

# 2020 DELAWARE STATEWIDE ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

## EXECUTIVE SUMMARY

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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# 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 for this Analysis of Impediments (AI).

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.

## OVERVIEW OF DELAWARE

With a population just under one million residents, Delaware ranks 45<sup>th</sup> 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 number of accessible units must be increased, and their distribution is important to ensure that people with disabilities are not confined to particular neighborhoods.

### **Delaware 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.

## **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 10<sup>th</sup> 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 number 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.

### ***New Castle County 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.

## 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.

### **Kent County 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.

## **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.

### **Sussex County 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.

## **FAIR HOUSING GOALS AND PRIORITIES**

This section describes the Consortium's goals and strategies to remedy contributing factors that restrict fair housing choice or access to opportunity. Of the contributing factors discussed in the AI, the following are identified as high priority.

- Admissions and occupancy policies and procedures, including preferences in publicly supported housing

- Availability, type, frequency, and reliability of public transportation
- Community opposition
- Impediments to mobility
- Lack of access to opportunity due to high housing costs
- Lack of affordable, accessible housing in a range of unit sizes
- Lack of affordable in-home or community-based supportive services
- Lack of affordable, integrated housing for individuals who need supportive services
- Lack of fair housing outreach and enforcement
- Lack of public investment in specific neighborhoods, including services or amenities
- Land use and zoning laws
- Lending discrimination
- Location and type of affordable housing
- Location of environmental health hazards
- Quality of affordable housing information programs
- Private discrimination
- Source of income discrimination

Each strategy includes a list of responsible parties, as some issues are specific to a geographic area and an individual jurisdiction, while others are regional in nature and require a collaborative response.

Statewide strategies, often requiring legislative action, will be facilitated through the Fair Housing Task Force. The Task Force, composed of Consortium members, housing advocates, and non-profit organizations, acts as a formal statewide advocacy network for fair housing, as well as for implementing the State of Delaware Regional Fair Housing Plan. The Fair Housing Task Force is convened through the Delaware Division of Human Relations.

The strategies also list metrics, milestones, and timeframes, so that achievement of these goals can be properly measured.

### ***GOAL #1: Increase the Supply of Affordable Housing in High-opportunity Areas***

Delaware, like many states, is facing a shortage of affordable housing. 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. There is a shortage of 17,114 units for extremely low-income renters and more than 53,360 households in the state experiencing severe housing problems, which include paying more than 50 percent of income toward housing costs.

In many “high-opportunity” areas, payment standards are too low for families with housing choice vouchers to move to these areas. Additionally, there has been vocal, ongoing community opposition to affordable housing throughout the state. Overall, there is a need to expand the supply of affordable housing (through both private and public sector strategies) and ensure locational balance in housing options.

#### ***Contributing Factors:***

- 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
- Siting selection policies, practices and decisions for publicly supported housing

### **Goal #1 Strategies:**

1. Prioritize Community Development Block Grant (CDBG) and HOME funding and Low-Income Housing Tax Credits (LIHTC) for family developments in high-opportunity areas, and further incentivize LIHTC family development in high-opportunity area through set asides, basis boosts, and/or increased competitive points.
2. Explore developing inclusionary zoning and /or housing trust fund programs in Kent County and the larger jurisdictions of Wilmington, Newark, and Dover.
3. 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.
4. Explore changing existing building and zoning codes to expand housing options to better fit housing needs, such as accessory dwelling units, multifamily housing, and smaller lot sizes.
5. Encourage local jurisdictions and counties to waive or reduce fees for affordable housing.
6. 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.
7. Advocate for the repeal of Senate Bill 400, which requires the Delaware State Housing Authority to notify state senators and representatives of any tax credit, loan, or grant award for affordable housing development in their district.

### **GOAL #2: Preserve the Existing Stock of Affordable Rental Housing**

The same dynamics of rising housing costs erode aging private rental or raise rents so they are no longer affordable to low-income renters. Aging housing stock can result in substandard conditions if not maintained. In addition, many of the use restrictions, subsidy contracts and/or financial assistance that initially required and enabled landlords to rent to low-income households have expired, or are at risk of expiring. The combination of the lack of affordable housing options, and lack of access to legal services has caused evictions and displacement of residents. Throughout the community participation process, tenants and service providers shared numerous examples of tenants being evicted after making complaints about housing conditions. This is particularly acute in Sussex County. Preserving affordable housing and reviewing code enforcement policies to reduce unjust evictions will help maintain affordable housing units and reduce displacement.

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 15<sup>th</sup> most expensive state for renters.<sup>1</sup> Kent County has the highest number of affordable units while New Castle County has the least.<sup>2</sup> According to the National Low-Income Housing Coalition, there is a shortage of 17,114 units for extremely low-income renters.<sup>3</sup>

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.

#### **Contributing Factors:**

- Displacement of residents due to economic pressure
- 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

#### **Goal #2 Strategies:**

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.
2. Continue to extend affordability restrictions for properties with expiring subsidies through loan extensions, workouts, and buy-downs of affordability.

### **GOAL #3: Prevent displacement of Black and Hispanic low- and moderate-income residents**

As housing costs continue to rise, lower-income households become increasingly vulnerable for displacement. Whether it is through rent increases, evictions, or heavy cost burdens, losing a home has devastating consequences on a family's financial, physical, and mental wellbeing. Several features of Delaware's court system contribute to this vulnerability, which can be unfair to tenants facing eviction. Delaware is the *only* state in the country that does not allow an appellate pathway to the State's highest court for landlord/tenant cases. Because there is no appeal to Delaware's higher courts, there is little development of landlord/tenant cases that can serve as binding precedent. Finally, most states besides Delaware allow a right to cure in eviction cases. There have been incidents of landlords evicting tenants over \$25 despite them paying the amount owed before trial. Tenants of manufactured homes continue to be vulnerable to displacement. Manufactured homes are one of the more affordable housing options in Delaware, and particularly in Sussex County. Often called "mobile homes," manufactured homes are generally not moveable, once placed on a plot of land. Because owners of mobile homes commonly rent the land underneath from a private owner, and the homes are not moveable, they are vulnerable to rent increases by landlords in excess of what is reasonable. This often renders the mobile home unaffordable. Delaware's Rent Justification Act permits tenants in mobile home parks to challenge

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<sup>1</sup> *Id.*

<sup>2</sup> *Id.*

<sup>3</sup> National Low-Income Housing Coalition, "2019 Delaware Housing Profile," (2019).

unreasonable rate increases through arbitration. However, it does not help tenants who are already paying higher than market rents and cannot afford to keep their homes.

***Contributing Factors:***

- Displacement of residents due to economic pressure
- Lack of affordable, accessible housing in a range of sizes
- Admissions and occupancy policies and procedures, including preferences in publicly supported housing
- Private discrimination

***Goal #3 Strategies:***

1. Improve protections for manufactured homeowners in leased land communities including support to facilitate conversion of parks to cooperative or nonprofit ownership.
2. Pilot a “Right to Counsel” program for low-income tenants facing eviction. This program can expand upon various eviction defense and appeals efforts recently launched in the state with funding through the Delaware State Housing Authority and Federal Home Loan (FHL) Bank of Pittsburgh’s Home4Good program.
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.
4. Establish a minimum non-payment of rent threshold for evictions of \$100 and adopt a rule allowing tenants to cure by paying the full amount owed up to and including date of trial for eviction.

***GOAL #4: Increase Community Integration for Persons with Disabilities***

Deeply affordable, robust homes and community based supportive services are integral to advancing community integration for persons with disabilities. The State of Delaware has made great strides in this area, but there is room to augment those efforts by leveraging the resources of the State’s municipalities and local public housing authorities. Tenant selection and waiting list preferences are often necessary to ensure access for persons with disabilities who have resided in institutions, often for decades, because they have not been able to gradually move up the waiting lists. Physically accessible housing is critical for community integration efforts as well, and incentivizing LIHTC developers to include fully accessible units is a cost-effective way of addressing that need. Once housing and services are in place, assistance with transitioning to permanent supportive housing can be a necessary yet overlooked need.

***Contributing Factors:***

- 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;
- Occupancy codes and restrictions

### **Goal #4 Strategies:**

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 lack ongoing rental assistance.
2. All PHA Administrative Plans should adopt preferences for persons with disabilities who are at risk of institutionalization or have recently left institutions.
3. Revise Delaware’s State Housing Code and encourage other jurisdictions to change the definition of family so it does not limit the number of unrelated persons who can live together in a unit.
4. Continue to increase the supply of fully accessible units by continuing to incentivize the inclusion of additional accessible units in LIHTC developments.

### **GOAL #5: Ensure Equal Access to Housing for Persons with Protected Characteristics, Lower-income, and Experiencing Homelessness**

The Delaware Fair Housing Act prohibits source of income discrimination but carves out protections for housing choice voucher holders. Without protection, voucher holders 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. Additionally, high application fees are a barrier. Stakeholders reported that these fees are charged even when the landlord has no plans to rent to tenants with a voucher.

DSHA has been proactive in discouraging nuisance and crime-free ordinances, which has a disparate impact of people of color, but statewide legislation would be more impactful. Meetings with stakeholders revealed a significant problem with criminal background screenings. Some landlords continue to refuse rental housing to prospective tenants based on 50-year criminal background checks. Stakeholders also voiced complaints about the lack of housing applications in Spanish and the lack of translators.

#### **Contributing Factors:**

- Displacement of residents due to economic pressures
- 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
- Lack of meaningful language access for individuals with limited English proficiency
- Private discrimination
- Source of income discrimination

### **Goal #5 Strategies:**

1. Expand Delaware Fair Housing Act's Source of Income protections to include voucher holders.
2. For municipalities with crime-free housing and nuisance ordinances, advocate for their removal and advocate for legislation banning such ordinances.
3. Require that all rental and homeownership applications are available in Spanish and ensure that paper copies are available for those without computer access.
4. Ensure housing authorities have culturally competent translators available to their customers.
5. Cap rental application fees and eliminate fees for voucher holders in accordance with best practices.
6. Where possible, encourage landlords to follow HUD's guidance on the use of criminal backgrounds in screening tenants.
7. Encourage inclusive credit screening practices that do not rely on FICO scores.
8. Convene the Fair Housing Task Force on a quarterly schedule to implement recommendations in the AI that are regional in nature.

