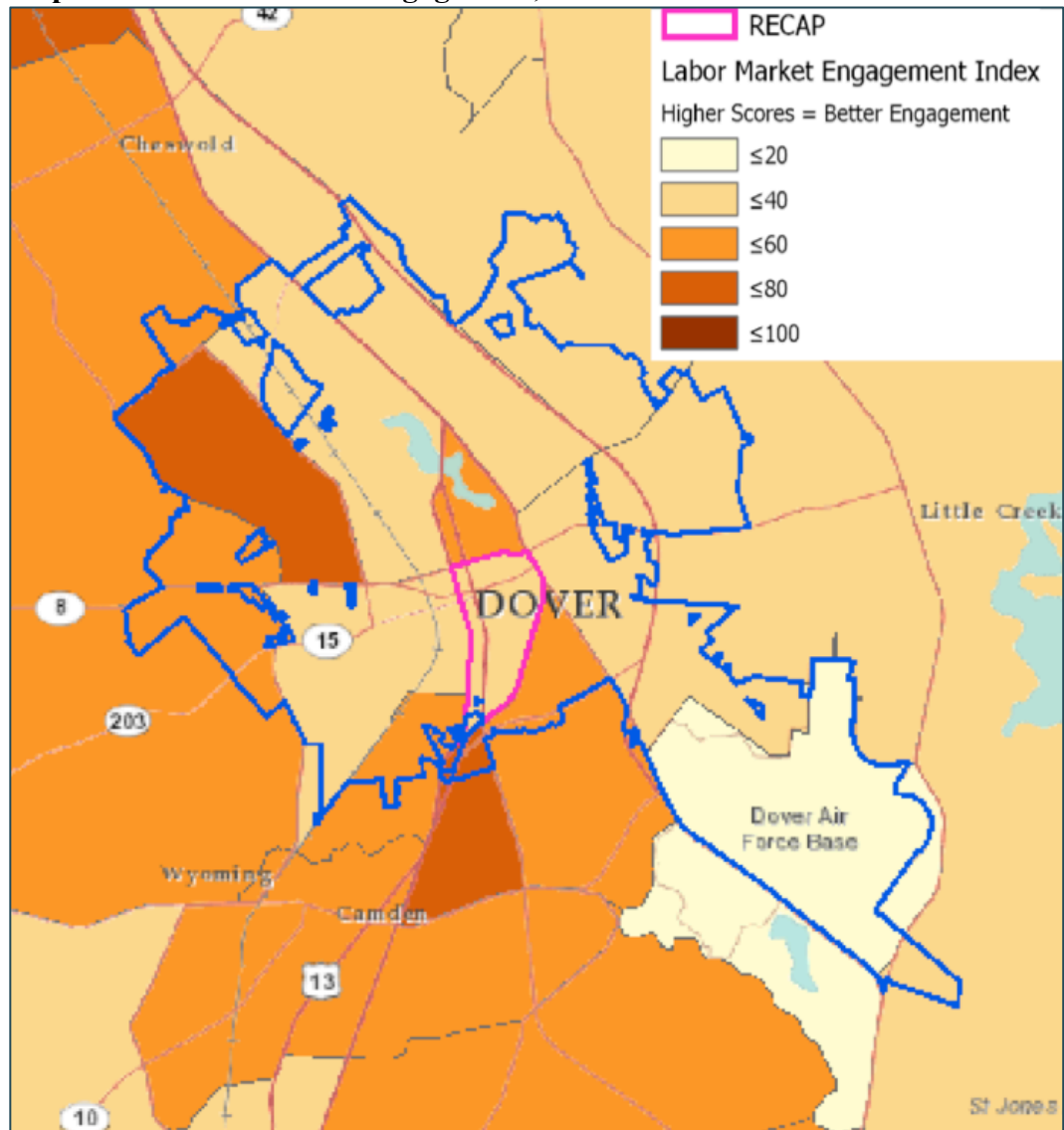


Map B-42: Labor Market Engagement, Newark⁵¹



⁵¹ Data Source: ACS, Decennial Census; refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

Map B-43: Labor Market Engagement, Dover⁵²



⁵² Data Source: ACS, Decennial Census; refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

Informed by community participation, consultation with other relevant government agencies, and the participant's own local data and local knowledge, discuss whether there are programs, policies, or funding mechanisms that affect disparities in access to employment.

The HUD-provided data analyzed above measures the interplay between where people live by race and ethnicity and access to employment, but it does not directly measure disparities in employment status. Using American Community Survey data, the table below provides some insight.

Table B-16: Unemployment Rate by Race and Ethnicity

	Delaware	New Castle County	Sussex County	City of Wilmington	City of Newark
White, Non-Hisp.	5.8	5.6	5.9	5.9	4.2
Black, Non-Hisp.	8.5	9.1	7.1	12.3	7.2
Asian, Non-Hisp.	3.7	3.5	2.9	2.2	4.8
Hispanic	6.2	5.8	7.6	9.0	4.5
<i>Note: Data Source: American Community Survey, 2013-2017</i>					

Table B-17: Labor Force Participation by Race and Ethnicity

	Delaware	New Castle County	Sussex County	City of Wilmington	City of Newark
White, Non-Hisp.	61.4	64.2	55.0	65.0	49.5
Black, Non-Hisp.	63.9	64.2	64.2	56.1	65.4
Asian, Non-Hisp.	65.5	65.6	65.2	72.3	57.2
Hispanic	67.0	66.7	67.5	57.3	54.4
<i>Note: Data Source: American Community Survey, 2013-2017</i>					

This data reveals disparities in unemployment by race and ethnicity in the cities of Wilmington and Newark as well as the state, New Castle County, and Sussex County. There are not similar disparities in labor force participation, however.

III. Fair Housing Analysis

B. General Issues

iii. Disparities in Access to Opportunity

Access to Low Poverty Neighborhoods

This section uses the HUD-calculated Low Poverty Index score, as well as HUD's mapping tool, to identify regions that have disproportionately low poverty levels, and which members of protected classes have access to those neighborhoods. Ranging from 0 to 100 as a measure of concentration of poverty by neighborhood, higher values indicate less exposure to poverty and lower values indicate higher concentrations of poverty. There is a breakdown of these values for residents living below the federal poverty line.

For the protected class groups HUD has provided data, describe any disparities in access to low poverty neighborhoods.

Statewide, Asian American or Pacific Islanders have the best access to low poverty neighborhoods, followed by White residents. In contrast, Black and Hispanic residents are more likely to live in neighborhoods with higher concentrations of poverty. This disparity is more pronounced for residents living below the federal poverty line. In Kent County as well as Newark, exposure to poverty is relatively homogenous across protected groups. Patterns identified in the R/ECAPs section regarding segregation and concentrated poverty in Wilmington, in particular, are mirrored in this section.

Philadelphia Region

Table B-18: Low Poverty Index by Race/Ethnicity

	Philadelphia Region
Total Population	
White, Non-Hispanic	73.29
Black, Non-Hispanic	34.99
Hispanic	39.71
Asian/Pacific Islander, Non-Hispanic	63.74
Native American, Non-Hispanic	50.11
Population below federal poverty line	
White, Non-Hispanic	57.50
Black, Non-Hispanic	20.77
Hispanic	21.13
Asian/Pacific Islander, Non-Hispanic	41.06
Native American, Non-Hispanic	30.89

*Note 1: Data Sources: Decennial Census; ACS Note 2: Reference
(www.hudexchange.info/resource/4848/affh-data-documentation).*

White residents are most likely to live in low poverty neighborhoods, followed by Asian American/Pacific Islander residents. Black residents and Hispanic residents are most likely to live in neighborhoods with higher concentrations of poverty. These patterns remain consistent for residents living below the federal poverty line.

Table B-19: Low Poverty Index by Race/Ethnicity

	New Castle County	Kent County	Sussex County
Total Population			
White, Non-Hispanic	75.51	52.40	52.10
Black, Non-Hispanic	64.73	47.56	39.38
Hispanic	59.51	49.33	39.22
Asian/Pacific Islander, Non-Hispanic	78.86	49.01	49.01
Native American, Non-Hispanic	69.10	50.10	48.65
Population below federal poverty line			
White, Non-Hispanic	67.27	50.46	46.45
Black, Non-Hispanic	56.42	40.16	34.70
Hispanic	49.65	50.12	33.02
Asian/Pacific Islander, Non-Hispanic	80.67	53.62	50.80
Native American, Non-Hispanic	55.60	53.87	49.84

Note 1: Data Sources: Decennial Census; ACS; Note 2: Refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

New Castle County

Asian American/Pacific Islander residents and White residents are most likely to live in low poverty neighborhoods. Hispanic residents are most likely to live in neighborhoods with higher concentrations of poverty, followed by Black residents and Native American residents. These disparities remain largely consistent for residents living below the federal poverty line, though Asian American/Pacific Islander residents are significantly less likely to be exposed to poverty relative to other protected class groups living below the federal poverty line.

Kent County

Exposure to poverty is relatively homogenous across protected groups. White residents are most likely to live in low poverty neighborhoods while Black residents are most likely to live in neighborhoods with higher concentrations of poverty. However, Low Poverty Index values are moderate for all racial and ethnic groups. The likelihood of exposure to poverty for Black residents increases for residents living below the federal poverty line.

Sussex County

White residents in Sussex County are most likely to live in low poverty neighborhoods, followed by Asian American/Pacific Islander and Native American residents. Black and Hispanic residents are most likely to live in neighborhoods with higher concentrations of poverty. These patterns in exposure to poverty across protected class groups remain consistent within residents living below the federal poverty line.

Table B-20: Low Poverty Index by Race/Ethnicity

	City of Wilmington	City of Newark	City of Dover
Total Population			
White, Non-Hispanic	46.65	78.78	33.60
Black, Non-Hispanic	20.63	79.36	33.35
Hispanic	21.94	77.68	28.17
Asian/Pacific Islander, Non-Hispanic	34.46	78.05	36.09
Native American, Non-Hispanic	26.39	77.26	35.31
Population below federal poverty line			
White, Non-Hispanic	34.77	70.40	37.86
Black, Non-Hispanic	16.98	83.30	33.45
Hispanic	14.95	69.15	26.89
Asian/Pacific Islander, Non-Hispanic	14.02	81.25	37.05
Native American, Non-Hispanic	24.45	71.00	N/A

Note 1: Data Sources: Decennial Census; ACS; Note 2: Refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

City of Wilmington

White residents are most likely to live in low poverty neighborhoods, followed by Asian American/Pacific Islander residents. Black and Hispanic residents are most likely to live in neighborhoods with higher concentrations of poverty, followed by Native American residents. Within the population of residents living below the federal poverty line, White residents remain the most likely to live in low poverty neighborhoods, followed by Native American residents. Asian American/Pacific Islander residents living below the federal poverty line are most likely to live in neighborhoods with higher concentrations of poverty, followed by Hispanic and Black residents living below the federal poverty line.

City of Newark

Residents in Newark share similar, relatively low degrees of exposure to poverty in their neighborhoods across the protected class groups. Of residents living below the federal poverty line, Black residents are most likely to live in low poverty neighborhoods, followed by Asian American/Pacific Islander residents. Hispanic residents living below the federal poverty line are most likely to live in neighborhoods with higher concentrations of poverty.

City of Dover

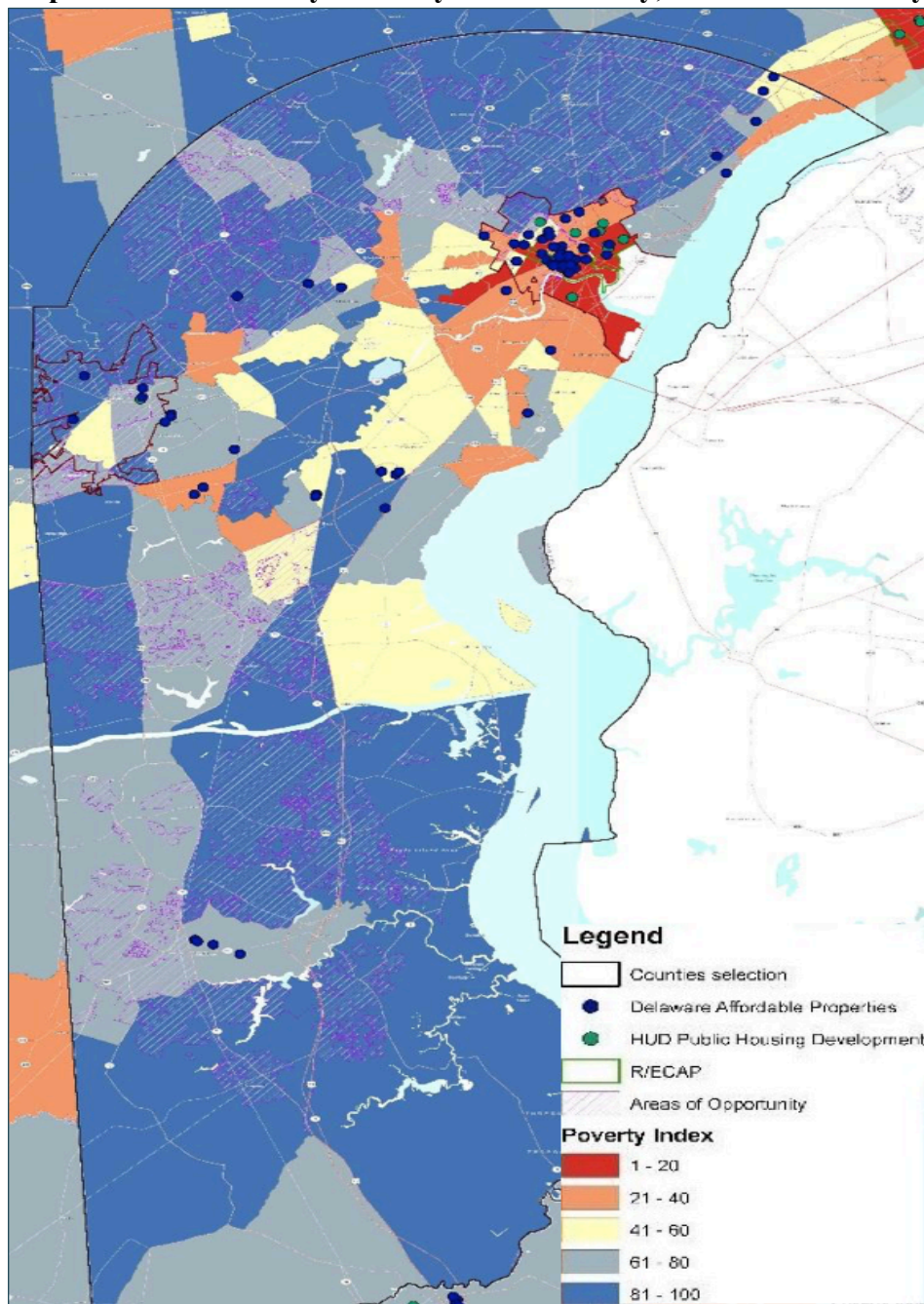
Residents in Dover share similar, relatively high degrees of exposure to poverty in their neighborhoods across the protected class groups. Of residents living below the federal poverty line, Asian American/Pacific Islander residents are least likely to live in neighborhoods with higher concentrations of poverty, followed by Hispanic residents. Black residents living below the federal

poverty line are most likely to live in higher poverty neighborhoods, followed by White residents living below the federal poverty line.

For the protected class groups HUD has provided data, describe how disparities in access to low poverty neighborhoods relate to residential living patterns of those groups.

The following maps show residential patterns by racial/ethnic group and by national origin for all county- and city-level jurisdictions. They also depict neighborhoods' exposure to poverty by shading values of the Low Poverty Index by neighborhood. Darker shading indicates a higher value on the index and a lower exposure to poverty, while lighter shading indicates a lower value on the index and a higher concentration of poverty.

Map B-44: Low Poverty Index by Race/Ethnicity, New Castle County⁵³

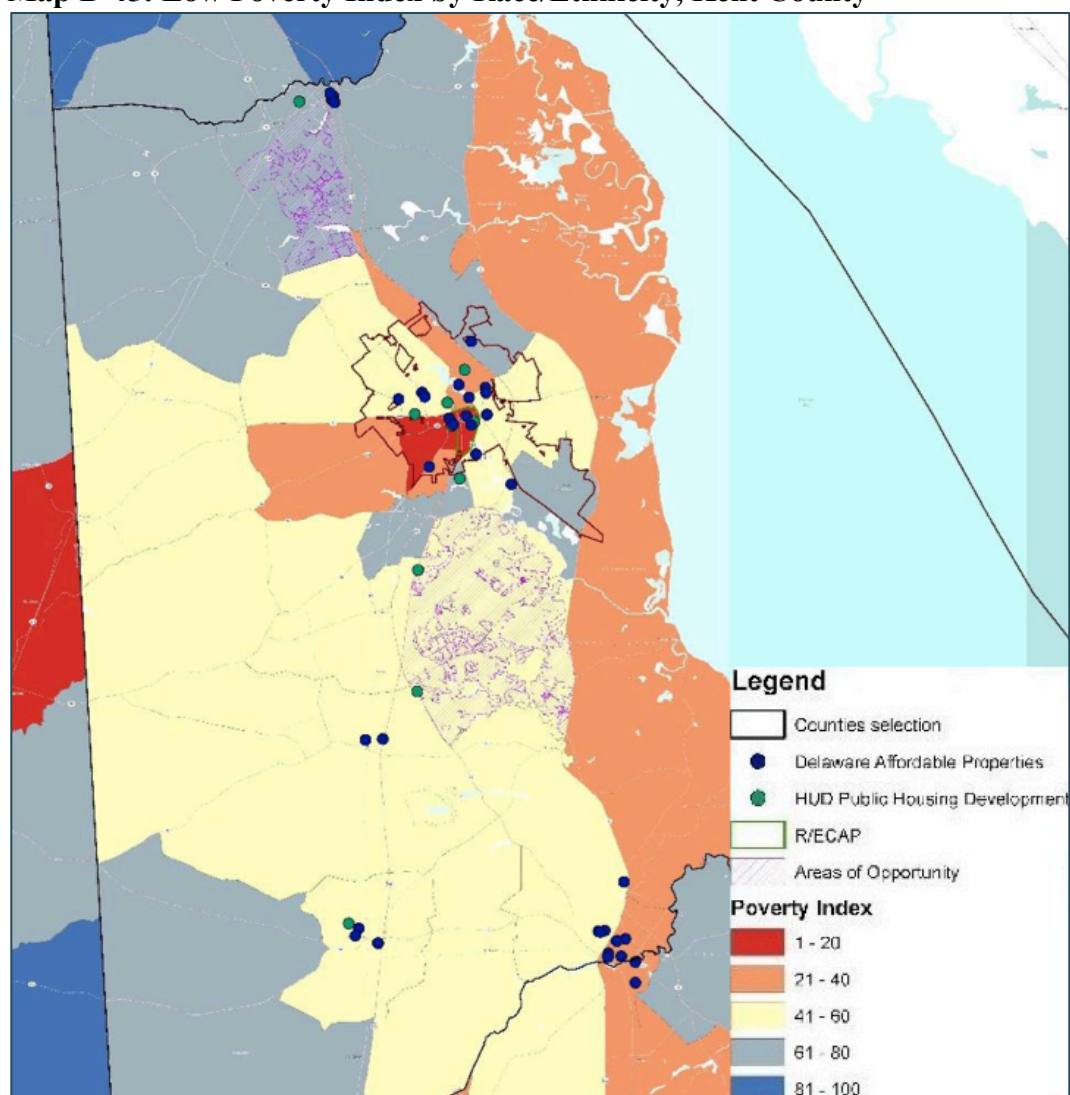


Most neighborhoods in New Castle County have relatively low poverty. The population is also generally White in composition. Black and Hispanic residents appear to reside in neighborhoods with lower index values. Nevertheless, no obvious racial/ethnic disparities relative to residential living patterns emerge.

⁵³ Data Source: ACS, Decennial Census; refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

The five most frequent places of birth for foreign-born residents of New Castle County are Mexico, India, China, the Philippines, and Jamaica. Residents of Mexican origin more commonly reside in neighborhoods with lower values on the index. Otherwise, residents of each of the five top nationalities appear similarly represented in lower poverty neighborhoods.

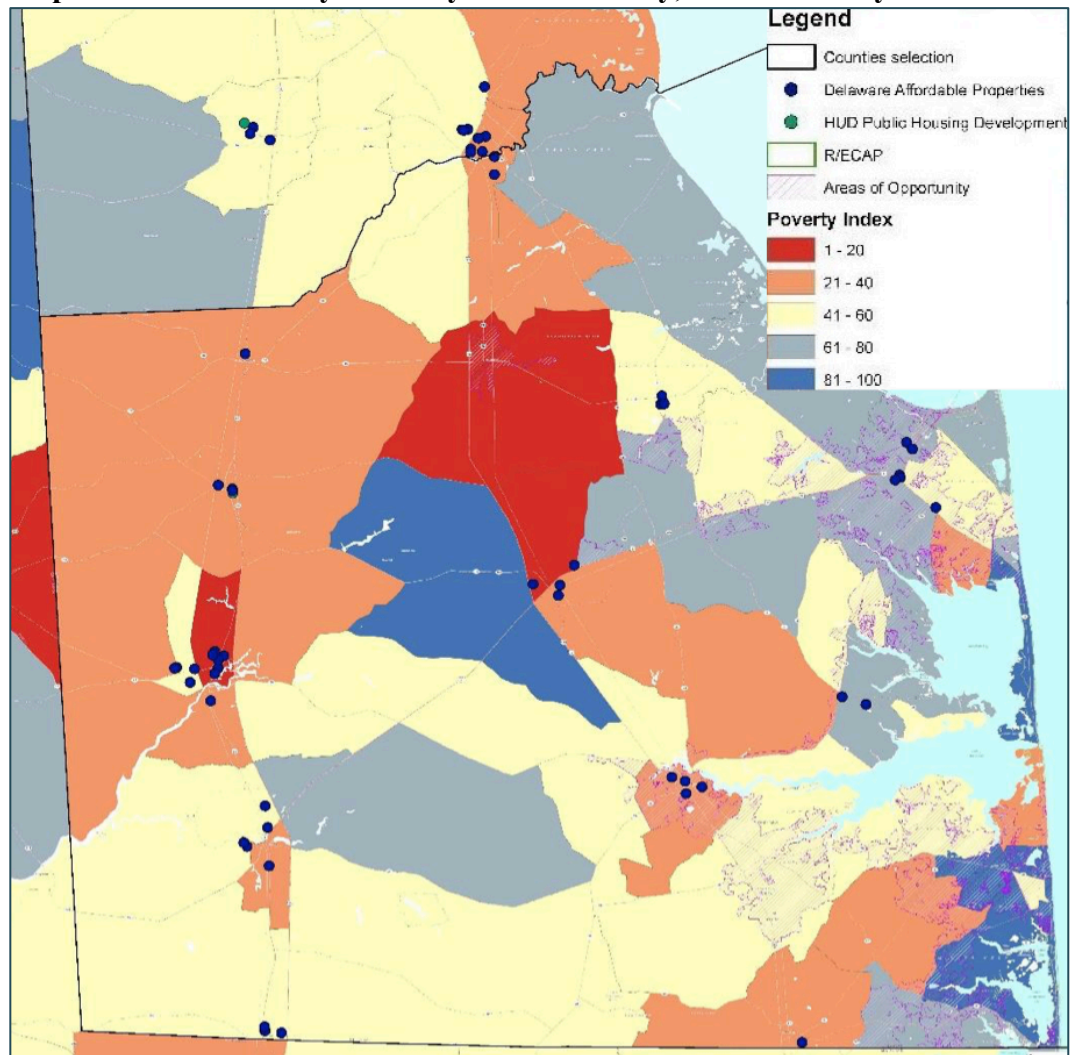
Map B-45: Low Poverty Index by Race/Ethnicity, Kent County⁵⁴



In Kent County, there is not one racial/ethnic group that appears most likely to reside in a neighborhood with a particular level of exposure to poverty. Each racial/ethnic group is represented in lower poverty neighborhoods as well as neighborhoods with higher concentrations of poverty. This is similar to data discussed in the previous section, which showed exposure to poverty in Kent County neighborhoods is relatively homogenous across protected groups.

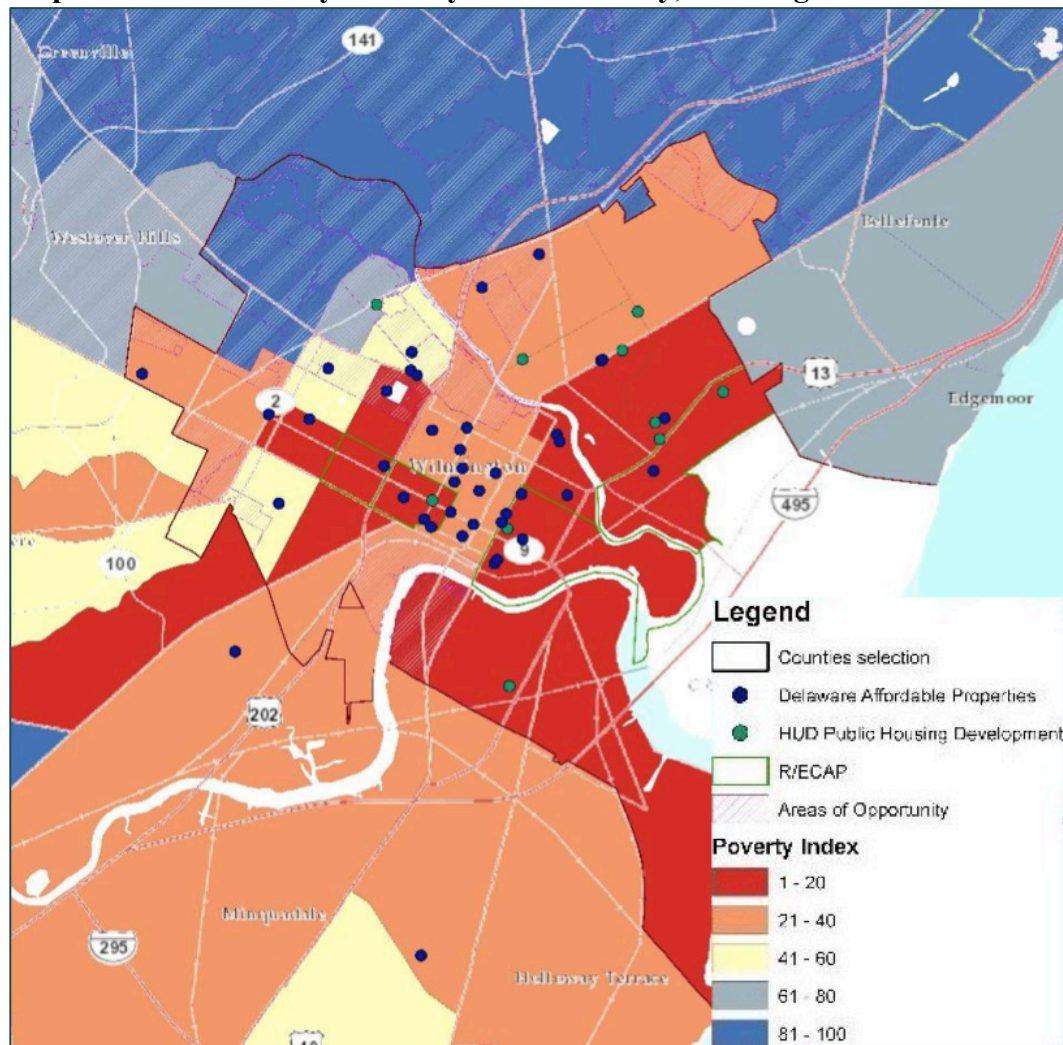
⁵⁴ Data Source: ACS, Decennial Census; refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

Map B-46: Low Poverty Index by Race/Ethnicity, Sussex County⁵⁵



⁵⁵ Data Source: ACS, Decennial Census; refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

Map B-47: Low Poverty Index by Race/Ethnicity, Wilmington⁵⁶

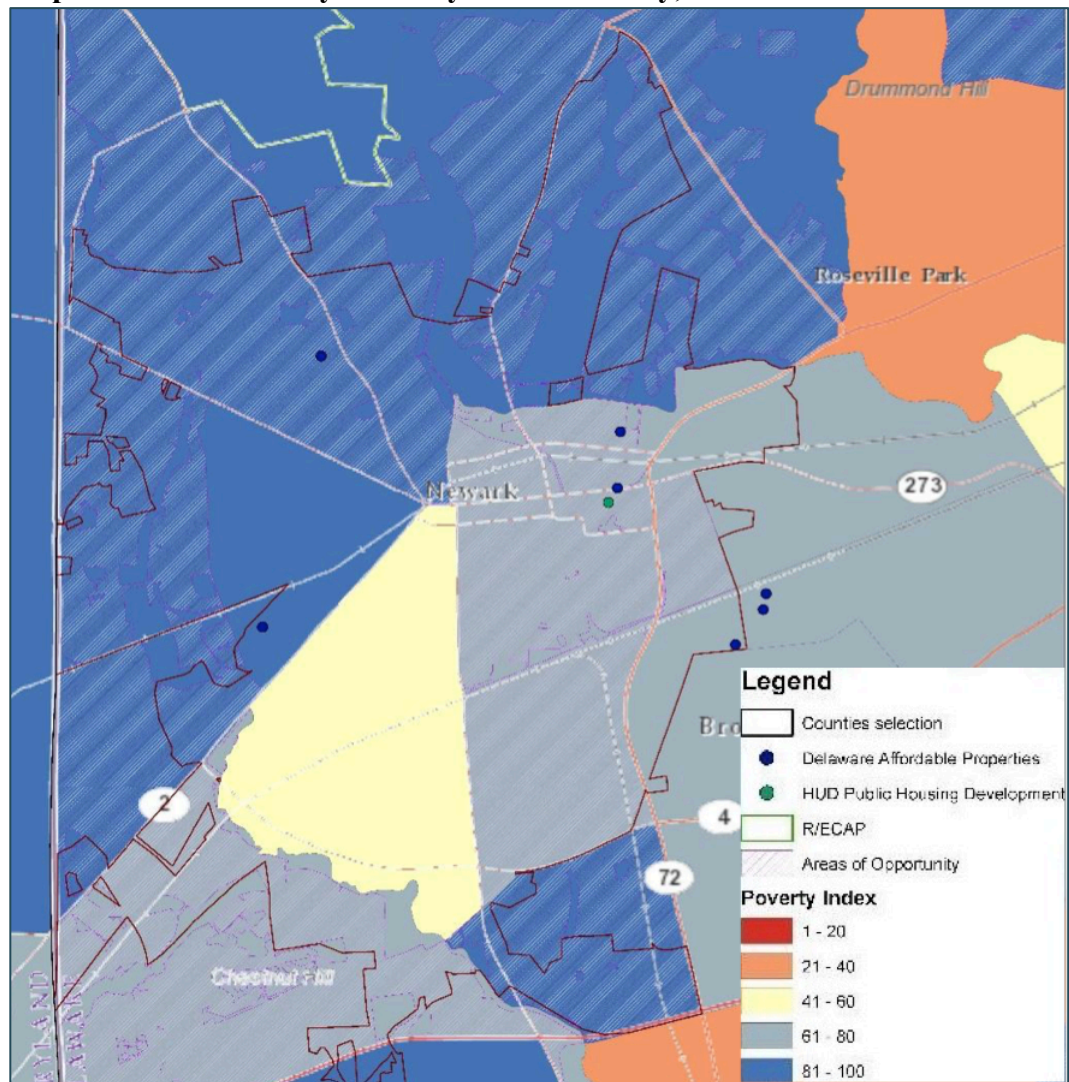


Most neighborhoods in Wilmington are shaded with lower index values, indicating greater exposure to poverty. Black residents appear particularly more likely to reside in neighborhoods with the lowest index values, followed by Hispanic residents.

The five most frequent places of birth for foreign-born residents are Mexico, Jamaica, Colombia, Kenya, and Germany. Mexican and Jamaican residents more commonly reside in neighborhoods with the highest concentration of poverty, but each of the five nationalities are represented in neighborhoods with both high and low levels of exposure to poverty.

⁵⁶ Data Source: ACS, Decennial Census; refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

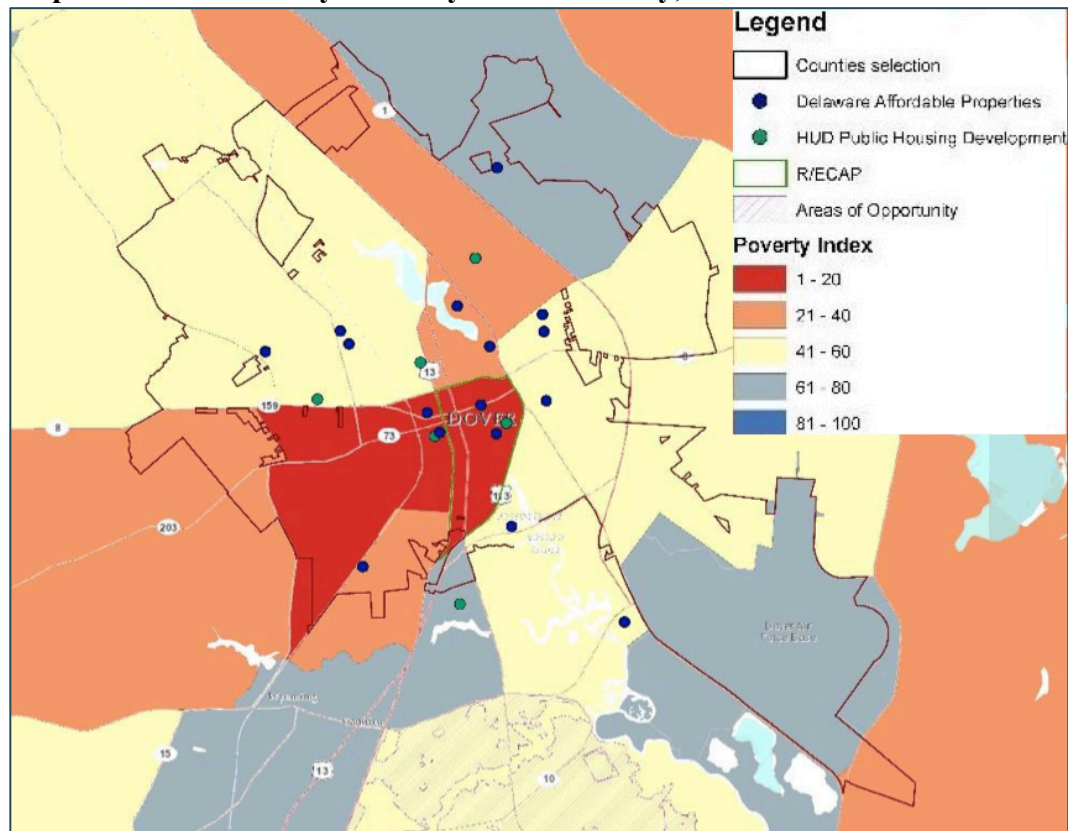
Map B-48: Low Poverty Index by Race/Ethnicity, Newark⁵⁷



Throughout the City of Newark, there are fairly high index values. White residents are the most populous group and are located throughout the city. Black, Asian American or Pacific Islander and Hispanic residents are also spread throughout and reside in tracts of varying poverty levels.

⁵⁷ Data Source: ACS, Decennial Census; refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

Map B-49: Low Poverty Index by Race/Ethnicity, Dover⁵⁸



In Dover, White residents are most often found in neighborhoods with higher index values, indicating that White residents are more likely to live in lower poverty neighborhoods. Black residents, however, appear more likely to live in neighborhoods with lower values on the index, suggesting greater exposure to concentrated poverty.

The five most frequent places of birth for foreign-born residents of Dover are Jamaica, the Philippines, Haiti, Mexico, and India. Although residents of each of the five top nationalities appear evenly distributed throughout the city, Jamaican and Mexican residents appear most likely to reside in neighborhoods with the highest concentration of poverty.

⁵⁸ Data Source: ACS, Decennial Census; refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

III. Fair Housing Analysis continued

B. General Issues

iii. Disparities in Access to Opportunity

Access to Environmentally Healthy Neighborhoods

This section uses HUD's Environmental Health Index to measure exposure to harmful airborne toxins. The index is based on standardized EPA (Environmental Protection Agency) estimates of carcinogenic, respiratory, and neurological hazards in air. The index does not look at other environmental issues such as water quality or soil contamination and so is a limited measure of overall environmental health. However, the index, along with HU's mapping tool can still provide insight into whether exposure to environmental hazards falls disproportionately on specific protected classes. Values range to 100 with higher values indicating better conditions and less exposure to environmental hazards that can harm human health. Poor environmental health can be influenced by large numbers of cars (and consequent emissions), air-polluting factories, contaminated groundwater, and other factors.

For the protected class groups HUD has provided data, describe any disparities in access to environmentally healthy neighborhoods.

Generally, urban areas have lower air quality as these areas have more emission sources and thus more exposure to hazards. Overall, Black residents are concentrated in the more urbanized areas in Delaware, and are exposed to environmental hazards more than non-Hispanic White residents. Of particular note are residents of New Castle County are affected by factory emissions, Superfund sites, and heavy traffic at the Delaware Memorial Bridge and the Port of Wilmington, and residents of Sussex County are exposed to poultry processing facilities' water pollution.

Philadelphia Region

There are wide disparities between non-Hispanic White residents and Black residents. Non-Hispanic White residents have access to significantly healthier environments than non-White residents. Overall, the region's environmental health index scores are lower than in New Castle County. Values are especially low in the City of Philadelphia, western Camden and Gloucester Counties in New Jersey, and in eastern Delaware County as well as portions of Montgomery County in Pennsylvania. The region also has significant disparities between racial/ethnic groups with non-Hispanic White residents having substantially greater access to environmentally healthy neighborhoods than people of color, particular Black residents. These disparities continue among the population living below the poverty line.

Table B-21: Environmental Health Index by Race/Ethnicity

	Philadelphia Region
Total Population	
White, Non-Hispanic	33.68
Black, Non-Hispanic	18.92
Hispanic	22.76
Asian/Pacific Islander, Non-Hispanic	24.57
Native American, Non-Hispanic	26.65
Population below federal poverty line	
White, Non-Hispanic	26.35
Black, Non-Hispanic	13.73
Hispanic	17.19
Asian/Pacific Islander, Non-Hispanic	14.57
Native American, Non-Hispanic	14.92
<i>Note 1: Data Sources: Decennial Census; ACS; NATA; and, www.hudexchange.info/resource/4848/affh-data-documentation.</i>	

Table B-22: Environmental Health Index by Race/Ethnicity

	New Castle County	Kent County	Sussex County
Total Population			
White, Non-Hispanic	44.36	70.94	85.01
Black, Non-Hispanic	43.05	64.20	81.86
Hispanic	38.09	67.67	82.37
Asian/Pacific Islander, Non-Hispanic	43.86	63.61	83.80
Native American, Non-Hispanic	42.18	69.73	85.24
Population below federal poverty line			
White, Non-Hispanic	38.50	72.84	84.25
Black, Non-Hispanic	38.79	60.29	80.62
Hispanic	35.24	65.96	84.35
Asian/Pacific Islander, Non-Hispanic	44.31	63.18	83.73
Native American, Non-Hispanic	21.17	51.06	86.63
<i>Note 1: Data Sources: Decennial Census; ACS; NATA; Note 2: Refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).</i>			

New Castle County

Overall, New Castle County has lower levels of environmental health than Kent and Sussex Counties. Northern New Castle County has lower index values than the area south of the Chesapeake and Delaware Canal. Sections of northeastern New Castle County near the border with

Pennsylvania, New Castle and Stanton, and census tracts to the west of Christiana Hospital have especially low environmental health index values.

Non-Hispanic White residents are the most likely to live in environmentally healthy areas followed closely by Asian American/Pacific Islander and Black residents. Hispanics have the lowest access to environmental health and there is a larger gap between the values for Hispanics and other groups.

Kent County

Non-Hispanic White residents are the most likely to live in environmentally healthy areas followed by Native American residents, Hispanic residents, and Black residents. Asian American or Pacific Islander residents have the lowest exposure to environmentally healthy areas. For the population living below the poverty line, non-Hispanic White residents again are the most likely to live in environmentally healthy areas while Native Americans are the least likely.

Sussex County

The environmental health index values in Sussex County are the highest in the state. Non-Hispanic White, Native Americans, and Asian American/Pacific Islander residents have slightly higher access to environmentally healthy neighborhoods than Hispanics and non-Hispanic Black residents. There is also not a large difference between environmental health index values for the total population and for the population living below the federal poverty line.

Table B-23: Environmental Health Index by Race/Ethnicity

	City of Wilmington	City of Newark	City of Dover
Total Population			
White, Non-Hispanic	10.81	45.63	57.18
Black, Non-Hispanic	8.69	44.83	55.10
Hispanic	8.07	42.45	58.91
Asian/Pacific Islander, Non-Hispanic	9.42	46.88	59.38
Native American, Non-Hispanic	7.39	45.75	60.26
Population below federal poverty line			
White, Non-Hispanic	9.88	35.81	57.57
Black, Non-Hispanic	7.09	42.13	52.66
Hispanic	5.64	31.65	63.30
Asian/Pacific Islander, Non-Hispanic	1.57	44.66	60.01
Native American, Non-Hispanic	8.98	33	N/A

Note 1: Data Sources: Decennial Census; ACS; NATA; Note 2: Refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

City of Wilmington

The city has some of the lowest levels of environmental health in Delaware. The four R/ECAPs have the lowest levels in the city. Areas along the edges of Wilmington have higher values of environmental health than neighborhoods in the core of the city. There is relatively little variation in the environmental health index for all racial/ethnic groups. Non-Hispanic White residents have the most exposure to environmental health. Among residents living below the poverty line, Non-Hispanic residents have the greatest access to environmentally healthy neighborhoods while Asian American or Pacific Islanders have the least amount of access. The poor air quality in Wilmington may contribute to the significantly higher prevalence of asthma in Wilmington than in suburban New Castle, Kent, and Sussex Counties.⁵⁹

City of Newark

There are not significant disparities between different racial/ethnic groups overall. Asian American or Pacific Islander residents have access to neighborhoods with the highest levels of environmental health while Hispanic residents have the lowest access. Among residents experiencing poverty, Asian American or Pacific Islanders again have the highest access to environmentally healthy neighborhoods while Hispanics have the lowest access.

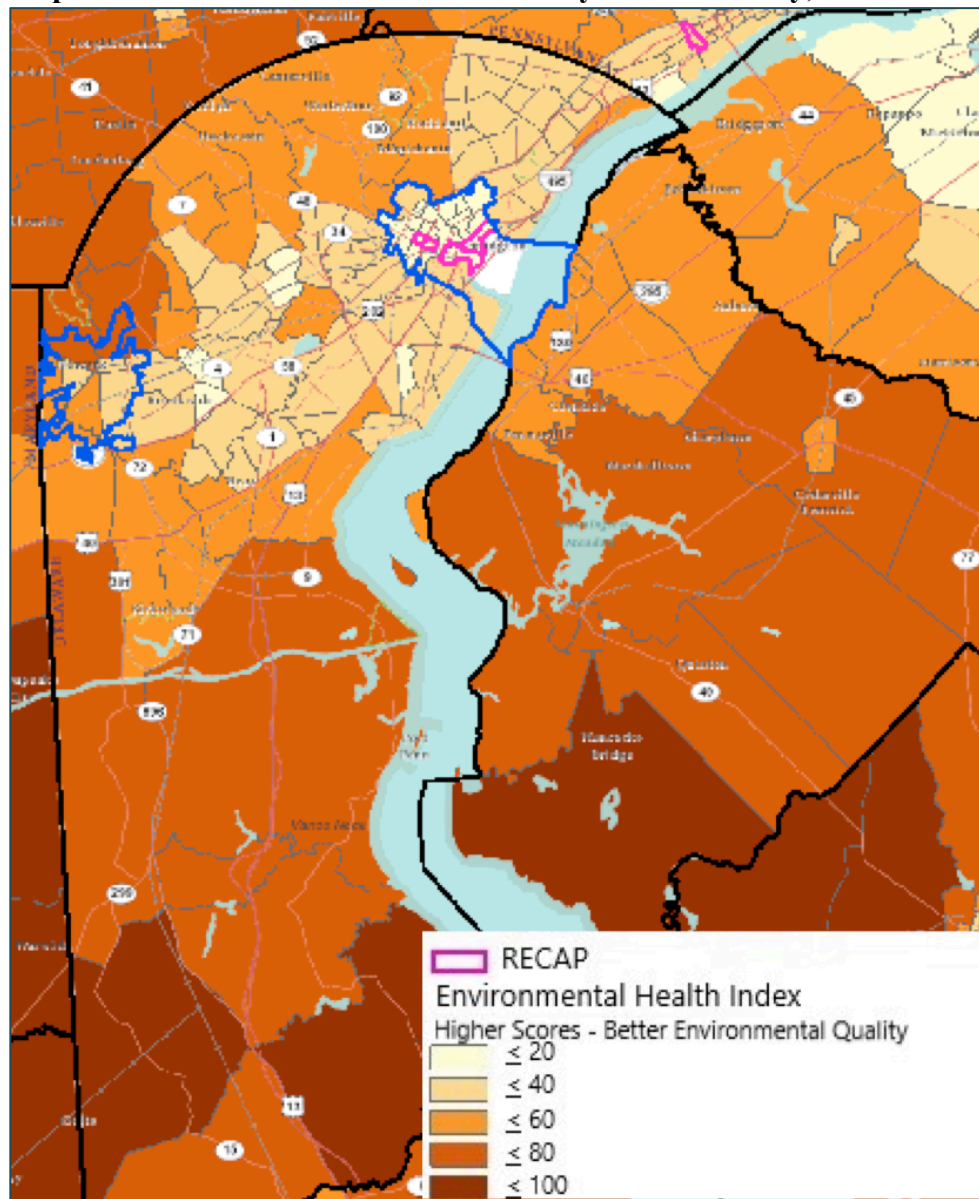
City of Dover

Generally, areas with lower environmental health are to the west of Dupont Highway (U.S. Route 13). However, there are not large disparities between different groups in terms of environmental health in Dover. Native American residents have the highest environmental health followed by Asian American or Pacific Islander residents and Hispanic residents. Black residents have the lowest access to environmentally healthy neighborhoods.

For the protected class groups HUD has provided data, describe how disparities in access to environmentally healthy neighborhoods relate to residential living patterns in the jurisdiction and region.

⁵⁹ The Burden of Asthma in Delaware <https://www.dhss.delaware.gov/dhss/dph/dpc/files/asthmaburdenupdate16.pdf>

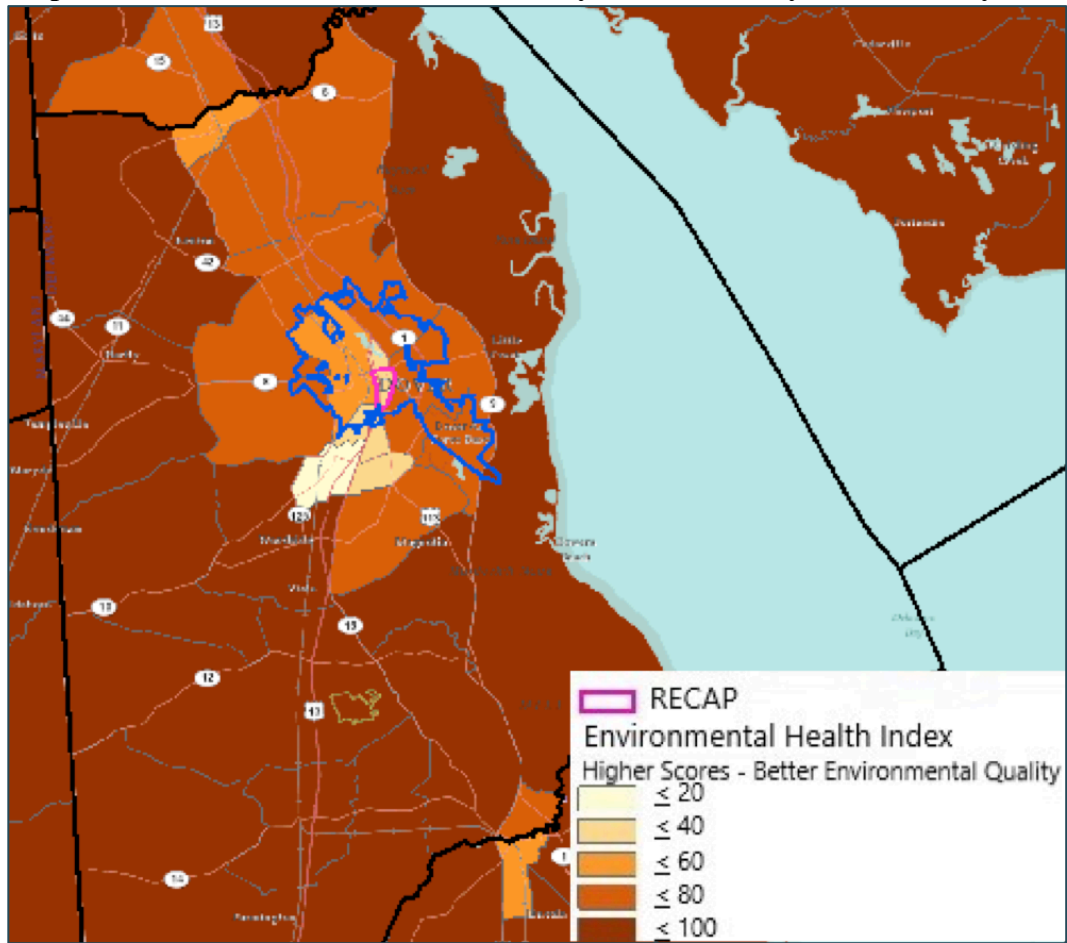
Map B-50: Environmental Health Index by Race/Ethnicity, New Castle County ⁶⁰



Northern New Castle County, areas to the southwest of Wilmington as well as areas bordering Delaware County, Pennsylvania tend to have lower levels of environmental health. Hispanic and Asian or Pacific Islander residents are strongly concentrated in northern New Castle County. There is a concentration of non-Hispanic White residents in southern New Castle County, where environmental health index values are generally higher. In terms of national origin, foreign-born residents are concentrated in northern New Castle County. Families with children are also concentrated in northern New Castle County.

⁶⁰ Data Source: NATA; refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

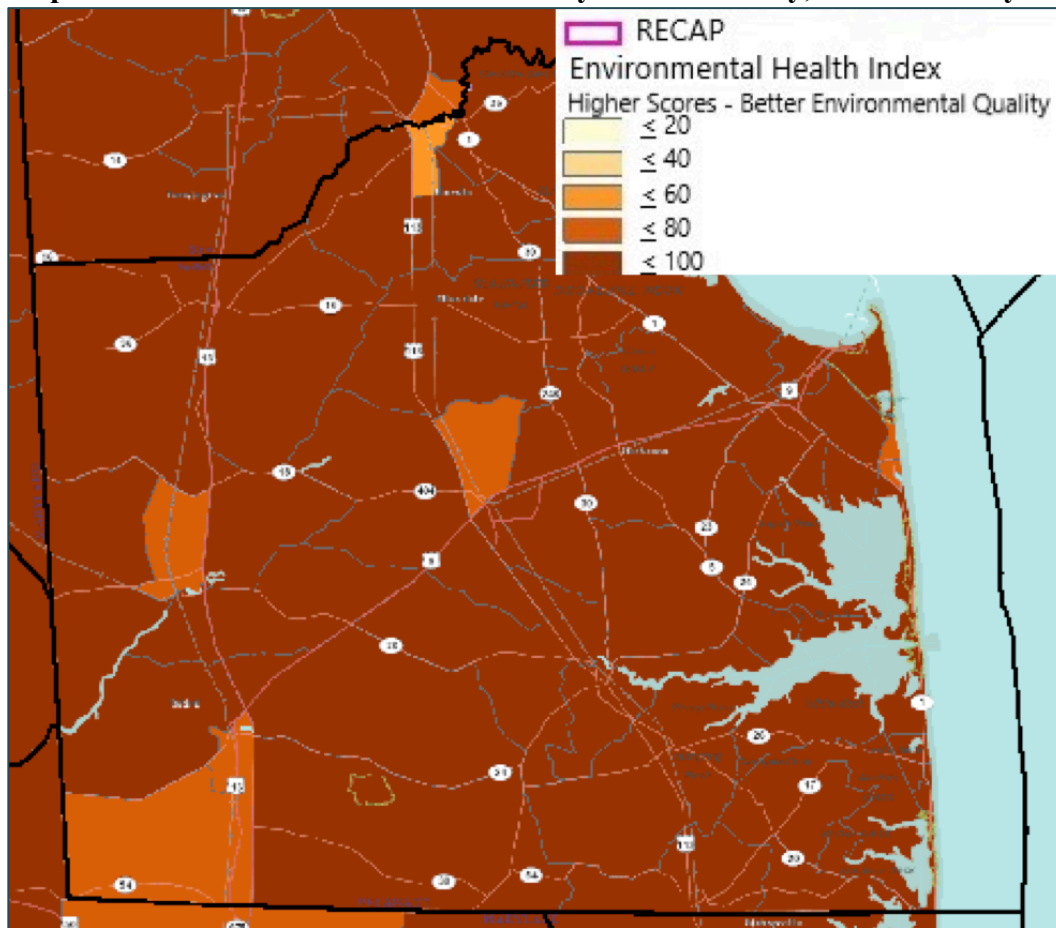
Map B-51: Environmental Health Index by Race/Ethnicity, Kent County ⁶¹



Non-White residents have lower access to environmentally healthy areas than non-Hispanic White residents in the county. Families with children as well as non-White residents are concentrated in near Dover, Clayton, and Milford that all have lower environmental health index values.

⁶¹ Data Source: NATA; refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

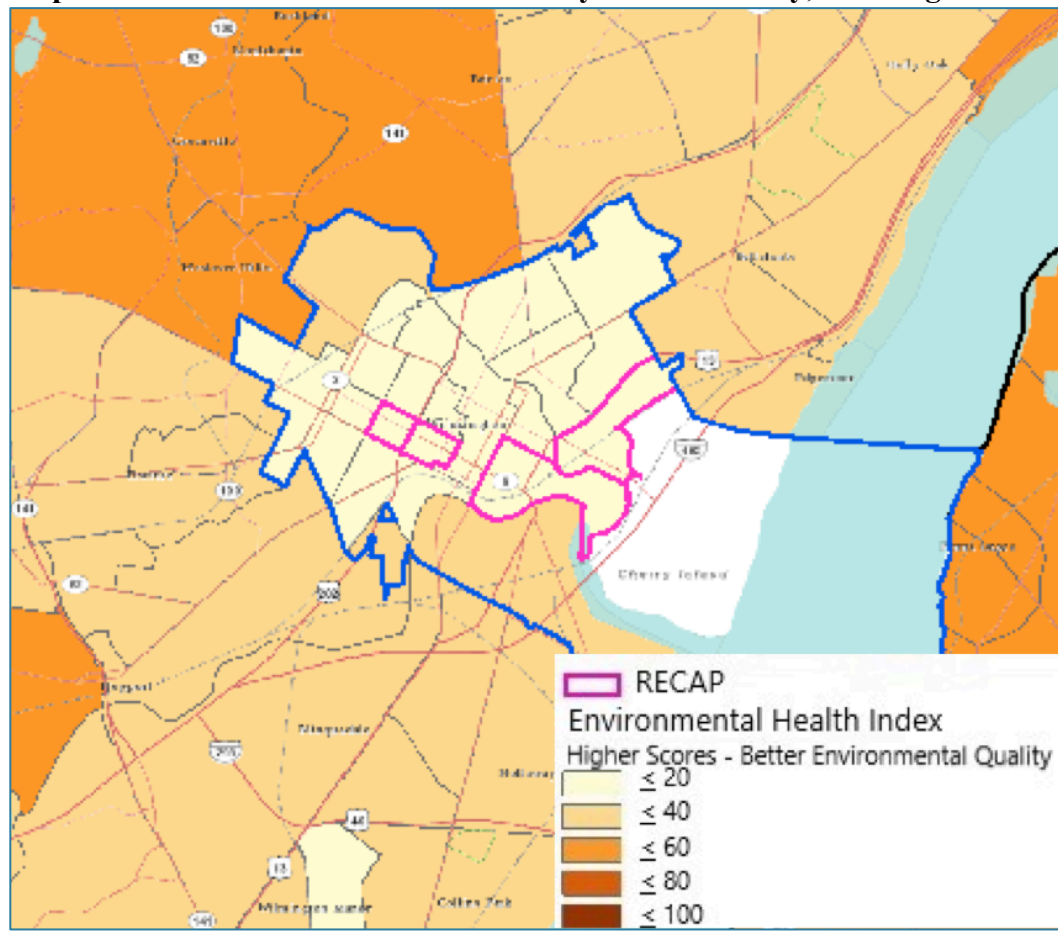
Map B-52: Environmental Health Index by Race/Ethnicity, Sussex County⁶²



Families with children are concentrated in western Sussex County in Milford, Georgetown, Seaford, and Laurel. Black and Hispanic residents experience slightly lower environmental health than other racial and ethnic groups. Hispanic residents are distributed across Sussex County with concentrations near Georgetown and Selbyville along the southern county border, which have lower environmental index values. Black residents are also distributed across the county with concentrations near Seaford, Laurel, and Milford.

