

IX. Recommendations

Recommendation 1: A program of more rigorous, systematic, frequent and continuous testing should be carried out throughout Delaware for purposes of detecting discrimination in the housing rental, real estate brokerage, and mortgage lending industries. This program must be capable of meeting the standards established in the *Daubert v. Merrill Dow Pharmaceuticals* case decided by the U.S. Supreme Court in 1993.

Recommendation 2: A strategy should be developed to address Fair Housing issues in Sussex County, with particular attention to the rapidly growing Hispanic population.

Recommendation 3: The Division of Human Relations should examine its practice of conciliating the vast majority of all complaints that are filed and consider a more aggressive enforcement policy. For example, an approach which takes the most egregious cases and subjects them to high-profile prosecutions would punish violators, deter potential violators, encourage victims to file complaints, and heighten public awareness of Fair Housing laws.

Recommendation 4: The Division of Human Relations should evaluate its intake process to insure that complaints alleging violations of the Fair Housing Act are not dismissed at the intake stage. Because of the legal judgments that are involved in this process, the Division should consider seeking the advice of legal counsel to create an appropriate evaluation mechanism.

Recommendation 5: The Attorney General should dedicate more resources to prosecuting Fair Housing Act violations and providing legal advice to the Division of Human Relations.

Recommendation 6: The Delaware Division of Human Relations and the state's private fair housing groups are considerably under resourced. More resources are needed for these organizations.

Recommendation 7: Attorneys or public interest organizations with lawyers that could represent plaintiffs in Fair Housing cases are needed. The lack of attorneys with expertise in Fair Housing who are willing to prosecute cases creates a considerable obstacle to the enforcement of the Fair Housing laws in Delaware.

Recommendation 8: The Delaware State Housing Authority should eliminate its policy that awards points to developers for advance notification to neighborhood organizations in the approval process for the construction of housing subsidized through the Low-Income Housing Tax Credit Program, or any other type of subsidy program. The current policy facilitates NIMBYism.

Recommendation 9: The comprehensive development plans that counties and municipalities are required to prepare by the Quality of Life Act should be monitored for their attention to low-income and affordable housing. Some means of enforcing this obligation should be added. This would not require an amendment to the laws, as regulations could be promulgated that would create this obligation. The comprehensive plans should also be reviewed and monitored to assure that localities are not engaging in exclusionary zoning.

Recommendation 10: To assist local governments in advancing Fair Housing, and planning and fulfilling their responsibilities to provide affordable housing, a technical assistance program should be established which provides professional advice and consultation services to local governments at a reasonable price.

Recommendation 11: HOND and the Division of Human Relations should coordinate their efforts more closely.

Recommendation 12: Delaware's private Fair Housing advocacy groups should consult and develop informal relationships with their counterparts in nearby jurisdictions, particularly those in Pennsylvania and New Jersey. Taking advantage of the resources and expertise of these organizations could assist Delaware's advocacy groups in fulfilling their missions, especially in light of the limited expertise and resources available to them.

Recommendation 13: Public education efforts are needed to make the general public aware of the nature and extent of racial and ethnic segregation in Delaware.

Recommendation 14: Additional research should be commissioned to determine the extent to which the lack of affordable housing in certain areas of the state is having an adverse impact on the ability of members of protected classes to find and maintain decent, affordable housing. A disproportionate percentage of protected class members, especially racial minorities and people with disabilities, can only afford lower cost housing.