### **GOAL #6: Expand Access to Opportunity for Protected Classes**

Sussex County stakeholders who lived in the west part of the county where there is more affordable housing voiced that they were unable to get to the jobs in the beach communities by public transportation. Those who live in New Castle and Kent Counties complained about the lack of frequent and direct bus service to job centers. Additionally, Sussex County residents living in unincorporated communities of color face high utility bills and poor water quality; some even lack access to water and sewer.

#### **Contributing Factors:**

- 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

### **Goal #6 Strategies:**

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.
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.

## **GOAL #7: Reduce Barriers to Mobility**

Data for publicly supported households, which are disproportionately African-American, shows patterns of clustering in high-poverty areas, and indicates that steps to affirmatively broaden housing choice and address related barriers should be considered. Reviews of PHA policies and procedures (including PHA Administrative Plans, Moving To Work (MTW) Plans, Admissions and Occupancy Plans, Section 8 Management Plans) and interviews with PHA staff revealed a number of areas where such steps could be taken, and where current policies may not adequately support housing choice or may exacerbate fair housing issues such as segregation.

### **Contributing Factors:**

- 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
- Quality of affordable housing information programs
- Lack of fair housing outreach and enforcement
- Land use laws and zoning

### **Goal #7 Strategies:**

1. Enact policies that provide formal periodic reviews of residency and other preferences for fair housing impacts.
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.
3. Ensure both written and oral briefing content for voucher holders addresses moves to opportunity; expand content as needed.
4. Explore creation of mobility counseling program to support moves to opportunity.
5. Institute regular landlord/developer outreach to encourage participation in voucher programs, including periodic workshops and ongoing working group; and encourage use of the landlord listing service *DelawareHousingSearch* to increase units in high-opportunity areas.
6. Develop a model Affirmative Fair Housing Marketing Plan and support expanded affirmative marketing, including to Hispanic communities.

## **APPROACH**

### **State-Level Legislation**

- Repeal SB 400, which requires DSHA to notify state senators and representatives of tax credit, loan, or grant awards for affordable housing in their district.
- Improve protections for manufactured homeowners in leased land communities, including support to facilitate conversion of parks to cooperative or nonprofit ownership.



- Advocate to change Delaware Code to permit tenants to appeal decisions from the Justice of the Peace Court to Superior Court and from there, to appellate courts.
- Establish a minimum non-payment of rent threshold for evictions of \$100 and adopt a rule allowing tenants to cure by paying the full amount owed up to and including date of trial for eviction.
- Revise Delaware’s State Housing Code and encourage jurisdictions to change the definition of family so it does not limit the number of unrelated persons who can live together in a unit.
- Expand Delaware Fair Housing Act’s Source of Income protections to include voucher holders.
- For municipalities with crime-free housing and nuisance ordinances, advocate for their removal and advocate for legislation banning such ordinances\*.

### **Local Policy and Regulations**

- Explore developing inclusionary zoning (IZ) and/or housing trust fund programs in Kent County and cities of Wilmington, Newark, and Dover. Improve existing IZ programs and/or housing trust funds in New Castle and Sussex Counties to increase affordable family units in high-opportunity areas.
- Explore changing existing building and zoning codes to expand housing options to better fit housing needs, such as accessory dwelling units, multifamily housing, and smaller lot sizes.
- Encourage local jurisdictions and counties to waive or reduce fees for affordable housing.
- 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.
- For municipalities with crime-free housing and nuisance ordinances, advocate for their removal and advocate for legislation banning such ordinances\*.

### **Programs and Practices**

- Prioritize CDBG and HOME funding and LIHTC tax credits for family developments in high-opportunity areas; further incentivize LIHTC family development in areas of opportunity through set asides, basis boosts, and/or increased competitive points.
- 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.
- Continue to extend affordability restrictions for properties with expiring subsidies through loan extensions, workouts, and buy-downs of affordability.
- Pilot a “Right to Counsel” program for tenants facing eviction. This program can expand on eviction defense and appeals efforts recently launched through the Delaware State Housing Authority and FHLBank Pittsburgh’s Home4Good program.
- Develop project-based rental assistance to create new permanent supportive housing through LIHTC and other programs.

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\* Strategy for state and local implementation.

- All PHA Administrative Plans should adopt preferences for persons with disabilities who are at risk of institutionalization or have recently left institutions.
- Continue to increase the supply of accessible units by continuing to incentivize the inclusion of additional accessible units in LIHTC developments.
- Require all rental and homeownership applications be available in Spanish and that paper copies are available for those without computer access.
- Ensure housing authorities have culturally competent translators available to their customers.
- Cap rental application fees and eliminate fees for voucher holders in accordance with best practices.
- Encourage landlords to follow HUD's guidance on using criminal backgrounds to screen tenants.
- Encourage inclusive credit screening practices that do not rely on FICO scores.
- Convene the Fair Housing Task Force on a quarterly schedule to implement recommendations in the AI that are regional in nature.
- Study and make recommendations to improve Sussex County's public transportation so members of protected classes can access jobs. Review public transportation options in New Castle and Kent Counties to ensure access to job centers.
- Address racial disparities in water and sewer hookups, water quality, and utility costs in Sussex County by targeting CDBG funding for infrastructure to unincorporated communities of color where possible and with community support.
- Explore selective use of payment standards based on Small Area Fair Market Rents (SAFMR), to expand housing choice specifically in zip codes that are areas of opportunity.
- Ensure both written and oral briefing content for voucher holders addresses moves to opportunity.
- Explore creation of mobility counseling program to support moves to opportunity.
- 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 *DelawareHousingSearch* to increase units in high-opportunity areas.
- Develop a model Affirmative Fair Housing Marketing Plan and support expanded affirmative marketing, including to Hispanic communities.

## FAIR HOUSING GOALS AND PRIORITIES

<b>Goal #1:</b> Increase the supply of affordable housing in high-opportunity areas	<b>Contributing Factors</b>	<b>Metrics, Milestones, and Timeframe</b>	<b>Responsible Partners</b>
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

<p>4. Encourage local jurisdictions and counties to waive or reduce fees for affordable housing.</p>	<p>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</p>	<p>Conduct outreach to decision makers in local jurisdictions regarding waiving or reducing fees: 1 year.</p>	<p>New Castle, Kent and Sussex Counties, Cities of Wilmington, Newark and Dover</p>
<p>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.</p>	<p>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</p>	<p>Revise HOME program guidelines to prioritize family affordable developments in high- opportunity areas throughout the County: 1-2 years.</p>	<p>New Castle County</p>
<p>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.</p>	<p>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</p>	<p>Meet with state legislators to advocate for repeal: 1-2 years. Introduce legislation: 2-3 years.</p>	<p>General Assembly, Fair Housing Task Force, Consortium members, CLASI, housing advocates</p>

<b>Goal #2:</b> Preserve the existing stock of affordable rental housing	<b>Contributing Factors</b>	<b>Metrics, Milestones, and Timeframe</b>	<b>Responsible Partners</b>
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

<b>Goal #3:</b> Prevent displacement of Black and Hispanic low- and moderate-income residents	<b>Contributing Factors</b>	<b>Metrics, Milestones, and Timeframe</b>	<b>Responsible Partners</b>
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 a 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

<b>Goal #4:</b> Increase community integration for persons with disabilities	<b>Contributing Factors</b>	<b>Metrics, Milestones, and Timeframe</b>	<b>Responsible Partners</b>
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

<b>Goal #5:</b> Ensure equal access to housing for persons with protected characteristics, lower-income, and homeless	<b>Contributing Factors</b>	<b>Metrics, Milestones, and Timeframe</b>	<b>Responsible Partners</b>
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



<p>5. Cap rental application fees and eliminate fees for voucher holders in accordance with best practices.</p>	<p>Impediments to mobility; Lack of access to opportunity due to high housing costs; Lack of housing outreach and enforcement; Private discrimination</p>	<p>Review best practices on capping rental applications fees and eliminating voucher holder fees: 1 year. Implement best practice: 2-3 years.</p>	<p>Consortium members</p>
<p>6. Where possible, encourage landlords to follow HUD’s guidance on the use of criminal backgrounds in screening tenants.</p>	<p>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</p>	<p>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.</p>	<p>Consortium members, General Assembly, management companies, and owners of affordable rental properties</p>
<p>7. Encourage inclusive credit screening practices that do not rely on FICO scores.</p>	<p>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</p>	<p>Conduct outreach and education on inclusive credit screening practices: 1-3 years.</p>	<p>Consortium members, General Assembly, LIHTC owners, management companies, and other owners of affordable rental properties</p>
<p>8. Convene the Fair Housing Task Force on a quarterly schedule to implement recommendations in the AI that are regional in nature.</p>	<p>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</p>	<p>Convene the Fair Housing Task Force quarterly to review progress on Goals and Strategies: 1-5 years.</p>	<p>DDHR, Consortium members, CLASI, housing advocates, housing non-profits</p>

<b>Goal #6:</b> Expand access to opportunity for protected classes	<b>Contributing Factors</b>	<b>Metrics, Milestones, and Timeframe</b>	<b>Responsible Partners</b>
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

