



SPONSOR: Rep. K. Johnson & Sen. Huxtable

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 442

AN ACT CREATING AN AFFORDABLE HOUSING PRODUCTION TASK FORCE.

1 WHEREAS, the 2023 Delaware State Housing Authority (“DSHA”) Statewide Housing Needs Assessment
2 concluded that 50% of Delaware home renters and 21% of Delaware homeowners are “cost burdened” meaning rent or
3 mortgage payments consume 30% or more of a household’s gross income; and

4 WHEREAS, according to the DSHA’s 2023 “Statewide Housing Needs Assessment” 39% of renters have
5 income between 50-120% of average median income yet only 17% of home sales in Delaware are affordable to households
6 in that income range; and

7 WHEREAS, DSHA’s 2023 Statewide Housing Needs Assessment recommended prioritizing affordable housing
8 statewide, including developing policies, targeted programs, and better coordination of federal, state, and local resources to
9 produce more affordable housing in Delaware.

10 NOW, THEREFORE:

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

12 Section 1. Affordable Housing Production Task Force.

13 (a) Creation of Task Force.

14 There is hereby created an Affordable Housing Production Task Force (“Task Force”) which is established to
15 investigate and make findings and recommendations regarding how the State and local governments can promote the
16 production of rental units and homes that are affordable at various income levels throughout Delaware.

17 (b) Mission of Task Force.

18 The Task Force shall do all the following:

19 (1) Consider and review best practices related to land use, affordable housing production, and affordable
20 housing financing which have been adopted in other states.

21 (2) Review zoning and permitting laws and regulations that govern residential land use in the State and
22 evaluate how well these laws and regulations enable or inhibit the production of affordable housing in Delaware.

23 (3) Study and review land use development and the residential housing construction industry practices and
24 determine what factors, in Delaware, are limiting the production of new affordable rental and owned housing projects
25 for households below 120% of the Area Medium Income (“AMI”).

26 (4) Deliver a final report to the General Assembly and the Governor that provides specific recommendations,
27 including recommendations from the Task Force’s Subcommittees, as approved by the Task Force, for enabling and
28 encouraging the production of additional affordable housing in Delaware that meets the needs of Delaware’s
29 population including the needs of those populations identified in the Delaware State Housing Authority’s 2023
30 “Statewide Housing Needs Assessment”, and for each recommendation include the following:

31 a. Whether it should be implemented by:

32 1.State government.

33 2. Local government.

34 3. The private sector.

35 b. Whether implementation would require any of the following:

36 1.Legislation.

37 2. Regulatory changes.

38 3. Funding subsidies.

39 (c) Composition of Task Force.

40 The Task Force shall be comprised of the following 20 members, or a designee appointed by a member serving by
41 virtue of position:

42 (1) A member of the Senate, appointed by the President Pro Tempore of the Senate, who shall serve as Co-
43 Chair.

44 (2) A member of the House, appointed by the Speaker of the House of Representatives, who shall serve as Co-
45 Chair.

46 (3) The Director of the State Housing Authority, who shall serve as Co-Chair.

47 (4) One member of the Senate, from the Minority Caucus, appointed by the President Pro Tempore in
48 consultation with the Minority Leader in the Senate.

49 (5) One member of the House, from the Minority Caucus, appointed by the Speaker of the House in
50 consultation with the Minority Leader of the House.

51 (6) The Director of the Office of State Planning Coordination.

52 (7) The Director of the Division of Climate, Coastal & Energy.

