

AN ORDINANCE TO AMEND CHAPTER 40 OF THE CITY CODE TO ESTABLISH 22 DEL. C. § 841'S FIVE-YEAR MAXIMUM RESIDENCY REQUIREMENT AND TO ESTABLISH NEW CASTLE COUNTY AS THE RELATED GEOGRAPHICAL BOUNDARY

#0365

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
Bracy**

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

WHEREAS, the City has historically struggled to find and retain qualified candidates

Co-Sponsor:

to fill non-elected positions; and

**Council
Members
B. Fields
Johnson
Cabrera
Mills
Spadola**

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

WHEREAS, City Council believes establishing New Castle County, Delaware, as the non-elected employees' geographical boundary for residency will increase the applicant pool and competitiveness of hiring, which will result in better service to the City, while maintaining a sense of community and belonging; 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 for non-elected employees; and (ii) establish New Castle County, Delaware as the related geographical boundary.

**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 New Castle County, Delaware~~ within six months 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 of Wilmington 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 residential boundaries set forth in subsection (a) 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 of the City of Wilmington.

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 of Wilmington. ~~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 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 New Castle County, Delaware as the related geographical boundary. Lastly, 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.

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