

September 30, 2013

**ELECTRONIC TRANSMISSION AND FEDERAL EXPRESS OVERNIGHT**

Ms. Barbara Delaney  
([Barbara.R.Delaney@hud.gov](mailto:Barbara.R.Delaney@hud.gov))  
Office of Fair Housing and Equal Opportunity  
Philadelphia Center Director  
100 Penn Square East - Wanamaker Building,  
10th Floor  
Philadelphia, PA 19107

Christopher J. Fregiato, Esq.  
([Christopher.Fregiato@usdoj.gov](mailto:Christopher.Fregiato@usdoj.gov))  
Chief  
Attn: DJ #175-15-46  
Housing and Civil Enforcement Section  
Civil Rights Division  
United States Department of Justice  
1800 G Street NW  
Washington, DC 20006

Re: Interim Compliance Letter Under the Sussex County Draft  
Affordable and Fair Housing Marketing Plan

Dear Ms. Delaney and Mr. Fregiato:

Under Sussex County's revised draft Affordable and Fair Housing Marketing Plan, Section IV.A(1)(e), the County committed to formulating a policy regarding affordable housing projects seeking support by September 30, 2013. As part of the policy, "conditional support letters may be provided upon proof of affordability. The support letter would not only commend affordable housing construction, but also perhaps provide waivers of certain fees upon the satisfaction of the planning approval process."


Attached please find the Affordable Housing Support Policy ("the Policy, **Exhibit 1**) and the template support letter ("Template Support Letter, **Exhibit 2**). The Delaware State

YOUNG CONAWAY STARGATT & TAYLOR, LLP  
Ms. Barbara Delaney  
Christopher J. Fregiato, Esq.  
September 30, 2013  
Page 2

Housing Authority has reviewed the Policy and provided comments. All of DSHA's comments were subsequently incorporated into the Policy.

Please feel free to contact me with any questions or comments.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'S L H', with a long horizontal flourish extending to the right.

Stephanie L. Hansen

cc: Alice Hung (via email at [Alice.Hung@usdoj.gov](mailto:Alice.Hung@usdoj.gov))  
Ms. Melody Taylor-Blancher (via email at [Melody.C.TaylorBlancher@hud.gov](mailto:Melody.C.TaylorBlancher@hud.gov))  
Mr. Todd Lawson (via email at [tlawson@sussexcountyde.gov](mailto:tlawson@sussexcountyde.gov))  
Ms. Brandy Nauman (via email at [bnauman@sussexcountyde.gov](mailto:bnauman@sussexcountyde.gov))

**Exhibit List**

Exhibit 1 - Sussex County's Affordable Housing Support Policy

Exhibit 2 - Sussex County's Template Support Letter

# Exhibit 1

**COMMUNITY  
DEVELOPMENT & HOUSING**

BRAD D. WHALEY  
DIRECTOR

(302) 855-7777 T  
(302) 854-5397 F



**Sussex County**  
DELAWARE  
sussexcountyde.gov

**Affordable Housing Support Policy**

**I. Mission Statement**

It is Sussex County's mission to promote non-discrimination and affirmatively further fair and equal housing opportunities for all, and further, to inform housing developers and the general public that the County supports the development of affordable housing opportunities in Sussex County.

**II. Affordable Housing Subdivisions**

Sussex County promotes racially/ethnically diverse, mixed income, affordable housing in all areas under its jurisdiction. Accordingly, Developers are encouraged to provide affordable housing opportunities to Sussex County residents in all new developments, affirmatively market those affordable housing units to diverse populations, and meet with the surrounding residents early in the development approval process.

**III. Affordable Housing Defined**

- a. **Homeownership:** Sussex County considers an affordable housing project to be a housing project in which any portion thereof is designed or intended to serve households earning less than 125 percent of the Area Median Income for Sussex County as calculated by the U.S. Department of Housing and Urban Development annually, and which is comprised of at least one of the following elements:
  - i. Seeking participation in Sussex County's Moderately Priced Housing Unit (MPHU) Program
  - ii. Applying for funding by the Delaware State Housing Authority's (DSHA) Housing Development Fund (HDF)
  - iii. Applying for HOME Investment Partnerships (HOME) funding through DSHA
  - iv. Applying for a Section 523 or 524 Rural Housing Site Loan through the U.S. Department of Agriculture (USDA) Rural Development
  - v. Sussex County Habitat for Humanity
  - vi. Milford Housing Development Corporation
  - vii. Community Land Trust
  - viii. Other elements which, in the County's discretion, meet the goals and objectives set forth in the Affordable Housing Support Policy Mission Statement.



