

**AN ORDINANCE TO AMEND CHAPTER 40 OF THE CITY CODE TO ESTABLISH 22 DEL. C. § 841'S FIVE-YEAR MAXIMUM RESIDENCY REQUIREMENT, TO ESTABLISH THE RELATED GEOGRAPHICAL BOUNDARIES AT CITY OF WILMINGTON LIMITS, AND TO ESTABLISH A RESIDENCY WORKING GROUP**

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#0362

WHEREAS, on July 27, 2022, Governor John C. Carney, Jr. signed Delaware House

Sponsor:

Bill 422 into law, which amended City Charter Section 3-304(b) to grant the City the authority

Council  
Member  
Darby

to determine the residency requirements for its non-elected employees; and

WHEREAS, City Council believes a residency requirement fosters community engagement; and

WHEREAS, City Council deems it necessary and appropriate to amend Chapter 40 of the City Code to (i) establish 22 Del. C. § 841's five-year maximum residency period requirement; and (ii) establish a Residency Working Group.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON  
HEREBY ORDAINS:**

**SECTION 1.** Chapter 40 of the City Code is hereby amended by amending Sections 40-3 and 40-4 thereof by adding the underlined language and deleting the stricken language to read as follows:

**Sec. 40-3. - Residency requirement; annual declaration.**

- (a) All elected officers of the city shall be residents of the city for the term of their office and as otherwise required by law. Non-elected regular employees shall acquire residency in the city within ~~six months~~ one (1) year of employment, and shall not be required to be residents of the city at the time of hiring. However, a preference for applicants or prospective employees who are bona fide city residents will be granted as specified in section 40-4 of this article.
- ~~(b) Notwithstanding the provisions of this section, and in accordance with 22 Del. C. § 841, any non-elected employee who was employed as of January 28, 1998, who at that time had at least 12 years of service for the city, shall not be required to become or remain a resident of the city during his/her employment; no non-elected employee who is/was hired, rehired, or reinstated after~~

~~January 28, 1998, who has an aggregate of 15 years of service for the city, shall be required to become or remain a resident of the city during his/her employment.~~

- (b) In accordance with 22 Del. C. § 841, all non-elected employees shall be required to reside within the geographical boundaries of the city for a period of five (5) years.
- (c) All regular city employees shall file an annual declaration of residency, pursuant to city code chapter 2, section 2-151.

**Sec. 40-4. – Preference for employment of residents.**

The ~~personnel~~ department of human resources and each appointing authority in city government, including the mayor and department heads and the director of ~~personnel~~ human resources, shall grant a preference for the employment in the appointed and classified services of applicants or prospective appointees who, at the time of their application, employment, or appointment to a position in city government, are bona fide residents of the city ~~or have met the city's residency requirement pursuant to city charter section 3-304.~~ In cases where residents and nonresidents are equally qualified for particular vacant positions, the city resident will receive first consideration in filling such vacant position.

**SECTION 2.** This Ordinance establishes a Residency Working Group. This Group shall consist of nine (9) members, all appointed by the President of City Council. The members shall include one (1) member from the Department of Human Resources, one (1) member of the Administration, and at least three (3) members of the public who reside within the geographical boundaries of the City of Wilmington. This Group's intentions include but are not limited to: identifying ways for residents to fill vacancies, creating incentives to move into the city, and finding ways to ease financial burdens to move, rent, and/or buy within the City. This Group shall issue a final Report no later than July 1, 2024, and City Council shall adopt its recommendations.

**SECTION 3.** This Ordinance shall become effective immediately upon its passage by City Council and approval by the Mayor.

First Reading.....November 2, 2023  
Second Reading.....November 2, 2023

Third Reading.....

Passed by City Council,

\_\_\_\_\_  
President of City Council

ATTEST: \_\_\_\_\_  
City Clerk

Approved this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor

**SYNOPSIS:** This Ordinance amends Chapter 40 of the City Code to establish a Five-Year residency requirement for City employees, excluding elected officials, and establishes a Residency Working Group. Last, on a housekeeping matter, this Ordinance updates the names of the Department of Human Resources and its Director.

**FISCAL IMPACT:** This Ordinance has no anticipated fiscal impact.