- 53 (8) One resident from New Castle County, with land use planning expertise, appointed by the Governor.
- 54 (9) One resident from Kent County, with land use planning expertise, appointed by the Governor.
- 55 (10) One resident from Sussex County, with land use planning expertise, appointed by the Governor.
- 56 (11) The Executive Director of the Delaware League of Local Governments.
- 57 (12) The Chief Executive Officer of the Delaware Association of Realtors.
- 58 (13) The President of the Delaware Apartment Association.
- 59 (14) The President of the Home Builders Association of Delaware.
- 60 (15) One representative from the housing financing industry, appointed by the Council on Housing.
- 61 (16) One representative of the manufactured housing industry, appointed by the President Pro Tempore of the
- 62 Senate.
- 63 (17) One representative of the housing development industry, appointed by the Speaker of the House of
- 64 Representatives.
- 65 (18) One citizen of this State, who is a community leader with housing advocacy experience, appointed by the
- 66 President Pro Tempore of the Senate.
- 67 (19) One citizen of this State, who has personally experienced housing insecurity, appointed by the Speaker of
- 68 the House of Representatives.
- 69 (20) One citizen of this State, who is a community leader with housing advocacy experience, appointed by the
- 70 Governor.

71 (d) Task Force Subcommittees.

72 The Task Force shall create subcommittees. Each subcommittee must be chaired by a member of the Task Force.

73 Subcommittee members may include individuals who are not members of the Task Force. A subcommittee may not have

74 more than 9 members. A subcommittees' recommendations, if approved by the Task Force, shall be included in the Final

75 Report of the Task Force.

76 (1) Each subcommittee must:

- 77 a. Identify challenges and barriers to increasing supply to match demand.
- 78 b. Identify potential solutions.
- 79 c. Prioritize actionable recommendations and strategies.

80 (2) The following subcommittees, at a minimum, shall be created by the Task Force:

81 a. Regulatory and Permitting Subcommittee.

- 82 1. This subcommittee must include members from DELDOT.

- 83 2. This subcommittee must review, at a minimum, the following topics:
- 84 A. Zoning-To include:
- 85 I. Permitted uses.
- 86 II. Conditional uses.
- 87 III. Inclusionary zoning programs.
- 88 IV. Density bonuses.
- 89 B. Design and site requirements-To include:
- 90 I. Setbacks.
- 91 II. Minimum and maximum lot sizes.
- 92 III. Maximum building heights.
- 93 IV. Parking requirements.
- 94 C. State and local building codes.
- 95 b. Finance and Development Subcommittee.
- 96 1. This subcommittee must include members from the following:
- 97 A. Federal Home Loan Bank of Pittsburgh.
- 98 B. Community Reinvestment Act (“CRA”) Office.
- 99 2. This subcommittee must cover, at a minimum, the following topics:
- 100 A. Dedicated funding sources for affordable housing.
- 101 B. Developer incentives for constructing affordable housing.
- 102 C. Prioritizing infill development.
- 103 D. Cost sharing.
- 104 E. Legal and financial tools to promote affordable home ownership to include deed restrictions,
- 105 community land trusts, and workforce housing.
- 106 F. Surplus land and land donations.
- 107 G. Grant opportunities to include HUD PRO Housing grants.
- 108 c. Construction Subcommittee.
- 109 1. This subcommittee must include members from the following:
- 110 A. Delaware Workforce Development Board.
- 111 B. Architectural firms.
- 112 C. Civil engineering firms.

- 113 D. General contractors.
- 114 2. This subcommittee must review, at a minimum, the following topics:
- 115 A. Workforce development.
- 116 B. Innovative home construction methods.
- 117 d. Manufactured Housing Subcommittee.
- 118 1. This subcommittee must include members from the following:
- 119 A. Delaware Manufactured Home Owners Association.
- 120 B. Delaware Manufactured Home Relocation Authority.
- 121 C. First State Manufactured Housing Association.
- 122 2. This subcommittee must review, at a minimum, the following topics:
- 123 A. Financial options including resident -owned manufactured home communities.
- 124 e. Community Focus Groups Subcommittee.
- 125 1. This subcommittee must include Delaware citizens representing the following focus groups:
- 126 A. Individuals with disabilities.
- 127 B. Veterans.
- 128 C. Individuals over the age of 55.
- 129 D. Behavioral health and substance use disorder counselors.
- 130 E. Survivors of domestic violence, sexual abuse, and human trafficking.
- 131 F. Delaware citizens who are cost-burdened renters and homeowners.
- 132 2. This subcommittee must review, at a minimum, the following topics:
- 133 A. Supportive services and barriers to affordable housing encountered by these community focus
- 134 groups.
- 135 (e) Duties and responsibilities of Task Force Co-Chairs.
- 136 The Co-Chairs of the Task Force shall be responsible for coordinating the administration of the Task Force by, at a
- 137 minimum, performing the following tasks:
- 138 (1) Setting a date, time, and place for the initial organizational meeting.
- 139 (2) Supervising the preparation and distribution of the Tsk Force meeting notices, agendas, minutes,
- 140 correspondence, and reports.

