

CHAPTER 32  
FORMERLY  
SENATE BILL NO. 9  
AS AMENDED BY  
SENATE AMENDMENT NO. 1  
AND  
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE RELATING TO ROADS WITHIN COMMUNITIES RESTRICTED TO RESIDENTS WHO ARE 55 YEARS OF AGE OR OLDER.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 17 of the Delaware Code by adding a new §531 to read as follows:

“§531. Connections to Roads within Restricted Age Communities.

(a) The Department shall not accept into the State maintenance system any new road or street, pursuant to its authority under § 508 of this title, if the new road or street makes a connection to an existing street right-of-way of an adjoining residential age-restricted development, defined herein as a planned residential community whose deed restrictions or similar recorded provisions limit ownership and residence to persons 55 years of age or older.

(b) Subsection (a) of this section shall not prohibit a connection to an existing street right-of-way of an adjoining residential age-restricted development, if the new road or street is to be part of a residential age-restricted development.

(c) Subsection (a) of this section shall not prohibit a connection to an existing street right-of-way of an adjoining residential age-restricted development, if the owners of the property within that adjoining development elect to permit the connection, by a majority vote under the homeowner association rules or similar self-governance provisions applicable to that development.

(d) Subsection (a) of this section shall not prohibit a connection to an existing street right-of-way of an adjoining residential age-restricted development, if the connection is limited to a sidewalk or multi-use pathway not designed for motorized vehicles and the owners of the property within that adjoining development elect to permit the connection, by a majority vote under the homeowner association’s rules or similar self-governance provisions applicable to that development.

(e) This section shall not be applicable to those roads and streets for which acceptance into the State maintenance system under § 508 of this title has been conditioned upon agreement to potential connections to the streets and roads of an adjoining property, as evidenced by the Department’s approval of the conceptual site plan or proposed entrance configuration for the development, if granted prior to March 15, 2011.”

Approved May 19, 2011