



City of Wilmington

Rysheema J. Dixon
City Council Member At-Large

Louis L. Redding City/County Building
800 N. French Street
Wilmington, Delaware 19801-3537

phone (302) 576-2140
fax (302) 571-4071
www.WilmingtonDE.gov

Community Development & Urban Planning Committee

Rysheema J. Dixon, Chair
Yolanda McCoy, Vice-Chair
Nnamdi O. Chukwuocha
Ernest "Trippi" Congo, II
Zanthia Oliver
Va'Shun "Vash" Turner
Dr. Hanifa Shabazz, Ex-Officio Member

➤ REVISED MEETING NOTICE

Community Development & Urban Planning Committee Meeting

Thursday, October 11, 2018

5:00 p.m.

1st Floor Council Committee Room

Agenda

1. *Sub. #2 to Ord. 17-038 – An Ordinance to Amend Chapter 34 of the City Code Relating to the Housing Code and Vacant Property Registration Program

REV. 1 (10/8/18)

*Note Revision: The title for this agenda item has been updated to correct an inadvertent omission.

Any members of the public who wish 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.

SUBSTITUTE NO. 2 TO ORDINANCE NO. 17-038

AN ORDINANCE TO AMEND CHAPTER 34 OF THE CITY CODE RELATING TO THE HOUSING CODE AND VACANT PROPERTY REGISTRATION PROGRAM

#4423

Sponsor:

**Council
Member
Freel**

WHEREAS, the primary purpose of this legislation is to reduce blight and vacant properties in Wilmington, and the number of landlords who fail to maintain their properties in accordance with City Code provisions, and to provide greater protection for low-income home-owners in Wilmington; and

WHEREAS, City Council recognizes that housing code violations and vacant properties create an eye-sore and pose a threat to public health and safety; and

WHEREAS, City Council believes that criminal penalties have not been sufficiently effective in deterring violations of the City Code provisions relating to housing and vacant properties; and

WHEREAS, City Council believes that subjecting failure to comply with these City Code provisions to civil penalties will have more of a deterrent effect on this unlawful conduct; and

WHEREAS, City Council deems it necessary and proper to permit the Department of Licenses and Inspections to issue citations and impose civil penalties upon the property owner or responsible party failing to comply with these provisions; and

WHEREAS, City Council intends for unpaid amounts of the civil penalties for failure to comply with these City Code provisions to give rise to a lien on the property in violation, as permitted under Title 25, Section 2901 of the Delaware Code; and

WHEREAS, City Council intends to provide for a hardship exception that excludes collection of Class 1 civil fines through monition actions for properties owned and occupied by qualifying low income individuals; and

WHEREAS, City Council believes that increased fees for registration of long-standing vacant properties and fines for failure to register vacant properties will help to deter property owners from allowing properties to remain vacant; and

WHEREAS, City Council believes that the requirement for registration of vacant properties should be increased from forty-five (45) consecutive days to six (6) months to provide property owners with a longer period to remedy a vacancy before imposing registration requirements; and

WHEREAS, City Council deems it necessary and proper to amend Chapters 4 and 34 of the City Code to effectuate these changes.

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

SECTION 1. Chapter 4 of the City Code is hereby amended by deleting Section 4-27, 119.0, entitled “Authorizations of improvements to exteriors of vacant buildings or structures; procedures; liens for the costs incurred” in its entirety, and Section 4-27, 120.0, entitled “Annual registration of vacant buildings and registration fees” in its entirety.

SECTION 2. Chapter 34 of the City Code is hereby amended by deleting the entire chapter, and adopting a new Chapter 34 of the City Code, which shall be the document attached hereto as Exhibit A. Exhibit A shall constitute and be codified as Chapter 34 of the City Code.

SECTION 3. Chapter 44 of the City Code is hereby amended by creating a new Section 44-72, entitled “Monition Hardship Exception” by adding the following language:

(a) **Sec. 44-72.- Monition Hardship Exception. Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection.

(1) Owner-occupied property means a property in which the fee simple owner is domiciled at the property.

(2) Domicile means the property where an individual spends in the aggregate more than 183 days of the year.

(b) Class 1 Civil Fines as defined in Sec. 34-1 shall not be collected through a monition action pursuant to 25 *Del. C.* Sec. 2901(a)(1) for properties that receive a Monition Hardship Exception.

(c) The Monition Hardship Exception applies to properties that are owner-occupied, whose fee simple owner has federal taxable income that is less than 200% the most recent applicable poverty guidelines for a household of four, which is updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2)

(d) Application for such exception must be made by the property owner no later than 20 calendar days after the posting of the monition of a property by the New Castle Sheriff. Application for such exception must be made by the property owner on forms to be furnished by the city’s department of finance. The property owner shall furnish the information to be executed in the manner required on such forms.

- (e) The finance director of the city may promulgate such rules and regulations and prescribe such forms as he shall deem necessary to implement this sections.
- (f) An aggrieved owner may appeal from the disposition of an exemption claim under this section in the same manner as is provided for appeals from assessments generally.

SECTION 4. This Ordinance shall become effective on January 1, 2019 upon its passage by City Council and approval by the Mayor.

First Reading..... October 19, 2017
 Second Reading..... October 19, 2017
 Third Reading.....

Passed by City Council,

 President of City Council

ATTEST: _____
 City Clerk

Approved this ____ day of _____, 2018.

 Mayor

SYNOPSIS: This Ordinance amends Chapter 34 of the City Code by changing the enforcement of Chapter 34 from criminal enforcement to civil enforcement with civil penalties for non-compliance. In addition, this Ordinance amends Chapter 4 by deleting Section 4-27, 119.0 (authorization for exterior improvements to vacant structures) and Section 4-27, 120.0 (annual vacant property registration fees), and incorporates these provisions into Chapter 34. Further, this Ordinance amends the annual vacant property registration fee provisions (previously found at Chapter 4, Section 4-27, 120.0; now located at Chapter 34, Section 34-210) to: (1) increase the registration fees for properties vacant 3 or more years; (2) require registration of buildings vacant for 6 consecutive months rather than 45 consecutive days; (3) impose a fine of \$500.00 for failing to register a vacant building within 30 days of the required time to register; (4) exempt vacant buildings owned by the

Wilmington Neighborhood Conservancy Land Bank Corporation (“Land Bank”) from registration requirements; and 5) provide that purchasers of a vacant building from the Land Bank be billed a vacant registration fee based on the duration of vacancy from the time he or she received the building from the Land Bank, rather than a vacant registration fee based on the duration of the vacancy prior to receiving the building. Lastly, the Ordinance amends Chapter 44 to create Section 44-72, the Monition Hardship Exception, which excludes Class 1 civil fines from monition actions for properties owned and occupied by qualifying low income individuals.

FISCAL IMPACT STATEMENT: This Ordinance has no significant anticipated fiscal impact.

W0097412

DRAFT