



# City of Wilmington

Rysheema J. Dixon  
City Council Member At-Large

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## Community Development & Urban Planning Committee

Rysheema J. Dixon, Chair  
Yolanda McCoy, Vice-Chair  
Linda M. Gray  
Zanthia Oliver  
Va'Shun "Vash" Turner  
Dr. Hanifa Shabazz, Ex-Officio Member

## NOTICE

### Virtual Community Development & Urban Planning Committee Meeting

**November 30, 2020 @ 5:00 p.m.**

### Agenda

- A Resolution Approving the Disposition by Lease of a Portion of 615 South Church Street to Future Soccer Stars Foundation
- **Sub. 1 to Ord. 18-041** Amend Chapter 8 of the City Code to Require Developers of Residential Construction Projects to Hire Local Workers from Class A Apprenticeship Programs
- **Ord. 20-007** Amend Chapter 34 of the City Code Regarding the Inspections of Rented or Leased Dwellings or Buildings for Residential Occupancy

The public can access the meeting by clicking the following link:

<https://zoom.us/j/96604932618>

**Webinar ID: 966 0493 2618**

Or by Telephone by dialing: (929) 205-6099 or (301) 715-8592

You will be asked for the Webinar ID. Please enter **966 0493 2618** and then #. You can press # again when prompted to immediately enter the meeting.

Posted (11/23/2020)

*If public comment is permitted during this committee meeting, any member of the public who wishes to speak during the committee meeting will be limited to three minutes per agenda item. If the public's permission to comment is abused, the Chair may exercise greater discretion in limiting public comment.*

Wilmington, Delaware  
December 3, 2020

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**Sponsor:**

**Council  
Member  
Harlee**

**Co-Sponsor:**

**Council  
President  
Shabazz**

**WHEREAS**, pursuant to Wilmington Charter Section 8-205, the City may sell or exchange any real estate belonging to the City or grant any license, easement, right-of-way, or other interest over or in such real estate with authority by general ordinance and later resolution from Council to do so; and

**WHEREAS**, City Code Section 2-621(c) provides that nonprofit organizations are exempt from the City's bid procedures and that, upon the declaration of a property as approved for disposition by resolution of City Council, the Department of Real Estate and Housing may lease property owned by the City to a nonprofit organization; and

**WHEREAS**, the City is the owner of 615 South Church Street, Wilmington, Delaware, being Tax Parcel No. 26-057.00-028 (the "Property"); and

**WHEREAS**, Future Soccer Stars Foundation (the "Foundation") is a nonprofit corporation that focuses on providing opportunities to underprivileged children to learn the game of soccer; and

**WHEREAS**, the City desires to lease a portion of the Property to the Foundation for the Foundation to construct and operate new multi-sports playing fields; and

**WHEREAS**, the Council deems it necessary and appropriate to approve the disposition by lease of a portion of the Property to the Foundation.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that the Council hereby approves the disposition by lease of a portion of the Property to the Foundation.

**BE IT FURTHER RESOLVED** that the Mayor, or his designee, is hereby authorized to execute any and all documents necessary to effectuate disposition proceedings for the Property, including any and all further undertakings and assurances as may be appropriate.

Passed by City Council,

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

**SYNOPSIS:** This Resolution approves the disposition by lease of a portion of 615 South Church Street, Wilmington, Delaware (being Tax Parcel No. 26-057.00-028) to Future Soccer Stars Foundation.