⁶² Data Source: NATA; refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

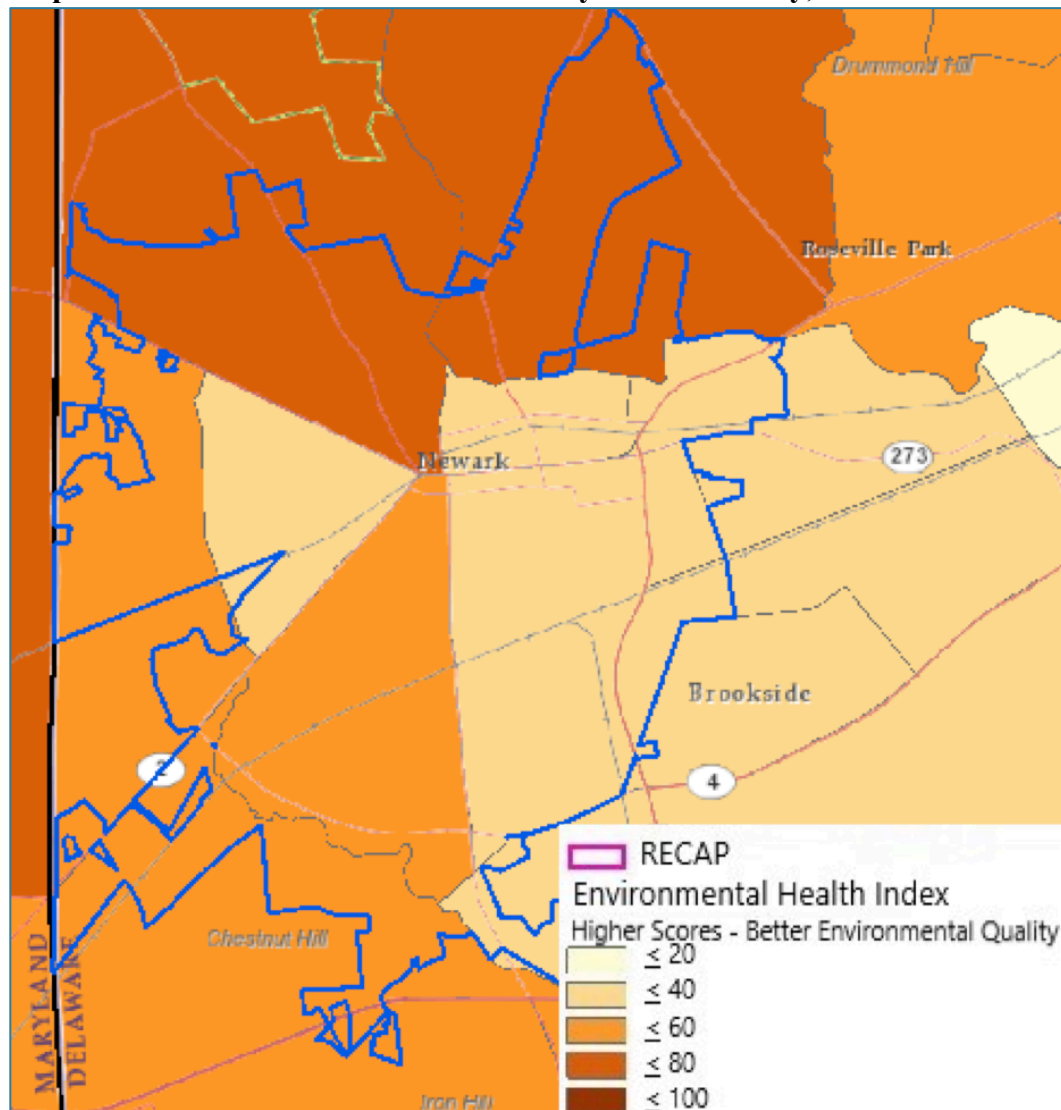
Map B-53: Environmental Health Index by Race/Ethnicity, Wilmington⁶³



Downtown Wilmington and adjacent neighborhoods have the lowest levels of environmental health in the city. Most of the R/ECAPs also have very low values and White residents are somewhat more concentrated in areas with higher environmental health index values. Families with children are concentrated in areas with poor environmental health near downtown. In terms of national origin, individuals of Jamaican and Kenyan origin are more likely to live in areas with lower air quality.

⁶³ Data Source: NATA; refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

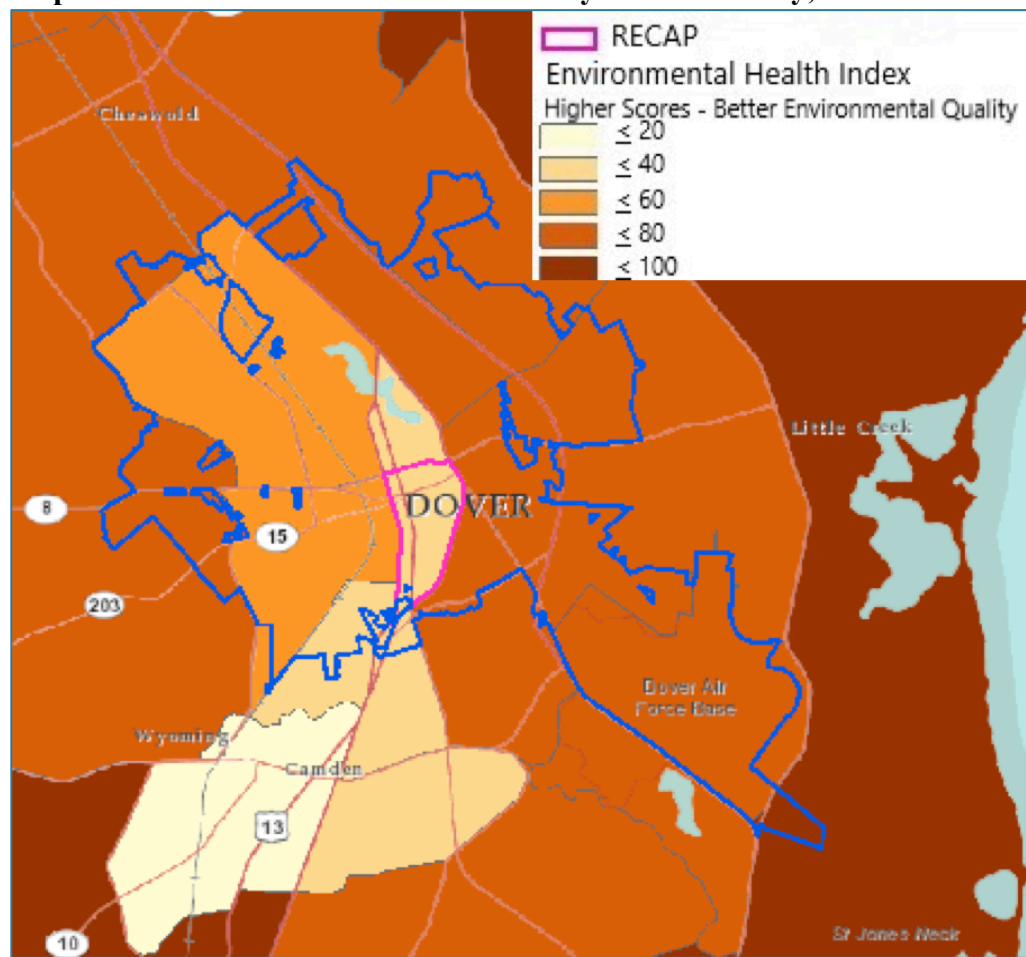
Map B-54: Environmental Health Index by Race/Ethnicity, Newark⁶⁴



Areas of northwestern and northern Newark have the highest levels of environmental health in the city while the area of downtown Newark north of Main Street and east of the University of Delaware campus have the lowest environmental health index values. There is not a clear relationship between where protected class groups live in Newark and environmental health.

⁶⁴ Data Source: NATA; refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

Map B-55: Environmental Health Index by Race/Ethnicity, Dover ⁶⁵



Generally, areas further from the Dover downtown have greater access to environmental health. The sole R/ECAP and relatively integrated census tracts near the downtown, have low levels of environmental health. Census tracts with the highest levels of environmental health are disproportionately non-Hispanic White compared to the overall population of Dover. Also, there is also no clear pattern in access to environmental health by national origin or familial status.

Informed by community participation, consultation with other relevant government agencies, participant's own local data and local knowledge, discuss programs, policies, or funding mechanisms that affect disparities in access to environmentally healthy neighborhoods.

A majority of pollutants that negatively impact air quality in Delaware come from outside of the state. Delaware filed petitions with the EPA in 2013 and 2016 to require power plants in states that are upwind to take steps to reduce pollution but these petitions have been denied.⁶⁶

⁶⁵ Data Source: NATA; refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

⁶⁶ <https://why.org/articles/delaware-protests-epa-decision-on-air-pollution/>

III. Fair Housing Analysis continued

B. General Issues

iv. Disparities in Access to Opportunity

Disproportionate Housing Needs

This section evaluates cost burden, severe cost burden, and other housing problems like a lack of kitchen facilities or plumbing, and overcrowding.

- Cost burden exists when pay more than 30 percent of their gross household income for housing costs. This includes rent or mortgage payment, utilities, renter or homeowner insurance and property taxes.
- Severe cost burden exists when households pay more than 50 percent of their gross household income for housing costs. This is an indicator of critical housing needs as the household is at risk of eviction, foreclosure, and homelessness.

These metrics are derived from HUD-calculated Comprehensive Housing Affordability Strategy (CHAS) data derived from the 2011-2015 American Community Survey (ACS) 5-Year Estimates. This section also compares data points related to renting versus owning, code enforcement and lead paint exposure, and homelessness, among other things.

Which groups (race/ethnicity and family status) experience higher rates of housing cost burden, overcrowding, or substandard housing when compared to other groups? Which groups also experience higher rates of severe housing burdens when compared to other groups?

Within each jurisdiction, most racial or ethnic minority groups experience higher rates of housing problems, including but not limited to severe housing cost burden, than do non-Hispanic White households. White residents in every jurisdiction exhibit the highest levels of homeownership. Wilmington residents also face the highest rate of cost burden. New Castle County in general (including Wilmington), when compared to Kent County and Sussex County, has a noticeable lead paint problem. This is likely due to the disproportionately older housing stock. Overall, the amount of affordable housing, particularly for families, is insufficient to meet the needs of residents in each jurisdiction.

The only exception is the Asian American and Pacific Islander population in Wilmington and New Castle County, which experiences lower rates of housing problems and severe cost burden than Non-Hispanic White residents in both jurisdictions. Among all racial or ethnic groups, Hispanic households are most likely to experience severe housing problems and severe cost burden. In Kent County, Asian American or Pacific Islanders are the second most likely group to experience housing cost burden, in stark contrast to Wilmington and New Castle County.

Since Newark and Sussex County are not HUD grantees, the CHAS data is not disaggregated by race. For both jurisdictions, the majority of households at less than 30 percent of HUD Area Median Family Income (HAMFI) and between 30-50 percent HAMFI are experiencing housing

problems.⁶⁷ The majority of renters in Newark experience housing problems, but every other problem category by tenure in Newark and Sussex County are much less.

Cost burden in Sussex County and Newark is also broken down by tenure and HAMFI. In Sussex County, the majority of owners below 30 percent HAMFI and between 30-50 percent HAMFI experience a cost burden of more than 30 percent. More than 60 percent of owners below 30 percent HAMFI experience a cost burden of more than 50 percent. For renters, the majority of renters below 30 percent HAMFI and between 30-50 percent HAMFI experience a cost burden of more than 30 percent. The majority of renters below 30 percent HAMFI have cost burdens greater than 50 percent. Meanwhile, in Newark the only group of renters where most experience a cost burden greater than 30 percent or greater than 50 percent are those below 30 percent HAMFI. For renters, the majority of households with less than 30 percent HAMFI and between 30-50 percent HAMFI experience a more than 30 percent cost burden, and a majority of renters at less than 30 percent HAMFI experience a cost burden of more than 50 percent.

Families with five or more members experience housing problems at the highest rate, followed by non-family households. Small families with four or fewer members experience housing problems at the lowest rate. Disparities between small and large families are less pronounced for severe cost burden than they are for other types of housing problems. Since larger families are almost invariably exposed to greater levels of overcrowding, it makes sense that severe cost burden accounts for only a small proportion of the disparity in housing problems between large and small families. The total percentage of households with housing problems and severe housing problems is greatest in Wilmington.

⁶⁷ HAMFI: HUD Area Median Family Income.

Table B-23: Disproportionate Housing Needs by Race/Ethnicity

	Philadelphia Region			Delaware		
Households Experiencing any of 4 Housing Problems						
	# problems	# HHs	% problems	# problems	# HHs	% problems
Race/Ethnicity						
White, Non-Hisp.	508,665	1,530,895	33.2	67,260	237,395	28.3
Black, Non-Hisp.	203,120	439,883	46.2	29,680	64,490	46.0
Hispanic	69,474	132,557	52.4	10,085	18,775	53.7
Asian/Pacific Islander, Non-Hisp.	33,916	93,070	36.4	2,812	9,580	29.4
Native American, Non-Hisp.	1,610	3,131	51.4	415	942	44.1
Other, Non-Hisp.	11,599	27,088	42.8	2,020	4,555	44.4
Total	828,370	2,226,635	37.2	112,250	335,710	33.4
Household Type and Size						
Family households, <5 people	378,725	1,240,335	30.5	54,575	196,815	27.7
Family households, 5+ people	82,965	206,098	40.3	12,150	29,980	40.5
Non-family households	366,690	780,190	47.0	45,530	108,920	41.8
Households Experiencing any of 4 Severe Housing Problems						
	# severe problems	# HHs	% severe problems	# severe problems	# HHs	% severe problems
Race/Ethnicity						
White, Non-Hisp.	230,085	1,530,895	15.0	30,000	237,395	12.6
Black, Non-Hisp.	111,949	439,883	25.5	14,170	64,490	22.0
Hispanic	44,089	132,557	33.3	6,470	18,775	34.5
Asian/Pacific Islander, Non-Hisp.	19,281	93,070	20.7	1,343	9,580	14.0
Native American, Non-Hisp.	936	3,131	29.9	210	942	22.3
Other, Non-Hisp.	6,356	27,088	23.5	1,190	4,555	26.1
Total	412,755	2,226,635	18.5	53,360	335,710	15.9
Note 1: Severe housing cost burden is defined as greater than 50% of income; Note 2: All % represent share of total population except household type and size, which are out of total households; Note 3: The # households is denominator for the % with problems and may differ from the # households for table on severe housing problems; Note 4: CHAS; Note 5: Data documented at www.hudexchange.info/resource/4848/affh-data-documentation .						

Table B-24: Disproportionate Housing Needs by Race/Ethnicity

	New Castle County			Kent County		
Households Experiencing any of 4 Housing Problems						
	# problems	# HHs	% problems	# problems	# HHs	% problems
Race/Ethnicity						
White, Non-Hisp.	32,831	122,179	26.9	11,870	41,130	28.9
Black, Non-Hisp.	13,171	30,029	43.9	5,640	12,330	45.7
Hispanic	5,220	9,986	52.3	1,395	2,629	53.1
Asian/Pacific Islander, Non-Hisp.	1,986	7,606	26.1	579	1,113	52.0
Native American, Non-Hisp.	160	362	44.2	117	277	42.2
Other, Non-Hisp.	909	2,102	43.2	499	1,054	47.3
Total	54,288	172,270	31.5	20,110	58,525	34.4
Household Type and Size						
Family households, <5 people	25,990	102,521	25.4	10,275	34,990	29.4
Family households, 5+ people	5,878	16,085	36.5	2,485	5,860	42.4
Non-family households	22,406	53,653	41.7	7,350	17,670	41.6
Households Experiencing any of 4 Severe Housing Problems						
	# severe problems	# HHs	% severe problems	# severe problems	# HHs	% severe problems
Race/Ethnicity						
White, Non-Hisp.	14,210	122,179	11.6	5,070	41,130	12.3
Black, Non-Hisp.	6,179	30,029	20.6	2,520	12,330	20.4
Hispanic	3,423	9,986	34.3	725	2,629	27.6
Asian/Pacific Islander, Non-Hisp.	953	7,606	12.5	245	1,113	22.0
Native American, Non-Hisp.	98	362	27.1	53	277	19.1
Other, Non-Hisp.	596	2,102	28.4	259	1,054	24.6
Total	25,427	172,270	14.8	8,865	58,525	15.2
Note 1: Severe housing cost burden is defined as greater than 50% of income; Note 2: All % represent share of total population except household type and size, which are out of total households; Note 3: The # households is denominator for the % with problems and may differ from the # households for table on severe housing problems; Note 4: CHAS; Note 5: Data documented at www.hudexchange.info/resource/4848/affh-data-documentation .						

Table B-25: Disproportionate Housing Needs by Race/Ethnicity

	City of Wilmington			City of Dover		
Households Experiencing any of 4 Housing Problems						
	# problems	# HHs	% problems	# problems	# HHs	% problems
Race/Ethnicity						
White, Non-Hisp.	3,495	10,684	32.7	1,810	6,739	26.9
Black, Non-Hisp.	7,225	14,515	49.8	2,250	4,395	51.2
Hispanic	1,340	2,535	52.9	460	795	57.9
Asian/Pacific Islander, Non-Hisp.	80	278	28.8	165	350	47.1
Native American, Non-Hisp.	30	44	68.2	0	0	N/A
Other, Non-Hisp.	163	412	39.6	230	370	62.2
Total	12,320	28,450	43.3	4,915	12,655	38.8
Household Type and Size						
Family households, <5 people	5,435	13,250	41.0	2,195	6,170	35.6
Family households, 5+ people	1,135	2,255	50.3	575	1,315	43.7
Non-family households	5,755	12,955	44.4	2,150	5,175	41.6
Households Experiencing any of 4 Severe Housing Problems						
	# severe problems	# HHs	% severe problems	# severe problems	# HHs	% severe problems
Race/Ethnicity						
White, Non-Hisp.	1,715	10,684	16.1	954	6,739	14.2
Black, Non-Hisp.	3,790	14,515	26.1	1,055	4,395	24.0
Hispanic	880	2,535	34.7	230	795	28.9
Asian/Pacific Islander, Non-Hisp.	40	278	14.4	60	350	17.1
Native American, Non-Hisp.	20	44	45.5	0	0	N/A
Other, Non-Hisp.	89	412	21.6	160	370	43.2
Total	6,520	28,450	22.9	2,455	12,655	19.4
Note 1: Severe housing cost burden is defined as greater than 50% of income; Note 2: All % represent share of total population except household type and size, which are out of total households; Note 3: The # households is denominator for the % with problems and may differ from the # households for table on severe housing problems; Note 4: CHAS; Note 5: Data documented at www.hudexchange.info/resource/4848/affh-data-documentation .						

Table B-26: Housing Problems

	City of Newark			Sussex County		
Households Experiencing any of 4 Housing Problems						
	# problems	# HHs	% problems	# problems	# HHs	% problems
Tenure						
Owner	1,185	5,635	21.0	16,940	62,990	26.9
Renter	2,405	4,300	55.9	8,240	18,195	48.3
Total	3,590	9,935	36.1	25,180	81,185	31.0
Income by Housing Problems						
HH Income <30% HAMFI	1,650	2,075	79.5	5,870	7,830	75.0
HH Income 30-50% HAMFI	655	1,030	63.6	6,525	10,320	63.2
HH Income 50-80% HAMFI	770	1,712	45.0	6,100	13,555	45.0
HH Income >80-100% HAMFI	195	965	20.2	2,360	8,850	26.7
HH Income >100% HAMFI	315	4,150	7.6	4,320	40,625	10.6
Households Experiencing any of 4 Severe Housing Problems						
	# severe problems	# HHs	% severe problems	# severe problems	# HHs	% severe problems
Tenure						
Owner	465	5,635	8.3	7,855	62,990	12.5
Renter	1,605	4,300	37.3	4,700	18,195	25.8
Total	2,070	9,935	20.8	12,555	81,185	15.5
Note 1: Severe housing cost burden is defined as greater than 50% of income; Note 2: All % represent a share of the total population except household type and size, which are out of total households; Note 3: The # households is the denominator for the % with problems and may differ from the # households for the table on severe housing problems; Note 4: Data Sources: CHAS; Note 5: Refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).						

In addition to the HUD-provided data, the American Community Survey also provides additional context. This data indicates that overcrowding is much more common than incomplete plumbing and kitchen facilities. For each jurisdiction, for both incomplete plumbing and incomplete kitchen facilities, only Wilmington has a rate of more than 1 percent with 1.02 percent for a lack of adequate kitchen facilities. Overcrowding, on the other hand, varies much more widely. White households experience a rate of overcrowding that is 1.5 percent or less in every jurisdiction.

Despite the encouraging statistics regarding a lack of incomplete plumbing or kitchen facilities, one standout bears mentioning. During the community engagement process at every public meeting in Sussex County, community members reported on the persistent problem of a lack of sewer and water hookups in unincorporated parts of the county.⁶⁸ Mostly low-income Black residents live in these areas. The lack of access to water and sewer hookups has serious

⁶⁸ <https://whyv.org/articles/disconnected-thousands-in-delaware-lack-access-to-safer-public-water/>

implications for the health and safety of residents, and can create disproportionate burdens as residents take steps to improve their access to such necessities.

Table B-27: Percent of Overcrowded Households by Race or Ethnicity

	White, Non-Hispanic	Black, Non-Hispanic	Native American	Asian/Pacific Islander	Hispanic
Delaware	1.1	2.7	0.3	2.4	8.5
Philadelphia Region	1.0	2.1	4.4	5.4	6.2
New Castle County	0.8	2.2	0	2.10	6.7
Kent County	1.4	3.2	0.4	2.7	3.8
Sussex County	1.5	5.1	0.6	5.4	17.0
Wilmington	0.5	1.5	0	7.5	3.1
Newark	1.0	3.0	0	2.2	6.2
Dover	1.0	4.1	0	4.5	2.0
Hispanic	6.2	5.8	7.6	9.0	4.5

Note: Data Source: American Community Survey, 2013-2017

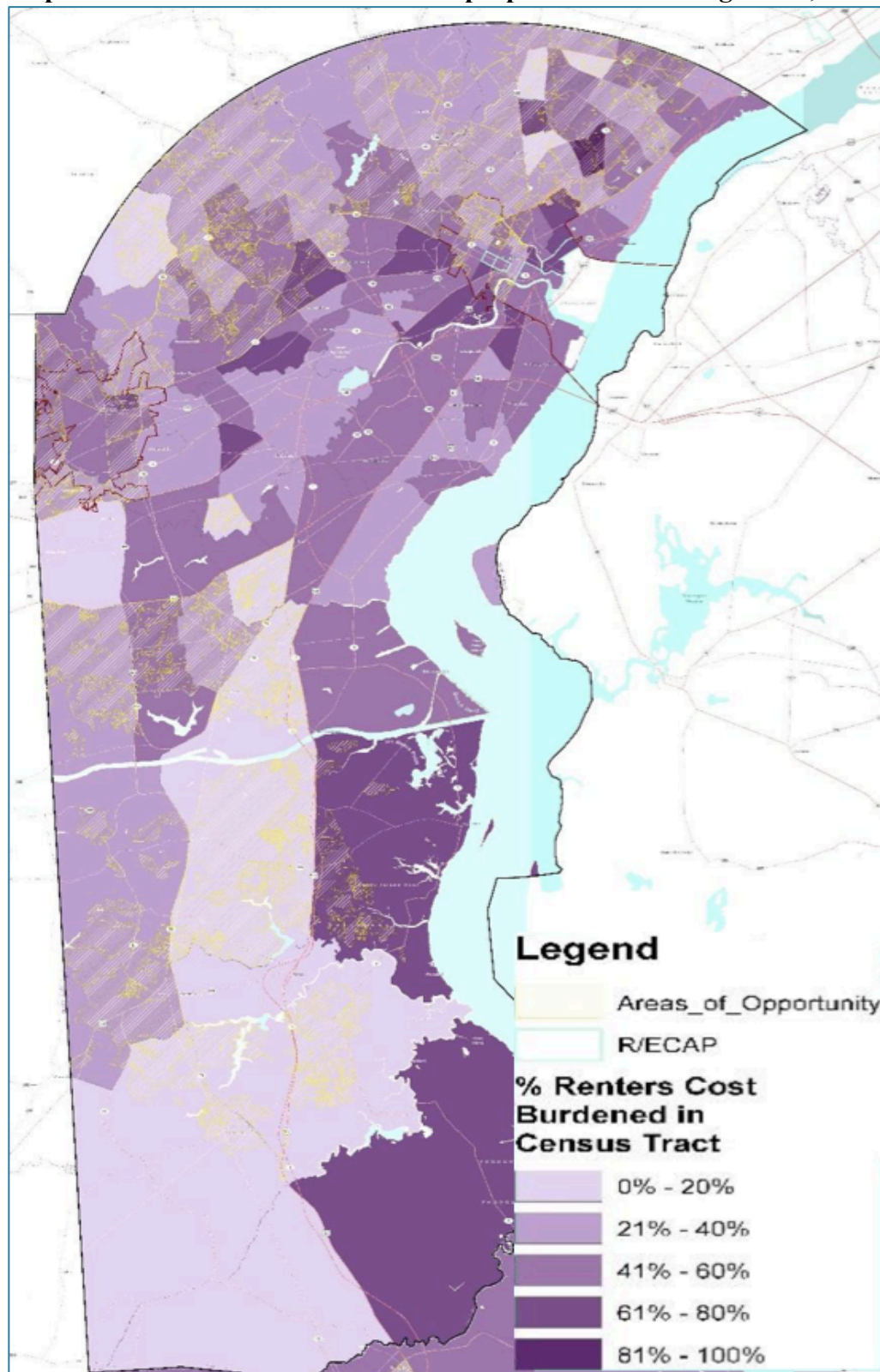
Hispanics experience the highest rates of overcrowding statewide, especially in Newark, New Castle County, and Sussex County (a whopping 17 percent). Black households have the second highest rate of overcrowding statewide. However, Asian American or Pacific Islander households experience some startling rates in both Wilmington (7.5 percent) and Sussex County (5.4 percent), comparatively. Hispanics still experience overcrowding at a rate of three times as much as the next highest group (Asian American or Pacific Islanders).

Which areas experience the greatest housing burdens? Which of these areas align with segregated areas, integrated areas, or R/ECAPs and what are the predominant race/ethnicity or national origin groups in such areas?

In Delaware, a household would have to earn \$22 per hour to afford a two-bedroom apartment at fair market value.⁶⁹ This varies widely, with the lowest zip code rate in Sussex County, at \$15.77/hour. The second highest rate can be found near Middletown, at \$32.88/hour. Rates in Wilmington hover around \$20-25/hour, and rates in Newark hover around \$22/hour. The rate in Dover is below \$20/hour, and in the teens for Sussex County, except for Rehoboth and Bethany Beach (low \$20's). Making the state minimum wage (\$8.25/hour), a household would have to work 87 hours/week to afford a one-bedroom apartment at market rate. Overall, Wilmington has the highest cost burden. It is also the most highly segregated, and contains the most R/ECAPs. Hispanics have the highest cost burden.

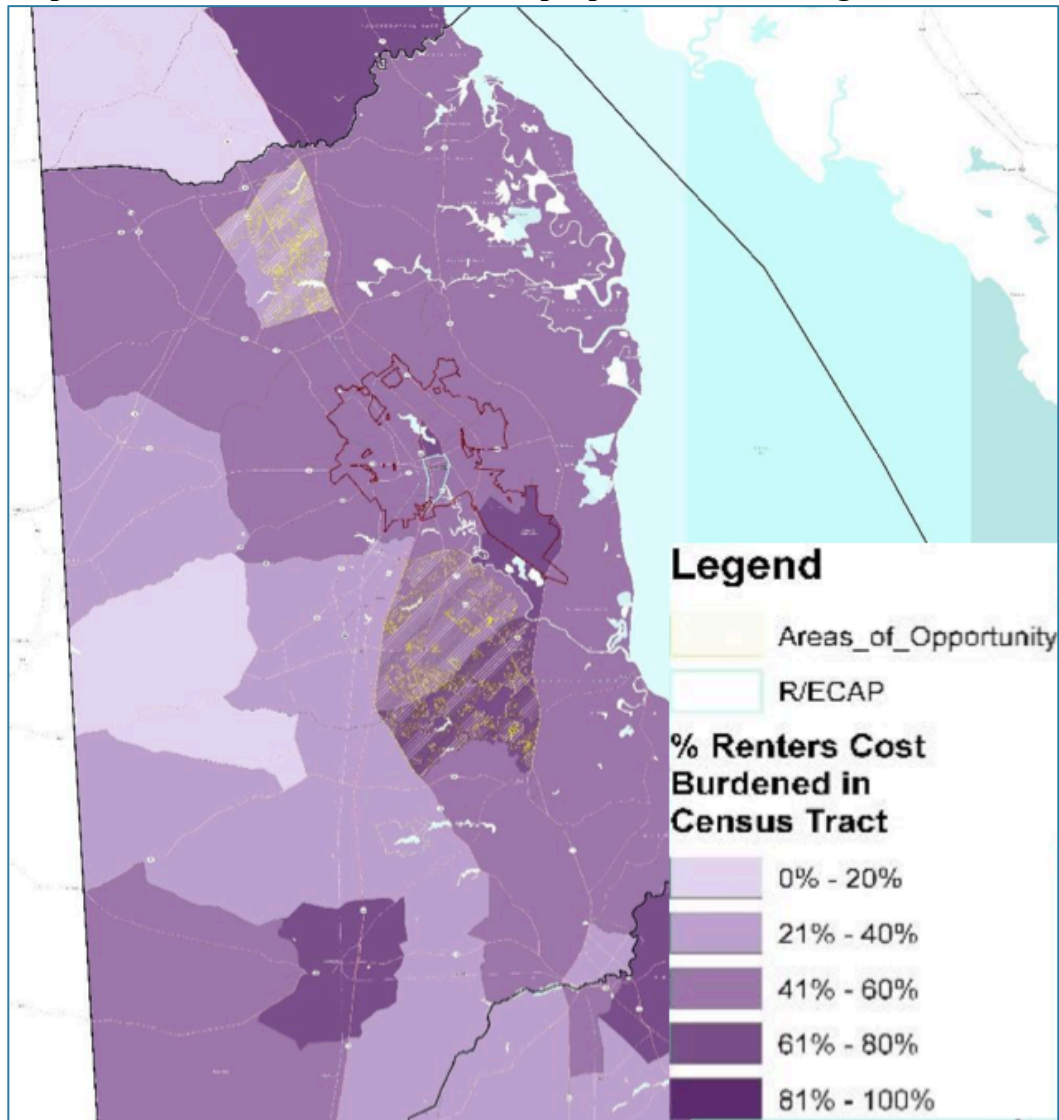
⁶⁹ Out of Reach 2018, National Low-Income Housing Coalition.

Map B-56: Renter Households with Disproportionate Housing Needs, New Castle County⁷⁰



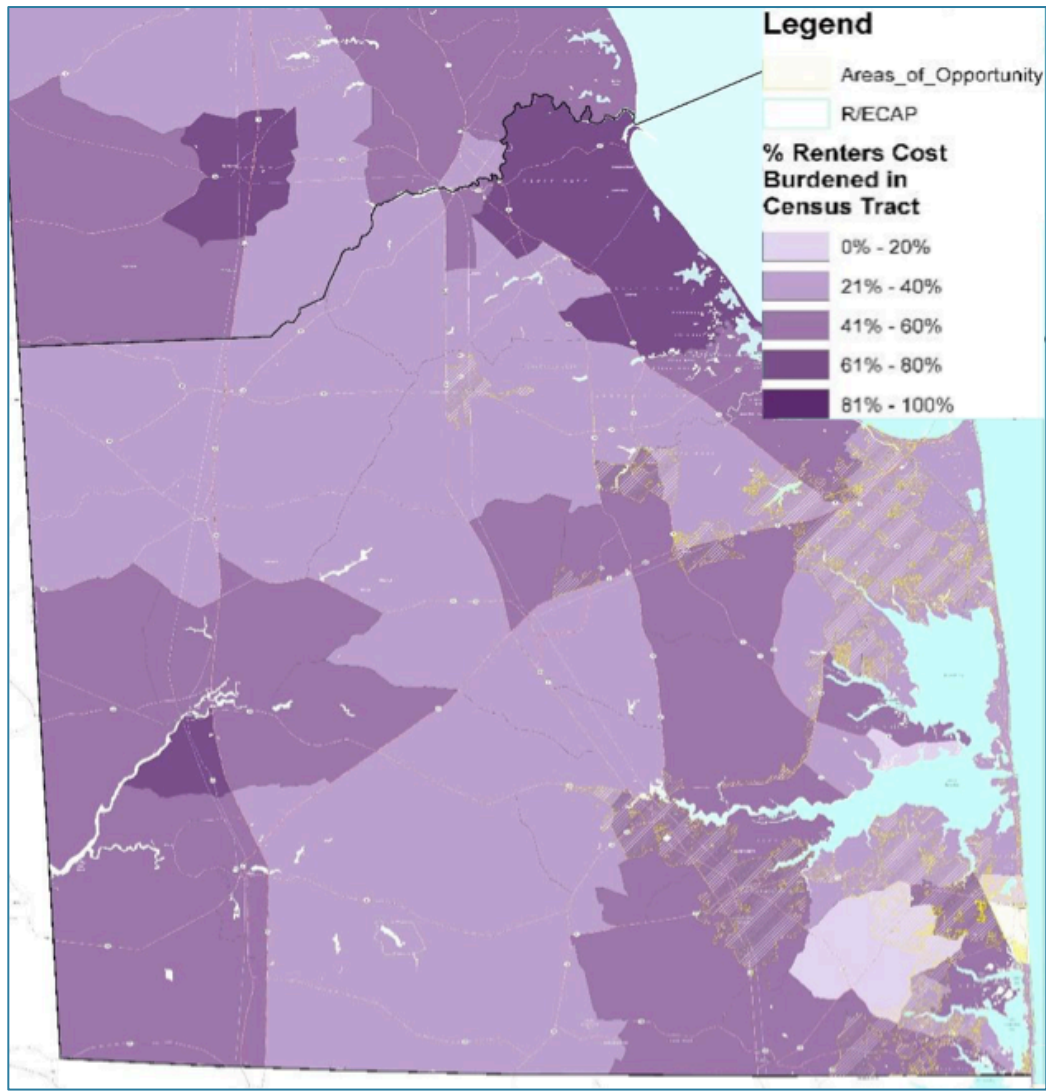
⁷⁰ Data Source: Comprehensive Housing Affordability Strategy (CHAS)

Map B-57: Renter Households with Disproportionate Housing Needs, Kent County⁷¹



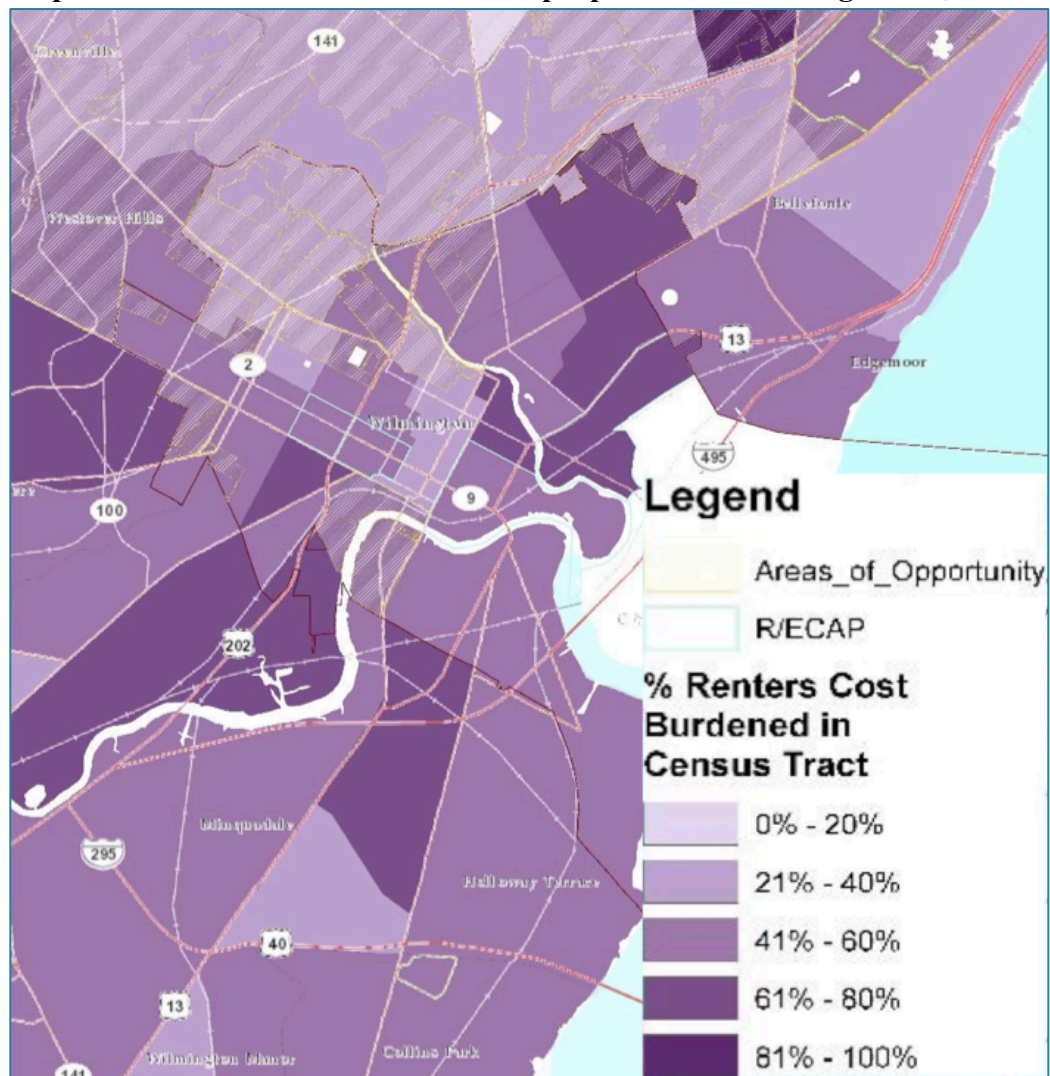
⁷¹ Data Source: Comprehensive Housing Affordability Strategy (CHAS)

Map B-58: Renter Households with Disproportionate Housing Needs, Sussex County⁷²



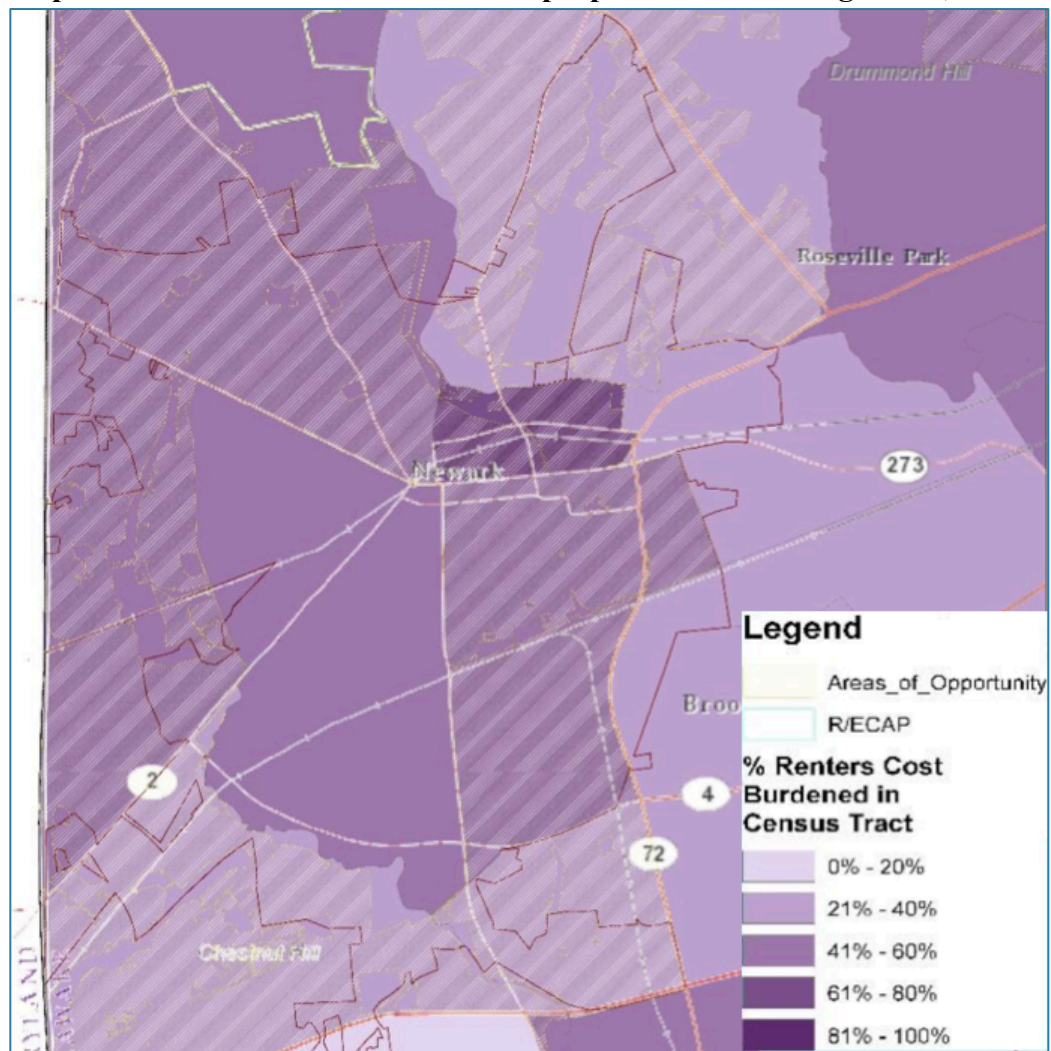
⁷² Data Source: Comprehensive Housing Affordability Strategy (CHAS)

Map B-59: Renter Households with Disproportionate Housing Needs, Wilmington⁷³



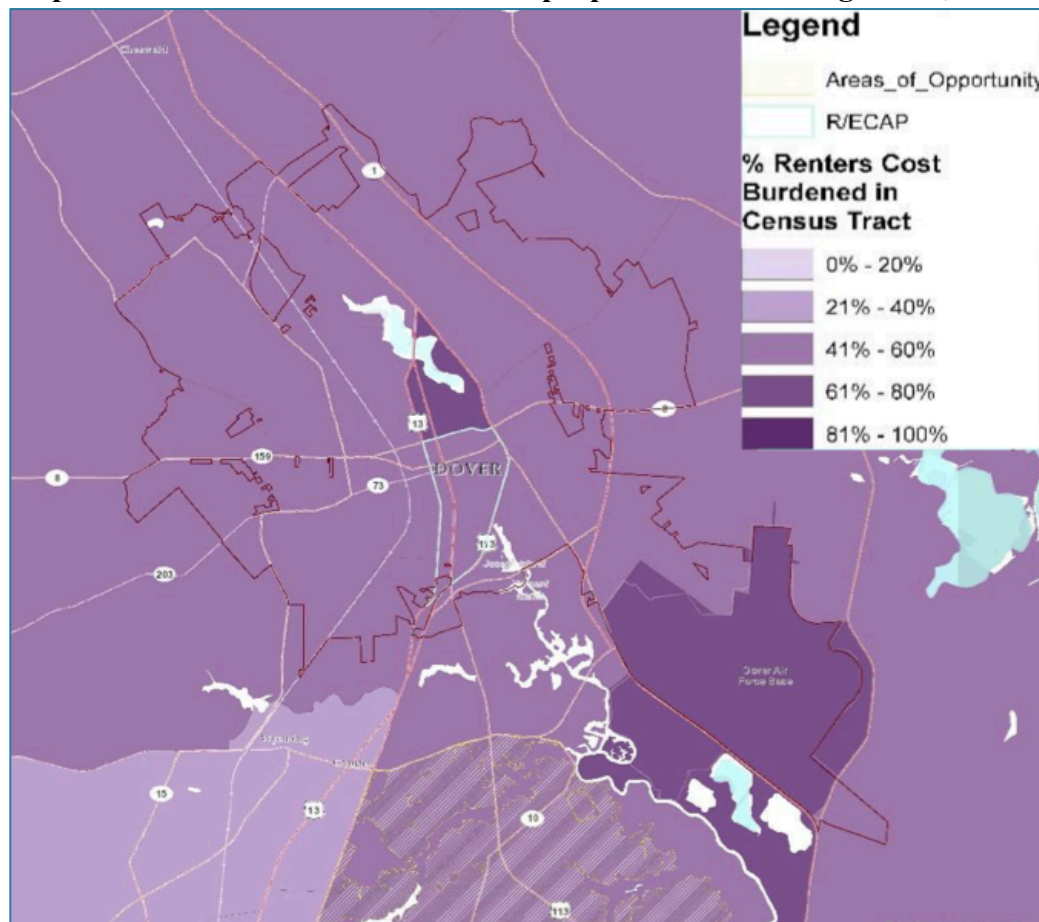
⁷³ Data Source: Comprehensive Housing Affordability Strategy (CHAS)

Map B-60: Renter Households with Disproportionate Housing Needs, Newark⁷⁴



⁷⁴ Data Source: Comprehensive Housing Affordability Strategy (CHAS)

Map B-61: Renter Households with Disproportionate Housing Needs, Dover⁷⁵



Compare the needs of families with children for housing units with two, and three or more bedrooms with the available existing housing stock in each category of publicly supported housing.

There are 53,360 households in the state experiencing severe housing problems, which include paying more than 50 percent of income toward housing costs. Neither the state nor any municipalities have rent control ordinances. While HUD data is not available on number of bedrooms for all publicly supported housing, it is available for New Castle County, Wilmington, and Dover. There are only 1,063 Public Housing units, 1,289 Project-based Section 8 units, and 0 Other Multifamily units with more than one bedroom capable of housing these families. Housing Choice Vouchers provide the most publicly supported housing for families, with 3,035 multi-bedroom units. It is clear that the amount of affordable housing available to meet the affordable housing needs for families is insufficient.

⁷⁵ Data Source: Comprehensive Housing Affordability Strategy (CHAS)

Table B-28: PSH by Program Category: Units by Number of Bedrooms/ with Children

	New Castle County							
	Households in 0-1 Bedroom Units		Households in 2 Bedroom Units		Households in 3+ Bedroom Units		Households with Children	
Housing Type	#	%	#	%	#	%	#	%
Public Housing	41	42.3	18	18.6	33	34.0	49	50.5
Project-based Section 8	913	58.7	377	24.2	245	15.8	496	31.9
Other Multifamily	133	79.2	0	0.0	0	0.0	N/a	N/a
HCV Program	331	17.4	811	42.5	723	37.9	1,094	57.4
Note 1: Data Sources: APSH; Note 2: Refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).								

Table B-29: PSH by Program Category: Units by Number of Bedrooms/ with Children

	City of Wilmington							
	Households in 0-1 Bedroom Units		Households in 2 Bedroom Units		Households in 3+ Bedroom Units		Households with Children	
Housing Type	#	%	#	%	#	%	#	%
Public Housing	651	46.4	290	20.7	440	31.4	584	41.6
Project-based Section 8	1,057	66.9	276	17.5	232	14.7	391	24.8
Other Multifamily	120	87.0	0	0.0	0	0.0	N/A	N/A
HCV Program	423	24.1	399	22.7	900	51.3	917	52.3
Note 1: Data Sources: APSH; Note 2: Refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).								

Table B-30: PSH by Program Category: Units by Number of Bedrooms/ with Children

	City of Dover							
	Households in 0-1 Bedroom Units		Households in 2 Bedroom Units		Households in 3+ Bedroom Units		Households with Children	
Housing Type	#	%	#	%	#	%	#	%
Public Housing	76	20.6	129	35.0	153	41.5	229	62.1
Project-based Section 8	203	55.6	117	32.1	42	11.5	138	37.8
Other Multifamily	222	100	0	0.0	0	0.0	N/A	N/A
HCV Program	88	28.6	105	34.1	97	31.5	108	35.1
Note 1: Data Sources: APSH; Note 2: Refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).								

One alternative source of non-publicly supported housing that can be affordable is manufactured homes. In Delaware, and particularly in Sussex County, manufactured homes represent one of the more affordable housing options. Often called “mobile homes,” manufactured homes are generally not moveable once placed on a plot of land. Owners of manufactured homes commonly rent the land underneath from a private owner. Because tenants invest in these immobile homes, they are vulnerable to rent increases by landlords in excess of what is reasonable, rendering the mobile home unaffordable. Delaware’s Rent Justification Act, which permits tenants in manufactured home parks to challenge unreasonable rate increases through arbitration, does not help tenants who are already paying higher-than-market rents and cannot afford to keep their homes. One possible solution to this problem has been explored by national organizations such as Resident Owned Communities (ROC) USA, which have converted hundreds of manufactured home parks into tenant-owned cooperatives.

Describe the differences in rates of renter and owner-occupied housing by race/ethnicity.

Table B-31: Housing Tenure

	Total	Homeowners		Renters	
	#	#	%	#	%
Delaware	352,357	251,098	71.3	101,259	28.7
Philadelphia Region	2,253,471	1,516,332	67.3	737,139	32.7
New Castle County	202,654	138,618	68.4	64,036	31.6
Kent County	63,381	44,132	69.6	19,249	30.4
Sussex County	86,322	68,348	79.2	17,974	20.8
Wilmington	28,484	12,974	45.6	15,510	54.5
Newark	10,230	5,408	52.9	4,822	47.1
Dover	13,427	6,747	50.3	6,680	49.8
<i>Note 1: Occupied Housing Units or Households, Note 2: Data Source: American Community Survey, 2013-17</i>					

Table B-32: Housing Tenure for White, Non-Hispanic Households

	Total	Homeowners		Renters	
	#	#	%	#	%
Delaware	242,401	192,809	79.5	49,592	20.5
Philadelphia Region	1,596,337	1,186,244	74.3	410,093	25.7
New Castle County	128,981	101,006	78.3	27,975	21.7
Kent County	42,965	32,674	76.1	10,291	24.0
Sussex County	70,455	59,129	83.9	11,326	16.1
Wilmington	10,123	5,851	57.8	4,272	42.2
Newark	7,561	4,519	59.8	3,042	40.2
Dover	6,746	4,264	63.2	2,482	36.8
<i>Note 1: Occupied Housing Units or Households, Note 2: Data Source: American Community Survey, 2013-17</i>					

Table B-33: Housing Tenure for Black, Non-Hispanic Households

	Total	Homeowners		Renters	
	#	#	%	#	%
Delaware	70,657	37,415	53.0	33,242	47.1
Philadelphia Region	455,063	221,029	48.6	234,034	51.4
New Castle County	47,366	24,009	50.7	23,357	49.3
Kent County	14,136	7,983	56.5	6,153	43.5
Sussex County	9,155	5,423	59.2	3,732	40.8
Wilmington	15,188	6,111	40.2	9,077	59.8
Newark	1,018	306	30.1	712	69.9
Dover	4,695	1,878	40.0	2,817	60.0
<i>Note 1: Occupied Housing Units or Households, Note 2: Data Source: American Community Survey, 2013-17</i>					

Table B-34: Housing Tenure for Asian/Pacific Islander, Non-Hispanic Households

	Total	Homeowners		Renters	
	#	#	%	#	%
Delaware	12,271	7,405	60.4	4,866	39.7
Philadelphia Region	108,417	67,454	62.2	40,963	37.8
New Castle County	10,223	5,932	58.0	4,291	42.0
Kent County	1,265	883	69.8	382	30.2
Sussex County	783	590	75.4	193	24.7
Wilmington	440	193	43.9	247	56.1
Newark	975	285	29.2	690	70.8
Dover	508	236	46.5	272	53.5
<i>Note 1: Occupied Housing Units or Households, Note 2: Data Source: American Community Survey, 2013-17</i>					

Table B-35: Housing Tenure for Hispanic Households

	Total	Homeowners		Renters	
	#	#	%	#	%
Delaware	22,436	10,622	47.3	11,814	52.7
Philadelphia Region	153,240	67,665	44.2	85,575	55.8
New Castle County	14,247	6,614	46.4	7,633	53.6
Kent County	3,407	1,681	49.3	1,726	50.7
Sussex County	4,782	2,327	48.7	2,455	51.3
Wilmington	2,421	737	30.4	1,684	69.6
Newark	578	250	43.3	328	56.8
Dover	1,043	267	25.6	776	74.4
<i>Note 1: Occupied Housing Units or Households, Note 2: Data Source: American Community Survey, 2013-17</i>					

Table B-36: Housing Tenure for American Indian/Alaska Native, Non-Hispanic Households

	Total	Homeowners		Renters	
	#	#	%	#	%
Delaware	1,440	1,009	70.1	431	29.9
Philadelphia Region	4,542	2,431	53.5	2,111	46.5
New Castle County	617	365	59.2	252	40.8
Kent County	475	364	76.6	111	23.4
Sussex County	348	280	80.5	68	19.5
Wilmington	68	27	39.7	41	60.3
Newark	41	21	51.2	20	48.8
Dover	72	32	44.4	40	55.6
<i>Note 1: Occupied Housing Units or Households, Note 2: Data Source: American Community Survey, 2013-17</i>					

Across Delaware, White residents experience the highest levels of homeownership. Hispanics are the only group that rents more than owns in each jurisdiction. Their highest rates of homeownership are in Kent County and Sussex County, at 49.3 percent and 48.7 percent, respectively. Of all jurisdictions, the City of Wilmington has the lowest homeownership rate. The other jurisdictions (before disaggregation by racial group) have a majority of homeowners versus renters. Asian American or Pacific Islanders follow Whites residents in homeownership rate and then Black residents. However, Hispanics have the lowest homeownership rate in Dover, where they trail the next highest group by approximately 20 points. In fact, there is a gap between the highest and lowest homeownership rates in each jurisdiction of 30 points or more. Hispanics rank the lowest in four of the jurisdictions, suggesting that they do not have good access to homeownership in the suburbs. Black homeownership is ranked second to last in all but one (Wilmington) of the jurisdictions, telling a similar story.

Additional Information

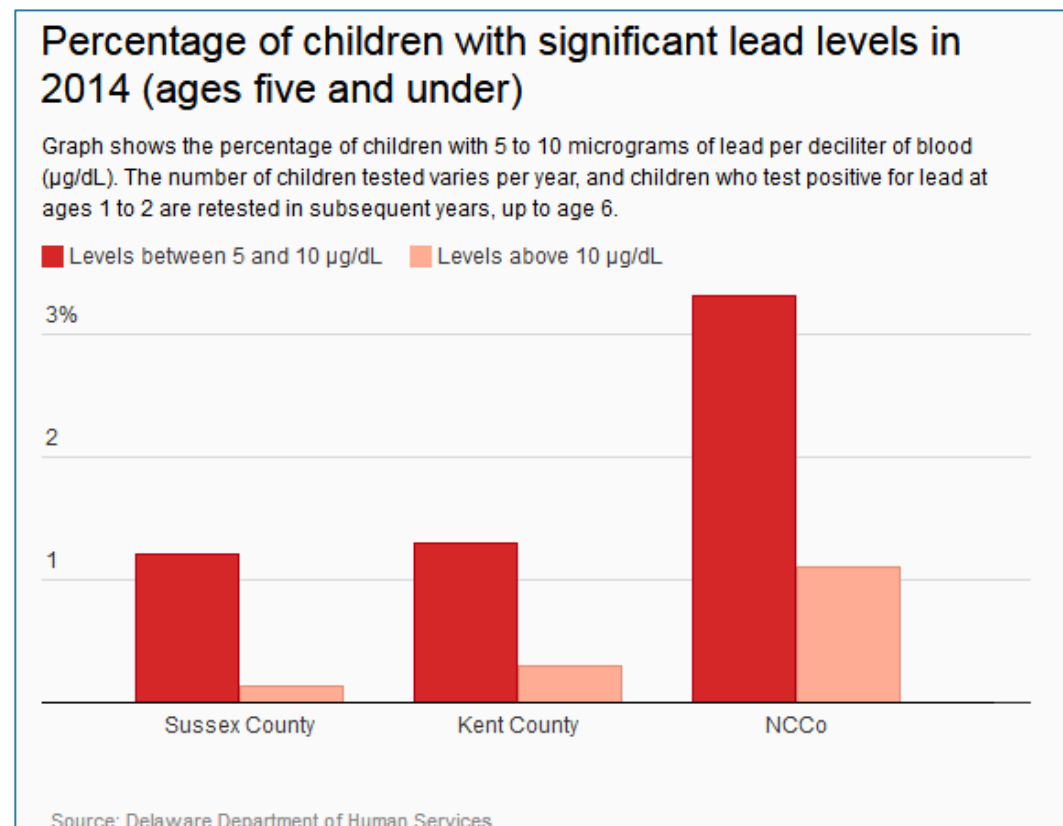
Beyond the HUD-provided data, provide additional relevant information, if any, about disproportionate housing needs affecting groups with other protected characteristics.

Table B-37: Median Year Built

	Median Year
Delaware	1983
Philadelphia Region	1963
New Castle County	1973
Kent County	1991
Sussex County	1993
Wilmington	1947
Newark	1976
Dover	1983

In addition to HUD-provided data, information about the age of the housing stock may reflect housing condition issues, such as lead paint exposure, that are suggestive of disproportionate housing needs. Housing stock in Wilmington is more than half a century old, in stark contrast to Newark and New Castle County, both in the '70s. Even the Philadelphia region averages in the '60s. Dover and the state both average in the '80s, and Sussex and Kent County have very new housing stocks, built in the early '90s. The areas with the newest housing stock also have the least diverse populations. Wilmington, which is 57 percent Black, has the oldest housing stock and thus the highest likelihood of lead paint exposure. On the other hand, Dover, has the next-highest Black population (41 percent), and contains much newer housing stock than Wilmington. The potential for lead paint exposure having a disproportionate impact on African American residents seems to be a problem that is specific to Wilmington.

Delaware recently became the first state to ban the use of lead paint on the exteriors of buildings.⁷⁶ Lead paint on building exteriors presents a special hazard because the exterior surfaces are subject to wind and weather erosion, which can cause the lead toxins to spread into air or water. Nevertheless, removing lead paint from structures, whether interior or exterior, is very costly, averaging about \$10,000 per house. Child lead testing has found a much more significant presence in New Castle County (in particular Wilmington) than the other counties.⁷⁷



⁷⁶ <http://udreview.com/first-state-is-the-first-to-ban-lead-paint-outdoors/>

⁷⁷ <https://www.delawareonline.com/story/news/2016/08/16/lead-paint-removal-slow-expensive-process-delaware/88531498/>

An estimated 70,000 homes in Delaware could have lead paint in them.⁷⁸ In the past, the state and its counties have received grants to address lead abatement, but most of that funding has not been renewed.⁷⁹ Asbestos abatement is also a concern in old homes. The state does not provide direct abatement services, but does regulate the process and provides information and links to companies and organizations that provide such services.⁸⁰

The program participant may also describe other information relevant to its assessment of disproportionate housing needs. For PHAs, such information may include a PHA's overriding housing needs analysis.

Homelessness

The experience of homelessness is not reflected in HUD-provided data. However, comparing the Homelessness Point in Time Count data to other states, Delaware has one of the lowest rates in the country. The 2018 Point in Time estimated 1,082 people experiencing homelessness on any given day.⁸¹ This makes up just 0.1 percent of the population. Of those people, 70 were veterans, 53 were unaccompanied young adults (aged 18-24), 189 were individuals experiencing chronic homelessness, and 125 were family households.⁸² Data from the U.S. Department of Education (2016-2017 school year) indicates that approximately 322 public school students experience homelessness during the course of the year. Of those students, 15 were unsheltered, 202 were in shelters, 561 were in hotels/motels, and 2,449 were doubled up.⁸³ The 2017 numbers are very comparable, with an estimated 994 people experiencing homelessness on any given day, 129 family households, 91 veterans, 45 unaccompanied young adults, and 127 chronically homeless individuals.⁸⁴ In 2016, Governor Markell announced that Delaware had effectively ended veteran homelessness.⁸⁵ This announcement came upon receipt of a certification from the U.S. Interagency Council on Homelessness, HUD, and the U.S. Department of Veterans Affairs. The announcement also followed Delaware's commitment to end veteran homelessness made in January of 2015. Between that commitment and this announcement, Delaware had housed 414 formerly homeless veterans. Even with these gains, stakeholder engagement indicated that homelessness is still a problem in Delaware. For example, a local church project to build tiny homes for the homeless has faced significant opposition in Dover.⁸⁶

⁷⁸ *Id.*

⁷⁹ <https://www.doverpost.com/news/20160706/lead-concerns-prompt-federally-funded-abatement-programs-in-kent-sussex-counties>

⁸⁰ <https://dnrec.alpha.delaware.gov/air/asbestos/>

⁸¹ <https://www.usich.gov/homelessness-statistics/de>

⁸² *Id.*

⁸³ *Id.*

⁸⁴ <http://dev2.usich.gov/homelessness-statistics/de>

⁸⁵ <https://news.delaware.gov/2016/11/11/delaware-effectively-ends-veteran-homelessness/>

⁸⁶ <https://www.delawareonline.com/story/news/2018/07/24/grant-breathes-new-life-into-stalled-dover-tiny-house-village-plan/767239002/>

III. Fair Housing Analysis continued

C. Publicly Supported Housing

The Publicly Supported Housing (PSH) section evaluates federally subsidized housing across Delaware and each jurisdiction. This analysis is based on HUD-provided data and questions from the Assessment of Fair Housing Template, Section C. Administration of PSH is divided among several entities: the Delaware State Housing Authority (DSHA); Wilmington Housing Authority; New Castle County Housing Authority; Newark Housing Authority; and Dover Housing Authority. DSHA acts as the public housing administrator for Kent and Sussex Counties. Each of these entities has limited jurisdiction, such that Housing Choice Vouchers (HCV) holders must “port” (in keeping with HUD’s regulation providing for portability) among PHAs. Notably, DSHA is a Moving to Work (MTW) PHA, providing it with additional regulatory and financial flexibility, as set forth in its HUD-approved MTW Plan. DSHA also serves as the state Housing Finance Agency, administering the State’s Low-Income Housing Tax Credit (LIHTC) program.

