



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

July 20, 2011

Mr. Morris Deputy
Town of Middletown
19 W. Green Street
Middletown, DE 19709

RE: PLUS review – PLUS 2011-06-03; Town of Middletown Comprehensive Plan
Pre-Update review

Dear Mr. Deputy:

Thank you for meeting with State agency planners on June 22, 2011 to discuss the update of the Town of Middletown comprehensive plan. State agencies have reviewed your current plan and have asked that the following be considered when you update your plan for certification.

Certification Comments: These comments must be addressed in the final plan in order for our office to consider the plan consistent with the terms of your certification and the requirements of Title 22, § 702 of the Del. Code.

- Middletown has not submitted an annual report since the 2005 plan certification. The Town will be required to submit an annual report for the years 2005-2010 before the new plan can be considered for certification
- The Town of Middletown's Comprehensive Plan should be updated in accordance with Title 22, Section 702 Del C., which states that the Plan must include policies, statements, goals, and planning components which serve to define the community's strategy for providing affordable housing for current and future residents.
- The Town has developed a source water protection ordinance that meets the minimum level of protection of the resource in compliance with 7 Del. C. 6082(b). To maintain this compliance, the comprehensive plan must include:
 - a. Text of the comprehensive plan must include description of source water requirements in 7 Del. C. 6082(b), and include goals and objectives related to the protection of the resource. This text shall be placed within the water and sewer

element of the local government's comprehensive plan, as prescribed by Title 9 or Title 22 of the Delaware Code.

- b. A map of source water resources (excellent recharge areas, wellhead protection areas) shall be included in the plan. This map must be derived from the most current source water protection datasets* provided by the Department of Natural Resources and Environmental Control (DNREC).
- c. The map and plan text must clearly include the note that the regulatory provisions of any source water ordinance will refer to the most current source water protection datasets*.

*<http://www.nav.dnrec.delaware.gov/DEN3/DataDownload.aspx>

Recommendations: Our office strongly recommends that the Town consider these recommendations from the various State agencies as you update your plan.

Office of State Planning Coordination – Contact: Herb Inden 739-3090

Office of State Planning Coordination greatly appreciates Middletown participating in the Pre-PLUS review for your current comprehensive plan. The Pre-PLUS review is intended to make the certification process much smoother for the Town as you will know up front what potential issues concerns there are from state agencies and also be informed of state code and departmental administrative changes since your last plan was adopted. General issues to take into consideration for this update include:

- The general impact of the building of the new Route 301;
- New Castle County 2012 comprehensive plan update effort; and,
- The relationship of the Southern New Castle County master planning effort to this comprehensive plan?

State Historic Preservation Office (SHPO) – Contact: Terrence Burns 739-5685

- While there are no new code changes required for the new plan, the State Historic Preservation Office recommends that, as part of your update, the town consider further protections for its historic district and outlying historic properties by looking into the requirements to become a Certified Local Government (CLG) within the federal-state program for historic preservation. Becoming a CLG allows the town to participate in reviewing any new or changed National Register nominations within its jurisdiction, can provide a better public forum for expressing historic preservation concerns and makes the town eligible to apply for a portion of the State's annual federal Historic Preservation Fund grant to further historic preservation within its community. If the town is interested, the DSHA would be happy to meet with you and discuss your options. The CLG Coordinator is Jesse Zanavich who can be reached at 302-736-7400.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

The Department of Transportation noted no regulatory issued with your current plan.

DelDOT did offer the following suggestions:

- Sections 4-3, 5-3, 8-2 and 9-6b all refer to a property proposed for “higher-educational use.” This property, located to the west of the planned US301/Levels Road Interchange and known to DelDOT as the Poole Property, is shown on Map 6, Future land Use, as an annexation for Mixed Use.

In their coordination through the Environmental Impact Statement (EIS) process for the new US 301 project, this site was identified as the major wetland mitigation site for US 301, based upon its location and quality mitigation opportunities. After identification of this site through the environmental approvals associated with the EIS process, DelDOT coordinated with the Town on the importance of finding alternative sites for any planned college campus so as to avoid having that use on this site. It was their understanding that the Town has agreed to find alternative sites closer to the center of Town. Based upon this understanding, DelDOT has continued the design of the mitigation site and will be going through the acquisition process in the near future.

