

City of Milford



CITY COUNCIL AGENDA

November 28, 2016 - 7:00 P.M.

Joseph Ronnie Rogers Council Chambers
Milford City Hall
201 South Walnut Street
Milford, Delaware

PUBLIC HEARING

Community Development Block Grant Program
Kent & Sussex Counties - Fiscal Year 2017

COUNCIL MEETING

Call to Order - Mayor Bryan Shupe

Invocation

Pledge of Allegiance

Recognition

Proclamation 2016-15/Congratulating Milford High School Boys Soccer Team

Proclamation 2016-16/Congratulating Milford High School Field High Team

Proclamation 2016-17/Congratulating Milford High School Cross Country Team

Proclamation 2016-18/Congratulating Milford High School Varsity Football Team

Proclamation 2016-14/Honoring Retired Police Chief E. Keith Hudson for 39 Years of Service

Committee Reports

Community Affairs Recommendation:

*Ordinance 2016-24/Amending the Code of the City of Milford
by Adding a New Chapter 90 Entitled Business License*

*Police Committee Recommendation:
Certified Police Officer Hiring Bonus*

Communications & Correspondence

Unfinished Business

New Business

Milford Community Parade Committee/Charles Gray/Report & Request

Introduction/Ordinance 2016-21

Change of Zone/Lands belonging to City of Milford

Tax Parcel 3-30-11.09-030.00

.42 +/- Acres

Current Zone II/Proposed Zone R3 Zoning District

East side of Marshall Street approximately 850 feet north of the Elks Lodge Road intersection

Present Use: Vacant. Proposed Use: Watergate Subdivision.

Introduction/Ordinance 2016-22

Change of Zone/Lands belonging to Liborio Watergate LLC

Tax Parcel 3-30-11.09-031.00

.42 +/- Acres

Current Zone II/Proposed Zone R3 Zoning District

643 Marshall Street, Milford, Delaware

Present Use: Vacant. Proposed Use: Watergate Subdivision.

Introduction/Ordinance 2016-23

Liborio Watergate LLC for a Conditional Use

Amended Planned Unit Development and a Preliminary Major Subdivision

Tax Map 3-30-11.09-029.00; -029.03-30.00 through -032.00; 3-30-11.09-101.00 through -304.00.

47.39 +/- acres in an R3 (Garden Apartment and Townhouse) Zoning District

East side of Marshall Street approximately 650 feet north of the Elks Lodge Road Intersection

Present Use: Townhouses and Vacant Land

Proposed Use: 43 Single Family units, 48 Duplex units, 129 Townhouse units, 80 Apartment units for a total of 300 Unit Subdivision.

Introduction/Ordinance 2016-25/Chapter 107/Contractors Code Amendment

Introduction/Ordinance 2016-26/Chapter 168/Peddling, Soliciting and Transient Merchant Code Amendment

Adjourn

This agenda shall be subject to change to include additional items including executive sessions or the deletion of items including executive sessions which arise at the time of the public body's meeting.

SUPPORTING DOCUMENTS MUST BE SUBMITTED TO THE CITY CLERK IN ELECTRONIC FORMAT NO LATER THAN ONE WEEK PRIOR TO MEETING; NO PAPER DOCUMENTS WILL BE ACCEPTED OR DISTRIBUTED AFTER PACKET HAS BEEN POSTED ON THE CITY OF MILFORD WEBSITE.

PUBLIC HEARING

The **City of Milford, Delaware**, in cooperation with the Sussex County Council, the Levy Court of Kent County, Delaware, and the Delaware State Housing Authority (DSHA), will hold a public hearing on **Monday, November 28, 2016, at 7:00 p.m. at the City Hall, 201 South Walnut St., Milford, Delaware** for the purpose of providing any interested citizens the opportunity to comment on the municipality's application for funds under the Delaware Community Development Block Grant (CDBG) Program. In accordance with the Section 106 Review Process established by the National Historic Preservation Act of 1966, as amended, comments are especially encouraged from interested agencies and individuals with respect to undertakings that may affect historic properties of significance to such agencies and individuals.

This Federally funded program will provide grants amounting to \$2,000,000. (funding level subject to change), to support Community Development Activities in eligible local governments in Kent and Sussex Counties. The public hearing will also include a status report for Milford's FY-16 projects.

For further information on this hearing, please contact Sussex County Department of Community Development at 855-7777 or the Kent County Department of Planning at 736-2014.

Sussex County promotes equal housing opportunity.





DEVELOPMENT SECTION

18 THE GREEN

DOVER, DELAWARE 19901

TOLL FREE: (888) 363-8808

(302) 739-4263
(302) 739-1118 FAX
(302) 739-7428 TDD

November 9, 2016

MEMORANDUM

TO: Eligible Communities within Kent and Sussex Counties
Kent County Levy Court
Sussex County Council

FROM: Anas Ben Addi, Director 

SUBJECT: **Delaware FY2017 Community Development Block Grant
Program Guidelines and Application Package**

Enclosed please find the final FY2017 State of Delaware Community Development Block Grant (CDBG) Program Guidelines and Application Package. A public meeting on the Guidelines was held on October 13, 2016, and the last day of the comment period was October 28, 2016. The Program Guidelines and Application Package have been changed from last year's program as follows:

- Under Section I.E.2.e., all target area information must be received in the DSHA office at 18 The Green, Dover, Delaware 19901, no later than 4:00 p.m. on January 20, 2017;
- Section III.A.1.a.4.) has been amended, to extend the required housing rehabilitation lien periods for higher amounts of CDBG/HOME rehab assistance. The CDBG/HOME housing rehabilitation program will remain as a deferred loan program. The loan interest rate will remain as 0%. The deferred loans can still be reduced on a pro-rata basis over the time period for the lien. At the end of the loan terms, the total amount of the loans will still be forgiven and satisfied. With an exception for CDBG only funded-hookups, meter installations, and emergency repairs under \$5,000: a five-year lien will be required for properties receiving \$0 to under \$10,000 in rehab assistance; a ten-year lien will be required against all properties receiving \$10,000 to under \$15,000 in rehab assistance; a fifteen-year lien will be required for all properties receiving \$15,000 to under \$20,000 in rehab assistance; and, a twenty-year lien will be required against all properties receiving \$20,000 or more in housing rehab assistance. This change to the Program Guidelines should generate more program income for applicants to use on additional rehabilitation activities, and applicants will be allowed to take up to 10% of CDBG only program income for administration; and

Eligible Communities and Kent and Sussex Counties

November 9, 2016

Page Two

- Under Section IV. A., applications for the State's FY17 CDBG Program must be received in the DSHA office at 18 The Green, Dover, Delaware 19901, no later than 4:00 p.m. on February 23, 2017.

Please do not submit more or less than the required one original and one copy of each application.

Incomplete or otherwise deficient applications will be returned to the applicant and will not be permitted to be amended.

If you have any questions regarding the Program Guidelines or Application Package, please feel free to call Andrew Lorenz of the Community Development Section at (302)739-0261 or you may reach him via e-mail at andy@destatehousing.com.

ajl:mjh

Enclosures

cc: Cynthia L. Deakyne
Susan Eliason
Andrew J. Lorenz

STATE OF DELAWARE
DELAWARE STATE HOUSING AUTHORITY
DELAWARE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
PROGRAM GUIDELINES FOR FY2017

I. GENERAL

A. Scope and Applicability

These Program Guidelines describe the Delaware Community Development Block Grant (CDBG) Program for Kent and Sussex Counties in Delaware. Funds for this program, when appropriated by the U.S. Congress, are provided in a block grant to the state by the U.S. Department of Housing and Urban Development (HUD) pursuant to Section 106 of the Housing and Community Development Act of 1974, as amended by the Housing and Community Development Act of 1992, and in accordance with HUD rules, regulations and program memoranda.

B. Administration

The Delaware State Housing Authority (DSHA) administers the Delaware CDBG Program. The purpose of DSHA is to provide affordable, decent, safe, and sanitary housing to low- and moderate-income persons.

C. Program Design and National Objectives

The Delaware FY2017 CDBG Program has been designed so as:

1. to give maximum feasible priority to activities which will benefit low- and moderate-income families;
2. to aid in the prevention of slums and/or blight; and
3. to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and where other financial resources are not available to meet such needs.

Each CDBG activity must be an eligible activity, and it must comply with one of the above three national objectives. Subgrantees shall ensure that the following records are maintained and kept up to date: 1) records demonstrating that each activity undertaken meets one of the national objectives; and 2) a full description of each activity carried out (or being carried out) in whole or in part with CDBG funds, including the nature and purpose of the activity, its location (if the activity has a geographical location) and the amount of CDBG funds budgeted, obligated and expended for the activity.

EXCEPT THAT the aggregate use of Title I funds received by the state during the period of Federal Fiscal Years 2016, 2017, and 2018 shall principally benefit persons of low and moderate income in a manner that ensures that not less than 70 percent of such funds are used for activities that benefit low- and moderate-income persons. In

order to comply with the 70 percent principal benefit requirement, it is further agreed that not less than 70 percent of the total FY17 CDBG Grant shall be utilized for activities that benefit low- and moderate-income persons as defined in Section I.D. of these Program Guidelines.

D. Low- and Moderate-Income Definition

1. Low- and moderate-income persons are those persons whose incomes do not exceed the income limits for lower-income families pursuant to Section 8 of the United States Housing Act of 1937 as amended, and provided to the State of Delaware by HUD in a table of income limits as set forth by dollar amount and family size. (These income limits are periodically revised by HUD and are made available by DSHA to all units of general local government and counties in Delaware eligible for this program. See Attachment "A" to these Program Guidelines for the most recent figures dated 3/6/15.)
2. Low- and moderate-income households are all persons occupying the same housing unit, regardless of their relationship to each other, whose combined incomes do not exceed the income limits described in paragraph I.D.1., above.

E. Documentation of National Objectives and Low- and Moderate-Income Benefit

1. Documentation of National Objective.

a. Infrastructure (public works) Activities:

For each activity determined to benefit low- and moderate-income persons based on the area served by the activity, subgrantees must maintain records containing: 1) the boundaries of the service area; and 2) a summary of the income characteristics of the persons in the service area showing that at least 51 percent of area residents are low/moderate income.

b. Housing Rehabilitation Activities:

For each direct benefit activity determined to directly benefit low- and moderate-income persons based on the household income of those directly benefiting and where the activity involves the submission of an application or the completion of a personal record, subgrantees must maintain sufficient evidence to ensure such benefits would accrue to low- and moderate-income persons, the income limits applied, and the point in time when the benefit was determined.

Individual household incomes must be thoroughly documented to verify that they are 100 percent low to moderate income before each housing unit is provided housing rehabilitation assistance. No rehabilitation assistance shall be provided to households that are not low to moderate income, except as provided under Section III.C.2.c. of these Program Guidelines (urgent need).

Subgrantees must maintain records including the number of units to be rehabilitated, and the amount to be spent on each unit to be rehabilitated.

c. Housing Code Enforcement/Demolition:

Documentation to be maintained by subgrantees for each activity determined to aid in the prevention or elimination of slums or blight based on addressing one or more of the conditions which qualified an area as a slum or blighted area must include: 1) the boundaries of the area; and, 2) a description of the conditions which qualified the area at the time of its designation in sufficient detail to demonstrate how the area met the requirements in 24 CFR 570.208(b)(1).

Documentation to be maintained by subgrantees for each activity determined to aid in the prevention or elimination of slums or blight based on the elimination of specific conditions of blight or physical decay not located in a slum or blighted area must include a description of how the threats to public health and safety are to be corrected.

d. Transitional Housing Construction/Rehabilitation:

For each activity determined to benefit low- and moderate-income persons because the activity involves a facility or service designed for use predominantly by low- and moderate-income persons, subgrantees shall maintain sufficient evidence to ensure that the predominant users would be low- and moderate-income persons.

e. Urgent Needs:

For each activity determined to meet a community development need having a particular urgency, subgrantees shall maintain documentation including: 1.) the nature and degree of seriousness of the conditions requiring assistance; 2.) evidence that the recipient certified that the CDBG activity was designed to address the urgent need; 3.) information on the timing of the development of the serious condition; and, 4.) evidence confirming that other financial resources to alleviate the need were not available.

2. Target Areas

- a. Community-wide low- and moderate-income percentages are noted in Attachment B to the Program Guidelines. The list is from HUD's Low/Moderate Income Summary Data estimates for FY2014. These community-wide low- and moderate-income percentages will normally be used only for infrastructure activities such as a town well.

- b. Infrastructure (public works) activities must utilize either the community-wide low- and moderate-income figures noted in Attachment B, a survey following the methodology contained in the 9/23/14 HUD Notice CPD-14-013, "Guidelines for Conducting Income Surveys to Determine the Percentage of Low- and Moderate-Income (LMI) Persons in the Service Area of a Community Development Block Grant (CDBG)-Funded Activity," or the available Census data at the tract or block group level, to show that target area residents are 51 percent low/moderate income. Census maps can be found at: <http://factfinder2.census.gov>. Past surveys not utilizing the HUD methodology will not be accepted.

- c. Housing rehabilitation activities no longer have to document that the target area residents are 51 percent low/moderate income. Instead, the target area will be defined on the basis of the number of substandard dwelling units contained within its boundaries. The total number of dwelling units shall also be enumerated. Documentation of these figures shall normally be accomplished through a windshield survey. A substandard dwelling unit is defined as failing to meet the standards of the Delaware State Housing Code or the housing code adopted by the jurisdiction where the unit is located.

Where no discernible target areas exist within a community's corporate limits, the entire community may be identified as a rehab target area. The total number of dwelling units, and the number of substandard dwelling units, shall be documented as for any other target area.

- d. Housing Code Enforcement/Demolition:

Unless housing code enforcement/demolition activities meet the national criteria for slum and blight, these activities require target area determinations utilizing the HUD Survey Methodology or Census data documenting a 51 percent benefit to low/moderate-income persons.

e. DSHA Pre-Approval:

All target area survey instruments, descriptions of how surveys were conducted, survey results, maps clearly indicating service area boundaries, a rationale/justification for the service area determination, and a rationale for the method used to determine low- and moderate-income benefit (if Census information is not used) must be approved by DSHA prior to the submission of an application. Census data must be used to the maximum extent feasible for determining the income of persons residing in service areas. Target areas must have at least four eligible units per target area. All target area information must be received in the DSHA office at 18 The Green, Dover, Delaware 19901, no later than 4:00 p.m. on **January 20, 2017**.

f. Service Area Determination guidance can be found at the Section titled “Determining the service area” on pages 3-9 to 3-11 of the “Guide to National Objectives & Eligible Activities for State CDBG Programs,” available from DSHA, or at:
http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/library/stateguide.

g. Areas of Minority Concentration

To affirmatively further Fair Housing, DSHA will provide up to 5 points in the Application Review scoring at Section V.B.1.d. to applications that target areas having disproportionate housing needs by race and ethnicity. Areas of racial and ethnic minority concentration are defined as geographic areas where the percentage of a specific minority or ethnic group is 10 percentage points higher than in the jurisdiction overall, as of the 2010 Census. In Kent County there are 8 Census tracts identified as having concentrations of Black residents, including 402.03, 405.01, 410, 412, 414, 415, 425, and 433. Kent County also has one Census tract having a concentration of Hispanic residents: 425. In Sussex County, there are five Census tracts having concentrations of Black residents: 501.05, 502, 504.06, 504.07, and 518.02. Sussex County also has four Census tracts having concentrations of Hispanic residents: 501.04, 505.03, 505.04, and 514.

F. Program Outcome Performance Measurement

On pages 11470 to 11481 of the March 7, 2006 Federal Register, HUD published a “Notice of Outcome Performance Measurement System for Community Planning and Development Formula Grant Programs”. This Notice on Performance Measurement is to be followed in establishing and reporting outcome performance measures for each activity for FY2017. Subgrantees are required to provide proposed outcome/objective statements

for each activity in their CDBG applications, and actual outcome/objective statements with indicators in their quarterly and closeout reports.

G. Affirmatively Furthering Fair Housing

In addition to typical reporting requirements, in an effort to affirmatively further Fair Housing, DSHA will increase monitoring and require increased reporting relative to Fair Housing issues. Eligible jurisdictions will be required to submit reports (1) detailing addresses of beneficiaries and their membership in protected classes and (2) a narrative report updating DSHA about progress on meeting objectives outlined in the Statewide Fair Housing Plan and other efforts to affirmatively further Fair Housing, such as training, outreach and new programs.

II. General Information for Applicants

A. Eligible Applicants

Eligible applicants are units of general local government in Kent and Sussex Counties, the Kent County Levy Court and the Sussex County Council.

B. Number and Type of Applications

Each unit of local government and each county government may make only one application for funds in each program year, with the exception of applications for emergency activities and infrastructure for new housing development. An application from the Kent and Sussex County Governments may include unincorporated portions of the county, as well as those incorporated areas whose governing bodies have specifically requested to be included in the county's application. Written evidence of that request must be included with the county's application. If a local government has requested to be included in a county application it may not make a separate application, except applications for emergency activities and infrastructure for new housing development submitted after the normal application deadline.

