

Introduced by: Mr. Hollins
Ms. Diller
Ms. Kilpatrick
Date of introduction: January 22, 2019

ORDINANCE NO. 19-007

TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 2 (“ADMINISTRATION”), ARTICLE 5 (“DEPARTMENTS AND OFFICES”), DIVISION 2.05.400 (“DEPARTMENT OF COMMUNITY SERVICES”), SECTION 2.05.406 (“HOUSING ADVISORY BOARD – ESTABLISHED; COMPOSITION; TERMS OF OFFICE; QUALIFICATION OF MEMBERS; DUTIES AND POWERS”) REGARDING QUALIFICATION OF MEMBERS, DUTIES AND POWERS; TO EXPAND THE DUTIES OF THE HOUSING ADVISORY BOARD TO INCLUDE ADVISING ON AFFORDABLE HOUSING PROGRAMS FOR VERY LOW AND LOW INCOME HOUSEHOLDS; AND TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 19, TO DELETE ARTICLE 5 (“RENTAL HOUSING ADVISORY COMMITTEE”)

WHEREAS, County Council enacted Ordinance 05-039 to establish a residential rental property code in *New Castle County Code* Chapter 19; and

WHEREAS, Chapter 19 included Article 5, which established a Rental Housing Advisory Committee (“Committee”); and

WHEREAS, the Committee consists of nine (9) members of the public representing diverse interests; and

WHEREAS, the Committee responsibilities, relevant to the rental code, include advising the Department of Land Use on policy, studying the effectiveness of the program, suggesting code and Tenants’ Rights Guide changes, and maintaining a dialogue between the department and other interested parties; and

WHEREAS, County Council enacted Ordinance 08-018 (now *New Castle County Code* Section 2.05.406) to establish the New Castle County Housing Advisory Board (“Board”) to assist the County in its endeavors to address workforce housing issues and to advise the Departments of Community Services and Land Use as they continue to address low income housing needs; and

WHEREAS, Section 2.05.406 provides that the Housing Advisory Board consists of thirteen (13) members, ten (10) of whom are members of the public and represent diverse interests, and three (3) of whom are General Managers of New Castle County departments or offices (Land Use, Community Services, and Finance); and

WHEREAS, in an effort to eliminate redundancies between the Rental Housing Advisory Committee and the Housing Advisory Board, and to promote efficiency, the County wishes to sunset the Rental Housing Advisory Committee and to amend the membership and functions of the Housing Advisory Board to include a focus on rental housing as it relates to the Board's other functions; and

WHEREAS, according to Housing Alliance Delaware's 2018 annual report, *The State of Housing and Homelessness in the First State*, the Fair Market Rent ("FMR") for a two-bedroom apartment in New Castle County was \$1,266. In order to afford this level of rent and utilities, without paying more than 30% of income on housing at the Delaware minimum wage of \$8.25 an hour, a renter would have to work 118 hours a week to afford a two-bedroom rental home at Fair Market Rent in New Castle County; and

WHEREAS, the purpose of this Ordinance is to amend the Housing Advisory Board membership requirements to provide a broader focus on housing development, services, and Housing Trust Fund distributions to address the housing needs of very low income households (those earning less than 65% of median income), and low income households (those earning less than 80% of median income) in New Castle County, and to sunset the Rental Housing Advisory Committee to more effectively handle the responsibilities of the currently existing Board and Committee.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. *New Castle County Code* Chapter 2 ("Administration"), Article 5 ("Departments and Offices"), Division 2.05.400 ("Department of Community Services"), Section 2.05.406 ("Housing Advisory Board- Established; composition; terms of office; qualification of members; duties and powers"), is hereby amended by adding the language that is underscored and deleting the language that is bracketed and stricken, as set forth below:

Sec. 2.05.406. Housing Advisory Board - Established; composition; terms of office; qualification of members, duties and powers.