Presumably a need for a college campus is still expected and DelDOT would urge the Town to address that need in the update of the Plan. DelDOT’s first concern, however, is that this site not still be identified as a future college campus.

- Section 5-2 of the current plan discusses four Planned Transportation Improvements and Studies.
 1. The first project, improvements to Choptank Road, is now complete.
 2. The second project, actually a set of projects, Westown, is ongoing and will need to be updated.
 3. The third project, Middletown-Odessa Road (SR 299) from Silver Lake Road to SR 1, was included as a project development effort. That effort is now about 80 percent complete, but there are no State or Federal funds programmed to complete the design or to build the improvements. We have sent the Town draft cost-sharing agreements whereby they would work with developers in the area to complete the design and build the improvements. DelDOT recommends that the Town move forward with executing the agreements and completing the design so that they can implement the project when it is needed.
 4. The fourth project, passenger rail service from Newark to Middletown, remains a long-range project.
- In Chapter 10, under Transportation Implementation, developers are listed, appropriately, among the Partners for Coordination. However, the description of that coordination does not make it clear that developers will be required to fund significant portions of the

transportation improvements needed to support their developments. Mentioning that fact in the Plan could reduce disagreements later.

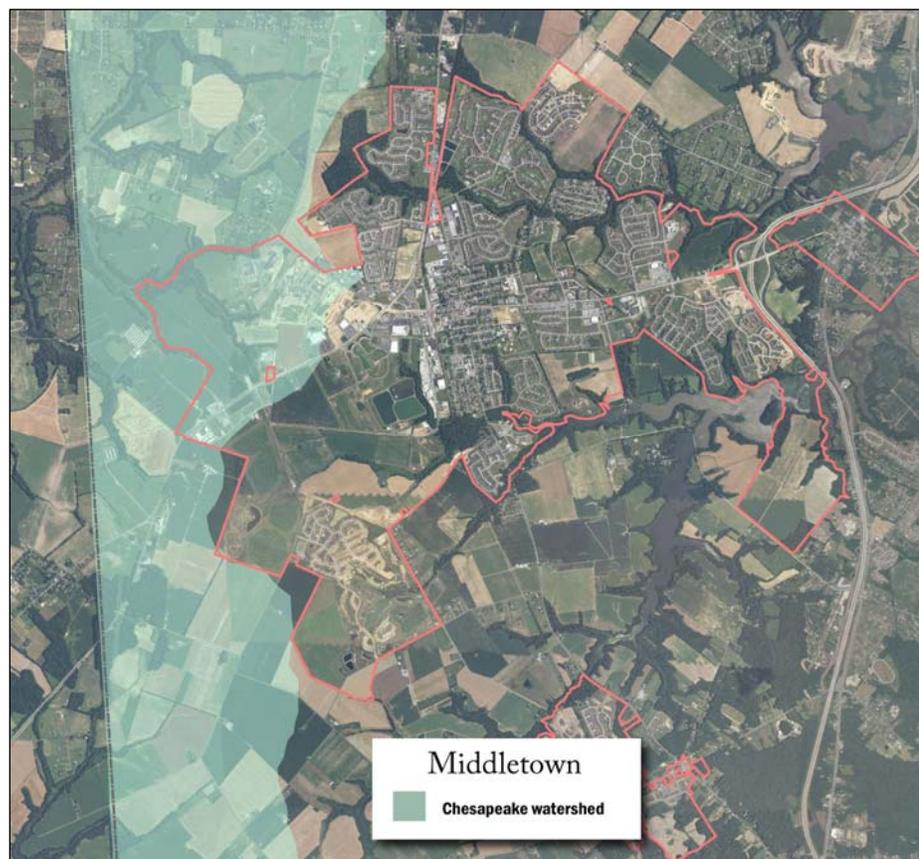
The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle 739-9071

At the PLUS meeting DNREC requested a meeting with the Town of Middletown to discuss the following :

1. What has Middletown done to implement its 2005 Plan (so they do not recommend actions the Town may have taken already)?
2. What resources need to be protected (for example, the Chesapeake watershed/TMDL, source water areas/water allocation, recreational areas, etc.)?
3. How do you identify, remediate, and return brownfield properties to the economic development landscape?