C. Activities Outside an Applicant's Boundaries

An applicant may apply for CDBG funds for eligible program activities, which are partially outside its boundaries if it can be demonstrated that these activities are appropriate to meet the applicant's needs and objectives. Such activities must be consistent with State and local law, and the county or municipality within which these activities will take place must agree to such activities.

D. Activities Within an Application

Within a single application or fiscal year, an applicant may seek funding for activities, which address more than one community development need, as long as the total does not exceed the maximum allocation of \$1,100,000. The CDBG funds requested, either by themselves or in combination with other funds, must be sufficient to complete the proposed activities. An allocation exceeding \$500,000 would have to be extremely competitive.

E. Eligible Activities

The 2017 program will provide funds to units of general local government and to counties not entitled to receive CDBG funds directly from HUD to undertake eligible approved activities, as listed in these Program Guidelines. The program is competitive in nature and it is anticipated that the demand for funds will far exceed the total amount available to the State. Therefore, eligible applicants selected for funding will be those communities and counties whose applications best address locally-determined needs of low- and moderate-income families as contained in the Delaware Consolidated Plan dated May, 2010, and which are also consistent with the 51 percent principal benefit requirement or otherwise meet one of the three National Objectives, and which meet one or more State priorities.

Applicants should be aware that proposed activities, which do not meet a State priority will be deemed unresponsive and not considered by the review panel, unless sufficient fundable activities meeting a State priority are not received by DSHA.

III. State Priorities and Set-Asides

The following are the State's priorities and set-asides for FY17 CDBG funding:

A. Maintenance of Existing Housing

1. Rehabilitation of substandard residential properties occupied by 100 percent low- and moderate-income households.

- a. General

- 1) Applicants must submit a list of all residential properties to be rehabilitated, with each property identified as owner- or renter-occupied. However, local governments with current waiting lists containing at least twice the number of applicants than are proposed for assistance may simply submit a certification to that effect, without submitting the normal list of properties to be rehabilitated. Applicants' waiting lists must be updated

each year, prior to submission to DSHA. Applicants must submit pictures of, directions to, and addresses for, the first four houses on each waiting list.

For the FY17 program year, if rehab applicants are exhausted in targeted areas before funds are exhausted in those areas, excess funds from those areas can be transferred to other target areas. If all eligible rehab applicants are exhausted in all target areas before funds are exhausted in those areas, then the excess funds from those areas can be transferred to scattered site rehabilitation.

- 2) All residential properties receiving CDBG assistance must be rehabilitated up to the standards of the Delaware State Housing Code or the local equivalent code, except that those properties only receiving assistance under a funded Emergency Home Repair activity under Section III.A.1.g. do not need to be brought completely up to code at the time the emergency repair is completed. All CDBG applicants must include a clause in their rehabilitation contracts, which enables them to rescind the contract in the event it is determined during the course of construction that the proposed rehabilitation is not feasible due to unforeseen conditions not known at the time the contract was executed.
- 3) All applicants requesting CDBG rehabilitation assistance must have adopted and be enforcing a housing code equivalent to or more restrictive than the Delaware State Housing Code. (Municipalities may be under contract for the enforcement of the code by county government.) The CDBG subgrantee must certify that the property is up to housing code standards when rehabilitation is completed.
- 4) **The CDBG/HOME housing rehabilitation program is a deferred loan program. The loan interest rate is 0%. The deferred loans can be reduced on a pro-rata basis over the time period for the lien. At the end of the loan term, the total amount of the loan would then be forgiven and satisfied.**
 - a. **A lien in the amount of the rehabilitation costs must be placed against all properties receiving CDBG/HOME rehabilitation assistance, except that: no lien will be required to be placed on properties receiving less than \$5,000 in CDBG only rehabilitation assistance (not HOME rehabilitation assistance) for water/sewer**

hookups, meter installations, and emergency repairs. Properties receiving rehabilitation assistance funded in whole or in part with HOME funds will have a lien placed regardless of amount.

b. Except as noted above, loan terms for CDBG/HOME Rehabilitation Assistance:

Under \$10,000	5 Years
\$10,000 to under \$15,000	10 Years
\$15,000 to under \$20,000	15 Years
\$20,000+	20 years

c. Deferred loans may be recorded in second position behind the homeowners' first mortgage, if required. Pro-rata payback of a CDBG-deferred loan to the Subgrantee is required when the property is sold or transferred, except the lien may continue on the property without repayment when the property is sold or transferred to a low/moderate-income household. Pro-rata payback of a HOME-deferred loan to DSHA is required when the property is sold, refinanced, or transferred.

d. Applicants may take up to 10% of the program income from the return of CDBG only deferred loan funds for use as administration funds. Applicants must report the taking of CDBG program income and CDBG program income administration funds on their next drawdown. All HOME program income funds must be returned to DSHA.

5) The applicant must have adopted a rehabilitation manual containing all forms and procedures to be used, including: procedures for coordinating with similar rehabilitation programs and an executed Programmatic Agreement (PA) with the National Advisory Council and State Historic Preservation Office.

6) Applicants may use up to 50 percent of their CDBG funds for community-wide rehabilitation. Counties proposing to use their community-wide funds in incorporated communities must obtain a resolution from that community authorizing such rehabilitation to be done.

- 7) Applicants must use 51 percent of their CDBG funds in designated DSHA-approved target areas. Subject to DSHA approval, where no identifiable smaller target areas exist, the target area requirement may be waived for a particular community.
 - 8) Except in cases of emergency rehabilitation, applicants must certify that units to be rehabilitated will be insured for at least the amount and period of the rehab loan.
 - 9) Local officials shall determine the suitability of providing rehabilitation assistance to any given residential property.
 - 10) Applicants are encouraged to support the Statewide initiative to hire minority-, veteran- or women-owned businesses. The company must be (a) 51 percent owned by minority, Veteran and/or woman or (b) 51 percent managed by minority group, service disabled veteran/veteran and/or woman and (c) certified as a MVWBE (or home state equivalent) in home state of business as for-profit business. For further information please refer to <http://gss.omb.delaware.gov/osd/index.shtml>.
- b. Lead-Based Paint: This Section applies to activities renovating or rehabilitating housing units occupied by 100 percent low- and moderate-income households constructed prior to January 1, 1978 receiving Federally-funded project-based assistance.
- 1) Grantees shall follow the lead-based paint regulations found at 24 CFR part 35 Lead-Based Paint Poisoning Prevention in Certain Residential Structures.
 - 2) In cases where evaluation or hazard reduction or both are undertaken, the subgrantee shall provide a notice to occupants in accordance with Section 35.125.
 - 3) Subgrantees must provide a lead hazard information pamphlet to all families receiving assistance living in pre-1978 housing, and obtain a signed acknowledgment from occupants that they have received the pamphlet.
 - 4) Lead-based paint inspection, risk assessments, testing, hazard reduction and abatement and treatment are eligible expenses.
 - 5) Inspection/risk assessment/testing reports must be kept by the subgrantee for a period of three years.

- 6) The subgrantee must conduct paint testing or presume the presence of lead-based paint, in accordance with Section 35.930.
 - 7) CDBG administration funds may be used for rehabilitation subgrantee lead-based paint certification training. No matching funds are required for administrative funds used for CDBG subgrantee lead-based paint certification training.
- c. Rental Rehabilitation of housing units occupied by 100 percent low- and moderate-income households.
- 1) A maximum of \$15,000 per unit may be provided for CDBG rental rehabilitation.
 - 2) CDBG rental rehabilitation loans will be financed at 3 percent amortized over a period of 10 years and will not be deferred.
 - 3) Only 75 percent of the rehabilitation cost may be financed by CDBG funds. The remaining 25 percent must be financed through private funds.
 - 4) The servicing of 3 percent CDBG rental rehabilitation loans shall be handled by DSHA through an agreement with a private servicing agent. The costs to DSHA of providing servicing will be reimbursed from principal and interest payments made by the owner to the subgrantee. All principal and interest for rental rehabilitation loans shall be repaid on a regular monthly schedule after completion of the work.
 - 5) All rental units financed with CDBG funds must be occupied by low- and moderate-income persons at affordable rents throughout the duration of the loan agreement. Affordable rents are defined as Fair Market Rents (FMR) published periodically by the Federal HUD Section 8 Existing requirements. See Attachment D to these Program Guidelines for the most recent figures dated 10/01/15.
 - 6) All CDBG rental rehabilitation must utilize the forms and procedures contained in Delaware CDBG Rental Rehabilitation Procedures dated November, 1990.

- d. The rehabilitation of manufactured housing occupied by 100 percent low- and moderate-income households shall utilize the same rehabilitation procedures as other housing, except that the following additional requirements apply:
- 1) There shall be a limit of \$15,000 per manufactured home rehabilitated on rental lots. There shall be a limit of \$25,000 per manufactured home rehabilitated where the owner owns both the manufactured home and the lot it is situated on;
 - 2) The CDBG subgrantee must certify that the property will have at least 10 years of habitable life after rehabilitation is completed;
 - 3) The CDBG subgrantee must obtain documentation that the manufactured home is in place and installed in accordance with local environmental, zoning and housing/building code requirements, prior to starting work on the property;
 - 4) For manufactured housing where the owner owns both the manufactured home and the lot it is situated on, the unit must have a permanent foundation in order to be eligible for rehabilitation funds. If no permanent foundation exists, then the total rehabilitation contract specifications for a unit must include the installation of the foundation. For manufactured housing situated on rental lots, the permanent foundation requirement does not apply; and
 - 5) For manufactured housing where the owner owns both the manufactured home and the lot it is situated on, and where the manufactured housing unit is beyond economical repair, the CDBG Subgrantee receiving HOME rehabilitation funds may only use HOME rehabilitation funds to replace the unit with a manufactured housing unit not more than 20 years old. All manufactured housing to be replaced must have been condemned by the applicant's code enforcement official, and the replacement unit must meet the standards of the Delaware State Housing Code or the local housing code. A ten-year lien must be placed against all properties where manufactured housing is replaced with HOME funds. For manufactured housing situated on rental lots, the replacement option does not apply.
- e. Water and/or sewer hookup of 100 percent low- and moderate-income households shall utilize the same rehabilitation procedures as other housing rehabilitations, including the documentation of low- and

moderate-income household according to the definition provided in Section I.D.2, above.

- f. Energy Efficiency: This Section applies to activities renovating or rehabilitating housing units occupied by 100 percent low- and moderate-income households. To the maximum extent feasible and cost-effective, subgrantees' work write-ups and specifications for rehab work necessary to bring the dwelling unit up to housing code standards shall require ENERGY STAR qualified products and procedures. Subgrantees shall utilize the Energy Star website directly at: <http://www.energystar.gov/homeadvisor> to determine the recommended energy-efficient specifications for rehabilitation and remodeling. The recommendations on these websites shall be followed for all required work and materials, including, but not limited to: windows, heating and air conditioning systems, ventilation, insulation, air sealing, water heaters, light fixtures, lighting, and doors. The CDBG subgrantee shall also coordinate its housing rehabilitation waiting lists, to the extent feasible, with the Delaware Weatherization Assistance Program waiting list, and the waiting lists of all other agencies that offer emergency home repair programs.

- g. Emergency Home Repair of residential properties owned and occupied by 100 percent low- and moderate-income households. CDBG applicants may apply for a separate Emergency Home Repair category of housing rehabilitation funds to address an emergency condition threatening the health or safety of an owner-occupied household's occupants. Emergency Home Repair is separate from emergency rehabilitation under Section III.C.2. of these program guidelines. Repairs that generally qualify as emergency home repair include: heating, plumbing, electrical, roofing, and structural problems.
 - 1) An emergency is defined as an unexpected occurrence or combination of events calling for immediate action. Unsafe electrical wiring, a non-working heater in winter, or structural conditions that are a major defect or are life-threatening and considered unsafe are examples of true emergencies.
 - 2) A minimum of \$500 and maximum of \$7,500 may be provided per home in CDBG emergency home repair assistance.
 - 3) Homeowners must meet all eligibility requirements to participate in the program.

- 4) A five-year lien must be placed against all properties receiving \$5,000 or more in CDBG emergency home repair funds.
2. Housing code enforcement in areas of slum and blight (as defined in state regulations) or which benefit an area of at least 51 percent low- and moderate-income persons. (Also note Section I.E.2.d.)
 - a. Applicants proposing housing code enforcement activities must certify that they will maintain during the period of the CDBG contract, in addition to their expenditures for carrying out any program assisted with CDBG funds, a level of expenditures for code enforcement activities at not less than their normal expenditures for such activities in the year prior to the execution of the CDBG Contract.
 - b. Applicants requesting CDBG assistance for code enforcement must have adopted and be enforcing a housing code equivalent to the Delaware State Housing Code.
3. Demolition of substandard structures in areas of slum and blight (as defined in state regulations) or which benefit 51 percent low- and moderate-income persons on an area or spot basis. Applicants for demolition funds may use up to 50 percent of such funds for community-wide demolition.
 - a. All structures to be demolished must have been condemned by the applicant's code enforcement official. Applicants requesting CDBG assistance for demolition must have adopted and be enforcing a housing code equivalent to the Delaware State Housing Code.
 - b. Demolitions to be accomplished with the voluntary consent of the owner and at the discretion of the community, must be in the form of a permanent 0 percent deferred loan, that is not forgivable, unless new housing constructed on the property becomes exclusively: 1) owned and occupied as the principal residence(s) of low/moderate-income household(s); or, 2) rented by low/moderate-income household(s) for a period of at least ten years.
 - c. For non-voluntary demolitions, the governing body of the applicant must provide evidence that it has exhausted other available legal procedures to secure remedial action by the

owner of the structure(s) involved, that demolition action is required, and that it has the legal authority to demolish the structure(s).

- d. The applicant requesting CDBG assistance for non-voluntary demolitions must agree to place a tax lien on the property so that monies expended for razing, demolition, and removal of eligible structures or part(s) thereof, may be collected in the same manner as other real estate taxes. All such monies recovered shall be deemed to be program income.
 - e. Demolition liens, whether in the form of a 0 percent deferred loan, or a real estate tax lien, may be subordinated to a new mortgage on the property if the property is sold or transferred for the purpose of low/moderate-income housing. The lien will then continue in the original form until such time as the property is converted to a use other than for the purpose of low/moderate-income housing, at which time the lien will be required to be repaid; or, until such time as the property is actually used to house low/mod-income household(s) as described in Section III.A.3.b., above, at which time the lien will be forgiven.
4. Construction or rehabilitation of emergency/transitional/permanent supportive housing serving of at least 51 percent low- and moderate-income limited clientele.
- a. Applicant must provide evidence that the construction or rehabilitation will benefit at least 51 percent low- and moderate-income persons. This evidence must demonstrate that at least 51 percent of daily normal users of the facility are principally low- and moderate-income persons.
 - b. Applicant must certify that it will not charge any fees for accessing such assisted facilities so as to have the effect of precluding low- and moderate-income persons from obtaining said access.
 - c. All CDBG applicants must certify that they will comply with the labor standards as set forth in 24 CFR 570.603; HUD regulations at 24 CFR 607 and 609; and the Delaware CDBG Labor Standards Handbook.

- d. No such activities will be funded unless additional funding has been secured for the provision of services which are complementary to the programmatic purpose of the activity.
 - e. The applicant must certify that it will obtain all necessary permits and will comply with all federal, state and local standards and regulations that pertain to the type of activity requested such as building codes, insurance, and the State architectural accessibility standards prescribed by the State of Delaware Architectural Accessibility Board.
 - f. If the facilities to be assisted are publicly owned, the facilities must be nonresidential buildings which are not used for the general conduct of government such as "city halls, county administration buildings, state capitol or office buildings, or other facilities in which the legislative or general administrative affairs of government are conducted." (Section 102 (a)(21) of the Act); and which meet the requirements of 24 CFR 570.200 (5)(b).
 - g. If the facilities to be assisted are privately owned by a nonprofit organization, the organization must meet the requirements of 24 CFR 570.204 (c)(1), and be operated so as to be open for use by the general public during all normal hours of operation and otherwise meet the requirements of 24 CFR 570.200 (5)(b).
 - h. The applicant must comply with all restrictions and limitations regarding the use of CDBG funds by nonprofit organizations which are church-related found at 24 CFR 570.200(j).
- 5. Relocation assistance as required under the Uniform Relocation Act, Delaware Code, and 24 CFR 570.
 - 6. Substantial reconstruction of housing occupied by 100 percent low- and moderate-income households.