<b>Goal #7:</b> Reduce barriers to mobility	<b>Contributing Factors</b>	<b>Metrics, Milestones, and Timeframe</b>	<b>Responsible Partners</b>
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<p>1. Enact policies that provide formal periodic reviews of residency and other preferences for fair housing impacts.</p>	<p>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</p>	<p>Review current policies and survey stakeholders to determine the optimal number of reviews: 1 year. Develop and implement new policies: 2-3 years.</p>	<p>Consortium PHA members</p>
<p>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.</p>	<p>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</p>	<p>Compare SAFMR for high-opportunity areas, to current payment standards, project amount of mobility adopting SAFMRs would encourage: 1 year.</p>	<p>Consortium PHA members, <i>Newark already implementing SAFMRs</i></p>
<p>3. Ensure both written and oral briefing content for voucher holders addresses moves to opportunity; expand content as needed.</p>	<p>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</p>	<p>Develop training/script for staffers providing oral and written briefing on moves to opportunity: 1 year.</p>	<p>Consortium PHA members</p>
<p>4. Explore creation of mobility counseling program to support moves to opportunity.</p>	<p>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</p>	<p>Review model mobility programs: 1 year. Develop proposal for mobility program and explore feasibility: 2-3 years.</p>	<p>Consortium PHA members</p>

<p>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.</p>	<p>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</p>	<p>Develop new policies: 1 year. Start holding workshops and outreach activities: 2 years.</p>	<p>Consortium members, Delaware Public Service Commission, DDHR</p>
<p>6. Develop a model Affirmative Fair Housing Marketing Plan and support expanded affirmative marketing, including to Hispanic communities.</p>	<p>Source of income discrimination; Quality of affordable housing information programs</p>	<p>Develop Marketing Plan: 1-2 years.</p>	<p>Consortium PHA members, DDHR</p>

## CONTRIBUTING FACTORS

Contributing factors are ranked as low, medium or high priority based on their impact on barriers to fair housing choice.

### 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 Delaware<sup>4</sup> 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 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

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<sup>4</sup> DSHA, Dover, Wilmington, and New Castle County housing authorities.

provisions in the WHA’s PHA Plan include targeted outreach to underserved populations, based on an analysis of waitlist composition.<sup>5</sup>

### ***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, 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), victim of domestic violence and veterans 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 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-

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<sup>5</sup> 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.

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.<sup>6</sup> 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 public transportation, which makes it difficult for residents to access jobs in eastern Sussex County by transit.<sup>7</sup>

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.<sup>8</sup> Links between Wilmington and many suburban areas are also limited.

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<sup>6</sup> “Letters to the Editor: DelDOT responds to LWV concerns about buses,” Cape Gazette, (2018).

<sup>7</sup> Goebel.

<sup>8</sup> [Wilmington Area Planning Council, “Transportation Justice: 2015 Accessibility and Mobility Report,” \(2015\).](#)

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.<sup>9</sup> 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.<sup>10</sup> 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.<sup>11</sup>

## **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.<sup>12</sup> Concerns about traffic, drainage, and decreasing green space led to the project eventually being rejected by the County Council.<sup>13</sup> 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 Garden<sup>14</sup> and a small Italian restaurant in the area<sup>15</sup>. 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 worries of increased traffic and lesser green space. The area has changed owners multiple times in the last few years.<sup>16</sup>

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

<sup>9</sup> [Zoe Read, “Wilmington bus riders continue to fight for Rodney Square routes,” WHY?, \(2018\).](#)

<sup>10</sup> [Christina Jedra, “Rodney Square bus advocates to DART: ‘We’re not going to accept it,’” Delaware Online, \(2018\).](#)

<sup>11</sup> [Christina Jedra, “Wilmington bus riders clash with DART over elimination of Rodney Square stops,” Delaware Online, \(2018\).](#)

<sup>12</sup> <https://www.delawareonline.com/story/opinion/contributors/2019/01/11/new-castle-county-council-should-stand-firm-three-little-bakers/2548095002/>

<sup>13</sup> <https://www.delawareonline.com/story/news/2019/02/21/whats-next-proposal-develop-three-little-bakers-golf-course/2938596002/>

<sup>14</sup> <https://www.delawareonline.com/story/news/2016/07/07/wilmington-beer-garden-decision-looms/86834694/>

<sup>15</sup> <https://www.delawareonline.com/story/opinion/columnists/matthew-albright/2018/07/20/neighborhoods-italian-food-fight-shows-delawares-nimby-pandemic/804150002/>

<sup>16</sup> <https://www.delawareonline.com/story/news/2019/01/29/developer-pitch-plans-barley-mill-plaza-redevelopment/2703589002/>



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.

*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.<sup>17</sup> 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.<sup>18</sup> This is below the national average of 35 available homes for every 100 ELI renters.<sup>19</sup> The affordability crisis is greatest in New Castle County, which also has the highest proportion of renters.<sup>20</sup> The fair market rent for a three-bedroom unit at fair market price in all three counties is approximately \$1,500. As detailed on pages 54-57, median home prices have doubled since 2000. During this same time period, Black and Hispanic household incomes have been consistently and significantly lower than White, non-Hispanic households in all three counties. In New Castle County, White households averaged \$23,000 to \$29,000 more than Black and Hispanic households. In Sussex County, White households remained \$20,000 to \$25,600 higher than Black households and \$11,000 to \$19,000 more than Hispanic households. As a result, the ability of Black and Hispanic households to afford safe quality housing anywhere is limited. Areas with quality resources, such as high performing schools, draw families, which increases demand and prices<sup>21</sup>. These dynamics, combined with fierce community opposition for new affordable housing, effectively diminishes the ability of Black and Hispanic households to live in areas of opportunity. 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.<sup>22</sup> This issue is most prevalent among African American and Hispanic households, where roughly half are homeowners compared to 81 percent among White families.<sup>23</sup> These housing cost challenges create barriers to households seeking to move to areas of opportunity in across the state.

To better understand the neighborhoods in Delaware, DSHA has incorporated ‘Areas of Opportunity’ into their ‘Balanced Housing Opportunities’ maps.<sup>24</sup> 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.<sup>25</sup> DSHA encourages municipalities to use 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.

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<sup>17</sup> [Delaware State Housing Authority, “Delaware Housing Needs Assessment, 2015-2020,” \(2014\).](#)

<sup>18</sup> [Housing Alliance of Delaware, “The State of Housing & Homelessness in The First State,” \(2018\).](#)

<sup>19</sup> Housing Alliance of Delaware, 4.

<sup>20</sup> Housing Alliance of Delaware, 6.

<sup>21</sup> Schwartz, Amy Ellen, and Leanna Stiefel. 2014. “Linking Housing Policy and School Policy.” In *Choosing Homes, Choosing Schools*, edited by Annette Lareau and Kimberly Goyette. New York: Russell Sage Foundation: 295–314. See also Theodos, Brett, Claudia Coulton, and Amos Budde. 2014. “Getting to Better Performing Schools: The Role of Residential Mobility in School Attainment in Low-Income Neighborhoods,” *Cityscape* 16 (1): 61–84. <http://www.huduser.gov/portal/periodicals/cityscape/vol16num1/ch3.pdf>.

<sup>22</sup> [Delaware Housing Needs Assessment.](#)

<sup>23</sup> Delaware Housing Needs Assessment.

<sup>24</sup> [Delaware State Housing Authority, “Delaware FY2017 CAPER,” \(2016\), 52.](#)

<sup>25</sup> [Delaware FY2017 CAPER, 52.](#)

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 City of Newark has established a Rental Housing Working Group to address the issue of inadequate supply of rental housing. 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 two R/ECAPs 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.

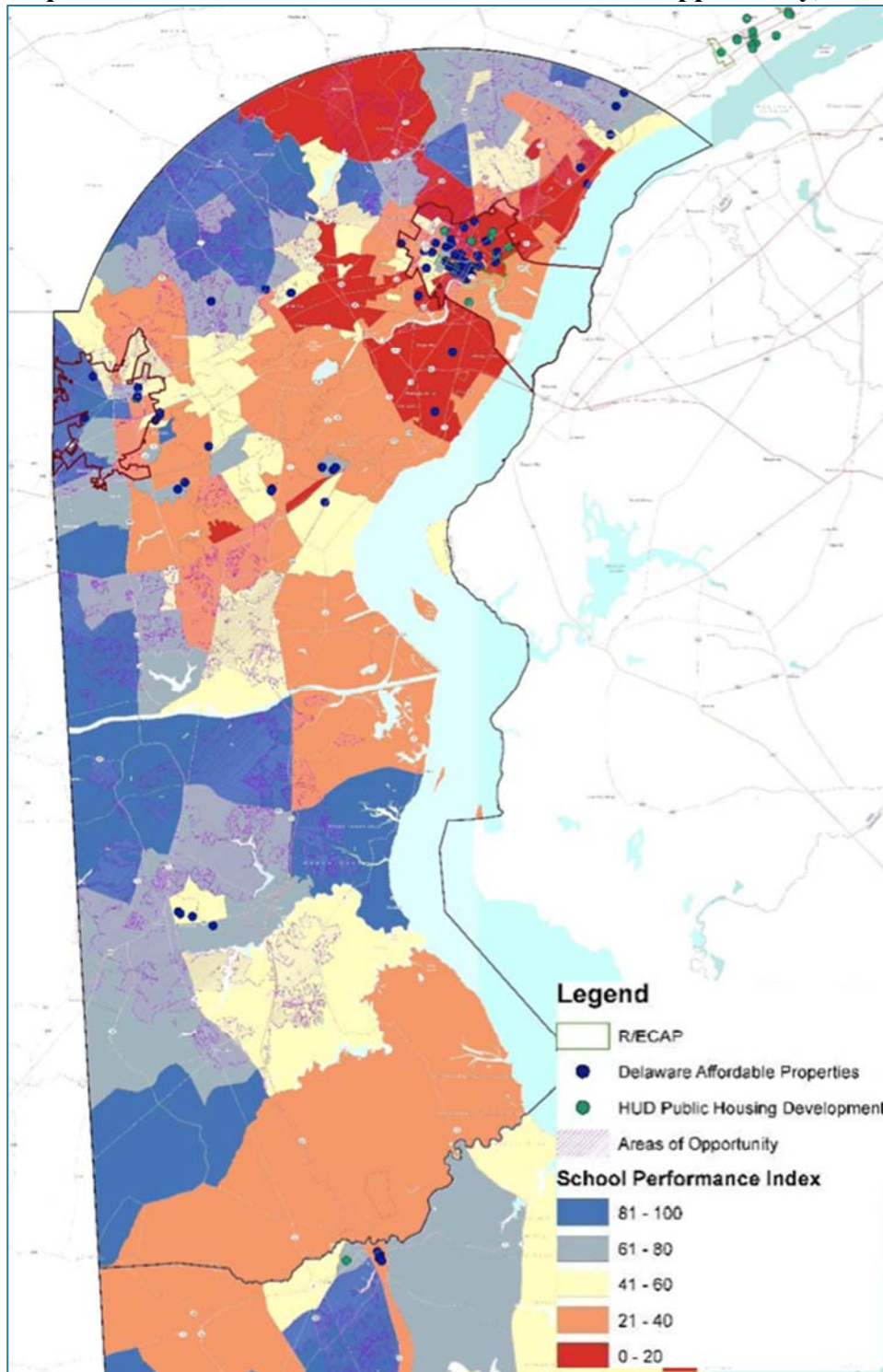
Access to proficient schools varies widely in Sussex County. Neighborhoods in the western portion of the county have very low access to proficient schools. The school proficiency index scores in this area range from as low as 1 to 12. Neighborhoods in the center of the county experience only marginally 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