W0112655

**SUBSTITUTE NO. 1 TO ORDINANCE NO. 18-041**

**AN ORDINANCE TO AMEND CHAPTER 8 OF THE CITY CODE TO REQUIRE DEVELOPERS WHO RECEIVE FINANCIAL ASSISTANCE FROM THE CITY OF WILMINGTON FOR RESIDENTIAL CONSTRUCTION PROJECTS TO HIRE LOCAL WORKERS FROM CLASS A APPRENTICE PROGRAMS**

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**#4561**

**Sponsors:**

**Council  
Member  
Guy  
Dixon**

**WHEREAS**, the City of Wilmington has a compelling interest to ensure that residential construction projects located in the City ("Residential Projects") are completed at a reasonable cost with a high degree of quality; and

**WHEREAS**, a highly skilled workforce helps to ensure the efficient, economical, and safe completion of such projects; and

**WHEREAS**, the City desires to encourage new and established businesses to generate good-paying job opportunities for City residents, particularly in low-income neighborhoods and in new markets; and

**WHEREAS**, the City desires to encourage developers and contractors to hire workers from Class A Apprentice Programs where Wilmington residents can gain key skills in residential construction; and

**WHEREAS**, the City has the authority to grant economic incentives for businesses to remain in or relocate to Wilmington, and the City periodically grants such incentives to developers of Residential Projects.

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

**SECTION 1.** Chapter 8 of the City Code is hereby amended by adding a new Section 8-6 thereto as follows:

**Section 8-6. Developer and Contractor Requirements Regarding Residential Construction Apprentice Programs.**

- (a) *Definition.* For purposes of this Section 8-6, a Residential Construction Apprentice Program shall be a program that:
  - (1) Maintains participation of residents of the City of Wilmington.
  - (2) Recruits applicants from low-income neighborhoods, including in the City of Wilmington, especially those applicants that live near the location of a Residential Project.
  - (3) Demonstrates a commitment to graduating and placing apprentices from underrepresented communities in career-track residential construction jobs.
  - (4) Provides classroom and on-the-job training in residential construction prior to graduation, including classroom health and safety training, as well as training to recognize and abate hazardous material such as asbestos, mold and lead.
  - (5) For purposes of this section, a class A apprenticeship program is an apprenticeship program that is currently registered with and approved by the U.S. Department of Labor or a state apprenticeship agency and has graduated apprentices to journeyperson status for at least three of the past five years.
- (b) *Applicability.* This section shall be applicable to any developer of a residential construction project 1) receiving any amount of financing, subsidy, or grant from any City department, or 2) any developer receiving an in-kind contribution from any City department with a value that exceeds \$100,000.00, or 3) developing a residential construction project on property acquired by the Wilmington Neighborhood Conservancy Land Bank, with the exception of Homesteading for new home-owners, Side-Lots, and Community Gardens. This section shall not apply to developers who are awarded contracts through the competitive bidding process, or where the source of the funding exclusively derives from the federal or state government.
- (c) The City has previously been authorized to give financial assistance to developers of Residential Projects located in the City of Wilmington, including subsidies in the form of donation of property and tax credits. Each construction contractor hired by a developer to work on Residential Projects, shall provide a contractor responsibility certification, on a form developed by the City, that it participates in a Residential Construction Apprentice Program and demonstrates good faith efforts to meet the following requirements:
  - (1) Pay a wage of at least \$15.00 an hour to apprentices during Year One, effective upon passage; pay a wage of at least \$16.00 an hour to apprentices during Year Two; pay a wage of at least \$17.00 an hour to apprentices during Year Three; and pay a wage of at least \$18.00 an hour to apprentices during Year Four.

- a) Year One
  - i. The developer, as defined in section (b), shall ensure that 15 percent of the workforce hired for the project, especially with respect to new workers recruited and hired for the project, includes city residents from Class A Apprenticeship Programs.
  - ii. To ensure compliance with this subsection, the developer, as defined in section (b), will also make residency information on its workforce available to the city upon request.
  - iii. To evaluate outcomes, affects and achievements toward the first-year goals, the agency granting economic incentives will evaluate compliance for this initiative in month twelve (12) of the first year.
- b) Year Two
  - i. The developer, as defined in section (b), shall ensure that 20 percent of the workforce hired for the project, especially with respect to new workers recruited and hired for the project, includes city residents from Class A Apprenticeship Programs.
  - ii. To ensure compliance with this subsection, the developer, as defined in section (b), will also make residency information on its workforce available to the city upon request.
  - iii. To evaluate outcomes, affects and achievements toward the first-year goals, the agency granting economic incentives will evaluate compliance for this initiative in month twelve (12) of the second year.
- c) Year Three
  - i. The developer, as defined in section (b), shall ensure that 25 percent of the workforce hired for the project, especially with respect to new workers recruited and hired for the project, includes city residents from Class A Apprenticeship Programs.
  - ii. To ensure compliance with this subsection, the firm will also make residency information on its workforce available to the city upon request.
  - iii. To evaluate outcomes, affects and achievements toward the first-year goals, the agency granting economic incentives will evaluate compliance for this initiative in month twelve (12) of the third year.
- d) Year Four
  - i. The developer, as defined in section (b), shall ensure that 30 percent of the workforce hired for the project,