A. Members; terms; chairperson and vice-chair person; quorum.

1. The New Castle County Housing Advisory Board shall consist of [~~ten (10)~~] nine (9) members of the public representing [~~varying~~] diverse interests, [~~and three (3) New Castle County General Managers or designees as follows:~~] including but not limited to, development and housing, for-profit and non-profit housing providers, realtors, housing and homeless advocates, financial services, tenant advocates, landlords, and community representatives.

- ~~{a. One (1) member of the Homebuilders Association of Delaware or a similar organization.}~~
- ~~{b. One (1) representative of a non profit homebuilding organization.}~~
- ~~{c. One (1) representative from the Delaware State Housing Authority.}~~
- ~~{d. One (1) representative from the New Castle County Board of Realtors.}~~
- ~~{e. One (1) representative from a housing advocacy organization.}~~
- ~~{f. One (1) representative who shall be from the lending or financial services industry and has experience financing low and moderate income communities.}~~
- ~~{g. One (1) representative from a tenant advocacy organization.}~~
- ~~{h. One (1) representative of the Delaware Apartment Association or similar organization.}~~
- ~~{i. Two (2) community representatives one (1) who shall have experience in housing related issues, and one (1) who shall represent a low income community.}~~
- ~~{j. The General Manager of the Community Services Department or his or her designee.}~~
- ~~{k. The General Manager of the Land Use Department or his or her designee.}~~
- ~~{l. The Chief Financial Officer or his or her designee.}~~

2. The members of the New Castle County Housing Advisory Board shall be appointed by the County Executive with the advice and consent of County Council. All members shall serve at the pleasure of the County Executive. The Advisory Board members shall be appointed for a three (3) year term to begin on the date of the appointment. Members shall continue to serve until their successors are appointed and qualified; provided, however, that no member shall hold over more than six (6) months after the end of his or her term. Members may be reappointed by the County Executive with the advice and consent of County Council.

~~{3. The General Manager of the Community Services Department or their designee shall serve as the Chairperson and the General Manager of the Land Use Department or their designee shall serve as the Vice Chairperson. The Vice Chairperson shall act as the Chairperson in the absence of the Chairperson or in the event of a vacancy in that position.}~~

~~{4.}~~ 3. Regular meetings of the Board will be held at least four (4) times a year on a quarterly basis. Any meeting may be postponed to an alternate date agreeable by the Board. ~~{Seven (7)}~~ Five (5) members of the Board shall constitute a quorum. The votes of at least ~~{seven (7)}~~ five (5) members present are required for an action or recommendation of the Advisory Board other than minor procedural matters, which may be taken with the votes of a majority of the members present.

~~{5.}~~ 4. The Chair shall be appointed by County Executive, and the Vice-Chair shall be selected by the Chair from among the eight (8) remaining members.

B. *Duties and powers.* The responsibilities of the New Castle County Housing Advisory Board shall include, but are not limited to, the following:

1. ~~Review and provide comments to the annual workforce housing and Housing Trust Fund reports provided to the County Executive and County Council by the Department of Community Services and Department of Land Use.~~ Advise the County Executive, County Council and relevant County departments on affordable housing programs for very low and low-income households, with an emphasis on promoting fair housing choices and increasing housing opportunities throughout New Castle County, including but not limited to:

- a. Making recommendations to increase homeownership opportunities for very low and low-income households.
- b. Working with the relevant County departments to draft and review recommendations for expanding the supply and availability of rental housing for very low and low-income households.
- c. Work with relevant County departments to draft and review recommendations to promote homeownership incentives in a manner that stabilizes neighborhoods.

2. Review and provide comments on various housing reports prepared by relevant County departments.

~~3.~~ Advise the County Executive, County Council and ~~the Department of Community Services~~ relevant County departments on ~~the priorities for how funds from~~ prioritizing the allocation of funds from the New Castle County Housing Trust Fund ~~should be allocated~~ with an emphasis on very low and low-income households.