141 (3) Sending to the Speaker of the House of Representatives, President Pro Tempore of the Senate, and the
142 Director of the Division of Research of Legislative Council, after the first meeting of the Task Force, a list of the
143 members of the Task Force and who appointed them.

144 (4) Providing meeting notices, agendas, and minutes to the Director of the Division of Research of Legislative
145 Council.

146 (5) Ensuring that the final report of the Task Force is submitted to the President Pro Tempore of the Senate
147 and the Speaker of the House of Representatives, with copies to all members of the General Assembly, the Governor,
148 the Director and the Librarian of the Division of Research of Legislative Council, and the Delaware Archives no later
149 than March 1,2025.

150 (f) Administration of the Task Force.

151 (1) The Secretary of the Senate shall notify members of the Task Force serving by virtue of their position of
152 selection to serve on the Task Force and notify individuals authorized to appoint members to the Task Force of their
153 appointing authority.

154 (2) A member of the Task Force serving by virtue of position who is granted the ability to designate another
155 individual to attend a Task Force meeting must provide the designation, in writing, to the Co-Chairs. An individual
156 attending a meeting for a member serving by virtue of position has the same duties and rights, including voting power,
157 as the member serving by virtue of position.

158 (3) The Task Force must hold its first meeting no later than 60 days after enactment of this Act.

159 (4) A quorum of the Task Force is a majority of its members.

160 (5) Official action by the Task Force, including making findings and recommendations, requires the approval
161 of a quorum of the Task Force.

162 (6) The Task Force may adopt rules necessary for its operation. If the Task Force does not adopt rules or if the
163 adopted rules do not govern a given situation, Mason's Manual of Procedure controls.

164 (7) The Delaware State Housing Authority is responsible for providing reasonable and necessary support staff
165 and materials for the Task Force.

166 Section 2. This Task Force will expire on the date it submits its final report unless its existence is continued
167 by a subsequent act of the General Assembly.

SYNOPSIS

This Act creates the Affordable Housing Production Task Force ("Task Force"). The purpose and mission of the Task Force is to investigate and make findings and recommendations to the Governor and the General Assembly on how the State and local governments can increase the production of affordable rental units and homes in Delaware.

The Task Force shall consist of 20 members some appointed by the Governor, some appointed by the President Pro Tempore of the Senate, some appointed by the Speaker of the House of Representatives, and some will serve as a member by virtue of their official position. The Co-Chairs of the Task Force will be (1) the member of the Delaware Senate appointed by the President Pro Tempore of the Senate, (2) the member of the Delaware House of Representatives appointed by the Speaker of the House of Representatives, and (3) the Director of the Delaware State Housing Authority.

The Task Force must create, at a minimum, the following Sub-Committees: (1) Regulating and Permitting, (2) Finance and Development, (3) Construction, (4) Manufactured Housing, (5) Community Focus Groups. The Chairs of the Sub-Committees must be members of the Task Force but the members of the Sub-Committees do not have to be on the Task Force. A Sub-Committee may have a maximum of 9 members.

This Act establishes the duties and responsibilities of the Co-Chairs of the Task Force and the requirements that will govern the administration of the Task Force.

The first meeting of the Task Force must be held no later than 60 days after enactment of this Act.

The Task Force must provide its Final Report by March 1, 2025.

This Task Force will expire on the date it submits its Final Report unless its existence is continued by a subsequent act of the General Assembly.