

Kent County Stormwater Maintenance District (SWMD)

In March 2014, Kent County Levy Court approved the Stormwater Maintenance District program. This program provides an alternative to homeowner responsibility for long-term maintenance of stormwater infrastructure within subdivisions and land developments, and relieves homeowners of the burden of minor and major stormwater maintenance.

For more information about the Stormwater Maintenance District program, contact:

Kent County Department of Planning Services
(302) 744-2471
Stormwater@co.kent.de.us

Kent Conservation District
(302)741-2600

[Letter of Intent](#)

[Request for Routine Maintenance and/or County Financing](#)

[SWMD Fact Sheet](#)

[SWMD Workshop Presentation](#)

[Operation and Maintenance Guidance](#)

[Full Adopted Ordinance](#)

Why should we join?

Maintenance on stormwater facilities such as repairing eroded banks or removing obstructions from outlets are typically not performed regularly by HOAs - if at all. Failure to regularly and properly maintain

your infrastructure can increase future maintenance costs and/or necessitate major renovations. By joining the Stormwater Maintenance District, your HOA will be relieved from the burden of maintaining your community's basins; your total expenditures will likely be reduced; and your water quality will be improved.

All communities within the Stormwater Maintenance District receive the standard services included in Minor and Major Maintenance.

- Minor Maintenance includes activities which typically occur annually or every two years, such as removal of accumulated sediments, clearing of obstructions from inlet pipes or outlet structures, stabilization of low flow channels, resetting of rip rap, and repair of eroded banks.
- Major Maintenance includes renovations such as replacement of outlet structures and pipes, rebuilding of inlet pipes and aprons, repair of embankments, and in extreme cases, complete rehabilitation or retrofit.

Routine Maintenance is an OPTIONAL service, and includes grass cutting, vegetative management, control of invasive species, and trash removal, for an additional fee.

How much does it cost?

RESIDENTIAL PROPERTIES:

Minor and Major Maintenance include the standard services as listed above, and are provided at an annual cost of \$28 per property. This fee is added as a line item on each property owner's annual tax bill. (Note that this amount is subject to change.)

*Routine Maintenance is an OPTIONAL service for an additional fee. If your HOA chooses Routine Maintenance, the additional fee will be based on competitive bids from 3 local contractors.

How do we join?

Step 1, [Letter of Intent \(LOI\)](#).

Interested HOAs should submit a [Letter of Intent \(LOI\)](#) to Kent County Planning Department. Once the LOI is received, an inspection of your stormwater facilities will be scheduled with Kent Conservation District (KCD). After the inspection, KCD will forward a copy of its Facility Assessment Report to your HOA, along with an estimate for the cost of any repairs that will be necessary prior to your joining the District.

Step 2, [Request for Routine Maintenance and/or County Financing](#).

If your HOA decides to continue, you must then submit a [Request for Routine Maintenance and/or County Financing form](#) to Kent County Planning Department. Upon receipt of this document, Kent County Planning and KCD will complete the following:

- Only for HOAs choosing Routine Maintenance: KCD will work towards obtaining at least 3 bids from local contractors.
- Only for HOAs choosing County Financing: Kent County Planning Department will submit an application to the County Finance Department.
- For all HOAs: Kent County Planning Department will create a petition and mail it to your HOA. The petition will include the legal names and addresses of all property owners within your community. If your HOA chose Routine Maintenance, then the proposed cost of those services will be included on your petition. If your HOA chose County Financing AND the application was approved, then details regarding the finance agreement will be included on your petition.

Step 3, Petition and Supporting Documentation.

ALL property owners must be given an opportunity to vote on the petition. Your HOA may choose to accomplish this in any manner it deems appropriate. Some HOAs schedule a meeting to explain the Stormwater Maintenance Program and obtain petition signatures. Some HOAs choose to mail or email information about the program,

along with voting ballots that include all of the information provided on the original petition form. Some HOAs choose to go door to door, in order to personally explain the program and obtain signatures. Historically, we have found that a combination of all three techniques is most successful. Please keep the following in mind when obtaining signatures:

1. Only one vote per property will be counted.
2. Votes from family members, including spouses, who are not deeded property owners will not be counted.
3. Votes from renters will not be counted.
4. A valid daytime phone number is required for each vote. Once the petition is received by Kent County Planning Department, a County representative will call each signor to verify his/her vote. If a valid daytime phone number is not included, then the vote cannot be confirmed and will therefore not be counted.

When submitting the final petition, you must also include copies of any correspondence from the HOA to the property owners regarding stormwater maintenance. This may include letters, emails, newsletters, meeting agendas, meeting minutes, or any other documentation showing proof that all property owners were informed about stormwater maintenance and had an opportunity to sign the petition.

Step 4, Complete and Pay For Necessary Repairs.

As stated in your Facilities Assessment Report from Kent Conservation District (KCD), there may be some needed repairs that must be completed prior to joining the Stormwater Maintenance District. You may have these repairs completed by KCD or a private contractor of your choice.

- If repairs are completed by KCD: The invoice for all repairs made by KCD must be paid in full prior to scheduling your public hearing.
- If repairs are completed by a private contractor: KCD must inspect and approve any repairs made by a private contractor.

Step 5, Town Letter of No Objection.

If your community is located inside the jurisdiction of a town or city, Kent County Planning Department will request a Letter of No Objection from that municipality.

Step 6, Public Hearing.

Once steps 1-5 are complete, Kent County Planning will schedule a public hearing before the Kent County Levy Court. The hearing date and time will be published in a local newspaper and posted on signs at the entrance to your community. The Levy Court will make its decision at the end of the public hearing. If approved, a representative from your HOA will be contacted in the following weeks to sign legal documents for recordation. Copies of the final recorded documents will be mailed to your HOA.