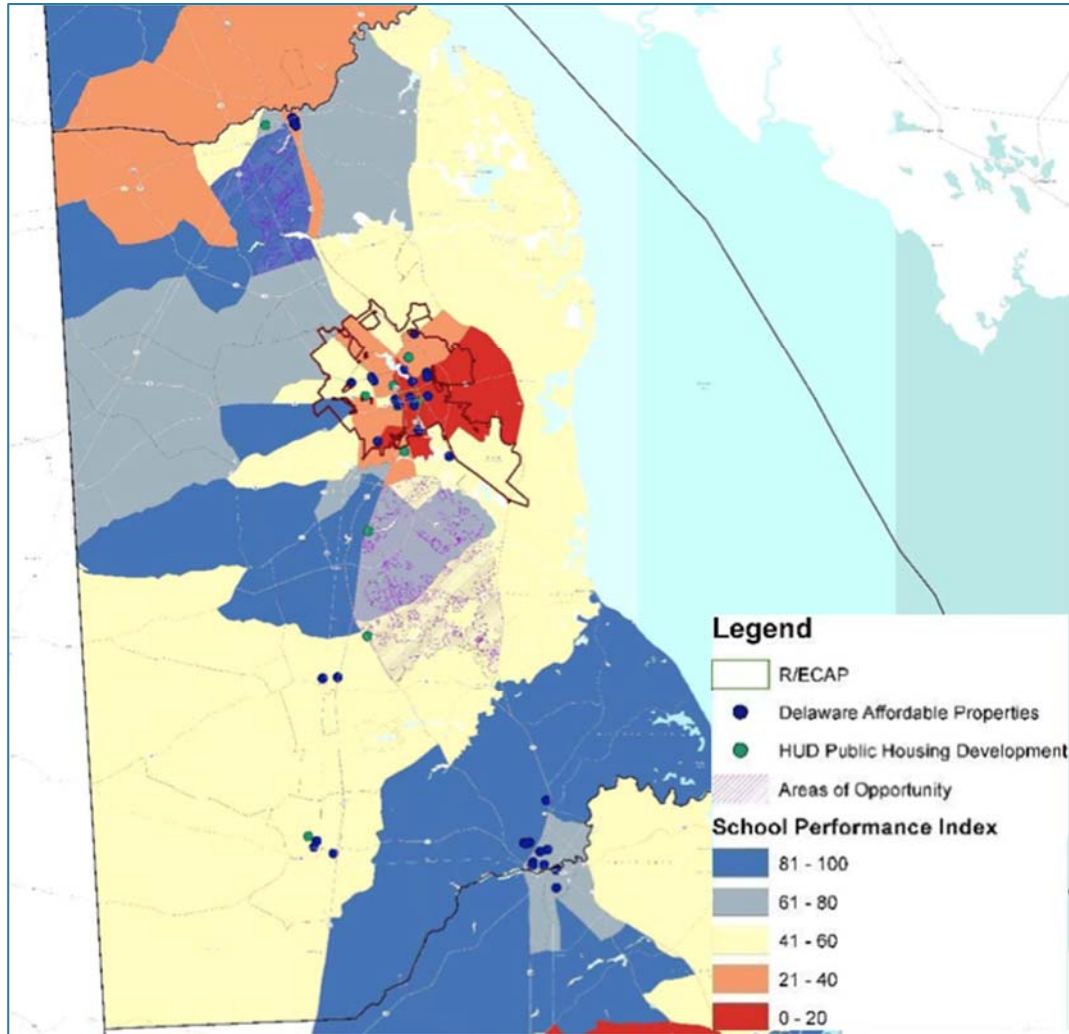
expands housing choices for low income children of color in high performing, low poverty school districts, the trend is likely to continue.

**Map B-20: School Performance Index and Areas of Opportunity, New Castle County<sup>26</sup>**

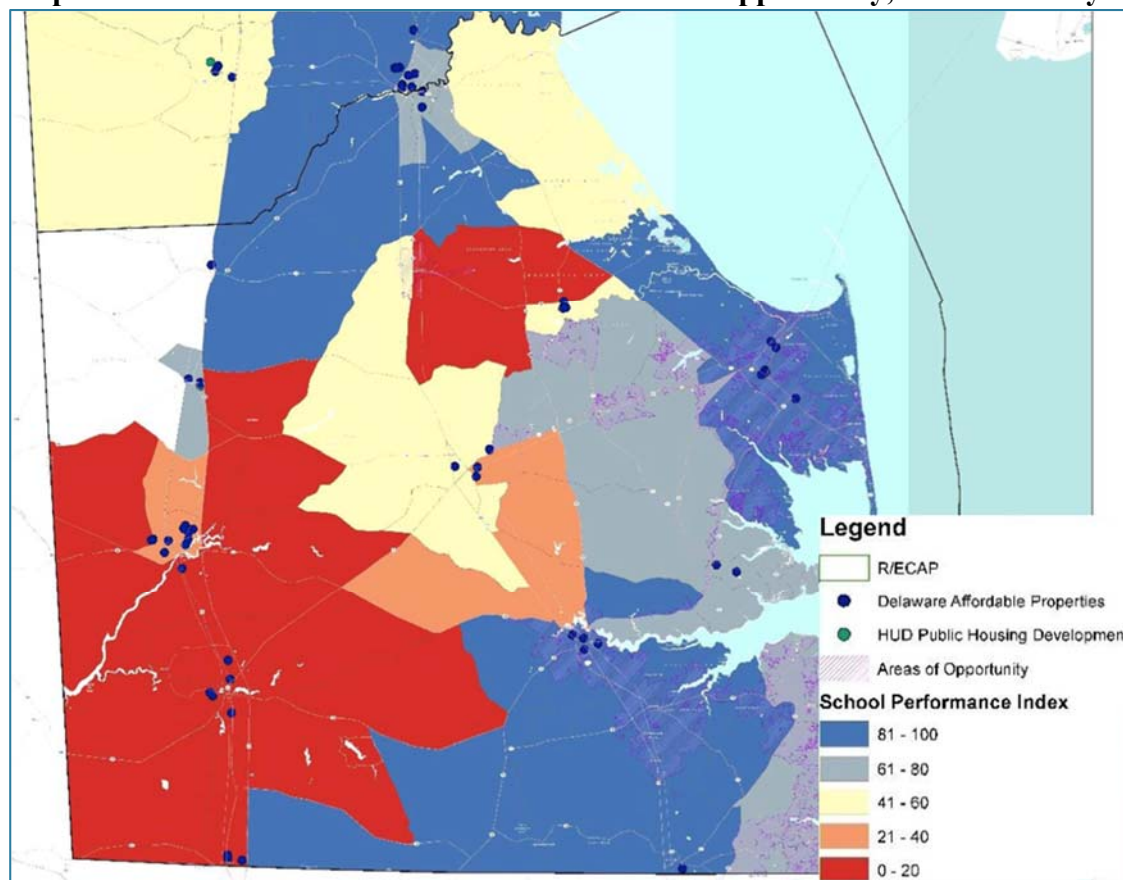


<sup>26</sup> Data Source: Great Schools; Common Core of Data; SABINS; refer to the Data Documentation for details ([www.hudexchange.info/resource/4848/affh-data-documentation](http://www.hudexchange.info/resource/4848/affh-data-documentation)).

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



**Map B-22: 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 disabilities<sup>27</sup>. 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 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.

<sup>27</sup> <https://www.urban.org/urban-wire/how-communities-are-rethinking-zoning-improve-housing-affordability-and-access-opportunity>



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 denial<sup>28</sup>. 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

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<sup>28</sup> This data does not account for credit score, though more efforts should be targeted in that direction.

