

Introduced by: Mr. Smiley, Mr. Carter and
Date of introduction: March 31, 2020 all of Council

EMERGENCY ORDINANCE NO. E20- 003

TO APPROPRIATE \$500,000 IN THE NEW CASTLE COUNTY HOUSING TRUST FUND TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES FOR THE PURPOSE OF ASSISTING NEW CASTLE COUNTY RESIDENTS BY PROVIDING FUNDING FOR THE DELAWARE STATE HOUSING AUTHORITY'S DELAWARE HOUSING ASSISTANCE PROGRAM

WHEREAS, the Centers for Disease Control and Prevention ("CDC") has determined that a novel coronavirus SARS-CoV-2, which causes a coronavirus disease named COVID-19, is a serious threat to public health, and has advised the public to minimize interactions with others and employ social distancing practices to help mitigate community spread of the COVID-19 virus; and

WHEREAS, on March 12, 2020, Governor John Carney issued a *Declaration of a State of Emergency* (the "Emergency Declaration") due to the public health threat of COVID-19; and

WHEREAS, on March 22, 2020, the Governor's Fourth and Fifth Modifications to the Declaration of a State of Emergency, which became effective on March 24, 2020, closed businesses defined as "Non-Essential Businesses" until May 15, 2020, and ordered all Delaware residents to shelter in place except for "Essential Activities" and "Essential Travel"; and

WHEREAS, on March 23, 2020, Governor Carney issued the *Declaration of a Public Health Emergency for the State of Delaware*; and

WHEREAS, the President of the United States issued Declarations (pursuant to two separate federal Acts) of a national emergency as a result of the COVID-19 pandemic, expressing his concern that the "pandemic has the potential to cause severe consequences for our country's national and economic security . . ."; and

WHEREAS, the President of the United States also declared a public health emergency; and

WHEREAS, the World Health Organization issued a Declaration that the spread of COVID-19 constituted a public health emergency of international concern; and

WHEREAS, the COVID-19 pandemic has the potential to decimate our national economy on par with the Great Recession of 2008; and

WHEREAS, nationally, a record 3.3 Million Americans filed jobless claims during the week of March 19, 2020, the largest number since the Department of Labor began tracking these numbers in 1967; and

WHEREAS, the weekly claims for unemployment insurance benefits in Delaware, for the week March 15-21, 2020, exceeded the number of claims received in any months over the past

thirty years; and

WHEREAS, in response to the COVID-19 pandemic, the U.S. government has enacted legislation that includes housing protections against foreclosures on mortgages and evictions for renters and prohibits fees, penalties or additional interest to be charged as a result of late mortgage payments; and

WHEREAS, similar to and consistent with Congress' consumer protections, many States, cities, and municipalities across the nation have adopted measures to protect its citizenry: notably, the State of Delaware has imposed a moratorium on certain evictions and foreclosures, has prohibited utilities that service residential customers from terminating the service to the customer, and has prohibited residential service providers from assessing late fees or charges as a result of late payments that subsequently become due; in addition, the City of Wilmington has suspended water service disconnections and Sheriff sale filings; the State of New Jersey, along with many other States and cities, including Baltimore, Boston, New York, have enacted similar measures; in addition, the city of Seattle has enacted an emergency order prohibiting the assessment of late fees or other charges due to late payment of rent; the State of Illinois (through its utility commission) has ordered all utilities to suspend late payment fees until May 1, or until the pandemic has passed; the City of Chicago has temporarily suspended debt collection and non-safety related citations and impounds, in addition to suspending penalties for late payment until April 30, 2020, in addition to suspending the accrual of new interest on current compliance plans; and the city of Harrisburg has suspended the application of penalties, interest and fees on municipal waste accounts for city residents and commercial businesses for the entirety of the COVID-19 pandemic; and

WHEREAS, the circumstances are such that New Castle County government is compelled to follow the example set by Congress and many other jurisdictions across the nation to protect its citizens as best it can from the potentially devastating health and financial effects of the COVID-19 pandemic; and

WHEREAS, COVID-19, and the extraordinary measures taken to limit its spread, are likely to result in loss of work and loss of income for residents of New Castle County; and

WHEREAS, residents and businesses in New Castle County may experience economic uncertainty and instability due to COVID-19, and reduction in revenue or income could result in missed or returned payments; and

