

# **RESIDENCY REQUIREMENT**

Directive: 6.56

## A. Residency Requirement

The Charter of the City of Wilmington (City Charter §3-304) as amended, requires all officers and employees to reside within the City limits at the time of election, appointment, or employment, or to establish City residency within six months of said date and to remain such for at least five (5) years of service.

## B. Definitions:

Proof of Residency: The following documents are necessary to verify proof of residence.

### REQUIRED (All Documents):

Deed or lease of property for the address declared as their residence or notarized statement declaring such.

Driver's License or State issued identification card

Utility and telephone bills in their name at the address declared as their residence

### OPTIONAL (One Document Required):

Homeowners, rental or personal property insurance policies

Voter Registration Card

Automobile Insurance Policy

Vehicle Registration

Bank Statements

Residence: A person's residence is that dwelling or abode, where one actually lives. It refers to one's home, the place which is the center of the person's non-working hours.

This will ordinarily be the place where one normally eats, sleeps and keeps his or her personal or household effects. (Wilmington CC Section 2-15 (b)).

Residency Declaration: In order to secure compliance with the Charter Residency Requirement, all elected or appointed officers and all employees shall annually file a declaration of residency. This declaration shall be filed with the Commanding Officer of the Human Resources Division, not later than the last day of January, on a form approved by the Administrative Board. The Commanding Officer of the Human Resources Division will forward the completed Residency Declarations to the Director of Personnel.

Failure to file the aforesaid declaration or making a false statement therein shall be cause for disciplinary action, up to and including discharge. Any elected or appointed officer or any employee who is found to have made a false written statement on any declaration of residency form required by this section with the intent of deceiving his employer or those persons who administer and enforce the provisions of the section in order to avoid compliance with the residency requirement shall be immediately dismissed from employment by the City.

Making a false written statement on the aforesaid declaration shall constitute the misdemeanor of making a false written statement, and the declaration shall bear such warning.

Whenever it shall appear, from the declaration or otherwise, that an officer or employee is not in compliance with the charter residency requirement, the Inspector of Investigative Operations will be notified and investigative proceedings will be initiated.

#### C. Procedures:

All newly hired officers are sent an Offer of Employment letter, which informs the selected candidate that City residency is an employment qualification and requirement. This notification provides details on the State Law, City Charter and Code sections, and the documents required to verify residency.

All officers declaring City residency upon hire are to provide the necessary documents to the Commanding Officer of the Human Resources Division or his/her designee.

All officers, who are not City residents at the time of hire and therefore do not provide proof of residence upon hire, are required to establish City residency and provide the necessary documentation prior to the six (6) month limit established in the Residency provisions. The Chief of Police may grant or deny limited extensions to uniformed

members of the Police Department who have not acquired residence in the City within six months of the time of their appointment or employment. Such extensions may only be granted is, in the opinion of the Chief of Police, the newly hired uniformed member has made a good faith effort to acquire residence in the City. The Chief of Police is authorized to grant an extension allowing a uniformed member of the Police Department to postpone acquiring residence in the City up to, but not later than, nine (9) months from the first day of work. An additional three (3) months may be granted upon the recommendation of the Chief of Police and the approval of the Residency Review Board. Whenever an extension is granted, the Chief of Police shall promptly notify the Residency Review Board of the grant of the extension, the duration of the extension, and the reason or reasons for the grant of the extension.

In order to secure compliance with the Charter Residency Requirement, all elected or appointed officers and all employees shall annually file a declaration of residency.

All offices are required to notify in writing the Chief of Police of any change in address or residency from that stated in their most recent annual declaration, within 14 days after returning to duty following that change. The change of address must be supported by Proof of Residency documents that are provided by the officer to the Commanding Officer of the Human Resources Division, or their designee, within 30 days of the change of address. Those officers who are not required to reside in the City (refer to section (A) of this directive) do not have to provide Proof of Residency documents upon a change of address.

#### D. Investigations:

An investigation may be warranted if there is a reason to believe that an officer is not complying with the Residency Requirement. Investigations will be conducted by the Office of Professional Standards. The decision to initiate an investigation rests with the Inspector of Investigative Operations. Such reasons include but are not limited to the following:

- Failure to provide Proof of Residency
- Complaint from fellow employee, manager, or citizen
- Returned City mail (addressed to employee)
- Failure to complete Residency Declaration

- Residency Declaration reflects an address that does not comply with the Residency Requirement
- Failure to provide Proof of Residency following a change of address.

Failure to comply with the provisions of this Directive is addressed in Directive 7.1 J.