Chesapeake TMDL

While most of the town is located in the Appoquinimink watershed, far western portions are part of the Chesapeake watershed (see map). Under Delaware's Watershed Implementation Plan approved by the EPA, Delaware is obligated to reduce loadings of nitrogen, phosphorous and sediment from agriculture and development in the Chesapeake watershed. Any proposed new growth that increases loadings of these pollutants (via stormwater runoff) must either be managed on the parcel or offset,



according to revised state stormwater regulations scheduled to be in place by January 2012. The Department offers several recommendations below for protecting natural resources such as

wetlands, habitat and groundwater that would also limit increased loads of nitrogen, phosphorous and sediment. The Town should seek to limit annexations and increases in impervious cover in that watershed and perhaps consider expanding its Transfer of Development Rights program to further protect water quality and the headwaters of the Bohemia River.

Again, DNREC would welcome the opportunity to meet with the Town in a collaborative manner to discuss these issues, recommendations and possible future ordinances.

Recommendations for Comprehensive Plan Revisions

- **Page 46, Chapter 7-4, Natural Resources Recommendations.** An updated or revised New Castle soil survey has since been completed; the updated soils information can be retrieved from the internet via the following web link:

<http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>

The New Castle soil survey update no longer uses the Matapeake-Sassafras Association terminology referenced in the Plan; thus, this terminology is outdated or obsolete. It should be noted that the principal soil mapping unit mapped in the vicinity of Middletown is Reybold, not Matapeake and/or Sassafras.

Recommendation: The Town should utilize the information in the soil survey update to revise the existing soils narrative in the Comp plan.

- **Chapter 7, Natural Resources.** The first goal described in Chapter 7 is to: ‘*Ensure that natural resources are protected for the health and enjoyment of existing and future residents of Middletown and the surrounding region*’ and on Page 48: “*it is the intent of the Town to stress the preservation of all substantial vegetation, woodland, and agriculture which is feasible and worthwhile of such preservation.*”

In order to protect natural resources it is important to determine what those resources are and where they are located. The Town should consider coordinating with the Natural Heritage and Endangered Species Program (NHESP) to determine which areas support species of concern or are valuable to wildlife in general. NHESP can provide technical assistance regarding potential for state-rare, federally listed and Species of Greatest Conservation Need¹ (SGCN). NHESP can also work with developers on site specific protection measures. Most of the habitat within the planning area has not been surveyed and in some cases a site visit may be requested by NHESP in order to provide the necessary information.

¹ Species of greatest conservation need (SGCN) are indicative of the overall diversity and health of the State’s wildlife resources. Some may be rare or declining, others may be vital components of certain habitats, and still others may have a significant portion of their population in Delaware. SGCN are identified in the Delaware Wildlife Action Plan (DEWAP).

- **Key Wildlife Habitat.** A few areas within current town boundaries are mapped as Key Wildlife Habitat (KWH) in the Delaware Action Plan² (DEWAP) because it supports species of concern or is a habitat of concern. KWH can support the full array of species across the landscape and the maps in DEWAP show areas of the state where conservation efforts can be focused. Although designation as KWH is non-regulatory, these maps are intended to help guide site-specific conservation planning efforts. Most of the KWH mapped in Middletown consists of riparian buffer areas as there are few remaining large forest blocks.

- **Federally listed Species**
 - *Bog Turtle.* A review of our GIS database reveals numerous wetland areas that could potentially support the federally listed bog turtle (*Glyptemys muhlenbergii*). There is also an area where bog turtles have been historically documented and could still persist. Bog turtles typically occur in freshwater wetlands with open canopies, mucky soils, and tussock vegetation; however, they can occur in more marginal habitats as well. The bog turtle is a federally listed species, protected under the Endangered Species Act so their presence or the presence of potential habitat) could impact the scope of work proposed in areas where these wetlands occur. Measures that serve to protect wetlands are important as well as providing for upland buffers around those wetlands.