especially with respect to new workers recruited and hired for the project, includes city residents from Class A Apprenticeship Programs.

- ii. To ensure compliance with this subsection, the developer, as defined in section (b), will also make residency information on its workforce available to the city upon request.
  - iii. To evaluate outcomes, affects and achievements toward the first-year goals, a Task Force will evaluate compliance for this initiative in month twelve (12) of the fourth year.
- (2) Certify that neither the developer nor the construction contractors hired by the developer, nor any principal thereof, have been suspended or debarred by any federal, state, or local agency within the past five years.
- (d) As part of its review process, the City shall ensure that the contractor responsibility certification has been submitted and properly executed for all the developer's contractors and subcontractors. The City may conduct any additional inquiries to verify that the developer and its subcontractors have the qualifications and performance capabilities necessary to successfully comply with the requirements of Section (b). In conducting such inquiries, the City may seek relevant information from the firm, its prior clients or customers, its subcontractors or any other relevant source.
- (e) *Enforcement.* This section shall be enforced by the City Department of Real Estate and Housing. Failure to comply with this section may result in revocation of City assistance in the immediate project and/or future projects. If the City determines that a developer's contractor or subcontractor responsibility certification contains false or misleading material information that was provided knowingly or with reckless disregard for the truth or omits material information knowingly or with reckless disregard of the truth, the firm for which the certification was submitted shall be prohibited from performing work on Residential Construction Projects under Section 8-6(b) for a period of three (3) years and may be subject to any other penalties and sanctions, including contract termination, available to the City under law. A contract terminated under these circumstances shall further entitle the City to withhold payment of any funds due to the developer, contractor or subcontractor as damages, excluding compensation owed by the City for services rendered to the date of termination.
- (f) If any provision of this subdivision shall be held to be invalid or unenforceable by a court of competent jurisdiction, any such holding shall not invalidate any other provisions of this subdivision and all remaining provisions shall remain in full force and effect.
- (g) The requirements of this subdivision shall not apply to contracts advertised for bid prior to the effective date of the ordinance from which this subdivision is derived, except that the exercise of an option on a contract covered by this subdivision shall be deemed to create a new contract for purposes of this subdivision.

- (h) In addition to any applicable minimum standards for responsible prospective contractors on City work, as provided in City Code Sec 2-563 – Contractor responsibility certifications, it is further required that the developer, as defined in section (b), for each separate trade or classification in which it employs craft employees shall continue to participate in such program or programs for the duration of the project.
- (1) To ensure compliance with this subsection, the developer, as defined in section (b), shall provide, with this certification, a list of all trades or classifications of craft employees it will employ on the project and documentation verifying it participates in a class A apprenticeship program for each trade or classification listed.

**SECTION 2.** This Substitute Ordinance shall become effective immediately upon its date of passage by the City Council and approval by the Mayor.

First Reading.....July 2, 2018  
Second Reading.....July 2, 2018  
Third Reading.....

Passed by City Council,

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President of City Council

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020

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Mayor

**SYNOPSIS:** This Substitute Ordinance amends Chapter 8 of the City Code to require that developers who receive financial assistance from the City of Wilmington for residential construction projects require their construction contractors to participate in and hire workers from Residential Construction Apprentice Programs.



