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AHPTF: Regulatory & Permitting Subcommittee Meeting 1

Wednesday, October 30, 2024

10:30 a.m. – 12:00 p.m.

Haslet Armory, Room 219, 122 Martin Luther King Jr. Blvd, Dover, DE 19901

Meeting Recording Available at: <https://www.youtube.com/watch?v=geU2CJpqzEQ>

Approved Meeting Minutes

I. Welcome and Member Introduction

The meeting was called to order at 10:30 am. A quorum was met. Regulatory & Permitting Chair David Edgell asked those in the room and online to introduce themselves.

Subcommittee Members Present:

David Edgell, Chair, Office of State Planning
Coordination
Jon Horner, Schell Brothers
Sarah Keifer, Kent County Levy Court
Sean Kelly, Leon Weiner & Associates
Susanne Laws, DelDOT
Charuni Patibanda, New Castle County
Mike Riemann, Home Builders Assoc. of Delaware
Tracy Surlles, Woodlawn Trust

Subcommittee Members Absent:

Dr. Michele “Tiny” Williams

Task Force Members Present:

Rep. Kendra Johnson, Co-chair (virtual)
Amy Walls, Discover Bank (virtual)

Staff Present:

Caitlin Del Collo, DSHA
Dorothy Morris, OSPC
Samantha Bulkilvish, OSPC
Rose Zappacosta, OSPC
Joshua Thomas, OSPC
Emily Cunningham, DSHA (virtual)
Alexander Modeas, DSHA (virtual)
Karen Horton, DSHA (virtual)

Valeria Coverdale, House (virtual)

Virtual Attendees:

Bria Greenlee
Lauren Good
Lisa Rice
Mara Gorman
Nicole Freedman
Sean O’Neill
Shyanne Miller
Kate Gemma
Jordan DiTusa
Missy Moore
Caitlin Olsen
Matthew Kraeuter
Latricia Vicks
Tammy Riley
Bridget Wallace
Claire Snyder-Hall
Rachel Payne

In-Person Attendees:

Sonya Starr, Housing Alliance Delaware

II. Review Task Force Charge & Subcommittee Charge

DSHA Chief Strategy Advisor Caitlin Del Collo reviewed why the AHPTF was created and how this subcommittee is part of that process. Chair David Edgell went through ground rules and the “parking lot”, which will) used to capture ideas that either need to be referred to another subcommittee or acknowledged in the final report as needing further study.

III. Review Housing Productions Needs

Caitlin Del Collo provided an overview of information in the needs assessment. DSHA requested to provide information about Fair Housing and how it relates to this subcommittee’s work. David Edgell asked for a motion to amend the agenda to include a short overview of how fair housing and its relation to use. Tracey motioned and Susanne seconded the motion and it passed with eight voting in favor. Caitlin provided an overview of the Housing Needs Assessment.

- Jon Horner asked if there was way to see how the area median income translates into purchase price for the income ranges. This has also been brought up in other subcommittees. Discussion followed about factors to consider. David recommended that Jon and Caitlin work together to come up with this information for the next meeting.

Caitlin provided an overview of the Fair Housing Act and how a policy or practice – regardless of intention – can have a discriminatory effect. Caitlin also explained the Affirmative Further Fair Housing obligation for recipients of HUD funding and summary of best practices for local jurisdictions to use to ensure compliance with fair housing.

IV. Brainstorming Exercise to Prioritize Ideas

David provided an overview of ideas shared during the last task force meeting. He then asked each subcommittee member to share ideas based on their area of expertise for consideration to the full Task Force:

- Susanne Laws – DeIDOT has an expedited review process for economic development and added affordable housing and public services a year ago. Once Traffic Impact Study is done, less than 6 months for plan review. Discussion followed on eligible projects and the process. It is incumbent for each local jurisdiction to flag an affordable housing project and the definition is not uniform. It was recommended to that a uniform definition exist. Sean noted that defining affordable housing is important and offered a traditional definition from a practitioner’s standpoint:
 - Affordable housing serves persons up to 60% of Area Median Income (AMI). It is guaranteed affordable through underlying regulatory agreement for a certain time period.
 - Middle Income/ Missing Middle housing – serves households at 60-120% AMI.
 - Sean asked if anyone has noted any efficiencies have been noted in the Ready in Six. Mike explained the different expedited review processes and noted that it is going well and is reducing the time frame.
- Sarah Keifer – Noted recent Kent County actions to pull regulations back. Question is how to incentivize without the heavy hand; would like to see carrot versus stick approach.
- Charuni Patibanda – Redevelopment Ordinance is creating mixed-use development on corridors. She agreed with the carrot approach, but would like to see guidelines on the state level – such as those listed on the best practices slide – that set the baseline.
- Sean Kelly – Disagreed and said state needs to provide a stick to ensure everyone overall does a better job addressing affordable housing. The need is that dire and noted that there are reforms across the country.
 - State should withhold resources from jurisdictions that do not get their act together.
 - Implement inclusionary zoning in Downtown Development Districts.
 - Increasing Housing Development Fund annual allocation and indexing to inflation.

- Upzoning at state level.
- Increasing density in existing affordable housing sites.
- Map of state-owned parcels.
- Mike Riemann – Indicated that density is way too low across state – especially with multifamily.
- Jon Horner –
 - Certainty is needed and speed to market.
 - Need zoning that is by-right and not subject to discretionary review.
 - NIMBYism has negative impact. NIMBYs already has housing – not group that we are trying to serve.
 - Housing at all levels is needed to create move up chain.
 - Buildable density that includes changes to set-backs, lots sizes, bulk restrictions, height restrictions.
 - Agrees with stick approach such as New Jersey or a builder’s remedy.
 - Meaningful comprehensive plan mandate.
 - Noted zoning reforms across the country.
- Tracy Surles –
 - Balance of Sticks and Carrots.
 - Rehab and permit fees, property and school tax abatements.

Ms. Del Collo recommended that everyone look at Utah’s Senate Bill 34 (2019) as an example of an approach that has state guidelines but gives local governments choices.

V. Public Comment*

There were no public comments offered. Ms. Del Collo noted that anyone wishing to submit written public comments should send them to housing.taskforce@delaware.gov. Comments received within 48 hours of the meeting will be appended to the meeting minutes.

VI. Adjournment

Chair Edgell adjourned the meeting.