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<sup>29</sup>**

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**

<b>Philadelphia Metropolitan Statistical Area</b>			
<b>Percentage of Loan Applications Approved by Race/Ethnicity and Loan Purpose</b>			
<b>Race or Ethnicity</b>	<b>Home Purchase</b>	<b>Refinancing</b>	<b>Home Improvement</b>
White, Not Hispanic	66.3%	48.5%	47.2%
Black, Not Hispanic	56.7%	30.34%	23%
Asian, Not Hispanic	64.8%	39.7%	32.5%
Hispanic/Latino	53.2%	31.6%	19%
<b>Percentage of Loan Applications Denied by Race/Ethnicity and Loan Purpose</b>			
<b>Race or Ethnicity</b>	<b>Home Purchase</b>	<b>Refinancing</b>	<b>Home Improvement</b>
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%
<b>Percentage of Originated Loans that were High-Cost by Race or Ethnicity</b>			
<b>Race or Ethnicity</b>	<b>Number of Loans Originated</b>	<b>Percentage High-Cost</b>	
White, Not Hispanic	63,553	4.6%	
Black, Not Hispanic	16,304	20%	
Asian, Not Hispanic	6433	3.6%	
Hispanic/Latino	5631	19%	

*Data Source: 2014-2017 Home Mortgage Disclosure Act Data.*

<sup>29</sup> The Philadelphia-Camden-Wilmington MSA serves as the “Region” for the Delaware, Wilmington and Newark jurisdictions.

### **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**

<b>New Castle County</b>			
<b>Percentage of Loan Applications Approved by Race/Ethnicity and Loan Purpose</b>			
<b>Race or Ethnicity</b>	<b>Home Purchase</b>	<b>Refinancing</b>	<b>Home Improvement</b>
White, Not Hispanic	67.88%	52%	59.91%
Black, Not Hispanic	54.44%	37.16%	31.1%
Asian, Not Hispanic	63.58%	52.13%	40.24%
Hispanic/Latino	59.8%	38.2%	31.8%
<b>Percentage of Loan Applications Denied by Race/Ethnicity and Loan Purpose</b>			
<b>Race or Ethnicity</b>	<b>Home Purchase</b>	<b>Refinancing</b>	<b>Home Improvement</b>
White, Not Hispanic	6.19%	18.58%	34.1%
Black, Not Hispanic	13.97%	30.75%	60.29%
Asian, Not Hispanic	8.67%	18.54%	39.05%
Hispanic/Latino	13.06%	28.9%	57.1%
<b>Percentage of Originated Loans that were High-Cost by Race or Ethnicity</b>			
<b>Race or Ethnicity</b>	<b>Number of Loans Originated</b>	<b>Percentage High-Cost</b>	
White, Not Hispanic	27,403	6%	
Black, Not Hispanic	5,946	18.7%	
Asian, Not Hispanic	2,257	1.97%	
Hispanic/Latino	1922	18.67%	

*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% 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**

<b>Kent County</b>			
<b>Percentage of Loan Applications Approved by Race/Ethnicity and Loan Purpose</b>			
<b>Race or Ethnicity</b>	<b>Home Purchase</b>	<b>Refinancing</b>	<b>Home Improvement</b>
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	51.27%	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	11.02%	22.6%	42.07%
Black, Not Hispanic	20.04%	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%	
<i>Data Source: 2014-2017 Home Mortgage Disclosure Act Data.</i>			

### 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%
<i>Data Source: 2014-2017 Home Mortgage Disclosure Act Data.</i>		

### **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**

<b>City of Wilmington</b>			
<b>Percentage of Loan Applications Approved by Race/Ethnicity and Loan Purpose</b>			
<b>Race or Ethnicity</b>	<b>Home Purchase</b>	<b>Refinancing</b>	<b>Home Improvement</b>
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%
<b>Percentage of Loan Applications Denied by Race/Ethnicity and Loan Purpose</b>			
<b>Race or Ethnicity</b>	<b>Home Purchase</b>	<b>Refinancing</b>	<b>Home Improvement</b>
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%
<b>Percentage of Originated Loans that were High-Cost by Race or Ethnicity</b>			
<b>Race or Ethnicity</b>	<b>Number of Loans Originated</b>	<b>Percentage High-Cost</b>	
White, Not Hispanic	1,774	6.9%	
Black, Not Hispanic	597	29.4%	
Asian, Not Hispanic	62	6.4%	
Hispanic/Latino	125	22.4%	
<i>Data Source: 2014-2017 Home Mortgage Disclosure Act Data.</i>			

**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**

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%	
<i>Data Source: 2014-2017 Home Mortgage Disclosure Act Data.</i>			

**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.<sup>30</sup> 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.<sup>31</sup>

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.<sup>32</sup> 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.<sup>33</sup> 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.<sup>34</sup> Area residents have also expressed concerns about negative health effects from the plant's practices.<sup>35</sup> 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.<sup>36</sup> 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.<sup>37</sup>

### ***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

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<sup>30</sup> <https://www.delawareonline.com/story/news/local/2019/03/13/shadows-delawares-biggest-polluters-live-thousands-invisible-victims/2671008002/>

<sup>31</sup> [Union of Concerned Scientists, "Environmental Justice for Delaware: Mitigating Toxic Pollution in New Castle County Communities," \(2017\).](#)

<sup>32</sup> [Kira Burkhart, Courtney Bernhardt, Tom Pelton, Eric Schaeffer, and Ari Phillips, "Water Pollution from Slaughterhouses," Environmental Integrity Project, \(2018\).](#)

<sup>33</sup> [Chris Bason, "Findings & Recommendations of the Mountaire Pollution Committee," Delaware Center for the Inland Bays, \(2018\).](#)

<sup>34</sup> [Scott Goss, "DNREC finds high levels of fecal coliform at Sussex plant," Delaware Online, \(2017\).](#)

<sup>35</sup> [Scott Goss and Maddy Lauria, "Millsboro neighbors: How long have we been drinking tainted water?," Delaware Online, \(2017\).](#)

<sup>36</sup> [Maddy Lauria, "Response to toxic water vastly different in two Sussex communities," Delaware Online, \(2018\).](#)

<sup>37</sup> [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.](#)

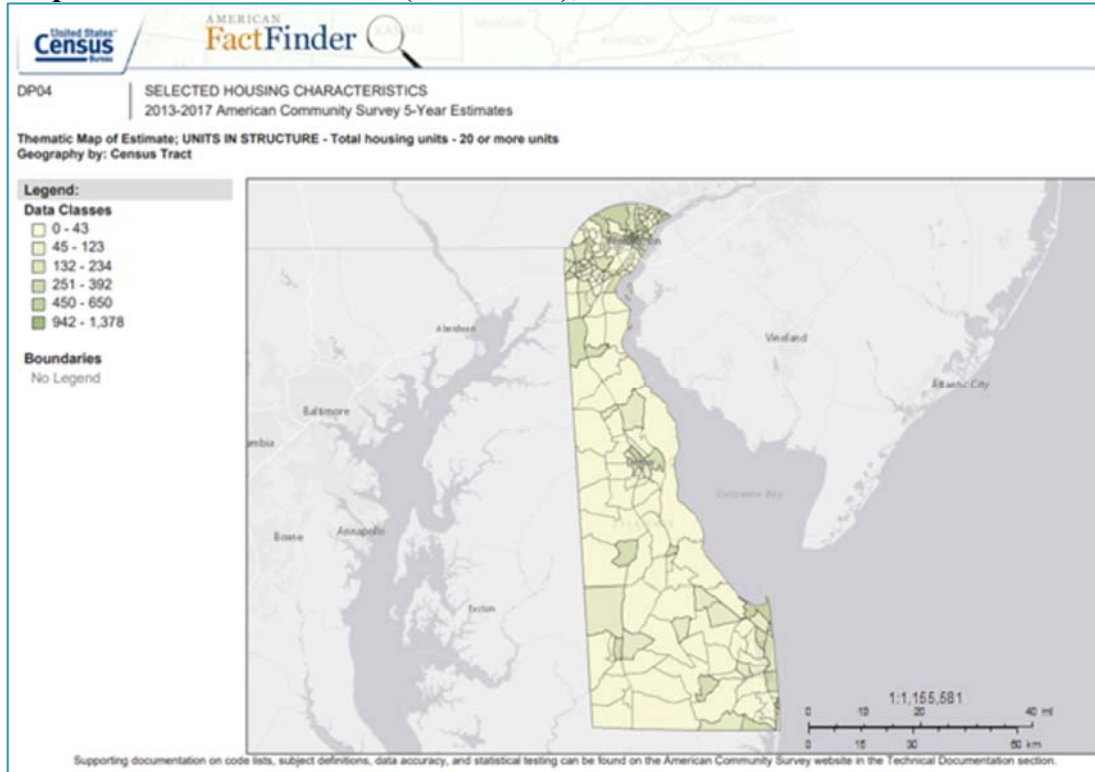
addition, the location and type of affordable housing is closely tied to related contributing factors discussed elsewhere – such as zoning, community opposition, site selection policies for publicly-supported housing, and others.

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 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.