**AN ORDINANCE TO AMEND CHAPTER 34 OF THE CITY CODE REGARDING THE INSPECTIONS OF RENTED OR LEASED DWELLINGS OR BUILDINGS FOR RESIDENTIAL OCCUPANCY**

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#4772

**Sponsors:**

**Council  
Members  
Guy  
Turner**

**WHEREAS**, the City Code has long included provisions related to the mandatory inspection, by the Department of Licenses and Inspections, of rental dwellings and rental dwelling units; and

**WHEREAS**, the objective of these provisions is to take measures to protect and promote the health and safety of those residing in Wilmington, while also endeavoring to ensure that the City's housing stock remains strong.

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

**SECTION 1.** Chapter 34 of the City Code is hereby amended by deleting the stricken language and adding the underlined language as follows:

Sec. 34-45. – Inspections of ~~rented or leased dwellings prior to lease or rental, or buildings for residential occupancy, to include~~ installment sales; no warranty of condition.

(a) Inspection prior to lease or a rental dwelling ~~or building~~. Any person who leases or rents any dwelling or any dwelling unit, as defined in this Chapter, shall, prior to such leasing or renting:

(1) Cause the same to be inspected by the Commissioner of Licenses and Inspections, or his or her designee; and ~~every two years for each dwelling or building consisting of five or fewer units. An initial rental inspection shall be required for each such dwelling or building consistent with a rental inspection schedule set by the commissioner of licenses and inspections. The two-year period referenced in this subsection shall be calculated based upon the rental inspection schedule set by the commissioner of licenses and inspections. Inspections of dwellings or buildings required under this subsection may consist of a random sampling of units in the dwelling or building as determined by the commissioner of licenses and inspections or his designee. The purpose of all rental inspections shall be enforcement of the provisions of the City Code concerning life safety items which include, but are not limited to: smoke/carbon monoxide detectors, heating sources, hot water sources, electrical systems, sanitary disposal sources, water damage, roofs and means of egress and ingress;~~

- (2) Cause any violations of this Chapter, which may be cited as a result of such pre-rental inspection, to be corrected prior to permitting any tenant or lessee or any other person to occupy such dwelling or dwelling unit. Cause the same to be inspected by the commissioner of licenses and inspections, or his designee every five years for each dwelling or building consisting of six or more units. An initial rental inspection shall be required for each such dwelling or building consistent with a rental inspection schedule set by the commissioner of licenses and inspections. The five-year period referenced in this subsection shall be calculated based upon the rental inspection schedule set by the commissioner of licenses and inspections. Inspections of dwellings or buildings required under this subsection may consist of a random sampling of units in the dwelling or building as determined by the commissioner of licenses and inspections or his designee. The purpose of all rental inspections shall be enforcement of the provisions of the City Code concerning life safety items which include, but are not limited to: smoke/carbon monoxide detectors, heating sources, hot water sources, electrical systems, sanitary disposal sources, water damage, roofs and means of egress and ingress.
- (3) With the exception of the initial rental inspection, a waiver of a subsequent rental inspection required under subsections (1) and (2) above may be granted by the commissioner of licenses and inspections if all the following conditions are present:
- a. The dwelling or building has no outstanding violations of the building, housing, sanitation, vegetation, animal, zoning or licensing provisions of the City Code at the time the waiver is requested;
  - b. The property owner and/or property manager has not been convicted of, or pled guilty or no contest to, or assessed a civil penalty for any violations of the building, housing, sanitation, vegetation, animal, zoning or licensing provisions of the City Code within the applicable two or five-year period preceding the waiver request;
  - c. The dwelling or building has not been the subject of a notice declaring said dwelling or building to be unfit for human habitation by the department of licenses and inspections within the applicable two or five-year period preceding the waiver request;
  - d. The property owner and, if applicable, the property manager, is properly registered and licensed by the department of licenses and inspections;
  - and e. The property owner and, if applicable, the property manager, are in good standing with regard to any city financial obligations.