 - *Bald Eagle.* The Town should be aware that there are several active Bald Eagle (*Haliaeetus leucocephalus*) nests just outside of the current municipal boundaries. Bald eagles and their nests are protected under the federal Bald and Golden Eagle Protection Act (BGEPA). The U.S. Fish and Wildlife Service (USFWS) developed *National Bald Eagle Management Guidelines*, to help landowners and others minimize impacts to eagles, including disturbance, which is prohibited by the BGEPA. The guidelines focus on minimizing disturbance through the use of suggested buffer zones (330 ft. to 660 ft. from a nest) and time-of-year restrictions for certain activities in several categories. One nest is located adjacent to a parcel designated for Agricultural Preservation and the buffer zones do overlap with this parcel. Currently, none of the areas proposed for future annexation overlap with nests or nest buffer zones. It should be noted that typically nesting pairs return to the same nest year after year, however, pairs often build alternate nests within their territory and may switch use of nest sites among years.

² The Delaware Wildlife Action Plan (DEWAP) is a comprehensive strategy for conserving the full array of native wildlife and habitats-common and uncommon- as vital components of the state's natural resources. Congress challenged the states to demonstrate comprehensive wildlife conservation. Delaware, along with all of the other states and provinces throughout the country are working to implement their wildlife action plans. DEWAP can be viewed via the Natural Heritage and Endangered Species program website at <http://www.fw.delaware.gov/dwap/Pages/default.aspx>. This document also contains a list of species of greatest conservation need, Key Wildlife Habitat Maps, and species-habitat associations.

Recommendations for Ordinances and Plan Implementation

DNREC respectfully requests that the Town of Middletown consider the following as either implementation items in the plan or policies/ordinances after the plan is adopted:

- **Potential Brownfield sites.** Brownfields are real property that may be vacant, abandoned or underutilized as a result of a reasonably-held belief that they may be environmentally contaminated (7 Del.C. § 9103(3)). Productive use of these idle properties provides “new” areas for economic development, primarily in former industrial/urban areas with existing utilities, roads and other infrastructure. DNREC encourages the development of Brownfields and can provide grant funding and other assistance when investigating and remediating Brownfield sites.

The Delaware Brownfields Marketplace is an interactive database that contains a list of market-ready Brownfield sites throughout Delaware. The inventory is designed to make it easier for potential buyers and developers to locate available Brownfield properties. Cleaning up and reinvesting in these properties protects the environment, reduces blight, and helps to create jobs for Delaware citizens, while preserving Delaware’s precious green space and natural resources.

- There is 1 Brownfields site listed on DNREC’s Brownfields Marketplace inventory within the proposed comprehensive plan amendment area. However, please note that many more properties within the municipality may qualify as “Brownfield” sites.
- There are 5 SIRS sites or Groundwater Management Zones located within a ½ mile radius of the proposed amendment area.

To add sites in your municipality to the Marketplace (with owner approval) or to determine if any sites in your municipality are Brownfields, please contact Melissa Leckie at DNREC’s Site Investigation and Restoration Section at (302) 395-2600 or by e-mail at Melissa.Leckie@state.de.us . For more information online, please visit: <http://apps.dnrec.state.de.us/BFExt/BFExtMain.aspx>

Recommendation: DNREC recommends meeting to identify potential brownfield sites within your town so that these sites can be included within the comprehensive plan and implementation items be identified regarding how best to market these areas.

Recommendation: Prepare policy or ordinance relating to development of brownfield site. Policy/ordinance should state that if any future development occurs on sites with previous manufacturing, industrial, or agricultural use, the land owner/developer is required to perform environmental due diligence of the property by performing a Phase I Environmental Site Assessment (*including a title search to identify environmental covenants*) in accordance with Section 9105(c) (2) of the Delaware Hazardous Substance

Cleanup Act (HSCA). While this is not a requirement under HSCA, it is good business practice and failure to do so will prevent a person from being able to qualify for a potential affirmative defense under Section 9105(c) (2) of HSCA. **Additional remediation may be required if the project property or site is re-zoned by the county or state.**

- **Source Water Protection:**

Recommendation: Although the Town of Middletown's Source Water Protection Ordinance meets the minimum standards of protection, it does not limit impervious cover. Impervious cover prevents precipitation from infiltrating through the soil to the water table aquifer. Impervious cover refers to structures including but not limited to roads, sidewalks, parking lots, and buildings. Any impervious cover within an excellent ground-water recharge potential area has the potential to have a negative effect on the quality and quantity of drinking water available from the water table aquifer. Additionally, impervious cover in areas of excellent ground-water recharge potential may contribute to flooding.

