

ORDINANCE NO. 2302

AN ORDINANCE TO AMEND CHAPTER 72, ARTICLE I OF THE CODE OF SUSSEX COUNTY BY AMENDING THE DEFINITION AND APPLICATION OF "MODERATE INCOME" USED TO DETERMINE ELIGIBILITY FOR MODERATELY PRICED HOUSING UNITS

WHEREAS, Sussex County Code, Chapter 72, Article I, defines "moderate income" and eligibility requirements for moderately priced housing units; and

WHEREAS, § 72-5 of the current ordinance defines "moderate income" as "80% to 125% of area median income adjusted for household size as defined by the U.S. Department of Housing and Urban Development (HUD)"; and

WHEREAS, Sussex County desires to broaden the definition of "moderate income" to "50% to 125% of the area median income adjusted for household size as defined by the U.S. Department of Housing and Urban Development (HUD)" and its application under the Chapter, thereby allowing a greater number of residents to qualify for moderately priced housing units;

NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. Amend Sussex County Code, Chapter 72, Article I, § 72-3C., Governmental Findings, by deleting the language in brackets and inserting the underlined language as follows:

"C. In turn, the supply of moderately priced housing has decreased over the past 10 years as housing costs have escalated due to the influx of affluent households. The most recent real estate data suggests that households earning [80%]50% to 125% of the area median income have very few choices for modern, modest quality housing except in the most western areas of the County and, even there, choices and supply are limited."

Section 2. Amend the definition of "Moderate Income" in Sussex County Code, Chapter 72, Article I, § 72-5, Definitions, by deleting the language in brackets and inserting the underlined language as follows:

"MODERATE INCOME

Those levels of income established by the County Administrator which prohibit or severely limit the financial ability of persons to buy housing in Sussex County. [Initially, m]Moderate income is established as [80%]50% to 125% of area median income adjusted for household size as defined by the U.S. Department of Housing and Urban Development (HUD). Income includes salary, wages, dividends, interest and all other sources recognized by HUD from the eligible buyer and all other adults who will occupy the MPHU. Further, for persons or households with significant assets that do not produce income, the Department will establish criteria for imputing income to such assets."

Section 3. Effective Date. This Ordinance shall become effective on April 23, 2013.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2302 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 23RD DAY OF APRIL 2013.



ROBIN A. GRIFFITH  
CLERK OF THE COUNCIL