

MEMORANDUM

DATE: April 30, 2009

TO: All Members of the Delaware State Senate
and House of Representatives

FROM: Ms. Daniese McMullin-Powell
Chairperson
State Council for Persons with Disabilities

RE: H.B. 82 [Workforce Housing Disclosure]

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. No. 82 would require written disclosure to all prospective buyers in a subdivision, with an approved plan to have 2 or more units of workforce housing, of the impact of workforce housing on “density, quality of construction, fixtures and other amenities, maintenance fees, and impact on roadways and schools.” Prior to submission of any subdivision plans to New Castle County, a developer would be required to provide a written disclosure to all prospective buyers of the potential impact if workforce housing were added to the subdivision. SCPD opposes the proposed legislation and has the following observations.

First, the bill contains multiple substantive deficiencies. The following are examples.

A. The title to the bill, as well as the operative Section 1, indicate that it amends Title 25 of the Delaware Code. The bill has no effect on Title 25. The correct reference would be to Title 6 of the Delaware Code.

B. Subsection (c)(i) fails to identify who issues the contemplated disclosure to prospective purchasers. Is it the County, developer, existing homeowners? Use of disfavored passive voice in this subsection “muddies the waters”.

C. Lines 11 and 12 refer to “paragraph (5)(I) of this subsection”. There is no such paragraph. SCPD suspects the reference should be to “(c)(i)”.

Second, requiring a developer to identify “the potential impact of workforce housing” when a

subdivision plan has not even been filed is not meaningful. One could only speculate what impact workforce housing could have on a subdivision. The impact would obviously depend on the density, amount, nature, and location of workforce housing. Requiring speculative disclosure by a developer will result in confusion by potential buyers. Providing “misinformation” to buyers may arguably be worse than providing no information.

Third, it is unclear what effect workforce housing would have on “quality of construction, fixtures and other amenities” (line 7). SCPD does not understand the link between workforce housing and these considerations.

Fourth, SCPD infers the intent of the legislation is to have a “chilling effect” on workforce housing. Since there is a lack of affordable housing in the State, placing unnecessary impediments to workforce development is ill-advised.

Thank you for your consideration and please contact SCPD if you have any questions regarding our position on the proposed legislation.

cc: The Honorable Jack Markell
Mr. Brian Hartman, Esq.
New Castle County
Governor’s Advisory Council for Exceptional Citizens
Developmental Disabilities Council

Hb 82 workforce housing 4-09