Publicly Supported Housing Demographics

Are certain racial/ethnic groups more likely to be residing in one program category of publicly supported housing than other program categories (public housing, project-based Section 8, Other Multifamily Assisted developments, and HCVs in the jurisdiction?

Compare the racial/ethnic demographics of each program category of publicly supported housing for the jurisdiction to the demographics of the same program category in the region.

Affordable housing makes up a very small percentage of the overall housing stock in Delaware, and Black residents make up significant proportions of Public Housing and Project-based Section 8 residents and HCV users. White residents predominate in Other Multifamily⁸⁷ housing. Public Housing is concentrated in segregated areas, while other types of publicly supported housing follow different patterns. Overall, it is clear that the amount of affordable housing falls far short of the amount needed to serve low-income residents, and where such affordable housing does exist, it is often concentrated in segregated areas, perpetuating patterns of poverty and lack of access to opportunity.

State of Delaware

Small percentages (Table C-1) of Delaware’s 405,885 total housing units are devoted to any type of PSH. Less than 1 percent of all housing units are either public housing (0.6 percent) or Other Multifamily (0.2 percent), whereas Project-based Section 8 (1.2 percent) and Housing Choice Vouchers (1.3 percent) make up 2.5 percent.

Table C-1: Publicly Supported Housing Units by Program Category

⁸⁷ “Other Multifamily” is a HUD term that does not include LIHTC and Rural Development (RD) sites, despite its catchall name. It does include other HUD-subsidized programs such as senior-restricted Section 202. LIHTC is analyzed later in this section.

State of Delaware		
Housing Units	#	%
Total Housing Units	405,885	-
Public Housing	2,413	0.6
Project-based Section 8	4,649	1.2
Other Multifamily	700	0.2
Housing Choice Vouchers	5,150	1.3
Total PSH Units	12,912	3.2
<i>Note 1: Data Sources: Decennial 2010 Census; APSH; Note 2: Refer to the Data Documentation for details (https://www.hudexchange.info/resource/4848/affh-data-documentation/); 3. Includes vacant units and second homes; 4: Delaware totals include New Castle County, Kent County, Sussex County and City of Wilmington. (Tables C2-C5).</i>		

Table C-8 shows how the types of PSH are distributed by race and ethnicity. Non-Hispanic Black residents comprise over 84 percent of public housing units, with non-Hispanic White residents making up 11 percent. HCVs are similarly racially concentrated, 79.9 percent of units have non-Hispanic Black residents, with non-Hispanic White residents accounting for 13.7 percent. Non-Hispanic Black residents also make up a majority of Project-based Section 8 units, but with a substantially lower share of 55.6 percent. Non-Hispanic White residents comprise 35 percent of Project-based Section 8 units and 61 percent of Other Multifamily units. Hispanics and Asian American/Pacific Islanders make up smaller shares, across all four categories.

Philadelphia Region⁸⁸

Only public housing is characterized by racial disparities at the region level (see Table C-9). Non-Hispanic Black residents account for over 80 percent of public housing units, with non-Hispanic White residents (10.6 percent), Hispanics (8 percent) and non-Hispanic Asian American/Pacific Islanders (0.6 percent) making up the remainder. By contrast, both Project-based Section 8 units and Other Multifamily units are much more evenly distributed across racial and ethnic groups.

New Castle County

Table C-2 indicates that each type of PSH comprise less than 1 percent of the county's total housing units and combined comprise 2.1 percent. HCV holders make up the largest share, at 1.1 percent, while only 0.1 percent are public housing. Table C-10 shows the breakdown by race and ethnicity. Both public housing and HCVs exhibit uneven racial distributions. Over 76 percent of HCV units are non-Hispanic Black, with small shares of non-Hispanic White (13.1 percent) and Hispanic residents (10.3 percent). Non-Hispanic Black residents also account for a majority of public housing units, albeit a lower share of units (28 percent). Project-based Section 8 units are more evenly distributed, with non-Hispanic White residents comprising the largest share (46.6 percent) and non-Hispanic Black residents with 42.3 percent. Once again, non-Hispanic White

⁸⁸ The Philadelphia-Camden-Wilmington MSA serves as the "Region" for the Delaware, Wilmington and Newark jurisdictions.

residents are the largest share of Other Multifamily units (63.9 percent), with both non-Hispanic Black residents and Hispanics accounting for just less than 20 percent.

Table C-2: Publicly Supported Housing Units by Program Category

New Castle County		
Housing Units	#	%
Total Housing Units	184,678	-
Public Housing	98	0.1
Project-based Section 8	1,601	0.8
Other Multifamily	188	0.1
Housing Choice Vouchers	1,998	1.1
Total PSH Units	3,885	2.1
<i>Note 1: Data Sources: Decennial 2010 Census; APSH; Note 2: Refer to the Data Documentation for details (https://www.hudexchange.info/resource/4848/affh-data-documentation/); 3. Includes vacant units and second homes; 4: Total excludes City of Wilmington</i>		

Kent County⁸⁹

Of the 65,338 total housing units in Kent County, only about 1 percent are PSH (Table C-3). Non-Hispanic Black residents make up the largest shares of units of in public housing, Project-based Section 8, and HCVs (Table C-11). Public housing is the most racially concentrated, with Black residents accounting for 77.3 percent of units and non-Hispanic White residents making up 18.4 percent. HCVs are about 70 percent non-Hispanic Black and non-Hispanic White residents are 26.4 percent. Project-based Section 8 units are more evenly distributed, even though Black residents still comprise the largest share of units with 59 percent. Non-Hispanic White residents make up the largest share of Other Multifamily units (61.3 percent), and non-Hispanic Black residents comprise most of the remainder at 29.7 percent. The racial demographics of Project-based Section 8 and Other Multifamily units closely resemble those for the state.

Table C-3: Publicly Supported Housing Units by Program Category

Kent County		
Housing Units	#	%
Total Housing Units	65,338	
Public Housing	642	1.0
Project-based Section 8	632	1.0
Other Multifamily	237	0.4
Housing Choice Vouchers	821	1.3
Total PSH Units	2,332	3.6
<i>Note 1: Data Sources: Decennial 2010 Census; APSH; Note 2: Refer to the Data Documentation for details (https://www.hudexchange.info/resource/4848/affh-data-documentation/); 3. Includes vacant units and second homes; 4. Includes City of Dover.</i>		

⁸⁹ Kent County serves as the "Region" for the Dover jurisdiction.

Sussex County

Table C-4: Publicly Supported Housing Units by Program Category

Sussex County		
Housing Units	#	%
Total Housing Units	123,036	
Public Housing	155	0.1
Project-based Section 8	776	0.6
Other Multifamily	133	0.1
Housing Choice Vouchers	285	0.2
Total PSH Units	1,349	1.1
<i>Note 1: Data Sources: Decennial 2010 Census; APSH; Note 2: Refer to the Data Documentation for details (https://www.hudexchange.info/resource/4848/affh-data-documentation/); 3. Includes vacant units and second homes.</i>		

Table C-4 again portrays the small number in any category of PSH and combined account for only 1.1 percent of Sussex County 123,036 housing units. Project-based Section 8 has the largest share at 0.6 percent. Non-Hispanic Black residents make up the largest share of public housing units at 73.4 percent (Table C-12). Non-Hispanic White residents comprise just under 27 percent. These shares are somewhat less concentrated than at the state level. Project-based Section 8 units follow a similar pattern, with about 70 percent non-Hispanic Black and 26 percent non-Hispanic White, which are more racially concentrated than for Delaware as a whole. Other Multifamily units are more concentrated among non-Hispanic White residents in Sussex than at the state comprising 79 percent of units, and only about 18 percent by Black residents. Housing Choice Vouchers follow a unique pattern in Sussex County. Non-Hispanic White residents make up a majority of HCV units (56.4 percent), followed by non-Hispanic Black residents (41.6 percent).

City of Wilmington

Table C-5: Publicly Supported Housing Units by Program Category

City of Wilmington		
Housing Units	#	%
Total Housing Units	32,820	-
Public Housing	1,518	4.6
Project-based Section 8	1,640	5.0
Other Multifamily	142	0.4
Housing Choice Vouchers	1,950	5.9
Total PSH Units	5,250	16.0
<i>Note 1: Data Sources: Decennial 2010 Census; APSH; Note 2: Refer to the Data Documentation for details (https://www.hudexchange.info/resource/4848/affh-data-documentation/); 3. Includes vacant units and second homes.</i>		

Table C-5 shows that PSH units make up more of Wilmington's 32,820 total housing units, at 16 percent, than the other jurisdictions. HCVs comprise 5.9 percent, while Project-based Section 8 and public housing account for 5 percent and 4.6 percent respectively. The racial/ethnic

demographics of PSH is racially disparate. Non-Hispanic Black residents are a majority in each PSH category (Table C-13). Over 93 percent of HCV units are non-Hispanic Black, the highest percentage of all jurisdiction. Similarly, almost 90 percent of public housing units are non-Hispanic Black residents, which is about 10 percentage points higher than the Philadelphia region. Project-based Section 8 units are also more concentrated among non-Hispanic Black residents in Wilmington than the Philadelphia region: just under 61 percent are Black, about 16 points higher than the region. Other Multifamily units follow a similar trend with 58 percent headed by non-Hispanic Black residents, 14 points higher than the metro area.

City Newark

Table C-6: Publicly Supported Housing Units by Program Category

City of Newark		
Housing Units	#	%
Total Housing Units	10,366	
Public Housing	98	1.0
Project-based Section 8	218	2.1
Other Multifamily	29	0.3
Housing Choice Vouchers	154	1.5
Total PSH Units	499	4.8
<i>Note 1: Data Sources: Decennial 2010 Census; APSH; Note 2: Refer to the Data Documentation for details (https://www.hudexchange.info/resource/4848/affh-data-documentation/); 3. Includes vacant units and second homes.</i>		

Each type of PSH accounts for under 1.5 percent of Newark's 10,366 total housing units (Table C-6). Project-based Section 8 contains the largest share, at 2.1 percent. Both Project-based Section 8 and Other Multifamily units are highly concentrated among non-Hispanic White residents, at 71.5 percent and 92 percent respectively (Table C-14). These shares are each much higher for White residents than the Philadelphia region. By contrast, non-Hispanic Black residents comprise the largest share of public housing (65.6 percent) and HCV (62.3 percent) units.

City of Dover

Table C-7: Publicly Supported Housing Units by Program Category

City of Dover		
Housing Units	#	%
Total Housing Units	15,020	-
Public Housing	397	2.6
Project-based Section 8	375	2.5
Other Multifamily	220	1.5
Housing Choice Vouchers	368	2.5
Total PSH Units	1,369	9.1
<i>Note 1: Data Sources: Decennial 2010 Census; APSH; Note 2: Refer to the Data Documentation for details (https://www.hudexchange.info/resource/4848/affh-data-documentation/); 3. Includes vacant units and second homes.</i>		

Table C-7 indicates that each category of PSH accounts for between 1.5 percent and 2.5 percent of Dover’s 15,020 total housing units, comprising 9.1 percent altogether. Further, Table C-15 shows that non-Hispanic Black residents make up the largest share of public housing (82.5 percent), Project-based Section 8 (56.9 percent), and HCVs (75.3 percent). By contrast, non-Hispanic White residents make up the largest share of Other Multifamily housing, at 61.3 percent. Dover’s racial/ethnic demographics of PSH are reasonably close to those of Kent County as a whole.

Compare the demographics, in terms of protected class, of residents of each program category of publicly supported housing (public housing, project-based Section 8, Other Multifamily Assisted developments, and HCV) to the population in general, and persons who meet the income eligibility requirements for the relevant program category of publicly supported housing in the jurisdiction and region. Include in the comparison, a description of whether there is a higher or lower proportion of groups based on protected class.

Delaware

Table C-8: Publicly Supported Households by Race/Ethnicity

	State of Delaware							
	White, Non-Hispanic		Black, Non-Hispanic		Hispanic		Asian/Pacific Islander	
Housing Type	#	%	#	%	#	%	#	%
Public Housing	235	10.7	1,848	84.2	103	4.7	5	0.2
Project-based Section 8	1,535	34.9	2,445	55.6	347	7.9	67	1.5
Other Multifamily	337	60.6	170	30.6	39	7.0	8	1.4
Housing Choice Vouchers	627	13.7	3,645	79.9	279	6.1	4	0.1
Total Households	237,395	70.7	64,490	19.2	18,775	5.6	9,580	2.9
0-30% of AMI	18,515	52.8	11,500	32.8	3,330	9.5	774	2.2
0-50% of AMI	32,670	46.2	20,775	29.4	6,330	9.0	1,608	2.3
0-80% of AMI	67,070	54.5	32,385	26.3	10,815	8.8	2,502	2.0
Note 1: Sources: Decennial Census; APSH; CHAS; Note 2: Numbers are for households not individuals; Note 3: Refer to Data Documentation for details (https://www.hudexchange.info/resource/4848/affh-data-documentation/).								

While non-Hispanic White residents make up a large share of Delaware’s total households (70.7 percent), they make up much smaller shares of each PSH category, accounting for between 10.7 percent of public housing and 60.6 percent of Other Multifamily units (Table C-8). By contrast, non-Hispanic Black residents are consistently over-represented in each type of PSH relative to total households. For instance, while Black residents comprise only 19.2 percent of households statewide, they account for 30.6 percent of Other Multifamily units, 56 percent of Project-based Section 8, about 80 percent of HCVs, and over 84 percent of public housing units. Hispanics make

up 5.6 percent of total households, and comprise a similar portion of each type of PSH. Asian American and Pacific Islanders comprise low shares of both total households and PSH. Furthermore, non-Hispanic White residents encompass slightly less than 55 percent of households *eligible* for some form of PSH, defined as households that fall within 0-80 percent of AMI. However, they are underrepresented in public housing, Project-based Section 8 and HCVs and over-represented in Other Multifamily units. Non-Hispanic Black residents are over-represented in all forms of PSH, relative to income-eligible Black households. Roughly 27 percent of Black households are eligible for PSH, whereas between 31 percent (Other Multifamily) and 84 percent (public housing) actually live in PSH. Hispanics and Asian American/Pacific Islanders are underrepresented relative to eligible households.

Philadelphia Region

Table C-9: Publicly Supported Households by Race/Ethnicity

	Philadelphia Region							
	White, Non-Hispanic		Black, Non-Hispanic		Hispanic		Asian/Pacific Islander	
Housing Type	#	%	#	%	#	%	#	%
Public Housing	2,058	10.6	15,672	80.8	1,551	8.0	115	0.6
Project-based Section 8	8,260	37.0	10,046	44.9	2,587	11.6	1,401	6.3
Other Multifamily	1,779	43.6	1,793	44.0	307	7.5	190	4.7
Housing Choice Vouchers	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total Households	1,530,895	68.8	439,883	19.8	132,557	6.0	93,070	4.2
0-30% of AMI	136,400	44.4	114,713	37.4	36,709	12.0	13,690	4.5
0-50% of AMI	216,425	39.5	183,498	33.5	58,193	10.6	22,574	4.1
0-80% of AMI	431,360	48.4	268,783	30.1	83,498	9.4	34,648	3.9
Note 1: Sources: Decennial Census; APSH; CHAS; Note 2: Numbers are for households not individuals; Note 3: Refer to Data Documentation for details (https://www.hudexchange.info/resource/4848/affh-data-documentation/).								

Non-Hispanic White residents are underrepresented in all types of PSH relative to their share of total households and income eligible households (Table C-9). Non-Hispanic Black residents comprise about 20 percent of total households and 30 percent of income eligible households. Black residents are therefore overrepresented in PSH, with 40 percent in Other Multifamily and 81 percent in public housing. With 6 percent of total households, Hispanics are overrepresented in three types of PSH. Asian American/Pacific Islanders are fairly represented in Project-based Section 8 versus their share in both total and PSH-eligible households.

New Castle County

Table C-10: Publicly Supported Households by Race/Ethnicity

	New Castle County							
	White, Non-Hispanic		Black, Non-Hispanic		Hispanic		Asian/Pacific Islander	
Housing Type	#	%	#	%	#	%	#	%
Public Housing	26	28.0	61	65.6	6	6.5	0	0.0
Project-based Section 8	710	46.6	644	42.3	139	9.1	31	2.0
Other Multifamily	78	63.9	21	17.2	23	189	0	0.0
Housing Choice Vouchers	243	13.2	1,408	76.2	190	10.3	3	0.2
Total Households	122,179	70.9	30,029	17.4	9,986	5.8	7,606	4.4
0-30% of AMI	9,086	59.2	3,449	22.5	1,772	11.6	557	3.6
0-50% of AMI	15,929	50.2	7,099	22.4	3,317	10.5	1,124	3.5
0-80% of AMI	33,363	57.7	12,590	21.8	5,639	9.8	1,674	2.9
<i>Note 1: Sources: Decennial Census; APSH; CHAS; Note 2: Numbers are for households not individuals; Note 3: Refer to Data Documentation for details (https://www.hudexchange.info/resource/4848/affh-data-documentation/).</i>								

Table C-10 shows that non-Hispanic White residents make up a large share of New Castle County's total households (70.9 percent), but a much smaller share of three types of PSH: HCVs (13.2 percent), public housing (28.0 percent) and Project-based Section 8 (46.6 percent). White residents account for a similar share of Other Multifamily housing (63.9 percent). White residents are also underrepresented in these same three types of PSH relative to their share of PSH-eligible households. By contrast, non-Hispanic Black residents make up small shares of both total households (17.4 percent) and PSH-eligible households (21.8 percent), but much larger shares of public housing (65.6 percent), HCVs (76.2 percent) and Project-based Section 8 (42.3 percent). Hispanics are overrepresented in all four types of PSH relative to their share of total households (5.8 percent) and are overrepresented in Other Multifamily and HCVs relative to PSH-eligible units. Asian American or Pacific Islanders are underrepresented in PSH relative to both total households and eligible units.

Kent County

Table C-11: Publicly Supported Households by Race/Ethnicity

	Kent County							
	White, Non-Hispanic		Black, Non-Hispanic		Hispanic		Asian/Pacific Islander	
Housing Type	#	%	#	%	#	%	#	%
Public Housing	106	18.4	446	77.3	22	3.8	3	0.5
Project-based Section 8	227	37.5	356	58.8	22	3.6	1	0.2
Other Multifamily	130	61.3	63	29.7	12	5.7	7	3.3
Housing Choice Vouchers	177	26.4	468	69.8	22	3.3	0	0.0
Total Households	41,220	70.4	12,324	21.1	2,666	4.6	1,126	1.9
0-30% of AMI	3,285	55.3	1,978	33.3	297	5.0	114	1.9
0-50% of AMI	7,070	60.3	3,351	28.6	567	4.8	302	2.6
0-80% of AMI	12,735	62.2	5,191	25.3	1,422	6.9	536	2.6
<i>Note 1: Sources: Decennial Census; APSH; CHAS; Note 2: Numbers are for households not individuals; Note 3: Refer to the Data Documentation (https://www.hudexchange.info/resource/4848/affh-data-documentation/).</i>								

Non-Hispanic White residents account for over 70 percent of total households and over 62 percent of PSH eligible units in Kent County (Table C-11), but much lower shares of public housing (18.4 percent), HCVs (26.4 percent), and Project-based Section 8 (37.5 percent). While their share is higher (61.3 percent), White residents are also underrepresented in Other Multifamily relative to total households. Non-Hispanic Black residents make up much lower shares of both total households (21.1 percent) and PSH eligible households (25.3 percent), but considerably higher shares of public housing (77.3 percent), Project-based Section 8 (58.8 percent), and HCVs (69.8 percent). The racial/ethnic demographics of PSH for Hispanics more closely mirrors Hispanic demographics in total and eligible housing. Asian American/Pacific Islanders make up small shares of total and eligible housing units, and are generally underrepresented in PSH.

Sussex County

Table C-12: Publicly Supported Households by Race/Ethnicity

	Sussex County							
	White, Non-Hispanic		Black, Non-Hispanic		Hispanic		Asian/Pacific Islander	
Housing Type	#	%	#	%	#	%	#	%
Public Housing	38	26.6	105	73.4	0	0.0	0	0.0
Project-based Section 8	185	26.0	496	69.6	27	3.8	2	0.3
Other Multifamily	84	79.3	19	17.9	2	1.9	0	0.0
Housing Choice Vouchers	141	56.4	104	41.6	3	1.2	1	0.4
Total Households	63,476	83.1	7,631	10.0	3,602	4.7	591	0.8
0-30% of AMI	4,756	67.8	1,453	20.7	668	9.5	59	0.8
0-50% of AMI	11,182	71.3	2,695	17.2	1,325	8.5	131	0.8
0-80% of AMI	21,029	74.5	4,273	15.1	2,053	7.3	228	0.8
Note 1: Data Sources: Decennial Census; APSH; CHAS; Note 2: Numbers are for households not individuals; Note 3: Refer to Data Documentation for details (https://www.hudexchange.info/resource/4848/affh-data-documentation/).								

Table C-12 shows non-Hispanic White residents are a large majority of both total households (83.1 percent) and PSH eligible households (74.5 percent). They comprise small shares of public housing (26.6 percent) and Project-based Section 8 (26 percent). They are similarly underrepresented in HCVs, but higher at 56.4 percent. The share of White residents in Other Multifamily (79.3 percent) is comparable to their share of total housing units. Non-Hispanic Black residents are overrepresented in each category of PSH relative to total households, but especially in public housing, Project-based Section 8 and HCVs. Hispanics are underrepresented in all types of PSH as compared to their share in total households and eligible households.

City of Wilmington

Table C-13: Publicly Supported Households by Race/Ethnicity

	City of Wilmington							
	White, Non-Hispanic		Black, Non-Hispanic		Hispanic		Asian/Pacific Islander	
Housing Type	#	%	#	%	#	%	#	%
Public Housing	65	4.7	1,236	89.5	75	5.4	2	0.1
Project-based Section 8	413	26.5	949	61.0	159	10.2	33	2.1
Other Multifamily	45	38.8	67	57.8	2	1.7	1	0.9
Housing Choice Vouchers	52	3.0	1,615	93.3	62	3.8	0	0.0
Total Households	10,684	37.6	14,515	51.0	2,535	8.9	278	1.0
0-30% of AMI	1,384	20.4	4,605	67.9	600	8.8	44	0.7
0-50% of AMI	2,369	20.3	7,610	65.4	1,120	9.6	64	0.6
0-80% of AMI	3,859	23.3	10,350	62.5	1,705	10.3	64	0.4
Note 1: Sources: Decennial Census; APSH; CHAS; Note 2: Numbers are for households not individuals; Note 3: Refer to Data Documentation for details (https://www.hudexchange.info/resource/4848/affh-data-documentation/).								

Non-Hispanic Black residents make up a majority (51 percent) of all households in Wilmington (Table C-13). Black residents make up larger shares of each PSH, but are especially over-concentrated in public housing (89.5 percent) and HCVs (93.3 percent). Similarly, Black residents are overrepresented in these same PSH categories relative to their share in PSH-eligible households (62.5 percent). Non-Hispanic White residents are 37.6 percent of total households and 23.3 percent of eligible households. While White residents are appropriately represented in Project-based Section 8 and Other Multifamily units, they comprise small shares of both public housing (4.7 percent) and HCVs (3.0 percent). Hispanics are underrepresented in all forms of PSH except Project-based Section 8.

City of Newark

Table C-14: Publicly Supported Households by Race/Ethnicity

	City of Newark							
	White, Non-Hispanic		Black, Non-Hispanic		Hispanic		Asian/Pacific Islander	
Housing Type	#	%	#	%	#	%	#	%
Public Housing	26	28.0	61	65.6	6	6.5	0	0.0
Project-based Section 8	143	71.5	32	16.0	20	10.0	5	2.5
Other Multifamily	23	92.0	2	8.0	0	0.0	0	0.0
Housing Choice Vouchers	17	32.1	33	62.3	3	5.7	0	0.0
Total Households	7,810	79.2	875	8.9	365	3.7	659	6.7
0-30% of AMI	1,425	71.3	230	11.5	80	4.0	225	11.3
0-50% of AMI	2,235	72.6	380	12.3	105	3.4	305	9.9
0-80% of AMI	3,285	72.8	525	11.6	235	5.2	389	8.6
Note 1: Sources: Decennial Census; APSH; CHAS; Note 2: Numbers are for households not individuals; Note 3: Refer to Data Documentation for details (https://www.hudexchange.info/resource/4848/affh-data-documentation/).								

Non-Hispanic White residents are a considerable majority of total households and PSH-eligible units in the Newark jurisdiction (Table C-14). White shares in Project-based Section 8 (71.5 percent) and Other Multifamily (92 percent) are relatively similar. However, White residents are underrepresented in public housing (28 percent) and HCV (32.1 percent) when compared to total or eligible Black households. By contrast, non-Hispanic Black residents make up a smaller share of total households (8.9 percent) and PSH-eligible households (11.6 percent) but are over-concentrated in public housing (65.6 percent) and HCVs (62.3 percent). Hispanics make up a small share of Newark's households (3.7 percent) and are slightly overrepresented in Project-based Section 8. Few Asian American/Pacific Islanders are present in any of the types of PSH.

City of Dover

Table C-15: Publicly Supported Households by Race/Ethnicity

	City of Dover							
	White, Non-Hispanic		Black, Non-Hispanic		Hispanic		Asian/Pacific Islander	
Housing Type	#	%	#	%	#	%	#	%
Public Housing	49	13.8	292	82.5	12	3.4	1	0.3
Project-based Section 8	138	38.7	203	56.9	15	4.2	1	0.3
Other Multifamily	130	61.3	63	29.7	12	5.7	7	3.3
Housing Choice Vouchers	62	21.3	219	75.3	9	3.1	0	0.0
Total Households	6,739	53.3	4,395	34.7	795	6.3	350	2.8
0-30% of AMI	529	31.8	845	50.8	150	9.0	20	1.2
0-50% of AMI	1,114	33.3	1,460	43.7	240	7.2	115	3.4
0-80% of AMI	1,939	37.9	2,080	40.7	465	9.1	190	3.7
Note 1: Sources: Decennial Census; APSH; CHAS; Note 2: Numbers are for households not individuals; Note 3: Refer to Data Documentation for details (https://www.hudexchange.info/resource/4848/affh-data-documentation/).								

Non-Hispanic White residents are a slight majority (53.3 percent) of Dover’s total households (Table C-15). Relative to total households, White residents are under-concentrated in public housing, Project-based Section 8 and HCVs and overrepresented in Other Multifamily. Interestingly, the White share of PSH-eligible units in Dover is quite a bit less, relative to eligible units. As a result, White residents are underrepresented only in public housing and HCVs. Non-Hispanic Black resident account for about 35 percent of total households and 41 percent of PSH-eligible households. Relative to both of these comparison groups, Black residents are over-concentrated in public housing, Project-based Section 8 and HCVs. Hispanics make up 6 percent of total households and 9 percent of eligible units, and are underrepresented in all types of PSH. Asian American/Pacific Islanders have a very low presence in PSH at all.

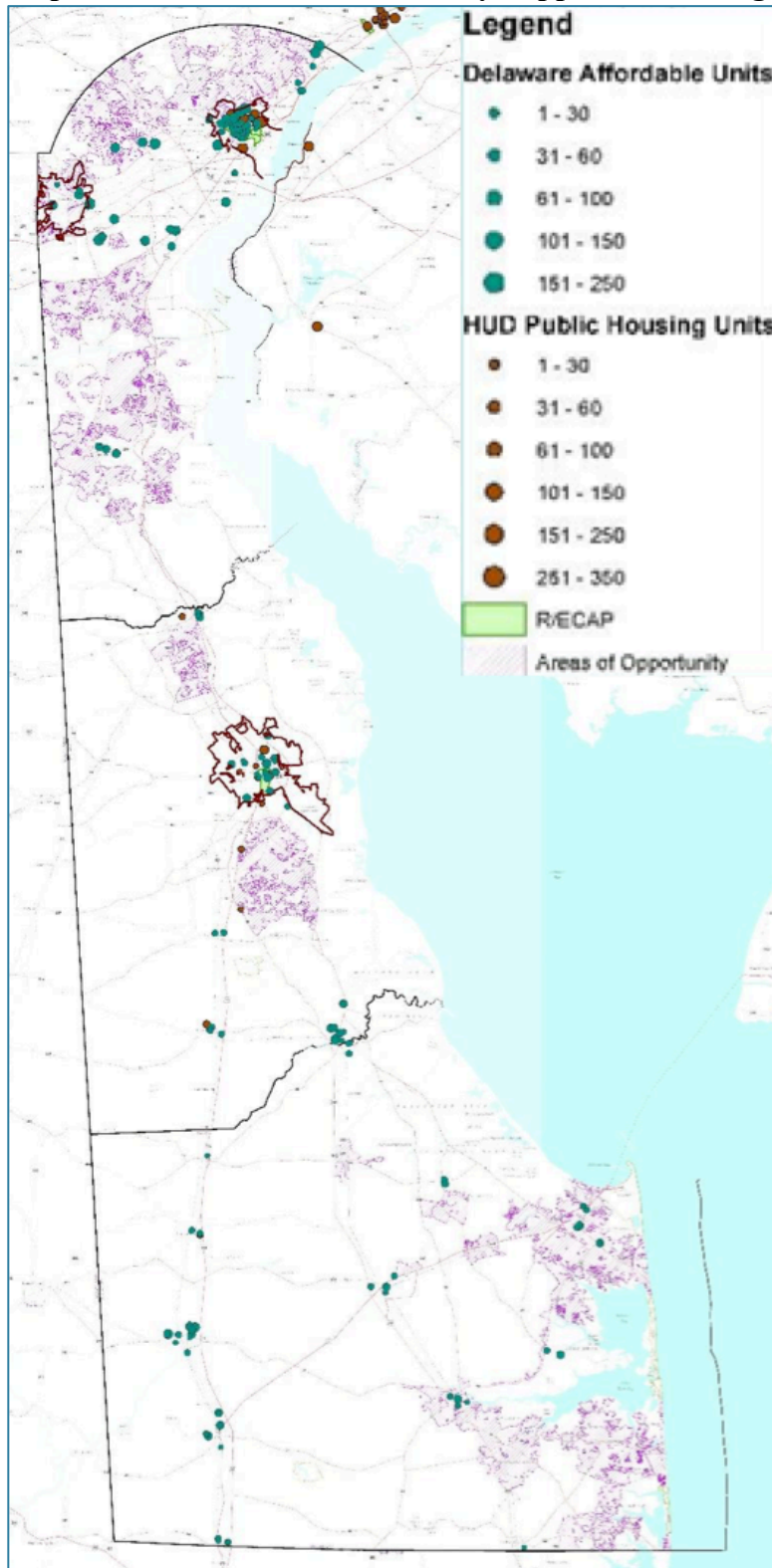
Publicly Supported Housing Location and Occupancy

Describe patterns in the geographic location of publicly supported housing by program category (public housing, project-based Section 8, Other Multifamily Assisted developments, HCV, and LIHTC) in relation to previously discussed segregated areas and R/ECAPs.

State of Delaware

More meaningful patterns can be discerned by looking at smaller geographies. Public housing is frequently concentrated in neighborhoods with higher concentrations of Black residents. However, the other types of publicly supported housing – LIHTC, HCV, Project-based Section 8, and Other Multifamily housing – follow different patterns in different places around the state. On average, these types of PSH are evenly distributed across neighborhoods with both majority Black or White populations, but there are some idiosyncratic patterns for the city of Wilmington.

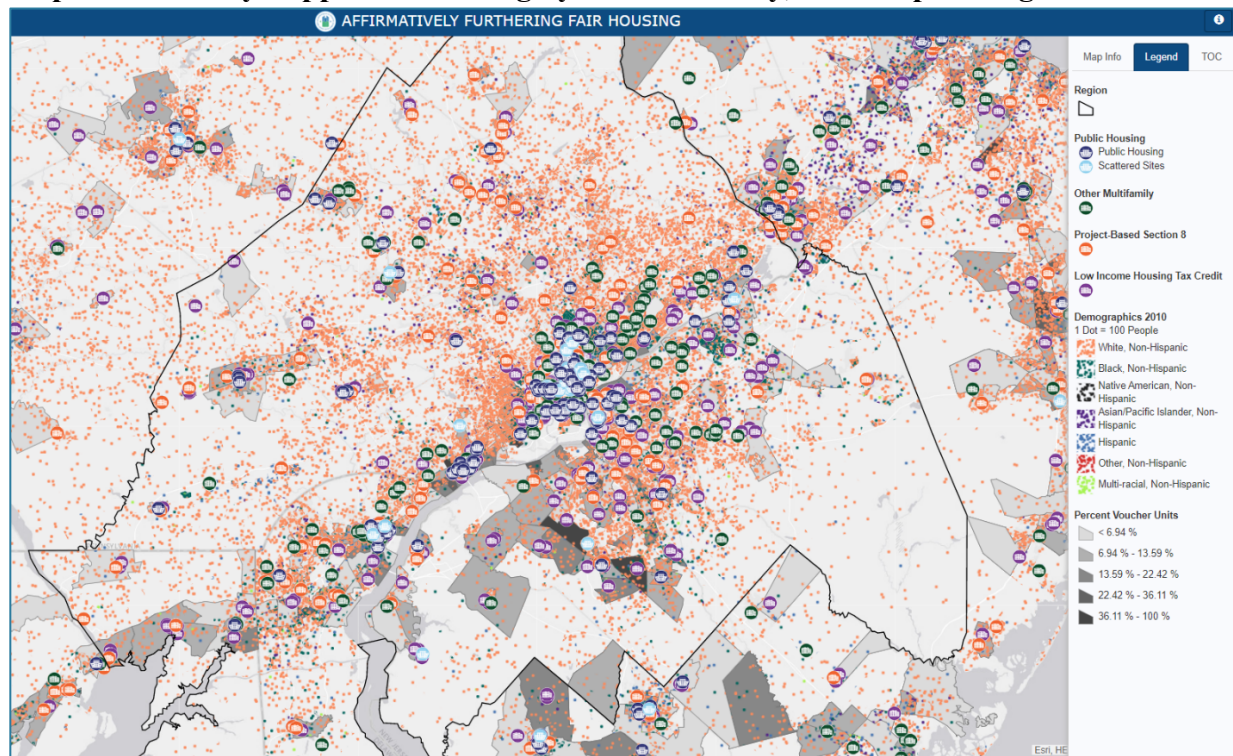
Map C-1: Concentration of Publicly Supported Housing⁹⁰



⁹⁰ Data Source: IMS/PIC; refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

Philadelphia Region

Map C-2: Publicly Supported Housing by Race/Ethnicity, Philadelphia Region⁹¹



New Castle County

Public housing and Other Multifamily developments are concentrated in census tracts that are predominantly White. Project-based Section 8 and LIHTC developments are spread across neighborhoods that are primarily White as well as primarily Black. HCVs are concentrated in several tracts that are mostly Black.

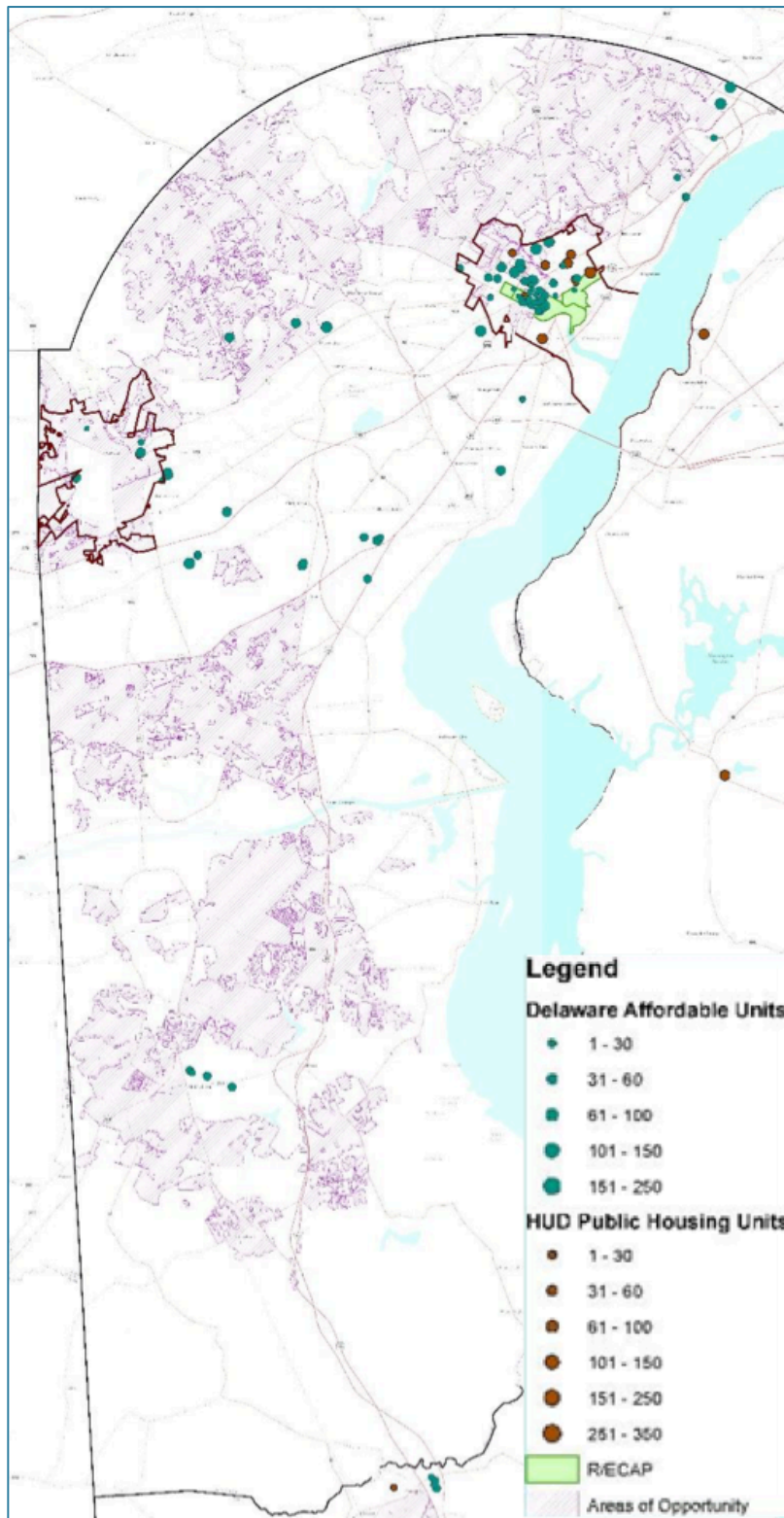
There are also two USDA Section 515 Rural Rental Housing Developments⁹² in New Castle County, both in Middletown. Section 515 loans are made by USDA to private, public, and nonprofit groups to provide rental or cooperative housing for low- and moderate-income families and individuals.⁹³ These two developments comprise 52 total units, 10 of which have Rental Assistance. The developments are in a tract that is 58 percent white and 29 percent black.

⁹¹ Data Source: IMS/PIC; refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

⁹² Data from USDA Rural Development datasets: <https://www.sc.egov.usda.gov/data/MFH.html>

⁹³ See <https://www.nhlp.org/resource-center/usda-rural-housing-programs/>

Map C-3: Concentration of Publicly Supported Housing, New Castle County⁹⁴

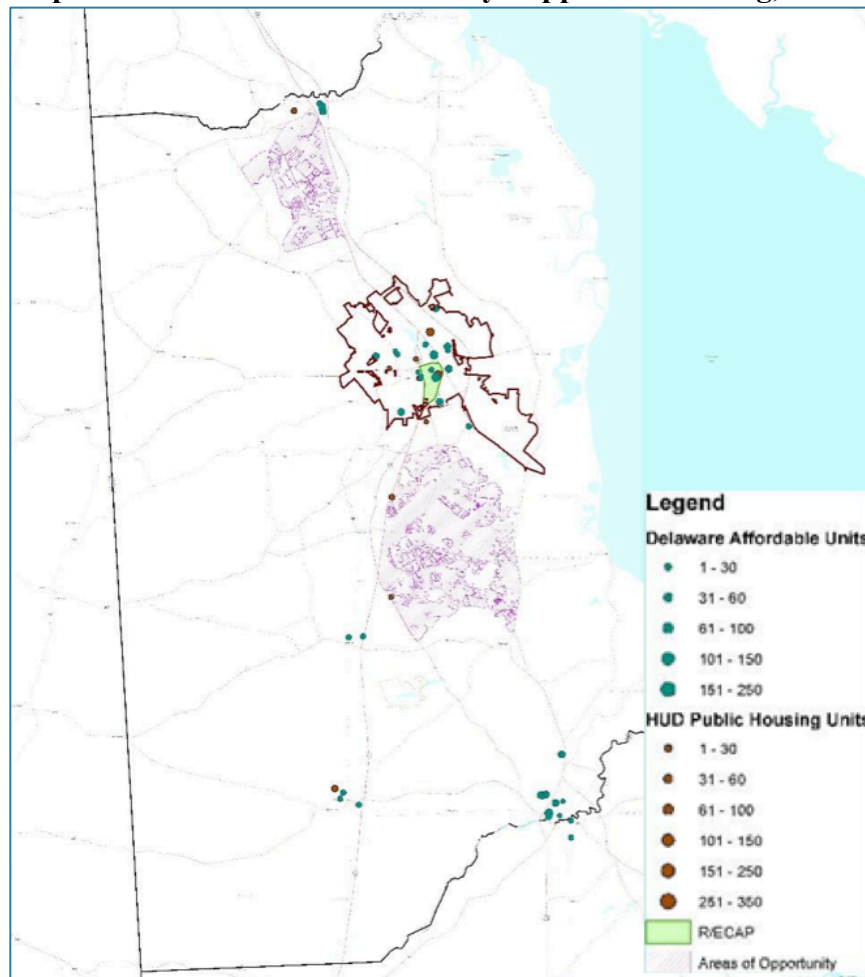


Kent County

Public Housing Project-based Section 8, LIHTC and Other Multifamily developments are located in tracts that are either mostly White or a mix of White and Black residents. HCVs also follow a similar pattern.

Kent County has eight USDA Section 515 Rural Rental Housing developments, located in Smyrna, Felton and Harrington. These developments are comprised of 254 units, 243 of which (96 percent) have Rental Assistance. These developments are located in Census tracts that are 60 to 79 percent White, and 14 to 32 percent Black. These tracts have poverty rates of 9.5 to 14 percent. All but two of the developments are devoted to elderly residents (62 and older).

Map C-4: Concentration of Publicly Supported Housing, Kent County⁹⁵



⁹⁴ Data Source: Inventory Management System/PIH Information Center (IMS/PIC); refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

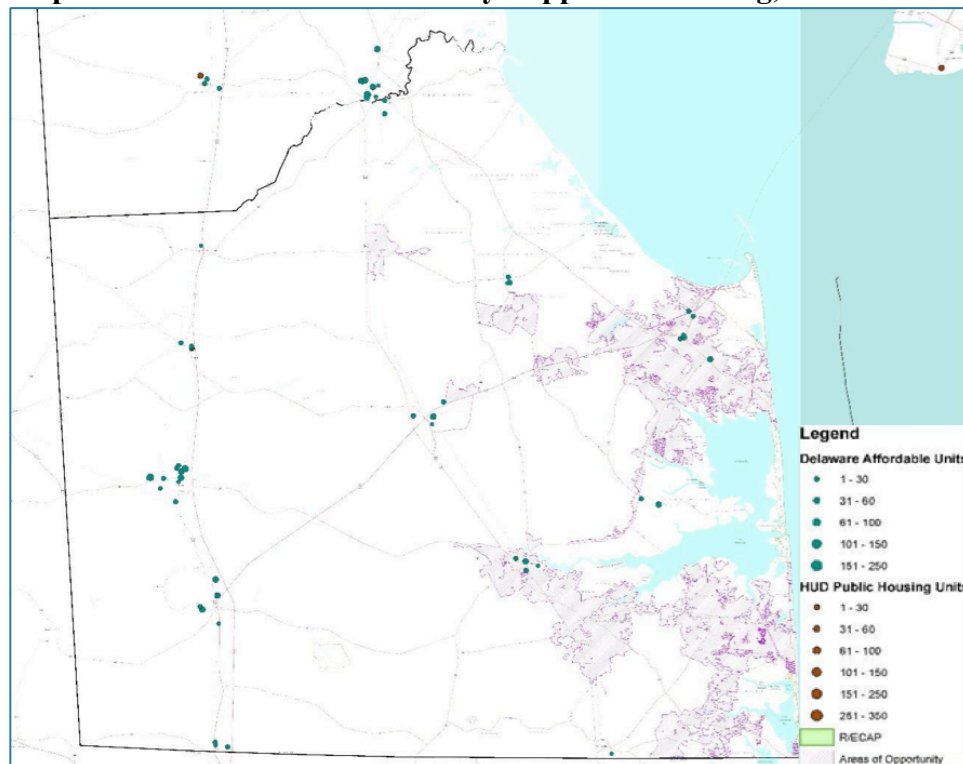
⁹⁵ Data Source: IMS/PIC; refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

Sussex County

Public Housing, Project-based Section 8, LIHTC and Other Multifamily developments are located in tracts that are either mostly White or a mix of White and Black residents. HCVs also follow a similar pattern.

Sussex County has 30 USDA Section 515 Rural Rental Housing developments and one Section 514 Farm Labor Housing development, located in Milford, Greenwood, Bridgeville, Seaford, Blades, Georgetown, Millsboro, Milton, Lewes, Selbyville, Laurel and Delmar. Together, these developments comprise 1,075 units of which 843 (78 percent) have Rental Assistance. Twenty-five of the developments are located in tracts that are greater than 50 percent White, ranging from 56 to 88 percent. These same tracts average about 18 percent Black and 10 percent Hispanic. The other six developments are in tracts that are on average 39 percent White, 26 percent Black and 33 percent Hispanic. Sussex County developments are in tracts with an average poverty rate of 18.5 percent. Nineteen developments are family while the other twelve are for the elderly.

Map C-5: Concentration of Publicly Supported Housing, Sussex County⁹⁶

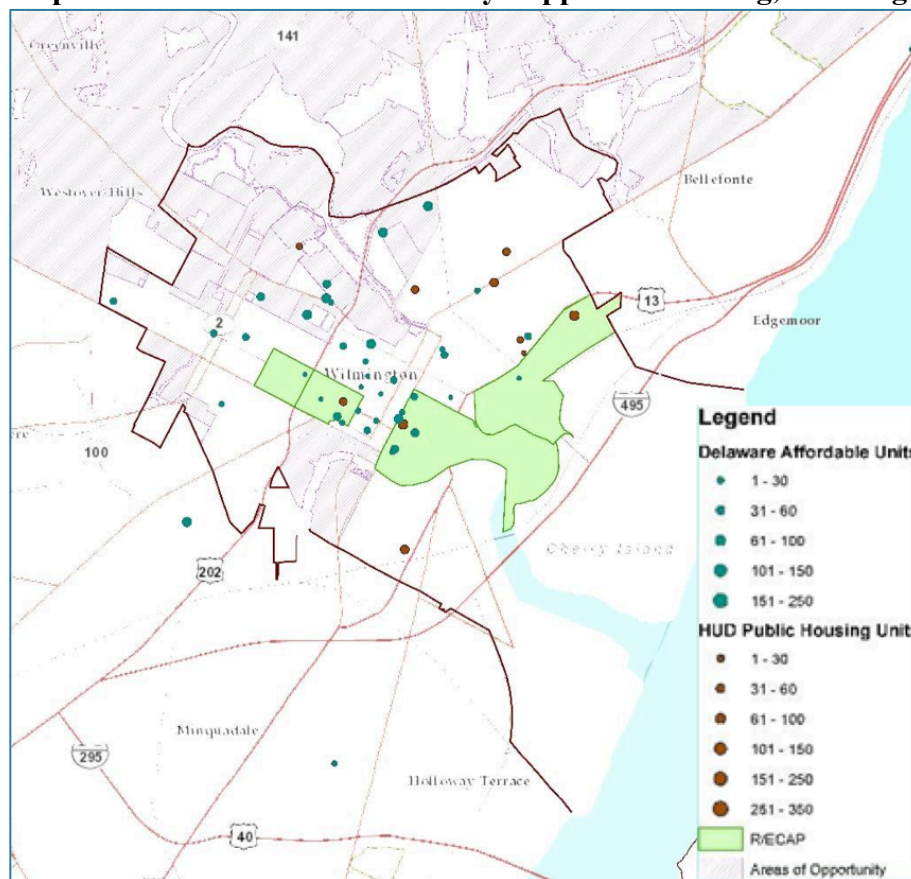


⁹⁶ Data Source: IMS/PIC; refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

City of Wilmington

Public housing developments are located mostly in neighborhoods with concentrated non-Hispanic Black populations. Other Multifamily developments follow a similar pattern in Wilmington. Several Project-based Section 8 developments are in neighborhoods with more integrated racial/ethnic demographic profiles, although a majority of developments are still in heavily Black neighborhoods, including several R/ECAPs. Many LIHTC developments are directly in or adjacent to R/ECAP tracts, although a few LIHTC developments are also in majority White neighborhoods. HCVs are mostly absent from the parts of the jurisdiction that are most segregated with the highest concentrations of White residents. By contrast, vouchers are most present in heavily Black neighborhoods and in places with more mixed populations.

Map C-6: Concentration of Publicly Supported Housing, Wilmington⁹⁷

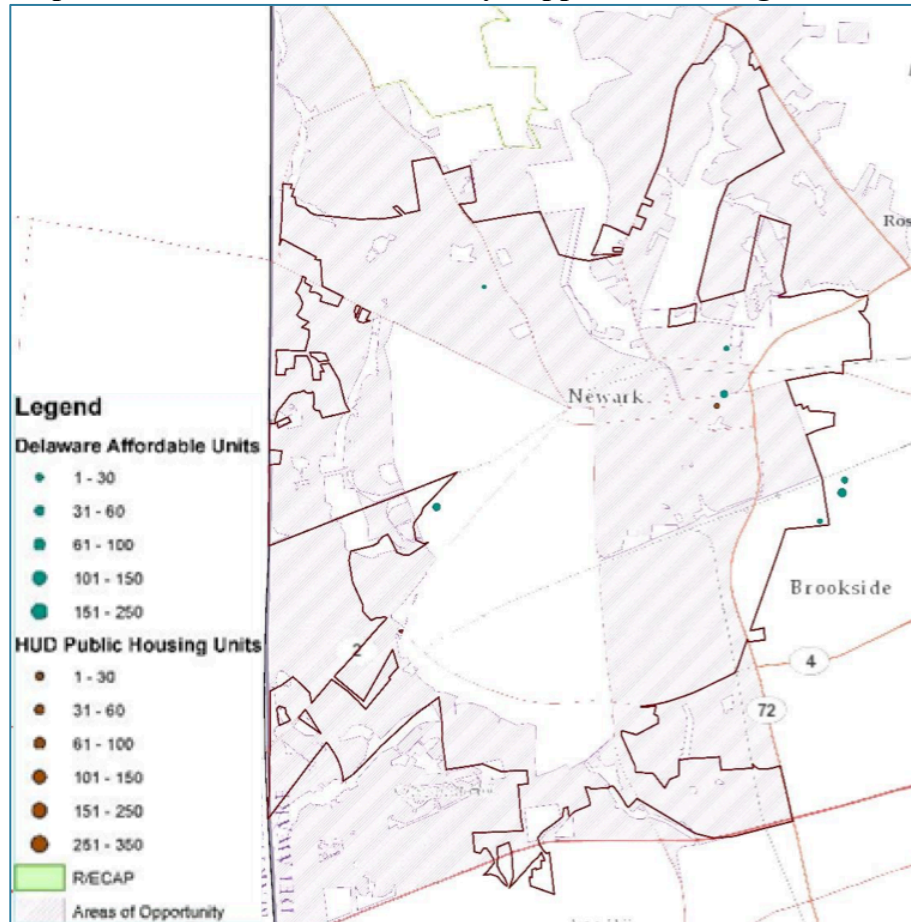


⁹⁷ Data Source: IMS/PIC; refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

City of Newark

Public Housing, Project-based Section 8, LIHTC and Other Multifamily developments are located in tracts that are mostly White. HCVs also concentrate in places that are either mostly White or a mix of White and Black residents.

Map C-7: Concentration of Publicly Supported Housing, Newark⁹⁸

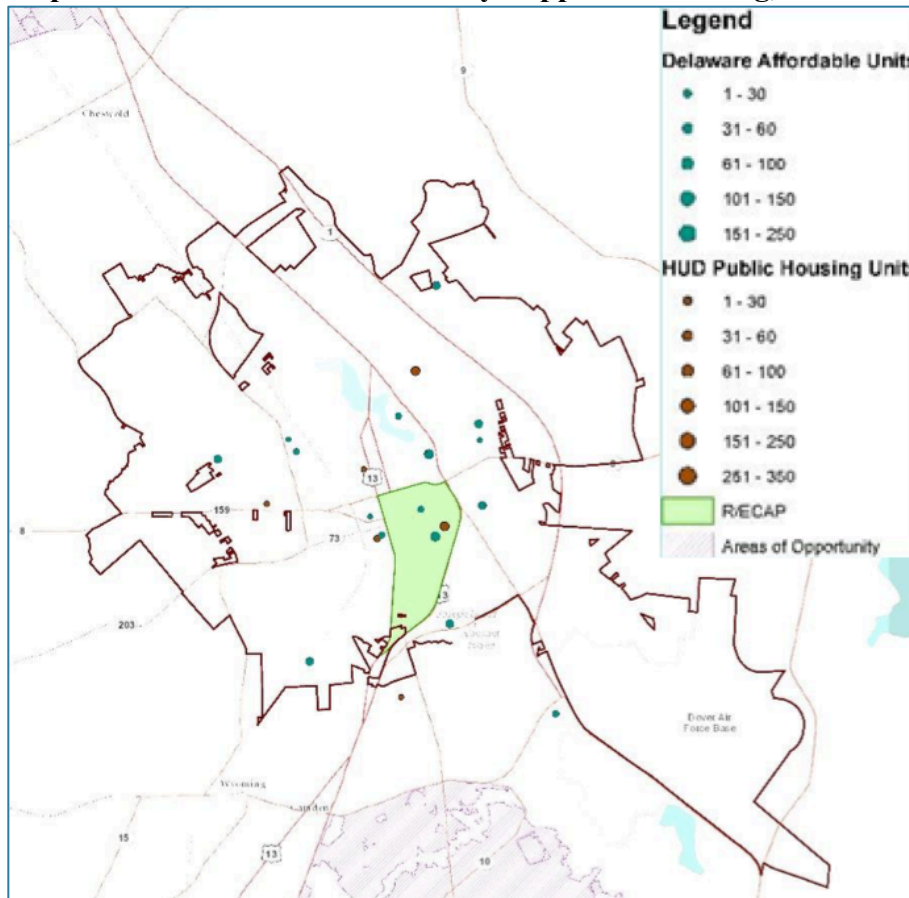


⁹⁸ Data Source: IMS/PIC; refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

City of Dover

Public housing, Project-based Section 8, and LIHTC developments are located in several types of neighborhoods: integrated, primarily Black, and primarily White. A similar pattern prevails for HCVs as well. Other Multifamily developments, by contrast, are located in tracts that are a majority or plurality White.

Map C-8: Concentration of Publicly Supported Housing, Dover⁹⁹



⁹⁹ Data Source: IMS/PIC; refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

Publicly Supported Housing in Relation to Segregated Areas or R/ECAPs

Describe patterns in the geographic location for publicly supported housing that serves families with children, elderly persons, or persons with disabilities in relation to previously discussed segregated areas or R/ECAPs in the jurisdiction and region.

State of Delaware

LIHTC developments that either serve families or the elderly tend to be located in census tracts where the largest share of residents are White. For both, the average Black neighborhood share is second highest. By contrast, the two LIHTC developments devoted to persons with disabilities are located in census tracts with an average Black share of 52.2 percent. Project-based Section 8 developments serving families are located in census tracts with an average 45 percent White and 43 percent Black. However, Project-based Section 8 developments devoted to the elderly are located in census tracts that are on average more White (52.2 percent). Other Multifamily developments, whether elderly or disabled, are most often located in census tracts where the largest average share of residents is White and the second highest share is Black.

New Castle County

According to DSHA's Preservation Inventory, there are 18 LIHTC developments in New Castle County, outside of Wilmington, that serve families. These developments are located in census tracts with an average of 51.8 percent White residents and an average of 33.5 percent residents. The nine Project-based Section 8 developments in New Castle County, outside of Wilmington, serving families are located in census tracts with average of 53.3 White percent residents and average of 31.6 percent Black residents. Similarly, Project-based Section 8 developments serving the elderly are located in census tracts with 54.5 percent White residents and 29.5 percent Black residents. There are no Project-based Section 8 developments serving the disabled in New Castle (outside of Wilmington). There is one Other Multifamily development serving the elderly, which is located in a mostly White census tract (68.2 percent) and one Other Multifamily development serving the disabled, in a predominantly White census tract (83.2 percent).

Kent County

The three DSHA developments in Kent County with over 50 percent of disabled household members are located in census tracts with an average of 62 percent White residents and an average of 29 percent Black residents. The Public housing development that serves the elderly (Peach Circle) is in a tract that is largely White (69.87 percent). The five DSHA developments in Kent County that have at least 50 percent of their household members in a family are in census tract that has an average of 64.5 percent White residents. Two public housing developments managed by the Dover Housing Authority with high shares of households with children (Manchester and Senate View) are both located in census tracts with equal shares of White and Black residents. From the Preservation Inventory, we learn that the 21 LIHTC developments that serve families are located in census tracts that average 55 percent White and average 33 percent Black. The three elderly LIHTC developments are in census tracts with an average of 57 percent White residents. There are no LIHTC developments serving the disabled in the county. The five family Project-based Section

8 developments are in census tracts with a higher average share of Black residents (48 percent) than White residents (39 percent). The Project-based Section 8 development serving the elderly is in a highly White tract (66 percent). There are no Project-based Section 8 developments in the county serving the disabled. The five Other Multifamily developments serving the elderly are in census tracts that are largely White (average 58 percent).