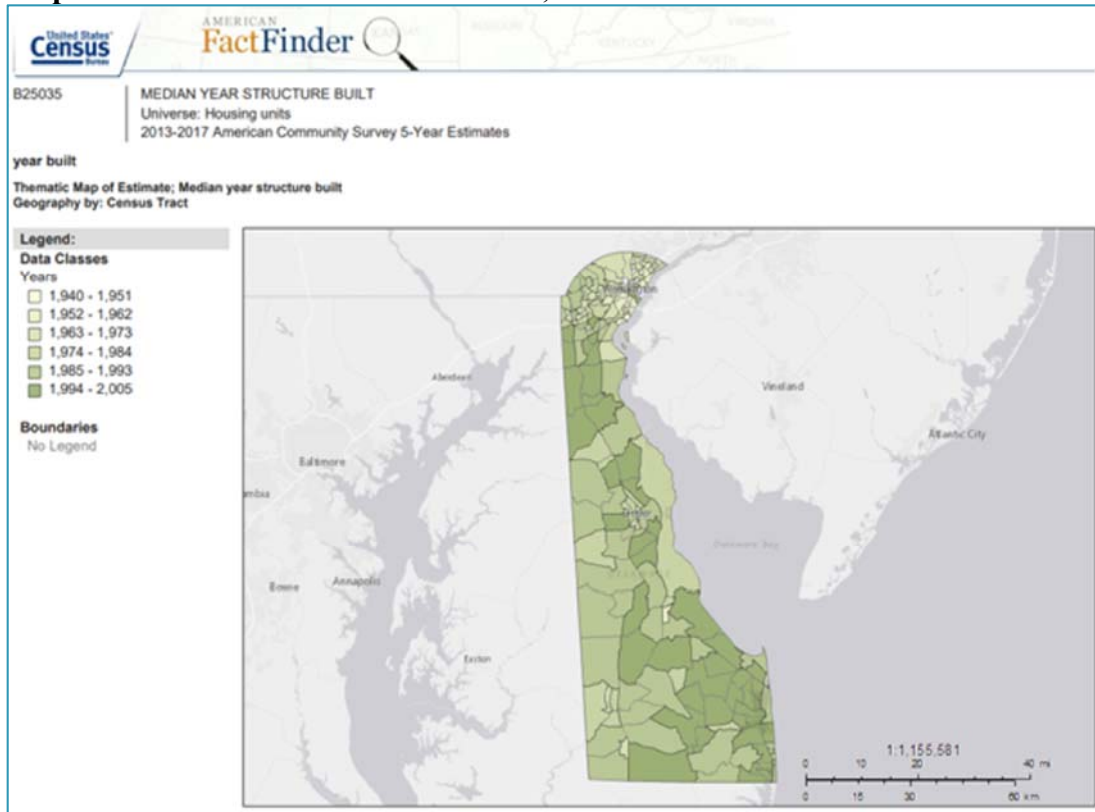
With regard to publicly supported housing, in Delaware as a whole, public housing most frequently is concentrated in neighborhoods with higher concentrations of Black residents. Other types of publicly supported housing have more variable locational patterns at the statewide level, but show segregated 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.<sup>38</sup> 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.<sup>39</sup>

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<sup>38</sup> [https://www.urban.org/sites/default/files/do\\_landlords\\_accept\\_housing\\_choice\\_vouchers\\_philadelphia.pdf](https://www.urban.org/sites/default/files/do_landlords_accept_housing_choice_vouchers_philadelphia.pdf)

<sup>39</sup> *Id.*

### ***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.

### ***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.

### ***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.

### ***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.

### ***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 (NCCCHA), 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.<sup>40</sup>

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 NCCHA 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.

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<sup>40</sup> 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.

## **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.<sup>41</sup> However, the law has a major exception that specifically excludes Housing Choice Voucher holders from protection.<sup>42</sup> 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 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).<sup>43</sup> 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. The state and local governments play a limited role with respect to the oversight as 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.

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<sup>41</sup> “Changes to Delaware Fair Housing Law,” (2016).

<sup>42</sup> DEL. CODE ANN. tit. 6, §4607(j) <http://delcode.delaware.gov/title6/c046/>

<sup>43</sup> [Wilmington, Delaware Code of Ordinances, “Article III: Fair Housing.”](#)

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.<sup>44</sup> Eastern Wilmington faces problems with deteriorated 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.<sup>45</sup> In 2017, anti-blight legislation was signed into law to give local governments tools and support to fight blight in their jurisdictions.<sup>46</sup> 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**

<b>3-Bedroom Fair Market Rent<sup>47</sup></b>						
	<b>2000</b>	<b>2005</b>	<b>2010</b>	<b>2015</b>	<b>2019</b>	<b>Change</b>
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%

*Source: HUD Fair Market Rents for years 2000, 2005, 2010, 2019*

According to median home prices compiled by DSHA<sup>48</sup>, 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 in all three counties have almost doubled since 2000. Using HUD’s Fair Market Rent for

<sup>44</sup> <https://www.delawareonline.com/story/opinion/editorials/2018/10/10/wilmington-council-should-approve-mayors-anti-blight-plan/1589892002/>

<sup>45</sup> [http://destatehousing.com/FormsAndInformation/Publications/2014\\_housing\\_needs\\_full.pdf](http://destatehousing.com/FormsAndInformation/Publications/2014_housing_needs_full.pdf)

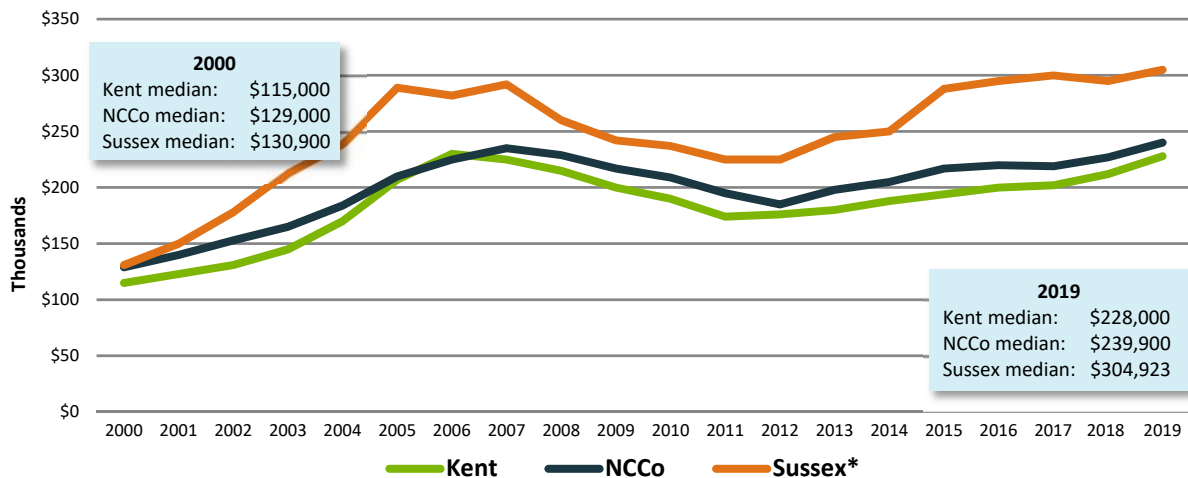
<sup>46</sup> <https://news.delaware.gov/2017/09/07/anti-blight/>

<sup>47</sup> 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.

<sup>48</sup> Sussex County Association of Realtors, Bright MLS, MarketTrac (Sussex, Q1 2015 - Q1 2020).

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.

**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.

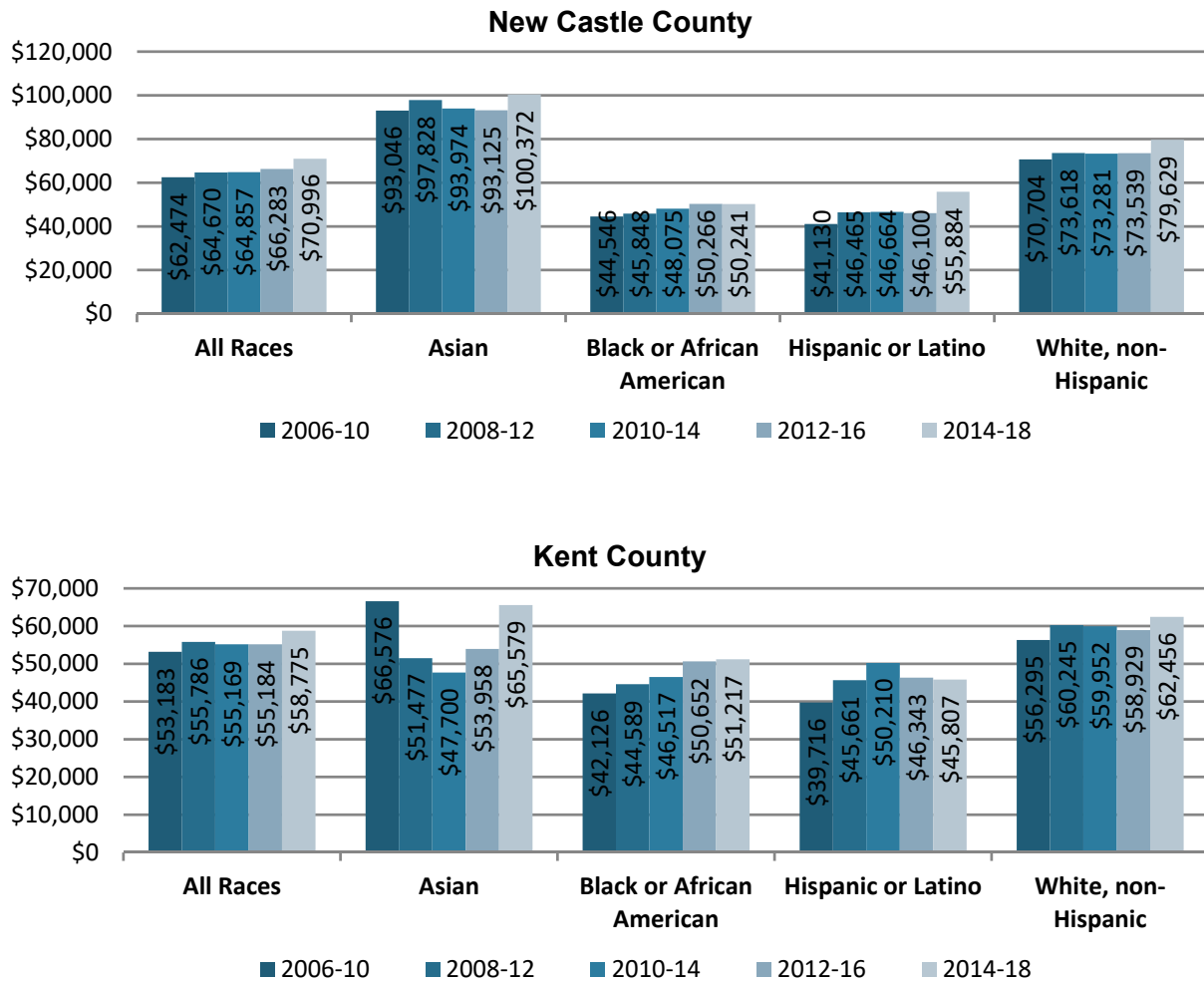
In Kent County, similar trends are demonstrated with Asian and White household incomes being much higher than Hispanic and Black household income. During this time, White household incomes were approximately \$8,000 to \$16,000 more than Black household income and \$10,000 to \$16,700 more than Hispanic 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 \$13,00 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