- b. **Rental:** Sussex County considers an affordable rental housing project to be a rental housing project in which any portion thereof is designed or intended to serve households earning less than 80 percent of the Area Median Income for Sussex County as calculated by the U.S. Department of Housing and Urban Development annually, and which is comprised of at least one of the following elements:
- i. Seeking participation in the Sussex County Rental Program (SCRCP)
  - ii. Applying for funding by the Delaware State Housing Authority's (DSHA) Housing Development Fund (HDF)
  - iii. Applying for HOME Investment Partnerships (HOME) funding through DSHA
  - iv. Applying for funding by DSHA's Low Income Housing Tax Credits (LIHTC) program
  - v. Applying for Multi-Family Mortgage Revenue Bond Program (MFMRB) financing through DSHA
  - vi. Applying for a Rural Rental Housing Loan through USDA Rural Development
  - vii. Applying for a Guaranteed Rental Housing Loan through USDA Rural Development
  - viii. Community Land Trust
  - ix. Other elements which, in the County's discretion, meet the goals and objectives set forth in the Affordable Housing Support Policy Mission Statement.

#### **IV. Affordable Housing Project Support**

Sussex County will provide conditional letters of support to developers of affordable housing projects, provided that the project qualifies under the definitions above. Further, support letters for affordable rental housing projects will only be authorized if the project is proposed in an Area of Opportunity, as defined by DSHA in Exhibit A. For further information regarding impacted areas versus areas of opportunity, please contact Karen Horton with DSHA at (302) 739-4263. **Note:** Letters of support do not exempt the developer from the County's planning and zoning process, nor guarantee approval through that process.