Sussex County

Of DSHA public housing developments in the county¹⁰⁰, only Lavery Lane is occupied with over 50 percent of disabled household members, and is located in a census tract that is 71 percent White and about 20 percent Black. All three public housing developments serve mostly families, and all are in mostly White tracts. The 18 family LIHTC developments are located in predominantly White census tracts, averaging 72 percent. The eight elderly LIHTC developments are in census tracts averaging 66 percent White residents. There are no disabled-serving LIHTC developments. Of Project-based Section 8 developments, the eight family developments are in census tracts with an average of 68 percent White residents, as are the three elderly-serving developments with an average of 81 percent White residents. There are only elderly-serving Other Multifamily developments and are in census tracts with an average of 60 percent White residents.

City of Wilmington

The five public housing developments with at least 50 percent of households with children are in census tracts with an average of 76 percent Black residents and a poverty rate of 30 percent. The Preservation Inventory gives demographic data for LIHTC, Project-based Section 8 and Other Multifamily developments. The 14 family-serving LIHTC developments are located in census tracts averaging 65 percent Black residents. Similarly, the two disabled-serving LIHTC developments are in census tracts averaging 52 percent Black residents. By contrast, the two elderly-serving LIHTC developments are in census tracts averaging 60 percent White residents. The eight family Project-based Section 8 developments are in census tracts averaging 76 percent Black residents, as are the five elderly developments (averaging 60 percent). There are no elderly-serving Project-based Section 8 developments. Other Multifamily developments are also in mostly Black neighborhoods. Seven elderly developments are in census tracts that are 51 percent Black and development for the disabled is in a census tract with 70 percent Black residents.

City of Newark

Using data provided from the Newark Housing Authority, 37 out of 89 public housing residents (42 percent) in 52 occupied units were elderly and 24 of 89 (27 percent) were disabled. These units are located in three predominantly White census tracts. The George Reed development is located in a census tract with 85 percent White residents. Only 27 percent of these public housing units have children. The Preservation Inventory shows that the two family-serving LIHTC developments are in heavily White census tracts, with an average of 78 percent White. There are no elderly or disabled-serving LIHTC developments. The two elderly-serving Project-based Section 8 developments are in White tracts (average 75 percent). There are no family or disabled-

¹⁰⁰ There are several DSHA owned public housing developments in Sussex County and that are not present in the data provided by HUD via the AFFH data and mapping tool: Burton Village and Hickory Tree.

serving Project-based Section 8 developments in Newark. There is one Other Multifamily development that serves disabled residents is located in a census tract that is 83 percent White.

City of Dover

Information provided from the Dover Housing Authority indicates that there is not a high concentration of the elderly or disabled in any public housing site, except for Queen Manor. Fifty percent of the residents are elderly and is located in a census tract with a poverty rate of 27 percent and is 50 percent Black. Only two public housing developments have considerable shares of households with children (Senate View and Manchester Square), and each located in census tracts with equal shares of White and Black residents. The eleven family LIHTC developments are in census tracts that average 49 percent White residents and average 40 percent Black residents. The elderly LIHTC development in Dover is located in a census tract that is 52 percent Black and 36 percent White. The three family Project-based Section 8 developments are also located in mostly Black tracts, averaging 54 percent Black. The sole elderly Project-based Section 8 development is in a heavily White census tract (66 percent). Finally, there are only elderly-serving Other Multifamily developments in Dover, and are located in neighborhoods with an average of 58 percent White residents.

How does the demographic composition of occupants of publicly supported housing in R/ECAPS compare to the demographic composition of occupants of publicly supported housing outside of R/ECAPS in the jurisdiction and region?

State of Delaware

Table C-16 shows that three of the four types of PSH have units in racially or ethnically concentrated areas of poverty (R/ECAPs): public housing, Project-based Section 8, and HCVs. The demographic composition of public housing is roughly similar between R/ECAP census tracts and non-R/ECAP census tracts. To begin, about 37 percent of public housing statewide is located in R/ECAPs. The Black share of public housing in R/ECAP tracts is slightly higher than the Black share in non-R/ECAP tracts. Similarly, the share of public housing members with disabilities is about 8 points higher in R/ECAPs than in non-R/ECAPs. The elderly actually make up a smaller share of public housing units in R/ECAPs than in non-R/ECAP neighborhoods. The demographics of Project-based Section 8 units are more dissimilar between R/ECAPs and non-R/ECAP tracts. First, about 16 percent of Project-based Section 8 units are in R/ECAPs. Furthermore, whereas White residents comprise only about 6 percent of Project-based Section 8 units in R/ECAPs, they account for 41 percent in non-R/ECAPs. By contrast, both Black and Hispanic residents occupy a larger share of Project-based Section 8 units in R/ECAPs. Black residents account for 78 percent of Project-based Section 8 units in R/ECAPs versus only 51 percent in non-R/ECAPs. Similarly, Hispanics make up only 7 percent of Project-based Section 8 in non-R/ECAPs, but are 13 percent in R/ECAP tracts. The share of Project-based Section 8 units that are families with children is about 11 points higher in R/ECAPs than in non-R/ECAPs (42 percent versus 31 percent). Finally, lower shares of Project-based Section 8 units are comprised of elderly residents in R/ECAPs than in non-R/ECAPs. The demographics of HCVs differ the most for White, Black, and elderly residents. For instance, White residents account for only 4 percent

of HCV households in R/ECAPs but 14 percent in non-R/ECAPs. By contrast, the share of Black HCV households rises to 93 percent in R/ECAP tracts, up from 79 percent in non-R/ECAPs. Lastly, once again the percentage of elderly HCV households is lower in R/ECAPs.

Table C-16: R/ECAP and Non-R/ECAP Census Tract Demographics by PSH Program

State of Delaware								
Census Tract (CT)	Occupied Units	White %	Black %	Hispanic %	Asian %	HH w Children %	Elderly %	Disability %
Public Housing								
R/ECAP CT	709	5.4	89.2	5.0	0.0	46.5	18.4	33.1
Non-R/ECAP CT	1,231	11.0	83.9	4.9	0.2	45.7	25.2	24.6
Project-based S8								
R/ECAP CT	709	6.3	77.6	12.8	3.2	42.2	38.0	11.9
Non-R/ECAP CT	3,636	40.6	51.1	7.0	1.2	31.0	51.1	14.3
Other Multifamily								
R/ECAP CT	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Non-R/ECAP CT	549	63.2	31.9	3.0	1.5	0.0	57.0	37.5
HCV								
R/ECAP CT	243	3.6	93.2	3.2	0.0	47.9	9.9	21.1
Non-R/ECAP CT	4,156	14.2	79.1	6.4	0.1	50.3	17.5	22.7
<i>Note 1: Disability information is often reported for heads of household or spouse/co-head only. Here, the data reflect information on all members of the household; Note 2: Data Sources: APSH; Note 3: Refer to the Data Documentation for details (https://www.hudexchange.info/resource/4848/affh-data-documentation/).</i>								

New Castle County (outside of Wilmington)

There are not any units of PSH in R/ECAPs in New Castle County outside of Wilmington.

Kent County

The demographics of public housing and Project-based Section 8 differ considerably between the one R/ECAP and non-R/ECAPs in Kent County. Just over 25 percent of public housing is located in the R/ECAP census tracts in Kent County. In terms of race/ethnicity, White households account for a lower share (10.9 percent) of public housing in the R/ECAP than in non-R/ECAPs (19.6 percent), while Black residents (83.6 percent) make up a larger share in the R/ECAP than in non-R/ECAPs (77 percent). The share of public housing units in R/ECAPs comprised of persons with disabilities is lower than the similar share in non-R/ECAPs. We also see from Table C-17 that 21 percent of Project-based Section 8 units are located in the sole R/ECAP. Only about 4 percent of Project-based Section 8 households in the R/ECAP are White, while over 88 percent are Black. By contrast, in non-R/ECAP census tracts those shares are 47 percent and 51 percent, respectively. In the R/ECAP census tract, the vast majority (86.9 percent) of Project-based Section 8 households are families with children, while this share is much lower (21 percent) in non-R/ECAPs.

Table C-17: R/ECAP and Non-R/ECAP Census Tract Demographics by PSH Program

Kent County								
Census Tract (CT)	Occupied Units	White %	Black %	Hispanic %	Asian %	HH w Children %	Elderly %	Disability %
Public Housing								
R/ECAP CT	112	10.9	83.6	5.5	0.0	81.3	6.3	10.7
Non-R/ECAP CT	329	19.6	76.8	3.7	0.0	51.3	14.7	24.5
Project-based S8								
R/ECAP CT	126	3.9	88.4	7.8	0.0	86.9	3.9	5.4
Non-R/ECAP CT	476	46.5	50.7	2.5	0.2	21.0	56.8	17.7
Other Multifamily								
R/ECAP CT	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Non-R/ECAP CT	214	61.3	29.7	5.7	3.3	0.0	86.1	11.7
HCV								
R/ECAP CT	12	27.3	72.7	0	0.0	25.0	16.7	33.3
Non-R/ECAP CT	647	26.0	70.0	3.4	0.0	36.3	18.8	33.7
<i>Note 1: Disability information is often reported for heads of household or spouse/co-head only. Here, the data reflect information on all members of the household; Note 2: Data Sources: APSH; Note 3: Refer to the Data Documentation for details (https://www.hudexchange.info/resource/4848/affh-data-documentation/).</i>								

Sussex County

There are no R/ECAPs in Sussex County.

City of Wilmington

Table C-18 provides the demographic composition of PSH in Wilmington for R/ECAPs and non-R/ECAPs. First, we see that high shares of both public housing (43 percent) and Project-based Section 8 (38 percent) are located in R/ECAPs. About 13 percent of HCVs are located in R/ECAPs. The demographic composition of public housing and HCVs is quite similar between R/ECAPs and non-R/ECAPs, and bigger differences exist for Project-based Section 8 households. While only about 7 percent of Project-based Section 8 units in R/ECAPs are White, 38 percent in non-R/ECAP tracts are White. Further, the Black share of Project-based Section 8 increases to over 75 percent in R/ECAPs from 52 percent in non-R/ECAPs. In addition, families with children comprise a larger share (32.3 percent) of Project-based Section 8 units in R/ECAPs than in non-R/ECAPs (20.2 percent).

Table C-18: R/ECAP and Non-R/ECAP Census Tract Demographics by PSH Program

City of Wilmington								
Census Tract (CT)	Occupied Units	White %	Black %	Hispanic %	Asian %	HH w Children %	Elderly %	Disability %
Public Housing								

R/ECAP CT	597	4.4	90.2	4.9	0.0	39.9	20.6	37.3
Non-R/ECAP CT	797	5.0	89.0	5.8	0.3	42.9	28.0	24.9
Project-based S8								
R/ECAP CT	583	6.9	75.2	13.9	3.9	32.3	45.5	13.4
Non-R/ECAP CT	957	38.3	52.4	8.0	1.0	20.2	59.2	19.1
Other Multifamily								
R/ECAP CT	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Non-R/ECAP CT	118	38.8	57.7	1.7	0.9	N/A	59.5	45.2
HCV								
R/ECAP CT	231	2.6	94.0	3.4	0.0	48.9	9.6	20.6
Non-R/ECAP CT	1,492	3.1	93.2	3.6	0.0	52.8	22.5	24.7
<i>Note 1: Disability information is often reported for heads of household or spouse/co-head only. Here, the data reflect information on all members of the household; Note 2: Data Sources: APSH; Note 3: Refer to the Data Documentation for details (https://www.hudexchange.info/resource/4848/affh-data-documentation/).</i>								

City of Newark

There are no R/ECAPs in Newark.

City of Dover

Table C-19 gives the demographic composition of PSH for R/ECAPs and non-R/ECAPs in Dover. First, we observe that 41.5 percent of public housing and 35.9 percent of Project-based Section 8 units are in R/ECAPs. A smaller share of HCVs units (4.2 percent) are in R/ECAPs. The racial composition of public housing is similar for R/ECAPs and non-R/ECAP neighborhoods. By contrast we observe that a much higher share of public housing units in R/ECAPs are families with children (81.3 percent) than is the case in non-R/ECAPs (51.5 percent). The racial composition of Project-based Section 8, however, differs widely between R/ECAPs and non-R/ECAPs. The percentage of Project-based Section 8 units in R/ECAPs that are White is only 3.9 percent, whereas the White share in non-R/ECAPs is 58.3 percent. By contrast, the Black share of Project-based Section 8 increases to 88.4 percent in R/ECAPs from 39.0 percent in non-R/ECAP areas. Furthermore, the vast majority of Project-based Section 8 units in R/ECAPs are families with children (86.9 percent), while families with children account for only about 11 percent of units in non-R/ECAP tracts. Finally, the share of Project-based Section 8 units comprised of elderly persons in R/ECAPs is low, at 3.9 percent. This share is high in non-R/ECAPs (80.9 percent).

Table C-19: R/ECAP and Non-R/ECAP Census Tract Demographics by PSH Program

	City of Wilmington							
Census Tract (CT)	Occupied Units	White %	Black %	Hispanic %	Asian %	HH w Children %	Elderly %	Disability %
Public Housing								
R/ECAP CT	112	10.9	83.6	5.5	0.0	81.3	6.3	10.7

Non-R/ECAP CT	158	11.7	85.1	3.3	0.0	51.5	16.6	28.2
Project-based S8								
R/ECAP CT	126	3.9	88.4	7.8	0.0	86.9	3.9	5.4
Non-R/ECAP CT	230	58.3	39.0	2.2	0.4	10.6	80.9	8.9
Other Multifamily								
R/ECAP CT	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Non-R/ECAP CT	214	61.3	29.7	5.7	3.3	N/A	89.2	12.2
HCV								
R/ECAP CT	12	27.3	72.7	0.0	0.0	27.3	18.2	36.4
Non-R/ECAP CT	274	21.4	75.1	3.2	0.0	35.9	18.0	32.2
<i>Note 1: Disability information is often reported for heads of household or spouse/co-head only. Here, the data reflect information on all members of the household; Note 2: Data Sources: APSH; Note 3: Refer to the Data Documentation for details (https://www.hudexchange.info/resource/4848/affh-data-documentation/).</i>								

Publicly Supported Housing and Disparities in Access to Opportunity

Describe any disparities in access to opportunity for residents of publicly supported housing, including within different program categories (public housing, project-based Section 8, Other Multifamily Assisted Developments, HCV, and LIHTC) and between types (housing primarily serving families with children, elderly persons, and persons with disabilities) of publicly supported housing.

New Castle County (outside of Wilmington)

Housing Choice Vouchers are most concentrated in tracts just outside of the border of the City of Wilmington, which are also tracts that have relatively higher poverty rates (i.e. score low on the Low Poverty Index) and low scores on school proficiency. Other types of publicly supported housing (LIHTC, public housing, Other Multifamily, and Project-based Section 8), are concentrated in areas of varying school proficiency, such that an overall pattern is not immediately evident. Project-based Section 8 developments are concentrated in Dover (i.e. in neighborhoods with lower proficiency) and in tracts on the southern county border (in areas with high performing schools). A similar pattern pertains for LIHTC. HCVs are concentrated both in and around Dover (i.e. in tracts with lower school proficiency), but also in tracts to the north and south that score better on the index.

Kent County

The clearest relationships between opportunity and publicly supported housing in Kent County overall pertains to the School Proficiency Index. Public housing developments within Dover coincide with areas of lower school proficiency, whereas public housing developments elsewhere in the county may actually be located in tracts of moderate or even high proficiency. Insofar as Other Multifamily developments only occur in or immediately adjacent to Dover, these sites are located in those tracts with the county's lowest school proficiency index scores.

Sussex County

School proficiency is the opportunity index that most differs across the county: tracts in the western half of the state have much lower performing schools than those on the eastern half. However, there are publicly supported housing of most types (Other Multifamily, Project-based Section 8, and LIHTC) in areas with both high- and low- performing schools. The same goes, generally, for all three of the public housing developments in Sussex County.

City of Wilmington

The school proficiency index is highest in Wilmington on the western side of the City, and lowest on the east and to the south. Public housing developments are concentrated in those areas with low performing schools. Similarly, HCVs are most heavily concentrated in the northeastern quadrant, which has low performing schools. The other varieties of PSH (Other Multifamily, LIHTC, and Project-based Section 8) coincide more frequently with neighborhoods that have higher performing schools. Public housing also is most concentrated in areas with low labor market engagement.

City of Newark

The school proficiency index is highest on the western half of the City, and lower especially in the southeast and northeast. The one public housing development is on the eastern side, in an area with lower performing schools. Other Multifamily developments are mostly in areas with higher performing schools, whereas Project-based Section 8 and LIHTC developments are in a range of neighborhoods.

City of Dover

PSH of all types in Dover is located in neighborhoods with higher and lower performing schools, and in neighborhoods of higher and lower poverty.

III. Fair Housing Analysis continued

D. Disability and Access Analysis

The section evaluates the affordable, accessible housing stock in each jurisdiction, looks for patterns of concentration of people with disabilities, and analyzes the services and integration strategies available to people with disabilities. Delaware is a national leader in efforts to ensure community integration for persons with disabilities. In 2016, the State became the first jurisdiction in the nation to successfully fulfill the terms of a settlement with the U.S. Department of Justice (DOJ) in a case alleging violations of the Americans with Disabilities Act's (ADA) community integration mandate, and was released from court oversight. Delaware has a variety of programs that provide affordable housing and supportive services to persons with disabilities. Even so, for each county, affordable, accessible units are concentrated in racially segregated areas that are more heavily Black than the surrounding area. The need for accessible units is particularly acute in Wilmington and Dover, which have disproportionately older multifamily housing than surrounding suburban areas. Retrofitting these units is important for ensuring that low-income people with disabilities have access to housing that meets their needs.

Population Profile

How are persons with disabilities geographically dispersed or concentrated in the jurisdictions, including R/ECAPs and other segregated areas identified in previous sections?

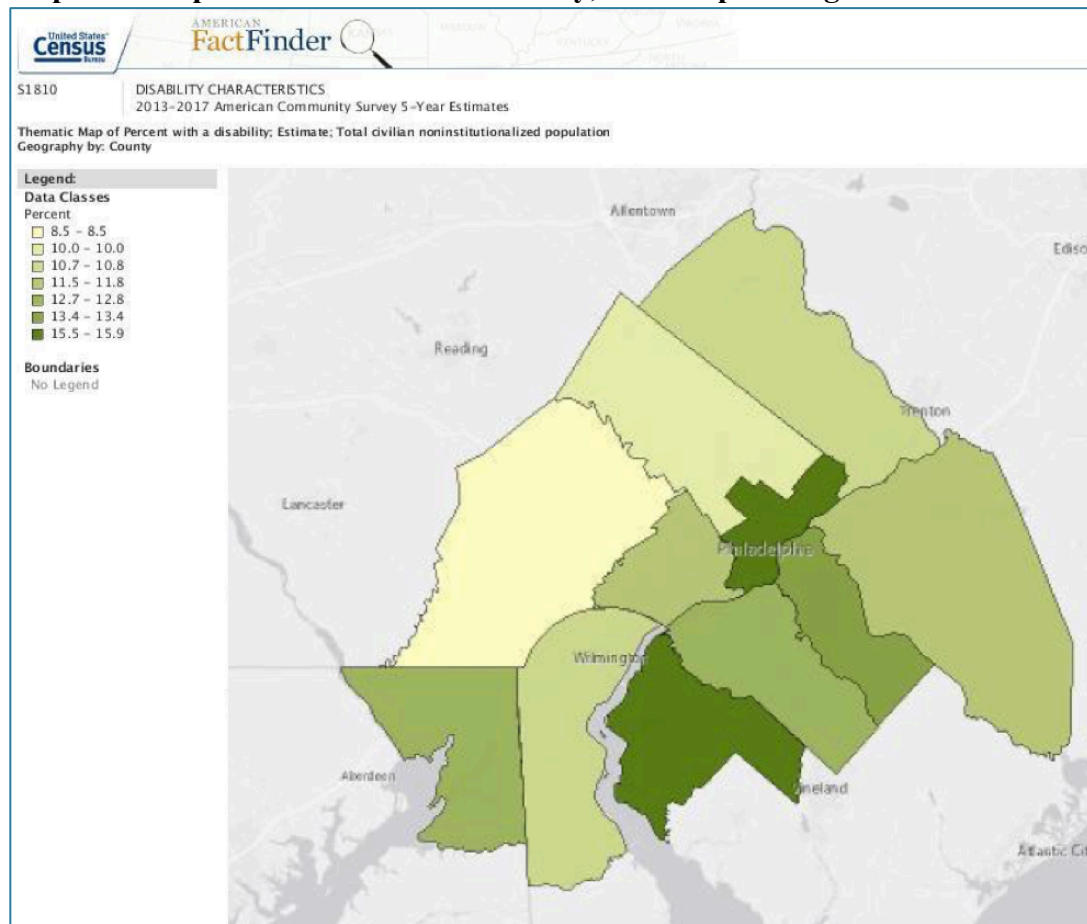
Table D-1: Percentage of Non-institutionalized Population with a Disability

Geography	%
New Castle County	10.7
Kent County	14.2
Sussex County	13.8
Wilmington	13.0
Newark	7.5
Dover	13.6
<i>Note 1: Data Source, American Community Survey, 2013-2017</i>	

In Delaware, urban and rural areas tend to have high concentrations of persons with disabilities while the percentage is lower in suburban areas. Consistent with this pattern, rural Kent and Sussex Counties as well as the more urban cities of Wilmington and Dover, have higher concentrations of persons with disabilities than suburban New Castle County and Newark, which has a relatively young population due to the presence of the University of Delaware.

One implication is people with disabilities, though not entirely concentrated in segregated areas and R/ECAPs, disproportionately lack access to high opportunity areas, which tend to be in predominantly White suburban areas of New Castle County and predominantly White rural areas of Kent County.

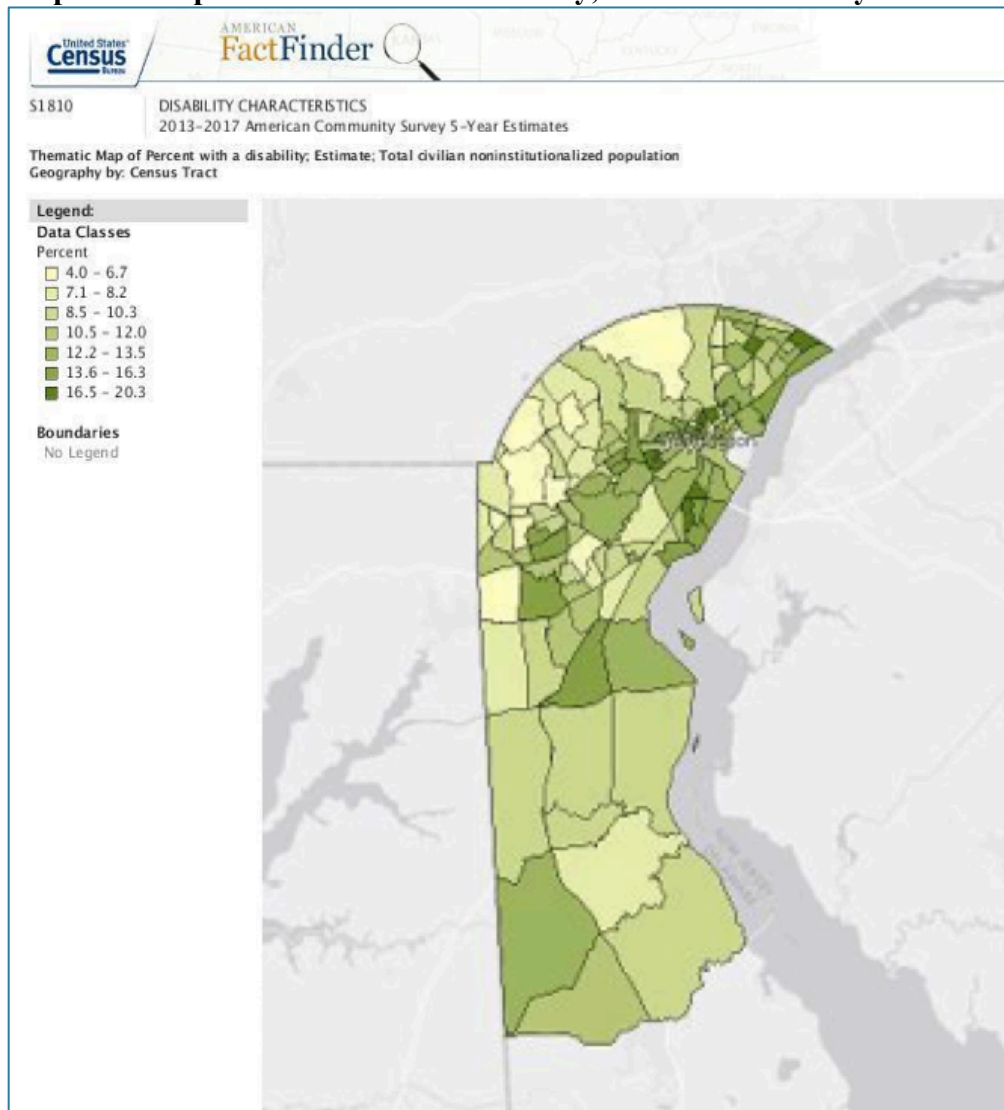
Map D-1: Map of Percent with a Disability, Philadelphia Region¹⁰¹



In the Philadelphia region, persons with disabilities are most concentrated in counties that include central cities, such as Philadelphia and Camden, or in the most rural portions of the region, which include Cecil County, Maryland and Salem County, New Jersey. This pattern is consistent with the State of Delaware. Areas of Black and Hispanic population concentration, including R/ECAPs, tend to have high concentrations of persons with disabilities. Predominantly White rural or outer suburban areas do, as well. However, high opportunity areas, predominantly White suburban counties, typified by Chester and Montgomery Counties, Pennsylvania, have the lowest concentrations of persons with disabilities.

¹⁰¹ Data Source: ACS, Decennial Census. Note: Philadelphia Region comprised of Philadelphia-Camden-Wilmington, PA-NJ-DE-MD Metropolitan Statistical Area

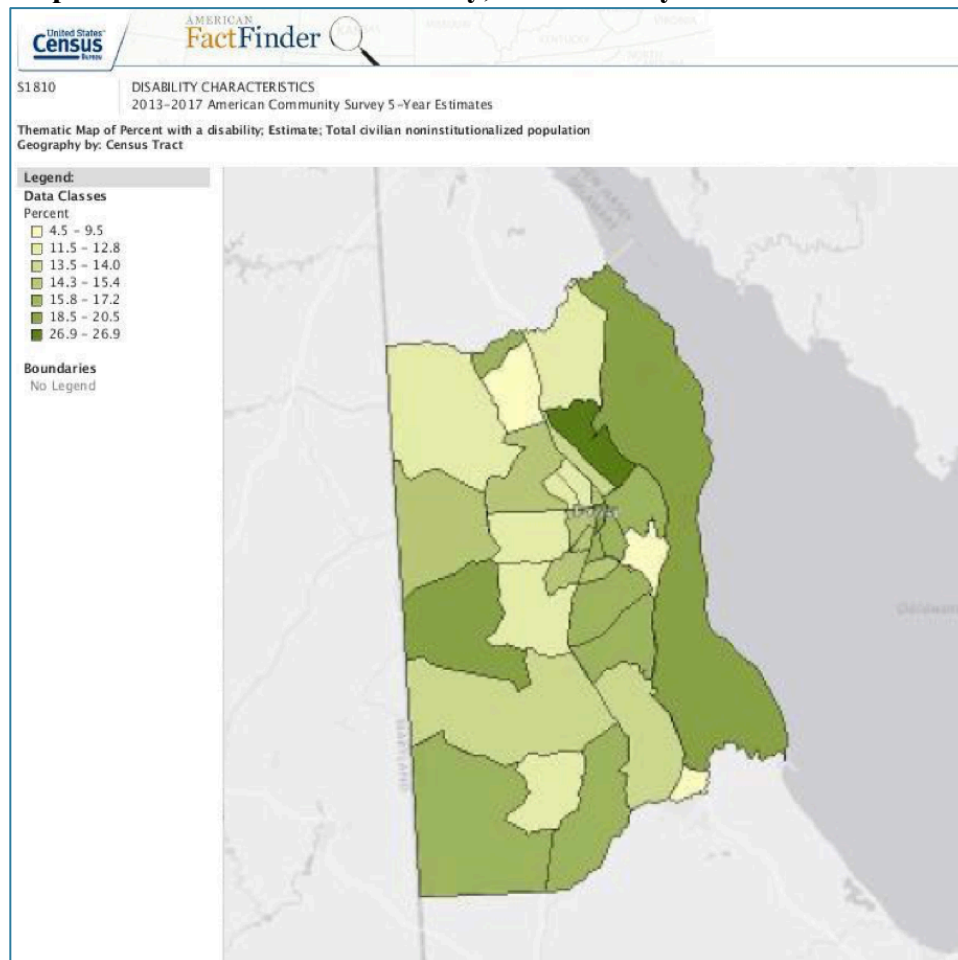
Map D-2: Map of Percent with a Disability, New Castle County¹⁰²



Within New Castle County, areas with relatively high concentrations of persons with disabilities include Claymont, Talley's Corner, the east side of the City of Wilmington, and the Wilmington Manor neighborhood. Newark, as well as communities to the north, have the lowest concentrations of persons with disabilities. Communities with high concentrations of persons with disabilities include relatively integrated areas like the Wilmington Manor neighborhood, predominantly Black and/or Hispanic areas like Claymont and parts of Wilmington, and predominantly White areas like Talley's Corner. Overall, predominantly White communities appear to be somewhat less likely to have concentrations of persons with disabilities than are more racially and ethnically diverse communities.

¹⁰² Data Source: ACS, Decennial Census..

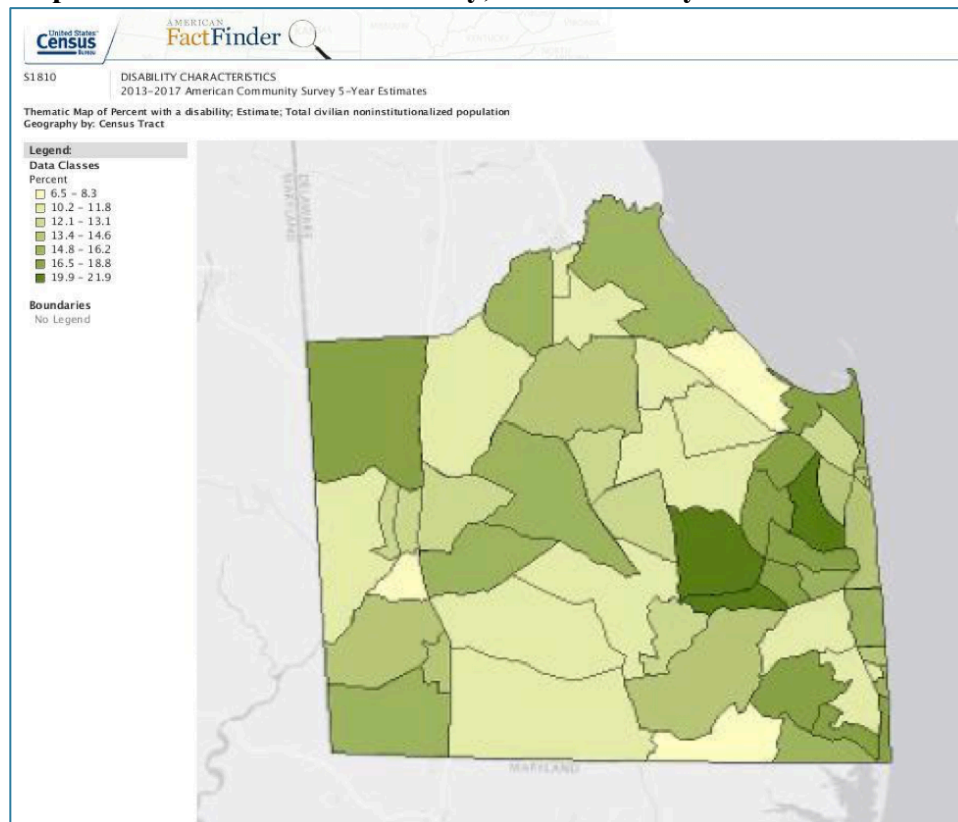
Map D-3: Percent with a Disability, Kent County¹⁰³



Within Kent County, areas with relatively high concentrations of persons with disabilities include the unincorporated area between Cheswold and Leipsic to the north of Dover, the unincorporated area near Sandtown, and the east side of the City of Dover. The unincorporated area north of Dover and the portions of Dover with high concentrations of persons with disabilities are relatively heavily Black and/or Hispanic. The area near Sandtown is more heavily White.

¹⁰³ Data Source: ACS, Decennial Census.

Map D-4: Percent with a Disability, Sussex County¹⁰⁴



In Sussex County, the areas with the highest concentrations of persons with disabilities are the inland area to the west of Rehoboth Beach and the area to the north and northeast of Millsboro. The former area is predominantly White while the latter is more racially and ethnically diverse, including significant Black, Hispanic, and Native American populations. There appears to be somewhat less unevenness of the population of persons with disabilities that is connected to racial and ethnic demographics in Sussex County than there is in New Castle and Kent Counties.

R/ECAPS, particularly those in the City of Wilmington, tend to have slightly higher concentrations of persons with disabilities than do non-R/ECAP areas. This is particularly true with respect to cognitive disabilities, ambulatory disabilities, and independent living difficulties. However, the relationship between residency in R/ECAPs and likelihood of having a hearing, vision, or self-care disability was not as close. The relationship between residency in R/ECAPs in Wilmington and the former three types of disabilities may be a result of the relatively younger population of R/ECAP census tracts. Rates of hearing and vision disabilities, in particular, tend to be closely linked to concentrations of elderly residents.

The one R/ECAP census tract in the City of Dover does not follow the same pattern as the R/ECAPs in Wilmington. Only two disability categories, hearing and cognitive, have concentrations that are higher than the statewide average.

¹⁰⁴ Data Source: ACS, Decennial Census.

Describe whether these geographic patterns vary for persons with each type of disability or for persons with disabilities in different age ranges.

Table D-2: Disability by Type

	State of Delaware		Philadelphia Region		New Castle County		Kent County	
Disability Type	#	%	#	%	#	%	#	%
Hearing Difficulty	28,519	3.4	165,844	3.0	12,434	2.8	4,700	2.8
Vision Difficulty	18,476	2.2	120,984	2.2	8,181	1.9	3,118	1.8
Cognitive Difficulty	40,421	4.8	279,046	5.0	18,337	4.2	10,205	6.0
Ambulatory Difficulty	59,208	7.1	371,932	6.7	26,030	6.0	13,734	8.1
Self-care Difficulty	19,936	2.4	146,430	2.6	9,008	2.1	4,861	2.9
Independent Living Difficulty	38,127	4.6	275,868	5.0	17,336	4.0	7,806	4.6
Age of People with Disabilities	#	%	#	%	#	%	#	%
5 to 17 Years	8,259	1.0	57,431	1.0	3,956	0.9	1,838	1.1
18 to 64 Years	57,967	6.2	369,758	6.7	26,553	6.1	12,904	7.6
65 Years and Over	43,121	5.2	272,561	4.9	18,411	4.2	9,327	5.5
<i>Note 1: All % represent a share of the total population; Note 2: Data Sources: ACS 2013-2017 5-Year Estimates; Note 3: New Castle County excludes City of Wilmington; Note 4: Kent County includes City of Dover. Note 5: Information was not available for Sussex County.</i>								

Across the state, persons with cognitive disabilities are concentrated in Kent County. In comparison to New Castle County, Kent County has concentrations of persons with ambulatory disabilities and independent living disabilities. At the state level, there are not significant concentrations of persons with self-care and vision disabilities. Across all age groups, persons with disabilities are comparatively concentrated in Kent County.

Table D-3: Disability by Type

	City of Wilmington		City of Newark		City of Dover	
Disability Type	#	%	#	%	#	%
Hearing Difficulty	1,769	2.8	681	2.1	1,069	3.3
Vision Difficulty	2,017	3.2	419	1.3	850	2.6
Cognitive Difficulty	4,175	6.6	1,180	3.6	2,084	6.4
Ambulatory Difficulty	5,405	8.5	1,207	3.6	2,607	8.0
Self-care Difficulty	1,789	2.8	515	1.6	1,138	3.5
Independent Living Difficulty	3,590	5.6	1,004	3.0	1,737	5.3
Age of People with Disabilities	#	%	#	%	#	%
5 to 17 Years	976	1.5	120	0.4	467	1.4
18 to 64 Years	5,705	9.0	1,146	3.5	2,434	7.5
65 Years and Over	3,190	5.0	1,212	3.6	1,855	5.7
<i>Note 1: All % represent a share of the total population; Note 2: Data Sources: ACS 2013-2017 5-Year Estimates</i>						

In New Castle County, rates of most types of disabilities are higher in the City of Wilmington and in relatively heavily Black communities in the eastern portion of the county. Individuals with hearing disabilities, by contrast, reside more uniformly across both the county and the city.

Consistent with the pattern described above, elderly persons with disabilities (who are more likely to have hearing disabilities) reside fairly uniformly throughout the county, while children and younger adults with disabilities are more concentrated in the eastern portion.

People with vision disabilities are slightly more concentrated in predominantly Black neighborhoods on the east side of the city. The distribution of persons with cognitive disabilities, ambulatory disabilities, self-care disabilities, and persons with independent living disabilities are much higher on the east side of Wilmington and, especially, in the central R/ECAPs than on the more heavily White west side.

Children with disabilities are more likely to reside in the northeastern portion of Wilmington and in its R/ECAPs, and are less likely to live on its west side. Areas with higher concentrations of children with disabilities are predominantly Black. The pattern with respect to adults ages 18 through 64 is similar, with the caveat that there is less noticeable neighborhood-by-neighborhood difference between predominantly Black neighborhoods on the east side of Wilmington. By contrast, there are not major neighborhood-by-neighborhood differences in the concentration of elderly persons with disabilities in Wilmington. Indeed, the census tracts in the northwest corner of the city, which are over 90 percent White, have similarly high concentrations of elderly persons with disabilities to those of the census tracts in northeast Wilmington that have the highest concentrations of younger people with disabilities and are predominantly Black.

Within the City of Newark, there is a slight concentration of persons with hearing disabilities in the far southwestern portion. Persons with ambulatory disabilities are disproportionately

concentrated in this same area. There are no areas of significant concentration of persons with vision disabilities. There is an area of concentration of persons with cognitive disabilities in the northeastern portion. Lastly, persons with independent living disabilities are concentrated in the southern portion of the city. There are no areas of concentration for children with disabilities in the Newark. Both adults under the age of 65 and elderly individuals with disabilities are somewhat more heavily represented in the western and southern portions of the city.

In Kent County, there are concentrations of persons with hearing disabilities in the southwest corner of Dover, which is racially integrated in relation to the city as a whole. and in the far southern portion of the county. There are comparatively fewer people with hearing disabilities in the areas immediately to the south and west of Dover. There are no strong patterns of concentration for individuals with vision disabilities in Kent County. People with cognitive disabilities are concentrated immediately to the east and west of Dover. The northwestern portion of Dover, which has high concentrations of persons with ambulatory disabilities, is predominantly White, while other areas of concentration are relatively integrated. The areas immediately to the north of downtown and in the far southeast of Dover, both of which have low concentrations of persons with ambulatory disabilities, are predominantly White. People with self-care disabilities are concentrated on the east side of Dover. Individuals with independent living disabilities are concentrated throughout the city and just to the south of Harrington, in the southern portion of the county.

Children with disabilities in Kent County are concentrated in the relatively integrated area to the east of downtown Dover and in the predominantly White southeast corner of the city. Adults ages 18 through 64 are concentrated in both integrated neighborhoods to the west and southwest and a predominantly White area to the northwest of Dover. Elderly individuals with disabilities are concentrated in the same areas as other adults with disabilities.

Housing Accessibility

Describe the areas where affordable accessible housing units are located. Do they align with R/ECAPs or other areas that are segregated?

The Delaware Affordable Rental Housing Preservation Inventory lists 455 affordable units as meeting either Americans with Disabilities Act (ADA) or Section 504 accessibility standards. The largest portion of units (113) are located in Wilmington, which contains most of the state's R/ECAPs. Dover, which has the only R/ECAP outside of Wilmington, has the fourth highest number of affordable, accessible units. Other cities with large numbers of affordable, accessible units either have demographics similar to the state as a whole, such as Milford, or are predominantly non-Hispanic White, like Newark.

At the same time, it is important to note that affordable, accessible units in Milford, like all affordable units, are disproportionately located in a majority-Black census tract within that City. Although Wilmington has a disproportionate share of affordable, accessible units in Delaware, the

proportion (24.8 percent) is actually lower than the proportion of all affordable units that is in Wilmington (31.9 percent). This is likely a result of the lower level of community opposition that affordable housing developments for the elderly tend to face, and the more frequent inclusion of greater numbers of accessible units in senior developments.

In all three of Delaware's counties, affordable, accessible units are concentrated in segregated areas that are more heavily Black than the entire counties. In New Castle and Kent Counties, that largely means that units are concentrated in the Cities of Dover and Wilmington, which are discussed in greater detail below. In Sussex County, units are concentrated in neighborhoods within the Cities of Milford and Seaford that are over 40 percent Black.

In Wilmington and Dover, affordable, accessible units are concentrated in predominantly Black neighborhoods. In Wilmington, many of those units are in R/ECAPs though, in Dover, most are in census tracts that have poverty rates above the threshold for R/ECAPs. In Newark, affordable, accessible units are distributed throughout the city.

Describe the extent to which the supply of accessible housing aligns with the demand for such housing within the State.

Statewide, there is a shortage of accessible housing in Kent and Sussex Counties. Both affordable units that meet the accessibility requirements of the ADA or Section 504 of the Rehabilitation Act and newer multifamily units that are subject to the design and construction standards of the Fair Housing Act are relatively concentrated in New Castle County. This is despite the fact that New Castle County has the lowest concentration of persons with ambulatory disabilities of the three counties.

Within New Castle County, units are disproportionately concentrated in the City of Wilmington, which is where residents with the highest level of need reside. However, this apparent alignment of supply and need within a single housing market (as opposed to across regional lines) may not signal alignment of supply and demand, as some Wilmington residents with disabilities in need of accessible units might prefer to reside in other parts of New Castle County.

In Kent and Sussex Counties, in contrast to New Castle County, there is a higher level of clear need for accessible housing across both rural areas and small urban centers like Dover, Seaford, and Milford. However, accessible units, both affordable and market rate, are scarce in rural parts of both counties.

In the City of Wilmington, affordable, accessible units are concentrated in areas that appear to have the highest level of need, but, as discussed above with respect to New Castle County, it is not clear that this apparent alignment belies a deeper mismatch. Some persons with disabilities who need accessible units and who live in census tracts with a relatively significant number of them might prefer to live in other neighborhoods throughout the city. In Newark and Dover, by contrast, affordable, accessible housing is relatively evenly distributed throughout each city, so supply appears to be relatively well aligned with need.

To what extent are persons with different disabilities able to access and live in the different categories of publicly supported housing? To what extent are these categories located near accessible transportation?

Table D-4: Disability by Publicly Supported Housing Program Category

	State of Delaware		Philadelphia Region		New Castle County	
PSH Program	#	%	#	%	#	%
Public Housing	587	26.1	5,025	25.6	17	17.5
Project-based Section 8	625	13.9	3,925	17.3	172	11.1
Other Multifamily	239	35.6	638	14.1	111	66.1
HCV Program	1,076	22.9	N/A	N/A	289	15.2
<i>Note 1: The definition of "disability" used by the Census Bureau may not be comparable to reporting requirements under HUD programs; Note 2: Data Sources: APSH; Note 3: Refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation). Note 4: New Castle County excludes City of Wilmington; Note 5: Kent County includes City of Dover. Note 6: Information was not available for Sussex County.</i>						

Table D-5: Disability by Publicly Supported Housing Program Category

	Kent County		City of Wilmington		City of Dover	
PSH Program	#	%	#	%	#	%
Public Housing	80	21.7	423	30.2	80	21.7
Project-based Section 8	28	7.7	269	17.0	28	7.7
Other Multifamily	27	12.2	57	41.3	27	12.2
HCV Program	253	34.6	423	24.1	99	32.1
<i>Note 1: The definition of "disability" used by the Census Bureau may not be comparable to reporting requirements under HUD programs; Note 2: Data Sources: APSH; Note 3: Refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation). Note 4: New Castle County excludes City of Wilmington; Note 5: Kent County includes City of Dover. Note 6: Information was not available for Sussex County.</i>						

All categories of publicly supported housing have a higher percentage of residents with disabilities than the percentage of persons with residents of the total population. For Public Housing, Other Multifamily housing, and the Housing Choice Voucher Program, the extent of this higher representation is significant. Rates of occupancy in Other Multifamily housing, some of which (like HUD's Section 811 program) explicitly targets persons with disabilities, are consistently high.

New Castle County has a lower concentration of persons with disabilities than other counties. Persons with disabilities make up a slightly higher proportion of Public Housing and Project-based Section 8, as well as of Housing Choice Voucher holders than they do of the total population. In Other Multifamily housing, they make up a dramatically higher proportion of residents. That is the result of the presence of a number of Section 811 and Section 202 properties that specifically target persons with disabilities and elderly persons in need of supportive housing.

In the Philadelphia region, persons with disabilities are more heavily represented in Public Housing and Project-based Section 8 but much less heavily represented in Other Multifamily housing. This reflects the prevalence of different types of Other Multifamily housing, which are not targeted, in parts of the Region outside of New Castle County.

In Kent County, data about the representation of persons with disabilities in categories of PSH, other than among HCV holders is not available. The proportion of HCV holders with disabilities far exceeds the percentage of the overall population with disabilities.

There are 111 residents in Sussex County in households assisted with HCV. HUD-provided data does not state the total number of residents in assisted households, so it is not possible to determine the percentage of residents with disabilities.

In the City of Wilmington, persons with disabilities make up a significantly higher share of residents in all categories of PSH, except for Project-based Section 8. As with other geographic areas in Delaware, the representation of persons with disabilities in Project-based Section 8 developments may be disproportionately low if income-eligibility is considered.

Data is not available for the City of Newark however, the demographics of publicly supported housing in Newark are included in the data discussed above with respect to New Castle County. The only two Other Multifamily developments in Newark both appear to be targeted for persons with disabilities. At the very least, it is highly unlikely that persons with disabilities are underrepresented in Other Multifamily Housing.

In the City of Dover, persons with disabilities are underrepresented in Project-based Section 8 and Other Multifamily housing and are more proportionally represented, when income is considered, in Public Housing and the HCV Program.

What programs (including disability-specific housing programs) or incentives are provided in order to create or target housing assistance for people with disabilities so that they can live in integrated, accessible, and affordable housing in the community (e.g., Non-Elderly Disabled Vouchers, LIHTC or other set asides, PHA preferences, and targeted remedial preferences, etc.) or to provide reasonable modifications?

The State of Delaware operates multiple housing programs that specifically target assistance toward persons with disabilities. First, the State Rental Assistance Program is a state-funded tenant-based rental assistance program, similar to the federal Housing Choice Voucher Program. The Delaware State Housing Authority, the Delaware Department of Health and Social Services, and the Delaware Department of Services for Children, Youth, and their Families collaboratively administer the program. Individuals access assistance through referrals from approved service providers. The program is directly targeted at individuals with disabilities who are transitioning away from institutional settings and individuals who are at risk of institutionalization. According to the State's Fiscal Year 2017 CAPER, as of June 30, 2017, there were 709 households assisted through this program.

Second, the State administers the Section 811 Project Rental Assistance program, which provides rental assistance to units, often in LIHTC developments, that otherwise would not be affordable to

extremely low-income persons with disabilities who are qualified for long-term care services as defined by the Delaware Department of Health and Social Services. Unfortunately, Congress has not appropriated funds for new Section 811 contracts in recent years, instead only funding contract renewals.

Third, DSHA's Qualified Allocation Plan for the Low Income Housing Tax Credit program has a threshold requirement that a development provide the greater of either 5 percent of total units or three units for special populations with household incomes below 40 percent of the Area Median Income. Although some of the possible special populations do not target persons with disabilities, multiple do. Some of the special populations include persons with HIV/AIDS-related illness, persons with disabilities, and youth exiting foster care or persons exiting state-run institutions. The Qualified Allocation Plan also provides application bonus points for developments that exceed the required proportion of fully accessible units up to 20 percent. Developers that obtain these points must affirmatively market the units to persons with disabilities. This incentive has been very successful in creating new accessible units as almost all developers choose to provide 20 percent of their total units to be fully accessible. Lastly, the Qualified Allocation Plan provides bonus points for developments that would include Section 811 Project Rental Assistance units.

Local governments generally do not operate programs designed to increase the availability of affordable rental housing for persons with disabilities. The City of Wilmington and New Castle County, however, maintain home repair loan programs that, although not limited to persons with disabilities, provide a source of affordable finance for accessibility modifications for low-income homeowners with disabilities. Similarly, Sussex County administers a rehabilitation program using both federal and emergency county funds to assist with home repairs and accessibility needs and modifications. Neither the Dover Housing Authority nor New Castle County provides an admission's preference for persons with disabilities in its administration of the HCV program.

Integration of Persons with Disabilities Living in Institutions and Other Segregated Settings

To what extent do persons with disabilities reside in segregated or integrated settings? Include the extent that institutional settings outside of the state provide health care services to state residents with disabilities.

Delaware is a national leader in efforts to ensure community integration for persons with disabilities. In 2016, the State became the first jurisdiction in the nation to successfully fulfill the terms of a settlement agreement with the U.S. Department of Justice (DOJ) in a case alleging violations of the Americans with Disabilities Act's (ADA) community integration mandate, and was released from court oversight. The implementation of the settlement agreement successfully reduced the duration and frequency of psychiatric hospital stays, increased access to intensive community-based services and supports, and led to the revamping of affordable housing programs for persons with psychiatric disabilities, including through the State Rental Assistance Program and the Section 811 Project Rental Assistance program described above.

These tangible successes do not mean that the State has achieved total community integration and progress made toward community integration is not always permanent. With that said, it is difficult

to quantify any changes in the population in Delaware residing in segregated settings because the 2017 American Community Survey 1-Year Estimates do not include the Group Quarters Type, and the 5-Year Estimates include data collected over several years while the implementation of the settlement agreement was still ongoing.

Up-to-date data regarding differences in the segregation of persons with disabilities among the state's counties and the cities of Wilmington, Dover, and Newark is not available. 2010 Census data, which does not reflect the changes that the State of Delaware successfully made through the implementation of the settlement agree, reflects that there were some differences in levels of community integration between communities in the state. Specifically, although the state's counties all had relatively similar percentages of residents living in nursing facilities (0.49 percent in New Castle County, 0.48 percent in Kent County, and 0.58 percent in Sussex County), the cities of Wilmington, Dover, and Newark had very different rates of nursing home residence (0.07 percent in Wilmington, 0.94 percent in Dover, and 0 percent in Newark). Although this data suggest that Dover was an area of particular concentration of segregated facilities, the placement of sometimes as few as one nursing home has an outsized potential to skew these numbers. In reality, it is not likely that persons with disabilities in Newark and Wilmington were substantially less segregated than were persons with disabilities in other parts of New Castle County. Instead, the more likely explanation is that residents of those two cities who move into nursing homes move to nursing homes in nearby parts of New Castle County that are outside of City limits rather than into nursing homes in those cities.

Describe efforts to assess the extent to which people with disabilities reside in segregated settings and any barriers to conducting such an assessment.

As part of the process of settling the DOJ lawsuit and then implementing that settlement, the State engaged in extensive efforts to assess the extent to which people with psychiatric disabilities reside in segregated settings. Additionally, that assessment was honed and made more objective by the work of the independent court monitor. Since the State met the settlement agreement's requirements, the State has not engaged in any public-facing planning process that reflects any changes or new emergency patterns with respect to the segregation of persons with psychiatric disabilities in Delaware. Although the systemic changes that the State put in place were designed to guard against the reemergence of the segregation of persons with psychiatric disabilities, it is important to continually test whether reality matches that intent.

With respect to persons with developmental disabilities, the Delaware conducted a Statewide Transition Plan in 2015 and 2016 in response to the federal Center for Medicare & Medicaid Services' (CMS) new rule for home and community-based settings. This planning process focused more on the policy changes and new connective infrastructure that would be necessary to increase community integration for individuals with Home and Community-Based Waiver services rather than demographic data concerning the number of individuals with developmental disabilities currently living in segregated setting. Delaware continues to operate the 54-bed Stockley Center, located in Georgetown, as an institutional setting for persons with developmental disabilities. The Stockley Center has been the subject of litigation. The State does not appear to have engaged in a

systematic assessment of the population of persons with other types of disabilities, including ambulatory disabilities, residing in other types of segregated settings, such as nursing homes.

Describe the range of options for persons with disabilities to access affordable housing and supportive services, including access to affordable housing and supportive services.

Delaware has a variety of programs that provide affordable housing and supportive services to persons with disabilities. With respect to affordable housing, the discussion above outlines many of the affordable housing programs that specifically target persons with disabilities who need supportive services. Additionally, The Arc of Delaware operates 83 group homes in the state, 27 of which receive subsidy through the former iteration of HUD's Section 811 program. Nearly all of those group homes are small ones with four or fewer residents. The affordable housing options that Delaware makes available for persons with disabilities needing supportive services exceed those of other states, but they still fall short of meeting the total need. As of May 31, 2016, 198 individuals with psychiatric disabilities were on the waiting list for the State Rental Assistance Program. Congress's failure to provide funding for new Section 811 Project Rental Assistance contracts is a factor in this shortfall. The state has made efforts towards finding other sources of funding for supportive services for those with disabilities, but because many persons with disabilities who need supportive services have multiple disabilities, there is also a need for more accessible units in which individuals could use subsidies.

The state administers a variety of Medicaid-funded programs that provide supportive services to individuals with disabilities who require those services in order to live independently. With regard to persons with intellectual and developmental disabilities, the State provides Home and Community Based Waiver services under Section 1915(c) of the Social Security Act. Waiver services can meet a broad range of different needs including day habitation services, prevocational services, residential habitation, supported employment-individual, supported employment-group, and supported living. At present, the maximum number of individuals whom the State has the capacity to support through Waivers in a given year is 2,506. Delaware does not have a waiting list for Waiver services.

With respect to people with psychiatric disabilities, the state provides community-based services and supports, including intensive services and supports for people with particularly complex needs who are at the highest risk of institutionalization. In particular, as a result of the settlement with the U.S. Department of Justice, the State supports the provision of Intensive Case Management and Assertive Community Treatment. The Division of Services for Aging and Adults with Physical Disabilities also supports the provision of supportive services for persons with physical disabilities. Some of these services, such as Home Modification, can also help to ensure stable, affordable, accessible housing. Sussex County Council also has an Advisory Committee on Aging and Adults

Describe the State's Olmstead planning efforts, including any Olmstead plans, any existing efforts to implement remedial preferences to provide housing in integrated, community-based settings for persons with disabilities.

with Physical Disabilities, which informs residents about the resources available to these populations.

Delaware does not currently have a formal *Olmstead* plan that reflects conditions following key developments like the settlement of the DOJ lawsuit and the promulgation of the CMS rule. In 2007, the State published *A Path Forward: Building a Community-Based Plan for Delaware*, but links to this plan are no longer operational. It would be valuable for the State to update its *Olmstead* plan with a particular focus on disability services systems that have not been the targets of structural reform efforts. However, though the reporting period of the Settlement Agreement has officially ended, housing continues to be made available to individuals who would be considered part of the Settlement target population. The State Rental Assistance Program (SRAP) and the Section 811 Project Rental Assistance Program, which are both operated in partnership between DSHA and DHSS, currently provide permanent supportive housing to 451 individuals with SPMI or other mental health disorders. In these initiatives, DSHA works closely with the Department of Health and Social Services, Department of Services for Children, Youth and their Families (DSCYF), service providers, and the Continuum of Care / Housing Alliance Delaware to ensure availability of supportive services, refer eligible households, and set priorities.

To what extent are the following categories of persons with disabilities able to access housing in integrated, community based settings in the State: children (including foster care placements and access to medical services), persons at risk of institutionalization, individuals with mental health disabilities, individuals with intellectual or developmental disabilities, individuals who are blind, individuals who are deaf, individuals with mobility disabilities, and any other identified categories of persons with disabilities.

The policies implemented by the State of Delaware have significantly increased access to housing in integrated, community-based settings for individuals with mental health disabilities and individuals with intellectual or developmental disabilities. There do not appear to be specific housing programs targeted at other categories of persons with disabilities, although compliance with the accessibility requirements of Section 504 of the Rehabilitation Act serves to increase the availability of integrated housing for persons with mobility disabilities and sensory disabilities. At the same time, of the 4,580 Delawareans reported to be living in nursing homes as of the 2013-2017 American Community Survey 5-Year Estimates, almost all of whom (95.5 percent) had disabilities, the vast majority, 84.9 percent, were elderly individuals, 65 years of age and over. As the data discussed above illustrates, sensory and ambulatory disabilities make up a higher proportion of older persons with disabilities than they do of younger persons with disabilities. Thus, it is likely that individuals with ambulatory, hearing, and vision disabilities are overrepresented among nursing home residents.

The state provides for transitional services for those with disabilities through a few programs administered through the Continuum of Care or through the Delaware State Housing Authority. The Continuum of Care specifically defines “chronically homeless” to include those who “can be diagnosed with one or more of the following conditions: substance use disorder, serious mental

illness, developmental disability (as defined in section 102 of the Developmental Disabilities Assistance Bill of Rights Act of 2000 (42 U.S. C. 15002)), post-traumatic stress disorder, cognitive impairments resulting from brain injury, or chronic physical illness or disability; (B) An individual who has been residing in an institutional care facility, including jail, substance abuser mental health treatment facility, hospital, or other similar facility, for fewer than 90 days”. This definition enables the CoC to specifically provide for those with long-term disabilities. Housing Alliance Delaware, which administers the CoC, collaborates with non-profits and agencies across the state to “advance housing opportunities, end homelessness, and promote vibrant communities”. It was afforded \$8.25 million in funding for 2018, and funds a variety of programs that house persons with disabilities.

Describe the State’s Money Follows the Person Program, if any, as well as any Medicaid home and community-based services waivers or options, and other state programs or services serving people with disabilities in integrated settings.

