

Wilmington, Delaware
March 6, 2025

#xxxx

Sponsor:

**Council
President
Congo**

WHEREAS, Senate Bill 43 with Senate Amendment 2 (SB 43 w/ SA 2), An Act to Amend Title 24 of the Delaware Code Relating to the Board of Plumbing, Heating, Ventilation, Air Conditioning, and Refrigeration Examiners, would preempt municipalities' authorities to set professional standards and licensing requirements for plumbing or HVACR licensees to the Board of Plumbing, Heating, Ventilation, Air Conditioning, and Refrigeration Examiners ("Board"); and

WHEREAS, § 1801 states that the "primary objective of the Board of Plumbing, Heating, Ventilation, Air Conditioning and Refrigeration Examiners, to which all other objectives are secondary, is to protect the general public." 24 Del. C., Chapter 18, as written, grants political subdivisions discretion to propose additional or modified heating, ventilation, air conditioning, and refrigeration (HVACR) regulations for review and approval, under the condition that they do not conflict with the International Mechanical Code (IMC) and the International Fuel Gas Code (IFC); and

WHEREAS, the ICC (International Code Council) Plumbing and Mechanical Code tests required by the State of Delaware for the issuance of professional licenses are open-book, multiple-choice tests administered by computer. The exams assess theoretical knowledge but do not require license candidates to demonstrate practical application of their professional competence; and

WHEREAS, the Wilmington City Council 2022-2025 Strategic Plan prioritizes Code Enforcement as an essential component of maintaining a "Stabilized Wilmington." The provisions of 24 Del. C., Chapter 18 have allowed the City of Wilmington to work

collaboratively with the Board to test HVACR and plumbing candidates' capacities to execute tasks safely and in adherence with the specific requirements of the Wilmington City Code; and

WHEREAS, this Council expresses strong opposition to the passage of SB 43 w/ SA 2. The amendments it proposes to Title 24 of the State Code would inhibit the City's autonomy to ensure that professionals licensed to work in the City of Wilmington are cognizant of and proficient in standards and regulations pertinent to the local infrastructure; and

WHEREAS, within the past three years, Wilmington's requirement process has identified 24 individuals who were erroneously granted State licenses; and

WHEREAS, the existing authority to establish local regulations is pivotal to municipalities' roles in reinforcing the Board's primary objective of protecting the general public. As Delaware's largest municipality, the City of Wilmington's urban infrastructure presents unique challenges that are not prevalent in other localities, including shared walls and chimneys, high-rise and mixed-use structures, and older historic buildings; and

WHEREAS, the provisions of 24 Del. C., Chapter 18, as it is currently written, allow the Board's oversight authority to review and determine whether additional or modified regulations proposed by municipalities will be approved. The existing process facilitates coordination and shared responsibility for ensuring that candidates are adequately vetted prior to receiving licenses.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that this Legislative body expresses strong objections to Senate Bill 43 with Senate Amendment 2 (SB 43 w/ SA 2), An Act to Amend Title 24 of the Delaware Code Relating to the Board of Plumbing, Heating, Ventilation, Air Conditioning, and Refrigeration Examiners, which would negatively impact the autonomy of the City of Wilmington to

establish specific regulations that are reflective of local infrastructure and inhibit the shared coordination that has been evidenced to prevent unqualified professionals from receiving HVACR and plumbing license. Most importantly, it would jeopardize the health and safety of residents.

BE IT FURTHER RESOLVED that this Legislative body encourages the members of the Delaware General Assembly to oppose SB 43 w/ SA 2.

Passed by City Council,

ATTEST:_____

City Clerk

SYNOPSIS: The Wilmington City Council 2022-2025 Strategic Plan prioritizes Code Enforcement as an essential component of maintaining a “Stabilized Wilmington.” This Resolution expresses strong objections to Senate Bill 43 with Senate Amendment 2 (SB 43 w/ SA 2), An Act to Amend Title 24 of the Delaware Code Relating to the Board of Plumbing, Heating, Ventilation, Air Conditioning, and Refrigeration Examiners, which would negatively impact the autonomy of the City of Wilmington to establish specific regulations that are reflective of local infrastructure and inhibit the shared coordination that has been evidenced to prevent unqualified professionals from receiving HVACR and plumbing license credentials.