

From: USDOJ-Office of Public Affairs (SMO) (JMD)
Sent: Wednesday, November 28, 2012 5:30 PM
To: USDOJ-Office of Public Affairs (SMO) (JMD)
Subject: JUSTICE DEPARTMENT SETTLES LAWSUIT AGAINST SUSSEX COUNTY, DELAWARE, FOR BLOCKING AFFORDABLE HOUSING

Note: The court documents are attached in pdf format.

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WEDNESDAY, NOVEMBER 28, 2012
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**JUSTICE DEPARTMENT SETTLES LAWSUIT AGAINST
SUSSEX COUNTY, DELAWARE, FOR BLOCKING AFFORDABLE HOUSING**

WASHINGTON – The Justice Department announced today that it has settled a lawsuit against Sussex County, Del., and the Planning and Zoning Commission of Sussex County for race and national origin discrimination in violation of the Fair Housing Act.

The lawsuit, filed today in the U.S. District Court for the District of Delaware, alleges that the county's planning and zoning commission denied land use approval for a 50-lot affordable housing subdivision proposed by Diamond State Community Land Trust, a Delaware affordable housing developer, in southwestern Sussex County near the town of Laurel, Del. The suit alleges that the Sussex County Council later affirmed the denial of the proposed development. The suit alleges that opposition to the proposal was based partly on the assumption that the subdivision's residents would be Latino and African-American and on stereotypes based on race, color and national origin. The lawsuit arose from a complaint to the U.S. Department of Housing and Urban Development (HUD) that was referred to the Department of Justice.

The settlement, also filed today as a proposed consent decree that must be approved by the court, requires that the defendants reconsider the affordable housing proposal using nondiscriminatory criteria and take no actions to obstruct or delay the development of the subdivision. It also requires the county to pay \$750,000 to Diamond State Community Land Trust in compensation for its damages.

In addition, the settlement requires that the county take affirmative steps to provide for future affordable housing, communicate its commitment to fair housing, and establish mechanisms to ensure affordable and fair housing in Sussex County. Among other things, the county must formulate an affordable and fair housing marketing plan to encourage the development of housing opportunities that are available and accessible to all residents of Sussex county regardless of race, color or national origin, appoint a fair

housing compliance officer, and ensure that county officials and staff undergo fair housing training.

“The Fair Housing Act guarantees that all Americans have the opportunity to live where they choose regardless of the color of their skin,” said Thomas E. Perez, Assistant Attorney General for Civil Rights Division. “It is especially important that counties employ their land use powers in a manner that does not obstruct housing choice, and we will take action when jurisdictions block housing because of the race or ethnicity of those who would live there.”

In addition to the Justice Department’s action, today HUD and Sussex County entered into a voluntary compliance agreement resolving a related enforcement action by HUD. As a result of its investigation, HUD determined that the county violated federal civil rights laws by its actions relating to Diamond State Community Land Trust and by failing to administer its programs in a manner that affirmatively furthers fair housing. Under the Voluntary Compliance Agreement, Sussex County has agreed to perform a number of corrective actions, including development of a priority fair housing plan to address impediments to fair housing choice, strategies to integrate affordable housing into all communities in the county, and an evaluation of certain predominantly minority communities for future infrastructure and community development efforts.

“Today’s groundbreaking settlement recognizes the importance of the obligation to affirmatively further fair housing in the activities of local governments. Actions that establish or continue barriers to full fair housing choices deny Americans equal access to housing,” said John Trasviña, HUD's Assistant Secretary for Fair Housing and Equal Opportunity. "HUD and DOJ will continue to work together to make sure communities are open to everyone and that past patterns of discrimination are addressed.”

The federal Fair Housing Act prohibits discrimination in housing based on race, color, religion, national origin, sex, disability and familial status. Fair housing enforcement is a priority of the Civil Rights Division. More information about the Civil Rights Division and the laws it enforces is available at www.justice.gov/crt. Individuals who believe that they may have been victims of housing discrimination can call the Housing Discrimination Tip Line at 1-800-896-7743, email the Justice Department at fairhousing@usdoj.gov or contact the U.S. Department of Housing and Urban Development at 1-800-669-9777.

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