SUBSTITUTE NO. 2 TO ORD. NO. 23-040

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, TO ESTABLISH A RESIDENCY ASSISTANCE FUND, AND TO ESTABLISH A RESIDENCY WORKING GROUP

Rev. 2	WHEREAS, on July 27, 2022, Governor John C. Carney, Jr. signed Delaware House
#0362	Bill 422 into law, which amended City Charter Section 3-304(b) to grant the City the authority
Sponsor:	to determine the residency requirements for its non-elected employees; and
Council	WHEREAS, City Council believes a residency requirement fosters community
Member Darby	engagement; and
Co-Sponsors:	WHEREAS, as of October 18, 2023, the City had 110 vacancies; and
President	WHEREAS, as of October 27, 2023, the City only had 22 positions to be filled listed
a	
Congo	on its website; and
Council Members	on its website; and WHEREAS, City Council encourages the Administration to have job postings posted
Council	
Council Members Oliver	WHEREAS, City Council encourages the Administration to have job postings posted

WHEREAS, City Council further encourages the Administration to promote hiring via billboards, mailers to City residents, emails to city residents, and job fairs in each Councilmanic district; and

WHEREAS, City Council further encourages the Administration to support relocation funds, and to advertise for second chance hiring at certain positions, and to partner with organizations and schools like Delaware Skills Center, HOPE Commission, Delaware Technical & Community College, Delaware State University, and Howard High School of Technology to fill job vacancies and establish potential career paths; and **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; and (iii) 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 <u>of human resources</u> and each appointing authority in city government, including the mayor and department heads and the director of <u>personnel human resources</u>, 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) <u>Minimum eligibility</u>. 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 establishes a Residency Working Group. This Group shall consist of nine (9) members: 3 members appointed by the Mayor, and 6 members 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, find 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 may adopt its recommendations.

SECTION 4. 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 newlyhired employees with security deposits, downpayments, and/or moving expenses. It also establishes a Residency Working Group to identify ways to attract new employees. 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.