A unit of general local government may use CDBG funds to reconstruct residential structures (i.e. rebuild the structure on the same site) having a low- and moderate-income owner/occupant and consisting of one dwelling unit if either:

- a. The need for the reconstruction was not determinable until after rehabilitation on the structure had already commenced; or

1. Definition of infrastructure: The installation or improvement of water systems, sewer systems, streets, storm drainage systems, sidewalks. This includes all related activities such as engineering, land surveys, site acquisition (for housing development), planning studies, relocation assistance, etc.;
2. Architectural/engineering studies for infrastructure directly related to housing development, including feasibility studies, site tests and soil borings;
3. Preparation of grant applications to other grantor agencies;
4. Acquisition of land for new housing development, in accordance with the requirements of the Uniform Relocation Act of Delaware Code;
5. Clearance and site preparation for new housing development for low- and moderate-income persons;
6. Installation or improvement of infrastructure benefiting service areas of at least 51 percent low- and moderate-income persons, including: water, sewer, streets, sidewalks;
7. Planning studies, including comprehensive plans and zoning ordinances, which clearly by their intent and design, encourage the provision of affordable housing for low- and moderate-income persons; and
8. For items 1-7 as applicable above:
 - a. The applicant must provide evidence that it will provide a minimum cash or in-kind match for each activity, as described below. Cash matches may be provided through other sources of funding for the same activity;

Infrastructure Match Requirements

<u>Total Activity Cost</u>	<u>Cash Match</u>	<u>or</u>	<u>In-Kind Match</u>
Up to \$100,000	10% of Activity		15% of Activity
\$100,000+ to \$199,999	15% of Activity		20% of Activity
\$200,000+	20% of Activity		25% of Activity

- b. Applicant must provide evidence that at least 51 percent of the persons benefited by the activity are in fact low- and moderate-income persons;

- c. Applicant must certify that there will be no special assessment against properties owned by low- and moderate-income persons to recover that portion of a capital expenditure funded with CDBG funds. The term special assessment is defined to mean a fee or charge levied or filed as a lien against a parcel of real estate as a direct result of benefit derived from the installation of a public facility improvement, such as streets, curbs, and gutters. The amount of the fee represents the pro rata share of the capital costs of the public improvement levied against the benefiting properties;
 - d. All CDBG applicants must certify that they will comply with the labor standards as set forth in 24 CFR 570.603; HUD regulations at 24 CFR 607 and 609; and the Delaware CDBG Labor Standards Handbook; and
 - e. The applicant must certify that it will obtain all necessary permits and will comply with all federal, state and local standards and regulations that pertain to the type of activity requested.
9. Set-aside: 10-40 percent of CDBG funds available for allocation to activities, excluding administrative costs. The final percentage of CDBG funds allocated for the Infrastructure for Housing Development and Maintenance set-aside will be dependent upon the quality and type of applications received in FY17.
- C. Emergency activities (water, sewer, housing rehabilitation and demolition), which have a particular urgency because existing conditions pose a serious and immediate threat to the health and welfare of the community and other financial resources are not available to meet such needs.
- 1. For emergency water and sewer activities:
 - a. Applicant must certify that there will be no special assessment against properties owned by low- and moderate-income persons to recover that portion of a capital expenditure funded with CDBG funds;
 - b. The nature, degree of serious and immediate threat must be documented by letters from appropriate agencies such as the State Division of Public Health, DNREC, State/local fire officials, etc.;
 - c. The serious and immediate threat must be of recent origin or recently became urgent, that is, the condition developed or

became critical within 18 months of a certification that must be made by the applicant in its application;

- d. Applicant must certify and document that it is unable to finance the construction of these facilities without CDBG funds. Such documentation shall include: (a) if appropriate, letters from other grantor agencies such as the Department of Natural Resources and Environmental Control, Department of Transportation, Division of Public Health, etc., confirming that funds were not available; (b) appropriate financial statements showing the lack of local funds; and (c) a financial analysis of why the activity is not feasible through use of other methods of local funding such as the proceeds of general obligation bonds, special assessments, etc.;
 - e. All CDBG applicants must certify that they will comply with the labor standards as set forth in 24 CFR 570.603; HUD regulations at 24 CFR 607 and 609; and the Delaware CDBG Labor Standards Handbook; and
 - f. The applicant must certify that it will obtain all necessary permits and will comply with all federal, State and local standards and regulations that pertain to the type of activity requested.
2. For emergency rehabilitation and demolition:
- a. Required as a direct result of a natural disaster, such as a tornado, flood, hurricane, or similar catastrophe;
 - b. State has made a formal request to the Federal Emergency Management Agency for preliminary damage assessment and/or for which federal disaster assistance has been officially sought by the State;
 - c. At the discretion of the DSHA Director, rehabilitation assistance may be provided to persons not of low/moderate income when the need for such assistance is clearly documented;
 - d. Emergency rehabilitation and demolition activities will only be provided to cover losses not covered by insurance; and
 - e. Both emergency rehabilitation and demolition assistance will utilize the same liens and contracts as used for regular rehabilitation and demolition programs.

3. Set-aside: 0-7 percent of CDBG funds available for allocation to activities, excluding administrative costs. The final percentage of CDBG funds allocated for the emergency activities set aside will be dependent upon the quality and type of applications received in FY17.

D. Administration

1. At least 50 percent of the administrative cost of the activity(ies) must be provided by the local funds of the applicant.

2. Matching Requirements

These local funds may be drawn from local operating appropriations, nonprofit organization funds, proceeds of general obligation revenue bonds or other funds expended for the same purpose as the CDBG funds are expended. Any costs incurred by the applicant for activities that directly benefit the CDBG activity and meet the requirements of OMB Circular A-87 may be used to meet this match requirement. However, these funds must be spent in the same consecutive twelve-month period as the CDBG funds. For the purpose of this match requirement an applicant is considered to be: (a) a county's application for its unincorporated areas; (b) incorporated areas applying on their own; or (c) incorporated areas under a county's application.

3. Administrative Costs Limits

Administrative costs allowable to participating units of general local government under the CDBG Program shall be governed by the matching requirement in Paragraph 2. above, the contract budget and by the federal requirement that the State and its CDBG subgrantees are limited to an aggregate amount of administrative costs that represent twenty percent of the State's total grant from HUD in any given federal fiscal year. It should be noted that the total amount of CDBG funds available for administration in FY17 may be less than the amount currently allocated, depending upon the number and quality of applications received, and the amount of funding allocated by HUD. The maximum allocation for all administrative and program delivery costs for any single applicant shall not exceed **\$165,000** in any program year. Applications shall provide the salaries of all program administration personnel to be funded through CDBG funds. DSHA may separate rehabilitation specialists' salaries from general administration costs and allocate funding for those salaries as rehabilitation program delivery costs.

IV. Application Submission

A. Submission Date

Applications for the State's FY17 CDBG Program must be received in the DSHA office at 18 The Green, Dover, Delaware 19901, no later than 4:00 p.m. on **February 23, 2017**. Applications for emergency activities and infrastructure for housing development will be considered at any time during the program year, subject to the following conditions: sufficient unallocated CDBG funds must be available to fund the activity(ies); assuming the availability of CDBG funds, a review panel will be convened to evaluate such proposals as well as those activities which were not originally recommended for full funding; and the need for CDBG funds must have arisen after the application deadline and be required for immediate use. **ONE SIGNED ORIGINAL AND ONE SIGNED COPY of the application must be submitted.**

B. Application Content and Format

Applications for CDBG funds must be made on such forms and in accordance with such instructions as are prescribed by DSHA, and include all forms and questionnaires as may be applicable to the specific proposed activity.

C. Documentation and Certifications

Application for CDBG funds must include all such documentation and certifications as may be prescribed in these Program Guidelines and in the application instructions prescribed by DSHA.

D. Program Performance Period

All applications for 2017 funds shall be to finance CDBG-eligible activities that shall be initiated after July 1, 2017, and completed no later than June 30, 2018.

V. Application Review

A. DSHA Staff

1. The DSHA staff will review all applications for completeness and to determine whether the applications meet the minimum threshold requirements for all applications.
2. If the assessment by the DSHA staff indicates that an application fails to meet any of the applicable threshold requirements, and the applicant has not provided the requested information to make the application complete, DSHA staff will prepare a report on each such application and submit it to the Director of DSHA. If the Director of DSHA agrees with the assessment by DSHA staff, the application will be considered unresponsive. Such

applications will not be forwarded to the review panel(s) referred to below, but will be returned to the applicant with a reason for the rejection. Any application that has been assessed as unresponsive shall be precluded from any further consideration in the FY17 CDBG Program, unless it is modified after July 1, 2017 to meet the threshold requirements for activities having a particular urgency or infrastructure for new housing development, and provided it falls within the requirements for a request for "recaptured/remaining funds" after July 1, 2017 as specified in Section VI.D. of these Program Guidelines.

3. It is essential that the amount of CDBG funds requested in each application be reflected in a budget which is both reasonable and realistic, and which conforms with all the requirements for such budgets contained in these Program Guidelines and the instructions for CDBG applications. Because of this, DSHA staff may, after determining that an application has met all the applicable threshold requirements, enter into direct negotiations with an applicant to reach agreement on any budgetary modifications that should be made before the application is presented to the review panel(s) that will evaluate the proposal(s).
 4. The DSHA staff shall provide the review panel(s) with a separate staff report on each application that will at a minimum include the following:
 - a. Certification that the application/applicant has met all applicable threshold requirements, including evaluation of low- and moderate-income benefit;
 - b. Certification that the proposed budget represents a realistic/reasonable budget which conforms to all applicable instructions and policies;
 - c. The conformance of the proposed activities to the goals and objectives of the Delaware Consolidated Plan; and
 - d. An evaluation of the applicant's capacity, and past performance under the CDBG Program.
- B. Review Panel(s)
1. The review panel(s), composed of persons with the appropriate background and experience, shall evaluate each proposed activity, based upon the following criteria. A maximum total of 100 points may be received by an application.

a. Low- and Moderate-Income Benefit (Provided by DSHA staff): Applications showing a greater benefit to low- and moderate-income persons for similar activities will be rated higher than those showing a lesser benefit to low- and moderate-income persons. Up to 25 points as follows:

- (1) 90-100% L/M = 25
- (2) 80-89% L/M = 20
- (3) 70-79% L/M = 15
- (4) 60-69% L/M = 10
- (5) 51-59% L/M = 5
- (6) 0 -50% L/M = 0

b. Management Capacity (provided by DSHA staff): Each applicant's management capacity for each of the activities proposed will be evaluated on the basis of the most recent monitoring report(s), current or proposed staff qualifications, progress achieved in completing its current CDBG Program (if applicable), and most recent audit report(s) (if applicable). Up to 5 points as follows:

- (1) outstanding = 5
- (2) above standard = 3
- (3) standard = 1
- (4) below standard = 0 (no allocation)

c. Cost/benefit of Activity: Each proposed activity will be evaluated on the basis of the following factors. Up to 70 points as follows:

- (1) severity of need, including the number, percent and geographic concentration of low/moderate-income families; number, percent and geographic concentration of substandard housing; number, percent and geographic concentration of housing needing public facilities; health and/or safety conditions; emergency status:

<u>Points</u>	<u>Need</u>
1	not documented
8	moderate
15	severe

- (2) holistic impact of activity, meaning, the degree (percentage, from Section IV. B. and C. of application) to which the identified need(s) for the activity(ies) is/are proposed to be addressed:

<u>Points</u>	<u>Impact</u>
1	low
8	moderate
15	high

- (3) cost reasonableness, meaning, the reasonableness of the proposed program activity costs taking into account construction estimates and the availability of other resources:

<u>Points</u>	<u>Cost/Reasonableness</u>
1	low
8	moderate
15	high

- (4) leveraging of other resources, meaning extent to which other firm, committed funding sources are identified:

<u>Points</u>	<u>Other Resources</u>
1	minimal or no match
8	moderate match
15	significant match

- (5) suitability/feasibility of work plan, meaning the extent to which the applicants proposed scope of work will realistically be accomplished within the next fiscal year:

<u>Points</u>	<u>Plan Feasibility</u>
1	poor
3	fair
5	good

- d. Targeting Areas of Minority Concentration: Applications showing a greater benefit to areas of minority concentration (see Section I.E.2.g.) for similar activities will be rated higher than those showing a lesser benefit to areas of minority concentration. Up to 5 points as follows:

<u>Points</u>	<u>Minority Targeting</u>
1	poor
3	fair
5	good

- e. An oral presentation by the applicant to the review panel will supplement the application scores and serve as a factor in the panel's final decision.

2. Review Panel Recommendations

DSHA staff will prepare a summary evaluation of all applications received, which will include the scores for each proposed activity as described in V.B. above, and a descriptive summary of the review panel's comments and recommended priorities for funding.

C. Director of DSHA

The Director of DSHA will make the final decisions on allocating CDBG funds, based upon the review panel(s) recommendations and any additional relevant information obtained subsequent to those recommendations. Such additional information will only be considered if it reflects a substantive change in the application review criteria noted in Section V.B.1. above.

D. Allocations

Allocations to specific activities will be based on approved contract budgets. The maximum allocation for any single applicant shall not exceed \$1,100,000 in any program year. Applicants should be aware that a total of approximately \$2,000,000 is expected to be available for program activities. An allocation exceeding \$500,000 would need to be extremely competitive.

VI. Additional Funding

A. Program Income Returned to Unit of Local Government

1. Program income means amounts earned by a unit of general local government or its subrecipient that were generated from the use of CDBG funds allocated by the State in a contract with a unit of general local government.
2. The use of program income is subject to all the applicable requirements of federal law, HUD regulations and program memoranda, and the general requirement of these Program Guidelines, which are consistent with said law, regulations and program memoranda. Additionally, the specific requirements for Program Income as are contained in the State's Financial Handbook shall also apply.
3. Program income retained by the unit of local government will:
 - a. be added to funds committed to the activity and used to further the same program activity as the income was derived;
 - b. not be used to pay administrative costs; and
 - c. be expended before additional funds are drawn down from DSHA for the same activity.
4. Program income not authorized for retention and expenditure by the unit of local government will be returned to the State.

B. Program Income Returned to the State of Delaware

Section 104(i) of the Housing and Community Development Act of 1974, as amended by the Housing and Community Development Act of 1992, authorizes States to distribute program income when such income has been returned to the State.

Program income returned to the State shall be disbursed to communities under open CDBG Contracts prior to making additional draws from the U.S. Treasury. The funds thus freed up shall be allocated in accordance with Section VI.D. below.

NOTE: Program income generated by CDBG rental rehabilitation loan repayments is considered program income of the unit of local government, even though such repayments are made directly back to DSHA through its loan servicing agreement. All such program income will be distributed to the appropriate unit of local government in accordance with the provisions of Section VI.A. above.

C. Reallocated/Supplementary Funds

Reallocated funds are those HUD has recaptured from a Small Cities subgrantee and "reallocated" to Delaware. If Delaware should receive any "reallocated funds" from HUD for distribution as part of the FY17 CDBG Program, these funds shall be allocated in the same manner and under the same conditions as described in Section VI.D. below. Supplementary funds are those funds that HUD may award to the State after July 1, 2017, and shall also be allocated in the same manner and under the same conditions as described in Section VI.D. below.

D. Recaptured/Remaining Funds

1. Recaptured funds are those CDBG funds which remain unobligated after a CDBG contract has either been closed out or terminated; or after it has been determined that the total amount of CDBG funds originally allocated in a given contract are not required to complete the proposed activity for which they are allocated.

Remaining funds are funds for which a method of distribution was contained in a prior year's Program Guidelines, but which have not been, and are no longer intended to be so distributed. Remaining funds may also be an amount left over after the state has awarded all of its contracts, but the left over amount is too small to fund an application.

2. Recaptured/remaining funds that shall be received from its recipients by June 15, 2017, shall be included as part of the FY2017 allocations in accordance with all applicable requirements of these Program Guidelines.
3. Recaptured/remaining funds that shall be received from its recipients after June 15, 2017 shall be set aside for the following purposes:
 - a. To provide additional funding for any activity already under contract so long as the total amount of funds allocated does not exceed the \$1,100,000 maximum allocation for any single applicant; in those cases where an unforeseen situation may have arisen after the original contract budget had been approved (the burden of proof will rest with the applicant); or when the activity has not been funded in the total amount originally requested;

- b. To fund emergency activities and infrastructure for housing development that were not previously submitted as part of the FY2017 CDBG Program and the need for which may have arisen after the deadline for FY2017 applications has passed. The \$1,100,000 maximum allocation of CDBG funds for any single applicant in any program year shall apply;
- c. At the discretion of the Director of DSHA, eligible applications not originally recommended for funding because of limited resources may be reconsidered for funding after approved activities noted in (a) and (b) above have been funded; and
- d. The priorities for distributing funds under this part shall be in accordance with the state's method of distribution found in Section V.

E. Combining Other Funding to Comprehensively Address Rehabilitation Needs

- A. Again in FY17, greater emphasis will be given to applications, which take a holistic approach to community development through comprehensively combining all funding sources, one community at a time. DSHA expects applications responsive to this change in emphasis to combine smaller CDBG funding requests with Housing Preservation Grant (HPG) funding in target areas. Where these other sources of funding are used to comprehensively address rehabilitation needs and to lessen the demand on CDBG rehabilitation funding, greater consideration will be given to CDBG infrastructure requests. As a result, rehabilitation needs will be comprehensively addressed, more CDBG funds will be available for infrastructure activities, and community development needs in general will be holistically addressed. In the scoring of applications, strong emphasis is given to leveraging, and, leveraging funds must be shown and identified in activity budgets. Letters of commitment signed by a majority of the board/council committing the match, and including the source of the match, must accompany any applications claiming to have matching funds.

VII. Waivers of Policy

The Director of DSHA may waive any requirement of these Policies not required by federal/state law or federal regulation, whenever it is determined that undue hardship will result from applying the requirement or where application of the requirement would adversely affect the purposes of the Delaware CDBG Program. Waivers shall be made in writing, citing the policy provision to be waived, the authority for the waiver, and be supported by documentation of the pertinent facts. Where only a portion of the policy provision is to be waived, the waiver must expressly limit itself to that portion.

