

2016 DAR Legislative Record

SB179: Source of Income: This bill would make “source of income” a protected class under the Delaware Fair Housing Act and the Landlord Tenant Code. DAR worked with the bill’s sponsors to amend the legislation to prevent landlords from being compelled into voluntary Federal housing programs such as the Section 8 program.

HS 1 to HB 262: The Land Protection Act: DAR worked tirelessly to remove State Resource Area Maps (SRA Maps), from this legislation. These maps amounted to a DNREC “Wish List” of land they wanted to acquire through the Open Space Program and DAR believed this mapping would prohibit a property owner from selling or developing their land. The substitute bill, that includes maps of land already in preservation but not the SRA maps, passed the Delaware House of Representatives with 37 “Yes” votes and 4 “absent.” This bill passed the Senate and has been signed by the Governor.

Administrative Warrants for Home Inspections: This “bill” would have allowed municipalities to issue “Administrative Warrants” to inspect homes. The bill never made it to paper after DAR went into discussions with the potential sponsors and outlined the problems with the potential legislation. The bill was pulled off of the table before it even made it to the table. The City of Newark, the municipality that wanted this legislation, is now working on a compromise with the Landlord Association that will be specific to Newark.

HB 419: The Buyer’s Property Protection Act: Synopsis: HB 419 was 2008 DAR President Kevin Hensley’s first bill as a member of the Delaware House of Representatives. The bill passed the House of Representatives easily 33-0 (several Representatives were absent due to a Bond Bill Hearing), on June 29th late in the evening, and DAR worked to get this bill on the Senate Agenda for June 30th. HB 419 passed the Senate unanimously at 4:25am. It has been signed by the Governor.

HS 1 to HB 200: The Parking Lot Bill: Synopsis: This bill would have taken commercial parking lots in Delaware beyond the requirements for the Americans with Disabilities Act. DAR believed this was an anti-business bill that would have required most commercial parking lots in Delaware to be inspected, permitted and re-stripped. The bill was voted out of Committee in the House, but never made it to the floor for a full House vote, even though an Amendment placed with the bill stripped it down to simply permitting and inspection requirements.

DNREC Stormwater and Sediment Regulations: Implemented in 2014, the DNREC Stormwater and Sediment Regulations have proved to be expensive and prohibitive for landowners. DAR supported the lawsuit that stayed these regulations, and DAR has been a key player in getting the regulations back on the table. More to come...

THE PRIVATE EASEMENT SECTION OF THE BOND BILL: For over a year DAR worked tirelessly to get the “Private Easement” section of the Bond Bill under “DelDOT” removed from the legislation. At the end of the 2014 session, DAR, along with the Banker’s Association worked out a deal with DelDOT that would only allow the Agency to use these eminent domain powers for 5 projects. When the new Bond Bill came out this session DAR was disappointed to see the same language return to the legislation, however, we were able to change the language of that section, still limiting the use of the eminent domain power for the same 5 projects from 2014.

SB66: The Land Bank: Synopsis: This Act will allow any Delaware jurisdiction with a long-term residential vacancy rate above 3%, including a county, to form a land bank, where such jurisdiction determines that a land bank would help it address the problem of vacant and abandoned real property within its jurisdiction. SB66 originally contained a “trump bid” that DAR felt could strip a property owner of equity. The bill was tabled in the Senate during the first week of May, only to show up on the Senate Agenda the following week, while DAR was in Washington, DC for the NAR Mid-Year Convention and Trade Expo. DAR managed to amend the bill to remove the “trump bid” from Washington, DC, and the amended bill passed the Delaware Senate unanimously. The amended bill then passed the House at 4:57am on July 1st. You can read the bill [HERE](#).

HB133: The Sprinkler Bill: Synopsis: This bill requires builders of new, one- or two-family residential dwellings that are 3 stories or less to provide to the purchasers a cost estimate from the builder for an automatic sprinkler system, as well as information from the State Fire Marshal’s Office about the benefits of such a system. The DAR Public Policy Committee met with the prime sponsor of HB133 to discuss the legislation and concerns over the implications for REALTORS®, mainly liability issues. DAR proposed amendments to the bill that gave REALTORS® indemnity from legal actions and directed buyers to the State Fire Marshall’s website for more information on sprinkler systems. The amended bill passed the Delaware Senate at approximately 2:30am on July 1st. Read the full bill [HERE](#).

SB137: The Del Tech Infrastructure Bill: Synopsis: Delaware’s Community College System plays a critical role in the State’s economy by providing workforce development and transfer education that connects Delawareans with good paying jobs within the State and region. This Act gives the College’s Board of Trustees the authority to issue bonds to finance the cost of major and minor capital improvements, deferred maintenance, and the acquisition of related equipment and educational technology associated therewith and establishes the Community College Infrastructure Fund to pay the principal and interest on such bonds. This Act adopts the county vo-tech structure to finance the Fund by authorizing the College’s Board of Trustees to collect a local property tax subject to a cap. This bill would have passed a statewide tax for Del Tech through the county property tax bill. Once this bill passed, the tax could be raised by Del Tech without any input from the public or the Delaware Legislature. DAR has taken a stand against running statewide taxes through property tax bills, and fought to keep this bill, which was the first item on the Senate’s Agenda on June 30th, from coming to

the floor of the Senate for a vote. When the final gavel dropped on July 1st, this bill hadn't seen the light of day. You can read the full text of the legislation [HERE](#).

SB5: DUCIOA: Synopsis: This Act affirmatively authorizes preexisting common interest communities and approved common interest communities to comply with any or all of the provisions of the Delaware Uniform Common Interest Ownership Act that they are not already required to comply with. This Act may be cited as the Benjamin Kuntz Act. A dedicated Delawarean who spent countless hours chairing the Kent County Levy Court's Homeowners Associations Resolving Problems (HARP) Committee. He advocated tirelessly for homeowner associations.

DAR worked in conjunction with the bill's sponsor to improve DUCIOA for Homeowners Associations. SB5 passed the House at 5:15am on July 1st. You can read the full legislation [HERE](#).

DNREC Regulation Governing the Construction and Use of Wells: DNREC's proposed regulations would have made Delaware REALTORS® responsible for point of sale, greatly expanded well water testing. DAR worked tirelessly to remove the point of sale section of the regulations, and thanks to an exceptional response from membership, the entire section of the regulations was deleted.