~~4.~~ Assist the Departments of Community Services and Land Use in ~~Workforce~~ Affordable Housing and Housing Trust Fund related functions required by the County's inclusionary zoning programs related to functions as requested.

~~5.~~ Advise relevant County departments on matters of rental housing policy and application of the Residential Rental Property Code.

6. Review and comment on proposed changes to the Residential Rental Property Code and related processes and working documents.

7. Maintain an ongoing dialogue among the Department of Land Use, Department of Community Services, landlords, residential rental property owners, tenants, civic associations, non-profit housing developers, and the community.

Section 2. *New Castle County Code* Chapter 19 (“Residential Rental Properties”), Article 5 (“Rental Housing Advisory Committee”), Section 19.05.001 (“Established; composition; terms; responsibility.”), is hereby amended to delete the language that is bracketed and stricken, sunseting the Rental Housing Advisory Committee, as set forth below:

~~[ARTICLE 5. -- RENTAL HOUSING ADVISORY COMMITTEE]~~

~~[Sec. 19.05.001. -- Established; composition; terms; responsibility.]~~

~~[A. There is hereby created a Rental Housing Advisory Committee comprised of:]~~

~~[1. Two (2) representatives from the New Castle County residential rental landlord community, at least one of whom shall be a member of the Delaware Apartment Association or similar successor organization;]~~

~~[2. Two (2) representatives from the residential tenant community, at least one of whom shall represent a tenants' advocacy organization;]~~

~~[3. One representative from the New Castle County Association of Realtors;]~~

~~[4. Two (2) representatives from New Castle County civic organizations;]~~

~~[5. One representative from the Delaware State Housing Authority;]~~

~~[6. One community representative with experience in housing and related issues.]~~

~~[B. The Rental Housing Advisory Committee shall be appointed by County Council with the advice and consent of the County Executive. Advisory Committee members shall be appointed for three (3) years to begin from the date of the appointment. Original terms shall be established such that three (3) members are appointed for three (3) years, three (3) members are appointed for two (2) years, and three (3) members are appointed for one (1) year. The Commission shall elect a Chairperson and Vice-chairperson. The Vice chairperson shall act as the Chairperson in the absence of the Chairperson or in the event of a vacancy in that position. Five (5) members of the Commission shall constitute a quorum. The votes of at least five (5) members present are required for any action or recommendation of the Commission other than minor procedural matters which may be taken with the votes of a majority of the members present.]~~

~~[C. The responsibilities of the Rental Housing Advisory Committee shall include but are not limited to:]~~

~~[1. Advising the Department of Land Use on matters of policy and implementation of the rental housing registration, inspection, and Tenants' Rights Guide programs.]~~

- ~~{2. Studying the effectiveness of the program and suggesting changes for improvement to the Department of Land Use, including proposing additional rental unit inspection criteria and reviewing the random inspection process.}~~
- ~~{3. Approving revisions to the Tenants' Rights Guide as necessary; revisions shall be made by the Department of Land Use and approved by a majority of the Committee.}~~
- ~~{4. Maintaining an ongoing dialogue between the Department of Land Use, landlords, residential rental property owners, tenants, civic associations and the community.}~~
- ~~{5. Initiating, reviewing, hearing and making recommendations to County Council regarding changes to this Chapter.}~~

Section 3. This Ordinance shall become effective immediately upon passage by New Castle County Council and approval of the County Executive, or as otherwise provided in 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

President of County Council
of New Castle County

Approved on:

County Executive

SYNOPSIS: This Ordinance amends *New Castle County Code* Chapter 2 (“Administration”), Article 5 (“Departments and Offices”), Division 2.05.400 (“Department of Community Services”), Section 2.05.406 (“Housing Advisory Board”), and sunsets the Rental Housing Advisory Committee.

FISCAL IMPACT: There will be no discernable fiscal impact upon the approval of this Ordinance.