Attachment A to the Delaware CDBG Program Guidelines

REVISED INCOME LIMITS
(EFFECTIVE 3/28/16)

	<u>Kent County</u>			<u>Sussex County</u>		
	30% of Median	Low	Moderate	30% of Median	Low	Moderate
1 Person	\$13,200	\$22,050	\$35,250	\$13,000	\$21,650	\$34,650
2 Person	\$16,020	\$25,200	\$40,250	\$16,020	\$24,750	\$39,600
3 Person	\$20,160	\$28,350	\$45,300	\$20,160	\$27,850	\$44,550
4 Person	\$24,300	\$31,450	\$50,300	\$24,300	\$30,900	\$49,450
5 Person	\$28,440	\$34,000	\$54,350	\$28,440	\$33,400	\$53,450
6 Person	\$32,580	\$36,500	\$58,350	\$32,580	\$35,850	\$57,400
7 Person	\$36,730	\$39,000	\$62,400	\$36,730	\$38,350	\$61,350
8 Person	\$40,890	\$41,550	\$66,400	\$40,800	\$40,800	\$65,300

Higher income limits apply to families with more than eight persons, although they are not included in the printed State lists because of space limitations. The lower income limits for families larger than eight persons are determined by adding 6.25 percent of the four-person income limit base to the eight-person limit for each person in excess of eight. For very low-income limits, 8 percent of the four-person base is added to the eight-person limit for each person in excess of eight (e.g., the nine-person very low limit equals 1.4 (1.32 + .08) times the four-person limit.) The limits developed by the use of these factors are to be rounded to the nearest \$50.

Attachment B to the Delaware CDBG Program Guidelines

LIST OF LOW/MODERATE-INCOME BENEFIT FIGURES
IN KENT AND SUSSEX MUNICIPALITIES (FY2013 HUD LMISD)

<u>Place Number</u>	<u>City / Town</u>	<u>% Persons Low/Mod</u>	<u>Place Number</u>	<u>City / Town</u>	<u>% Persons Low/Mod</u>
07250	Bowers	42.1%	60290	Rehoboth B.	16.5%
10760	Camden	26.0%	64320	Seaford	53.8%
14660	Cheswold	67.7%	64840	Selbyville	41.2%
15440	Clayton	33.5%	67050	Slaughter B.	40.9%
21387	DAFB Housing	54.7%	67700	S. Bethany	18.4%
25840	Farmington	92.3%			
26620	Felton	41.6%			
28440	Frederica	43.0%			
33120	Harrington	37.1%			
33250	Hartly	6.9%			
36760	Houston	26.2%			
39100	Kenton	43.7%			
41700	Leipsic	52.0%			
42870	Little Creek	38.1%			
44430	Magnolia	64.7%			
47420	Milford	40.8%			
67310	Smyrna	41.9%			
74330	Viola	51.4%			
80830	Woodside	12.5%			
81350	Wyoming	38.9%			
05690	Bethany Beach	17.7%			
05820	Bethel	18.9%			
06730	Blades	46.1%			
08680	Bridgeville	51.9%			
18950	Dagsboro	25.6%			
20380	Delmar	46.6%			
20900	Dewey Beach	27.5%			
24020	Ellendale	37.9%			
26880	Fenwick Island	16.6%			
28310	Frankford	51.8%			
29090	Georgetown	55.8%			
31560	Greenwood	41.8%			
33900	Henlopen Acres	8.3%			
41310	Laurel	50.0%			
41830	Lewes	28.2%			
47420	Milford	40.8%			
47940	Millsboro	42.8%			
48200	Millville	28.0%			
48330	Milton	48.2%			
53920	Ocean View	21.1%			

Attachment C to the Delaware
CDBG Program Guidelines

CERTIFICATIONS BY APPLICANTS
FOR
THE DELAWARE CDBG PROGRAM

The applicant hereby assures and certifies that it will comply with the regulations, policies, guidelines and requirements with respect to the acceptance and use of federal funds for this federally-assisted program. Also, the applicant gives assurance and certifies with respect to the program that:

- (a) It possesses legal authority to make an application and to execute a community development program.
- (b) Its governing body has duly adopted or passed as an official act a resolution, motion or similar action authorizing the person identified as the official representative of the applicant to submit this application, all understanding and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the submission of the application and to provide such additional information as may be required.
- (c) That prior to submission of its application to DSHA, the applicant has met the following citizen participation requirements:
 - 1) Each applicant shall have provided all citizens, especially those living within the area(s) affected by the proposed application, with adequate opportunity for meaningful involvement on a continuing basis and for participation in the planning, implementation and assessment of its community housing and development plans and all CDBG applications related thereto. At the time of preparation of any application for funds under this program, the applicant shall provide adequate information to citizens including reasonable access to records on the past use of CDBG funds; and hold at least one public meeting (pursuant to advertisement in a publication of general local circulation) so that citizens will have the opportunity to comment on the community's past performance under the CDBG Program. A copy of the legal advertisement announcing the date, place and time of the meeting, and a transcript or summary of the comments received at the meeting must be included with the application. (Nothing in these requirements, however, shall be construed to restrict the responsibility and authority of the applicant for the development of the application and the execution of its community development program.);

- 2) Each applicant certifies that it has obtained the review and comment of its Community Development Advisory Committee as required by the Delaware CDBG Citizen Participation Plan dated May 15, 2013 and Section 508 of the Housing and Community Development Act of 1987; and
 - 3) Each applicant certifies that it has included in its notice of public meeting the following language:

"...In accordance with the Section 106 Review Process established by the National Historic Preservation Act of 1966, as amended, comments are especially encouraged from interested agencies and individuals with respect to undertakings that may affect historic properties of significance to such agencies and individuals..."
- (d) It has developed its application so as to give maximum feasible priority to activities which benefit low- and moderate-income families or aid in the prevention or elimination of slums and blight; and activities which the applicant certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available to meet such needs.
 - (e) Its chief executive officer or other officer of the applicant approved by DSHA:
 - (1) Consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 and other authorities as specified in 24 CFR 58.1 (a)(3) and carry out this responsibility in accordance with the "Overview of Environmental Review Procedures" issued for the Delaware CDBG Program and dated July 1989; and meet the requirements of 24 CFR Part 58 and 24 CFR 570.604; and
 - (2) Is authorized and consents on behalf of the applicant and himself/herself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his/her responsibilities as such an official.
 - (f) The program will be conducted and administered in compliance with:
 - (1) Title VI of the Civil Rights Act of 1964 (Pub. L 88-352) and implementing regulations issued in 24 CFR Part 1;
 - (2) Title VIII of the Civil Rights Act of 1968 (Pub. L. 90-284), as amended, and implementing regulations;
 - (3) Section 109 of the Housing and Community Development Act of 1974, as amended; and the regulations issued pursuant thereto (24 CFR Section 570.601);

- (4) Section 3 of the Housing and Urban Development Act of 1968, as amended and implementing regulations of 24 CFR Part 135;
- (5) Executive Order 11246, as amended by Executive Orders 11375 and 12086 and implementing regulations issued at 41 CFR Chapter 60; and the State review requirements of the Architectural Accessibility Act (Chapter 73, Title 29, Delaware Code) and the applicable rules and regulations promulgated by the State Architectural Accessibility Board;
- (6) Executive Order 11063 as amended by Executive Order 12259 and implementing regulations at 24 CFR Part 107;
- (7) Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112), as amended and implementing regulations at 24 CFR Part 8;
- (8) The Age Discrimination Act of 1975 (Pub. L. 94-135) and implementing regulations when published;
- (9) The relocation requirements of Title II and the acquisition requirements of Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the implementing regulations at 24 CFR Part 42 and all applicable regulations of the Delaware Uniform Relocation Act (Chapter 93, Title 29, Delaware Code);
- (10) The labor standards requirements as set forth in 24 CFR, Parts 3 and 5, and HUD regulations issued to implement such requirements;
- (11) Executive Order 11988 relating to the evaluation of flood hazards and Executive Order 11288 relating to the prevention, control, and abatement of water pollution;
- (12) The flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234);
- (13) The regulations, policies, guidelines and requirements of OMB Circular Nos. A-102, A-87, A-110, A-122, and A-133 as they relate to the acceptance and use of federal funds under this federally-assisted program and the Delaware CDBG Financial Management Handbook;
- (14) Section 106 of the National Historic Preservation Act of 1966, as amended via the Advisory Council on Historic Preservation's Regulations, Protection of Historic and Cultural Properties (36 CFR 80);
- (15) The provisions of the Hatch Act, which limits the political activity of employees; and

- (16) The lead-based paint requirements of 24 CFR Part 35, Subpart B issued pursuant to the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et. seq.).
- (g) It will comply with the CDBG Regulation CFR 570.611, which prohibits conflicts of interest and with the HUD Standards of Conduct issued on November 1, 1985.
- (h) No member, officer, or employee of the applicant, or its designees or agents, no member of the governing body of the locality in which the program is situated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the program during his/her tenure or for one year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof for work to be performed in connection with the program assisted under the CDBG Program, and that it shall incorporate, or cause to be incorporated, in all such contracts or subcontracts a provision prohibiting such interest pursuant to the purposes of this certification.
- (i) It will give HUD, DSHA, the State Auditor and the Federal and State Comptroller Generals or any authorized representatives access to all records, books, papers, or documents related to the CDBG Program.
- (j) It certifies to affirmatively further fair housing in accordance with Section 104(b)(2) of the Act as amended, and agrees to participate in fair housing planning by cooperating in any analysis to identify impediments to fair housing choice within the jurisdiction, taking appropriate actions to overcome the effects of any impediments identified through that analysis, and to maintain records reflecting the analysis and actions in this regard.
- (k) Because HUD has not issued final regulations implementing the 1983 and 1984 amendments to the Housing and Community Development Act of 1974, as amended, the following "special condition" is incorporated into these Program Guidelines as a certification by the applicant and will also be utilized in all CDBG contracts.

Notwithstanding any other provisions of these Program Guidelines, requirements of the Amendments to Title I of the Housing and Community Development Act of 1974, and HUD's final regulations related thereto, which supersede or are not provided in the FY17 Program Guidelines shall govern the use of the assistance provided by the State to local government units in FY17-FY18.

- (l) It will not attempt to recover any capital costs of public improvements assisted in whole or part with the Title I funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:
- 1) assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than Title I funds; or
 - 2) for purposes of assessing any amount against properties owned and occupied by persons of low and moderate income, who are not persons of very low income.
- (m) It certifies to adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations in accordance with Section 519 of Public Law 101-44, (the 1990 HUD Appropriations Act).

Signature of Authorized Official

Date

Title of Official

Attachment D to the Delaware
CDBG Program Guidelines

DSHA-35

**SECTION 8 EXISTING FAIR MARKET RENTS
AND CONTRACT RENT ANNUAL ADJUSTMENT FACTORS**

I. FAIR MARKET RENTS - (Revised 10/1/16)

KENT COUNTY					
0-BR	1-BR	2-BR	3-BR	4-BR	Manufactured (Mobile) Home Space
832	899	1,037	1,510	1,827	415

SUSSEX COUNTY					
0-BR	1-BR	2-BR	3-BR	4-BR	Manufactured (Mobile) Home Space
618	688	915	1,304	1,477	366

**II. CONTRACT RENT ANNUAL ADJUSTMENT FACTORS FOR UNITS WITH NO
TURNOVER - (Effective 1/1/16 - Revised 12/17/15)**

HIGHEST COST UTILITY		
	Included	Excluded
Southern Region	1.025	1.023

NOTE: The Annual Rent Adjustment Factors shown above may be used by investors/owners after the first year of the rehabilitation loan. However, the rents charged by investors/owners may not exceed the current Fair Market Rents for the duration of the loan.

**DELAWARE STATE HOUSING AUTHORITY (DSHA)
FY17 DELAWARE CDBG APPLICATION FORM**

I. General Application Information

A. Name, address, phone number, DUNS number, and EIN number of Applicant:

B. Name, position and signature of Person Submitting Application:

Signature and Date:

C. Application on behalf of:

--

Name and position of authorizing official:

Signature and Date:	

D. For “On Behalf of” applications, written documentation authorizing each “on behalf of” application request must be attached as Exhibit 1. If information contained in a county’s application for its unincorporated areas is to be repeated in the body of the “on behalf of” applications, e.g. administrative budget, management capacity, etc., then these sections contained in the “on behalf of” applications may simply reference the appropriate section in the county’s application.

E. Name, address and phone number of Contact Person (if different from B above):

--

F. Summary of Request:

(Attach cost breakdown for each activity requested on page two. Activities must be in order of priority).

Total Units/Low-Moderate Income Units Served: _____/_____
Total CDBG Program Funds Requested: \$ _____
Total Cash Matching Funds: \$ _____
Total In-Kind Match Value: \$ _____
Total Program Cost (if different from amount requested) \$ _____

Activity: _____ Amount Requested: \$ _____
Total/L-M Units Served: _____/_____
Cash Matching Funds: \$ _____
CDBG Cost/Unit: \$ _____ In-Kind Value: \$ _____
Total Activity Cost (if different from amount requested): \$ _____
Census Tract Number(s) (L-M Area Benefit activities): _____
Outcome Statement: _____

Activity: _____ Amount Requested: \$ _____
Total/L-M Units Served: _____/_____
Cash Matching Funds: \$ _____
CDBG Cost/Unit: \$ _____ In-Kind Value: \$ _____
Total Activity Cost (if different from amount requested): \$ _____
Census Tract Number(s) (L-M Area Benefit activities): _____
Outcome Statement: _____

Activity: _____ Amount Requested: \$ _____
Total/L-M Units Served: _____/_____
Cash Matching Funds: \$ _____
CDBG Cost/Unit: \$ _____ In-Kind Value: \$ _____
Total Activity Cost (if different from amount requested): \$ _____
Census Tract Number(s) (L-M Area Benefit activities): _____
Outcome Statement: _____

Activity: _____ Amount Requested: \$ _____
Total/L-M Units Served: _____/_____
Cash Matching Funds: \$ _____
CDBG Cost/Unit: \$ _____ In-Kind Value: \$ _____
Total Activity Cost (if different from amount requested): \$ _____
Census Tract Number(s) (L-M Area Benefit activities): _____
Outcome Statement: _____

Activity: _____ Amount Requested: \$ _____
Total/L-M Units Served: _____/_____
Cash Matching Funds: \$ _____
CDBG Cost/Unit: \$ _____ In-Kind Value: \$ _____
Total Activity Cost (if different from amount requested): \$ _____
Census Tract Number(s) (L-M Area Benefit activities): _____
Outcome Statement: _____

(Attach additional pages as necessary.)

II. Low/Moderate-Income Benefit:

LOW/MODERATE-INCOME BENEFIT TABLE – INSTRUCTIONS

The amount of benefit to low- and moderate-income persons must be calculated for each activity, as described below:

1. In column 1, list the activity.
2. In column 2, show the total number of persons that the activity will serve.
3. In column 3, show the number of low- and moderate-income persons that the activity will serve.
4. In column 4, divide column 3 by column 2 to show the percent of low- and moderate-income persons that the activity will serve.
5. In column 5, show the amount of funds requested for the activity.
6. In column 6, multiply column 4 by column 5 to show the amount of those funds that will be used to benefit low- and moderate-income persons.
7. List the source of data used to calculate benefit in the space provided at the bottom of this page. If a local survey was conducted, briefly summarize the survey method used and attach a copy of the survey instrument. (DSHA should be contacted before the survey is conducted to assure that the acceptable survey methodology is being used, or that prior surveys are still valid.)

LOW/MODERATE-INCOME BENEFIT TABLE

1. Activity	2. Total Persons Activity Will Serve	3. L/M Persons Activity Will Serve	4. % L/M Persons Activity Will Serve	5. Amount Requested For Activity	6. Amount L/M Benefit

Source of Data:

III. Management Capacity

A. List the person(s) to be responsible for administering the CDBG Program, and title(s):

<u>CDBG Personnel</u>	<u>Title(s)</u>
_____	_____
_____	_____
_____	_____

- B. Attach resumes or other supporting documentation for the personnel of new applications and new CDBG Program managers, which establishes the capacity of the personnel above to effectively manage a CDBG Program. **Attach the salaries of all program administration personnel to be funded through CDBG funds.**
- C. If the applicant proposes to contract out any portion of its administration, a copy of the proposed subcontract **must be** attached.
- D. Past performances under the Delaware CDBG Program will be evaluated by DSHA based upon past monitoring reports, audit findings, and timely completion of contracts. No additional documentation is required of the applicant under this section.

IV. Application Work Plan

Each proposed program activity must address each of the following areas. Failure to specifically address any of these elements will make the application incomplete, forcing DSHA to consider the application unresponsive.