The Money Follows the Person Program assists individuals moving from segregated long-term care facilities to individuals’ own homes, family homes, rented apartments, or small group homes or shared living arrangements. Eligible populations include individuals with developmental disabilities who are eligible for Home- and Community-Based Waiver services and elderly persons or non-elderly adults with disabilities who meet a nursing facility level of care and Medicaid eligibility requirements. The program covers a range of services including some services, such as security deposit assistance and home accessibility modifications, that are directly related to access to housing. After one year, individuals continue to be served through Medicaid or the Home and Community Based Waiver. The manner in which the State of Delaware administers its Home and Community Based Waiver is discussed in greater detail in response to question 3(c) above.

As part of the process of implementing the settlement of the DOJ lawsuit, the Delaware

Describe any partnerships between local and state housing agencies and other agencies, including supportive services, healthcare, education, and criminal justice, to facilitate community integration of individuals with disabilities and to identify affordable, accessible, integrated housing opportunities.

Department of Health and Social Services and the Delaware State Housing Authority developed a partnership that was crucial for efforts to connect individuals with disabilities to new forms of publicly-supported housing such as the State Rental Assistance Program (SRAP) and Section 811 Project Rental Assistance. This type of partnership could serve as a model for broader efforts to increase community integration, both with respect to additional types of government services and with respect to persons with other types of disabilities.

The foundation for this partnership was provided in 2012 when a strong network of partners, including Socialserve.com, Inc. (now doing business as Emphasys.com), DSHA, Wilmington Housing Authority, New Castle County, Kent County, Sussex County, the City of Wilmington, the Delaware Department of Health and Social Services, and Delaware Emergency Management Agency launched DelawareHousingSearch.org. This free web-based service is supported by a toll-

free, multi-lingual call center. The locator inventory and services it provides continues to expand providing real-time housing options for lower income persons, displaced persons, persons with vouchers and persons who need accessible features to learn about available units online. DelawareHousingSearch.org also ensures information regarding emergency housing opportunities are available to disaster victims. In addition to rental housing, affordable homes assisted through a number of public programs may also be listed on the site. Through the marketing efforts of the advisory group, DelawareHousingSearch.org contains one-third of the state's available rental units. To connect applicants for SRAP and Section 811 housing with available and appropriate units, the PAIR (Prescreening, Assessment, Intake and Referral) service interfaces with DelawareHousingSearch.org. Section 811 applicants are placed on a centralized Referral List, while property managers update real-time information regarding unit availability in the housing locator. The PAIR service was officially launched in June 2015.

One factor that might cut against local and state agency partnerships in facilitating community integration are local and statewide occupancy codes and restrictions. While the Delaware State Code allows for individual counties to adopt their own building, plumbing, electrical, and other similar codes,¹⁰⁵ the Delaware Statewide Housing Code nevertheless imposes an overly restrictive definition of "family" which may constrain supportive housing options. The statewide housing code defines a family as "an individual or married couple and the children thereof with not more than 2 other persons, living together as a single housekeeping unit in a dwelling unit."¹⁰⁶ This definition has the effect of limiting the number of unmarried persons who can live together in a unit. It has the potential to restrict even small group homes and shared living arrangements for persons with disabilities. Such a definition provides a barrier to true community integration.

Disparities in Access to Opportunity

To what extent are persons with disabilities able to access the following?

State Government Services and Facilities

Delaware state government's website has accessibility features including ReadSpeaker software and adjustable font size. Municipal government websites do not seem to achieve the same level of access as the Delaware state government. Neither the state government nor municipal governments have many TTY numbers posted for people with hearing impairments. However, aside from federal relay services, Delaware has its own relay service for deaf or hard of hearing people, operated through Sprint using funds from the state.¹⁰⁷ Still, TTY is quicker and more convenient than relay services, even if the demand for relay services is lower when run on a statewide basis (as opposed to national). People with auditory and speech disabilities face significant barriers in accessing emergency services. It takes an estimated three to eight minutes for individuals to be connected via relay services compared to a national standard of being connected within ten seconds

¹⁰⁵ 16 Del. C. 1953, § 7601.

¹⁰⁶ 65 Del. Laws, c. 153 §4106 (a) (14).

¹⁰⁷ <https://www.delawarerelay.com/>

for at least 90 percent of emergency calls.¹⁰⁸ This lag has the potential to endanger people with disabilities and their property when threatened by criminal behavior or fire. It can also result in people with disabilities receiving needed medical care in a less timely fashion than individuals without disabilities.

State-funded Public Infrastructure

The Delaware Department of Transportation (DOT) entered into a voluntary settlement, which requires it to retrofit curb cuts on any state-maintained roads on an aggressive schedule that was meant to end in 2010. The City of Newark has also adopted an ADA Transition Plan regarding curb and pedestrian accessibility, as has the City of Dover. The Delaware DOT also developed extensive regulations regarding pedestrian accessibility.¹⁰⁹

State-funded Transportation

In August 2008, the Federal Transit Administration published *DART First State ADA Compliance Review – August 29, 2008*. This review is the last publicly available compliance review that has been conducted of the State of Delaware’s public transit accessibility efforts. As of 2008, some of the Federal Transit Administration’s findings included that:

- The hours of operation of DART paratransit were more limited in some parts of Delaware than the hours of operation for fixed route services.
- DART had a practice of only granting conditional eligibility for paratransit based on the purpose of a trip.
- DART schedulers adjusted scheduled pick-up times to match estimated arrival times without customer approval.
- DART allowed for 60 minutes of travel time for all trips and a pick-up window of +/- 30 minutes, which resulted in late drop-offs and early drop-offs in some instances.
- Only 75 percent of drop-offs were on time.

Some of these issues appear to have been addressed over the past decade while others may not have been. DART no longer appears to be conditioning eligibility on the basis of the purpose of paratransit trips. At the same time, there do appear to be times at which fixed-route service is available but paratransit service is not. These include between 10 PM and 12 AM on weeknights, and between 7 PM and 8 PM in New Castle County. Also, the pick-up window still appears to have a variance of +/- 30 minutes. Although there is no fixed-route bus service in Kent and Sussex Counties on Sundays, the lack of such service, though not an ADA violation, does curtail the mobility of persons with disabilities in those counties and in the City of Dover.

In Delaware, local bus service is generally provided through DART. Newark, which operates its UNICITY Bus System in tandem with the University of Delaware and with state financial support, is the main exception. Newark does not provide paratransit services, but paratransit is available through DART. UNICITY has a policy of accommodating persons with disabilities but has not made information publicly available about the process for requesting accommodations. As

¹⁰⁸ <https://www.motherjones.com/politics/2017/03/text-911-deaf-accessibility-ada-lawsuits-1/>

¹⁰⁹ <http://regulations.delaware.gov/register/december2015/proposed/PedestrianAccessibilityStandards.pdf>

UNICITY, unlike DART, is a free service, access to it for low-income persons with disabilities is particularly vital.

State-funded Proficient Schools and Educational Programs, including Post-secondary and Vocational Educational Opportunities

Children with disabilities do not appear to be more heavily concentrated in any particular neighborhoods, with the possible exception of Wilmington, where there is a slight concentration in the westernmost R/ECAP as well as the northernmost tract of the city. These areas are located within the Red Clay Consolidated School District and the Brandywine School District, respectively. Brief consultation of the Red Clay and Brandywine school district websites indicate that it is not immediately apparent where students and parents may access information about the Individuals with Disabilities Education Act (IDEA) and Section 504 reasonable accommodations; nor are there dedicated website accessibility tabs. On the other hand, the Delaware Department of Education's website has accessibility assistance, and includes information about filing accessibility grievances. The Howard T. Ennis School, located in Indian River School District, Georgetown, provides education specifically for those with significant disabilities for students ages 21 and under.

Delaware public schools have intradistrict and interdistrict open enrollment programs.¹¹⁰ Receiving districts must give priority to students based on 1) returning students, 2) students living in a school's designated feed zone, and 3) siblings of currently enrolled students, with preference for siblings who live in the district. Districts can also give priority based on a) students who have designated the school or program as a first, second, or third choice, b) students who live within the district, and c) children of school employees. The districts must use a lottery and ranked waiting list. Parents are responsible for the transportation of students admitted through open enrollment.

State Jobs and Job Programs

The Delaware Division of Vocational Rehabilitation assists persons with disabilities in their efforts to secure and maintain employment. In its 2018 Performance Report, the Division reported serving 6,184 clients, roughly 1/3 of whom had the most significant disabilities. The Division reported successfully rehabilitating 881 clients, just under 1/4 of whom had the most significant disabilities. For clients for whom the Division closed out services in Fiscal Year 2017, transition age youth reported an average hourly wage of \$10.43, individuals in supported employment reported an hourly wage of \$9.42, and adults who did not fall into either of those categories had an average hourly wage of \$12.82. The lower wages for individuals in supported employment indicate that persons with disabilities who have the most intensive needs do not have equal access to employment opportunity despite the Division's efforts. That can have consequences for a range of housing issues, including the disproportionate housing needs discussed below, as persons with disabilities may spend a higher proportion of their limited income on rent.

The Delaware JobLink website, operated by the Delaware Department of Labor, is designed to be accessible to individuals with vision disabilities. The website has a readily identifiable

¹¹⁰ <http://ecs.force.com/mbdata/mbstprofexcl?Rep=OE15ST&st=Delaware>

“Accessibility” tab that leads to information about accessibility including information about how to submit feedback about any content or features on the website that are not accessible.

The Delaware Department of Health and Social Services provides, through its home and community-based services, a variety of services designed to increase employment opportunity. These included employment navigators, career exploration and assessment, supported employment-individual, supported employment-small group, and more.

With respect to public employment, Selective Placement is a program administered by the state that specifically supports persons with disabilities in their efforts to obtain civil service jobs to which they might not otherwise have access because of their disabilities.

Delaware’s local governments generally do not operate workforce development programs, including ones that specifically address the accessibility and supported employment needs of persons with disabilities.

State Parks and Recreational Facilities

Comprehensive information about the accessibility of state parks and recreational facilities is not available. In its Statewide Comprehensive Outdoor Recreation Plan, the Department of Natural Resources and Environmental Control identified three recommendations for addressing the recreation needs of persons with disabilities. These were:

- Create an accessibility guide to all public outdoor recreation spaces.
- Development guidance tools that address best practices for universal accessibility to outdoor recreation facilities.
- Ensure representation from the disability community throughout the conservation and recreation planning processes.

This forward-looking plan covers a period from 2018 through 2023. The implementation of these goals will be critical to efforts to ensure that persons with disabilities have equal access to publicly funded and operated parks and recreational facilities.

Delaware’s counties and the cities of Wilmington, Newark, and Dover, for the most part, do not have information about the accessibility of parks and recreation facilities posted on their websites. Kent County, which provides information about how to request the modification of a program that is of interest to a person with a disability, is the one exception.

State-funded Criminal Justice Diversion and Post-incarceration Reentry Services

The primary criminal justice diversion program is the Drug Court program. Rather than exclude persons with disabilities, the program specifically targets persons with substance abuse disorders, which are disabilities. This analysis did not reveal information that the Drug Court program was inaccessible to individuals with other types of disabilities besides substance abuse disorders. Although programs like the Drug Court can be effective at reducing rates of recidivism, they are more coercive and not necessarily more effective than efforts to increase access to voluntary treatment that do not rely on implicit or explicit threat of incarceration in the event of non-compliance or relapse. There are no city or county-specific diversion programs.

Describe processes that exist for persons with disabilities to request and obtain reasonable accommodations and accessibility modifications to address the barriers discussed above.

There is no consistency across state, county, and city agency websites in whether and how information on how to request and obtain reasonable accommodations and accessibility modifications is provided. Creating uniformity would make it much easier for persons with disabilities to access public services. For example, government websites could follow Sussex County's example and include an ADA or Accessibility tab to its homepage. The tab could also carry over in approximately the same location on all pages across government websites. The language describing what a reasonable accommodation is, how to request one, and clarifying that a person with a need should follow the process set forth by the agency could be consistent in order to avoid confusion among persons with disabilities about their rights. Lastly, request forms, although with some adaptability to different types of public services, could be built on a base of common formatting and language.

Describe any difficulties in achieving homeownership experienced by persons with disabilities and by persons with different types of disabilities.

Because the Home Mortgage Disclosure Act does not require the collection of data regarding the disability status of mortgage loan applicants, it is difficult to assess the extent to which persons with disabilities have difficulty purchasing homes in Delaware. 2011-2015 CHAS data actually suggests that there is a slightly higher homeownership rate for households that include persons with disabilities (72.0 percent) than there is for households that do not include persons with disabilities (70.9 percent). Although the state and multiple local governments, including New Castle County and the City of Wilmington, operate programs to expand access to homeownership, either for low and moderate-income people generally or for government employees, none of these programs have features specifically designed to meet the needs of persons with disabilities.

Disproportionate Housing Needs

Describe any disproportionate housing needs experienced by persons with disabilities and by persons with certain types of disabilities.

Comprehensive Housing Affordability Strategy (CHAS) data from HUD can be used to determine the extent of housing problems among households including persons with disabilities. The most recent CHAS data is derived from the 2011-2015 American Community Survey 5-Year Estimates. As the data below reflects, households that include persons with disabilities have disproportionate housing needs across geographic areas within Delaware. There are, however, some differences in both the magnitude of those disparities and the degree they are experienced by individuals with varying types of disabilities.

Statewide, individuals with hearing and/or vision disabilities, though still more likely to experience housing problems, face the smallest disparities of any subset of persons with disabilities. This is consistent with the fact that persons with hearing and/or vision disabilities are disproportionately

likely to be elderly and are also, particularly in the case of persons with hearing disabilities, less likely to reside in segregated areas and R/ECAPs that have high rates of housing problems. In the more rural parts of Kent and Sussex Counties, persons with hearing and/or vision disabilities do not experience disproportionately high rates of housing problems at all. It is also worth noting that, across types of disabilities, disproportionate housing needs among persons with disabilities are most pronounced in New Castle County.

Table D-6: Percentage of Households Experiencing One or More Housing Problems by Presence of Persons with Disabilities

Household Type	State of Delaware	New Castle County	Kent County	Sussex County
	%	%	%	%
HHs with Hearing and/or Vision Disabilities	33.8	36.7	32.3	29.6
HHs with Ambulatory Disabilities	38.9	41.5	37.3	35.3
HHs with Cognitive Disabilities	39.0	39.8	40.0	36.2
HHs with Self-Care and/or Independent Living Disabilities	38.2	40.3	35.3	36.1
HHs without Members with Disabilities	30.1	29.4	32.5	32.5
<i>Source: 2011-2015 CHAS Data; Note 1: New Castle County includes City of Wilmington; Note 2: Kent County includes City of Dover</i>				

In Newark and Wilmington, persons with disabilities encounter disproportionately higher levels of housing problems. In Wilmington, levels of housing problems are higher regardless of the type of disability. In Newark, as in many other parts of Delaware, persons with hearing and/or vision disabilities do not have disproportionate housing needs. In Dover, persons with disabilities do not have disproportionate housing needs. However, Dover does have a disproportionate concentration of persons with disabilities, as well as high levels of housing problems generally. Thus, the city contributes to a broader pattern of disproportionate housing needs in Kent County.

Table D-7: Percentage of Households Experiencing One or More Housing Problems by Presence of Persons with Disabilities

Household Type	City of Wilmington	City of Newark	City of Dover
	%	%	%
HHs with Hearing and/or Vision Disabilities	49.1	31.3	32.8
HHs with Ambulatory Disabilities	50.2	38.8	35.4
HHs with Cognitive Disabilities	48.1	42.3	42.8
HHs with Self-Care and/or Independent Living Disabilities	49.1	41.9	39.8
HHs without Members with Disabilities	38.1	35.7	40.3
<i>Source: 2011-2015 CHAS Data</i>			

III. Fair Housing Analysis continued

E. Fair Housing Enforcement, Outreach Capacity, and Resources

This section looks at recent and outstanding fair housing and civil rights violations, analyzes state and local fair housing protections, and identifies local and regional agencies and organizations that provide fair housing information, outreach, and enforcement. This section details settlements that have been reached regarding prison conditions and policing in Delaware, ADA violations in state mental healthcare facilities, and Fair Housing Act violations in Sussex County. Despite these settlements, agencies and organizations that enforce fair housing policies face a shortage of resources and capacity to handle the amount of cases that arise.

List and summarize any of the following that have not been resolved:

- *A charge or letter of finding from HUD concerning a violation of a civil rights-related law;*
- *A cause determination from a substantially equivalent state or local fair housing agency concerning a violation of a state or local fair housing law; and,*
- *Any voluntary compliance agreements, conciliation agreements, or settlement agreements entered into with HUD or the Department of Justice.*
- *A letter of findings issued by or lawsuit filed or joined by the Department of Justice alleging a pattern or practice or systemic violation of a fair housing or civil rights law;*
- *A claim under the False Claims Act related to fair housing, nondiscrimination, or civil rights generally, including an alleged failure to affirmatively further fair housing;*
- *Pending administrative complaints or lawsuits against the locality alleging fair housing violations or discrimination.*

U.S. Department of Justice (DOJ) Settlement Concerning Prison Conditions (2006)

An investigation of five Delaware state prison facilities uncovered serious civil rights violations at four of the prisons. These violations included deficient suicide prevention measures, intake screening, treatment of infectious diseases, and treatment of mental illnesses.¹¹¹ The state entered into a settlement with the DOJ, according to which the state was required to take enumerated remedial steps. In 2012, it was announced that the memorandum of agreement would be terminated as the State had implemented the necessary reforms to remedy the civil rights violations. Perhaps the most important of these reforms was the creation of the Bureau of Correctional Healthcare Services, which is now a “sought-after model among other states and municipalities.”¹¹²

¹¹¹ DOJ 06-863 (D.O.J.), 2006 WL 3825133

¹¹² Justice Department Announces Successful Resolution Of Case Regarding Delaware State Prisons, DOJ12-1551

U.S. DOJ Settlement Resolving ADA Violations in State Mental Healthcare (2011)

The Department of Justice began investigating the Delaware State Hospital in 2008, and expanded that investigation to alleged violations of the Americans with Disabilities Act (ADA) throughout the entire state mental health system in 2010. The State and the DOJ agreed to a settlement in 2011 to resolve widespread issues. The settlement requires the state to increase community mental health and crisis services, and to provide intensive and targeted case management, supportive housing, and daily life supports.¹¹³

U.S. DOJ Settlement Regarding Fair Housing Act Violations in Sussex County (2012)

In 2012, the Department of Justice entered into a settlement with Sussex County following a lawsuit by the Department alleging that the County had blocked an affordable housing development in violation of the Fair Housing Act. The lawsuit was referred from a HUD complaint, where it was alleged that the Sussex County Planning and Zoning Commission opposed the 50-lot development because of the assumption that its residents would mainly Black and Hispanic, and the negative behavioral stereotypes stemming from that assumption. The conditions of the settlement required that the County reconsider the development proposal, refrain from obstructing its passage, and provide \$750,000 in compensatory damages. The settlement further required the County to take more steps to affirmatively further fair housing, concluding developing a fair housing marketing plan and provide fair housing training for staff. In resolution of the HUD action, the County was required to develop an affordable housing plan, evaluate access to housing and community development for minority communities, and develop strategies for integrating affordable housing throughout the county.¹¹⁴

U.S. DOJ v. Delaware State Police (2001)

In 2001, the Department of Justice filed a lawsuit against the Delaware State Police alleging that the entry-level examination for state troopers, which included reading comprehension and written portions, had an artificially high cut off score that discriminated against African Americans. In 2004, the court found that the policy was a pattern or practice of discrimination in violation of Title VII.¹¹⁵ Following the court's decision, the parties entered into a consent decree, under which the state committed to providing \$1.4 million to aggrieved parties who had been denied employment. They were also required to provide priority jobs with retroactive seniority to 12 African American applicants who had been discriminated against by the use of the examination.¹¹⁶

Describe any state or local fair housing laws. What characteristics are protected under each law?

State of Delaware

¹¹³ Justice Department Obtains Comprehensive Agreement Regarding The State Of Delaware's Mental Health System, DOJ 11-881

¹¹⁴ DOJ 12-1418 (D.O.J.), 2012 WL 5943553.

¹¹⁵ https://www.justice.gov/archive/opa/pr/2004/March/04_crt_179.htm

¹¹⁶ DOJ 05-407 (D.O.J.), 2005 WL 1810320

Delaware Fair Housing Act: Delaware’s state Fair Housing Act prohibits discrimination in the sale or rental of housing on the basis of race, color, national origin, creed, sex, marital status, familial status, source of income, age, sexual orientation, gender identity or disability. The act also contains provisions requiring landlords to provide reasonable accommodations and modifications for persons with disabilities. It is further prohibited to “assist, induce, incite, or coerce” someone else to engage in a discriminatory housing practice.¹¹⁷ Enforcement powers are delegated to the State Human Relations Commission. Source of income protections do not extend to Housing Choice Voucher holders.

Delaware State Residential Landlord Tenant Code¹¹⁸: At the signing of any residential rental lease, landlords in Delaware are required to provide new tenants with a copy of the state Landlord/Tenant Code. In addition to specifically prohibiting discrimination in accordance with the state and federal fair housing acts, it provides that the landlord is responsible for safe and sanitary conditions in rental units. Should a landlord fail to provide these conditions within 15 days of being notified, the tenant has the right to terminate the lease agreement. The code is enforced via a private right of action and limited enforcement powers of the State Attorney General’s Consumer Protection Unit.

Philadelphia Region

Pennsylvania Human Relations Act: The statewide civil rights act prohibits housing discrimination on the basis of race, color, national origin, religion, sex, familial status, disability, age, ancestry, or pregnancy.

Philadelphia Fair Housing Ordinance: This ordinance provides for rent control and protects tenants from unfair rental practices such as unlawful eviction and retaliation for exercising a legal right. However, it does not specifically prohibit discrimination on the basis of being a member of a protected class.

Philadelphia Fair Practices Ordinance: In addition to covering discrimination in employment and public accommodations, the Fair Practices Ordinance prohibits discrimination in housing on the basis of race, ethnicity, color, sex, sexual orientation, gender identity, religion, national origin, ancestry, disability, marital status, age, source of income, familial status, or domestic or sexual violence victim status.

New Castle County

Tenants’ Rights Guide:¹¹⁹ Landlords in all of the incorporated areas of New Castle County are required to register all rental units, allow access to those units for inspections, and provide a copy of the Tenant’s Rights Guide to all new tenants whenever the rental relationship is established. The guide outlines minimum standards for utilities, infestations, plumbing, etc. It also reinforces

¹¹⁷ Delaware State Housing act, §4606

¹¹⁸ Delaware Department of Justice, *A Summary of the Delaware Residential Landlord-Tenant Code*, Feb. 2014, https://attorneygeneral.delaware.gov/wp-content/uploads/sites/50/2017/03/Landlord_Tenant_Code_Summary_for_Tenants_2014.pdf

¹¹⁹ <https://nccde.org/DocumentCenter/View/641/Tenants-Rights-Guide?bidId=>

the protected classes under the federal Fair Housing Act but fails to mention the additional categories included in the Delaware Fair Housing Act.

Sussex County

Fair Housing Policy: Though not codified, Sussex County has adopted a Fair Housing Policy outlining their desire to adhere to the federal and state Fair Housing Acts by refraining from discriminatory zoning and land use decisions as well as ensuring that their employees and agents do not discriminate in advertising or renting residential dwellings. The policy highlights the protected characteristics under both acts, and in addition to the typical prohibited acts, it specifies that the county will not interfere with the “funding, development, or construction of any affordable housing units because of a protected characteristic.”¹²⁰

City of Wilmington

Wilmington City Code: The City of Wilmington’s City code prohibits discrimination in the advertisement, rental or sale of residential property on the basis of “race, age, marital status, creed, color, sex, sexual orientation, handicap, national origin, or economic or family status.”¹²¹

Identify any local and regional agencies and organizations that provide fair housing information, outreach, and enforcement, including their capacity and the resources available to them.

State of Delaware

Delaware State Attorney General¹²²: The Office of Civil Rights and Public Trust (OCRPT) was established in 2015 to provide more enforcement powers to Delaware’s laws protecting individual liberties. The office enforces all state laws related to civil and individual rights as well as those regarding the relationship between citizens and government, such as election laws. In these cases, the office focuses mainly on pattern or practice discrimination cases. OCRPT also investigates conflicts of interest in other law enforcement investigations and makes determinations in officer-involved shootings. The office accepts complaints via phone or online and the conducts a review. Despite being in its fourth year of operation, the office has not filed any litigation to date. They have brought no pattern or practice cases in the realm of housing, though there is currently a very preliminary investigation into a race/national origin claim.

Division of Human Relations¹²³: With a narrower mission than the Attorney General’s Office of Civil Rights and Public Trust, the Division of Human Relations is the state agency charged with investigating violations of the state and federal fair housing and equal accommodations laws. In addition, the division mediates a variety of other issues and conducts training across the state. Discrimination complaints can be filed online or via phone. Despite operating statewide, the Division of Human Relations has a limited capacity to meet the needs of the entire state. The office is complaint driven, and only employs one investigator from each of the three counties. Case record

¹²⁰ <https://sussexcountyde.gov/fair-housing-policy>

¹²¹ Wilmington City Code, Sec. 35-38, https://library.municode.com/de/wilmington/codes/code_of_ordinances?nodeId=PTIIWICO_CH35HURI_ARTIIIFAHO_S35-78UNAC.

¹²² <https://attorneygeneral.delaware.gov/publictrust/>

¹²³ <https://attorneygeneral.delaware.gov/publictrust/>

data from July of 2016 to present shows that the office processed 154 complaints over the last three years. It should be noted that case record data was specially requested for use in this analysis.

Community Legal Aid Society, Inc. (CLASI)¹²⁴: Delaware’s branch of Community Legal Aid Society, Inc., provides a wide range of direct services to clients throughout the state. The Fair Housing Program conducts advocacy and enforcement on behalf of those who have been discriminated against under the state or federal Fair Housing Act. CLASI conducts investigations of complaints and provides direct legal representation in all stages, from mediation to administrative and court proceedings. There are two fair housing attorneys on staff. The organization also conducts testing, outreach, and education across the state.

Housing Alliance Delaware: Created from a merger of the Delaware Housing Coalition and the Homeless Planning Council, Housing Alliance Delaware’s advocacy and community development strategies to work together on the joint causes of providing affordable housing and eliminating homelessness throughout the state. The organization has a staff of 14, with two housing specialists. In addition to work in specific neighborhoods, Housing Alliance Delaware has two programs that leverage statewide nonprofits to produce collective community development and advocacy strategies. The Community Development Network operates across the state by “convening as a group to understand and address problems felt at the organizational level, providing peer education through technical assistance and capacity building, and public policy development and advocacy to strengthen the legislative and regulatory environment.”¹²⁵ The Nonprofit Housing Agenda is a coordinated policy and advocacy strategy of statewide nonprofits that has been used to “advance legislative and regulatory change, and increase public support” for housing issues.¹²⁶ On the homelessness side, Housing Alliance Delaware manages the statewide Continuum of Care program and the Community Management Information System, “the data system by which Delaware collects and reviews data about homelessness.”¹²⁷ Housing Alliance Delaware receives funding from banks, the bar foundation, HUD, the National Community Reinvestment Coalition, and their credit union.

Legal Services Corporation of Delaware, Inc.(LSCD): LSCD is a legal services nonprofit that provides direct services to clients on a variety of issues. Because they receive funding from the Legal Services Corporation, they are limited in the clients they can serve and the types of legal assistance they can provide. To qualify for assistance, clients must be low-income. LSC organizations are banned from representing undocumented persons, engaging in lobbying, or bringing any class action and fee-generating cases. LSCD operates statewide but they only have offices in Dover and Wilmington. When it comes to housing, LSCD provides access to and help with court forms as well as assistance with eviction, foreclosure, unsafe conditions, code violations, and utility cut offs.¹²⁸

¹²⁴ <http://www.declasi.org/fair-housing/>

¹²⁵ <https://www.housingalliancede.org/community-development>

¹²⁶ *Id.*

¹²⁷ <https://www.housingalliancede.org/>

¹²⁸ <https://www.lscd.com/node/2/about-us>

American Civil Liberties Union of Delaware¹²⁹: This state affiliate of the ACLU focuses broadly on protecting individual rights. They do not focus on housing specifically, but the organization's work spans areas that intersect with housing, such as general discrimination, racial justice, religious liberty, and women's rights. Their work focuses on three strategies: campaigns, impact litigation, and advocacy around legislation. With a staff of just 10, and only two attorneys, the capacity of the organization is somewhat limited.

Philadelphia Region

Pennsylvania Human Relations Commission: The Commission operates statewide to enforce the state's fair housing, employment, education, and public accommodations laws.

Pennsylvania Attorney General: The Civil Rights Enforcement Section works to enforce the state's civil rights laws. While the office has authority to seek civil injunctions to remedy hate crimes, when it comes to discrimination the office works mainly with state and local civil rights agencies. The office will file cases of statewide significance or cases that present a pattern or practice of discrimination.

Philadelphia Commission on Human Relations: The City Commission investigates discrimination complaints and provides conciliation services for intergroup conflicts that require a solution the law cannot provide. More specifically, the Philadelphia Fair Housing Commission has the authority to both enforce the Philadelphia Fair Housing Ordinance, but also take action against landlords for unsafe rental property conditions.

Nongovernmental Organizations: In addition to these government agencies, numerous non-profits serve Philadelphia. These include the Fair Housing Rights Center in Southeastern Pennsylvania, the Housing Equality Center of Pennsylvania, the Public Interest Law Center, the Fair Housing Council of Suburban Philadelphia, and Community Legal Services of Philadelphia.

New Castle County

Housing Opportunities of Northern Delaware (HOND): HOND operates throughout the northern part of the state, with the mission of ensuring equal access to housing for all. In addition to assisting clients with filing fair housing complaints through the Division of Human Relations, they also provide outreach and educational services. These services include Fair Housing Law Forums, and a Fair Housing Law Education program for all those who receive services. In addition, HOND provides support services for first-time homeowners and those who are facing foreclosure and default.

Sussex County

Fair Housing Compliance Officer: Sussex County's office of Community Development and Housing has a Fair Housing Compliance Officer. While it is unclear from the office website what kinds of remedial steps the officer can or does take, it is encouraged to report all alleged violations of state, federal, or county fair housing policies to the compliance officer.

¹²⁹ <https://www.aclu-de.org/en>

City of Wilmington

Civil Rights Commission¹³⁰: The Commission is a seven-person body, with two of the positions being appointed by the City council and five of the positions being appointed by the mayor. Creation of the Commission does not create a private right of action, but they are charged with coordinating with local community group to resolve discriminatory treatment in any way that does not interfere with law enforcement investigations. Additional duties of the Commission include opening lines of public communication to report alleged discriminatory treatment and conducting at least one education or outreach event per year. Complaints related to alleged violations of the Fair Housing Policy are to be directed to the County's Fair Housing Compliance Officer, or HUD/DOJ directly.

City of Dover

Human Relations Commission:¹³¹ Dover's Human Relations Commission is composed of two members from each City council district and one at large member. All members are appointed by the president of the City council. The Commission is tasked with promoting inclusion, cooperation, and fair treatment broadly across any number of issues. In addition to making recommendations regarding City programs and ordinances, the Commission can receive complaints and resolve them with the help of the State Human Relations Commission. The Commission also engages in research and education efforts and puts on programming to foster intergroup relations throughout the City. The Commission's activities are funded by the City directly, but it also receives funds from other governmental or private organizations.

Describe any other Fair Housing Enforcement issues that were raised through the community engagement process

Community engagement with CLASI raised the issue of a lack of landlord/tenant case appeals. Landlord/tenant cases are brought in the Justice of the Peace Courts in Delaware, which have exclusive jurisdiction over landlord/tenant cases where possession/eviction is the issue. After trying a case, there is only one appeal available, to a three-judge panel at the Justice of the Peace Court.

This is concerning because justices of the peace in Delaware need not be trained attorneys, and these cases can result in a wide variety of outcomes for very similar situations.

¹³⁰ Wilmington City Code, §35-39,

https://library.municode.com/de/wilmington/codes/code_of_ordinances?nodeId=PTIIWICO_CH35HURI_ARTIICIRICO_S35-39GEAU.

¹³¹ Dover Code of Ordinances, §58-31 - §58-36,

https://library.municode.com/de/dover/codes/code_of_ordinances?nodeId=PTIICOOR_CH58HURE_ARTIIHURECO_S58-31PU.

Additionally, as there is no further appeal, there is little to no development of landlord/tenant case law precedent. Delaware is the only state that does not allow an appellate pathway to the state's highest court for landlord/tenant cases.

A second issue raised through community engagement with CLASI was the lack of a minimum rent non-payment threshold, after which a landlord may evict a tenant. In other U.S. jurisdictions, there is a minimum amount of unpaid rent which may trigger an eviction, but there is no such minimum amount in Delaware.

Practically, it means that a \$1 deficit could allow for eviction.

Additionally, in Delaware there is no right to cure – that is, repaying the late rent does not moot the eviction action against them. Small steps to address these two issues could guard against huge upheavals for low-income tenants who might otherwise lose their homes.

IV. Fair Housing Goals and Priorities

Goal #1: Increase the supply of affordable housing in high-opportunity areas	Contributing Factors	Metrics, Milestones, and Timeframe	Responsible Partners
1. Prioritize CDBG and HOME funds and LIHTC tax credits for family developments in high-opportunity areas, and further incentivize LIHTC family development in areas of opportunity through set asides, basis boosts, and/or increased competitive points.	Lack of access to opportunity due to high housing costs; Location and type of affordable housing; Lack of affordable, accessible housing in a range of sizes; Land use and zoning laws; Community Opposition	Set aside CDBG and HOME funds for family developments in high-opportunity areas: 1-5 years. Revise LIHTC to further incentivize family development in high-opportunity areas: 1-5 years. Regularly review and report on performance: 1-5 years.	DSHA, New Castle County, and City of Wilmington
2. Explore developing inclusionary zoning and /or housing trust fund programs in Kent County and the larger jurisdictions of Wilmington, Newark, and Dover. Evaluate and improve existing inclusionary zoning programs and/or housing trust funds in New Castle and Sussex Counties through additional incentives to increase production of affordable family units in high-opportunity areas.	Lack of access to opportunity due to high housing costs; Location and type of affordable housing; Lack of affordable, accessible housing in a range of sizes; Land use and zoning laws; Community Opposition	Review current inclusionary zoning programs and housing trust funds and make recommendations: 1-2 years. Compare jurisdictions that do and do not have these programs and explore feasibility of developing them in new areas: 1-2 years.	New Castle, Kent, and Sussex Counties, Cities of Wilmington, Newark and Dover
3. Explore changes to existing building and zoning codes to expand housing options to better fit housing needs such as permit accessory dwelling units, multifamily housing, and smaller lot sizes.	Lack of access to opportunity due to high housing costs; Location and type of affordable housing; Lack of affordable, accessible housing in a range of sizes; Land use and zoning laws	Review existing building and zoning codes for opportunities to expand density: 1 year. Propose changes and study feasibility of those changes: 2 years.	New Castle, Kent and Sussex Counties, Cities of Wilmington, Newark and Dover

Goal #1 - cont.: Increase the supply of affordable housing in high-opportunity areas	Contributing Factors	Metrics, Milestones, and Timeframe	Responsible Partners
4. Encourage local jurisdictions and counties to waive or reduce fees for affordable housing.	Lack of access to opportunity due to high housing costs; Location and type of affordable housing; Lack of affordable, accessible housing in a range of sizes; Land use and zoning laws	Conduct outreach to decision makers in local jurisdictions regarding waiving or reducing fees: 1 year.	New Castle, Kent and Sussex Counties, Cities of Wilmington, Newark and Dover
5. New Castle County has used a portion of its HOME funds for affordable housing developments in low-income communities of color in the City of Wilmington. In an effort to eliminate housing policies that perpetuate segregation, the County will continue to prioritize its HOME funds for family affordable developments in high-opportunity areas.	Lack of access to opportunity due to high housing costs; Location and type of affordable housing; Lack of affordable, accessible housing in a range of sizes; Land use and zoning laws	Revise HOME program guidelines to prioritize family affordable developments in high-opportunity areas throughout the County: 1-2 years.	New Castle County
6. Advocate for the repeal of SB 400, which requires DSHA to notify state senators and representatives of any tax credit, loan, or grant award for affordable housing development in their district. This is a significant impediment to Delaware's duty to affirmatively furthering fair housing because it increases the likelihood of NIMBYism and its discriminatory effects.	Community Opposition; Siting selection policies, practices and decisions for publicly supported housing; Lack of access to opportunity due to high housing costs; Location and type of affordable housing; Land use and zoning laws	Meet with state legislators to advocate for repeal: 1-2 years. Introduce legislation: 2-3 years.	General Assembly, Fair Housing Task Force, Consortium members, CLASI, housing advocates

Goal #2: Preserve the existing stock of affordable rental housing	Contributing Factors	Metrics, Milestones, and Timeframe	Responsible Partners
1. For municipalities with complaint-driven code enforcement policies, review and revise as needed to require regular inspections to reduce displacement and fear of retaliation by landlords against tenants.	Displacement of residents due to economic pressures; Lack of access to opportunity due to high housing costs; Lack of affordable, accessible housing in a range of sizes	Review current policies and develop best practices for regular code inspection: 1-2 years. Revise policies: 2-3 years.	New Castle, Kent and Sussex Counties, Cities of Wilmington, Newark and Dover
2. Continue to extend affordability restrictions for properties with expiring subsidies through loan extensions, workouts, and buy-downs of affordability.	Displacement of residents due to economic pressures; Lack of access to opportunity due to high housing costs; Lack of affordable, accessible housing in a range of sizes	Conduct periodic review of expiring subsidies, etc.: 1-5 years. Extend affordability restrictions through loan extensions, workouts, and buydowns: 1-5 years.	DSHA, New Castle County, Cities of Wilmington, Newark and Dover

Goal #3: Prevent displacement of Black and Hispanic low- and moderate-income residents	Contributing Factors	Metrics, Milestones, and Timeframe	Responsible Partners
1. Improve protections for manufactured homeowners in leased land communities, including support to facilitate conversion of parks to cooperative or nonprofit ownership.	Displacement of residents due to economic pressures, Lack of affordable, accessible housing in a range of sizes	Develop best practices for reducing displacement of manufactured homes: 1-2 years. Develop new policies and introduce legislation to improve protections: 2-3 years.	General Assembly, Del. DOJ Consumer Protection Unit, Del. Manufactured Home Relocation Authority, DNREC, Fair Housing Task Force, Consortium members
2. Pilot a “Right to Counsel” program for low-income tenants facing eviction. This program can expand upon the eviction defense and appeals efforts recently launched funding through the Delaware State Housing Authority and FHLBank Pittsburgh’s Home4Good program.	Displacement of residents due to economic pressures; Private discrimination; Lack of affordable, accessible housing in range of sizes; Admissions and occupancy policies and procedures, including preferences in publicly supported housing	Review existing Right to Counsel programs nationwide, develop guidelines, and identify funding sources: 1-2 years. Implement pilot program: 2-3 years.	General Assembly, Del. Courts, CLASI, Consortium members
3. Advocate for changes to the Delaware Code that would permit tenants to appeal decisions from the Justice of the Peace Court to Superior Court (and, from there, to appellate courts). Delaware is the only state that does not have an appellate pathway for landlord/tenant cases.	Displacement of residents due to economic pressures; Private discrimination	Work with legal services providers, legislators, and judiciary to amend current process: 1-2 years. Introduce legislation: 2-3 years.	General Assembly, Del. Courts, Fair Housing Task force, Consortium members, CLASI, housing advocates
4. Establish a minimum non-payment of rent threshold for evictions of \$100 and adopt a rule allowing tenant to cure by paying the full amount owed, up to and including date of trial for eviction.	Displacement of residents due to economic pressures; Private discrimination	Work with legal service providers, legislators, and judiciary to amend \$100 threshold for evictions: 1-2 years. Introduce legislation for minimum non-payment of rent and ability to cure: 2-3 years.	General Assembly, Del. Courts, Fair Housing Task Force, CLASI, housing advocates

Goal #4: Increase community integration for persons with disabilities	Contributing Factors	Metrics, Milestones, and Timeframe	Responsible Partners
1. Develop funding sources and policies to establish project-based rental assistance to create new permanent supportive housing through LIHTC and other financing programs, which is currently allowed and incentivized but lacks ongoing rental assistance.	Lack of access to publicly supported housing for persons with disabilities; Lack of affordable, accessible housing in a range of sizes; Lack of affordable, integrated housing for individuals who need supportive services	Review funding sources and policies: 1 year. Develop new funding sources and policies: 2-3 years.	DSHA, Delaware Department of Health and Social Services (DHSS)
2. All Housing Authority Administrative Plans should adopt preferences for persons with disabilities who are at risk of institutionalization or have recently left institutions.	Lack of access to publicly supported housing for persons with disabilities; Lack of affordable, accessible housing in a range of sizes; Lack of affordable, integrated housing for individuals who need supportive services	Review Administrative Plans of housing authorities: 1 year. Adopt preferences for people with disabilities: 2-3 years.	Consortium PHA members
3. Revise Delaware's State Housing Code and encourage other jurisdictions to change the definition of a family so it does not limit the number of unrelated persons who can live together in a unit.	Occupancy codes and restrictions; Lack of affordable, accessible housing in a range of sizes; Lack of affordable, integrated housing for individuals who need supportive services	Review other state housing codes, introduce legislation to revise the definition of family: 1-2 years.	General Assembly, State Council for Persons with Disabilities, Fair Housing Task Force, Consortium members, housing advocates
4. Continue to increase the supply of fully accessible units by continuing to incentivize the inclusion of additional accessible units in LIHTC developments.	Lack of access to publicly supported housing for persons with disabilities; Lack of affordable, accessible units in a range of sizes; Lack of affordable, integrated housing for individuals who need supportive services	Continue to incentivize the inclusion of additional accessible units in LIHTC developments: 1-5 years.	DSHA, DHSS

Goal #5: Ensure equal access to housing for persons with protected characteristics, lower-income, and homeless	Contributing Factors	Metrics, Milestones, and Timeframe	Responsible Partners
1. Expand Delaware Fair Housing Act's Source of Income protections to include voucher holders.	Community opposition; Impediments to mobility; Lack of access to opportunity due to high housing costs; Lack of fair housing outreach and enforcement; Private discrimination; Source of income discrimination	Work with legal services providers and legislators to advocate for expansion of source of income protections: 1-2 years. Introduce legislation: 2-3 years.	General Assembly, DDHR, Fair Housing Task Force, Consortium members, developers, management companies, CLASI, housing advocates, nonprofit organizations
2. For municipalities with crime-free housing and nuisance ordinances, advocate for their removal and advocate for legislation banning such ordinances	Community opposition; Lack of fair housing outreach and enforcement; Private discrimination	Work with municipalities to remove crime-free housing and nuisance ordinances: 1-2 years. Introduce legislation: 2-3 years.	General Assembly, Fair Housing Task Force, Consortium members, CLASI, housing advocates
3. Require all rental and homeownership applications be available in Spanish and ensure paper copies are available for those without computer access.	Impediments to mobility; Lack of fair housing outreach and enforcement; Private discrimination; Lack of meaningful language access for individuals with limited English proficiency	Index applications and documents that do not already have translations available: 1 year. Develop translations and make electronic and paper copies available: 1-2 years	Consortium members
4. Ensure housing authorities have culturally competent translators available to their customers.	Impediments to mobility; Lack of housing outreach and enforcement; Private discrimination; Lack of meaningful language access for individuals with limited English proficiency	Review cultural competency of translators and interpreters serving housing authority customers: 1 year. Implement training and/or hire culturally competent translators and interpreters as appropriate: 2 years.	Consortium members

Goal #5 – cont.: Ensure equal access to housing for persons with protected characteristics, lower-income, and homeless	Contributing Factors	Metrics, Milestones, and Timeframe	Responsible Partners
5. Cap rental application fees and eliminate fees for voucher holders in accordance with best practices.	Impediments to mobility; Lack of access to opportunity due to high housing costs; Lack of housing outreach and enforcement; Private discrimination	Review best practices on capping rental applications fees and eliminating voucher holder fees: 1 year. Implement best practice: 2-3 years.	Consortium members
6. Where possible, encourage landlords to follow HUD’s guidance on the use of criminal backgrounds in screening tenants.	Lack of affordable, accessible housing in a range of sizes; Community opposition; Impediments to mobility; Lack of access to opportunity due to high housing costs; Lack of fair housing outreach and enforcement; Private discrimination	Begin outreach to encourage landlords to follow HUD criminal background screening guidance: 1 year. Review landlord screening practices and implement more targeted outreach: 2-3 years.	Consortium members, General Assembly, management companies, and owners of affordable rental properties
7. Encourage inclusive credit screening practices that do not rely on FICO scores.	Lack of affordable, accessible housing in a range of sizes; Community opposition; Impediments to mobility; Lack of access to opportunity due to high housing costs; Lack of fair housing outreach and enforcement; Private discrimination	Conduct outreach and education on inclusive credit screening practices: 1-3 years.	Consortium members, General Assembly, LIHTC owners, management companies, and other owners of affordable rental properties
8. Convene the Fair Housing Task Force on a quarterly schedule to implement recommendations in the AI that are regional in nature.	Lack of affordable, accessible housing in a range of sizes; Community opposition; Impediments to mobility; Lack of access to opportunity due to high housing costs; Lack of fair housing outreach and enforcement; private discrimination	Convene the Fair Housing Task Force quarterly to review progress on Goals and Strategies: 1-5 years.	DDHR, Consortium members, CLASI, housing advocates, housing non-profits

Goal #6: Expand access to opportunity for protected classes	Contributing Factors	Metrics, Milestones, and Timeframe	Responsible Partners
1. Study and make recommendations to improve and expand Sussex County's public transportation to ensure that members of protected classes can access jobs. Review public transportation options in New Castle and Kent Counties to ensure sufficient access to job centers and coordination among various agencies.	Location and type of affordable housing; Displacement of residents due to economic pressures; Location of employers; Availability, type, frequency, and reliability of public transportation; Lack of public investment in specific neighborhoods, including services or amenities	Review public transportation options in New Castle, Kent, and Sussex Counties: 1 year. Make recommendations to improve Sussex County public transportation: 2-3 years	Delaware Transit Corporation (DART), Del. Public Service Commission, Sussex County, New Castle County, Kent County, DSHA
2. Address the racial disparities in water and sewer hookups, water quality, and utility costs in Sussex County by targeting CDBG funding for infrastructure and public utility improvements to unincorporated communities of color where possible or near existing systems, and with community support.	Location and type of affordable housing; Location of environmental health hazards; Displacement of residents due to economic pressures; Lack of public investment in specific neighborhoods, including services or amenities	Develop plans and identify funding to address racial disparities in water and sewer: 1 year. Implement plans: 2-3 years	Sussex County, DSHA, Fair Housing Task Force, DNREC, DART, Public Service Commission, housing advocates, local municipalities as applicable

Goal #7: Reduce barriers to mobility	Contributing Factors	Metrics, Milestones, and Timeframe	Responsible Partners
1. Enact policies that provide formal periodic reviews of residency and other preferences for fair housing impacts.	Admissions and occupancy policies and procedures, including preferences in publicly supported housing; Impediments to mobility; Community opposition; Lack of access to opportunity due to high housing costs; Source of income discrimination; Quality of affordable housing information programs	Review current policies and survey stakeholders to determine the optimal number of reviews: 1 year. Develop and implement new policies: 2-3 years.	Consortium PHA members
2. Explore selective use of payment standards based on Small Area Fair Market Rents, to expand housing choice specifically in zip codes that are areas of opportunity.	Admissions and occupancy policies and procedures, including preferences in publicly supported housing; Impediments to mobility; Community opposition; Displacement of residents due to economic pressures; Lack of access to opportunity due to high housing costs; Source of income discrimination	Compare SAFMR for high-opportunity areas, to current payment standards, project amount of mobility adopting SAFMRs would encourage: 1 year.	Consortium PHA members, <i>Newark already implementing SAFMRs</i>
3. Ensure both written and oral briefing content for voucher holders addresses moves to opportunity; expand content as needed.	Admissions and occupancy policies and procedures, including preferences in publicly supported housing; Impediments to mobility; Community opposition; Lack of access to opportunity due to high housing costs; Source of income discrimination; Quality of affordable housing information programs	Develop training/script for staffers providing oral and written briefing on moves to opportunity: 1 year.	Consortium PHA members

Goal #7 – cont.: Reduce barriers to mobility	Contributing Factors	Metrics, Milestones, and Timeframe	Responsible Partners
4. Explore creation of mobility counseling program to support moves to opportunity.	Admissions and occupancy policies and procedures, including preferences in publicly supported housing; Impediments to mobility; Lack of access to opportunity due to high housing costs; Source of income discrimination; Quality of affordable housing information programs	Review model mobility programs: 1 year. Develop proposal for mobility program and explore feasibility: 2-3 years.	Consortium PHA members
5. Institute regular landlord/ developer outreach to encourage participation in voucher programs, including periodic workshops and ongoing working group; and encourage use of landlord listing service <i>DelawareHousingSearch</i> to increase units in high-opportunity areas.	Admissions and occupancy policies and procedures, including preferences in publicly supported housing; Impediments to mobility; Community opposition; Lack of access to opportunity due to high housing costs; Source of income discrimination; Quality of affordable housing information programs	Develop new policies: 1 year. Start holding workshops and outreach activities: 2 years.	Consortium members, Delaware Public Service Commission, DDHR
6. Develop a model Affirmative Fair Housing Marketing Plan and support expanded affirmative marketing, including to Hispanic communities.	Source of income discrimination; Quality of affordable housing information programs	Develop Marketing Plan: 1-2 years.	Consortium PHA members, DDHR

V. Appendices

A. Contributing Factors

Contributing factors are ranked as low, medium or high priority based on their impact on barriers to fair housing.

HIGH Contributing Factors

Admissions and Occupancy Policies and Procedures, including Preferences in Publicly Supported Housing - HIGH

Public housing authority (PHA) tenant selection and waitlist policies can impact fair housing by shaping who is able to access subsidized or public housing, overall and in particular jurisdictions. Some types of admission and waitlist procedures may have a discriminatory effect on the basis of race, disability, or ethnicity, depending on local demographic patterns. Examples include local residency preferences (and other local preferences), inadequate marketing of waitlist openings (including use of local advertising and word-of-mouth marketing), short application windows, limitations on the types of application procedures available, and ordering of waitlist by time and date of application. Where these types of procedures exist, they should be carefully scrutinized to assess whether they are having a discriminatory effect. Several PHAs in Delaware¹³² also have a local preference in admission that requires non-elderly or disabled applicants to be employed. This type of preference may sometimes have a discriminatory effect, depending upon differential rates of access to employment in the local labor market.

Across the state, African American occupancy rates of “other multifamily” housing, (primarily HUD-subsidized, privately-owned multifamily housing) fall significantly below their representation of the eligible population. It is unclear what mechanisms are driving this disparity. It could include impact of local residency preferences, marketing practices that rely on local advertising, word of mouth, first-come first-serve waitlist management, or other marketing practices related to the ownership of the properties.

Latinos appear to be somewhat underrepresented in every assisted housing category in proportion to their share of the eligible population.

Delaware State Housing Authority

DSHA administers public housing and Housing Choice Vouchers (HCV) in Kent and Sussex Counties (and a small state-funded voucher program in New Castle County). DSHA has a local residency preference for applicants who live or work in Kent or Sussex County, and a local preference that requires the applicant to work at least 20 hours per week, except in the case of elderly or disabled individuals.

Wilmington Housing Authority

WHA administers public housing and HCVs within the City of Wilmington. WHA’s local preferences include a working preference for non-elderly and disabled applicants, and a local residency preference (which is unlikely to have any discriminatory impact in the local Wilmington context). WHA

¹³² DSHA, Dover, Wilmington, and New Castle County housing authorities.

application and waitlist management procedures include initial application by phone (generally a non-discriminatory approach) and ordering the waitlist within preference categories by date and time of application (which sometimes has the *potential* to have a discriminatory effect). Affirmative marketing provisions in the WHA's PHA Plan include targeted outreach to underserved populations, based on an analysis of waitlist composition.¹³³

Newark Housing Authority

Newark has preferences for local residents (applicants who live or work in Newark), persons with disabilities, veterans, victims of domestic violence, and persons experiencing homelessness for its public housing and HCV programs. However, but the demographic profile of PHA residents does not suggest a fair housing issue.

New Castle County Housing Authority

The jurisdiction of the NCCHA includes all of New Castle County except the jurisdictions of the Newark and Wilmington Housing Authorities (each of which are coterminous with their city's boundary). For this reason, the NCCHA's proposed residency preference (set out in its March 2019 administrative plan) *may* have a discriminatory impact on African American families, since the proportion of the eligible population of African American families living in the NCCHA area of operation is roughly half of the eligible African American population of families living in the county as a whole. This effect may be mitigated by the inclusion of the preference for families working in the NCCHA jurisdiction, but further analysis should be undertaken to determine the extent of any discriminatory impact of the proposed policy, especially given the extensive list of local preferences adopted by the NCHHA, including preferences for extremely rent burdened families, survivors of domestic violence, etc.

The NCCHA recently updated its Section 8 Administrative Plan to include new non-discrimination protections for survivors of domestic violence and applicants with certain types of criminal records.

Dover Housing Authority

Dover has preferences for local residents (applicants who live or work in Dover) for its public housing and HCV programs.

Lack of Affordable, Accessible Housing in a Range of Sizes - HIGH

The availability of affordable housing in a range of unit sizes is a significant contributing factor to Disproportionate Housing Needs. It determines whether various groups, such as families with multiple children, are subject to overcrowding, and have adequate housing options. For the population served by publicly supported housing, single people with disabilities or the elderly tend to require smaller unit sizes, while households with children, especially large families, are in need of larger units.

In Delaware, the lack of large units creates overcrowding problems that disproportionately impact households of color. As noted in the preceding data analysis, White and Native American households experience a rate of overcrowding that is 1.5 percent or less in every jurisdiction, while Hispanics experience the highest rates of overcrowding with a high of 17 percent in Sussex County (three times

¹³³ However, the WHA PHA plan also indicates that the PHA should "avoid outreach efforts that...prefer members of a protected class," which tends to undermine affirmative marketing goals. We are unclear as to the origin or purpose of this provision.

as much as the next highest group). Black households experience the second highest rate of overcrowding, and Asian American or Pacific Islander households experience high rates of overcrowding in Wilmington (7.5 percent) and Sussex County (5.36 percent).

In addition, while there is a statewide shortage of family-sized publicly supported housing units compared to the number of cost-burdened family households, a relatively large number of such units are public housing units (in comparison to other types of publicly supported housing, such as project-based vouchers). However, from a fair housing perspective, this does not compensate for the lack of sufficiently large units in more dispersed housing programs or in the private market.

The lack of affordable *and* accessible housing in a range of unit sizes is a significant contributing factor to Disability and Access. Persons with disabilities have disproportionately low incomes and live in poverty, thus increasing their relative need for affordable housing. While 13.3 percent of individuals in Delaware who do not have disabilities have incomes below the federal poverty line, 16.4 percent of persons with a disability have incomes below the federal poverty line. The median earnings for individuals without disabilities in Delaware is \$35,993 compared to \$22,805 for persons with disabilities. In light of the broader affordable housing shortage in the state, there is certainly a shortage for persons with disabilities.

Most units were placed in service from 1991 onward, and conform to modern accessibility standards. Publicly supported housing is also subject to the modification requirements of Section 504 of the Rehabilitation Act. Nevertheless, new affordable, multifamily units – those that are most likely to be both affordable and accessible, are too few in number to meet the total need.

When it comes to supportive housing for persons with disabilities, although the demand likely consists primarily of a need for one-bedroom units, there are individuals at risk of institutionalization who have dependent children and persons with disabilities who need a live-in aide with their own bedroom. A mix of a small number of two- and even three-bedroom units in developments with a supportive housing component would foster greater community integration.

A lack of affordable, accessible housing in a range of unit sizes can exacerbate two fair housing issues. First, when individuals with disabilities are not able to secure such housing, the alternative may be segregation in congregate settings like nursing homes and group homes. Second, if low-income persons with disabilities have to navigate the private market in order to obtain housing with the accessibility features they need, they may incur the disproportionate housing need of elevated cost burden as a result.

Availability, Type and Reliability of Public Transportation - HIGH

Lack of adequate public transportation is a significant contributing factor to disparities in Access to Opportunity. Generally, there is a lack of frequent and reliable transit in most of the state. This is a major barrier to accessing jobs and services. State officials have largely focused on providing transit in areas where density and infrastructure makes it most practical.¹³⁴ However, this means that less densely populated areas have limited or no access to transit. In Sussex County, transit service is generally more robust in coastal beach towns. Much of western Sussex County has limited year-round

¹³⁴ “Letters to the Editor: DelDOT responds to LWV concerns about buses,” Cape Gazette, (2018).

public transportation, which makes it difficult for residents to access jobs in eastern Sussex County by transit.¹³⁵

DART, the only statewide provider of public transportation, operates 37 bus routes in New Castle County while the Wilmington/Newark SEPTA Regional Rail line connects northern New Castle County to Philadelphia. However, stakeholders in the county report that public transportation is a major issue. Many suburban areas still lack access to quality public transit. Bus frequencies, destinations, and hours in suburban areas are often limited, negatively impacting households without vehicles, seniors, and people with disabilities.¹³⁶ Links between Wilmington and many suburban areas are also limited.

In Wilmington, a bus transit hub at Rodney Square was largely dismantled in December 2017 as 13 bus routes were shifted away from the square.¹³⁷ That action has prompted complaints from advocates and riders who believe that the elimination of the hub has made transfers more inconvenient and forced riders to wait at stops without adequate seating or shelter.¹³⁸ In particular, riders have complained about the disproportionate impact of the changes on people of color, low-income riders, individuals with disabilities, and the elderly.¹³⁹

Community Opposition - HIGH

Community opposition is a significant contributing factor for Segregation in Delaware. Examples of the Not in My Backyard (“NIMBY”) sentiment include opposition to proposed housing developments and expanding businesses.

In New Castle County, some community opposition was voiced against redeveloping the former Three Little Bakers Golf Course, on the grounds of environmental degradation and a lack of existing zoning laws allowing the redevelopment.¹⁴⁰ Concerns about traffic, drainage, and decreasing green space led to the project eventually being rejected by the County Council.¹⁴¹ Community opposition in Wilmington has also led to conflict over zoning and redevelopment in the City. Despite the City undergoing major redevelopment efforts in recent years, residents have expressed concerns about how allowing liquor licenses to different businesses might increase noise and public nuisance. These concerns were targeted at the Constitution Yards Beer Garden¹⁴² and a small Italian restaurant in the area¹⁴³. Other projects with significant community opposition include the Barley Mill Plaza project, which would have created high-end residences and shops in Greenville. Though the complex was vacant for a decade, previous proposals were met with significant community opposition, citing

¹³⁵ Goebel.

