

WHEREAS, the City already has a program for City employees administered by the Department of Real Estate and Housing that will provide \$4,000.00 in homeowner assistance; 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 Assistance Fund.

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. Chapter 40 of the City Code is hereby amended by adding a new Section 40-3.1 to read as follows:

Sec. 40-3.1. – Residency Assistance Fund.

- (a) Authorization. The department of human resources is hereby authorized to establish a residency assistance fund for the purpose of providing financial assistance to new hires.
- (b) Uses. This fund may be used to assist new hires with security deposits, down payments, signing bonuses, and/or relocation fees.
- (c) Funding. Funding for the residency assistance fund shall derive each fiscal year from an appropriation contained in that fiscal year's annual operating budget ordinance.
- (d) Minimum eligibility. To be eligible, a participant must be a new hire. The department of human resources may establish additional minimum eligibility requirements.
- (e) Administration and enforcement. Administration and enforcement of the residency relocation assistance fund shall be coordinated by the department of human resources. The department of human resources is authorized to prescribe, adopt, promulgate, and enforce rules and regulations pertaining to any aspect of the administration and enforcement of the residency relocation assistance fund including, but not limited to, establish additional minimum eligibility requirements, application procedures, and required documentation.

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 Substitute Ordinance amends Chapter 40 of the City Code to establish a Five-Year residency requirement within city limits for City employees, excluding elected officials. Further, it establishes a residency assistance fund to provide funds to help newly-hired employees with security deposits, downpayments, and/or moving expenses. Lastly, as a housekeeping matter, this Ordinance updates the names of the Department of Human Resources and its Director.

FISCAL IMPACT: This Substitute Ordinance will cost approximately \$50,000.00 per year.

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