- A. Each program activity must be addressed separately. Program activities must be listed in order of priority with the program activity of highest priority first. This order of priority for program activities must be followed on all forms contained in this application.
- B. Each program activity must be fully described. For rehabilitation programs, this description must include THE NEED FOR THE PROPOSED ACTIVITY, the numbers of units to be rehabilitated, any special population groups the rehabilitation program will address, the target area, the NUMBER OF UNITS NEEDING REHABILITATION ASSISTANCE, THE PERCENTAGE OF UNITS NEEDING ASSISTANCE THAT ARE TO RECEIVE ASSISTANCE, AND THE PROPOSED OUTCOME.
- C. For public infrastructure projects, a detailed description of the work to be accomplished, the need for the proposed activity, the target area, the linear footage of what type and size of infrastructure to be provided, the NUMBER OF UNITS NEEDING INFRASTRUCTURE ASSISTANCE, THE PERCENTAGE OF THE UNITS NEEDING ASSISTANCE THAT ARE TO RECEIVE ASSISTANCE, THE PROPOSED OUTCOME, the location of what type and size of land acquisition, the matching funds to be provided, and the population groups to be addressed must be provided.
- D. Provide a timetable showing monthly milestones for completion of each activity. All FY17 Contracts will commence on July 1, 2017 and terminate on June 30, 2018.
- E. Attach maps indicating target areas.
- F. Attach drawings, plans, or other documentation necessary to describe program activities.
- G. Describe each activity's conformance with the goals and objectives of the Delaware Consolidated Plan.
- H. Describe the extent to which the proposed project(s) will result in a measurable concrete reduction of one or more significant problems identified in the Delaware Consolidated Plan.
- I. Describe the extent to which the project builds upon previous work or supplements other work that will be funded from other sources.

- J. Analyze the reasonableness of total cost in view of the cost benefit(s) to be achieved.
- K. Describe source and amount of any funds used to leverage the CDBG portion of the project. Indicate when these funds will be available. Attach documentation of any match.
- L. Describe any in-kind resources to be applied to the project. Attach documentation of any match.
- M. Attach documentation of any match. Matching resolutions must be signed by a majority of Board/Council members and must include the source of funds.
- N. For infrastructure projects, a description of why the jurisdiction is unable to pay for the activity without CDBG assistance.

V. Each application should also describe the following:

- A. Describe any plans for the provision of housing for existing residents and anticipated growth for the area;
- B. Describe any plans for the provision of adequate sites with supporting infrastructure for future housing, including housing for low/moderate-income residents of the area; and
- C. Describe any efforts to coordinate with businesses regarding the development of the community as it affects low/moderate-income residents of the area.

VI. Application Submission

1. Submission Date for the FY17 CDBG Program

Applications for the state's FY17 CDBG Program must be received in DSHA's office at 18 The Green, Dover, Delaware 19901 no later than **4:00 p.m. on February 23, 2017 - ONE SIGNED ORIGINAL AND ONE COPY of the application must be submitted.**

2. Application Content and Format

Applications for CDBG funds must be made on such forms and in accordance with such instructions as are prescribed by DSHA, and include all forms as may be applicable to the specific proposed activity.

VII. Additional Requirements

- A. Re-Use Plan.
- B. Rehabilitation Manual.
- C. Target Area Approval.
- D. Boards and Commissions Reporting Form.
- E. Form HUD-2880 (Disclosure/Update Report).

STATE OF DELAWARE
 DELAWARE STATE HOUSING AUTHORITY
DELAWARE CDBG PROGRAM – PROJECT COST SUMMARY

CONTACT PERIOD – FROM: _____ TO: _____

Summary of Program Activities
 Amount of Source

I. PROGRAM ACTIVITIES	CDBG/HOME PROGRAM FUNDS	LOCAL FUNDS	OTHER FUNDS	TOTAL
A.				
B.				
C.				
D.				
E.				
F.				
G.				
H.				
I.				
J.				
TOTAL PROG. ACTIVITY COST				
II. ADMINISTRATION				
A. SALARIES				
B. OTHER EMPLOYMENT COSTS				
C. TRAVEL				
D. CONTRACTUAL SERVICES				
E. SUPPLIES & MATERIALS				
TOTAL ADMINISTRATION COSTS				
III. <u>TOTAL PROGRAM COSTS</u>				

NOTES:

1. * Denotes Cash Match
2. ** Denotes In-kind Match
3. List Sources of Each Match Amount on Additional Page

CERTIFICATION BY APPLICATIONS
FOR
THE DELAWARE CDBG PROGRAM

The application hereby assures and certifies that it will comply with the regulations, policies, guidelines and requirements with respect to the acceptance and use of Federal funds for this federally-assisted program. Also, the applicant gives assurance and certifies with respect to the program that:

- (a) It possesses legal authority to make an application and to execute a community development program.
- (b) Its governing body has duly adopted or passed as an official act a resolution, motion or similar action authorizing the person identified as the official representative of the applicant to submit this application, all understanding and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the submission of the application and to provide such additional information as may be required.
- (c) That prior to submission of its application to DSHA, the applicant has met the following citizen participation requirements:
 - 1) Each applicant shall have provided all citizens, especially those living within the area(s) affected by the proposed application, with adequate opportunity for meaningful involvement on a continuing basis and for participation in the planning, implementation and assessment of its community housing and development plans and all CDBG applications related thereto. At the time of preparation of any application for funds under this program, the applicant shall provide adequate information to citizens including reasonable access to records on the past use of CDBG funds; and hold at least one public meeting (pursuant to advertisement in a publication of general local circulation) so that citizens will have the opportunity to comment on the community's past performance under the CDBG Program. A copy of the legal advertisement announcing the date, place and time of the meeting, and a transcript or summary of the comments received at the meeting must be included with the application. (Nothing in these requirements, however, shall be construed to restrict the responsibility and authority of the applicant for the development of the application and the execution of its community development program.);
 - 2) Each applicant certifies that it has obtained the review and comment of its Community Development Advisory Committee as required by the Delaware CDBG Citizen Participation Plan dated May 15, 2013 and Section 508 of the Housing and Community Development Act of 1987; and
 - 3) Each applicant certifies that it has included in its notice of public meeting the following language:

“...In accordance with the Section 106 Review Process established by the National Historic Preservation Act of 1966, as amended, comments are especially encouraged from interested agencies and individuals with respect to undertakings that may affect historic properties of significance to such agencies and individuals...”
- (d) It has developed its application so as to give maximum feasible priority to activities which benefit low-and moderate-income families or aid in the prevention or elimination of slums and blight; and activities which the application certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available to meet such needs.
- (e) Its chief executive officer or other officer of the applicant approved by DSHA:
 - (1) Consents to assume the state of a responsible Federal official under the National Environmental Policy Act of 1969 and other authorities as specified in 24 CFR 58.1(a)(3) and carry out this responsibility in accordance with the “Overview of Environmental Review Procedures” issued for the Delaware CDBG Program and dated July 1989; and meet the requirement of 24 CFR Part 58 and 24 CFR 570.604; and

- (2) Is authorized and consents on behalf of the applicant and himself/herself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his/her responsibilities as such an official.
- (f) The program will be conducted and administered in compliance with:
- (1) Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352) and implementing regulations issued in 24CFR Part 1;
 - (2) Title VIII of the Civil Rights Act of 1968 (Pub. L. 90-284), as amended, and implementing regulations;
 - (3) Section 109 of the Housing and Community Development Act of 1974, as amended; and the regulations issued pursuant thereto (24 CFR Section 570.601);
 - (4) Section 3 of the Housing and Urban Development Act of 1968, as amended and implementing regulations of 24 CFR Part 135;
 - (5) Executive Order 11246, as amended by Executive Orders 11375 and 12086 and implementing regulations issued at 41 CFR Chapter 60; and the state review requirements of the Architectural Accessibility Act (Chapter 73, Title 29, Delaware Code) and the applicable rules and regulations promulgated by the State Architectural Accessibility Board;
 - (6) Executive Order 11063 as amended by Executive Order 12259 and implementing regulations at 24 CFR Part 107;
 - (7) Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112), as amended and implementing regulations at 24 CFR Part 8;
 - (8) The Age Discrimination Act of 1975 (Pub. L. 94-135) and implementing regulations when published;
 - (9) The relocation requirements of Title II and the acquisition requirements of Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the implementing regulations at 24 CFR Part 42 and all applicable regulations of the Delaware Uniform Relocation Act (Chapter 93, Title 29, Delaware Code);
 - (10) The labor standard requirements as set forth in 24 CFR, Parts 3 and 5, and HUD regulations issued to implement such requirements;
 - (11) Executive Order 11988 relating to the evaluation of flood hazards and Executive Order 11288 relating to the prevention, control, and abatement of water pollution;
 - (12) The flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234);
 - (13) The regulations, policies, guidelines and requirements of OMB Circular Nos. A-102, A-87, A-110, A-122, and A-133 as they relate to the acceptance and use of Federal funds under this federally-assisted program and the Delaware CDBG Financial Management Handbook;
 - (14) Section 106 of the National Historic Preservation Act 1966, As amended via the Advisory Council on Historic Preservation's regulations, Protection of Historic and Cultural Properties (36 CFR 80);
 - (15) The provisions of the Hatch Act, which limits the political activity of employees;
 - (16) The lead-based paint requirements of 24CFR Part 35, Subpart B issued pursuant to the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et. seq.).

- (g) It will comply with the CDBG Regulation CFR 570.611, which prohibits conflicts of interest and with HUD Standards of Conduct issued on November 1, 1985.
- (h) No member, officer, or employee of the applicant, or its designees or agents, no member of the governing body of the locality in which the program is situated, and no other public official of such locality or localities who exercise any functions or responsibilities with respect to the program during his/her tenure or for one year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof for work to be performed in connection with the program assisted under the CDBG Program, and that it shall incorporate, or cause to be incorporated, in all such contracts or subcontracts a provision prohibiting such interest pursuant to the purposes of this certification;
- (i) It will give HUD, DSHA and the State Auditor and the Federal and State Comptroller Generals or any authorized representatives access to all records, books, papers, or documents related to the CDBG Program.
- (j) It certifies to affirmatively further fair housing in accordance with Section 104(b)(2) of the Act as amended, and agrees to participate in fair housing planning by cooperating in any analysis to identify impediments to fair housing choice within the jurisdiction, taking appropriate actions to overcome the effects of any impediments identified through that analysis, and to maintain records reflecting the analysis and actions in this regard.
- (k) Because HUD has not issued final regulations implementing the 1983 and 1984 amendments to the Housing and Community Development Act of 1974, as amended, the following “special condition” is incorporated into these Program Guidelines as a certification by the applicant and will also be utilized in all CDBG contracts:

Notwithstanding any other provisions of these Program Guidelines, requirements of the Amendments to Title I of the Housing and Community Development Act of 1974, and HUD’s final regulations related thereto, which supersede or are not provided in the FY17 Program Guidelines shall govern the use of the assistance provided by the state to local government units in FY17-FY18.

- (l) It will not attempt to recover any capital costs of public improvements assisted in whole or part with the Title I funds by assessing any amount against properties owned and occupied by persons of low-and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:
 - 1) assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than Title I funds; or
 - 2) for purposes of assessing any amount against properties owned and occupied by persons of low- and moderate-income who are not persons of very low income.
- (m) It certifies to adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations in accordance with Section 519 of Public Law 101-44, (the 1990 HUD Appropriations Act).

Date

Signature of Authorized Official

Title of Official

VIII. Exhibits

A. The following exhibits should be attached to the application, as applicable, in order noted below:

1. Authorization for “on behalf of” applications.
2. A copy of the notice of public hearing and summary of comments received.
3. Activities Under the Existing Housing Set Aside:
 - a. Rehabilitation:
 - 1) Copy of rehabilitation manual;
 - 2) Re-use plan for program income generated by rental rehab;
 - 3) DSHA target area approval attached;
 - 4) Identification of amount of funds and number of units to be accomplished in approved target areas and community-wide; and
 - 5) Identification of mobile home units to be rehabilitated including number owner-and/or renter-occupied.
 - b. Demolition:
 - 1) Amount of funds and units to be accomplished in approved target areas and community-wide identified; and
 - 2) Re-use Plan for program income from demolition liens attached.
4. Activities Under Infrastructure Project Set Aside:
 - a. Water and Sewer:
 - 1) Letters from appropriate agencies documenting serious and immediate threat attached;
 - 2) Documentation attached demonstrating community’s inability to finance project without CDBG funds, including
 - a) letters from other grantor agencies
 - b) financial statements
 - c) financial analysis
 - 3) Letters from community or appropriate agencies documenting commitment and source of matching funds.
5. Activities Under Emergency Project Set-Aside:
 - a. Water and Sewer:
 - 1) Letters from appropriate agencies documenting serious and immediate threat attached;
 - 2) Documentation attached demonstrating that condition developed or became critical within 18 months of application; and
 - 3) Documentation attached demonstrating community’s inability to finance project without CDBG funds, including
 - a) letters from other grantor agencies
 - b) financial statements
 - c) financial analysis

City of Milford



PROCLAMATION

2016-15

Commending MHS Boys' Varsity Soccer Team

WHEREAS, the Milford High School Boys' Varsity Soccer Team ended another successful winning season with a record of 8-6-1; and

WHEREAS, this was the fourth winning season in the past five years and back-to-back years of making the DIAA State Tournament; and

WHEREAS, Milford Soccer continues to play one of the toughest schedules in the entire state, playing seven state tournament teams; and

WHEREAS, the team was directed by Head Coach Todd French and Assistant Coach Ed Evans; and

WHEREAS, Managers Rebeca Castenada, Wendy Lara and Morgan Dawson provided support throughout the season; and

WHEREAS, Team Captains Kiki Torres, Matt Mitzel and Zach Domercant led their team to victory along with Team Members Ricardo Florestal, Eshnighdter Estime, Alex Toledo, Kyle Barbutes, Sametone Corvil, Khi Hovington, Ronalson Corvil, Daniel Sanchez, Jaxson Turner, Erens Mondelus, Lensky Legros, Miguel Morales-Lopez, Davidson Marcellus, Josh Strassle and Edwin Perez; and

WHEREAS, Kiki Torres earned All-State and All-Conference Honors and Matt Mitzel, Zach Domercant, Jaxson Turner and Erens Mondelus earned All-Conference Honors; and

NOW, THEREFORE BE IT RESOLVED that I, Bryan W. Shupe, Mayor of the City of Milford hereby honor and congratulate the Milford High School Boys' Soccer Team for their excellence and perseverance. Their success reflects credit upon themselves, their coaches, their parents and the Milford Public School District.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City to be affixed hereto this 28th day of November 2016.

Mayor Bryan W. Shupe

Attest:

City Clerk

City of Milford



PROCLAMATION 2016-16

Honoring MHS Varsity Field Hockey Team

WHEREAS, led by eight hard-working, strong Seniors, the unparalleled reputation of the Milford High School Varsity Field Hockey Team continued to grow during the 2016 season; and

WHEREAS, under the direction of Head Coach Andrea Fleming, Assistant Coach Dawn Robinson and Assistant Coach Brittany Blacksten, the team triumphed over its opponents scoring 63 goals (2nd in the state), recording 7 shutouts and only allowing twelve goals during the entire season; and

WHEREAS, earning a bid in DIAA Tournament, they beat Concord in overtime action during the First Round, becoming MHS's only Field Hockey Team to accomplish a playoff victory since 1996; and

WHEREAS, the Lady Bucs finished out their season with an extraordinary 13-2 record of which the only two losses were at the hands of the eventual 2016 State Champion Delmar Wildcats; and

WHEREAS, Team Members Rajene Bowe, Megan Fry, Daphne Leighty, Katelyn Melvin, Deja Rodriguez-Santiago, Hayden Shockley, Margaret Sollie, Megan Wolfe, Leah Barnett, Darby Brennan, Kaylee Groce, Cameron Quinn, Samantha Remus, Anna Marie Sollie, Emily Sylvester, Brianna Wells, Vanasha Daniels, Allie Davis, Jessica Donovan, Courtney Kohel, Silvara Santiago, Emma Shockley, Sara Wallace, Olivia Cromer and Kayleigh Wright have had an outstanding season; and

WHEREAS, Darby Brennan was named First Team All-State; Kate Melvin and Rajene Bowe named Second Team All-State; Reagan Bowe, Megan Fry, Darby Brennan, Hayden Shockley and Kate Melvin named First Team All-Conference; Daphne Leighty and Deja Rodriguez-Santiago named Second Team All-Conference and Margaret Sollie received All-Conference Honorable Mention honors; and

WHEREAS, Managers Kaitlyn Davies, Michaela Roach, Christina Kimmel provided support throughout the season; and

WHEREAS, the successful season is a testament to the skill and dedication of each of the student-athletes, the leadership of the coaches and staff, and the enthusiastic support of the entire Milford High School community.

NOW, THEREFORE BE IT RESOLVED that I, Bryan W. Shupe, Mayor of the City of Milford hereby congratulate and commend the Milford High School Varsity Field Hockey Team for their excellence and teamwork. Their success reflects credit upon themselves, their coaches, their parents and the Milford Public School District.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City to be affixed hereto this 28th day of November 2016.