¹³⁶ [Wilmington Area Planning Council, “Transportation Justice: 2015 Accessibility and Mobility Report,” \(2015\).](#)

¹³⁷ [Zoe Read, “Wilmington bus riders continue to fight for Rodney Square routes,” WHYY, \(2018\).](#)

¹³⁸ [Christina Jedra, “Rodney Square bus advocates to DART: ‘We’re not going to accept it,’” Delaware Online, \(2018\).](#)

¹³⁹ [Christina Jedra, “Wilmington bus riders clash with DART over elimination of Rodney Square stops,” Delaware Online, \(2018\).](#)

¹⁴⁰ <https://www.delawareonline.com/story/opinion/contributors/2019/01/11/new-castle-county-council-should-stand-firm-three-little-bakers/2548095002/>

¹⁴¹ <https://www.delawareonline.com/story/news/2019/02/21/whats-next-proposal-develop-three-little-bakers-golf-course/2938596002/>

¹⁴² <https://www.delawareonline.com/story/news/2016/07/07/wilmington-beer-garden-decision-looms/86834694/>

¹⁴³ <https://www.delawareonline.com/story/opinion/columnists/matthew-albright/2018/07/20/neighborhoods-italian-food-fight-shows-delawares-nimby-pandemic/804150002/>

worries of increased traffic and lesser green space. The area has changed owners multiple times in the last few years.¹⁴⁴

In 2015, the Our Lady of Grace master plan for 282 townhomes, duplexes, and single-family homes on a 182-acre property, owned by the Felician Sisters, met fierce resistance from neighboring residents because it included 60 family LIHTC units. Located near Newark, this was a thoughtful well-designed proposal that integrated affordable housing near services and supportive infrastructure. While the development did not require a rezoning, opposition organized and escalated to the extent that the county and state considered buying the affordable housing portion of the master plan community to keep as open space instead of affordable housing. The proposal did finally proceed but with fewer units and revisions to the plan.

Community Opposition is particularly aggressive in the coastal area of Sussex County where there are few housing options affordable for workers of the resort economy. This same area contains high performing schools and supportive infrastructure. Widespread single-family housing and community opposition has prevented affordable housing from being built or delayed its availability. In addition, it fuels rent increases and adds additional cost to simply developing affordable housing. The following are recent examples from Sussex County.

The Home of the Brave Foundation in 2013 sought a special-use exception from the County Board of Adjustments (BOA) to operate a transitional facility for homeless women veterans and their children in a single-family home in a neighborhood setting. Due to neighborhood opposition, including a petition signed by 66 residents, the BOA added conditions to the request that made the ability to operate the shelter no longer feasible.

Community opposition also prevented two proposed homeless shelters by the non-profit Immanuel Shelter from being developed. The first proposed shelter was located in the West Rehoboth area and the second one in the Wesley U.M. Church near Five Points in Lewes. The BOA denied the West Rehoboth proposal and, while it approved the John Wesley U.M. Church proposal, local citizens sued and the State Superior Court overturned the BOA approval.

A 2018 proposal (Nassau Property) for 150 multi-family units on 12.5-acre parcel on Route 1, just north of the Five Points interchange, faced fierce opposition. After several nearby residents testified against the proposal, Council denied it because it was "not in character with the surrounding area" – which is comprised of single-family homes. A second attempt in 2019, at the same location, proposed 168 multi-family units, of which 21 would be deemed affordable under the County's Affordable Rental Program. Although approved by the County's Planning and Zoning Commission, ongoing public opposition led the developer to withdraw the proposal.

Recently, a multifamily (Kent Apartments) was proposed along Muddy Neck Road near Ocean View. The area has very few affordable options and faced significant and well-organized public opposition. The original proposal was for 45 units in three apartment buildings. Sussex County Council received significant public opposition including 1,200 letters. Consequently, only 16 multifamily units were approved.

¹⁴⁴ <https://www.delawareonline.com/story/news/2019/01/29/developer-pitch-plans-barley-mill-plaza-redevelopment/2703589002/>

Sussex County signed a Voluntary Compliance Agreement (VCA) with HUD on November 28, 2012 relating to the prior denial of New Horizons, a 50-lot affordable housing subdivision plan proposed by Diamond State Community Land Trust.

Impediments to Mobility – HIGH

One of the original purposes of the Housing Choice Voucher program (formerly called “Section 8”) was to expand housing choice and deconcentrate poverty by giving low income families access to privately owned and managed housing. In 1989, Congress expanded this principle by permitting families to move freely outside the jurisdiction where their voucher was first issued. However, in the administration of the HCV program over the years, families have often been constrained in their choices, and today the HCV program is more geographically concentrated in higher poverty (and racially concentrated) neighborhoods than private rental housing, and almost as geographically concentrated as traditional public housing. The reasons for these patterns of concentration include a combination of housing market factors and PHA practice. Collectively, we call these factors “impediments to mobility,” and this assessment will highlight specific impediments that may be affecting voucher concentration in Delaware.

Lack of Access to Opportunity Due to High Housing Costs – HIGH

Lack of access to opportunity due to high housing costs is a significant contributing factor. Almost half of all renters in the state face housing challenges, defined as paying more than 30 percent of their income on housing costs, or living in overcrowded or substandard living conditions.¹⁴⁵ As noted earlier, the challenges are most severe among renters earning less than 50 percent of Area Median Income. For every 100 Extremely Low Income (ELI) renters with income at or below 30 percent of the Area Median Income, there are only 24 available and affordable rental homes.¹⁴⁶ This is below the national average of 35 available homes for every 100 ELI renters.¹⁴⁷ The affordability crisis is greatest in New Castle County, which also has the highest proportion of renters.¹⁴⁸ The fair market rent for a three-bedroom unit at fair market price in all three counties is approximately \$1,500. The cost of housing poses a challenge to potential homeowners, as well. Minority households are less likely to become homeowners than White, non-Hispanic households. When minority households do transition to owning, they have a higher chance of experiencing housing challenges than their White counterparts.¹⁴⁹ This issue is most prevalent among African American and Hispanic households, where roughly half are homeowners compared to 81 percent among White families.¹⁵⁰ These housing cost challenges create barriers to households seeking to move to areas of opportunity.

To better understand the neighborhoods in Delaware, DSHA has incorporated ‘Areas of Opportunity’ into their ‘Balanced Housing Opportunities’ maps.¹⁵¹ Areas of Opportunity are generally strong, high-value markets that offer economic opportunity, high-performing schools, and supportive infrastructure; however, these areas contain little to no affordable housing.¹⁵² DSHA encourages municipalities to use

¹⁴⁵ [Delaware State Housing Authority, “Delaware Housing Needs Assessment, 2015-2020,” \(2014\).](#)

¹⁴⁶ [Housing Alliance of Delaware, “The State of Housing & Homelessness in The First State,” \(2018\).](#)

¹⁴⁷ Housing Alliance of Delaware, 4.

¹⁴⁸ Housing Alliance of Delaware, 6.

¹⁴⁹ [Delaware Housing Needs Assessment.](#)

¹⁵⁰ Delaware Housing Needs Assessment.

¹⁵¹ [Delaware State Housing Authority, “Delaware FY2017 CAPER,” \(2016\), 52.](#)

¹⁵² [Delaware FY2017 CAPER, 52.](#)

their maps to identify appropriate strategies to ensure equitable development, including prioritizing new construction and preservation of affordable housing in areas of opportunity.

As noted above, in many of the “high opportunity” zip code areas of New Castle and Sussex Counties, current payment standards are too low to give reasonable access to families with HCVs. This has the effect of excluding HCV families from those neighborhoods and steering them to lower priced, lower opportunity areas of the counties.

In Newark, the continued growth of University of Delaware enrollment has placed huge pressure on the local housing market, to the disadvantage of low-income families of color who are the predominant group of residents and families on the Newark PHA waitlist. The University has established a steering committee to address the issue of inadequate supply of rental housing, but the PHA will also need to reassess its payment standards if it seeks to compete in the local market.

Lack of Affordable In-home/Community-based Supportive Services – HIGH

Lack of affordable in-home or community-based supportive services is a significant contributing factor to disparities in access to opportunity for persons with disabilities in Delaware, particularly in the City of Dover and Kent and Sussex Counties. Although Delaware has more available and expansive in-home and community-based supportive services for persons with disabilities than most states, and those services are generally effective at preventing the segregation of persons with disabilities, there are gaps in social and recreation services outside of New Castle County. If more such services were available, people with disabilities and persons with developmental disabilities would have a greater opportunity to avail themselves of both public and private services.

Lack of Affordable, Integrated Housing for Individuals who need Supportive Services – HIGH

Lack of affordable integrated housing for individuals who need supportive services, is a high priority contributing factor to segregation and disproportionate housing needs for persons with disabilities. DSHA has helped close the gap in affordable housing for persons with disabilities through its State Rental Assistance Program. At the same time, efforts to increase the supply of hard units of affordable, integrated housing for individuals who need supportive services have slowed due to Congress’s decision not to provide funding in recent appropriations cycles for new Section 811 Project Rental Assistance contracts. The development of state or local funding streams that can work in tandem with the LIHTC program, like Section 811 does, to support the development of permanent, supportive housing would help to meet this need. Additionally, public housing authorities in the state, including for New Castle County and Dover, do not have waiting list preferences for persons with disabilities or for persons with disabilities who are at risk of institutionalization. Adopting such preferences would reduce strain on the State Rental Assistance Program.

Lack of Fair Housing Outreach and Enforcement – HIGH

Lack of local private fair housing outreach and enforcement is a significant contributing factor. There are several statewide non-profit fair housing counseling and enforcement organizations, but their resources are not sufficient to meet all of the outreach and enforcement needs. Housing Alliance

Delaware focuses more on advocacy and education rather than enforcement, and their resources are limited despite statewide operation. Community Legal Aid Society, Inc. only has two fair housing attorneys on staff, and Legal Services Corporation of Delaware has income and documentation restrictions. The ACLU also only has two attorneys, and they do not focus on housing issues.

Lack of local public fair housing enforcement is also a significant contributing factor. The Delaware Attorney General's Office of Civil Rights and Public Trust investigates cases of statewide interest or complex pattern or practice cases. Since opening in 2015, the office has never brought a housing case and currently only has one very preliminary investigation regarding a housing claim. The Delaware Division of Human Relations (DDHR) is tasked with fair housing enforcement in the state. Operating on a complaint basis, DDHR only processes approximately 50 cases a year since 2016. It should be noted that case record data was specifically requested for use in this analysis; it is not usually published. Stakeholder meetings revealed that a lack of information and outreach about DDHR's complaint process and lack of enforcement allow discrimination to go unchecked. Local public enforcement organizations such as the Wilmington Civil Rights Commission and the Dover Human Relations Commission accept complaints and have fair housing compliance officers, but those complaints are typically forwarded to DDHR. With only one investigator in each county, DDHR is unable to provide substantial public fair housing enforcement.

Given the levels of discrimination reported, the lack of both private and public fair housing outreach and enforcement is a significant contributing factor to fair housing enforcement, outreach capacity, and resources.

Lack of Public Investment in Specific Neighborhoods, including Services or Amenities – HIGH

Lack of public investment in specific neighborhoods, including services and amenities is a significant contributing factor to Segregation and Disparities in Access to Opportunity. One indicator is the relation of school proficiency to demographics. **In the following maps**, darker shades indicate more proficient schools. There are clear disparities across Wilmington and Dover regarding school proficiency, which align roughly with racial distribution. Better schools tend to be outside the city limits, in more affluent suburbs, although this trend is not present in Newark. Newark is more affluent than Wilmington or Dover due to the presence of the University of Delaware, which explains why it does not follow the trend. Two of Wilmington's four R/ECAPS have quite high school proficiency rankings, in the 60s, as compared to the areas closer to the Central Business District, indicating that there has not been total public disinvestment from these areas.

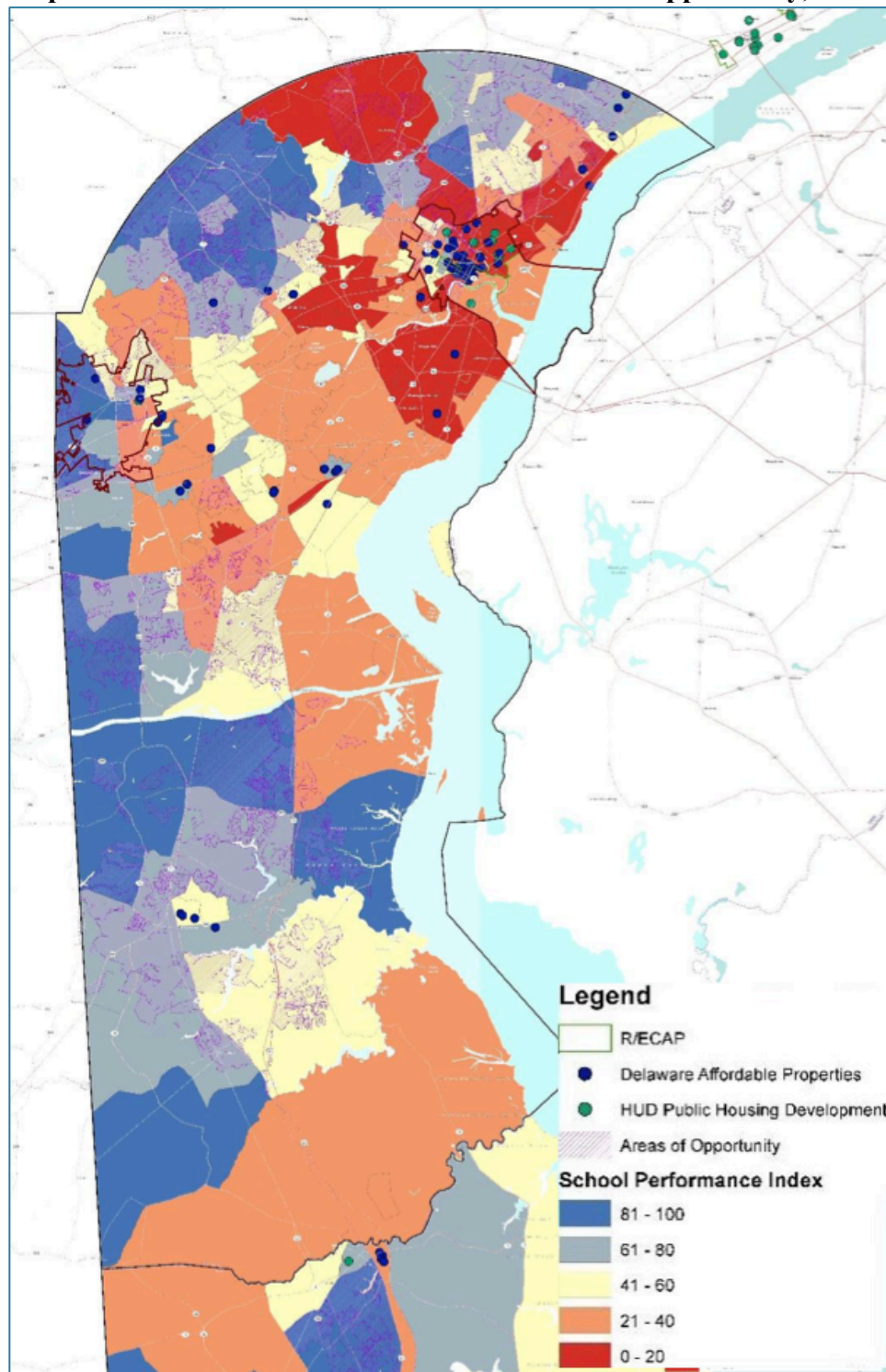
In the center of Kent County, there is a cluster of affordable housing sites surrounding the sole R/ECAP with notably low access to proficient schools. School proficiency scores range from single digit values to the low 30s. Non-Hispanic Black residents appear to cluster in these neighborhoods. Hispanics, Asian American and Pacific Islanders, and non-Hispanic White residents also appear in this section of the county; nevertheless, no other group is as densely clustered in these neighborhoods as non-Hispanic Black residents. The rest of the county consists of neighborhoods with varying levels of access to proficient schools; while neighborhoods in the southwest obtain school proficiency scores in the 50s, there are census tracts in the northern, central, and southeastern areas with scores in the 90s. Non-Hispanic White families and non-Hispanic Multi-racial families are spread across neighborhoods with low- and high-performing schools.

Access to proficient schools varies widely in Sussex County. Neighborhoods in the western portion of the county have very low access to proficient schools. The school proficiency index scores in this area range from as low as 1 to 12. Neighborhoods in the center of the county experience only marginally higher access to proficient schools. Meanwhile, neighborhoods in the northern, eastern, and southern sections of the county near the coast have access to markedly highly proficient schools; many of these neighborhoods have school proficiency index scores in the high 80s and high 90s—among the highest in the state.

Overlaying race and ethnicity over the school proficiency map reveals how White residents are heavily clustered in the highest-performing eastern neighborhoods. Hispanics appear to cluster in the central neighborhoods with low access to proficient schools. Non-Hispanic Black residents appear largely in both the central and eastern neighborhoods where schools are the lowest-performing.

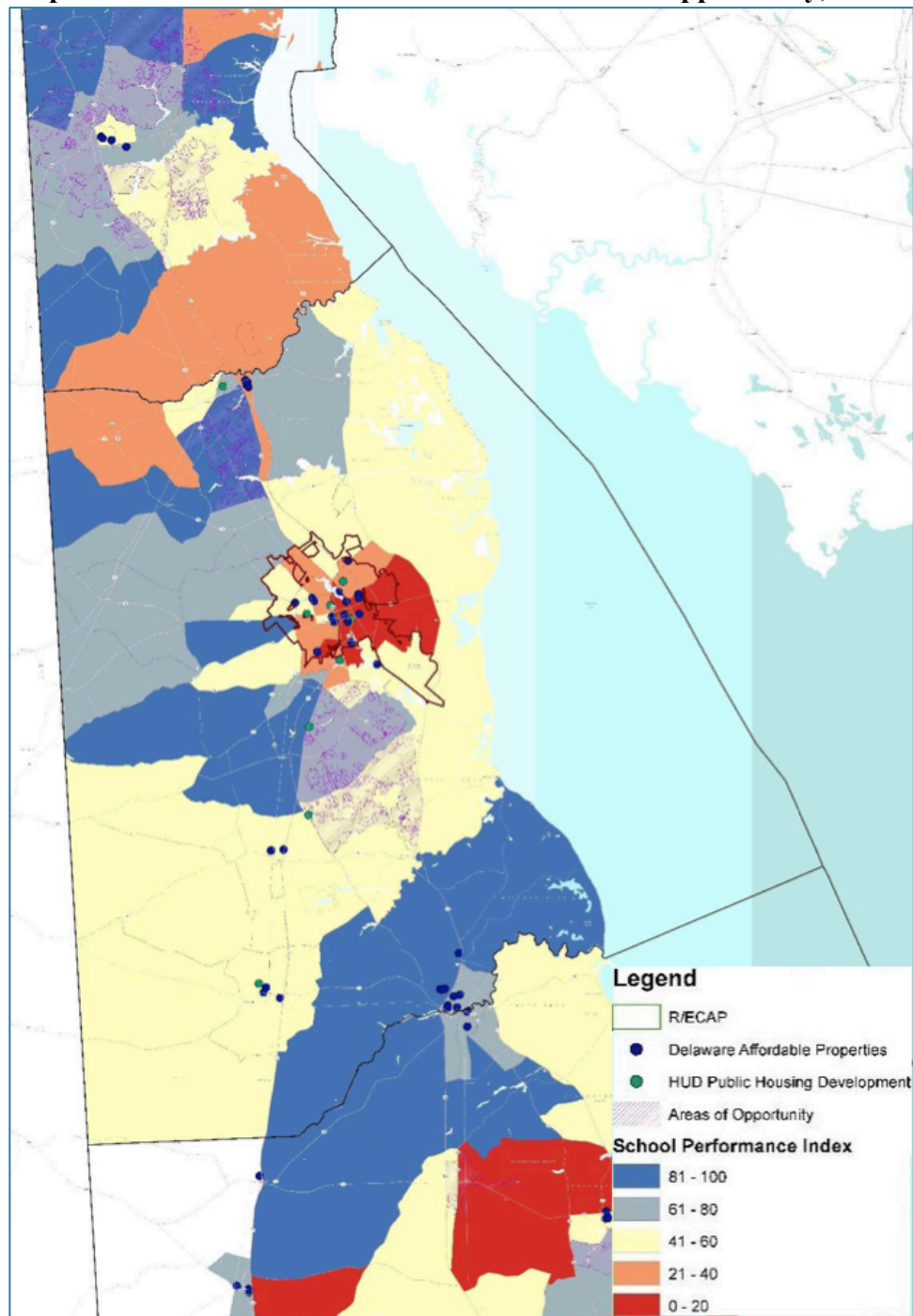
In summary, patterns of segregation across school district lines are increasing, but not yet at an extreme level. However, these trends are not stable, and unless state and local housing policy affirmatively expands housing choices for low-income children of color in high performing, low poverty school districts, the trend is likely to continue.

Map V-1: School Performance Index and Areas of Opportunity, New Castle County¹⁵³

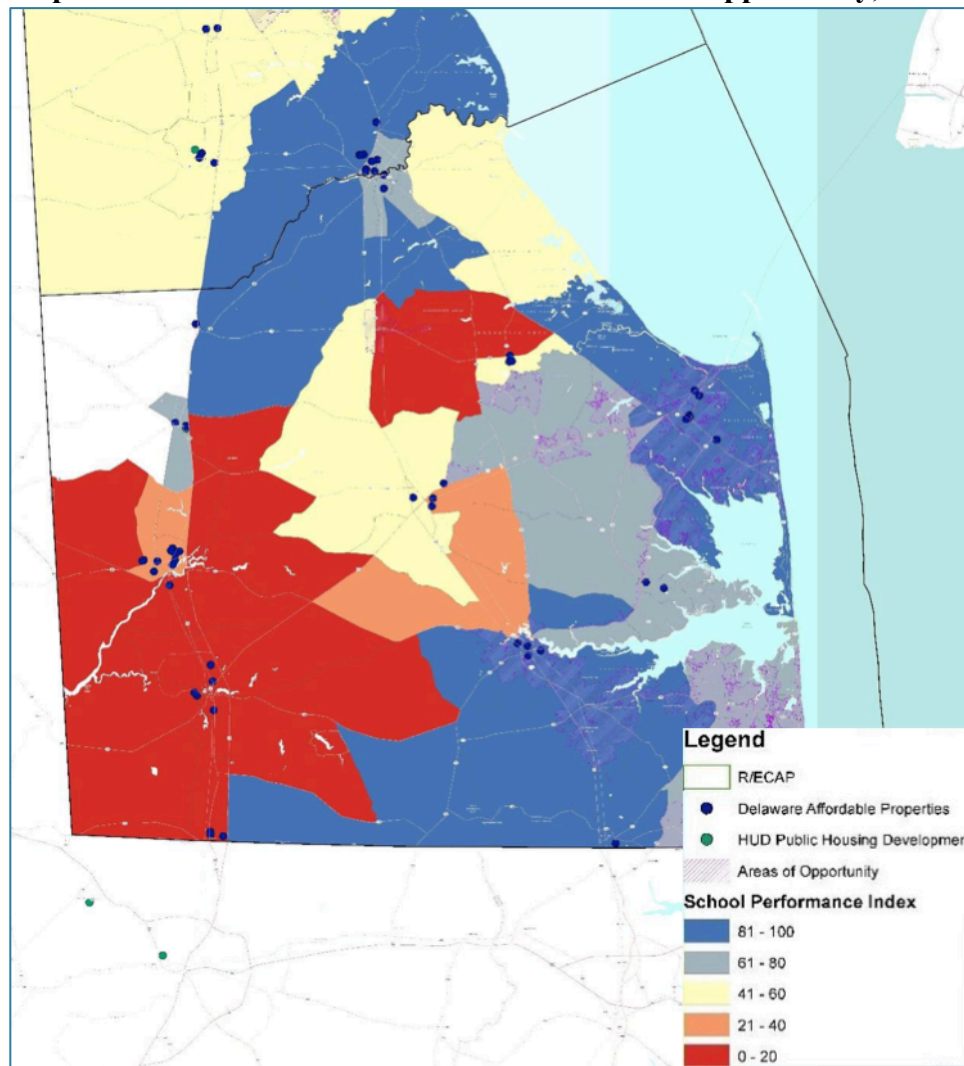


¹⁵³ Data Source: Great Schools; Common Core of Data; SABINS; refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

Map V-2: School Performance Index and Areas of Opportunity, Kent County



Map V-3: School Performance Index and Areas of Opportunity, Sussex County



Land Use and Zoning Laws – HIGH

Land use and zoning laws are a significant contributing factor to segregation. Restrictive zoning and outdated land use regulations can suppress housing supply, drive up housing costs, and widen racial and economic disabilities¹⁵⁴. On the other hand, innovative zoning and easing building restrictions can provide additional housing opportunities. Across the state, while most jurisdictions permit a variety of densities, there are few areas zoned and available for higher density residential development.

While the City of Wilmington has areas zoned for low-, low-medium, medium-, and high-density multifamily housing, most areas are zoned for single-family homes. There are certainly areas near the central business district zoned for multifamily use, but there are also not insignificant percentages of land zoned for multifamily use on the outskirts of the city, or near poor locations such as the sewage treatment plant and the correctional facility. Wilmington also has the oldest housing stock and the

¹⁵⁴ <https://www.urban.org/urban-wire/how-communities-are-rethinking-zoning-improve-housing-affordability-and-access-opportunity>

highest concentration of poor residents. The older the housing stock, the less likely it is to be accessible to people with disabilities, and the greater chance of the presence of lead paint. The lack of areas zoned for high-density multifamily means that if an affordable housing developer wanted to create multifamily housing, they would be restricted in where they could build.

The City of Newark has a wealth of apartments due to the high student population, although the overall percentage of the City zoned for multifamily is much lower than in Wilmington. The majority of residential land is zoned for single-family homes. Newark also has a much newer housing stock. Areas zoned for garden apartments allow up to 16 units per acre, and areas zoned for high-rise apartments allow for up to 36 units per acre. These are not especially large unit allowances. The individual areas zoned for garden apartments are relatively small, but well scattered across the city, mainly surrounding the University of Delaware campus, which is allowed to build all the housing it wants in UN zoning. Areas zoned to allow higher housing density include BB-Central Business Districts, which allow up to 50 rental units per acre.

It is difficult to make a comprehensive study of Dover because its zoning maps require that one zoom all the way into the City block to see how each block is zoned, and cross reference the codes with the municipal zoning ordinance. There seems to be a significant chunk of land in the southwest corner that is zoned for medium-density residence. Those areas zoned for more than single-family homes seem to be found at the outskirts of the City limits, rather than in the central business district. There are also a few large areas designated for manufactured housing, mostly on the outskirts as well.

According to the 2018 Kent County Comprehensive Plan, the vast majority of housing units are single-family with manufactured housing making up 13 percent of the housing stock. Only 21 percent of housing units are attached or multi-family.

Sussex County has a Garage Studio Ordinance, which offers the same benefits as an Accessory Dwelling Unit. Such innovative zoning decisions can help expand the options for housing and land use to accommodate different family sizes/types, workforce housing, and other needs. The Garage Studio Ordinance is currently under review to access through application, versus conditional use.

Three jurisdictions in Delaware have some form of inclusionary zoning: Sussex County, New Castle County, and the Town of Bridgeville. The Sussex County program is voluntary, and targets the creation of homeownership units for workforce households for people with incomes from 80-125 percent of the county median. Sussex County also has a voluntary rental program and offers density bonuses and expedited review to developers that include affordable rental units in their new developments. The New Castle County program encourages workforce housing via density bonuses, building permit fee waivers, and reductions in site requirements like open space, setbacks, lot sizes, height limits, and landscaping. Fees from the program are directed to a Housing Trust Fund. The Bridgeville program is mandatory for all new annexations, and tries to create homeownership units priced below \$225,000 for moderate-income households.

Lending Discrimination – HIGH

Lending discrimination is a significant contributing factor to segregation, R/ECAPs, and disparities in access to opportunity throughout the state. Given the scarcity of affordable rental housing and the rising cost of living, loan opportunities for home improvement, purchase, and refinancing are important tools for moderate and low-income households. Using Home Mortgage Disclosure Act (HMDA) data, the

tables below show the racial discrepancies in the likelihood that a person’s loan application, based on their race, will result in an originated loan or a denial¹⁵⁵. In addition, the data below indicates rates at which certain races receive high-priced loans. Across loan type and jurisdiction, White residents have more favorable outcomes than almost every other racial group. Asian borrowers typically remain closer to White outcomes, while Black and Latino borrowers face significantly more negative outcomes. While the disparities for Black and Latino borrowers are stark across the state and region, some areas have higher disparities than others. Lack of access to loans for Black and Latino borrowers prices these households out of owner-occupied single-family homes, and increases the cost burden over time as rent continues to increase across the state.

Philadelphia Region

Philadelphia’s HMDA data shows that the aforementioned trends are indicative of lending discrimination in the larger region. Borrowers of color are consistently less likely to have their loans originated and to have their loan applications denied. In addition, Black and Latino borrowers are almost five times as likely to have their application result in a high-cost loan. Compared to the state of Delaware, analyzed by county and city below, the disparities between White borrowers and Black and Latino borrowers remain similarly wide. In contrast, Asian borrowers are better off in Delaware than the Philadelphia region. Throughout the state, Asian lending outcomes mirror White outcomes the majority of the time. In Philadelphia, Asian borrowers occupy more of a middle position where their outcomes are better off than Black and Latino borrowers, but are not equivalent to White borrowers. The fact that Asian borrowers are far less represented in the larger population in Delaware may explain this disparity.

Table V-1: Philadelphia Region

Philadelphia Region			
Percentage of Loan Applications Approved by Race/Ethnicity and Loan Purpose			
Race or Ethnicity	Home Purchase %	Refinancing %	Home Improvement %
White, Not Hispanic	66.3	48.5	47.2
Black, Not Hispanic	56.7	30.3	23
Asian, Not Hispanic	64.8	39.7	32.5
Hispanic/Latino	53.2	31.6	19
Percentage of Loan Applications Denied by Race/Ethnicity and Loan Purpose			
Race or Ethnicity	Home Purchase %	Refinancing %	Home Improvement %
White, Not Hispanic	6	21.4	37.4
Black, Not Hispanic	16	38.7	69
Asian, Not Hispanic	10.5	28.8	54
Hispanic/Latino	13.6	36	72.8
Percentage of Originated Loans that were High-Cost by Race or Ethnicity			
Race or Ethnicity	Number of Loans Originated	Percentage High-Cost %	
White, Not Hispanic	63,553	4.6	

¹⁵⁵ This data does not account for credit score, though more efforts should be targeted in that direction.

Black, Not Hispanic	16,304	20
Asian, Not Hispanic	6,433	3.6
Hispanic/Latino	5,631	19
<i>Data Source: 2014-2017 Home Mortgage Disclosure Act Data.</i>		

New Castle County

In New Castle County, Black and Latino borrowers consistently experience more negative lending outcomes than White and Asian borrowers. Black and Latino borrowers are half as likely to have loans originate as White borrowers, and twice as likely to have home purchase loans denied. Black and Latino borrowers are also three times as likely to be given a high-cost loan than White borrowers.

Table V-2: New Castle County

Table V-2: New Castle County

New Castle County			
Percentage of Loan Applications Approved by Race/Ethnicity and Loan Purpose			
Race or Ethnicity	Home Purchase %	Refinancing %	Home Improvement %
White, Not Hispanic	67.9	52	59.9
Black, Not Hispanic	54.4	37.2	31.1
Asian, Not Hispanic	63.6	52.1	40.2
Hispanic/Latino	59.8	38.2	31.8
Percentage of Loan Applications Denied by Race/Ethnicity and Loan Purpose			
Race or Ethnicity	Home Purchase %	Refinancing %	Home Improvement %
White, Not Hispanic	6.2	18.6	34.1
Black, Not Hispanic	14.0	30.7	60.3
Asian, Not Hispanic	8.7	18.5	39.1
Hispanic/Latino	13.1	28.9	57.1
Percentage of Originated Loans that were High-Cost by Race or Ethnicity			
Race or Ethnicity	Number of Loans Originated	Percentage High-Cost %	
White, Not Hispanic	27,403	6	
Black, Not Hispanic	5,946	18.7	
Asian, Not Hispanic	2,257	2.0	
Hispanic/Latino	1,922	18.7	
Data Source: 2014-2017 Home Mortgage Disclosure Act Data.			

Kent County/Dover

The data for Kent County and Dover is concerning given that Black and White residents each make up over 40 percent of the population. Despite the similarities in population, Black borrowers are twice as likely to be denied for home purchase loans as White borrowers. In addition, Black borrowers are twice as likely to be given high-cost loans.

Table V-3: Kent County

Kent County			
Percentage of Loan Applications Approved by Race/Ethnicity and Loan Purpose			
Race or Ethnicity	Home Purchase %	Refinancing %	Home Improvement %
White, Not Hispanic	62.5	47.9	44.4
Black, Not Hispanic	49	37	21.2
Asian, Not Hispanic	66	37.5	50
Hispanic/Latino	51.3	38.9	25.2
Percentage of Loan Applications Denied by Race/Ethnicity and Loan Purpose			
Race or Ethnicity	Home Purchase %	Refinancing %	Home Improvement %
White, Not Hispanic	11	22.6	42.1
Black, Not Hispanic	20	30.8	70.5
Asian, Not Hispanic	10.4	28.4	40
Hispanic/Latino	23.5	33.3	51.2
Percentage of Originated Loans that were High-Cost by Race or Ethnicity			
Race or Ethnicity	Number of Loans Originated	Percentage High-Cost %	
White, Not Hispanic	9,069	7.7	
Black, Not Hispanic	2,272	14.4	
Asian, Not Hispanic	240	3.7	
Hispanic/Latino	471	13.5	
Data Source: 2014-2017 Home Mortgage Disclosure Act Data.			

Sussex County

Disparities in lending outcomes are extremely prevalent in Sussex County. Given the lack of rental housing in the area, the ability to obtain housing loans is necessary for many residents. However, Black and Latino borrowers are only half as likely to have loans originate in Sussex County. In addition, borrowers of both races twice as likely to have loans applications denied and to be given high-cost loans.

Table V-4: Sussex County

Sussex County			
Percentage of Loan Applications Approved by Race/Ethnicity and Loan Purpose			
Race or Ethnicity	Home Purchase %	Refinancing %	Home Improvement %
White, Not Hispanic	61.5	48.8	46.5
Black, Not Hispanic	38	32.3	22.6
Asian, Not Hispanic	63.4	43.5	40
Hispanic/Latino	42.9	39.7	25.9
Percentage of Loan Applications Denied by Race/Ethnicity and Loan Purpose			
Race or Ethnicity	Home Purchase %	Refinancing %	Home Improvement %
White, Not Hispanic	12.6	23.4	40.1
Black, Not Hispanic	31.3	38.2	69.6
Asian, Not Hispanic	14.1	24.2	53.3
Hispanic/Latino	24.4	31.7	66.3
Percentage of Originated Loans that were High-Cost by Race or Ethnicity			
Race or Ethnicity	Number of Loans Originated	Percentage High-Cost %	
White, Not Hispanic	14,398	5.4	
Black, Not Hispanic	712	12.9	
Asian, Not Hispanic	145	4.1	
Hispanic/Latino	457	14.6	
Data Source: 2014-2017 Home Mortgage Disclosure Act Data.			

City of Wilmington

HMDA data from Wilmington is particularly disturbing, given that Wilmington has one of the highest Black populations in the state. Across all loan types, Black borrowers were at least 20 percent less likely to have their loan applications result in originated loans, and were double or triple as likely to have their loan applications denied as White borrowers. In addition, Black borrowers in Wilmington were five times as likely to receive a high-cost loan. Latino borrowers fare slightly better, but remain only 7-10 percent more likely than Black borrowers to have a loan originate at all, and to have an originated loan that isn't high cost.

Table V-5: City of Wilmington

City of Wilmington			
Percentage of Loan Applications Approved by Race/Ethnicity and Loan Purpose			
Race or Ethnicity	Home Purchase %	Refinancing %	Home Improvement %
White, Not Hispanic	79.9	50.2	46.6
Black, Not Hispanic	50.56	27.3	20.8
Asian, Not Hispanic	70.7	31.4	55.5
Hispanic/Latino	59.8	26.5	22
Percentage of Loan Applications Denied by Race/Ethnicity and Loan Purpose			
Race or Ethnicity	Home Purchase %	Refinancing %	Home Improvement %
White, Not Hispanic	5.5	19	38.1
Black, Not Hispanic	15.7	39.6	71.3
Asian, Not Hispanic	9.2	31.4	33.3
Hispanic/Latino	8.1	39.4	59.3
Percentage of Originated Loans that were High-Cost by Race or Ethnicity			
Race or Ethnicity	Number of Loans Originated	Percentage High-Cost %	
White, Not Hispanic	1,774	6.9	
Black, Not Hispanic	597	29.4	
Asian, Not Hispanic	62	6.4	
Hispanic/Latino	125	22.4	
Data Source: 2014-2017 Home Mortgage Disclosure Act Data.			

City of Newark

The aforementioned trends extend to Newark as well. Black and Latino borrowers are less likely to have loans originated than White and Asian borrowers. However, the disparities are most stark regarding denials and high-cost loans. In Newark, Black and Latino borrowers are twice as likely to have loans denied as White and Asian borrowers. They are also three to four times as likely to be given a high-cost loan.

Table V-6: City of Newark

Table 7-1: City of Newark

City of Newark			
Percentage of Loan Applications Approved by Race/Ethnicity and Loan Purpose			
Race or Ethnicity	Home Purchase %	Refinancing %	Home Improvement %
White, Not Hispanic	67.9	53.7	53
Black, Not Hispanic	57.5	40.7	42.2
Asian, Not Hispanic	64.9	49.3	60
Hispanic/Latino	60.2	43.8	30.7
Percentage of Loan Applications Denied by Race/Ethnicity and Loan Purpose			
Race or Ethnicity	Home Purchase %	Refinancing %	Home Improvement %
White, Not Hispanic	6.1	16.8	28.8
Black, Not Hispanic	14.1	34.6	44.4
Asian, Not Hispanic	8.2	23.6	26.6
Hispanic/Latino	14.9	17.8	50
Percentage of Originated Loans that were High-Cost by Race or Ethnicity			
Race or Ethnicity	Number of Loans Originated	Percentage High-Cost %	
White, Not Hispanic	2,283	4.4	
Black, Not Hispanic	256	14	
Asian, Not Hispanic	256	0.7	
Hispanic/Latino	125	16.8	
Data Source: 2014-2017 Home Mortgage Disclosure Act Data.			

Location of Environmental Health Hazards – HIGH

Location of environmental hazards is a significant contributing factor to disparities in Access to Opportunity. New Castle County has significant industry with numerous chemical plants, power plants, and other facilities. There is a concentration of hazardous sites in the Route 9 corridor south of Wilmington. Superfund sites, chemical plants, and hazardous waste storage or disposal facilities are concentrated in this corridor. The Delaware Memorial Bridge, which handles a very large volume of traffic, and the Port of Wilmington are also nearby. In 2018, a toxic gas leak from a chemical manufacturing facility in the area forced the closure of the bridge and added to chronic pollution problems in the area. Many residents of the Route 9 corridor are overburdened by multiple pollution sources and a majority of residents living in communities closest to the 2018 toxic gas leak are people of color and low-income.¹⁵⁶ A 2017 report on seven communities in New Castle County noted that African American residents were historically steered toward housing in communities along the corridor and concluded that residents face substantial higher health risks than other communities due to exposure to toxic air pollution and proximity to environmental hazards.¹⁵⁷

¹⁵⁶ <https://www.delawareonline.com/story/news/local/2019/03/13/shadows-delawares-biggest-polluters-live-thousands-invisible-victims/2671008002/>

¹⁵⁷ [Union of Concerned Scientists, "Environmental Justice for Delaware: Mitigating Toxic Pollution in New Castle County Communities," \(2017\).](#)

In Sussex County, poultry processing facilities are an important industry but are also a major source of water pollution. The county has five poultry processing plants and four have been cited for violating water pollution rules.¹⁵⁸ In the Millsboro area, a processing facility owned by Mountaire Farms has a history of permit violations that have resulted in significant contamination of ground and surface waters.¹⁵⁹ In 2017, state regulators required Mountaire to provide drinking water to area residents whose wells may have been contaminated with high bacteria and nitrate levels from wastewater discharged from the plant.¹⁶⁰ Area residents have also expressed concerns about negative health effects from the plant's practices.¹⁶¹ Other sources of pollution located within a five-mile radius near Millsboro include a coal-fired power plant and coal ash disposal sites, two superfund sites, and other industrial facilities.¹⁶² A study of pollution in Millsboro concluded that residents near these sources of pollution have lower incomes, higher rates of poverty, lower rates of homeownership, and increased rates of cancer and heart disease.¹⁶³

Location and Type of Affordable Housing – HIGH

The location and type of affordable housing is a significant contributing factor to segregation. The location of affordable housing may contribute to patterns of racial and socioeconomic concentration, especially when such housing is not distributed in a balanced manner throughout a jurisdiction or region. The type of affordable housing – for example, the income levels for which the housing is affordable, or whether the housing is designated for seniors, those with disabilities, or families (including multi-bedroom apartments) – may also affect access to housing, and the housing choices available to protected class groups in particular areas.

For any given community or region, the availability and distribution of affordable housing are factors that are created cumulatively over time: that is, they reflect both past siting policies and practices and those of the present day. For this reason, in order to most effectively expand choice and address segregation, it is especially important that current and future siting policies be designed to proactively promote better locational balance, so as to overcome the ongoing effects of past siting decisions. It is also important to attend to whether policies intended to create locational balance and expand opportunity (such as Qualified Allocation Plan incentives for building in Opportunity Areas) are doing so for housing that may be more challenging to site - for example, for families with children. In addition, the location and type of affordable housing is closely tied to related contributing factors discussed elsewhere – such as zoning, community opposition, site selection policies for publicly-supporting housing, and others.

Although it is not possible to precisely map the location of accessible housing, it tends to exist where there are concentrations of new, multifamily housing and where there are concentrations of publicly supported housing. These two dimensions cut in somewhat contradictory directions. The American

¹⁵⁸ [Kira Burkhart, Courtney Bernhardt, Tom Pelton, Eric Schaeffer, and Ari Phillips, "Water Pollution from Slaughterhouses," Environmental Integrity Project, \(2018\).](#)

¹⁵⁹ [Chris Bason, "Findings & Recommendations of the Mountaire Pollution Committee," Delaware Center for the Inland Bays, \(2018\).](#)

¹⁶⁰ [Scott Goss, "DNREC finds high levels of fecal coliform at Sussex plant," Delaware Online, \(2017\).](#)

¹⁶¹ [Scott Goss and Maddy Lauria, "Millsboro neighbors: How long have we been drinking tainted water?," Delaware Online, \(2017\).](#)

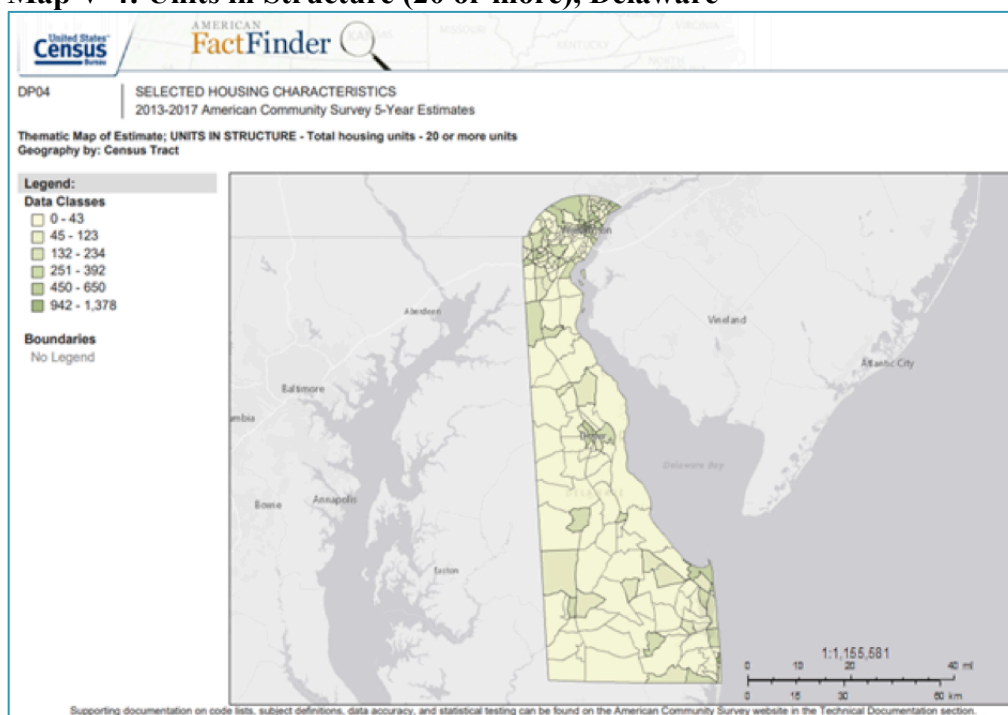
¹⁶² [Maddy Lauria, "Response to toxic water vastly different in two Sussex communities," Delaware Online, \(2018\).](#)

¹⁶³ [Leah Baskin Graves, Aaron Aber, Natalie Agee, Ben Grimes, and Lionel Wilson, "Rapid Health Impact Assessment: Millsboro, DE," Maryland Institute for Applied Environmental Health at the University of Maryland College Park.](#)

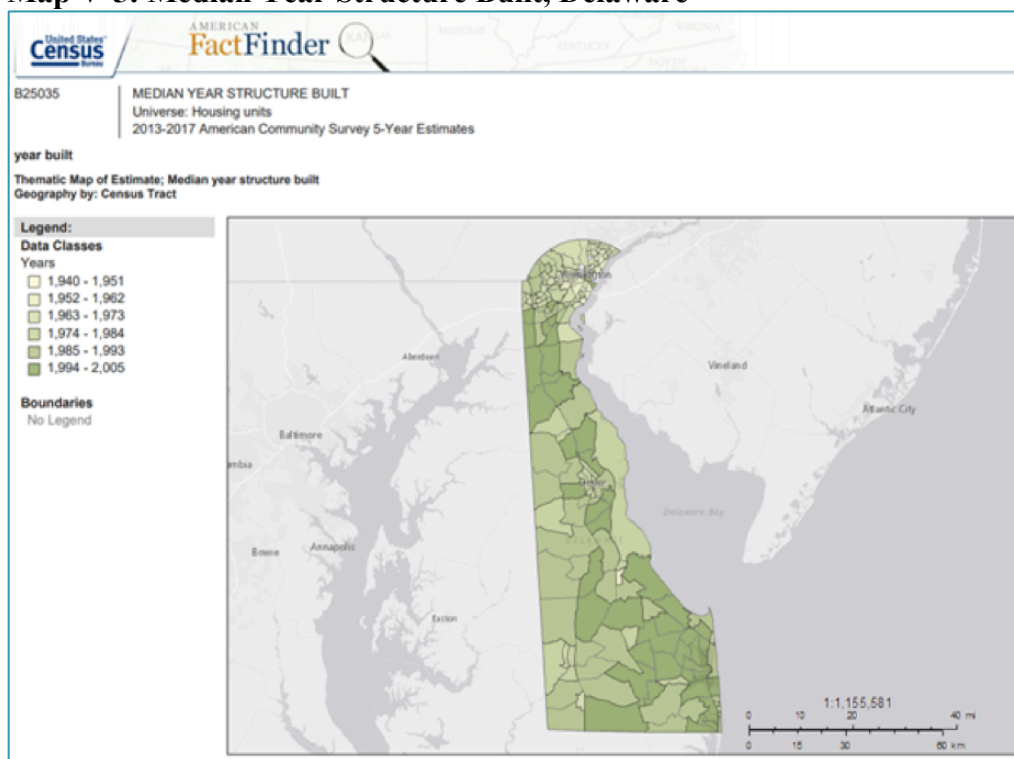
Community Survey does not facilitate the disaggregation of housing units by units in structure and year structure built together but does allow a look at those two data points separately; this is reflected in the two maps below. As housing density maps in the Publicly Supported Housing section of full document show, denser housing tends to be clustered in parts of New Castle County, especially around Newark and Wilmington. Multifamily housing also appears present in Dover and in coastal communities in Sussex County. There are concentrations of newer housing throughout the state, although less so in Wilmington and surrounding tracts.

With regard to publicly supported housing, in Delaware as a whole, public housing most frequently is concentrated in neighborhoods with higher concentrations of Black residents. Other types of publicly supported housing have more variable locational patterns at the statewide level, but show segregated clustering in particular areas. For example, in Wilmington (which is located within New Castle County, but administers its public housing separately), a significant majority of publicly supported housing developments and units are located in heavily Black areas. About 37 percent of public housing statewide is located in R/ECAPs. More broadly, there is an overall lack of sufficient affordable housing, with 53,360 households in the state experiencing severe housing problems, which include paying more than 50 percent of income toward housing costs. These data reflect a need to expand the supply of low-cost housing (through both private and public sector strategies), but also to ensure locational balance in such housing options. In addition, it indicates that families in publicly supported housing within Wilmington tend to lack affordable housing choices across a range of locations, in particular outside areas of racial concentration.

Map V-4: Units in Structure (20 or more), Delaware



Map V-5: Median Year Structure Built, Delaware



Private Discrimination – HIGH

Extensive conversations with stakeholders, community members, service providers, and fair housing advocates throughout the state have revealed that private discrimination is a significant contributing factor to segregation. Despite several statewide governmental and nonprofit fair housing enforcement agencies, private discrimination runs rampant throughout the entire state. While it is impossible to quantify the magnitude of this discrimination due to lack of reporting and other factors, the extensive statewide discrimination was repeatedly brought to our attention during the community engagement process. Whether through lack of organizational capacity or lack of complaints, the state investigative and enforcement bodies are not adequately addressing the problem. Nonprofit enforcement is limited by funding and staffing. It is also difficult to ascertain the full scope of even reported private discrimination, as the Division of Human Relations does not publish these numbers and often requires records requests for anyone to receive them. It should be noted that case record data was specifically requested for use in this analysis.

Statewide

Though each city and county face unique challenges, the community engagement process revealed many types of private discrimination that occur statewide. One example is that of nuisance or crime free ordinances. The ordinances attach eviction consequences to either an “excessive” number of calls for law enforcement services or a determination of criminal activity based on an extremely low/non-existent burden of proof. Nuisance and crime-free ordinances have a disparate impact on anyone who relies heavily on law enforcement responses, such as survivors of domestic violence, and those with mental or physical disabilities that require frequent emergency hospitalization. In addition, given that

communities of color are more likely to be stopped, arrested, cited, and convicted of crimes, they are more likely to face displacement at the hands of a nuisance or crime-free ordinance. These ordinances encourage private discrimination as landlords often attempt to evict or push out tenants to avoid citations or other civil penalties.

As the only statewide agency tasked with investigation of fair housing violations, the Division of Human Relations offers data with significant insight into private discrimination in housing. Case record data from the last two and a half years reveals 154 housing complaints reported to the DHR. Of those complaints, the vast majority alleged discrimination on the basis of race or color. The second and third most allegations were discrimination on the basis of disability and marriage/family status. Several complaints alleged discrimination based on multiple grounds. It should be noted that case record data was specifically requested for use in this analysis, as it is not usually published.

Philadelphia Region

Private discrimination is still very prevalent in Philadelphia despite numerous state and City civil rights laws. Though protected under Philadelphia law, source of income discrimination is rampant in the City. A recent study conducted by the Urban Institute conducted 422 “voucher acceptance tests” to unpack the experiences of voucher holders throughout the City as they tried to obtain rental housing. The study revealed that 67 percent of landlords refused to accept vouchers, and an additional 10 percent placed rental term restrictions or conditions on those with vouchers.¹⁶⁴ Even more distressing, Philadelphia had the highest differential between high-poverty and low-poverty areas when it came to voucher acceptance. In high-poverty areas, 83 percent of landlords refused to accept housing vouchers, a 27 percent higher rate than in low poverty areas.¹⁶⁵

New Castle County

Meetings with New Castle County stakeholders revealed a significant problem with criminal background screenings. Landlords are either not aware or refuse to follow the HUD Guidance on Criminal History Screenings and continue to refuse rental housing to prospective tenants based on 50-year criminal background checks. In addition, given the small-town nature of Wilmington and New Castle County, several stakeholders felt that many clients they serve failed to speak out against landlords or developers for fear of blackballing and retaliation. Lastly, as many application processes take place almost exclusively online, this has posed significant challenges for those using subsidized housing vouchers. Even with help from a housing counselor, these forms can be very difficult or even impossible to fill out.

Kent County

Though surely occurring statewide, stakeholders in Kent County were especially concerned about the shortage of affordable housing that is fueling discrimination. Because there are more prospective tenants than available housing, landlords can afford to be choosy when it comes to selecting tenants. Those that have salaried jobs, meet strict credit requirements, and can pay high application fees are chosen at higher rates. Typically, this means those with large families, low-income people of color, people with criminal histories, and people using housing choice vouchers are often not selected.

¹⁶⁴ https://www.urban.org/sites/default/files/do_landlords_accept_housing_choice_vouchers_philadelphia.pdf

¹⁶⁵ Id.

Sussex County

Discrimination in Sussex County is quite prevalent. Elected officials fuel “Not In My Back Yard” sentiments with comments such as “Section 8 recipients don’t want to work,” and “they are drug dealers.” Further, those who use subsidized housing are being pushed out as landlords refuse to renew leases for those using vouchers. The prevalence of seasonal and farming jobs corresponds with undocumented populations in the area. These populations often live in substandard housing with landlords who constantly threaten them with immigration reporting or eviction if they complain about conditions or discrimination.

City of Wilmington

In the last year, the Delaware Division of Human Relations received eight complaints originating from Wilmington. The majority alleged discrimination based on race or disability. The City of Wilmington also has a nuisance ordinance.

City of Newark

In Newark, the high population of students from the University of Delaware creates incentives for landlords to push out or refuse to rent to low-income tenants in order to secure more lucrative student tenants. Newark also has a nuisance ordinance.

City of Dover

The City of Dover has a crime-free housing ordinance.

Quality of Affordable Housing Information Programs – HIGH

Apartment listings

The HUD portability rule requires that Public Housing Authorities (PHA) provide a balanced set of apartment listings, including apartments outside of areas of poverty or minority concentration.

All of the PHAs, except New Castle County Housing Authority (NCCHA), rely on *DelawareHousingSearch.com*, developed by SocialServe, Inc., to help Housing Choice Voucher (HCV) families find available units. A review of this resource for New Castle County revealed a heavy predominance of listings in Wilmington, with a large number also in Newark, and very few listings from the balance of New Castle County. In order to determine if the *DelawareHousingSearch.com* complies with the HUD requirement, all of the current addresses should be mapped with reference to census tract racial concentration and poverty rates, to determine if the tool complies with current HUD rules.

Briefing materials

The Delaware State Housing Authority HCV briefing packet explains “areas of opportunity,” and clients are presented with this information during their voucher briefings.

The Wilmington Housing Authority HCV briefing materials appropriately include maps and other information about low poverty areas both inside and outside the City, and the oral briefing includes “an explanation of the advantages of moving to areas outside of high-poverty concentrations” for families living in high-poverty census tracts.¹⁶⁶

¹⁶⁶ But note that current HUD regulations also include that this information be extended to all HCV families, not just families living in high poverty tracts.

The Newark Housing Authority Section 8 Administrative Plan indicates that the oral briefing for families include “for families living in high-poverty census tracts, an explanation of the advantages of moving to areas outside of high-poverty concentrations”.

The NCCCHA Section 8 Administrative Plan provides that the PHA explain “the advantages of areas that do not have a high concentration of low-income families,” but it is not clear whether families are also briefed on the new housing opportunities available within low poverty areas of the county under the Small Area Fair Market Rent (SAFMR) payment standards.

The Dover Housing Authority Section 8 Administrative Plan indicates that the oral briefing for families include “If the family is currently living in a high poverty census tract in DHA's jurisdiction, the briefing will explain the advantages of moving to an area that does not have a high concentration of poor families.

Lack of mobility counseling

None of the PHAs in Delaware currently provide any housing mobility counseling to HCV families. One PHA director expressed concerns that many families were reluctant to look for housing outside their “comfort zones,” and wondered if there were ways to encourage families to think outside their comfort zones – possibly allowing them to access housing in less concentrated areas. Another PHA director indicated an interest in developing a housing mobility program with other PHAs in the region.

Affirmative Marketing

An improved Affirmative Fair Housing Marketing program would assist in addressing racial disparities in occupancy and location, and expand housing choice. The under-representation of Hispanics across categories of publicly-supported housing indicates that additional outreach and marketing to this community may be needed. Additionally, geographic disparities in the racial composition of publicly-supported housing residents, as shown by occupancy data, may also indicate the need for improved marketing across racial groups and throughout broader marketing.

As the Delaware’s Housing Finance Agency, DSHA administers the LIHTC program. DSHA requires LIHTC developers to affirmatively market to voucher holders. However, stakeholder input indicates that voucher holders lack information and access to LIHTC developments, suggesting a need for improvement of those policies.

Source of Income Discrimination – HIGH

Source of income discrimination is a highly significant contributing factor to segregation, R/ECAPs, and issues in publicly supported housing. Stakeholders report that discrimination against voucher holders as well as individuals with Social Security income is a pervasive problem. In 2016, the Delaware Fair Housing Act was amended to prohibit discrimination on the basis of source of income.¹⁶⁷ However, the law has a major exception that specifically excludes Housing Choice Voucher holders from protection.¹⁶⁸ The law currently provides: “A landlord is not required to participate in any government sponsored rental assistance program, voucher, or certificate system. A landlord's non-participation in any government sponsored rental assistance program, voucher, or certificate system may not serve as the basis for any administrative or judicial proceeding under this chapter.” This failure to provide for full source of income protection affects many Delaware residents, including those reliant

¹⁶⁷ “Changes to Delaware Fair Housing Law,” (2016).

¹⁶⁸ DEL. CODE ANN. tit. 6, §4607(j) <http://delcode.delaware.gov/title6/c046/>

on federal Housing Choice Vouchers, as well as those who participate in essential state programs such as the State Rental Assistance Program (SRAP) for supportive housing.

Without protection, renters who rely on HCV assistance face constrained housing options and encounter greater difficulty accessing housing at all. The Act also allows sellers and landlords to consider the sufficiency or sustainability of income and credit ratings as long as it is done in a commercially reasonable manner and without regard to source of income. This exception compounds the constraints that subsidy holders face in searching for housing.

The City of Wilmington does offer more protection than the state, as its fair housing ordinance bars discrimination against welfare recipients or those who are dependent upon fixed incomes (with fixed income defined as unearned income, including social security benefits and any other income not obtained by gainful employment).¹⁶⁹ Stakeholder comments reporting widespread source of income discrimination indicate that comprehensive action similar to the City of Wilmington's protections should be taken.

MEDIUM Contributing Factors

Access to Publicly Supported Housing for Persons with Disabilities - MEDIUM

Access to publicly supported housing for persons with disabilities is a medium priority contributing factor to segregation and disproportionate housing needs. For most categories of publicly supported housing across Delaware, persons with disabilities access assistance at rates that are higher than their proportion of the total population and that are roughly in line with their share of the income-eligible population. Project-based Section 8 developments are the major outlier to this broader trend. Though the state and local governments play a limited role with respect to the oversight, HUD is directly responsible for Project-based Section 8 developments. In some parts of the state, particularly in New Castle County, the participation of persons with disabilities in the Housing Choice Voucher program could be expanded, possibly through waiting list preferences. Despite the proportionate representation of persons with disabilities in publicly supported housing, individuals with physical accessibility needs may not have the full use and enjoyment of their housing. The proportion of all publicly supported housing units that are ADA or Section 504 accessible lags behind the total need.

