



SPONSOR: Rep. Brady & Sen. Henry

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 453

AN ACT TO AMEND THE CHARTER OF THE CITY OF WILMINGTON.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

1 Section 1. Amend § 3-304 of the Charter of the City of Wilmington by making deletions as shown by strike
2 through and insertions as shown by underline as follows:

3 Sec. 3-304. - Citizenship and residence.

4 (a) Citizenship— All officers and employees of the city shall be citizens of the United States when the duties of
5 the position require direct participation in the formulation, operation, or review of broad public policy or require the
6 exercises of important discretionary governmental powers over citizens. Positions subject to such requirement shall be
7 designated by ordinance of City Council.

8 (b) Residence— ~~All officers, regular employees, and probationary employees of the city shall~~ Except as otherwise
9 required by this Charter, and subject to § 841 of Title 22 of the Delaware Code, the City may determine by ordinance
10 whether and to what extent employees of the City must be residents of the city at the time of their election, appointment, or
11 employment the employees' hire and remain such residents during their tenure, the employees' tenure, except as provided
12 herein. It shall not be necessary for any non-elected officer, regular employee, probationary employee, or limited service
13 employees to be a resident of the city at the time of appointment or employment, but such residence in the city must be
14 required within six (6) months thereafter. Employees who are subject to the requirements of Title 22 of the Delaware Code,
15 Section 841, regarding duration of employment, shall not be subject to the residency requirement after first meeting the
16 requirements of that section. Appointed members of boards and commissions, shall be residents of the city, but this
17 requirement shall Any residency requirement adopted under this subsection does not apply to the additional advisory boards
18 appointed by the mayor pursuant to under the provisions of section 3-100(g) of this Charter.

SYNOPSIS

This Act amends Section 3-304 of the City of Wilmington's Home Rule Charter to allow the City of Wilmington to determine whether and to what extent its employees are required to be City residents. This Act does not affect residency requirements that exist elsewhere in the City of Wilmington's Home Rule Charter, such as the residency requirement for City Council members under Section 2-103. This Act is subject to the requirements of § 841 of Title 22, prohibiting a residency requirement for an individual employed by the City for 5 years or more.