Mayor Bryan W. Shupe

Attest:

City Clerk

City of Milford



PROCLAMATION 2016-17

Honoring MHS Girls Cross Country Team

WHEREAS, Cross Country is one of the more grueling high school sports, requiring dedication, determination and many hours of intense training; and

WHEREAS, the Milford Senior High School Girls' Cross Country Team began the season with a goal of winning the Henlopen South Divisional Title; and

WHEREAS, the members of the team performed at the highest level of excellence throughout the season winning twelve regular meets, three tri-meets and two quad-meets; and

WHEREAS, the Girls' Cross Country Team continued their winning streak by clinching the Kent County Championship on November 1, 2016; and

WHEREAS, not only did they accomplish their goal by bringing home the Henlopen South Divisional Title, but on November 5, 2016, they completed a sensational season by winning the 2016 Henlopen Conference Championship; and

WHEREAS, this winning team was directed by Head Coach Bobby Spath who was named the 2016 Henlopen Conference Girls' Coach of the Year; and

WHEREAS, the champion runners are Summer Arthurs, Rejene Bowe, Deja Rodriguez-Santiago, Holly Tesoro, Emily Holstein, Victoria Little, Magaly Tijerino-Chaj, Silvara Santiago, Olivia Cromer, Ainsley Kenton and Georgina Valdez.

NOW, THEREFORE, BE IT RESOLVED, that I, Bryan W. Shupe, Mayor of the City of Milford hereby congratulate and commend the Milford High School Girls Cross Country Team for their excellence and perseverance. Their success reflects credit upon themselves, their coaches, their parents and the Milford Public School District.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City to be affixed hereto this 28th day of November 2016.

Mayor Bryan W. Shupe

Attest:

City Clerk

City of Milford



PROCLAMATION

2016-18

Honoring MHS Varsity Football Team

WHEREAS, the Milford High School Varsity Football Team came into the season with high expectations despite having to replace twenty seniors from their 2015 season; and

WHEREAS, the Mayor and City Council are especially proud of this teams' hard work and impressive effort and commends the newcomers and underclassmen who were needed to step up to the plate; and

WHEREAS, several players had breakout seasons on offense, while Milford's defense came together to create one of the toughest units in all of Division II football and recording four shutouts during the regular season; and

WHEREAS, the Buccaneers entered the State Tournament for the first time in eight years, respectively, as the fourth seed out of eight teams in Division II.

WHEREAS, through outstanding leadership and inspiration of Second Year Head Coach Shaun Strickland, the Buccaneers took on every obstacle that came their way with high energy and a great attitude, concluding the season with an impressive 9-2 overall record; and

WHEREAS, mindful of the distinction that the Milford High School Varsity Football Team has brought to its school and its community, the Mayor and members of Milford City Council look to hear of the continued accomplishments of these fine athletes in the days ahead.

NOW, THEREFORE BE IT RESOLVED that I, Bryan W. Shupe, Mayor of the City of Milford, do hereby commend and congratulate the Milford High School Varsity Football Team for their successful season on the gridiron and congratulate them for bringing home "The Bell" and earning a State Tournament birth.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City to be affixed hereto this 28th day of November 2016.

Mayor Bryan W. Shupe

Attest:

City Clerk

City of Milford



PROCLAMATION 2016-14

HONORING CHIEF E. KEITH HUDSON

ON THE CELEBRATION OF HIS RETIREMENT FROM THE MILFORD POLICE DEPARTMENT

WHEREAS:

We are here today to pay honor to and celebrate the thirty-nine year career of Retired Police Chief E. Keith Hudson;

Retired Chief Hudson began his public safety career when he joined the Milford Police Department in May 1977 as a Police Dispatcher;

Recognized for his diligent work and demonstrated ability, he was hired in September 1978 as a Law Enforcement Officer after which he graduated from the Delaware State Police Training Academy in December of that year;

He advanced through the ranks serving as Patrolman, Patrolman First Class, Corporal, Sergeant, Staff Sergeant, Patrol Lieutenant, Administrative Lieutenant, Captain and most notably as Police Chief beginning in June 2002;

Having attended the Northwestern University Center of Public Safety and the University of North Florida Institute of Police Technology and Management, he is also a graduate of Delaware Technical and Community College and the 158th Session of the FBI National Academy;

A recipient of many accolades throughout his career, in 1990 he was named Milford Police Officer of the Year by the Benevolent and Protective Order of Elks Lodge 2401 for showing Exemplary Leadership and Service to the Community, in 2011 received the Department of Defense Patriot Award from the United States Secretary of Defense for Model Employment Practices of Employees who Serve in the United States Armed Services, in 2012 received the Community Blue Diamond Award from the Milford Public School District for Ongoing Support of the School Resource Officer Program and Commitment to Student and Teacher Safety and in 2016 was nominated for Citizen of the Year for Distinguished Police Service to the Community by the Greater Milford Chamber of Commerce, just to name a few;

Some of the achievements occurring during his administration include the implementation of a Seasonal Cadet Program, Senior Volunteer Program, Upgraded Car Camera System, Computer-Aided Dispatch System, Increased School Resource Officer Presence, Upgraded Communications Room, Addition of a Second Workstation and Police Dispatcher, Reestablishment of the Department's K-9 Program and Addition of a Second Unit and the Twenty-Five Year Building Rededication;

Recognizing the need to reduce the number of Officer injuries associated with violent encounters and decrease the number of injuries to violent and resistive suspects, under his command, the Milford Police Department continued to be a leader in the use of technology in law enforcement, becoming the first Agency in Delaware to purchase and equip the Departments' Officers with Taser devices; and

Involved in many law enforcement and community organizations, Retired Chief Hudson is a Lifetime Member of the Delaware Police Chiefs' Association, Lifetime Member of the International Association of Chiefs' of Police (IACP), Member of the Sussex Chiefs' Association, Kent County Chiefs' Association, Delaware Police Chiefs' Goals Committee, Special Law Enforcement Assistance Fund Committee, Maryland-Delaware Chapter FBI National Academy Associates, Delaware Police Chiefs' Foundation, Former Member of the IACP Victim Services Committee, Former Member of the Fraternal Order of Police Lodge #3 and Former Fourteen-Year Member of Carlisle Fire Company.

NOW, THEREFORE, BE IT PROCLAIMED that on this 9th day of November 2016, I, Bryan W. Shupe, Mayor of the City of Milford, on behalf of the entire Milford City Council, express gratitude to Retired Chief E. Keith Hudson for his untiring service and unselfish contributions to the Milford Police Department and the Milford community at large, and I personally wish him the very best in this new chapter of his life.



Mayor Bryan W. Shupe

Attest:

City Clerk



Milford Community Parades, Inc.

PO Box 1153, Milford, DE 19963

www.milfordparade.com

November 21, 2016

City of Milford
City Council
Eric Norberg, City Manager
Bryan Shupe, City Mayor
Milford, De 19963

Dear City Council Members, City Manager and Mayor Shupe:

I would like to request the opportunity to speak at the upcoming City Council Meeting, Monday November 28, 2016. I would like to personally thank the City of Milford on behalf of the Milford Community Parade. This year's parade had seen an increase in participation and the partnership between city departments was outstanding. At the same time, I would like to begin a dialogue with the City regarding vendors the evening of the parade. I applaud the ongoing efforts made to successfully manage the trending mobile food service industry. As it pertains to the parade, additional steps may be necessary, for which I am asking for the dialogue to continue.

Again, thank you for your support and partnership to make the annual Milford Community Parade a continued tradition and success.

Sincerely,

Charles

Charles Gray
2016 Parade Chairperson

NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: NOVEMBER 15, 2016

CITY COUNCIL PUBLIC HEARING: DECEMBER 12, 2016

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, November 15, 2016 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, December 12, 2016 at 7:00 p.m. before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

ORDINANCE 2016-21

Change of Zone/Lands belonging to City of Milford

Tax Parcel 3-30-11.09-030.00

.42 +/- Acres

Current Zone I1/Proposed Zone R3

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning .42 +/- acres of real property from I1 to R3 on Marshall Street, Milford, Delaware. Present Use: Vacant. Proposed Use: Watergate subdivision. Tax Map and Parcel: 3-30-11.09-030.00.

WHEREAS, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on November 15, 2016; and

WHEREAS, Milford City Council will hold a Public Hearing on December 12, 2016 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to allow a change of zone as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Upon the adoption of this ordinance, tax map and parcels 3-30-11.09-030.00, owned by City of Milford located on Marshall Street, is hereby zoned R3.

Dates:

Planning Commission Review & Public Hearing: November 15, 2016

City Council Introduction: November 28, 2016

City Council Public Hearing: December 12, 2016

Adoption: December 12, 2016

Effective: December 22, 2016

This ordinance shall take effect and be in force ten days after its adoption.

For additional information, please contact Rob Pierce in the Planning Department at Milford City Hall either by e-mail at RPierce@milford-de.gov or by calling 302-424-3712.

Advertised: Beacon 102616

NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: NOVEMBER 15, 2016
CITY COUNCIL PUBLIC HEARING: DECEMBER 12, 2016

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, November 15, 2016 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, December 12, 2016 at 7:00 p.m. before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

ORDINANCE 2016-22
Change of Zone/Lands belonging to Liborio Watergate LLC
Tax Parcel 3-30-11.09-031.00
.42 +/- Acres
Current Zone I1/Proposed Zone R3

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning .42 +/- acres of real property from I1 to R3 at 643 Marshall Street, Milford, Delaware. Present Use: Vacant. Proposed Use: Watergate subdivision. Tax Map and Parcel: 3-30-11.09-031.00.

WHEREAS, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on November 15, 2016; and

WHEREAS, Milford City Council will hold a Public Hearing on December 12, 2016 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to allow a change of zone as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Upon the adoption of this ordinance, tax map and parcels 3-30-11.09-031.00, owned by Liborio Watergate LLC located at 643 Marshall Street, is hereby zoned R3.

Dates:

Planning Commission Review & Public Hearing: November 15, 2016

City Council Introduction: November 28, 2016

City Council Public Hearing: December 12, 2016

Adoption: December 12, 2016

Effective: December 22, 2016

This ordinance shall take effect and be in force ten days after its adoption.

For additional information, please contact Rob Pierce in the Planning Department at Milford City Hall either by e-mail at RPierce@milford-de.gov or by calling 302-424-3712.

Advertised: Beacon 102616

NOTICE OF PUBLIC HEARINGS
PLANNING COMMISSION PUBLIC HEARING: NOVEMBER 15, 2016
CITY COUNCIL PUBLIC HEARING: DECEMBER 12, 2016

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, November 15, 2016 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, December 12, 2016 at 7:00 p.m. before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

Ordinance 2016-23

Liborio Watergate LLC for a Conditional Use for an amended Planned Unit Development and a Preliminary Major Subdivision of 47.39 +/- acres in an R3 (Garden Apartment and Townhouse) Zoning District. Property is located on the east side of Marshall Street approximately 650 feet north of the Elks Lodge Road intersection, Milford, Delaware. Present Use: Townhouses and Vacant Land; Proposed Use: 43 Single Family units, 48 Duplex units, 129 Townhouse units, 80 Apartment units for a total of 300 unit subdivision. Tax Map 3-30-11.09-029.00; -029.03; -30.00 through -032.00; 3-30-11.09-101.00 through -304.00.

WHEREAS, the City of Milford Planning Commission will consider the conditional use application at a Public Hearing on November 15, 2016; and

WHEREAS, Milford City Council will hold a Public Hearing on December 12, 2016 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to allow a Conditional Use for an amended Planned Unit Development and a Preliminary Major Subdivision as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Section 1. Upon the adoption of this ordinance, Liborio Watergate LLC is hereby granted a Conditional Use Permit to allow an amended Planned Unit Subdivision and a Preliminary Major Subdivision to be known as Watergate in accordance with the application, approved plans and any conditions set forth at the Public Hearings.

Section 2. Construction or operation shall commence within one year of the date of issuance of the permit otherwise the conditional use becomes void.

Section 3. Dates.

Planning Commission Review & Public Hearing: November 15, 2016

City Council Introduction: November 28, 2016

City Council Public Hearing: December 12, 2016

Adoption: December 12, 2016

Effective: December 22, 2016

This ordinance shall take effect and be in force ten days after its adoption.

For additional information, please contact Rob Pierce in the Planning Department at Milford City Hall either by e-mail at RPierce@milford-de.gov or by calling 302-424-3712.

Advertised: Beacon 102616

PUBLIC NOTICE

The following Ordinance will be considered by City Council on the date as indicated below:

ORDINANCE NO. 2016-24 **AMENDING THE CODE OF THE CITY OF MILFORD BY ADDING A NEW** **CHAPTER 90 ENTITLED BUSINESS LICENSE**

WHEREAS, the City of Milford desires to adopt an ordinance providing for the requirement and procedures to issue licenses to businesses operating within the corporate limits of the City; and

WHEREAS, the City of Milford will experience direct and indirect costs associated with administering the licensing registrations, making it necessary and reasonable for the City of Milford to impose a fee associated with the issuance of business licenses and the enforcement of those regulations outlined herein.

NOW THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. The Code of the City of Milford is hereby amended by adding thereto a new Chapter 90, to be titled "BUSINESS LICENSE".

Section 2. The Code of the City of Milford is further amended by adding the following provisions to the new Chapter 90, to hereby read as follows:

§ 90-1 Purpose

The City Council has deemed it to be in the best interest of the residents of the City and in furtherance of their health, safety and welfare to issue business licenses and establish procedures governing the issuance of business licenses in order to identify owners/operators of businesses, track changes in ownership and/or business activity, define the nature of business activities, ensure an understanding of and compliance with City codes governing business operations, and provide necessary approval, enforcement, and compliance procedures.

§ 90-2 Definitions

As used in this Chapter, the following terms shall have the meanings indicated, except where the context clearly indicates a different meaning:

BUSINESS-Any person engaged in the sale of goods or services including, but not limited to, any retail, wholesale, service, food service, professional or personal service or other general commercial activity that requires a business license with the State of Delaware, Division of Revenue.

PERSON-Any individual, firm, corporation, company, partnership, or joint venture.

§ 90-3 Business License Required

- A. Commencing January 1, 2017, no person shall operate, maintain or otherwise be engaged in any business within the corporate boundaries of the City of Milford without having first received a business license issued by the City for the calendar year in which the business is operating. All businesses in existence prior to January 1, 2017 shall obtain a business license prior to June 1, 2017, which license shall be valid for the year 2017.
- B. License period; renewals. Business licenses shall be issued for each calendar year and shall expire December 31 of the year for which the business license was issued, regardless of when during the calendar year the license was issued. Licenses shall be renewed on or before January 1 of each year.
- C. Display of business license. The business license shall be displayed in a public place within the establishment or, if applicable, worn or carried by the person providing the service in a manner that is visible at all times to the public.
- D. Good standing requirements. No license shall be issued to any person or business unless all taxes, assessments, sewer, water, electric, trash charges and other fees due the City are paid and in good standing.
- E. Multiple business locations. Each separate location or branch of the same business requires a separate business license as though it were a separate business.
- F. Transferability. A business license may not be transferred from one party to another or from one location to another location of the same business. If the nature of the licensee's business activities substantially changes after the issuance of a business license, a new business license shall be obtained.

§ 90-4 Business License Application

- A. Every application for a business license submitted to the City shall be in writing, verified by oath or affirmation and signed by the applicant(s), and shall include the following information:
 - (1) Company/business name;
 - (2) Phone number and street address of business (physical location, not post office box);
 - (3) The name, title, phone number(s) (home and cellphone), and address(es) of the owner(s);
 - (4) Name, cell phone number, and email address of the authorized manager or representative;
 - (5) Federal Employer Identification Number or owner's Social Security Number (last four digits only);
 - (6) The trade, business or occupation for which the license is being requested;
 - (7) Number of regular full time and part time or seasonal employees;

- (8) A copy of any business licenses issued by the State of Delaware and/or any other approvals issued by the Division of Revenue or another governmental or quasi-governmental agency (i.e. Alcoholic Beverage Control Commission, Administrative Services, Banking Commissioner, Insurance Commissioner, Public Service Commission, Department of Natural Resources, Environmental Protection Agency, Internal Revenue Service, etc.). Possession of any such license or approval shall not exempt a person from obtaining a City of Milford business license; and
- (9) A statement that the business has complied with and will continue to comply with all codes and ordinances of the City.

B. After reviewing the business license application, the City Manager may request such other information as is necessary to answer any questions raised by the application regarding the operation of the business. The City Manager shall prescribe the form of the license certificate and shall keep full and complete records of all licenses issued, the expiration dates, and the license fees collected.

§ 90-5 Business License Application Review

The City Manager or his/her representative shall investigate and review all applications for a license to do business within the City to determine whether the applicant is aware of and demonstrates a willingness to comply with all codes and ordinances of the City that relate to the business's operation, and agrees to avoid all forbidden, improper or other practices or conditions which do or could adversely affect the public health, safety or welfare.

§ 90-6 Business License Fees; Delinquencies

- A. The fee for a business license shall be set by the City Council each year as part of the City Fee Schedule.
- B. The business license fee for any new business applying for a business license after July 1 shall be prorated semi-annually. No refund shall be given for any business that ceases to operate during the licensing period. In the event that an existing business has not applied for and paid the business license fee on or before the first day of January, a penalty of ten percent (10%) shall be assessed for each month or portion thereof that the license fee remains unpaid. Once penalties have begun to be assessed under section 190-10, however, no additional penalties shall continue to be assessed under this section.

§ 90-7 Code Compliance; Zoning Certificate

A business operating in the City shall at all times be in compliance with all City codes and ordinances. Any business not in existence in the City as of January 1, 2017 shall not be issued its initial business license and shall not initiate its business activities until it has obtained a certificate of zoning compliance ascertaining the permissibility of the proposed business use in the location where such activity is to take place.