WHEREAS, the Governor's Sixth Modification to the Declaration of a State of Emergency prohibits a "Residential Service Provider" from terminating wastewater service to a dwelling unit or residence or bill or collect a fee or charge imposed for a late payment due on or after March 24, 2020 until the termination of the State of Emergency; and

WHEREAS, the Governor and the Delaware State Housing Authority created the Delaware Housing Assistance Program to provide emergency housing assistance to renters affected by shutdowns, closures, layoffs, reduced work hours, or unpaid leave due to the COVID-19 pandemic; and

WHEREAS, the Delaware Housing Assistance Program will provide eligible households up to \$1,500 in assistance with rent payments made to the property owner or utility payments made to the utility company; and

WHEREAS, eligible households must reside in Delaware and have a maximum household income at or below 80% of the Area Median Income (AMI) for the County in which they reside; and

WHEREAS, the New Castle County Housing Trust Fund was created with the support of County Council for the “purpose of dedicating public funds and revenues from other sources to address the housing needs of very low income households earning less than 50% of median income, low income households earning 50 to 80% of median income, and moderate income households earning 80% to 120% of median income” (see Resolution No. 07-176 as amended by Amendment No. 1); and

WHEREAS, through public workshops and meetings, the New Castle County Housing Advisory Board determined that areas with the need for public funding include homelessness prevention and rental and utility assistance for low- and very-low income households; and

WHEREAS, contributing funds to the Delaware Housing Assistance Program is consistent with the purposes of the New Castle County Housing Trust Fund; and

WHEREAS, with April 1 only one day away, many eligible households soon will be confronted with rent and utility payment due dates that are impossible or difficult to meet due to a loss or reduction of income as a result of the COVID-19 pandemic; and

WHEREAS, in the interest of preserving the health, welfare, and safety of residents and to facilitate and encourage compliance with the shelter-in-place order, it is necessary to contribute funds to the Delaware Housing Assistance Program to assist those eligible households residing in New Castle County that are struggling to pay rent or utility bills because of an unexpected loss or reduction of income; and

WHEREAS, based on the foregoing, it is just and appropriate that New Castle County government provide the relief detailed in this Emergency Ordinance to protect residents from the potentially devastating health and financial effects of the COVID-19 pandemic; and

WHEREAS, County Council finds that this Emergency Ordinance is necessary to meet the public emergency created by the COVID-19 pandemic which has severely affected the life, health, property and the public peace of New Castle County.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS
(10/13ths of all Council members voting in the affirmative):

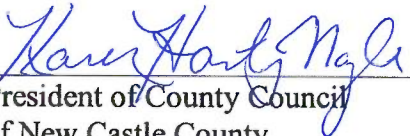
Section 1. Under the authority of 9 *Del. C.* § 1157 (“Emergency ordinances”), New Castle County Council declares that an emergency exists in that COVID-19 poses a serious threat to the life, health, property and public peace of New Castle County and efforts to protect citizens and limit the spread of the disease have mandated the closure of many public and private buildings

and the suspension of numerous services, which have or will likely result in the widespread loss of work or income.

Section 2. In response to the emergency caused by the COVID-19 pandemic, \$500,000 in the New Castle County Housing Trust Fund is hereby appropriated to be administered by the Department of Community Services for the purpose of providing funding for the Delaware State Housing Authority's Delaware Housing Assistance Program to assist New Castle County residents.

Section 3. This ordinance shall become effective immediately upon its adoption by affirmative votes of at least ten members of County Council and approval by the County Executive.

Adopted by County Council of
New Castle County on: 3/31/2020


President of County Council
of New Castle County

Approved on: March 31, 2020


County Executive
New Castle County

SYNOPSIS: This Emergency Ordinance appropriates \$500,000 from New Castle County Housing Trust Fund to be used by the Delaware State Housing Authority (DSHA) in its Delaware Housing Assistance Program ("Program"). The funds shall be administered by the Department of Community Services, Division of Community Development and Housing and reflected on the Grants and Fixed Charges budget line item. The funds will be used to assist eligible households, as determined by DSHA pursuant to Program guidelines, residing in New Castle County. The Department of Community Services will develop a process with DSHA to transfer the funds to DSHA consistent with the intent herein stated.

FISCAL NOTE: This ordinance, if adopted, will decrease the balance of the New Castle County Housing Trust Fund by \$500,000.