With respect to state-funded publicly supported housing programs, the direct, targeted purpose of these programs has been to increase access to housing for persons who are exiting institutions or at risk of institutionalization. Accordingly, state-funded publicly supported housing programs, like the State Rental Assistance Program, serve to mitigate any shortcomings of the federal programs discussed above.

Deteriorated and Abandoned Properties – MEDIUM

Deteriorated properties are a contributing factor to the creation of R/ECAPs, primarily in Wilmington. In Wilmington, blight has become a central focus of local governance, with various plans proposed to encourage redevelopment and reduce blight.¹⁷⁰ Eastern Wilmington faces problems with deteriorated

¹⁶⁹ Wilmington, Delaware Code of Ordinances, "Article III: Fair Housing."

¹⁷⁰ <https://www.delawareonline.com/story/opinion/editorials/2018/10/10/wilmington-council-should-approve-mayors-anti-blight-plan/1589892002/>

properties, and is the focus for renewed efforts towards rebuilding and revitalization. Statewide, there are issues with deteriorating properties in rural Sussex and Kent Counties. This is especially notable in communities with manufactured homes with unaddressed infrastructure problems, as many mobile home parks were built before zoning codes required strong infrastructure. The state estimates that as of 2014, there are 44 developments and 3,317 units of subsidized housing over 25 years old that have not had substantial rehabilitation.¹⁷¹ In 2017, anti-blight legislation was signed into law to give local governments tools and support to fight blight in their jurisdictions.¹⁷² This includes multimillion dollar investments in the Strong Neighborhoods Housing Fund program, as well as tools allowing local governments to recoup the costs of blighted buildings and prevent those who have violated property maintenance codes from further bidding on blighted properties.

Displacement of Residents Due to Economic Pressures – MEDIUM

Displacement of residents due to economic pressures is a contributing factor to R/ECAPs and Disproportionate Housing Needs. Neither the state nor any of its municipalities have rent control ordinances to help stem the displacement of residents due to economic pressures.

Table V-7: Fair Market Rent, 2000-2019

3-Bedroom Fair Market Rent¹⁷³						
	2000	2005	2010	2015	2019	Change
New Castle County	\$932	\$1,061	\$1,339	\$1,440	1,503	62%
Kent County	\$801	\$867	\$1,096	\$1,378	1,485	85%
Sussex County	\$765	\$844	\$1,059	\$1,347	1,521	99%
<i>Source: HUD Fair Market Rents for years 2000, 2005, 2010, 2019</i>						

According to median home prices compiled by DSHA¹⁷⁴, housing costs in all three counties have increased significantly in the past two decades, despite the housing recession in the late 2000s. Median home prices have almost doubled since 2000. Using HUD's Fair Market Rent for a three-bedroom since 2000 for the same time period, rental prices were also significant with New Castle County increasing 62 percent and Kent County increasing 85 percent. However, like median home prices, Sussex County saw the largest increase with a 99 percent increase in rental prices.

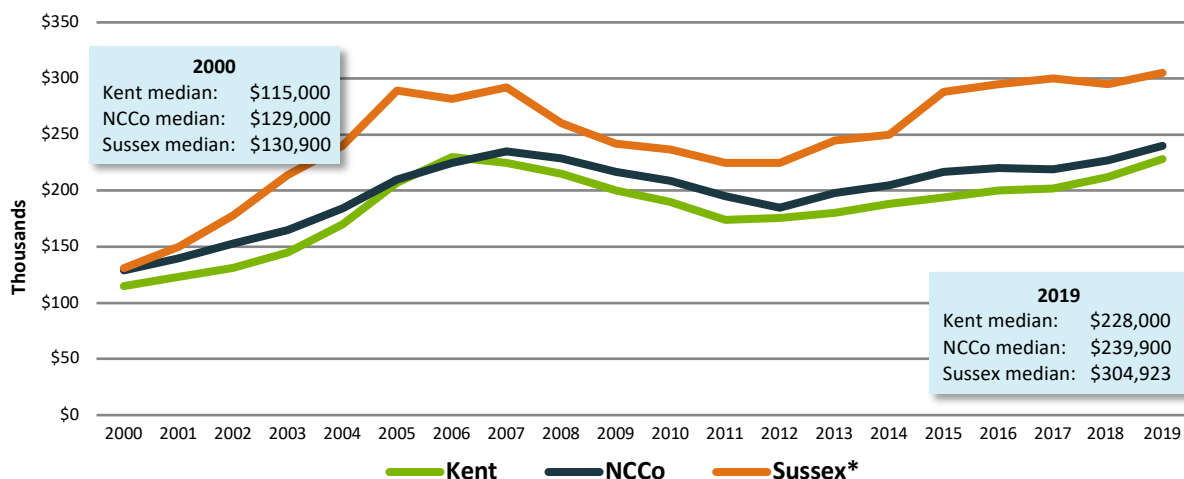
¹⁷¹ http://destatehousing.com/FormsAndInformation/Publications/2014_housing_needs_full.pdf

¹⁷² <https://news.delaware.gov/2017/09/07/anti-blight/>

¹⁷³ HUD uses fair market rents (FMRs) to determine payment standards for the HCV program, and rent levels of other federal housing programs. FMRs calculate prevailing rents in a particular geography for standard, non-luxury, non-subsidized housing units. For this purpose, "rent" means amount charged by a landlord plus a reasonable allowance for utilities.

¹⁷⁴ Sussex County Association of Realtors, Bright MLS, MarketTrac (Sussex, Q1 2015 - Q1 2020).

Chart V-1: Median Home Prices, 2000 - 2019



During the past decade, incomes of Delaware residents lagged behind housing costs, exacerbating households already cost burdened or displacing residents. According to American Community Survey (ACS) 5-year estimates, New Castle County's median household income increased 14 percent, 11 percent for Kent County, and 19 percent for Sussex County. However, there is a strong contrast when comparing median household incomes by race and ethnicity in all three counties.

In New Castle County, Asian and White median household incomes were much higher than the median household incomes for Hispanic and Black households. In fact, Asian median household income was consistently much higher than any race or ethnic group in all three counties. White household income in New Castle County averaged \$23,000 to \$29,000 more than Black and Hispanic household incomes, though the gap narrowed slightly for Hispanic household income in the 2014-2018 ACS. While the Hispanic household income increased nearly \$15,000 to \$55,884 during this period, it is still \$23,745 less than White household incomes and \$15,112 less than All Races.

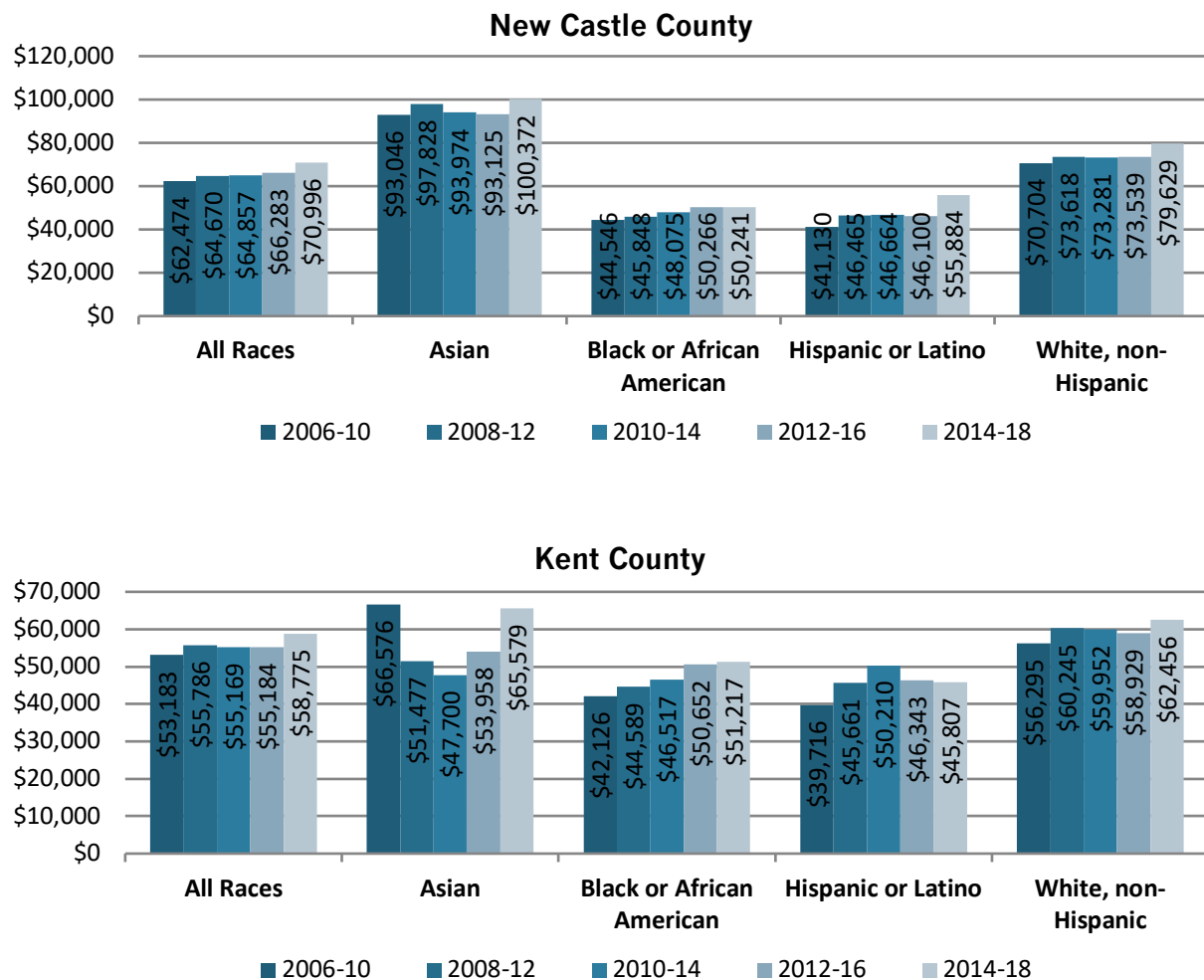
In Kent County, similar trends are demonstrated with Asian and White household incomes being much higher than Hispanic and Black household income. During this time, White household incomes were approximately \$8,000 to \$16,000 more than Black household income and \$10,000 to \$16,700 more than Hispanic household incomes. Black household income increased 22 percent, but remained \$7,500 less than the All Races median income. Hispanic household income increased 11 percent but was still \$13,000 less than the median income of All Races combined.

In Sussex County, the median household income for all Race and Ethnicity groups saw the largest change among the three counties. The median income for Asian and Hispanic households increased the most with a 43 percent and 22 percent respectively. However, the median income for White households remained \$20,000 to \$25,600 higher than Black households and \$11,000 to \$19,000 more than Hispanic households. It is important to note that the most recent Black median household income remains below \$40,000.

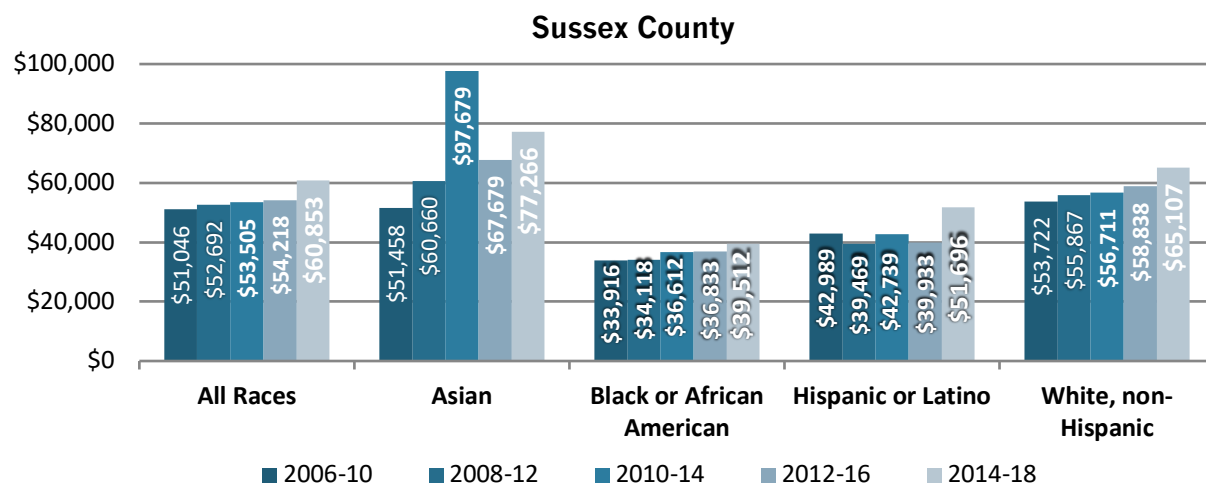
Since housing costs for both New Castle County and Kent County are higher in suburban areas than the city, economic pressure is likely keeping low-income people concentrated in cities and not

necessarily pushing them out in the traditional, gentrification sense. However, the exception is the coastal area in Sussex County. Given that Sussex County currently has the highest housing costs for both homeowners and renters, the cycle of eviction in disinvested areas, discussed during the community engagement process, is the main driver of the displacement of residents and resulting, rising housing costs burdens. Black households in particular are at risk of displacement.

Chart V-2: Median Household Income by Race and Ethnicity by County¹⁷⁵



¹⁷⁵ 5-year American Community Survey estimates, 2006-2010 to 2014-2018.



Lack of Regional Coordination/Fragmentation: PHA Areas of Operation and HCV Portability Issues – MEDIUM

A significant contributing factor to mobility, relating to PHA areas of operation, is the state-imposed limitation on the jurisdiction of the WHA. Because state law currently limits the WHA’s jurisdiction to city borders, Wilmington residents do not have an equal choice to live in lower poverty, and higher opportunity areas, which are also less racially segregated than many Wilmington neighborhoods. Because of this limitation, WHA also can neither develop affordable housing nor administer Housing Choice Vouchers outside the City, which requires burdensome and time-consuming portability procedures for families who wish to move to lower poverty neighborhoods – a significant barrier to mobility for families with Wilmington HCVs. This problem could be ameliorated by adoption of a portability agreement or similar arrangement among neighboring PHAs.

Portability processing delays among PHAs were identified generally as a fair housing problem in a recent fair housing review by the state. There is no indication that this problem has been resolved.

Delaware State Housing Authority

The DSHA HCV program has jurisdiction in Kent and Sussex counties. Because of its Moving To Work (MTW) status, and through its MTW agreement, DSHA restricts portability for non-elderly and non-disabled families (with exceptions for out-of-jurisdiction employment, education, or compelling family care needs). DSHA’s reason for restricting portability is to protect the integrity of its self-sufficiency work requirement.

Dover HA reported one recent portability transfer into DSHA that took one month to process; this type of delay is potentially a fair housing issue, depending on the parties and locations involved.

Wilmington Housing Authority

WHA’s HCV program area of operation is limited to the City of Wilmington, significantly limiting access for HCV families to lower poverty, less segregated neighborhoods.

Newark Housing Authority

NHA’s HCV program area of operation is limited to the City of Newark.

New Castle Housing Authority

The New Castle County Housing Authority's HCV program area of operation covers all of New Castle County, with the exception of the cities of Wilmington and Newark.

Dover Housing Authority

DHA's area of operation includes a three-mile radius around the City of Dover, and there appears to be a reasonable distribution of HCVs within this radius.

Lack of Assistance for Transitioning from Institutional Settings to Integrated Housing - MEDIUM

Lack of assistance for transitioning from institutional settings to integrated housing is a medium priority contributing factor to the segregation of persons with disabilities. The State of Delaware has developed a robust infrastructure to assist persons with psychiatric disabilities and persons with developmental disabilities with transitioning from institutional settings to integrated housing. For example, Sun Behavioral Health is a new psychiatric hospital (the only one in Delaware) that has been in operation for only one year. Sun Behavioral Health is dedicated to networking and executing improved discharge practices, particularly with homeless patients. Data reflects that a significant population of elderly adults with disabilities, likely disproportionately comprised of persons with ambulatory, vision, and hearing disabilities, reside in nursing homes in Delaware. Although many of these individuals are likely eligible for the Money Follows the Person Program, additional coordination and connective infrastructure may be necessary to ensure that individuals are aware of the services and supports, including transitioning to community living, for which they are eligible.

Lack of Community Revitalization Strategies – MEDIUM

Lack of Community Revitalization Strategies is a contributing factor to segregation and R/ECAPs. Delaware has had a range of revitalization and development programs targeted at major cities and towns in the state. In recent years, special attention has been paid to urban areas in need of more development. Twenty-five census tract were designated Opportunity Zones by the U.S. Department of Treasury, which means they are eligible for tax incentives to encourage private investment.¹⁷⁶ Various funds and grants awarded to Delaware communities aim to encourage investment in underdeveloped areas of the state.

State of Delaware

The three primary programs used by DSHA to encourage community revitalization are the Downtown Development Districts (DDD) program, the Strong Neighborhoods Housing Fund (SNHF), and the Housing Development Fund. There are currently twelve designated Districts and include Clayton, Delaware City, Dover, Georgetown, Harrington, Laurel, Middletown, Milford, New Castle, Seaford, Smyrna and Wilmington.¹⁷⁷ The DDD funds are provided as 20 percent rebate after a building is complete. Since 2015, \$32 million in DDD funds have leveraged a cumulative \$598 million in private investment in distressed downtown area. Much of this funding has been allocated to rehabilitation of existing buildings rather than new construction. DSHA continues to combine DDD investments with community interventions through the SNHF, which is now established as a revolving fund to help

¹⁷⁶ <https://governor.delaware.gov/communities/>

¹⁷⁷ http://www.destatehousing.com/Developers/developermedia/ddd_annual_report_2019.pdf

redevelop vacant and blighted lots that can have a negative impact on an entire community. The SNHF focuses on renovating and reselling blighted or vacant properties. The Housing Development Fund focuses specifically on loan financing for LIHTC projects. Overall, DSHA has renewed their focus on revitalization efforts in recent years, with the bulk of state funding allocated through these programs. Special attention is paid to areas in which urban populations are decreasing as residents choose to live in the suburbs instead, and to Kent and Sussex Counties, which have received less attention despite similar issues with decreasing populations and abandoned buildings.¹⁷⁸ Additionally, in 2017, statewide anti-blight legislation was signed into law to give local governments tools and support to fight blight in their jurisdictions.¹⁷⁹

Philadelphia Region

Philadelphia has been the site of major revitalization programs in the last few years. One of the largest programs is the \$500 million Sharswood/Blumberg Choice Neighborhoods Transformation Plan, which aims to “transform the existing Blumberg Public Housing site through demolition of existing family housing units, Rehabilitation of the existing Senior Tower, and reconfiguration of street layouts and redevelopment of new lower-density, energy efficient units”¹⁸⁰. Affordable housing is a key part of this plan, but concerns exist about rising eviction rates to make way for redevelopment.¹⁸¹ In addition, there has been a recent effort to redevelop Rt. 9 by increasing walkability in some areas and overall expanding access to the highway¹⁸².

New Castle County

Though most revitalization efforts in New Castle County have been directed at Wilmington, some efforts have been made towards revitalization of other areas of the county. Claymont has plans for a new \$54 million SEPTA station that would connect to the Wilmington/Newark line. New Castle County, the Delaware Transportation Trust Fund, and the U.S. Department of Transportation will fund the project.¹⁸³ The latest plan for development and planning in New Castle County is the 2012 Comprehensive Development Plan. Though the plan has a broad scope, the Workforce/Traditional Neighborhood Housing Programs and Accessory Dwelling Unit (ADU) Program assists those in low- and moderate-income households. The Bayberry and Whitehall communities have been designated for mixed-use centers of housing.

The County’s Department of Community Services (DCS), was awarded SNHF funds. Through this program, four (4) blighted and vacant homes in the Collins Park community and four (4) additional homes in the distressed community of Edgemoor Gardens.

The Collins Park/Edgemoor Gardens Neighborhood Revitalization Initiative will support community development and help transform neighborhoods that are experiencing blight and disparate levels of crime. Low- and moderate-income first-time homebuyers, who earn less than 120 percent of the Area Median Income (AMI), will be eligible to purchase the new and renovated homes. As part of this Initiative, New Castle County will also provide owner-occupied home repair with Community

¹⁷⁸ <https://www.wmdt.com/2019/02/4-6-million-awarded-to-help-revitalize-delaware-cities-and-towns/>

¹⁷⁹ <https://news.delaware.gov/2017/09/07/anti-blight/>

¹⁸⁰ <https://static1.squarespace.com/static/53765450e240105d20505681/t/5665f9040667a0e20c94165/1449521840727/2015-Blumberg+Transformation+-+RevisedPlan-web23.pdf>

¹⁸¹ <https://billypenn.com/2018/04/13/one-downside-of-phillys-revitalization-a-high-eviction-rate/>

¹⁸² http://wilmapco.org/Rt_9/Route9MP_TransportationPriorityWhitePaper.pdf

¹⁸³ <https://www.nccde.org/DocumentCenter/View/21255/Comp-Plan-2016-Annual-Report?bidId=>

Development Block Grant Program funding as well as through DSHA's Housing Development Fund Homeownership Preservation Program.

The Route 9 Library and Innovation Center opened in September 2017. This transformational \$31 million facility in the heart of the historic Route 9 Corridor, has been designed to promote innovation and entrepreneurship by leveraging technology to create opportunities for patrons of all ages to learn new skills like video editing, animation, and programmable electronics, and robotics in a welcoming and accessible setting. In addition to its core focus on books and literacy, the library features many unique learning areas including a Maker Lab, STEM room, Sensory room, Bookatarium, Scriptorium, Black Box Theater and Eatery. The Route 9 Library and Innovation Center has been built with a significant investment of county and state funds and will operate with continued county and state support along with partnerships with local schools and non-profits to bring innovative programs and services into the community.

City of Wilmington

Much time and many resources have been invested in the revitalization of Wilmington in recent years. The City contains a Downtown Development District (DDD). The corresponding DDD Plan encourages private investment and upgrading the existing housing stock through various tax exemptions, programs and local incentives.¹⁸⁴

Wilmington's Riverside neighborhood has been designated as Purpose Built by the non-profit Purpose-Built Communities, meaning that the organization will work alongside community members to increase mixed-income housing and other opportunities for residents. Plans include 400 new units of mixed income housing for the neighborhood.¹⁸⁵ \$100 million has been budgeted for the project, with the bulk of funding coming from low income housing tax credits, donations and grants.¹⁸⁶

The Wilmington Housing Partnership, which buys and rebuilds blighted properties for affordable housing, ran out of money at the start of 2019. This left several properties, valued at \$3.1 million, with no development plans. The City took over the project at the start of 2019.¹⁸⁷

At the same time, the Wilmington Neighborhood Conservancy Land Bank came online in 2017 and continues to serve as a catalyst for affordable housing development.

Wilmington plans to address the West side of the city through its Flats revitalization plan, which would add several additional units of housing¹⁸⁸, and with organizations like West Side Grows Together, a collaborative effort aimed to advance opportunities and infrastructure in the area.

City of Dover

Vacant properties in Dover are being renovated as part of both the DDD program and SNHF programs. In addition to the DDD Rebate, Dover provides several incentives specific to their DDD boundary. If

¹⁸⁴ <https://www.wilmingtonde.gov/home/showdocument?id=164>

¹⁸⁵ <https://delawarebusinessnow.com/2018/11/riverside-purpose-built-effort-aims-to-revitalize-northeast-wilmington-neighborhood/>

¹⁸⁶ <https://www.delawareonline.com/story/news/2018/11/14/100-million-plan-would-revitalize-wilmington-neighborhood/1946491002/>

¹⁸⁷

<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&cad=rja&uact=8&ved=8hUKEwjB4PvfkcPhAhXuw1kKHsN6DEsQFjACegQIAhAB&url=https%3A%2F%2Fwww.delawareonline.com%2Fstory%2Fnews%2F2019%2F01%2F18%2Fcity-take-over-financially-failing-wilmington-housing-partnership%2F2617806002%2F&usg=AOvVaw1-0vfw7ereGxCdRLRxGiv9>

¹⁸⁸ <https://www.delawarepublic.org/post/redeveloping-flats-seeks-reinvigorate-neighborhood-while-retaining-its-character>

a property is purchased within the Downtown Redevelopment Target Area, the transfer tax will be waived for owner-occupied first-time homebuyers and property taxes will be abated for owner occupied homes. The lots will be redeveloped and used for affordable homeownership in the coming years, as part of an initiative to eliminate blight in the City.¹⁸⁹ The City is focusing on job growth and attracting commercial investment as well through its Restoring Central Dover plan adopted in 2014 aimed at improving safety, infrastructure, transit, economic accessibility, and a variety of other factors over a 75-block span.¹⁹⁰

The City is also one of the stakeholders in the Restoring Central Dover Initiative whose goal is to revitalize central Dover with the construction of affordable housing. Part of the initiative includes expanding the housing repair program to provide additional resources in the Downtown area for home repairs and to boost homeownership opportunities in this area by providing down payment assistance and funding for renovations to families who purchase properties in the designated area. Central Delaware Habitat for Humanity is the lead agency for the SNHF which acquires vacant or foreclosed properties in the target area and use CDBG funding to renovate the property to sell to families who are 60 percent and below the area median income. This combination of funds has resulted in significant growth in the Downtown area with the construction of new homes built by Central Delaware Habitat for Humanity and NCALL.

Milford, Kent County and Sussex County

Milford is also a designated Downtown Development District. Since then, private investment in the City has amounted to over \$4 million.¹⁹¹ Initial projects have been geared towards attracting visitors and business to the area. Plans exist to improve housing stock and reduce vacancy rates. Rebates, tax credits, tax abatements and fee waivers act as incentives for redevelopment and investment.

Lack of Resources for Fair Housing Agencies and Organizations – MEDIUM

Lack of resources for fair housing agencies and organizations is a contributing factor to lack of fair housing enforcement, capacity, and outreach. There are several organizations operating statewide including Housing Alliance Delaware, the ACLU of Delaware, Legal Services Corporation of Delaware, and Community Legal Services. Housing Opportunities of Northern Delaware also operates in the northern part of the state. Only half of these organizations have a concerted focus on fair housing at all. The remaining organizations engage in housing advocacy and representation, but are limited in staff and resources to meet the statewide need. The Division of Human Relations also lacks the resources necessary to conduct adequate fair housing outreach and provide sufficient investigatory and enforcement services as it only employs one investigator in each of the three counties throughout the state. Representatives from these organizations expressed a need for more resources both on a public and private level to fully address the problem of housing discrimination in Delaware.

¹⁸⁹ <https://delawarestatenews.net/news/nine-properties-set-for-for-revitalization-in-downtown-dover/>

¹⁹⁰ http://www.ncall.org/wp-content/uploads/2015/04/Restoring_Central_Dover_Strategic_Plan_Executive_Summary.pdf

¹⁹¹ <https://www.delawarebusinesstimes.com/milford-banks-on-misphillion-river-for-revitalization/>

Lack of Meaningful Language Access for Individuals with Limited English Proficiency (LEP) – MEDIUM

Lack of meaningful language access is a medium contributing factor to segregation in Delaware. There has been an increasingly diverse minority population, where many have limited English proficiency. Spanish with 26,000 LEP speakers is much more likely to be spoken than the next most spoken language, Chinese. However, neither language represents a significant percentage of the population. In a New Castle County stakeholder meeting, many service providers in attendance identified a need for Spanish and Haitian Creole translations of housing application materials. DSHA provides services to LEP residents, mainly focusing on the Spanish-speaking population, where there is the most significant need. There are translations for written documents and interpretive services for LEP residents, with an identified need for both oral interpretation and written translation for Spanish and written notice of right to free translation for all other languages.¹⁹² The vast majority of interactions between LEP residents and DSHA occur during the application process leading up to participation in Public Housing and HCV programs. Ongoing interactions include periodic contacts related to initial program eligibility, continuing eligibility, and termination from either program. DSHA's Language Access Plan also provides for periodic assessments of language needs and how well they are being met, policy reviews, and assessments of staff capability in this area, as well as for the designation of a language access coordinator. DSHA also has a LEP training program for all employees based on their level of contact with the public. Complaint procedures are available through DSHA. Because of the state's increasing diversity and because language access differences may impede movement, and because Hispanics are underrepresented in publicly supported housing (relative to their share of income-eligible population), language access needs remain a relevant fair housing issue. Additional outreach to LEP communities would expand access to housing programs.

In the City of Dover, 87 percent of residents speak English at home, with 5.2 percent of residents speaking Spanish at home (69 percent speak English very well, and 1 percent don't speak English at all.) Residents speaking other Indo-European language at home made up 4.5 percent of the population, followed by 2.9 percent of residents speaking an Asian or Pacific Island language. There is not a significant need in the City of Dover to provide LEP services to residents since the foreign-born population makes up less than 10 percent of the population and only 1 percent of the Spanish population, which would have the most need, does not speak English at all. However, LEP services will be provided upon the need.

Loss of Affordable Housing – MEDIUM

Loss of affordable housing contributes to segregation and the creation of R/ECAPs. In addition, loss of affordable housing negatively affects access to opportunity and disproportionate housing needs. Many renters already experience challenges in finding affordable units. As of 2018, Delaware has fewer affordable rentals for extremely low-income individuals (who account for 25 percent of renters) than the national average, ranking as the 15th most expensive state for renters.¹⁹³ Kent County has the highest number of affordable units while New Castle County has the least.¹⁹⁴ According to the National

¹⁹² http://www.destatehousing.com/FormsAndInformation/Publications/lep_plan.pdf, pg. 2

¹⁹³ *Id.*

¹⁹⁴ *Id.*

Low-Income Housing Coalition, there is a shortage of 17,114 units for extremely low-income renters.¹⁹⁵

When low-income people are unable to afford housing, they are limited in where they are able to live, entrenching patterns of segregation and R/ECAP formation. When low-income renters are cost-burdened, families are prevented from spending money on other needs such as food, transportation, and healthcare. Additionally, low-income renters are more likely to live in substandard housing conditions if they are unable to access affordable housing.

Occupancy Codes and Restrictions – MEDIUM

Occupancy codes and restrictions are a contributing factor to segregation. Delaware State Code allows for its individual counties throughout the state to adopt their own building, plumbing, electrical, and other similar codes.¹⁹⁶ There is, however, a State Housing Code that defines a family as “an individual or married couple and the children thereof with not more than 2 other persons, living together as a single housekeeping unit in a dwelling unit.”¹⁹⁷ This definition is extremely restrictive, as it limits the number of unmarried persons who can live together in a unit. It has the potential to restrict even small group homes and shared living arrangements for persons with disabilities. It could also potentially restrict extended family members from caring for children not born of an individual or married couple living in the dwelling unit. There are no statewide restrictions regarding where voucher holders can or cannot live.

New Castle County

New Castle County adopted the International Building Code with the exception of the portion related to the International Fire Code.¹⁹⁸ The County has also adopted the International Residential Code.¹⁹⁹ The Code of Ordinances does not define a family but the county is covered by the definition in the State Housing Code. There are no restrictions regarding where voucher holders can or cannot live.

Kent County

The Kent County Code uses the same definition of a family as the State Housing Code.²⁰⁰ There are no restrictions regarding where voucher holders can or cannot live.

Sussex County

In 2014, the Sussex County Code was revised to comply with the Fair Housing Act and state law and “to allow more than four unrelated individuals to reside together and affirmatively address protected classes of persons or individuals with disabilities.”²⁰¹ This ordinance made changes to the definitions of “Dwelling,” Dwelling, Single Family,” and “Dwelling, Multifamily”; the definition of the word “Family” was deleted entirely.²⁰² There are no restrictions regarding where voucher holders can or cannot live.

¹⁹⁵ National Low-Income Housing Coalition, “2019 Delaware Housing Profile,” (2019).

¹⁹⁶ 16 Del. C. 1953, § 7601.

¹⁹⁷ 65 Del. Laws, c. 153 §4106 (a) (14).

¹⁹⁸ New Castle County Code of Ordinances, §6.04.001, 6.04.001.

¹⁹⁹ New Castle County Code of Ordinances, §6.05.001

²⁰⁰ Kent County Code, §143-6

²⁰¹ https://sussexcountytde.gov/sites/default/files/ordinances/o2374_dwelling_definition_ordinance.FINAL_12-02-14.pdf

²⁰² *Id.*

City of Wilmington

There are no restrictions regarding where voucher holders can or cannot live, but all of the public housing in Wilmington is located within the same zoning district. See Contributing Factor Land Use and Zoning Laws for more information.

City of Newark

Newark's Municipal Code does not define a family, but the City is covered by the definition in the State Housing Code. There are no restrictions on where voucher holders can live.

City of Dover

Dover's Municipal Code does not define a family, but the City is covered by the definition in the State Housing Code. There are no restrictions on where voucher holders can live.

Regulatory Barriers to Providing Housing and Supportive Services for Persons with Disabilities – MEDIUM

Regulatory barriers to providing housing and supportive services for persons with disabilities are a medium priority contributing factor to the segregation of persons with disabilities in Delaware, particularly in Sussex County. Although municipal regulations that constrain the siting and operation of small group homes are a primary concern, homeowners' association regulations can also pose problems. In 2015, The Arc of Delaware filed a Fair Housing Act complaint against Sugar Maple Farms Property Owners' Association in Milford in Sussex County. The association refused to approve The Arc's acquisition of a single-family home, which was to be used for a four-person group home. The case was settled in 2016, but stakeholder comments suggest that the type of practice at issue is widespread within the state.

State or local laws, policies or practices that discourage individuals with disabilities from living in apartments, family homes, supportive housing and other integrated settings are not a significant contributing factor to any fair housing issue for persons with disabilities. The level of available financial resources and the supply of affordable, accessible housing play much more significant roles in perpetuating the segregation of persons with disabilities than do laws and policies that actually steer individuals with disabilities toward segregated settings. The exceptions to this, which are addressed in greater detail in the Land Use and Zoning Laws contributing factor, are local laws and policies that generally stymie the development of an adequate supply of affordable housing, including affordable, accessible housing.

Siting Selection Policies and Practices for Publicly Supported Housing, including Discretionary Aspects of Qualified Allocation Plans and Other Programs – MEDIUM

DSHA administers the LIHTC program to support the development of affordable multifamily housing. The Qualified Allocation Plan (QAP) establishes the criteria for awarding tax credits. Although important criteria of the LIHTC program is established by federal IRC rules, the state has significant discretion in setting out requirements and priorities for development siting, applications, and management. Each of these has an influence on fair housing outcomes. Nationally, the LIHTC program has often exacerbated problems with the concentration of subsidized housing and racial segregation,

but a thoughtfully designed and managed program at the state level can help expand housing choice and achieve a better balance in subsidized housing location.

DSHA has established balance in siting outcomes and access to opportunity as one of the goals of its QAP. It currently awards up to 15 points for developments that are located in Areas of Opportunity.²⁰³ This designation is based on DSHA's categorization of areas throughout the state into three categories that assess balance in siting and how well program residents can access well performing schools and other resources: Areas of Opportunity (where new developments are encouraged and supported); Stable Areas (where a balance of subsidized and market development is supported); and Distressed Areas (where development that furthers subsidized housing concentration is limited). In addition, DSHA reserves discretion to award basis boosts of up to 30 percent (increasing the value of the tax credit) to developments in Areas of Opportunity.

In accordance with federal preference for allocating credits to developments that contribute to a concerted revitalization plan, DSHA provides 10 points for developments that are part of a Concerted Community Revitalization Plan (CCRP),²⁰⁴ based on the following criteria:

- The comprehensiveness and specificity of the CCRP, including defined geographic region, timeline, and identified specific and measurable outcomes;
- The extent to which the CCRP demonstrates the need for revitalization and is of sufficient size and scope to have a significant and lasting positive impact on the community;
- Whether the CCRP describes commitments or strategies for obtaining public and private investment other than housing such as for infrastructure, transportation, open spaces, or commercial amenities;
- If proposed financing of the CCRP includes non-DSHA public or private resources;
- The community input involved in the creation of the CCRP. Such input may be demonstrated by participation of community organizations, business associations, CDC's, and/or resident meetings;
- Whether the CCRP identifies the service needs of residents, including but not limited to, healthcare needs, residential supportive services, access to public benefits, or education and identifies strategies for addressing unmet needs;
- If the CCRP complies with applicable civil rights laws and responsiveness to the local jurisdiction's Affirmatively Furthering Fair Housing obligations; and
- Qualifying updates to CCRP, for the purposes of determining plan eligibility, must involve at the least, renewed community stakeholder engagement, evaluation of progress, and applicable updates to originally-adopted strategic goals.²⁰⁵

The QAP awards up to 15 points for "Site and Neighborhood Standards," which refers to characteristics and amenities of the immediate neighborhood (apart from de-concentration or desegregation criteria). It awards up to 5 points for "Residential Appropriateness" (noting DSHA policy to promote "high quality, visible projects that promote strong communities, limit promotion of residential sprawl, and do not isolate residents") and up to 10 points for "Community Compatibility" (based on design features, and whether the design is consistent with the architecture/character of the local area, or the

²⁰³ DE State 2019 QAP at 42, available at http://www.destatehousing.com/Developers/lihtc/2019/2019_qap.pdf.

²⁰⁴ QAP at 42.

²⁰⁵ QAP at 7-8.

project’s visual character respects and makes a positive contribution to the surrounding community”).²⁰⁶

This point scoring falls within the context of the following rubric, which includes other criteria: Development Characteristics, 50 Possible Points; Community Impact, 50 Possible Points (comprising those noted above); Tenant Populations Served, 45 Possible Points; Use of Resources, 45 Possible Points; Development Team, 30 Possible Points.

In accordance with federal statute, DSHA requires a market study of the housing needs of low-income individuals in the area to be served by the development. DSHA should ensure that these studies are not conducted in a manner (or this requirement is not interpreted in manner) that discourages development in areas of low poverty concentration.

Location of Employers – MEDIUM

The location of employers is a contributing factor to disparities in Access to Opportunity. A spatial mismatch between jobs and housing can impose significant burdens on employees. In Sussex County, many service and retail jobs are located in coastal towns such as Rehoboth Beach. However, high housing prices in fast-growing eastern Sussex make it difficult for employees, who often hold low-wage seasonal jobs, to live near work in beach resort areas.²⁰⁷ Instead, many workers must live in more affordable western areas of the county and commute. In the Wilmington area, there is a spatial mismatch between where job centers are located and where affordable housing is available. This spatial mismatch is exacerbated by the impact of community opposition in preventing housing proposals that may be affordable to employees of the resort economy. Within Wilmington, the banking and credit industries offer high paying jobs that are often held by people who live outside of the city, while many city residents work in lower-wage service jobs in suburban job centers such as Christiana Mall and Christiana Hospital.²⁰⁸ This contributes to long commute time for workers who are in low-wage occupations.²⁰⁹

LOW Contributing Factors

Access to Financial Services - LOW

Access to financial services is not a significant contributing factor to disparities in Access to Opportunity within Delaware. This analysis of access to financial services is measured by physical access to bank branch locations. The FDIC provides information on the location of banks by physical addresses, cities and towns, counties and states. This information illustrates disparities in access between municipalities that might have differing levels of diversity, but that does not demonstrate access to physical bank branch locations in areas specifically by neighborhoods, which would be the best indicator of access to financial services impacting disparities in access to opportunity. Lack of access to physical bank branches encourages exposure to predatory consumer lenders instead, impacting economic mobility and transportation.

Table V-8: FDIC-Regulated Bank Branches by Municipality in 2018

²⁰⁶ QAP at 45.

²⁰⁷ [Taylor Goebel, “Live where you work, unless at the beach. Affordable housing slim at resorts,” Delmarva Now, \(2018\).](#)

²⁰⁸ Delaware Housing Needs Assessment, 190.

²⁰⁹ [City of Wilmington, “Five-Year Consolidated Plan”, \(2015\).](#)

Municipality	FDIC-Regulated Full-Service Brick and Mortar Branches
New Castle County	163
Kent County	36
Sussex County	69
Wilmington	93
Newark	25
Dover	18

Data Source: FDIC

Though this data does not reflect all means of accessing financial services (excluding, for example, credit unions), it does provide some insight. The entitlement jurisdictions listed above are also amongst the most populated regions of their respective counties and also have proportionately adequate access to brick and mortar bank branches. Wilmington, for example, contains over half of the total brick and mortar banks found in New Castle County. This data does not fully represent patterns of access within jurisdictions, however. For example, in Wilmington, while a number of banks are located by Wilmington Hospital and on the western edge of the City, in more predominantly White areas, brick and mortar banks are scarce in South Wilmington and Northwest Wilmington, which are predominantly Black areas. The presence of bank branches in Wilmington's City center does not guarantee easy accessibility to those branches. While neither Newark nor Dover are as segregated as Wilmington, brick and mortar branches seem to be less accessible to Black and Hispanic residents in these cities. Further, mere physical access to financial institutions does not preclude the possibility of predatory lending practices (See Contributing Factor, Lending Discrimination).

Access for Persons with Disabilities to Proficient Schools - LOW

Access for persons with disabilities to proficient schools is not a significant contributing factor to Disability and Access. There are 46 school districts in Delaware, with 224 total schools and approximately 130,000 enrolled students. There are 23 charter schools. Analysis of these schools' performances in educating students with disabilities is based upon the performance of public schools, as only public schools are required to report such information.

The Delaware Department of Education (DOE) and the U.S. Department of Education Office of Civil Rights compile data about student enrollment and performance, including students with disabilities. Students with disabilities make up 16.15 percent of total enrollment. Of the students receiving one or more in-school suspensions, students with disabilities make up 28 percent. Students with disabilities are punished at about twice the rate of students without disabilities. Delaware performs better than the national trend. Thirty-three (33) schools in Delaware have less than 10 percent IDEA-classified students in their general population; of those, twelve schools have less than 5 percent IDEA-classified students. This may suggest that Delaware schools are excluding students with disabilities or failing in their Child Find obligations. Reporting methods are different for charter schools, but they have reported on whether they meet standards for compliance with servicing students with disabilities. For the 2017-2018 school year, 90 percent of schools met that standard.

Another metric for special education performance is the use of restraint on students. During the 2016-2017 school year, there were a reported 3,006 incidents of physical restraint.²¹⁰ Students with disabilities made up 78 percent of the students that were restrained, and 28 percent of students restrained had autism. There was a 1.4 percent increase in the number of reported incidents, and a 3.7 percent increase in the number of unduplicated students physically restrained. The Delaware Department of Education has instituted a practice of notifying the Local Education Agency (LEA) and encouraging school staff to access technical assistance when an individual student has been restrained 50 or more times in one year; given the continued increase in the use of restraint, only encouraging consultation of technical assistance after 50 uses of restraint on the same student is inadequate.

The DOE offers mediation to assist in resolving disputes with the school regarding special education services. Mediation may not be used to delay a parent/student's right to a due process hearing regarding the provision of a Free Appropriate Public Education. Mediation services are provided in connection with the University of Delaware.

There have been at least 26 IDEA lawsuits against 14 school districts in Delaware, with three school districts garnering four or more lawsuits (Red Clay Consolidated School District, Appoquinimink School District, and Cape Henlopen School District). Closer analysis of the statistics from these three districts does not indicate that they are failing in their Child Find obligations (reporting 15.7 percent, 14.2 percent, and 17.0 percent IDEA enrollment, respectively). While students with disabilities are punished disproportionately, the in-school suspension statistics closely track the state average, which is below the national average. Out-of-school suspension, expulsion, and referrals to law enforcement rates, where applicable, are all higher than the in-school-suspension rate, which is just one comparative. While Cape Henlopen and Appoquinimink did not have any expulsions of IDEA students, 75 percent of Red Clay's expulsions were of IDEA students.

Access to Transportation for Persons with Disabilities - LOW

Access to transportation for persons with disabilities is not a significant contributing factor to Disability and Access. Bus service in Delaware is provided by DART First State (DART), which has over 70 bus routes. Forty-three are in New Castle County, 12 in Kent County, and 3 in Sussex County. All buses have accessibility features, including wheelchair lifts, kneeling features, low floor buses, and voice announcements. However, this information is difficult to find on DART's website, and passengers with special needs might be dissuaded from using DART if unable to access this information. There is no regular bus service on Sundays in Kent County or Sussex County.

DART also provides paratransit, which costs double or more than regular bus service. Paratransit is not available in Sussex County on Sundays. To reserve paratransit service, passengers must call ahead and make a reservation. Passengers must also apply for eligibility to use paratransit service, and medical condition or eligibility for other disability programs does not automatically qualify. Bus service in Newark is provided by UNICITY Bus System in connection the University of Delaware. The service is free, but paratransit is not included, and is instead provided by DART. UNICITY services are also provided on an approximate schedule, subject to weather and other delays, which may make them unreliable for those who do not have access to private rides. SEPTA provides commuter train service between Wilmington and Newark, but it is predominantly a Pennsylvania-based transit

²¹⁰ <https://www.doe.k12.de.us/cms/lib/DE01922744/Centricity/Domain/167/FINAL%20Restraint%202016-2017%20Annual%20Report%20Supressed%20.pdf>

line. CCT Connect provides complementary paratransit operation. Registered customers can be picked up and dropped off within 3/4 of a mile of any fixed route during hours of operation. Newark, Wilmington, and Dover are also serviced by Amtrak, which is fully accessible. Overall, information about the accessibility and availability of disability transportation services is not readily available, as are actual services, especially in more rural areas.

Displacement of and/or Lack of Housing Support for Survivors of Domestic and Sexual Violence – LOW

Survivors of domestic violence, dating violence, sexual assault and stalking are entitled to some housing related protections under Delaware Code. The law states that after petition for a protective order, the court may ask the respondent to pay support for the petitioner and/or for the parties' children, including temporary housing costs.²¹¹ Furthermore, survivors are permitted to break a lease and leave their home with 30 days' written notice so long as they have obtained or sought relief from domestic violence or abuse from courts, police agencies, or domestic violence services.²¹² The Delaware Coalition Against Domestic Violence identified seven domestic violence programs in Delaware. In a 2017 24-hour survey of six of these programs, the National Census of Domestic Violence Services counted six unmet requests for housing services.²¹³ Nuisance ordinances in across the state may also impact housing availability for survivors of domestic violence, as they may be penalized for calling the police to their property.

Lack of Appropriate Payment Standards – LOW

Delaware State Housing Authority

DSHA applies a 105 percent payment standard to the HUD Fair Market Rent (FMR) for its HCV program vouchers in Kent and Sussex Counties, with a slightly higher (110 percent) payment standard in the state-identified "Opportunity Area" zip codes in Kent and Sussex Counties. This payment standard appears to be adequate in some of these opportunity areas, but for many opportunity zip codes the current payment standard is dramatically below the HUD-designated Small Area Fair Market Rent (SAFMR) which means that HCV families are unlikely to have adequate access to these neighborhoods where the SAFMR exceeds the current payment standard by \$100 or more (the SAFMR is calculated to access roughly the 40th percentile of rents in the zip code). For a three-bedroom apartment, the current payment standard is more than \$100 less than the SAFMR in sixteen zip codes. Some of these differences are extreme. For example, in Sussex County, eight zip codes have dramatically higher SAFMRs than the current "opportunity" payment standard (ranging from \$210 to \$510 higher), which indicates that low-income families with vouchers are unlikely to be able to afford a unit in these areas.

Wilmington Housing Authority

Wilmington is within the greater Philadelphia mandatory SAFMR area, which means that WHA voucher rent is now set by zip code. WHA has adjusted for decreased FMRs in a number of City zip codes by adjusting the payment standard by up to 110 percent.

²¹¹ <http://delcode.delaware.gov/title10/c009/sc03/index.shtml>

²¹² <http://www.delcode.delaware.gov/title25/c053/index.shtml>

²¹³ https://dcadv.org/file_download/inline/322287cf-e016-4394-b882-4216aeb19264

Newark Housing Authority

Newark is currently applying a 110 percent payment standard, which is above the SAFMR for the City's zip codes, but it is still inadequate because of the high and increasing demand for University of Delaware student housing throughout the City. *The inability of HCV families to access apartments in the City forces many families to port out to neighboring communities. The housing shortage for families with children is exacerbated by the practice of local property owners who rent larger family units to groups of students.*

New Castle County Housing Authority

From reviewing the SAFMR, which are set at the 40th percentile of recent rents in each zip code, the current payment standards in the "opportunity" zip codes in New Castle County are inadequate to give HCV families access to most of those neighborhoods. In several zip codes, the difference between the current payment standard and the SAFMR is extreme. The monthly SAFMR for a three-bedroom unit exceeds the current payment standard by more than \$500 in two opportunity zip codes in New Castle County, and by more than \$300 in two others.

Dover Housing Authority

It does not appear that payment standards are a significant issue in Dover.

Lack of Adequate Search Time – LOW

Delaware State Housing Authority

DSHA has a short search time of 60 days, and an absolute bar against extensions of the voucher term past 120 days, except for residents with disabilities having difficulty locating an accessible unit. Under this current policy, the allowable reasons for requests for 30-day extensions up to 120 days do not include difficulty in finding a unit in a low poverty area or opportunity area. The absolute limit on extensions, and the lack of provision for families seeking housing in hard to rent opportunity areas, make it more difficult for households to exercise housing choice, and represents a potential fair housing issue.

Wilmington Housing Authority

Voucher search time is limited to 60 days, with additional 30-day extensions up to 120 days total. Reasons listed for an extension of the voucher search time currently do not include efforts by the family to find housing in a lower poverty neighborhood. This is a potential fair housing issue.

Newark Housing Authority

The Newark Housing Authority has a short search time of 60 days, and a general policy against extensions of the voucher term, with a limited number of exceptions that do not include difficulty in finding a unit in a low poverty area or opportunity area. This is a potential fair housing issue, especially given the shortage of voucher-affordable rental housing in the city.

New Castle County Housing Authority

The draft Section 8 Administrative Plan for the NCCHA provides for a 120-day search period, but limits requests for extension to a short list of extenuating circumstances that does not include difficulty in finding a unit in a low poverty area or opportunity area. This is a potential fair housing issue.

Dover Housing Authority

The Dover Housing Authority has an initial search time of 90 days (with a suspension of the time period during a request for tenancy approval). 30-day extensions of the voucher term are permitted for up to a total of 60 additional days, for a limited number of reasons that do not include difficulty in finding a unit in a low poverty area or opportunity area. This is a potential fair housing issue.

Inaccessible Public or Private Infrastructure - LOW

Inaccessible public or private infrastructure is not a significant contributing factor to Disability and Access. Over the years, the state has entered into a number of voluntary settlements regarding the accessibility of roads and facilities that have helped ensure that infrastructure across the state is now more accessible to people with disabilities. The City of Newark did a comprehensive study of its curb cuts in 2007 and determined that approximately 88 percent of curbs had some sort of slope, although the majority of those did not meet the requirements for ADA compliance. Newark's ADA Transition Plan adopted an aggressive course correction, which prioritized curb cuts on every curb, and then bring the noncompliant existing curb cuts up to standard. In 2004, the Delaware Department of Transportation entered into a voluntary settlement agreement regarding the installation of curb ramps at intersections on roads maintained by the state. The voluntary settlement agreement made plans to retrofit curb cuts on a schedule that was to extend until 2010, with provisions to revisit any curb cuts that were not addressed by that time. The City of Dover is also in the process of developing an ADA Transition Plan regarding curb cuts. Using GIS software, accessibility barriers including the lack of a ramp, a sidewalk width of less than 36 inches, a lack of truncated domes, poor slope, and lack of sidewalk connectivity will be addressed.

Inaccessible Government Facilities or Services - LOW

Inaccessible government facilities or services are not a significant contributing factor to Disability and Access. Delaware entered into a settlement agreement regarding the state's ADA obligations. The settlement required the establishment of an Architectural Access Board to review plans for state facilities to ensure ADA compliance. The settlement also required specific physical modifications to state buildings. Delaware's Architectural Accessibility Act requires the Architectural Accessibility Board to promulgate rules regarding the design and construction standards that will ensure the physical accessibility of government facilities.

The City of Wilmington has a dedicated Access Wilmington Committee, which advises the mayor on accessibility issues and advocates on behalf of people with disabilities. The Committee resolves to make Wilmington a model, employing community education, legislation, accessibility, employment, transportation, and economic strategies. Members are appointed by the mayor from a pool including Wilmington residents with disabilities, their family members, and representatives of organizations that provide disability services, high school and college students, and City employees.

Lack of Assistance for Housing Accessibility Modifications – LOW

Lack of assistance for housing accessibility modifications is not a significant contributing factor to fair housing issues. Delaware residents whose income meets HUD guidelines may apply for unsecured Citizens Bank EZ Home Improvement Loans, whether they are homeowners or renters. The WSFS Bank interest rates are low, and Citizens Bank utilizes a modified credit scoring system for applicants. The City of Wilmington's Community Development Neighborhood Rehabilitation Program also gives

loans to low to moderate homeowners with disabilities in order to make home accessibility modifications. In addition, the New Castle County Department of Community Services offers an accessibility modification grant through their Architectural Accessibility Program to promote safety and functionality with the home. Such persons might also be eligible for a Neighborhood Revitalization Fund grant. A number of organizations also provide emergency home repair services, including the Milford Housing Development Corporation (through the Statewide Emergency Repair Program, funded by DSHA), the New Castle County Department of Community Services and Sussex County.

Lack of Local or Regional Cooperation - LOW

Lack of local or regional cooperation is not a contributing factor to segregation. Because this is a state analysis, incorporating key jurisdictions, including all three counties, local and regional cooperation is mostly analyzed in the context of the state boundary. The other region considered is the Philadelphia region, which Wilmington and New Castle County feed into considerably. Philadelphia has more affordable and fair housing improvement policies on the horizon, including the possibility of a right to counsel for low-income people facing eviction. However, the forces of gentrification pushing people out of Philadelphia and toward New Castle County are more likely to have a regional effect than any inclination of impoverished people to move from New Castle County to Philadelphia in search of more affordable housing options.

Managing the regional nature of transportation and environmental health is more relevant to this analysis. Many people commute into work in the Philadelphia area from New Castle County, and there are several transportation options. The entire state is serviced by one bus company, DART, which helps eliminate hurdles for people who need to travel between towns or counties, and switch buses. There are also commuter train lines provided by SEPTA and Amtrak.

The environmental health of New Castle County is noticeably lower than in Kent County and Sussex County. New Castle County has the highest population, is well-trafficked by people traveling up and down the East Coast, and houses a significant proportion of people who commute into Philadelphia for work. Patterns of poor environmental health is caused by this influx of traffic and the sheer numbers of residents going about their lives. Kent County and Sussex County, on the other hand, are much more rural, do not see much traffic except for local travel, and have far fewer residents. In order to bring the environmental health of New Castle County in line with its sister counties, regional cooperation within the Philadelphia Region would be more important than cooperation between the three counties, themselves.

Delaware is part of the Delaware River Basin Commission, along with Pennsylvania, Delaware, New Jersey, and New York. The purpose of this commission is to ensure the cooperative health of the Delaware River as its waters flow through the four states. Delaware is also a member of the Delaware River and Bay Authority, along with New Jersey. It operates the Delaware Memorial twin suspension bridges, the Cape May-Lewes Ferry, the Forts Ferry Crossing, and the Salem County Business Center, in addition to Wilmington Airport, Cape May Airport, Millville Airport, Delaware Airpark, and the Civil Air Terminal at Dover AFB. These intergovernmental agreements are longstanding, and have helped contribute to the health of the Delaware River and the smooth functioning of interstate travel.

Lack of Private Investment in Specific Neighborhoods - LOW

Lack of private investment in specific neighborhoods is not a significant contributing factor to segregation. This is based on an analysis of reliable indicators that include: 1) a lack of pharmacies; 2) a lack of banks; and, 3) the presence of food deserts. Credit is also due to the DDD program, which has spurred significant private investment in distressed urban neighborhoods.

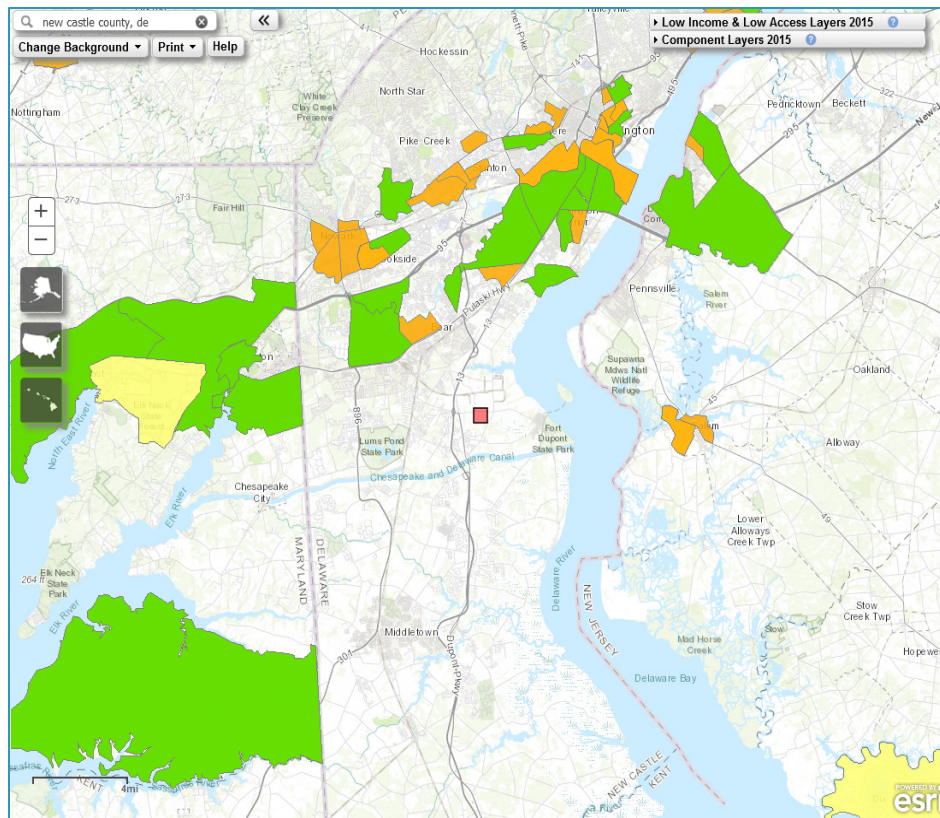
There is not a lack of pharmacies in certain neighborhoods. Pharmacies tend to be located in grocery stores, but additionally, there are several choices of Walgreens, Rite Aid, and others throughout the state. In Newark, pharmacies form a perimeter around the University of Delaware, which track the residential patterns of the city. In Wilmington, pharmacies tend to be located along Highway 95 and in the Central Business District. While convenient thoroughfares, this largely neglects the residential neighborhoods. Pharmacies in Dover follow S. Dupont Highway or cut westward along W. Division Street and the surrounding streets. This pattern indicates that Dover has the best distribution of pharmacies to service most of its neighborhoods.