90-8. Exemptions.

Anything in this chapter to the contrary notwithstanding, the following activities are exempt from the business licensing requirement outlined herein:

- (1) Deliveries of goods or property to a licensed business for use or resale in that business.
- (2) Utility companies otherwise authorized by the City to operate within the City limits.
- (3) Charitable, religious, educational, or public service facility, social association or club, or governmental agency, except to the extent that such operates a separate retail facility or other ancillary business that would require a business license.
- (4) Exhibitor in a museum, the Milford Library, an educational facility, or other public building where such exhibition is part of a limited scheduled event or show.
- (5) Yard or garage sales, book sales, and auctions where not part of a regularly recurring or continuous business activity.
- (6) Sale of agricultural or nursery items grown on the premises of the property owner and sold seasonally.
- (7) Any activities permitted pursuant to a current peddler's license or otherwise exempt from obtaining a peddler's license as outlined in Chapter 168 ("Peddling, Soliciting and Transient Merchants").
- (8) Construction activities for which a license is required and has been secured in accordance with Chapter 107 ("Contractors").
- (9) Business activities of insurance agents and companies specifically exempted from municipal business license fees under 18 Del. C. § 712.
- (10) Rental activities for which a rental license has been obtained pursuant to Chapter 180 ("Residential Rental Operating Licenses").

§ 90-9 Inspection by City Officials

The City Manager and/or his designee shall have the authority to make or have made all inspections and investigations reasonably necessary to enforce this chapter and to inspect those portions of the commercial premises that are open and visible to the public in order to ensure that the business is being conducted as specified by the license and is in compliance with all applicable building, safety, zoning, and other City codes. All persons authorized by this chapter to inspect businesses shall have the authority to enter the premises to inspect at all reasonable times.

§ 90-10 Suspension of Business License; Penalties

A. Suspension of business license. The City Manager may order a business to cease operations in the City and suspend its business license (if a business license has been obtained) for any of the following reasons:

- (1) The business is found to be operating in violation of the terms of this chapter.
- (2) The business is more than 60 days late in renewing its business license.
- (3) The business is in violation of any regulations of the Milford City Code or the laws of Delaware.

- (4) The Fire Marshall or any public safety authority having jurisdiction has requested that the business activities cease until certain conditions have been remedied.
- B. The City shall provide the business with written notice of the violation(s), which notice shall state that the business shall be ordered to cease operations and its business license (if applicable) shall be suspended without further notice if within 10 business days of the date of the notice the business fails to remedy the violations or file an appeal with the City Clerk's office. The written notice shall be either personally delivered or sent via certified mail, return receipt requested, to the business. If the business does not remedy the violations or appeal the determination of the City Manager within the prescribed time period, the business shall not be permitted to operate in the City until such violations have been remedied. Notwithstanding the foregoing, notice shall not be required to order a business to cease operations in any emergency situation that causes an immediate threat to the health, safety, or general welfare of the public.
- C. Penalties. Any business that does not remedy the violations within the prescribed time period shall be assessed a penalty of \$100.00 as of the date the notice of violation was delivered to the business. Each day thereafter that the violation is not remedied shall be considered a new violation subject to a new penalty, provided that no additional notices of violation shall be required. Notwithstanding the foregoing, no penalties shall be assessed if:
- (1) The business remedies the violation(s) within 10 business days of the date the notice of violation was delivered to the business; or
 - (2) The business files an appeal with the City Council that is resolved in favor of the business. The amount of any unpaid penalty, including the unpaid business license fee, shall constitute a debt owed to the City, and the City may institute a civil suit or use any other lawful methods authorized by the City Charter or the laws of Delaware to recover any unpaid fee.

§ 90-11 Appeals Procedures

The City Council shall provide any business appealing a determination of the City Manager with 15 business days' written notice of the date, time, and place at which the City Council shall sit to hear the business's appeal. Such written notice shall be sent via certified mail, return receipt requested, and the hearing may be held as part of a regularly scheduled City Council meeting. The filing of an appeal shall stay any enforcement action by the City to compel the business to cease operations, and the business shall be permitted to continue to operate until a final decision is rendered by the City Council. If the City Council finds against the business, the business shall have five (5) business days after the decision of the City Council to remedy the violations before the City takes legal action to compel the business to cease operations. The accrual of daily violations and corresponding penalties shall not be stayed if an appeal is filed, but no penalties shall be assessed if the City Council finds in favor of the business. If the City Council finds against the business, the City Council may waive a portion or all of the accrued penalties if:

- (1) The violations are remedied within five (5) business days following the decision of the City Council; and

(2) The City Council finds the appeal was filed by the business in good faith.

§ 90-12 Severability

The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that City Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with City Council's intent.

Section 3. Dates.

City Council Introduction: November 28, 2016

City Council Proposed Adoption: December 12, 2016

Proposed Effective Date: January 1, 2017

For a complete list of City of Milford ordinances, please access the City of Milford website at cityofmilford.com or contact the City Clerk's Office at 302-424-3712.

PUBLIC NOTICE

The following Ordinance will be considered by City Council on the date as indicated below:

Ordinance 2016-25 Contractors-Chapter 107

WHEREAS, City Staff has reviewed several Ordinances related to licensing and permitting fees; and

WHEREAS, the annual fee for a Contractor Permit is included in the codified Contractors Code Chapter 107; and

WHEREAS, there is a need to adjust fees for certain services from time to time and incorporate all adjusted and/or new fees for licensing and permitting services; and

WHEREAS, City Council finds the combination of certain fees into a single comprehensive Resolution will provide a simplified and more efficient manner for residents and those doing business in the City of Milford to access applicable fees.

NOW THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. The Code of the City of Milford is hereby amended by modifying Chapter 107 entitled Contractors.

Section 2. Section 107-4 - Issuance of permit; records; payment of fees is hereby amended by removing the language indicated in strikethrough as follows:

§ 107-4. - Issuance of permit; records; payment of fees.

Upon proper application and payment of a prescribed fee, a permit, signed by the City Manager or his designated representative (~~permit officer~~), shall be issued to each applicant. Each such permit shall be valid and effective from the first day of January of each year or the date of issuance to the last day of December in that year. A record of all permits issued and permit fees paid shall be maintained at the City Hall. Each such permit shall be on a form provided by the City.

Section 3. Section 107-6 - Permit Fees; Refunds; Exemptions is hereby amended by removing the language indicated in strikethrough and adding the language indicated in underline, as follows:

§ 107-6. - Permit fees; refunds; exemptions.

The fee for a contractor license shall be set by the City Council as part of the City Fee Schedule.

The contractor license fee shall be prorated after July 1st of each year. No refund shall be given for any contractor that ceases to operate during the licensing period.

A. ~~The annual permit fee shall be \$100.~~

(1) ~~Permit fees associated with new applications are prorated on a quarterly basis.)~~

(2) ~~The annual renewal fee is \$100.~~

(3) ~~Second renewals are subject to a late fee of \$50.~~

(4) ~~The penalty fee shall be \$100.~~

B. ~~No prorating, rebate or refund of any permit fee or part thereof shall be made by reason of nonuse of the permit or by reason of a change of location or business rendering the use of the permit ineffective. The City Manager or permit officer shall have the authority to refund a permit fee only if the permit fee was collected through an error. All 501(c)(3) nonprofit companies are exempt from permit fees.~~

Section 4. Section 107-12 – Violations and Penalties is hereby amended by removing the language indicated in strikethrough and adding the language indicated in underline, as follows:

§ 107-12. - Violations and penalties.

- A. Any contractor/person providing services within the City without a valid permit will be subject to **a penalty fee of \$100** penalties ~~as provided for under this section.~~
- B. A stop-work order will be issued by the Code Official and will stay in effect until the contractor complies with all conditions associated with the issuance of a valid permit, including annual permit and penalty fees.
- C. Continued violation of any provision of this chapter is subject to fines in accordance with Milford City Code Chapter 1, Article II General Penalty.
- D. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

Section 5. Dates.

City Council Introduction: November 28, 2016

City Council Proposed Adoption: December 12, 2016

Proposed Effective Date: January 1, 2017

To review the entire chapter or a complete list of City of Milford ordinances, please access the City of Milford website at cityofmilford.com or contact the City Clerk's Office at 302-424-3712.

Chapter 107 - CONTRACTORS

[HISTORY: Adopted by the City Council of the City of Milford 1-10-1994. Amendments noted where applicable.]

GENERAL REFERENCES qc

Building construction — See Ch. 88.	Electrical standards — See Ch. 119.
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§ 107-1. - Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CONTRACTOR — Any person, firm, corporation or jobber engaged in building, alteration, repairing, remodeling, construction and/or maintenance of buildings or engaged in any other type of construction, including but not limited to paving, curbing and sidewalk installation or repair, plumbing, electrical or other types of maintenance or construction.

[Amended 4-10-2006 by Ord. No. 2006-1]

§ 107-2. - Permit required.

No contractor shall operate, maintain or otherwise be engaged in any business as described in § 107-1 without first obtaining a permit from the City Manager or his designated representative (permit officer).

§ 107-3. - Permit application.

- A. Applications for permits shall be upon forms provided by the City which shall include the following information:
 - (1) The name and address of the applicant.
 - (2) The trade, business or occupation for which the permit is required.
 - (3) A statement that the applicant is knowledgeable of and has complied with and will continue to comply with all ordinances of the City, including but not limited to the current City of Milford Building, Zoning and Property Maintenance Codes.
 - (4) Such other information as the City deems necessary.
- B. The application shall be verified by the oath or affirmation of the individual permittee or of one member of a partnership, firm or association or the president, secretary or a director of a corporation applying for a permit.
- C. The proper permit fee shall accompany the application.

§ 107-4. - Issuance of permit; records; payment of fees.

[Amended 4-10-2006 by Ord. No. 2006-1]

Upon proper application and payment of a prescribed fee, a permit, signed by the City Manager or his designated representative (permit officer), shall be issued to each applicant. Each such permit shall be valid and effective from the first day of January of each year or the date of issuance to the last day of December in that year. A record of all permits issued and permit fees paid shall be maintained at the City Hall. Each such permit shall be on a form provided by the City.

§ 107-5. - Denial of permit.

- A. The City Manager or permit officer shall, upon disapproving any application submitted under the provisions of this chapter, refund all fees paid in advance by the applicant pursuant to the application, less a reasonable processing charge.
- B. When the issuance of a permit is denied and any action is instituted by the applicant to compel its issuance, the applicant shall not engage in the business for which the permit was refused unless a permit is issued to him pursuant to a judgment ordering it.

§ 107-6. - Permit fees; refunds; exemptions.

[Amended 4-10-2006 by Ord. No. 2006-1]

- A. The annual permit fee shall be \$100.
 - (1) Permit fees associated with new applications are prorated on a quarterly basis.)
 - (2) The annual renewal fee is \$100.
 - (3) Second renewals are subject to a late fee of \$50.
 - (4) The penalty fee shall be \$100.
- B. No prorationing, rebate or refund of any permit fee or part thereof shall be made by reason of nonuse of the permit or by reason of a change of location or business rendering the use of the permit ineffective. The City Manager or permit officer shall have the authority to refund a permit fee only if the permit fee was collected through an error. All 501(c)(3) nonprofit companies are exempt from permit fees.

§ 107-7. - (Reserved)¹

Footnotes:

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Editor's Note: Former § 107-7, Collection of unpaid fees, was repealed 4-10-2006 by Ord. No. 2006-1.

§ 107-8. - Display of permit.

A permit issued under the provision of this chapter shall be posted in a public place in the establishment or place of business for which it is issued, or it shall be carried upon the person of the permittee.

§ 107-9. - Transfer of permit.

Each permit granted under this chapter shall be for the sole use and benefit of the person to whom it is issued and shall not be transferable. In case of the death of any individual, his personal representative shall succeed to all rights thereunder until the expiration of the permit.

§ 107-10. - Enforcement; revocation of permit.

- A. The City Manager or permit officer shall make or have made all investigations reasonably necessary to the enforcement of this chapter.
- B. Upon determination that a violation of any City ordinance has occurred or that a permittee is not in compliance with the provisions of this chapter, the City Manager may order a revocation of the permit. Before any permit is revoked, the City Manager shall give 30 days' written notice in advance by certified mail directed to the permittee at the usual place of business, stating the reason for the revocation, and upon the correction of the defect within 30 days following receipt of notice no revocation shall take effect. If the defect is not corrected within said thirty-day period, the permit shall be deemed to be revoked immediately.

§ 107-11. - Appeals.

- A. Any person aggrieved by any decision of the City Manager or permit officer shall have the right to appeal to the City Council by filing a written appeal with the City Council within 30 days following the effective date of the action or decision complained of. The appeal shall set out a copy of the order or decision appealed from and shall include a statement of facts relied upon to avoid the order.
- B. The City Council shall fix a time and place for hearing the appeal and shall serve written notice upon the person requesting the appeal informing him of the hearing. The findings of the City Council shall be final and conclusive and shall be served upon the person who requested the appeal.

§ 107-12. - Violations and penalties.

[Amended 4-10-2006 by Ord. No. 2006-1]

- A. Any contractor/person providing services within the City without a valid permit will be subject to penalties as provided for under this section.
- B. A stop-work order will be issued by the Code Official and will stay in effect until the contractor complies with all conditions associated with the issuance of a valid permit, including annual permit and penalty fees.
- C. Continued violation of any provision of this chapter is subject to fines in accordance with Milford City Code Chapter 1, Article II, General Penalty.
- D. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

PUBLIC NOTICE

The following Ordinance will be considered by City Council on the date as indicated below:

Ordinance 2016-26

PEDDLING, SOLICITING AND TRANSIENT MERCHANTS-CHAPTER 168

WHEREAS, City Staff has reviewed several Ordinances related to permitting and licensing fees; and

WHEREAS, there is a need to adjust fees for certain services from time to time and incorporate adjusted and/or new fees for licensing and permitting services; and

WHEREAS, City Council finds that combining certain fees into a single comprehensive Resolution will provide a simplified and more efficient manner for residents and those doing business in the City of Milford to access applicable fees; and

WHEREAS, it is found appropriate to update the language in Chapter 168 by which the City reviews, evaluates and acts upon applications for Peddling, Soliciting and Transient Merchants.

NOW THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. The Code of the City of Milford is hereby amended by modifying Chapter 168 entitled Peddling, Soliciting and Transient Merchants, as follows:

Chapter 168 - PEDDLING, SOLICITING AND TRANSIENT MERCHANTS

§ 168-1. - Definitions and word usage.

A. As used in this chapter, the following terms shall have the meanings indicated:

PERSON — Any natural person, association, partnership, firm or corporation.

SOLICITING and PEDDLING

- (1) SOLICITING — The seeking or taking of contracts or orders for any goods, wares, merchandise or services for future delivery or for subscriptions or contributions upon any streets or sidewalks or from house to house within the ~~city~~City.
- (2) PEDDLING — The selling or offering for sale of any goods, wares, merchandise or services for immediate delivery which the person selling or offering for sale carries with him/her in traveling or has in his/her possession or control upon any of the streets or sidewalks or from house to house within the ~~city~~City.
- (3) Neither the word "soliciting" nor "peddling" shall apply to:
 - (a) Farmers seeking or taking orders for or selling or offering for sale their own produce.

(b) ~~The Vendors at farmer's markets or special events that are approved by the City to use public streets, parks and facilities for their event. seeking or taking of orders for or the selling or offering for sale of bread or bakery products, meat or meat products or milk and milk products by any manufacturer or producer thereof.~~

SOLICITOR or PEDDLER — Any person who shall engage in soliciting or peddling, respectively, as hereinabove defined.

FOOD ESTABLISHMENT - A business operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption.

MOBILE FOOD VEHICLE – A Food Establishment that is located upon a vehicle including motorcycles and bicycles, or which is pulled by a vehicle, where food or beverage is cooked, prepared or served for individual portion service. This definition includes but is not limited to: mobile food kitchens, pushcart vendors, bicycle cart vendors, mobile food trucks, canteen trucks, and coffee trucks. This definition does not apply to “meals on wheels” program vehicles, or food home delivery services.

PRIVATE PARTY – A social gathering on private property not open to the public.

TRANSIENT MERCHANT — A person who engages or proposes to engage temporarily in merchandising business in the ~~city~~City and occupies a room, building, tent, vehicle, Mobile Food Vehicle, lot, stand or other premises for the purpose of selling, trading or bartering goods, food, wares and merchandise.

B. Word usage. The singular shall include the plural.

§ 168-2. - Registration required.

No person shall engage in soliciting or peddling or act as a transient merchant in the ~~city~~City without first registering with the City Code Official.

§ 168-3. - Information to be supplied.

A. Every person desiring to engage in soliciting or peddling in the ~~city~~City shall first register, under oath, with the Code Official. Upon such application, such person shall give his/her name, address and age; undergo ~~his previous~~ **a criminal background check through the Delaware State of Identification record, if** ~~any~~ **with the report sent to the Code Official** ~~any~~; the name and address of the person for whom he/she works and a letter appended to the application authorizing the applicant to represent the firm the applicant purports to represent, if any; the type or types of article, device, subscription,

contribution, service or contract which he/she desires to sell or for which he wishes to solicit within the cityCity; the length of time he wishes to be registered; the type of vehicle he/she uses, if any, and its registration number; and the name, address and title of a company officer upon whom process or other legal notice may be served, if the applicant is a corporation or company.