A waiver must be requested by the owner of the property, or if applicable, the property manager, each time a rental inspection is required. A request for waiver must be in writing and on a form provided by the department of licenses and inspections.

- (4) If the dwelling unit is unoccupied at the time of the rental inspection, cause any

~~violations cited during the rental inspection to be corrected prior to permitting any tenant or lessee or any other persons to occupy such dwelling or dwelling unit. If the dwelling unit is occupied at the time of the rental inspection, cause any violations cited during the rental inspection to be corrected within the time period designated by the commissioner of the department of licenses and inspections or his designee, and cause the dwelling unit to be re-inspected upon correction of the violation(s).~~

The provisions of this section shall apply to the lease or rental of any dwelling or dwelling unit whether it is to be leased to the current tenant or to a new tenant and whether the same is to be done by the current owner or a new owner. In any instance in which a tenant remains in possession during a change in ownership by sale, exchange or any other transfer, the pre-rental inspection requirements of this Chapter shall be applicable and shall be given full force and effect, and any violations cited shall be corrected within a reasonable period of time as shall be determined at the sole discretion of the Commissioner of Licenses and Inspections.

- (b) Transitional provisions. The provisions of this section shall apply to all leases or rentals, whether such leasing or rental is a new lease or rental or the renewal of an existing lease or rental.
- (c) *Installment sales.* Whenever any person sells any dwelling, dwelling unit, hotel, building or rooming house in the city wherein there is a retention of title by the seller and a deferred installment payment plan is set forth in the contract or lease agreement, the seller shall comply with the inspection requirements of subsection (a) of this section and the provisions of section 34-43 shall not be applicable to any such seller of property who or which is subject to the provisions of this subsection.
- (d) *Disclaimer of warranty of condition.* Nothing contained in this section shall be construed as any manner of warranty or guarantee by the city or by its agent, the Department of Licenses and Inspections, that any particular property at any particular time fully complies with the provisions of this chapter and all rules and regulations adopted pursuant thereto or that any violations of this chapter and the rules and regulations adopted pursuant thereto cited by the Department of Licenses and Inspections are necessarily the only violations existing in or upon a particular property at any particular time or that corrections of violations of this Chapter and any rules and regulations adopted pursuant thereto which have been cited by the Department of Licenses and Inspections are necessarily full and complete corrections such that no other violations exist in or upon any particular property at any particular time.
- (e) *Fee.*
  - (1) Any person who leases or rents any dwelling or any dwelling unit in willful violation of this section shall pay \$25.00 for any inspection or re-inspection

required under this Section, in addition to any other penalty provided for such violation.

- (2) If more than one re-inspection is necessary to determine compliance with any violation cited during the initial rental inspection, an additional fee in the amount of \$25.00 will be assessed for each re-inspection, commencing with a second re-inspection. Said re-inspection fee may be waived for good cause shown at the discretion of the code enforcement officer.

**SECTION 2.** This Ordinance shall become effective immediately upon its date of passage by the City Council and approval by the Mayor.

First Reading..... February 6, 2020  
Second Reading.... February 6, 2020  
Third Reading.....

Passed by City Council,

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

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020

\_\_\_\_\_  
Mayor

**SYNOPSIS:** This Ordinance amends Section 34-45 of the City Code to require inspections of dwellings and dwelling units by the Department of Licenses and Inspections prior to the lease or rental of any such unit. This Ordinance also imposes a \$25 fee for any inspection required when there has been a willful violation of this Section.

**FISCAL IMPACT:** Currently, Section 34-45 requires any dwelling or dwelling unit in a dwelling or building consisting of five or fewer units to be inspected every two years, and every dwelling or dwelling unit in a building with six or more units to be inspected every five years. This Ordinance requires pre-rental inspections of all dwellings and dwelling units prior to the lease, rental, or renewal of an existing lease agreement of such unit. The projected fiscal impact of this Ordinance, determined based on an estimated 15,000 rental units with a vacancy rate of 25%, is an annual cost of \$541,000.

W0109436