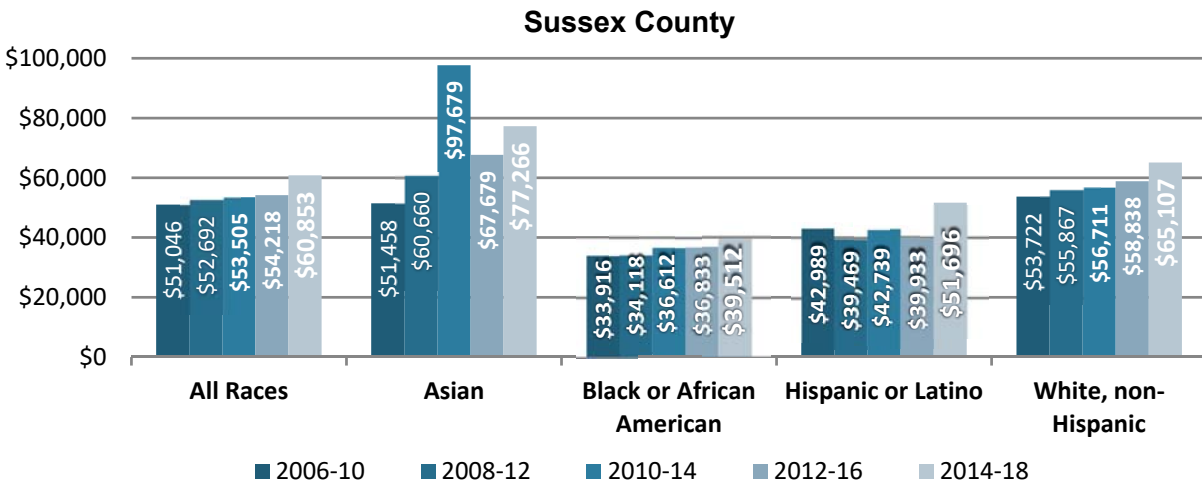
necessarily pushing them out in the traditional, gentrification sense. However, the exception is the coastal area in Sussex County. Given that Sussex County currently has the highest housing costs for both homeowners and renters, the cycle of eviction in disinvested areas, discussed during the community 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 County<sup>49</sup>**



<sup>49</sup> 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 tracts were designated Opportunity Zones by the U.S. Department of Treasury, which means they are eligible for tax incentives to encourage private investment.<sup>50</sup> 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.<sup>51</sup> 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 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.

<sup>50</sup> <https://governor.delaware.gov/communities/>

<sup>51</sup> [http://www.destatehousing.com/Developers/developermedia/ddd annual report 2019.pdf](http://www.destatehousing.com/Developers/developermedia/ddd%20annual%20report%202019.pdf)

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.<sup>52</sup> Additionally, in 2017, statewide anti-blight legislation was signed into law to give local governments tools and support to fight blight in their jurisdictions.<sup>53</sup>

### **Region: Philadelphia-Camden-Wilmington, PA-NJ-DE-MD**

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”<sup>54</sup>. Affordable housing is a key part of this plan, but concerns exist about rising eviction rates to make way for redevelopment.<sup>55</sup> In addition, there has been a recent effort to redevelop Rt. 9 by increasing walkability in some areas and overall expanding access to the highway<sup>56</sup>.

### **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.<sup>57</sup> 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 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

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<sup>52</sup> <https://www.wmdt.com/2019/02/4-6-million-awarded-to-help-revitalize-delaware-cities-and-towns/>

<sup>53</sup> <https://news.delaware.gov/2017/09/07/anti-blight/>

<sup>54</sup>

<https://static1.squarespace.com/static/53765450e240105d20505681/t/5665f9040667a0e20c94165/1449521840727/2015-Blumberg+Transformation+--RevisedPlan-web23.pdf>

<sup>55</sup> <https://billypenn.com/2018/04/13/one-downside-of-phillys-revitalization-a-high-eviction-rate/>

<sup>56</sup> [http://wilmmapco.org/Rt\\_9/Route9MP\\_TransportationPriorityWhitePaper.pdf](http://wilmmapco.org/Rt_9/Route9MP_TransportationPriorityWhitePaper.pdf)

<sup>57</sup> <https://www.nccde.org/DocumentCenter/View/21255/Comp-Plan-2016-Annual-Report?bidId=>

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.

## **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.<sup>58</sup>

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.<sup>59</sup> \$100 million has been budgeted for the project, with the bulk of funding coming from low income housing tax credits, donations and grants.<sup>60</sup>

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.<sup>61</sup>

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 housing<sup>62</sup>, and with organizations like West Side Grows Together, a collaborative effort aimed to advance opportunities and infrastructure in the area.

## **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 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.<sup>63</sup> The City is focusing on job growth and attracting commercial investment as well through its Restoring Central Dover plan adopted in 2014

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<sup>58</sup> <https://www.wilmingtonde.gov/home/showdocument?id=164>

<sup>59</sup> <https://delawarebusinessnow.com/2018/11/riverside-purpose-built-effort-aims-to-revitalize-northeast-wilmington-neighborhood/>

<sup>60</sup> <https://www.delawareonline.com/story/news/2018/11/14/100-million-plan-would-revitalize-wilmington-neighborhood/1946491002/>

<sup>61</sup>

<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-housin>

<sup>62</sup> <https://www.delawarepublic.org/post/redeveloping-flats-seeks-reinvigorate-neighborhood-while-retaining-its-character>

<sup>63</sup> <https://delawarestatenews.net/news/nine-properties-set-for-for-revitalization-in-downtown-dover/>

aimed at improving safety, infrastructure, transit, economic accessibility, and a variety of other factors over a 75-block span.<sup>64</sup>

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.<sup>65</sup> 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.

### ***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

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<sup>64</sup> [http://www.ncall.org/wp-content/uploads/2015/04/Restoring\\_Central\\_Dover\\_Strategic\\_Plan\\_Executive\\_Summary.pdf](http://www.ncall.org/wp-content/uploads/2015/04/Restoring_Central_Dover_Strategic_Plan_Executive_Summary.pdf)

<sup>65</sup> <https://www.delawarebusinesstimes.com/milford-banks-on-mispillion-river-for-revitalization/>

written notice of right to free translation for all other languages.<sup>66</sup> 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 15<sup>th</sup> most expensive state for renters.<sup>67</sup> Kent County has the highest number of affordable units while New Castle County has the least.<sup>68</sup> According to the National Low-Income Housing Coalition, there is a shortage of 17,114 units for extremely low-income renters.<sup>69</sup>

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.<sup>70</sup> 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

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<sup>66</sup> [http://www.destatehousing.com/FormsAndInformation/Publications/lep\\_plan.pdf](http://www.destatehousing.com/FormsAndInformation/Publications/lep_plan.pdf), pg. 2

<sup>67</sup> *Id.*

<sup>68</sup> *Id.*

<sup>69</sup> [National Low-Income Housing Coalition, “2019 Delaware Housing Profile,” \(2019\).](#)

<sup>70</sup> 16 Del. C. 1953, § 7601.

single housekeeping unit in a dwelling unit.”<sup>71</sup> 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.<sup>72</sup> The County has also adopted the International Residential Code.<sup>73</sup> 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.<sup>74</sup> 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.”<sup>75</sup> This ordinance made changes to the definitions of “Dwelling,” Dwelling, Single Family,” and “Dwelling, Multifamily”; the definition of the word “Family” was deleted entirely.<sup>76</sup> There are no restrictions regarding where voucher holders can or cannot live.

### ***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.

### ***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.

### ***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

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<sup>71</sup> 65 Del. Laws, c. 153 §4106 (a) (14).

<sup>72</sup> New Castle County Code of Ordinances, §6.04.001, 6.04.001.

<sup>73</sup> New Castle County Code of Ordinances, §6.05.001

<sup>74</sup> Kent County Code, §143-6

<sup>75</sup> [https://sussexcountyde.gov/sites/default/files/ordinances/o2374\\_dwelling\\_definition\\_ordinance.FINAL\\_12-02-14.pdf](https://sussexcountyde.gov/sites/default/files/ordinances/o2374_dwelling_definition_ordinance.FINAL_12-02-14.pdf)

<sup>76</sup> *Id.*

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.<sup>77</sup> 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),<sup>78</sup> 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;

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<sup>77</sup> DE State 2019 QAP at 42, available at [http://www.destatehousing.com/Developers/lihtc/2019/2019\\_qap.pdf](http://www.destatehousing.com/Developers/lihtc/2019/2019_qap.pdf).

<sup>78</sup> QAP at 42.



- 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.<sup>79</sup>

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 project’s visual character respects and makes a positive contribution to the surrounding community”).<sup>80</sup>

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 accordable 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.<sup>81</sup> 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

<sup>79</sup> QAP at 7-8.

<sup>80</sup> QAP at 45.

<sup>81</sup> [Taylor Goebel, “Live where you work, unless at the beach. Affordable housing slim at resorts,” Delmarva Now, \(2018\).](#)

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.<sup>82</sup> This contributes to long commute time for workers who are in low-wage occupations.<sup>83</sup>

## 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**

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).

<sup>82</sup> Delaware Housing Needs Assessment, 190.