B. Where a person makes application for him/herself and one or more helpers, all applicable personal information specified above shall be given for each helper, and an individual license shall be required for each helper. No license issued under this chapter shall be transferable from one person to another.

C. *When applying for a permit for a Mobile Food Vehicle, a current, valid Food Establishment permit from the Delaware Department of Health and Social Services Division of Public Health and any inspection reports shall be provided to the City.*

§ 168-4. - Fees.

The fee for a permit or license shall be set by the City Council each year as part of the City Fee Schedule. The license or permit fee shall be prorated after July 1. No refund shall be given for any solicitor, peddler, or transient merchant that ceases to operate during the licensing period. No permit or license shall be issued under this chapter except upon payment of a fee of \$50.

§ 168-5. - Issuance of license or permit; list of vendors.

A. Upon registering with the cityCity as aforesaid, each solicitor or peddler shall be issued, **unless he shall have been convicted of a crime involving moral turpitude,** a license or permit and may, ~~unless he shall have been convicted of a crime involving moral turpitude,~~ be permitted to solicit or peddle or act as a transient merchant within the cityCity for the licensed period beginning on the date such license or permit is issued and ending on the expiration date thereof. Such license or permit shall not be transferable.

(1) No license or permit shall be issued to any person or business unless all taxes, assessments, sewer, water, electric, trash charges and any other fees due the cityCity are paid and in good standing.

B. Notwithstanding the provisions of Subsection A hereof, **organizers of special events that are approved by the City to use public streets, parks and facilities for their event may restrict or select the vendors or transient merchants that can participate at their farmer's market or event, provided that any Mobile Food Vehicles are properly permitted in accordance with the provisions of this Chapter. Event organizers shall provide a list of the approved vendors (including Mobile Food Vehicles) to the City no less than one week prior to the event.** the Code Official shall be authorized to delegate the issuance of transient merchant licenses to the owner of any validly existing marketplace for casual retail sales and barter by independent vendors upon condition that

~~said owner shall provide to the Code Official a complete list of vendors to whom licenses were issued.~~

- ~~(1) The list required by this subsection shall contain a statement on behalf of said owner as follows: "This list constitutes a complete list of vendors for the reporting period. Each of said vendors was issued a transient merchant license in compliance with the City of Milford Municipal Code."~~
- ~~(2) The list shall be provided at least once each month or as required by the Code Official.~~

§ 168-6. - Evidence of registration; display of license; restrictions.

- A. Every solicitor or peddler shall, at all times while engaged in soliciting or peddling in the ~~city~~City, carry evidence of such registration upon his/her person and shall exhibit such evidence upon request to all police officers, ~~city~~City officials and citizens.
- B. Every person holding a transient merchant license shall post said license in a prominent place in his/her business premises and shall maintain said license as such at all times.
- C. No solicitor or peddler shall engage in selling or offering for sale or in seeking or taking of orders or contracts for any goods, wares, merchandise, article, device, subscription, contribution, service or contract not mentioned upon such license, nor shall any person use any vehicle for soliciting or peddling other than the vehicle registered upon his/her license.
- D. No license issued upon the provisions of this chapter may be transferred from one person to another. The person designated in said license shall be the only person authorized to engage in such business thereunder.

§ 168-7. - Hours of sale.

No person shall engage in soliciting or peddling at any time on Sunday or on any other day of the week before 9:00 a.m. or after 5:00 p.m. except upon invitation from or an appointment with the resident.

§ 168-8. - Noise.

No person engaged in soliciting or peddling or as a transient merchant shall hawk or cry his/her goods, wares, merchandise, articles, contracts or services upon any of the streets or sidewalks of the ~~city~~City, nor shall he use any loudspeaker or horn or any other device on public property for announcing his/her presence by which members of the public are annoyed.

§ 168-9. - Vehicles.

No person engaged in soliciting or peddling or as a transient merchant shall park any vehicle upon any of the streets or alleys of the ~~city~~City in order to sort, rearrange or clean any of his/her goods, wares or merchandise or any samples, order books, contracts, circulars, literature or advertising matter pertaining thereto, nor may any such person place or deposit any refuse upon

any such street or curbstone market or soliciting or peddling office by parking any vehicle upon any street or alley in the ~~city~~City for longer than necessary in order to solicit from or peddle to persons residing in the immediate vicinity, **unless prior written permission is provided by the City Manager.**

§ 168-10. - Prohibited acts.

- A. No person engaged in soliciting or peddling or acting as a transient merchant shall occupy any of the streets or alleys or sidewalks of the ~~city~~City for the purpose of soliciting or peddling, with or without any stand or counter, **unless prior written permission is provided by the City Manager.**
- B. No person engaged in soliciting or peddling shall enter upon premises for the purpose of soliciting or peddling which are posted with signs indicating that soliciting or peddling thereon is prohibited.
- C. No peddler or solicitor shall peddle, vend or sell his/her goods or wares within 200 feet of any church or place of worship or any place occupied exclusively as a public or private school or for school purposes, nor shall he permit his/her cart, wagon or vehicle to stand on any public highway within said distance of such school property.
- D. No person shall solicit any business whatsoever at the scene of any accident within the incorporated area of the ~~city~~City.
- E. No transient merchant shall conduct business on a residential lot in a residentially zoned area unless the merchant is permitted by the property owner to provide food, goods or services for a Private Party.**

§ 168-11. - Sales at public functions on ~~city~~City property.

Notwithstanding any other provision, no person shall sell merchandise at any public function held in the ~~city~~City, on lands owned by the ~~city~~City, without first obtaining written permission therefor from the City Manager.

§ 168-12. - Records; supervision of license holders.

The Code Official shall keep a record of all registrations made under this chapter, and the Code Official shall supervise the activities of all holders of such licenses.

§ 168-13. - Exemptions from license requirements.

The following persons are exempt from the license requirements of this chapter:

- A. Farmers engaged in selling only produce of their own farms from a truck or other vehicle.
- B. Persons engaged in the sale of goods, wares and merchandise, the proceeds whereof are to be applied to any charitable or philanthropic purpose.
- C. Persons 16 years of age or under.

§ 168-14. - Revocation of license; hearing for reinstatement.

- A. Any license hereinafter issued may be revoked by the Code Official upon the failure of the licensee to comply with the standards of conduct established herein or upon ascertainment that the licensee has made any false statements in the application for the license hereunder or upon such licensee being arrested and convicted of any crime involving moral turpitude.
- B. Any person whose license has been revoked shall be entitled to appear, with counsel if desired, before the City Council at a regular or special meeting and be heard on behalf of a request for reinstatement of said license.

§ 168-15. - Form and contents of permit.

Each permit shall be issued in card form, shall be carried by the person for whose benefit it is issued and shall contain the following: the number of the permit, fee paid, date of issue, expiration date and the name, age, weight, color, name of employer, address and signature of the holder. The reverse side of such permit shall contain any regulations then in effect and controlling the holder, as well as any conditions and/or limitations to which such permit is subject.

§ 168-16. – Mobile Food Vehicle Rules and Regulations

A. General. The following rules and regulations apply:

- (1) No operator of a Mobile Food Vehicle shall park, stand or move a vehicle and conduct business within areas of the City where the permit holder has not been authorized to operate;**
- (2) The issuance of a permit does not grant or entitle the exclusive use of a location to the Mobile Food Vehicle permit holder, other than the time and place as approved for the term of the permit;**
- (3) No Mobile Food Vehicle shall provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches and standup counters, unless a proposal for such seating/standup arrangements is submitted with the permit application and approved by the City Manager;**
- (4) Permit holders shall provide customers with single service articles, such as plastic silverware and paper plates, and a waste container for their disposal. All Mobile Vehicles shall offer a waste container for public use that the operator shall empty at his or her own expense if not provided by the Special Event sponsor.**
- (5) No Mobile Food Vehicle shall make or cause to be made any unreasonable or excessive noise in violation of the City's Codified Ordinances.**
- (6) No permittee shall employ the use of flashing or moving lights on or near a Mobile Food Vehicle as part of its operation.**
- (7) A Mobile Food Vehicle may not operate on public property, including right-of-way, unless the City has otherwise granted approval on the Special Event Permit application for its operation at the particular location during specific times.**

(8) The City reserves the right to relocate a Mobile Food Vehicle to an alternate location as determined by the City Manager if the approved location needs to be used for emergency purposes or other public benefit.

(9) Mobile Food Vehicles shall adhere to all applicable parking regulations.

B. The operation of Mobile Food Vehicles shall at all times be in compliance with all applicable governmental rules and regulations, including but not limited to those of the Delaware Department of Health and Social Services Division of Public Health and the Delaware Department of Transportation.

§ 168-~~174~~6. - Violations and penalties.

- A. Violation of any provision of this chapter shall be punishable, upon conviction, by a fine of not less than \$100 nor more than \$500. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.
- B. In addition to or as an alternative to the above-provided penalties, the ~~city~~**City** may also maintain an action or proceeding in the name of the ~~city~~**City** in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.
- C. In addition, any person who violates any provision of the foregoing may be subject to a loss of the license privilege herein granted.

Section 2. Dates.

City Council Introduction: November 28, 2016

City Council Proposed Adoption: December 12, 2016

Proposed Effective Date: January 1, 2017

To review the complete list of City of Milford ordinances, please access the City of Milford website at cityofmilford.com or contact the City Clerk's Office at 302-424-3712.

Chapter 168 - PEDDLING, SOLICITING AND TRANSIENT MERCHANTS

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A. As used in this chapter, the following terms shall have the meanings indicated:

PERSON — Any natural person, association, partnership, firm or corporation.

SOLICITING and PEDDLING

- (1) SOLICITING — The seeking or taking of contracts or orders for any goods, wares, merchandise or services for future delivery or for subscriptions or contributions upon any streets or sidewalks or from house to house within the city.
- (2) PEDDLING — The selling or offering for sale of any goods, wares, merchandise or services for immediate delivery which the person selling or offering for sale carries with him in traveling or has in his possession or control upon any of the streets or sidewalks or from house to house within the city.
- (3) Neither the word "soliciting" nor "peddling" shall apply to:
 - (a) Farmers seeking or taking orders for or selling or offering for sale their own produce.
 - (b) The seeking or taking of orders for or the selling or offering for sale of bread or bakery products, meat or meat products or milk and milk products by any manufacturer or producer thereof.

SOLICITOR or PEDDLER — Any person who shall engage in soliciting or peddling, respectively, as hereinabove defined.

TRANSIENT MERCHANT — A person who engages or proposes to engage temporarily in merchandising business in the city and occupies a room, building, tent, vehicle, lot, stand or other premises for the purpose of selling, trading or bartering goods, wares and merchandise.

B. Word usage. The singular shall include the plural.

§ 168-2. - Registration required.

No person shall engage in soliciting or peddling or act as a transient merchant in the city without first registering with the City Code Official.

§ 168-3. - Information to be supplied.

- A. Every person desiring to engage in soliciting or peddling in the city shall first register, under oath, with the Code Official. Upon such application, such person shall give his name, address and age; his previous criminal record, if any; the name and address of the person for whom he works and a letter appended to the application authorizing the applicant to represent the firm the applicant purports to represent, if any; the type or types of article, device, subscription, contribution, service or contract which he desires to sell or for which he wishes to solicit within the city; the length of time he wishes to be registered; the type of vehicle he uses, if any, and its registration number; and the name, address and title of a company officer upon whom process or other legal notice may be served, if the applicant is a corporation or company.
- B. Where a person makes application for himself and one or more helpers, all applicable personal information specified above shall be given for each helper, and an individual license shall be required for each helper. No license issued under this chapter shall be transferable from one person to another.

§ 168-4. - Fees.

No permit or license shall be issued under this chapter except upon payment of a fee of \$50.

§ 168-5. - Issuance of license or permit; list of vendors.

- A. Upon registering with the city as aforesaid, each solicitor or peddler shall be issued a license or permit and may, unless he shall have been convicted of a crime involving moral turpitude, be permitted to solicit or peddle or act as a transient merchant within the city for the licensed period beginning on the date such license or permit is issued and ending on the expiration date thereof. Such license or permit shall not be transferable.
 - (1) No license or permit shall be issued to any person or business unless all taxes, assessments, sewer, water, electric, trash charges and any other fees due the City are paid and in good standing.
- B. Notwithstanding the provisions of Subsection A hereof, the Code Official shall be authorized to delegate the issuance of transient merchant licenses to the owner of any validly existing marketplace for casual retail sales and barter by independent vendors upon condition that said owner shall provide to the Code Official a complete list of vendors to whom licenses were issued.
 - (1) The list required by this subsection shall contain a statement on behalf of said owner as follows:
"This list constitutes a complete list of vendors for the reporting period. Each of said vendors was issued a transient merchant license in compliance with the City of Milford Municipal Code."
 - (2) The list shall be provided at least once each month or as required by the Code Official.

[Ord. No. 2011-7, § 2, 4-11-2011]

§ 168-6. - Evidence of registration; display of license; restrictions.

- A. Every solicitor or peddler shall, at all times while engaged in soliciting or peddling in the city, carry evidence of such registration upon his person and shall exhibit such evidence upon request to all police officers, city officials and citizens.
- B. Every person holding a transient merchant license shall post said license in a prominent place in his business premises and shall maintain said license as such at all times.
- C. No solicitor or peddler shall engage in selling or offering for sale or in seeking or taking of orders or contracts for any goods, wares, merchandise, article, device, subscription, contribution, service or contract not mentioned upon such license, nor shall any person use any vehicle for soliciting or peddling other than the vehicle registered upon his license.
- D. No license issued upon the provisions of this chapter may be transferred from one person to another. The person designated in said license shall be the only person authorized to engage in such business thereunder.

§ 168-7. - Hours of sale.

No person shall engage in soliciting or peddling at any time on Sunday or on any other day of the week before 9:00 a.m. or after 5:00 p.m. except upon invitation from or an appointment with the resident.

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No person engaged in soliciting or peddling or as a transient merchant shall hawk or cry his goods, wares, merchandise, articles, contracts or services upon any of the streets or sidewalks of the city, nor shall he use any loudspeaker or horn or any other device on public property for announcing his presence by which members of the public are annoyed.

§ 168-9. - Vehicles.

No person engaged in soliciting or peddling or as a transient merchant shall park any vehicle upon any of the streets or alleys of the city in order to sort, rearrange or clean any of his goods, wares or merchandise or any samples, order books, contracts, circulars, literature or advertising matter pertaining thereto, nor may any such person place or deposit any refuse upon any such street or curbstone market or soliciting or peddling office by parking any vehicle upon any street or alley in the city for longer than necessary in order to solicit from or peddle to persons residing in the immediate vicinity.

§ 168-10. - Prohibited acts.

- A. No person engaged in soliciting or peddling or acting as a transient merchant shall occupy any of the streets or alleys or sidewalks of the city for the purpose of soliciting or peddling, with or without any stand or counter.
- B. No person engaged in soliciting or peddling shall enter upon premises for the purpose of soliciting or peddling which are posted with signs indicating that soliciting or peddling thereon is prohibited.
- C. No peddler or solicitor shall peddle, vend or sell his goods or wares within 200 feet of any church or place of worship or any place occupied exclusively as a public or private school or for school purposes, nor shall he permit his cart, wagon or vehicle to stand on any public highway within said distance of such school property.
- D. No person shall solicit any business whatsoever at the scene of any accident within the incorporated area of the city.

§ 168-11. - Sales at public functions on city property.

Notwithstanding any other provision, no person shall sell merchandise at any public function held in the city, on lands owned by the city, without first obtaining written permission therefor from the City Manager.

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- B. Persons engaged in the sale of goods, wares and merchandise, the proceeds whereof are to be applied to any charitable or philanthropic purpose.
- C. Persons 16 years of age or under.

§ 168-14. - Revocation of license; hearing for reinstatement.

- A. Any license hereinafter issued may be revoked by the Code Official upon the failure of the licensee to comply with the standards of conduct established herein or upon ascertainment that the licensee has made any false statements in the application for the license hereunder or upon such licensee being arrested and convicted of any crime involving moral turpitude.
- B. Any person whose license has been revoked shall be entitled to appear, with counsel if desired, before the City Council at a regular or special meeting and be heard on behalf of a request for reinstatement of said license.

§ 168-15. - Form and contents of permit.

Each permit shall be issued in card form, shall be carried by the person for whose benefit it is issued and shall contain the following: the number of the permit, fee paid, date of issue, expiration date and the name, age, weight, color, name of employer, address and signature of the holder. The reverse side of such permit shall contain any regulations then in effect and controlling the holder, as well as any conditions and/or limitations to which such permit is subject.

§ 168-16. - Violations and penalties.

- A. Violation of any provision of this chapter shall be punishable, upon conviction, by a fine of not less than \$100 nor more than \$500. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.
- B. In addition to or as an alternative to the above-provided penalties, the city may also maintain an action or proceeding in the name of the city in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.
- C. In addition, any person who violates any provision of the foregoing may be subject to a loss of the license privilege herein granted.