

Public Notice

Sussex County Voluntary Compliance Agreement

Sussex County signed a Voluntary Compliance Agreement (VCA) with the U.S. Department of Housing and Urban Development (HUD), dated November 28, 2012, addressing issues related to the prior denial of the New Horizons land development plan filed by the Diamond State Community Land Trust (DSCLT) for a property near Laurel, Delaware.

The following is a summary of the general provisions and corrective actions contained within the VCA:

- (1) The VCA is not a final finding or determination by HUD that the County intentionally engaged in any unlawful practice and the County admits no wrong-doing.
- (2) The VCA does not increase or decrease the ability of any person or class of persons to exercise their rights to sue for any alleged breach of the VCA and it does not affect the rights of any other person if they believe a Fair Housing or Civil Rights violation has occurred.
- (3) HUD believes the VCA addresses all issues related to the New Horizons application and the County's requirement to affirmatively further fair housing.
- (4) The VCA is a publicly-accessible document under Delaware's Freedom of Information Act. A copy may be requested from the County by following the instructions found at: <http://www.sussexcountyde.gov/foia.cfm> or can be accessed via HUD's website at <http://portal.hud.gov/hudportal/documents/huddoc?id=13diamondstconc.pdf>.
- (5) Within 90 days and annually thereafter for four years, the County will receive training on the requirements of the Fair Housing Act and the U.S. Department of Justice Consent Decree related to this matter.
- (6) The County will reconsider the New Horizons development plan and reimburse DSCLT \$750,000 from insurance proceeds per the terms of the Consent Decree.
- (7) The County will comply with guidance from the Delaware State Housing Authority (DSHA) designed to affirmatively further fair housing.
- (8) The County will appoint or hire a Fair Housing Compliance Officer to oversee compliance with the VCA and the Consent Decree. If the Officer resigns or is terminated, a new Officer will be appointed within 15 days.
- (9) The County will develop a priority fair housing plan to address any outstanding impediments to fair housing previously identified by the State (1998, 2003, and 2011 Analysis of Impediments will be evaluated) and will submit the plan to the State and HUD for approval. The plan will incorporate strategies to increase housing opportunities and mechanisms for affirmatively furthering fair housing using CDBG and other funds. The plan will incorporate a strategy to increase housing opportunities

throughout the County taking into account the housing needs of African American and Hispanic residents.

(10) In future planning efforts, the County will collaborate with the DSHA and the Office of State Planning and Coordination to develop an affordable housing strategy throughout the County.

(11) The County's Fair Housing Compliance Officer will identify successful models of affordable housing strategies from other jurisdictions for presentation to the County to assist the County in formulating its affordable housing policy.

(12) The County will amend its Moderately Priced Housing Unit program to apply to homebuyers earning 50% to 125% of the County's median income.

(13) The County will perform an internal evaluation of identified minority communities to determine investment strategies and develop a prioritization scheme and approval process for infrastructure improvements. The evaluation, the approval process, and the approvals granted will be posted on the County's website.

(14) The County will revise its methodology currently proposed by DSHA to target minorities with disproportionate housing needs to ensure that minorities are benefitting from all affordable housing programs supported by the County.

(15) The County will provide semi-annual reports to HUD detailing the steps it has taken to address all of the above items for the next four years.

Any questions regarding the VCA should be directed to Stephanie L. Hansen, Esq., Young Conaway Stargatt & Taylor LP, at (302) 571-6733 or shansen@ycst.com.