In regard to the availability of banks, their distribution in both Newark and Dover follow a roughly similar pattern to the distribution of pharmacies, with the addition of more banks in downtown Newark. Banks in Wilmington are more numerous than pharmacies, with a clear concentration downtown, and with a more scattered distribution than pharmacies.

The presence of food deserts also indicates a lack of private investment. A food desert is defined as a lack of grocery stores in a particular area, such that residents will have to travel more than one mile in urban areas, or ten miles in rural areas, to access affordable and nutritious food. The following maps indicate the locations of food deserts. Areas in green indicate where a significant number or share of residents is more than 1 mile (urban) or 10 miles (rural) from the nearest supermarket. Areas in orange indicates where a significant number or share of residents is more than ½ mile (urban) or 10 miles (rural) from the nearest supermarket. Yellow areas indicate a low-income census tract where more than 100 housing units do not have a vehicle and are more than ½ mile from the nearest supermarket, or a significant number of residents are more than 20 miles from the nearest supermarket. The red dot merely indicates the center of the jurisdiction and not a food desert.

Map V-6: Food Deserts, New Castle County²¹⁴

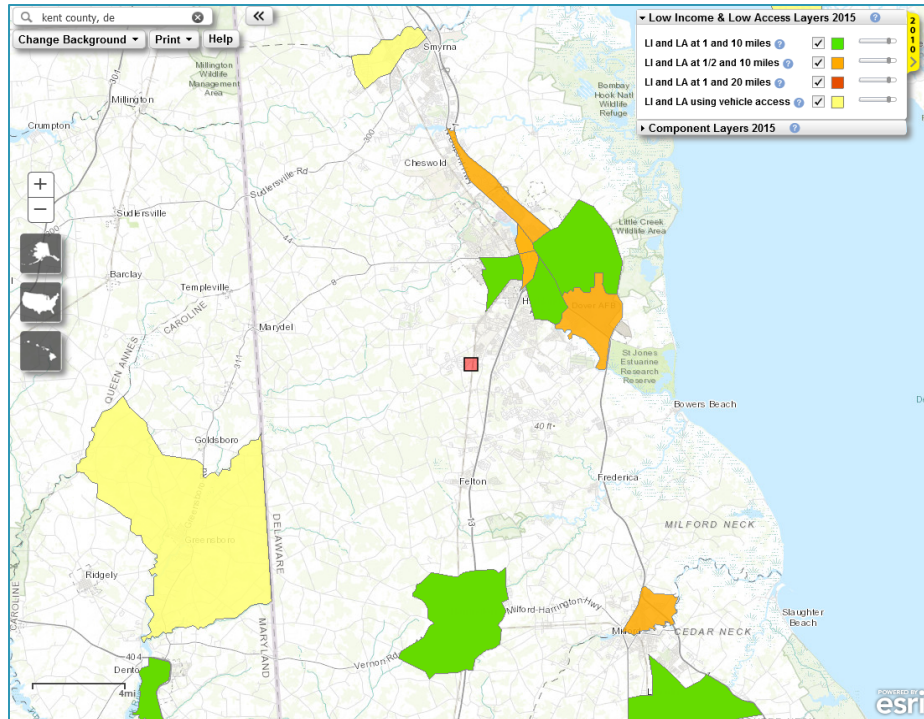
²¹⁴ Data source: *Food Access Research Atlas*



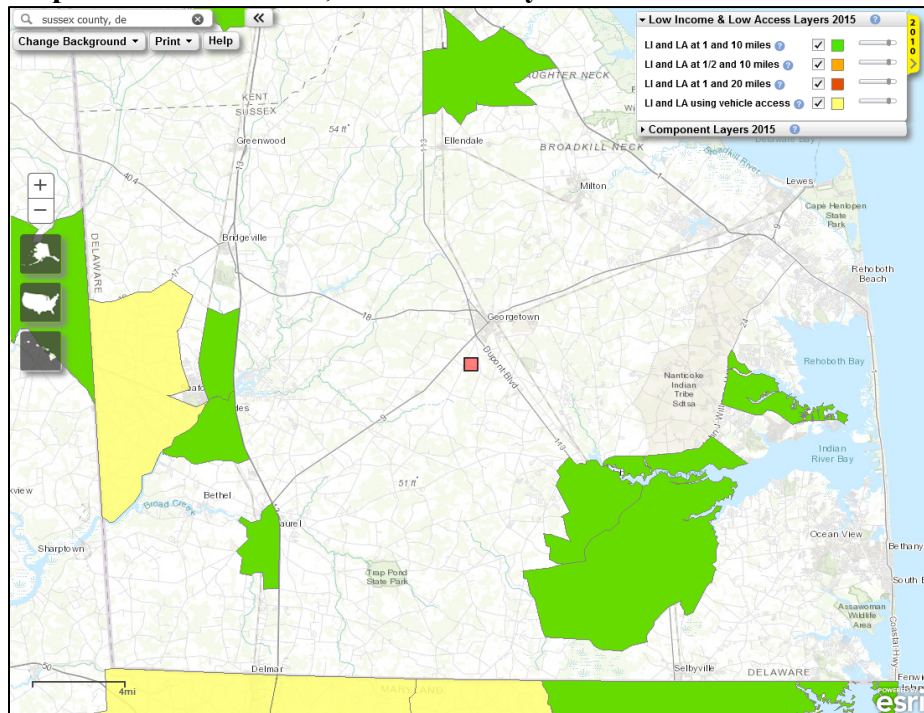
Wilmington and Dover are orange (1/2 mile from a grocery store) rather than green (1 mile from a grocery store), and is a better indication, as far as food desert designations go. Even though there are significant areas labeled as either green or orange, that the most disinvested areas (as far as concentrated poverty) are faring better than some neighboring areas, further suggests that a lack of private investment in specific neighborhoods is not a pressing equity issue for Delaware.

Map V-7: Food Deserts, Kent County²¹⁵

²¹⁵ Data source: *Food Access Research Atlas*



Map V-8: Food Deserts, Sussex County²¹⁶



²¹⁶ Data source: *Food Access Research Atlas*

Lack of State or Local Fair Housing Laws – LOW

Lack of state or local fair housing laws is not a significant contributing factor to fair housing enforcement, outreach capacity, and resources because source of income protections do not extend to voucher holders. Housing discrimination is prohibited clearly on both a state and local level throughout the state. Delaware's version of the Fair Housing Act is quite extensive, offering more protected classes than the federal Act including sexual orientation, gender identity, creed, and source of income. However, the source of income protection explicitly carves out protections for voucher holders. The Landlord Tenant code further outlines responsibilities of landlords and provides tenants remedies if a landlord fails to provide safe and sanitary housing. New Castle County is covered by the state Act, but also provides a Tenants' Rights Guide to protect tenants from landlords who maintain substandard conditions. The Wilmington City Code also explicitly prohibits discrimination on the basis of several protected classes. In the larger region, Philadelphia is protected by the state Human Relations Act, as well as a local Fair Housing and Fair Practices Act. While a lack of state or local fair housing laws is not a significant contributing factor, instead it is the lack of resources to enforce the laws.

Unresolved Violations of Fair Housing or Civil Rights Law – LOW

Unresolved violations of fair housing or other civil rights laws are not a significant contributing factor. Of the 154 case records provided by DHR, seven were identified as complaints against a city, state or county. It should be noted that case record data was specifically requested for use in this analysis and is not usually published. The records did not specify *which* cases included a city, state or county, as a defendant. Therefore, the outcomes of the cases are unknown. The majority of DHR cases are conciliated, but a full audit of DHR records would be required to determine whether any of their unresolved cases involve any municipal defendants.

Other major violations found by the U. S. Department of Justice have been resolved by settlement and the state or specific jurisdictions involved appear to be making the appropriate changes to remediate those violations.²¹⁷ The ACLU of Delaware recently settled its case against the City of Wilmington for unconstitutional arrests.²¹⁸ The office currently has two open civil rights cases, one arguing that Delaware is failing to provide equitable funding for public schools²¹⁹ and another representing a transgender prisoner alleging several civil rights violations.²²⁰

²¹⁷ See *Fair Housing Enforcement, Outreach Capacity, and Resources*.

²¹⁸ <https://www.aclu-de.org/en/cases/wright-v-city-wilmington>

²¹⁹ <https://www.aclu-de.org/en/cases/aclu-de-challenges-states-allocation-resources-schools>

²²⁰ <https://www.aclu-de.org/en/cases/aclu-de-attorneys-represent-transgender-prisoner-civil-rights-violations>

V. Appendices continued

B. Community Participation Comments

All comments were incorporated into the final AI except where noted in *italics*.

Goal 1: Increase the supply of affordable housing in high-opportunity areas

- Support for the repeal of SB400
 - Housing Authorities should commit to playing an active role in advocating for its repeal
- Support for inclusionary zoning
 - Recommended *voluntary* rather than mandatory inclusionary zoning (*voluntary inclusionary zoning already exists in some areas, and the AI will pursue mandatory inclusionary zoning*)
- Support for waiving or reducing fees for affordable housing
- Future zoning decisions, especially RE: LIHTC housing, will be the most critical issue in Sussex County
- Recommended jurisdictions explore Form-based Code (FBC) as opposed to traditional zoning (*noted as an alternative zoning structure, but not accepted at this time because the jurisdictions feel pursuing changes to the traditional zoning structure will adequately serve their purposes*)
- Recommended that the jurisdictions include a review of ways to change zoning, especially in high-opportunity areas

Goal 2: Preserve the existing stock of affordable rental housing

- Support for preserving the existing stock of affordable rental housing in Sussex County
- Support for regular inspections of rental properties
 - Recommended that revised policies include explicit provisions requiring a defined number of inspections per year, and recommend strengthening Landlord-Tenant Code protections against retaliation. (any adverse action taken by a landlord within 90 days of a sustained complaint constitutes retaliation, which can only be rebutted by clear and convincing evidence) (*comment regarding strengthening the Landlord-Tenant Code noted but not accepted at this time, strategies under Goal 2 already call for a review of current policies and revision of inspection requirements to combat fear of retaliation and displacement*)

Goal 3: Prevent displacement of Black and Hispanic low- and moderate-income residents through the following strategies

- Support for improving protections for manufactured homeowners in leased land communities
- Support for converting manufactured housing communities into cooperative or nonprofit ownership
- Support for the Right to Counsel recommendation
 - Proposed the AI call for large cities in Delaware to enact and fund right to counsel ordinances (*funding still under review*).
- Support for establishing a minimum non-payment of rent threshold for evictions (\$100)

- Noted the current statute allows eviction even if delinquent rent is paid in full before the trial – the statute needs to be amended in that respect. *(strategy under Goal 3 accounts for this change)*
- Support for allowing landlord-tenant matters to be appealed
- Suggested 1) restricting rent increases based on capital improvement expenses (so they don't become part of the base rent and recovered time and time again), 2) limited increases that can be made based upon alleged market rent amounts, 3) strengthening the required relationship between claimed increased expenses and rent increases, and 4) encouraging homeowners to organize Home owner Associations to protect their rights. *(noted but not included due to the legislative nature of many of these proposed strategies and the desire to prioritize other, more pressing legislative concerns).*

Goal 4: Increase community integration for persons with disabilities

- Support for increasing community integration for persons with disabilities in Sussex County
- Support for adopting Housing Authority preferences for persons with disabilities at risk of institutionalization/recent left institutions
- Recommended that Delaware address the state nursing shortage by increasing Medicaid reimbursement rates for private duty nursing. This would help increase recruitment and retention of nurses in Delaware, addressing the shortage which is restricting HCBS services; increasing those services would allow people with disabilities to remain in their homes. *(comment noted but not accepted as comment outside scope of study.)*
- Recommended that Delaware create a Medicaid benefit for housing-related services. The Centers for Medicare & Medicaid Services issued guidance in 2015 as to how Medicaid can be used to fund housing supports, and North Carolina and Massachusetts have already pursued this successfully. *(comment accepted to the extent that stated strategies under Goal 4 to develop funding sources and policies to allow for the creation of new permanent supportive housing already address this concern).*

Goal 5: Ensure equal access to housing for persons with protected characteristics lower-income, and homeless

- Support for ensuring equal access to housing for persons with protected characteristics, lower income, and homeless in Sussex County
- Support for capping rental application fees and eliminating fees for voucher holders
- Support for source of income protection
 - Recommended that “source of income” be expanded beyond vouchers to all subsidies from any government agencies *(comment noted but not accepted at this time, the current AI will prioritize vouchers as the most prevalent source of income with the biggest potential impact)*
- Support for convening the Fair Housing Task Force quarterly
- Support for eliminating crime-free housing and nuisance ordinances
 - Recommended that the AI also call for the elimination of overzealous anti-bligh ordinances *(to the extent that anti-bligh ordinances may fall under the umbrella of crime-free housing and nuisance ordinances, comment accepted)*

- Support for the use of HUD guidance on criminal background screenings
 - Recommended that housing authorities press for the legislative expansion of expungement for certain crimes to increase access to housing for people with criminal records *(comment noted but not accepted because the use of HUD guidance on criminal background screenings should make expungement of certain minor crimes redundant)*
- Support for strategies addressing LEP individuals, deaf and hard of hearing individuals, and those who do not have access to computers or the internet
 - Noted support for use of culturally competent interpreters. Additionally, recommended that all applications should be available in Spanish, each housing authority should list all of its critical documents and provide Spanish versions. *(comment accepted to the extent that a strategy under Goal 5 requires a review of applications and other documents that may need Spanish translations, and production of those documents)*
 - Recommended that all housing authorities should publicly post their policies RE: provision of services to all LEP individuals. Policies should address written translation and provision of interpreters. Housing authorities should maintain searchable data on the actual provision of services to LEP individuals. Every LEP tenant file should be coded with a language preference and the means of communication should be noted for every encounter with that client. *(comment noted as aspirational toward best practices, and accepted to the extent that review under the stated strategies may yield data indicating a need for these practices)*

Goal 6: Expand access to opportunity for protected classes through the following strategies

- Support for expanding access to opportunity for protected classes in Sussex County
- Support for addressing the racial disparities in water and sewer hookups, etc.
- Support for studying and improving Sussex County's public transportation

Goal 7: Reduce barriers to mobility through the following strategies

- Support for reducing barriers to mobility in Sussex County
- Support for regular outreach to landlords and developers
 - Recommended that those outreach efforts should try to gain insight into the barriers to participation in the voucher program. *(comment accepted regarding outreach to landlords and developers, but not accepted to the extent that the stated strategy of outlawing source of income discrimination may make this comment redundant)*
- Support for increased portability and flexibility for vouchers
 - Recommended the adoption of more liberal policies in extending time to locate housing and liberal application of good cause exceptions for extending time. *(comment accepted to the extent that already stated strategies involving the possible development of a mobility program and/or portability agreements allow for and/or necessitate more liberal time and good cause policies)*

Miscellaneous Comments/Recommendations

- Data Issues: the AI's publicly supported housing data omits housing subsidized under programs administered by the USDA in rural areas. The available data suggest there are hundreds of subsidized project-based units in approximately 50 projects in Kent and Sussex Counties that are not accounted for in the AI. *This information was provided to consultants early on in process and they chose not to include.*
- I recommend that Council amend code sections 115.5 and 115.20 by adding Tiny Homes and Micro Apartments to our county zoning regulations and building codes. *(comment noted but not accepted at this time due to the desire to prioritize other, more pressing legislative goals)*
- More public meetings should be held with people from protected classes who are struggling to figure out the system. *(comment accepted to the extent that outreach strategies are already outlined under several of the stated Goals)*
- HUD grants can be allocated to educational housing programs to teach good renters conduct. Delaware Health and Human Services – Crisis Intervention, Stand by Me – Home, First State Community Action, Milford Housing, and Habitat for Humanity are examples of groups that may be willing to do this training or already doing it in some capacity. *(comment accepted to the extent that outreach activities regarding educational housing programs and other, related topics have already been outlined in the strategies under multiple Goals in this AI)*
- In most cases, people have to pass through educational programs to receive grants to purchase a home; I think it would make sense to open this up to renting, also. If you ensure that renters are educated on good renting practices and their rights, it is more likely that all parties (state, private investors/landlords, and tenants) will comply with the legal requirements. *(comment noted and accepted to the extent that outreach activities covering renters' education and other related topics have already been outlined in the strategies under multiple Goals in this AI)*
- I would propose that the money go to nonprofits and state programs with successful records in obtaining housing for those who need it, and those nonprofits and state programs should be able to receive funds in the form of grants on a case-by-case basis. *(comment noted but not accepted to the extent that the comment misunderstands the discretion that the jurisdictional participants in this AI may or may not exercise over the award of grants).*

V. Appendices continued

C. Assessment of Past Goals

Indicate what fair housing goals were selected by program participant(s) in recent Analyses of Impediments, Assessments of Fair Housing, or other relevant planning documents.

The goals articulated in the most recent Analysis of Impediments in 2011 are found below:

Common to all Entitlement Jurisdictions

Expand access to community programs for persons with limited English proficiency (LEP).

- DSHA provided language assistance to 1,222 LEP clients and translated 213 documents and publications. DSHA contracts with LTC Language Services to provide oral interpretations and written translations. DSHA provides reasonable accommodations for persons with language and/or disability barriers to access program information.
- The Hispanic Council provided \$5,000 to develop a commercial and PSA on DelawareHousingSearch.org (DEHS.org) for Delaware's Spanish speaking population.
- In FY11 and FY17, DSHA reviewed Census data and determined Spanish to still be the only language requiring a Language Assistance Plan (LAP) for Kent and Sussex County individually and the counties combined. The LAP was updated accordingly each time.
- In FY13, both Kent and Sussex Counties completed a four-factor analysis. Kent County adopted a LAP for Spanish-speaking persons and translated critical documents.
- Sussex County translated several key documents to Spanish including Rehabilitation Contracts and Applications, the County's Sewer Assistance Program Application and Chapter 96 of Sussex County Code.
- Sussex County contracts with CTS Language Link to provide oral interpretations.
- Sussex County's Marriage Bureau translated their website and all documents into Spanish. Marriage ceremonies became available in Spanish and Haitian-Creole.

Increase and enhance opportunities for fair housing outreach, education, training, and real estate testing throughout the state.

- DSHA's CDBG Administrator and Fair Housing Coordinator elevated local communities' understanding of AFFH through changes in data collection; training; and providing outreach to communities on various fair housing issues.
- DSHA developed an Internal Fair Housing Training Plan according to each employee's type and frequency of contact with the public.
- Annually, DSHA sends approximately 90 employees to fair housing training.
- CLASI and the University of Delaware Center for Community Research and Service (CCRS) developed a methodology to conduct mortgage tests by phone. The methodology was approved by HUD in 2013 and resulted in a total of 40 tests. CCRS analyzed the data to assess whether discriminatory conduct was occurring against African-Americans and

included policy recommendations as appropriate. CLASI continues testing mortgage lenders working cooperatively with DDHR who refers potential testers.

- City of Wilmington and New Castle County worked with Delaware Division of Human Relations (DDHR) to provide annual fair housing training for City and County employees and sub-grantees.
- Sussex County facilitated fair housing training for staff, elected and appointed officials annually from FY13 to FY16.
- Kent County hosted AFFH training for local officials in FY16. Kent County staff regularly attends fair housing training.
- DDHR conducted or facilitated the following:
 - Annual Fair Housing Community Conversations and/or Policy Conferences for local officials and planners. Staff from all three counties, City of Dover, and DSHA attend. DSHA and New Castle County regularly co-sponsor the events.
 - Fair housing training for various audiences. Examples include real estate students; Wilmington Housing Partnership; homeless shelters staff and clients; management companies, homeowners' associations, property owners, government entities.
 - Installed three billboards (one per county) in partnership with DSHA, New Castle County, CLASI, and City of Wilmington to raise fair housing awareness in 2016.
 - Radio interview on Hispanic Radio Talk Show by DDHR Investigator to discuss fair housing and the agency's enforcement authority.
 - Distribute fair housing and equal accommodations material and resources at community fairs and festivals statewide including Festival Hispano (Georgetown), Pride Festival (Dover), Latino Summit (Dover), AFRAM (Seaford), Veteran's Stand, and the Peach Festival (Wyoming).

There is an overall lack of data available to support the need for more affordable, accessible housing throughout the State.

- In 2012, the state's affordable housing/ disability community collaborated to conduct the study, *Community and Choice: Housing Needs for People with Disabilities in Delaware*. The State Council for Persons with Disabilities (SCPD) uses the study to make recommendations.

Develop a regional strategy to address the historic pattern of segregation in the City of Wilmington.

- FY11 to present - see 'DSHA Program Modifications for Equitable Development'
- FY15 to present - DSHA is an integral partner in Delaware's Downtown Development Districts (DDD) Initiative which effectively spurs investment in distressed downtowns, where broader community interventions are needed, stimulating job growth, and improving the neighborhood and commercial vitality. Wilmington has a DDD and this infusion of investment has been making significant strides in addressing Wilmington's historic pattern of segregation.
- By FY18, \$31.7 million in DDD funds leveraged \$598 million in private investment to support 167 projects throughout the state's most distressed areas. The majority of this

investment occurred in Wilmington's District with \$23.6 million leveraging \$529 million to support 68 projects.

Increase the supply of accessible, affordable housing to meet demand.

- In FY12, the QAP was modified to incentivize applicants to provide more than the required 5 percent up to 20 percent of all units be accessible. Since the modification, an additional 354 ADA units were created over the minimum set aside of 168 units.
- Kent County provided technical assistance to the Town of Harrington regarding the placement of a group homes and the American with Disabilities Act.
- Promoted inter-jurisdictional mobility of Housing Choice Voucher holders throughout the State to expand fair housing choice.

Educate state senators and representatives on the potential impediments to fair housing choice associated with SB 400.

- DDHR engaged with legislators and advocates on proposed legislation for a Homeless Individuals' Bill of Rights.

Expand fair housing choice by encouraging the development/preservation of affordable housing in non-impacted areas.

- See 'DSHA Program Modifications for Equitable Development.'
- In 2016, Sussex County amended their rental inclusionary zoning program to include DSHA-defined "Areas of Opportunity".
- Sussex County's recent Comprehensive Plan Update includes language to expand incentives and initiatives related to new units in "Areas of Opportunity".

Adopt a statewide definition of areas of concentration to be utilized by all HUD entitlement communities in their Consolidated Plans.

- DSHA achieved consistency between Analysis of Impediments to Fair Housing Choice (AI), Consolidated Plan, Annual Action Plan, and the Qualified Allocation Plan (QAP) in 2012, and the Housing Development Fund (HDF) in 2013.

Establish fair housing as a priority in the Cities' and Counties' long-range plans.

- Sussex County adopted a statement summarizing Sussex County's responsibility to affirmatively further fair housing as part of their 10-Year Comprehensive Plan Update. Between 2017-18 there were more than two dozen public workshops to assist the County with drafting their 10-year Comprehensive Plan. Each workshop had a Spanish interpreter available. The plan includes the County's mission to promote fair and affordable housing throughout the County and identifies many strategies to encourage and increase affordable homeownership and rental housing opportunities, as well as expanding AFFH efforts. The Plan also includes DSHA's *Balanced Opportunities Housing Map*, specifically the "Areas of Opportunity".

- Kent County adopted their 2018 Comprehensive Plan which fully-integrated their commitment to affirmatively furthering fair housing. Housing emphasis includes encouraging well-designed, diverse, and affordable housing for people/ families in all life stages and all income ranges throughout the County.

Expand participation of members of the protected classes on appointed boards and commissions.

- DSHA applications for CDBG and HOME funds require local jurisdictions to provide information on race, gender, ethnicity, disability status, and familial status of members of county and local councils, boards and commissions that make land use decisions. Collecting several years of survey data, DSHA now includes recommendations in CDBG monitoring that local jurisdictions make appointments that reflect their population's diversity. Diversity remains limited in part due to the limited turnover of boards and commissions. However, there are now two women on Sussex County Planning & Zoning Commission and one woman on the Board of Adjustment.
- The City of Dover has a very diversified Planning Commission Board. There are presently four (4) African Americans with an African American female as the Board President and four (4) women on the Board.

Identify ways to increase homeownership among minorities, residents of low and moderate income (LMI) census tracts, and LMI residents.

- See 'DSHA Program Modifications for Equitable Development.'
- DSHA hosts an Annual Homebuyers Fair where the majority of attendees are minority populations. Housing Counseling agencies, nonprofit and for-profit developers, realtors, lenders staff booths to discuss services. The event includes homeownership workshops covering home purchase, budgeting and mortgage insurance, and maintenance.
- DSHA analyzed the geographic distribution of DSHA's Homeownership Loan Program (HLP) loans and overall home purchase loans (HMDA) by race and ethnicity to determine any disparities - of which there were none.
- Sussex County hosted three Homebuyers Fairs. Each event had over 100 attendees and more than 25 sponsors/exhibitors. Affirmative marketing was used to reach minority and LMI residents. Direct mailings were sent to residents of all 14 impacted communities and major employers. Advertisement included English/Spanish print and radio ads. Sussex County worked with NCALL Research and First State Community Action Agency to develop a homeownership/financial literacy scholarship fund for LMI residents.
- DSHA's Finance staff provided housing information in presentations at both real estate agent and lender events:
 - 73 real estate agent events with over 1,512 attendees.
 - 75 lender events with over 3,033 attendees.
 - 7 public presentations with 344 attendees.
- DSHA markets its programs and services via several media outlets that reach minority populations. Promotions include the following:
 - La Exitosa (Delaware's most prominent Hispanic radio station)

- KISS 101.7, as well as additional AM and FM Delaware stations
- Univision Communications Inc.
- Maxima 95.3, a Spanish-speaking radio station.
- DSHA participates in multiple outreach events annually that target minority and traditionally underserved populations. Examples include the following:
 - El Centro Cultural Festival Hispano
 - Charlton School Community events
 - Rodney Village Civic Association events
 - La Exitosa Hispanic Expo
 - Modern Maturity Center Community Awareness Fair
 - The Delaware Community Reinvestment Action Council (DCRAC) regularly provides money management and credit clinics – many occur in impacted areas.
- The City of Dover and NCALL Research, a HUD-approved housing counseling agency, conduct homeownership training for mortgage lenders and realtors on incentives for low- to moderate-income persons purchase a home within the City.
- Kent County partnered with Diamond State CLT to spend down Federal funds acquired through the Neighborhood Stabilization Program (NSP). Reinvested NSP income helped create 25 homes. Homeownership was required and many of the homes are occupied by minority households in LMI census tracts.
- The City of Dover was a NSP grant recipient and received \$1.5 million grant. The City partnered with Central Habitat for Humanity, Dover Housing Authority and Diamond State Community Land Trust to purchase foreclosed or abandoned properties to renovate and resale to qualifying families. From FY12-18, 22 homes were sold in non-impacted areas, and 8 homes were sold to 16 families receiving Direct Homeownership Assistance from Program Income purchased foreclosed properties. All program recipients received Housing Counseling from NCALL Research.
 - DSHA administered a single-contract system with all eleven housing counseling agencies in Delaware. Contract language required counseling services to clients covering topics such as rebuilding credit, saving, and reducing debt.

Public Housing Authorities should collaborate more fully with advocacy organizations to assist persons with disabilities that are threatened with eviction.

- DSHA amended its Public Housing Authorities’ policy documents to better reflect compliance with applicable federal laws.
- DSHA evictions only occur due to lease violation or non-payment. However, when a person with a disability is evicted due to one of these reasons, DSHA staff began to provide information and resources to better assist them with the eviction.
- DSHA completed a policy clarifying definition of Assistive Animal to ensure compliance with FH/ADA and that Assistive Animals are not subject to pet policy.

Give first consideration to the use of federal and state funds for new family rental and for-sale housing developments in non-impacted areas.

- The City of Dover provides homeownership assistance annually through its CDBG program to first-time home buyers who purchase affordable housing in the City.
- See ‘DSHA Program Modifications for Equitable Development.’

Require all HOME-assisted new construction to meet visitability standards.

- DSHA continued to ensure all HOME-financed sites met *visitability* standards.

County and local government entities throughout the State should reduce and/or waive their respective sewer, water, and/or public facilities and services impact fees for area developers and non-profit organizations seeking to build affordable housing units, both renter and owner units.

- Since FY13, the City of Dover waived impact fees for the construction of affordable rental housing in the downtown area. This fee waiver is one example of the incentives the City uses to encourage new development in the downtown area.
- FY16, Kent County contributed \$17,500 to housing non-profits including the Delaware Housing Coalition, Diamond State Community Land Trust, Milford Housing Development Corporation, DSHA, Central Habitat for Humanity, Shepard’s Place, and NCALL Research.
- In FY16, Sussex County began deferring sewer impact fees for up to one year for non-profit affordable housing developers, benefitting 17 affordable housing units since.
- In FY17, Sussex County created a policy for affordable housing projects seeking support. Conditional letters may be provided upon proof of affordability (i.e. DSHA Tax Credit Program, Habitat for Humanity Deed Restrictions, etc.). The support letter, not only commends affordable housing construction, but also assists the County in promoting rental housing in non-impacted areas. In addition, the County actively markets the incentives available, such as tax abatement for non-profit properties. Sussex County defers sewer impact fees for non-profit affordable housing developers for up to one year.

Collaborate with DART to identify opportunities for the development of affordable family housing along existing transit routes.

- DSHA collaborated with DART in FY12 to encourage the development of affordable housing along existing transit routes. This resulted in DSHA modifying the QAP to incentivize applications within Transit Services areas, or are transit ready. Since then, Memorandums of Agreement have been executed with DART to ensure 23 affordable rental communities serving 1,483 households are served by transit.
- The Dover Transit Center was completed in December of 2010 and is centrally located. The larger bus depot accommodates more buses and includes an internal loop road, shelters, parking lot and a storm water system. This facility is located along the rail line to allow for possible use as a train station in the future. There are several initiatives to develop and preserve affordable housing along the existing transit routes.

Improve various policies and programs of statewide advocacy organizations.

- DDHR increased the number of Spanish language fair housing publications distributed in its outreach and education efforts.
- DDHR hired a multi-lingual investigator whose skills have increased DHR's interactions with persons with LEP.
- DDHR disseminated fair housing and equal accommodations information (English/Spanish) at multiple outreach events annually that target minority and traditionally underserved populations. Examples include the following:
 - Hispanic Heritage Celebration & Community Fair in Georgetown.
 - Delaware Latino Summit.
- DDHR expanded its community outreach and education efforts to enhance Delawareans' awareness of anti-discrimination laws efforts to identify discriminatory practices.
- DDHR led dialogue with the Attorney General's Office on Commission-initiated complaints.
- DDHR reviewed and discussed with the DHRC its authority to investigate and initiate discrimination complaints.
- DDHR publicized examples of case settlements in its Fair Housing 101 workshops; training evaluations indicate case examples are most helpful to participants in recognizing and understanding housing discrimination.
- DDHR developed a dynamic and user-friendly, multimedia fair housing webpage with HUD Partnership grant funds to provide residents with information to encourage filing of complaints.

Eliminate discriminatory language in real estate advertisements.

- No reported progress toward this goal.

Map the location of all new CDBG- and HOME-assisted housing projects, as to whether they are located in impacted or non-impacted areas, in Consolidated Plans.

- DSHA maps the location of all CDBG- and HOME- activity in Consolidated Plans annually. The spatial analysis helps gauge the effectiveness of program modifications. Results of the analysis often include discussions with CDBG staff to discuss if additional modifications are necessary.

Market and provide outreach on the Online Affordable and Accessible Housing Locator - DelawareHousingSearch.org (DEHS.org) - to area service providers and disability advocates.

- In 2011, an Advisory group of State, county, and local governments, advocacy organizations and nonprofits launched DEHS.org. This free housing locator service, supported by a toll-free call center, provides real-time and detailed property information in both Spanish and English (and other languages). DSHA provides staff to the Advisory Group which promotes DEHS.org which now contains over 27,000 units and the call center averages more than 5,000 a year.
- DEHS.org was integrated into the state's supportive housing referral network. The web-based referral system, designed to screen for supportive housing eligibility, feeds

applicant information directly into a centralized waiting list. This list interfaces with DEHS.org, so as landlords update vacancy information, the referral network waiting list manager is automatically notified, and can refer an eligible applicant to the available unit. This expedites the process of connecting people with special needs – including people with disabilities - with affordable, available, community-based housing.

- Extensive training in both DEHS.org and the statewide supportive housing referral networks continues to be offered/provided to service providers who assist people with special needs in securing housing placements and assistance.

City of Wilmington

Replace demolished public housing units with new units in locations that expand fair housing choice.

- No reported progress toward this goal.

Encourage and assist Section 8 Housing Choice Voucher holders in making affirmative moves to non-impacted neighborhoods both in the City and in areas outside of the City.

- No reported progress toward this goal.

Encourage landlords registered through the City's Rental Property Licensing program to attend fair housing training.

- In FY15, DDHR provided fair housing training to more than 200 people associated with property management companies, homeowners' associations, landlords, governmental entities, and sub-grantees.

Track the movement and contact information of public housing residents that have been displaced as a result of demolition activities.

- The Wilmington Housing Authority would be responsible for having a displacement plan for demolition activities.
- The City continues to work with the department of licensing and inspection to look for ways to increase communication to landlords and property owners on fair housing.

Enforce or update the City's Fair Housing Ordinance.

- In FY16, the City's Fair Housing Ordinance was updated to name the Division of Human Relations as the City's enforcement agency for monitoring and addressing allegations of discrimination within the City of Wilmington. Annually, the City requests data from the Division of Human Relations to identify trends and address any systemic issues accordingly.

New Castle County

Encourage landlords registered through the County’s rental program to attend fair housing training.

- NCCHA will consult with a fair housing advocacy agency and coordinate attendance to landlord meetings to provide fair housing information and training opportunities.

Define specific geographical areas suitable for multi-family housing and work to overcome regulatory barriers to affordable housing in these areas.

- The County Adopted Substitute No. 2 ordinance No. 14-109 creating Traditional Neighborhood Housing Program, with construction to begin in FY19.

Expand initiatives and incentives to build new affordable rental and owner units in non-impacted areas.

- The County exceeded the majority of Annual Goals outlined in the 2015-2020 Consolidated Plan through various public service housing and public facility activities. To meet the goal of providing Decent Affordable Housing for owners, the County exceeded expected outcomes by providing direct financial assistance to homebuyers through the Down payment and Settlement Loans Program. This program provides a \$5,000 loan for first time homebuyers and the County closed 100 loans utilizing all funds that existed. During the program year, a total of 57 households received housing rehabilitation and related services. Those programs include: Three Homebuyer Incentive Program (HIP) Loans, one General Rehabilitation Loan, 19 Emergency Repair Loans, 13 Senior Minor Home Repair Grants, and two Architectural Accessibility Improvements.
- In FY19, the County’s IZ programs created 15 homeownership opportunities. Sixty-five percent of the homebuyers were minority households.
- The County built 173 new units of affordable housing in FY19.
- NCCHA increased FMR standards for landlords that accommodate voucher holders with disabilities.
- In FY19, the County dedicated CDBG funds to make public housing and recreational areas barrier free through CDBG Architectural Accessibility Program, General Housing Rehab Programs, Senior Minor Home Repair Grants resulting in 100 accessibility improvements and repairs.

Amend the County’s zoning ordinance to reduce minimum lot sizes.

- No reported progress toward this goal.

Ensure that local units of government that receive CDBG and HOME funds understand their individual obligation to affirmatively further fair housing.

- In FY18, the County has seven housing priorities: expand supply of housing for affordable homeownership; expand supply of housing for affordable homeownership; housing rehabilitation for LMI homeowners and seniors; increase homeownership opportunities; expand supply of rental housing for LMI households; support housing for persons with disabilities; assist the at risk of becoming homeless; and, assist homeless populations. The County recognizes the need to continue programs that address these priorities. For Program Year 2018, over \$3.2 million in CDBG, ESG and HOME funds

combined have been allocated to programs that will serve the housing needs of the people in our jurisdiction. The County strives to exceed our goals of providing safe, affordable, decent housing for our most vulnerable populations.

- In FY18, when renewing the County's cooperating community agreements with local communities that receive CDBG or HOME funds, the contract was revised to include language on the communities to affirmatively further fair housing choice.

Play a more proactive role in seeking out and encouraging developers to participate in the Workforce Housing Program.

- In FY14, the County created an Affordable Housing Trust Fund to build housing for households making below 50 percent of area median income. The County added an Accessory Dwelling Unit (ADU) to its zoning code in 2008 and adopted inclusionary Workforce Housing zoning as an important tool to expand the supply of affordable housing in the County. The workforce housing provisions established a voluntary mechanism by which developers could opt to set aside 20 percent of a project's dwelling units for housing priced for low income and moderate-income households. In 2014, Council approved the Traditional Neighborhood Housing Program, the County's first mandatory IZ program. The Program creates additional homeownership and rental units for low- to moderate-income residents by requiring rezonings to include a percentage of Moderately Priced Development Units (MPDUs) in their rezoning plans.

Conduct a demonstration program under the County's workforce housing program.

- See above.

City of Dover

Expand initiatives and incentives to build new affordable rental and owner units in non-impacted areas.

- The City of Dover has a designated DDD and adopted incentives and impact fees waivers for projects by non-profits and housing developers within the Dover DDD.

Facilitate and promote land use policies and regulations that enable an increase in the supply of affordable rental housing in areas with adequate infrastructure.

- In FY15, the City provided a grant to NCALL Research, a HUD-approved housing counseling agency to provide housing counseling to low-income households to assist in purchasing affordable housing.

Encourage landlords registered through the City's Rental Dwelling Housing Inspections program to attend fair housing training.

- FY14-18, the City provided fair housing training to landlords through the Crime Free Multi-Housing Training Program. The City collaborated with the Delaware Department of Justice and the Dover Police Department to sponsor this training semi-annually. Fair housing is included in the training presented by the Deputy Attorney General. The following topics are discussed:
 - The role of the Community Legal Aid society

- The definition of Fair Housing
- What is prohibited under the Fair Housing Act
- Types of treatment that may be considered discriminatory
- What properties are covered by the Fair Housing Law
- What is permissible under the Fair Housing Act
- Issues relating to persons with disabilities
- Remedies for people who encounter discrimination

Amend the City’s zoning ordinance to update the definition of “family” and to remove undue restrictions on group homes.

- There are no restrictions in the City’s Zoning Ordinance on group homes. The same regulations of single-family homes apply to group homes as outlined in the State of Delaware’s Code of Ordinances Title 22, Chapter 3, Sec. 309. Although the City Zoning Ordinance has a provision that limits the number of unrelated persons that may live in a single household to five, this ordinance does not apply to State Licensed Group Homes.

Delaware State Housing Authority (includes Kent and Sussex Counties)

DSHA PROGRAM MODIFICATIONS FOR EQUITABLE DEVELOPMENT

The 2011 AI used HUD data to define impacted and non-impacted areas – which DSHA used to better understand the neighborhoods in Delaware and identify appropriate strategies to ensure equitable development. As new data layers became available, such as indicators of strong school proficiency and HUD-identified Racially/Ethnically Concentrated Areas of Poverty (R/ECAPs), DSHA updated its geographic areas to define: Areas of Distress; Stability; and, Opportunity. The following summarizes the current modifications to DSHA programs.

- *The Low-Income Housing Tax Credit (LIHTC) Qualified Allocation Plan (QAP) awards 10 points to new construction in "Areas of Opportunity".*
- *Increased the Housing Development Fund (HDF) Grant for new homeownership in “Areas of Distress” from \$35,000 to \$50,000.*
- *Modified the non-Tax Credit HDF Local program to provide 15 points to proposals in “Areas of Opportunity”.*
- *Increase maximum payment standards 10% in “Areas of Opportunity” for Housing Choice Vouchers administered in Kent and Sussex Counties and state-funded State Rental Assistance Program vouchers.*
- *Provide additional 5 points (out of 100) for CDBG applications that target R/ECAPs.*

DSHA should amend the QAP and related documents to more accurately reflect Delaware’s commitment to affirmatively further fair housing.

- See ‘DSHA Program Modifications for Equitable Development.’

- The incentive for the developer to hold meetings with the community to present their application 30 days prior to submission has been removed.
- DSHA amended QAP to include specific information on the nature and frequency of fair housing training provided to management staff.
- DSHA amended QAP requiring management staff to receive fair housing training every two years and to maintain documentation training.
- Modifications to the QAP that encouraged additional accessible units over the required 5 percent continued to be effective.

Kent County and Sussex County should expand initiatives and incentives to build new affordable rental and owner units in non-impacted areas.

- Sussex County adopted a policy for affordable housing projects seeking a letter of support for approval and funding through a non-profit, local, state, or federal housing program. Once a project has been approved or awarded funds, the county could consider waivers of certain fees. The letters would not be available for new rental projects in impacted areas to encourage new rental in non-impacted areas.
- Kent County Levy Court revised its Adequate Public Facilities Ordinance (APFO) to calculate the school fee based on housing type, which significantly lowers fee for multi-family and manufactured housing.
- Kent County adopted their 2018 Comprehensive Plan which fully-integrated their commitment to affirmatively furthering fair housing by encouraging well-designed, diverse, and affordable housing for people/ families in all life stages and all income ranges throughout County by following objectives:
 - Ensure sufficient land for compact mixed-use development with emphasis on creating communities comprised of a range of housing options such as apartments, townhouses, duplexes, and single-family detached dwellings, as well as easy access to goods/services rather than stand-alone subdivisions;
 - Foster multi-modal and transit options enabling those without easy access to automobiles to interact meaningfully within their communities;
 - Encourage expansion of housing types, such as apartments, townhouses, duplexes, and single-family detached dwellings, to serve a diverse population;
 - Provide homeownership opportunities to low- to moderate-income as well as above the median family income;
 - Coordinate with State/Federal Governments to provide opportunities to increase rental supply affordable to extremely low-income residents; and
 - Maintain or improve the condition of housing stock throughout County without causing displacement.
 - To support municipalities in revitalizing its designated DDD, both Kent and Sussex County match DDD grants, up to \$10,000, for projects located in a DDD.
- During Sussex County's Comprehensive Plan process in 2016-2018, there was substantial discussion and public comment about affordable housing in southern Delaware. In response, Sussex County Council contracted with LSA Planning, a

Virginia-based consulting firm, to assess the county's housing needs and develop recommendations and strategies for Council's consideration in fall 2019.

Kent County and Sussex County should facilitate and promote land use policies and regulations that enable an increase in the supply of affordable rental housing in areas with adequate infrastructure.

- Sussex County established two methods of reducing lot sizes to 7500 sf. for lots served by central water and central sewer.
- Sussex County's 2019 Comprehensive Plan offers extensive objectives and strategies with the Housing Element and Future Land Use sections to increase affordable rental units and encourage more diverse housing types. The Plan also recognized the benefits of DSHA's Balanced Opportunities Housing Map, specifically the "Areas of Opportunity".

Sussex County should play a more proactive role in seeking out and encouraging developers to participate in it MPHU and SCRP programs

- The County modified its Moderately Priced Housing Unit (MPHU) Program in 2013 to also apply to homebuyers earning 50 percent to 120 percent of the County's median income.
- The County also established an Affordable and Fair Housing Market Plan to more aggressively market units produced through these two programs to more diverse populations, as well as, provide information to developers on the programs.
- During Sussex County's Comprehensive Plan process in 2016-2018, there was substantial discussion and public comment about affordable housing in southern Delaware. To address this, Sussex County Council issued an affordable housing study RFP in October 2018. In February 2019, County Council contracted with LSA Planning, a Virginia-based consulting firm, to assess the county's housing needs and develop recommendations and strategies for Council's consideration in late 2019.

Amend Sussex County's zoning ordinance to update the definition of "family" and to remove undue restrictions on group homes.

- Sussex County revised how it defines Occupancy of a Single Unit so that it does not discriminate against persons with disabilities and that the definition of "family" emphasizes how the members of the unit function as a cohesive unit.
- In FY18, Sussex County granted \$30,000 for leverage funding for Sussex Community Crisis Housing's grant application for a Housing Locator position serving Sussex County.

Amend Kent County zoning ordinance to remove undue restrictions on group homes.

- No reported progress toward this goal.

Ensure that local jurisdictions that receive CDBG and HOME funds understand their individual obligation to affirmatively further fair housing.

- DSHA CDBG staff and Fair Housing Coordinator work with local communities to promote understanding of AFFH through data collection, coordinated training, and outreach to communities with FH issues.
- DSHA provided technical assistance to Sussex County to help implement agreements between the County and both U.S. Department of Justice (DOJ) and HUD.
- DSHA provided \$50,000 in CDBG to Sussex County to assist in the evaluation of rural impacted communities, as outlined in the terms of its Voluntary Compliance Agreement with HUD. The evaluation assisted the County in prioritizing investment strategies for infrastructure and community development for these communities.
- In 2016, Sussex County completed a rural Impacted Communities Study to determine investment strategies, priority designation those elements of infrastructure over which the County has primary governing authority. The following actions have been taken:
 - The County incorporated study results into its 2018 CDBG application process through prioritizing targeted area funding requests.
 - In 2018, the County partnered with DFLI/The Money School to provide a 3-part financial literacy series to the Mount Joy community as financial literacy was identified as a need in study across all 14 communities.
 - The County Administrator sent letters to DNREC and DelDOT in 2017 summarizing needs, identified by the 14 communities, that were associated with those agencies.
 - The County provided technical assistance to Pinetown, Diamond Acres, and Messick Development (Coverdale) communities that sought to establish streetlighting districts. Pinetown and Diamond Acres had successful referendums and streetlights are installed. Messick Development is currently going through the referendum process.
 - The County's Engineering Department worked closely with the Ellendale Civic Association and community residents to establish a water district. After a failed referendum in 2017, the community and County worked together to provide significant education and outreach. In 2018, the referendum passed and construction will begin in 2-3 years.

Discuss what progress has been made toward the achievement of fair housing goals.

See above.

V. Appendices continued

D. Glossary

Accessibility: whether a physical structure, object, or technology is able to be used by people with disabilities such as mobility issues, hearing impairment, or vision impairment. Accessibility features include wheelchair ramps, audible crosswalk signals, and TTY numbers. See: TTY

Affirmatively Further Fair Housing (AFFH): a requirement under the Fair Housing Act that local governments take steps to further fair housing, especially in places that have been historically segregated. See: Segregation

American Community Survey (ACS): a survey conducted by the US Census Bureau that regularly gathers information about demographics, education, income, language proficiency, disability, employment, and housing. Unlike the Census, ACS surveys are conducted both yearly and across multiple years. The surveys study samples of the population, rather than counting every person in the U.S. like the Census.

Americans With Disabilities Act (ADA): federal civil rights law that prohibits discrimination against people with disabilities.

Annual Action Plan: an annual plan used by local jurisdictions that receive money from HUD to plan how they will spend the funds to address fair housing and community development. The Annual Action Plan carries out the larger Consolidated Plan. See also: Consolidated Plan

CDBG: Community Development Block Grant. Money that local governments receive from HUD to spend on housing and community improvement

Census Tract: small subdivisions of cities, towns, and rural areas that the Census uses to group residents together and accurately evaluate the demographics of a community. Several census tracts, put together, make up a town, City, or rural area.

Consent Decree: a settlement agreement that resolves a dispute between two parties without admitting guilt or liability. The court maintains supervision over the implementation of the consent decree, including any payments or actions taken as required by the consent decree.

Consolidated Plan (Con Plan): a plan that helps local governments evaluate their affordable housing and community development needs and market conditions. Local governments must use their Consolidated Plan to identify how they will spend money from HUD to address fair housing and community development. Any local government that receives money from HUD in the form of CDBG, HOME, ESG, or HOPWA grants must have a Consolidated Plan. Consolidated Plans are carried out through annual Action Plans. See: Annual Action Plan, CDBG, HOME, ESG.

Continuum of Care (CoC): a program designed to promote commitment to the goal of ending homelessness. The program provides funding to nonprofits and state and local governments to quickly rehouse homeless individuals and families, promote access to and effective utilization of mainstream programs by homeless individuals, and optimize self-sufficiency among individuals and families experiencing homelessness.

Data and Mapping Tool (AFFHT): an online HUD resource that combines Census data and American Community Surveys data to generate maps and tables evaluating the demographics of an area for a variety of categories, including race, national origin, disability, Limited English Proficiency, housing problems, environmental health, and school proficiency, etc.

De Facto Segregation: segregation that is not created by the law, but which forms a pattern as a result of various outside factors, including former laws.

De Jure Segregation: segregation that is created and enforced by the law. Segregation is currently illegal.

Density Bonus: an incentive for developers that allows developers to increase the maximum number of units allowed at a building site in exchange for either affordable housing funds or making a certain percentage of the units affordable.

Disparate Impact: practices in housing that negatively affect one group of people with a protected characteristic (such as race, sex, or disability, etc.) more than other people without that characteristic, even though the rules applied by landlords do not single out that group.

Dissimilarity Index: measures the percentage of a certain group's population that would have to move to a different census tract in order to be evenly distributed with a City or metropolitan area in relation to another group. The higher the Dissimilarity Index, the higher the level of segregation. For example, if a City's Black/White Dissimilarity Index was 65, then 65 percent of Black residents would need to move to another neighborhood in order for Blacks and Whites to be evenly distributed across all neighborhoods in the City.

Emergency Solutions Grant (ESG): Funding provided by HUD to 1) engage homeless individuals and families living on the street, 2) improve the number and quality of emergency shelters for homeless individuals and families, 3) help operate these shelters, 4) provide essential services to shelter residents, 5) rapidly re-house homeless individuals and families, and 6) prevent families/individuals from becoming homeless

Entitlement Jurisdiction: a local government that is qualified to receive funds from HUD to be spent on housing and community development. See also: HUD Grantee

Environmental Health Index: a HUD calculation based on potential exposure to harmful toxins at a neighborhood level. This includes air quality carcinogenic, respiratory, and neurological hazards. The higher the number, the less exposure to toxins harmful to human health.

Environmental Justice: the fair treatment and meaningful involvement of all people, especially minorities, in the development, implementation, and enforcement of environmental laws, regulations, and policies. In the past, environmental hazards have been concentrated near segregated neighborhoods, making minorities more likely to experience negative health effects. Recognizing this history and working to make changes in future environmental planning are important pieces of environmental justice.

Exclusionary Zoning: the use of zoning ordinances to prevent certain land uses, especially the building of large and affordable apartment buildings for low-income people. A City with

exclusionary zoning might only allow single-family homes to be built in the City, excluding people who cannot afford to buy a house.

Exposure Index: a measurement of how much the typical person of a specific race is exposed to people of other races. A higher number means that the average person of that race lives in a census tract with a higher percentage of people from another group.

Fair Housing Act: a federal civil rights law that prohibits housing discrimination on the basis of race, class, sex, religion, national origin, or familial status. See also: Housing Discrimination.

Federal Uniform Accessibility Standards (UFAS): a guide to uniform standards for design, construction, and alternation of buildings so that physically handicapped people will be able to access and use such buildings.

Free Appropriate Public Education (FAPE): under both the Rehabilitation Act of 1973 and the Individuals with Disabilities Education Act (IDEA), all children have a right to a Free Appropriate Public Education, taking special account of any disability-related needs the child may have.

Gentrification: the process of renovating or improving a house or neighborhood to make it more attractive to middle-class residents. Gentrification often causes the cost of living in the neighborhood to rise, pushing out lower-income residents and attracting middle-class residents. Often, these effects which are driven by housing costs have a corresponding change in the racial demographics of an area.

High-Opportunity Areas/Low Opportunity Areas: High-Opportunity Areas are communities with low poverty, high access to jobs, and low concentrations of existing affordable housing. Often, local governments try to build new affordable housing options in High-Opportunity Areas so that the residents will have access to better resources, and in an effort to desegregate a community, as minorities are often concentrated in low opportunity areas and in existing affordable housing sites.

HOME Investment Partnership Program: The HOME Program provides grants to qualifying States and localities that communities use (often in partnership with nonprofits) to fund activities such as building, buying, and/or rehabilitating affordable housing for rent or ownership, or providing direct rental assistance to low-income people.

Housing Choice Voucher (HCV)/Section 8 Voucher: a HUD voucher issued to a low-income household that promises to pay a certain amount of the household's rent. Prices are set based on the rent in the metropolitan area, and voucher households must pay any difference between the rent and the voucher amount. Voucher holders are often the subject of source of income discrimination. See also: Source of Income Discrimination.

Housing Discrimination: the refusal to rent to or inform a potential tenant about the availability of housing. Housing discrimination also applies to buying a home or getting a loan to buy a home. The Fair Housing Act makes it illegal to discriminate against a potential tenant/buyer/lendee based on that person's race, class, sex, religion, national origin, or familial status.

HUD Grantee: a jurisdiction (City, country, consortium, state, etc.) that receives money from HUD. See also: Entitlement Jurisdiction

Inclusionary Zoning: a zoning ordinance that requires that a certain percentage of any newly built housing must be affordable to people with low and moderate incomes.

Individualized Education Program (IEP): a written document that is developed for each public school child who is eligible for special education to plan how special accommodations will be made for the child to allow them the best possible education for their needs.

Individuals with Disabilities Education Act (IDEA): a federal civil rights law that ensures students with a disability are provided with Free Appropriate Public Education that is tailored to their individual needs.

Integration: the process of reversing trends of racial or other segregation in housing patterns. Often, segregation patterns continue even though enforced segregation is now illegal, and integration may require affirmative steps to encourage people to move out of their historic neighborhoods and mix with other groups in the community.

Isolation Index: a measurement of how much the typical person of a specific race is only exposed to people of the same race. For example, an 80 percent isolation index value for White people would mean that the population of people the typical White person is exposed to is 80 percent White.

Jobs Proximity Index: a HUD calculation based on distances to all job locations, distance from any single job location, size of employment at that location, and labor supply to that location. The higher the number, the better the access to employment opportunities for residents in a neighborhood.

Labor Market Engagement Index: a HUD calculation based on level of employment, labor force participation, and educational attainment in a census tract. The higher the number, the higher the labor force participation and human capital in the neighborhood.

Limited English Proficiency (LEP): residents who do not speak English as a first language, and who speak English less than “very well”

Local Data: any data used in this analysis that is not provided by HUD through the Data and Mapping Tool (AFFHT), or through the Census or American Community Survey

Low Income Housing Tax Credit (LIHTC): provides tax incentives to encourage individual and corporate investors to invest in the development, acquisition, and rehabilitation of affordable rental housing.

Low Poverty Index: a HUD calculation using both family poverty rates and public assistance receipt in the form of cash-welfare (such as Temporary Assistance for Needy Families (TANF)). This is calculated at the Census Tract level. The higher the score, the less exposure to poverty in the neighborhood. See also: Temporary Assistance for Needy Families (TANF).

Low Transportation Cost Index: a HUD calculation that estimates transportation costs for a family of 3, with a single parent, with an income at 50 percent of the median income for renters for the region. The higher the number, the lower the cost of transportation in the neighborhood.

Market Rate Housing: housing that is not restricted by affordable housing laws. A market rate unit can be rented for any price that the market can support.

NIMBY: Not In My Back Yard. A social and political movement that opposes housing or commercial development in local communities. NIMBY complaints often involve affordable housing, with reasons ranging from traffic concerns to small town quality to, in some cases, thinly-veiled racism.

Poverty Line: the minimum level of yearly income needed to allow a household to afford the necessities of life such as housing, clothing, and food. The poverty line is defined on a national basis. The US poverty line for a family of 4 with 2 children under 18 is currently \$22,162.

Project-Based Section 8: a government-funded program that provides rental housing to low-income households in privately owned and managed rental units. The funding is specific to the building. If you move out of the building, you will no longer receive the funding.

Publicly Supported Housing: housing assisted with funding through federal, State, or local agencies or programs, as well as housing that is financed or administered by or through any such agencies or programs.

Reasonable Accommodation: a change to rules, policies, practices, or services which would allow a handicapped person an equal opportunity to use and enjoy their housing, including in public and common use areas. It is a violation of the Fair Housing Act to refuse to make a reasonable accommodation when such accommodation is necessary for the handicapped person to have equal use and enjoyment of the housing.

R/ECAPs: Racially and Ethnically Concentrated Areas of Poverty. This is a HUD-defined term indicating a census tract that has more than 50 percent Non-White residents, and 40 percent or more of the population is in poverty OR where the poverty rate is greater than three times the average poverty rate in the area. In the HUD Data and Mapping Tool (AFFHT), R/ECAPs are outlined in pink. See also: Census Tract

Section 504 of the Rehabilitation Act: a federal civil rights law that prohibits discrimination on the basis of disability in programs conducted by federal agencies, in programs receiving federal financial assistance, in federal employment and in the employment practices of federal contractors.

School Proficiency Index: a HUD calculation based on performance of 4th grade students on state exams to describe which neighborhoods have high-performing elementary schools nearby and which are near lower performing elementary schools. The higher the number, the higher the school system quality is in a neighborhood.

Segregation: the illegal separation of racial or other groups in the location of housing and neighborhoods. Segregation can occur within a City or town, or in comparing multiple cities. Even though segregation is now illegal, often, housing continues to be segregated because of factors that make certain neighborhoods more attractive and expensive than others, and therefore more accessible to affluent White residents. See also: Integration.

Source of Income Discrimination: housing discrimination based on whether a potential tenant plans to use a Housing Choice Voucher/Section 8 Voucher to pay part of their rent. See also: Housing Choice Voucher/Section 8 Voucher.

Superfund Sites: any land in the U.S. that has been contaminated by hazardous waste and identified by the EPA as a candidate for cleanup because it poses a risk to human health and/or the environment

Supplemental Security Income (SSI): benefits paid to disabled adults and children who have limited income and resources, or to people 65 and older without disabilities who meet the financial limits.

Temporary Assistance to Needy Families (TANF): a federal program that assists families with children the parents and other responsible relatives cannot provide for the family's basic needs. The program is run through grants to States.

Testers: people who apply for housing to determine whether the landlord is illegally discriminating. For example, Black and White testers will both apply for housing with the same landlord, and if they are treated differently or given different information about available housing, their experiences are compared to show evidence of discrimination.

Transit Trips Index: a HUD calculation that estimates transit trips taken for a family of 3, with a single parent, with an income of 50 percent of the median income for renters for the region. The higher the number, the more likely residents in that neighborhood utilize public transit.

TTY/TDD: Text Telephone/Telecommunication Device for the Deaf. TTY is the more widely used term. People who are deaf or hard of hearing can use a text telephone to communicate with other people who have a TTY number and device. TTY services are an important resource for government offices to have so that deaf or hard of hearing people can easily communicate with them.

Unbanked: not served by a financial institution.

Underbanked: an area that does not have enough banks to meet market demand

Violence Against Women Act (VAWA): a federal law protecting women who have experienced domestic and/or sexual violence. The law establishes several programs and services including a federal rape shield law, community violence prevention programs, protections for victims who are evicted because of events related to domestic violence or stalking, funding for victim assistance services, like rape crisis centers and hotlines, programs to meet the needs of immigrant women and women of different races or ethnicities, programs and services for victims with disabilities, and legal aid for survivors of domestic violence.

White Flight: white families that moved from cities to suburbs in response to desegregation.