<sup>83</sup> [City of Wilmington, “Five-Year Consolidated Plan”, \(2015\).](#)

## ***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.<sup>84</sup> 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

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<sup>84</sup> <https://www.doe.k12.de.us/cms/lib/DE01922744/Centricity/Domain/167/FINAL%20Restraint%202016-2017%20Annual%20Report%20Suppressed%20.pdf>

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 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.<sup>85</sup> 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.<sup>86</sup> 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.<sup>87</sup> 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 40<sup>th</sup> percentile of rents in the zip code). For a three-bedroom apartment, the

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<sup>85</sup> <http://delcode.delaware.gov/title10/c009/sc03/index.shtml>

<sup>86</sup> <http://www.delcode.delaware.gov/title25/c053/index.shtml>

<sup>87</sup> [https://dcadv.org/file\\_download/inline/322287cf-e016-4394-b882-4216aeb19264](https://dcadv.org/file_download/inline/322287cf-e016-4394-b882-4216aeb19264)

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.

### **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 40<sup>th</sup> 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 an initial short search time of 60 days, and a general policy for a request for a 30-day extension of the voucher term for up to 120 days total, 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 Private Investment in Specific Neighborhoods - LOW***

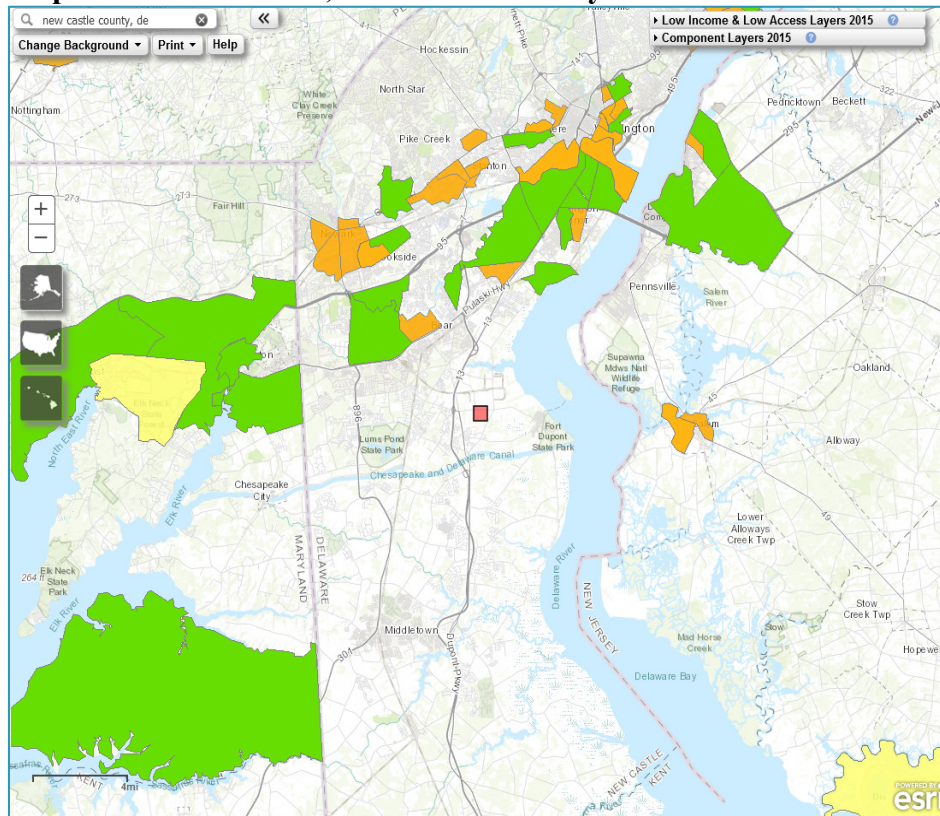
Lack of private investment in specific neighborhoods is not a significant contributing factor to segregation. This is based on an analysis of reliable indicators that include: 1) a lack of pharmacies; 2) a lack of banks; and 3) the presence of food deserts. Credit is also due to the DDD program, which 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 County<sup>88</sup>

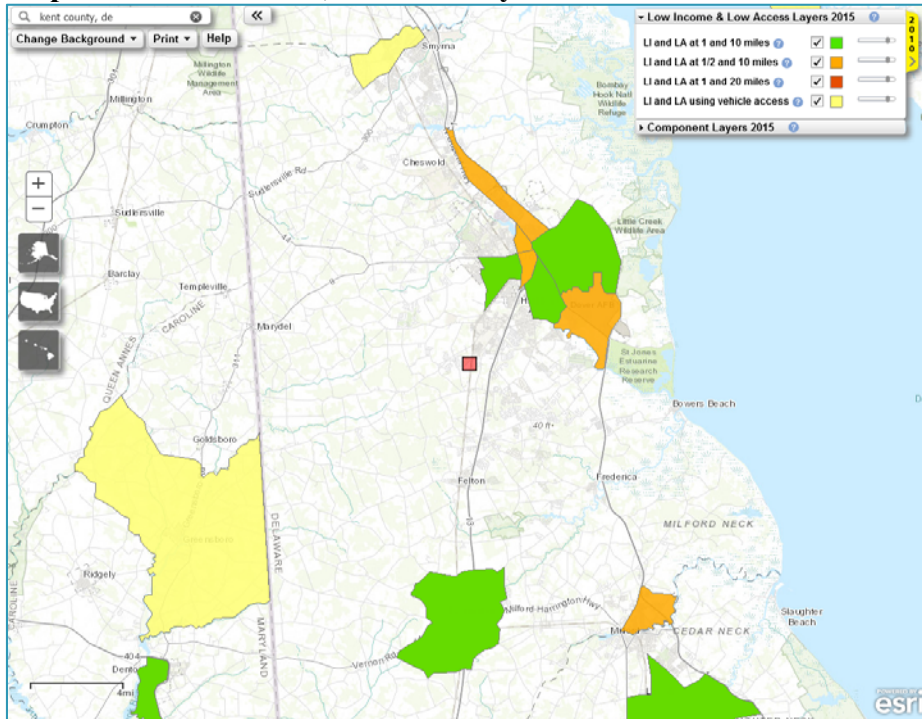


Wilmington and Dover are orange (1/2 mile from a grocery store) rather than green (1 mile from a grocery store), and is a better indication, as far as food desert designations go. Even though there are significant areas labeled as either green or orange, that the most disinvested areas (as far as concentrated 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.

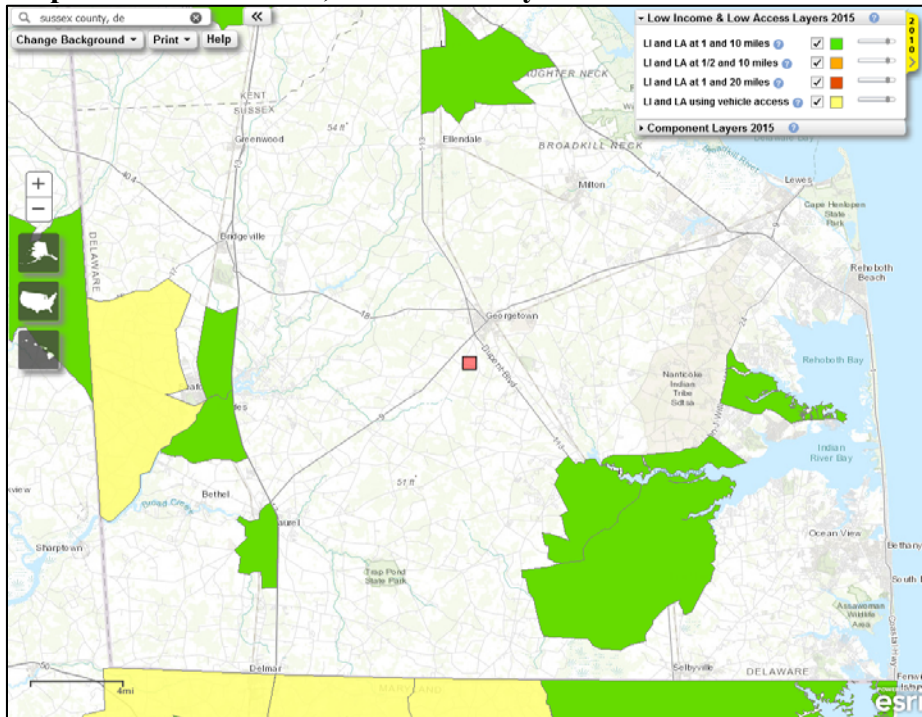
<sup>88</sup> Data source: *Food Access Research Atlas*



**Map V-7: Food Deserts, Kent County<sup>89</sup>**



**Map V-8: Food Deserts, Sussex County<sup>90</sup>**



<sup>89</sup> Data source: *Food Access Research Atlas*

<sup>90</sup> 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 is 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.<sup>91</sup> The ACLU of Delaware recently settled its case against the City of Wilmington for unconstitutional arrests.<sup>92</sup> The office currently has two open civil rights cases, one arguing that Delaware is failing to provide equitable funding for public schools<sup>93</sup> and another representing a transgender prisoner alleging several civil rights violations.<sup>94</sup>

### ***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

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<sup>91</sup> See *Fair Housing Enforcement, Outreach Capacity, and Resources*.

<sup>92</sup> <https://www.aclu-de.org/en/cases/wright-v-City-wilmington>

<sup>93</sup> <https://www.aclu-de.org/en/cases/aclu-de-challenges-states-allocation-resources-schools>

<sup>94</sup> <https://www.aclu-de.org/en/cases/aclu-de-attorneys-represent-transgender-prisoner-civil-rights-violations>

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.

## GLOSSARY

**Accessibility:** the extent to which 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 which outlines 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 effect 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 based on federal and local protected characteristics is currently illegal.

**Density Bonus:** an incentive for developers that allows them 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 the property owner 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 various transactions involved in obtaining a home, such as obtaining insurance or securing a loan. 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 4<sup>th</sup> 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 survivors who are evicted because of events related to domestic violence or stalking, funding for survivor 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 those with disabilities, and legal aid for survivors of domestic violence.

**White Flight:** white families that moved from cities to suburbs in response to desegregation.