- **Wetlands Delineations:**

Recommendation: Policy to require all applicants to submit to the Town a copy of the development site plan showing the extent of State-regulated wetlands (as depicted by the State Wetland Regulatory Maps), and a United States Army Corps of Engineers (USACE) approved wetlands delineation as conditional approval for any new commercial and/or residential development. Additionally, the site plan should depict all streams and ditches which are jurisdictional pursuant to the Subaqueous Act (7 Del. C., Chapter 72) as determined by DNREC.

- **Freshwater Wetlands Protections:**

Recommendation: Implement regulations to protect freshwater wetlands where regulatory gaps exist (i.e., isolated wetlands and headwater wetlands).

- **100 Foot Upland Buffer:** Based on a review of existing buffer research by Castelle et al. (Castelle, A. J., A. W. Johnson and C. Conolly. 1994. *Wetland and Stream Buffer Requirements – A Review*. J. Environ. Qual. 23: 878-882.), an adequately-sized buffer that effectively protects water quality in wetlands and streams, in most circumstances, is about 100 feet in width. In recognition of this research and the need to protect water quality, the Watershed Assessment Section recommends that the applicant maintain/establish a minimum 100-foot upland buffer (planted in native vegetation) from all water bodies (including ditches) and wetlands.

Recommendation: Require a 100-foot upland buffer width from all delineated wetlands (approved by the USACE and DNREC) or water bodies (including ditches).

- **Total Maximum Daily Loads (TMDLs):** All open space land uses should be designed and managed in a manner that mitigates or reduces nutrient pollutant loading and its damaging impacts to water quality. Since changes in land use often increase runoff of nutrient pollutants into nearby waterways (including wetlands) draining to a common watershed, these nutrient pollutant loading impacts should be assessed at the preliminary project design phase. To this end, the Watershed Assessment Section has developed a methodology known as the “Nutrient Load Assessment Protocol” to assess such impacts. The protocol is a tool used to assess changes in nutrient loading that result from the conversion of individual or combined land parcels to a different land use(s), and serves as a “benchmark indicator” of that project’s likely impacts to water quality. It is the intention of this protocol to inform those relevant governmental entities (i.e., State, county, and municipal) how a given project will affect water quality in their jurisdictions, while informing/encouraging developers of the need to incorporate better conservation practices (i.e., BMPs) in their project designs to help improve water quality.

Recommendation: Require completion of a Nutrient Budget protocol before granting preliminary approval for any proposed projects/developments.

- **Open Space:** DNREC notes that it might be helpful to have a consistent definition of “open space” in your comprehensive plan and/or Town ordinances. In a guidance document that DNREC is developing for the PLUS and other local technical review processes, they have defined open space as: those areas with public value in a predominantly natural state and undeveloped condition. Such areas may contain, but are not limited to, wildlife and native plant habitat, forest, farmland, meadows, wetlands, floodplains, shorelines, stream corridors, steep slopes, and other areas that have species or habitats of conservation concern.

Open Space may be preserved, enhanced and restored in order to maintain or improve the natural, ecological, hydrological, or geological values. An important design element to consider when incorporating Open Space in a development is to take maximum advantage of adjoining Open Space areas. This will advance the goal of an interconnected network of habitat corridors for wildlife and provide for future potential linkages.

Open Space is not:

- impervious surfaces (e.g., roads, parking lots, sidewalks, buildings)
- swimming pools or ponds that are lined or contain an impervious substrate
- stormwater management structures
- wastewater treatment systems

Types of Recreational Open Space:

Passive-Passive recreation areas include only low-impact activities having little or no disturbance on natural features.