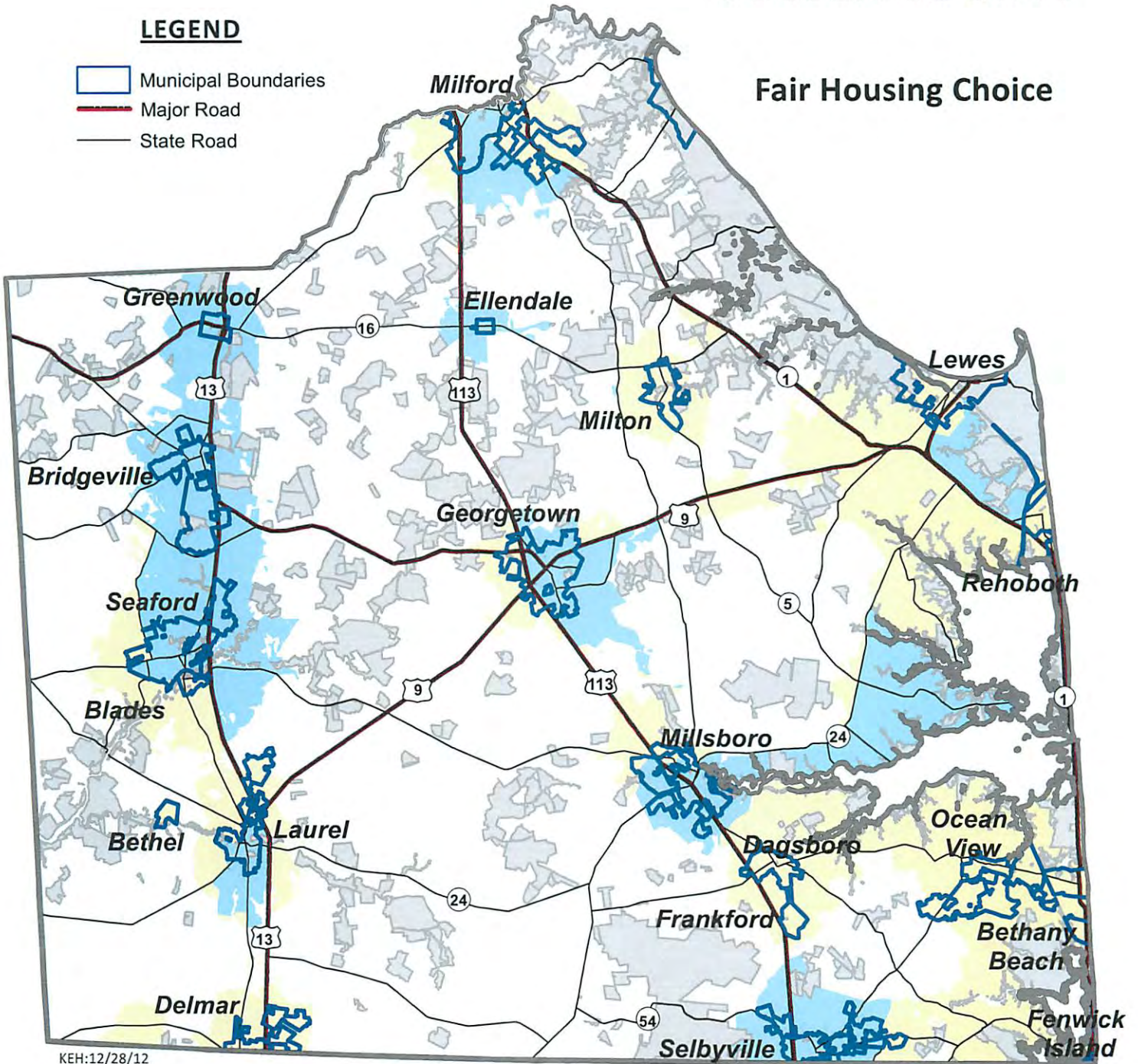
# EXHIBIT A

# SUSSEX COUNTY

## Fair Housing Choice

### LEGEND

- Municipal Boundaries
- Major Road
- State Road



KEH:12/28/12

POLICY AREAS	Severely Impacted	Impacted	Areas of Opportunity	Agriculture	Not Developable
<b>Definitions</b>	homeownership rate < 50% and subsidized housing > 25%	Areas that contain concentrations of racial, ethnic, and/or LMI persons	Areas not concentrated - access to infrastructure	Open-space/natural areas and agricultural	Publicly-owned, legal and/or environmental constraints
<i>State Strategies Investment Areas</i>	Level 1, 2, and 3	Level 1, 2, and 3	Level 1, 2, and 3	Level 4	Out of Play

## Exhibit 2

**COMMUNITY  
DEVELOPMENT & HOUSING**

BRAD D. WHALEY  
DIRECTOR

(302) 855-7777 T  
(302) 854-5397 F



**Sussex County**  
DELAWARE  
sussexcountyde.gov

RE: Affordable Housing in Sussex County

Dear:

Thank you for your interest in promoting affordable housing opportunities in Sussex County. Sussex County endeavors to promote non-discrimination and affordable housing whenever possible throughout the County. The Sussex County Affordable Housing Support Policy, which outlines the County's mission and guidelines to promote affordable housing is enclosed for review.

In this regard, developers and financial institutions are encouraged to provide and finance affordable housing opportunities to Sussex County residents in all new developments, and affirmatively market those affordable housing units to diverse populations. If you have questions about opportunities available for affordable housing projects within Sussex County, please consult Sussex County's "Affordable & Fair Housing Resource Center" located at <http://www.sussexcountyde.gov/fairhousing>. In addition, please contact our Housing Coordinator and Fair Housing Compliance Officer, Brandy Nauman at 302-855-7779 or her email address: [bnauman@sussexcountyde.gov](mailto:bnauman@sussexcountyde.gov). Ms. Nauman can advise you of existing affordable housing opportunities in Sussex County and direct you to the appropriate Sussex County Department regarding specific development issues concerning future affordable housing projects that you may be considering within Sussex County.

Ms. Nauman and our Department can also explain and assist with any financial support that may be available to a project such as yours from federal, state and county sources, as well as private funding sources that also promote affordable housing in Sussex County.

Please understand that all residential projects, including Affordable Housing Projects are subject to the applicable provisions of the Sussex County Subdivision and Zoning Codes, and the approval processes set forth in those Codes.

On behalf of Sussex County, we look forward to cooperating with you and your project as it moves forward.



COUNTY ADMINISTRATIVE OFFICES WEST COMPLEX  
22215 DUPONT BOULEVARD | PO BOX 589  
GEORGETOWN, DELAWARE 19947



Sincerely,

Brad D. Whaley  
Director

Enclosure