

EXHIBIT

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RESOLUTION NO. 10-25

**RESOLUTION ADOPTING THE WILMINGTON HOUSING AUTHORITY
FIREARMS AND WEAPONS POLICY**

WHEREAS, on June 28, 2010, the Supreme Court of the United States issued its decision in *McDonald v. City of Chicago*, which held the Second Amendment to the United States Constitution applicable to the States; and

WHEREAS, the Board of Commissioners determined that the Court's decision in *McDonald* raised questions about the permissibility of the firearms policy previously contained within the WHA public housing lease; and

WHEREAS, WHA created a proposed firearms and weapons policy in response to the Court's decision in *McDonald*, and after proper notice, held a public hearing on October 14, 2010, to elicit comment regarding the proposed policy; and

WHEREAS, after careful consideration of legal precedent, similar policies adopted by other housing authorities throughout the country, and public comments offered during the October 14, 2010 public hearing, WHA created the Wilmington Housing Authority Firearms and Weapons Policy;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Wilmington Housing Authority that the Wilmington Housing Authority Firearms and Weapons Policy is adopted; and

BE IT FURTHER RESOLVED that this amendment shall take effect immediately.

ADOPTED: October 25, 2010

Synopsis of Resolution 10-25

On June 28, 2010, the Supreme Court issued a decision entitled *McDonald v. City of Chicago*. That decision holds that the Second Amendment to the United States Constitution is applicable to State and local governments. As a result, questions were raised about the permissibility of the ban on the use and possession of firearms imposed by WHA's public housing lease.

In response, WHA drafted and distributed for public comment a new firearms and weapons policy. A public hearing was held to discuss that policy on October 14, 2010. The policy adopted by this resolution, known as the Wilmington Housing Authority Firearms and Weapons Policy, is a result of careful consideration of the law, policies adopted by other housing authorities throughout the country, and the public comments offered at the October 14 public hearing.

WHA Firearms and Weapons Policy

Lease Modification (Replaces Lease Part I § IX.P.):

Ownership, possession, transportation, display, and use of firearms and weapons is governed by the Wilmington Housing Authority Firearms and Weapons Policy which is incorporated into and made a part of this lease.

Wilmington Housing Authority Firearms and Weapons Policy:

WHA recognizes the importance of protecting its residents' health, welfare, and safety, while simultaneously protecting the rights of its residents to keep and bear arms as established by the federal and state constitutions. WHA therefore adopts the following Firearms and Weapons Policy. Residents, members of a resident's household, and guests:

1. Shall comply with all local, state, and federal legal requirements applicable to the ownership, possession, transportation, and use of firearms or other weapons. The term "firearm" includes any weapon from which a shot, projectile or other object may be discharged by force of combustion, explosive, gas and/or mechanical means, whether operable or inoperable, loaded or unloaded, and any weapon or destructive device as defined by law.
2. Shall not discharge or use any firearm or other weapons on WHA property except when done in self-defense.
3. Shall not display or carry a firearm or other weapon in any common area, except where the firearm or other weapon is being transported to or from the resident's unit, or is being used in self-defense.
4. Shall have available for inspection a copy of any permit, license, or other documentation required by state, local, or federal law for the ownership, possession, or transportation of any firearm or other weapon, including a license to carry a concealed weapon as required by 11 *Del. C.* § 1441, upon request, when there is reasonable cause to believe that the law or this Policy has been violated.
5. Shall exercise reasonable care in the storage of loaded or unloaded firearms and ammunition, or other weapons.
6. Shall not allow a minor under 16 years of age to have possession of a firearm, B.B. gun, air gun, or spear gun unless under the direct supervision of an adult.
7. Shall not give or otherwise transfer to a minor under 18 years of age a firearm or ammunition for a firearm, unless the person is that child's parent or guardian, or unless the person first receives the permission of the minor's parent or guardian.

Violation of this Policy by any resident or member of the resident's household shall be grounds for immediate Lease termination and eviction. In addition, a resident or member of the resident's household who knowingly permits a guest to violate this Policy shall be subject to immediate Lease termination and eviction.