Active-Active recreation areas (e.g., ball fields, playgrounds) should be placed only in Open Space areas that do not already contain natural habitat.

- **Forest Protection and Habitat Restoration.** The Town's consideration in adopting an environmental ordinance is a good step toward minimizing impacts to natural resources of concern. The text does not mention the need for forest protection other than forested riparian buffers.

Recommendation: While protection of forested riparian buffers is desired and would benefit wildlife, the town should also consider provisions that would protect remaining forested areas as there is very little forest left within current or future Town boundaries.

Equally important are ensuring that habitat connections are left intact to provide cover, shelter and space for wildlife to move across the landscape during daily and migratory activities. These 'travel corridors' are typically areas of natural vegetation left intact amongst a developed, fragmented landscape that serve to connect two or more larger areas of undeveloped habitat.

Recommendation: The Town should also consider areas where perhaps reforestation or habitat restoration would enhance these corridors or riparian buffer areas.

- **Impervious Surface Mitigation Plan:**

Recommendation: Require the calculation for surface imperviousness (for both commercial and residential development) take in to account all constructed forms of surface imperviousness - including all paved surfaces (roads, parking lots, and sidewalks), rooftops, and open-water storm water management structures.

Recommendation: To encourage compact development and redevelopment in the Town's central business area, require an impervious surface mitigation plan for all residential and commercial developments exceeding 20% imperviousness outside that area, or at least in excellent recharge areas outside that area. The impervious surface mitigation plan should demonstrate that the impervious cover in excess of 20% will not impact ground water recharge, surface water hydrology, and/or water quality of the site and/or adjacent properties. If impacts to groundwater recharge, surface water hydrology will occur, the plan should then demonstrate how these impacts will be mitigated. If the impacts cannot be mitigated, the site plan should then be modified to reduce the impacts from impervious cover. .

- **Poorly Drained (Hydric) Soils:**

Recommendation: Prohibit development in poorly or very poorly-drained (hydric) soil mapping units. Building in such areas predictably leads to flooding and drainage concerns from homeowners, as well as significant expense for them and, often, taxpayers. Proof or evidence of hydric soil mapping units should be provided through the submission of the most recent NRCS soil survey mapping of the parcel, or through the submission of a field soil survey of the parcel by a licensed soil scientist.

- **Green Technology Stormwater Management:**

Recommendation: Require the applicant to use “green-technology” storm water management in lieu of “open-water” storm water management ponds whenever practicable.

- **Stormwater Utility:**

Recommendation: Explore the feasibility of a stormwater utility to fund upgrades to existing stormwater infrastructure. Upgrades to the stormwater system may reduce pollutant loads and help reach the established total maximum daily load for nitrogen, phosphorus, and bacteria. Reach out to the New Castle Conservation District, New Castle County, and the Delaware Clean Water Advisory Council as partners in funding stormwater retrofits.

- **Drainage Easements:**

Recommendation: The Town should pursue drainage easements along waterways and storm drains where currently there is none.

Department of Agriculture - Contact: Scott Blaier 739-4811

The Department of Agriculture did not note any regulatory changes needed to the plan; however, they did note the following suggestions to be considered:

- Chapter 6 Economic Development Redevelopment (page 38)

The land-use activity of agriculture is often lumped into the categories of conservation, open space, natural resources, etc. And while agriculture certainly provides numerous ancillary benefits, we suggest the town view agriculture as a “green industry” that creates and supports jobs, generates income and state revenue, etc. If we support and promote agriculture as a business that allows people to make a desirable living, all the additional benefits of green/open space, wildlife habitat, etc., will take care of themselves. This is the approach New Castle County has taken with agriculture in its comprehensive plan,

and the Department is encouraging the other counties and municipalities to view it with the same perspective.

- Aglands Preservation – (Page 51)

Some of the properties designated as Agricultural Districts (Map 3) have become Agricultural PDRs since this comprehensive plan was published. In addition, some new Agricultural Districts may have been established within the map area. Please update the town's map with the latest data at the Department's website. The latest information (in GIS form) can be downloaded at this address:

<http://66.173.241.168/dda/downloads.html>

- The Department also suggests the town show any agricultural land that the town or New Castle County has preserved through TDRs, or other means, on the map. This will give a more complete assessment of how much farmland preservation has occurred around Middletown.
- The Department appreciates the town's adoption and commitment to a "green belt policy" on page 9, and later in more detail on page 52. The Department offers additional comments below to further compliment the approach.
 - a. The Department recommends the town require any property developed adjacent to preserved farmland to include a forested buffer between the developing property and adjacent farmland. This will help mitigate any conflict that may arise from the dissimilar land uses (i.e. odor, noise, dust, etc.). As a courtesy, the Department's Forest Service will review the effectiveness of the buffer with respect to tree species and planting arrangement, and makes a recommendation to the town on whether to accept the buffer, or require modifications.
 - b. In addition to a forested buffer requirement, the Department also asks that the town work with developers on where they "mass" their houses or buildings when located near agricultural lands. To the extent practicable, the Department requests the town require developers to place as much community open/common space between houses/buildings and adjacent farmland.
 - c. The Department asks that the town review its zoning ordinances for compatibility with future agricultural business or agricultural related uses. It is important to provide flexibility in the zoning code to accommodate future agriculture support industries that may be interested in locating in town.
- On Page 57, Table 23, the median parcel size agriculture land us is 0.4 acres. That seems very small for an agricultural farm parcel. Could the town explain what that statistic means?

Delaware State Housing Authority – Contact Karen Horton 739-4263

DSHA offers the following resources, recommendations and information:

- DSHA has developed a website, **Affordable Housing Resource Center**, to learn about resources and tools to help create housing for households earning 100% of median income or below. Our website can be found at: www.destatehousing.com "Affordable Housing Resource Center" under Other Programs.
- DSHA developed a guide to assist in writing any city's housing element: *Creating a Balanced Housing Stock: A Guide to Writing Your Town's Housing Element*, which outlines the steps in preparing a housing element for any Comprehensive Plan. It is available for download from the **Affordable Housing Resource Center**, by clicking on the '*Housing Element*' button on the left-hand column.
- DSHA recommends the update include an assessment of the progress in implementing the housing strategies outlined in the 2005 plan.
- The current certified 2005 plan uses housing data and market conditions that precede the housing market collapse. DSHA recommends the Town update the data to reflect current housing market conditions. DSHA has a significant amount of current data to offer the Town.
- DSHA recommends that the Town consider the growing body of research that indicates that demographic changes and consumer preferences will dramatically shift the demand for the style and type of housing for the next 20 years.
 - While large suburban homes have dominated development in Delaware for several decades, the baby boomers that once drove this development are now aging and are looking to downsize into something more manageable. The Delaware Population Consortium (DPC) projections for the next ten years indicate that not only will there be a large amount of suburban homes placed on the market by baby boomers, but that there will be a *decline* in households in age ranges that typically seek large homes. These same DPC projections show growth in the younger age ranges most likely at stages in their life and income to support apartments, condominiums and entry level homes.

The combination of excess suburb housing supply currently on the market, additional supply being added by aging baby boomers, more stringent lending standards, along with a changing market indicate that it is *critical* that communities move away from large lot single family-detached housing and *proactively* provide a variety of housing options to meet changing market demand.

- DSHA encourages municipalities receiving federal funds for housing to be aware of the renewed focus of Civil Rights obligations at the U.S. Department of Housing and Urban Development (HUD). There have been several cases, most notably the *Anti-Discrimination Center v. Westchester County*, which have resulted in a renewed emphasis on municipal obligations to Affirmatively Furthering Fair Housing (AFFH) when receiving federal funds. To AFFH, refraining from discrimination is not enough. Instead, municipalities must take proactive steps to ensure affordable housing is a reality in their community. HUD is stepping up enforcement efforts.

Next Steps:

Once the Town has completed and approved the comprehensive plan for State review, please resubmit to our office for a PLUS review. If we can be of any assistance to the Town as you move forward with the update, please contact Herb Inden at 302-577-5188.

Thank you for the opportunity to review this project.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland".

Constance C. Holland, AICP
Director, Office of State Planning Coordination