

1472

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. WRIGHT -- read once and referred to the Committee
on Governmental Operations

AN ACT to amend the public officers law and the executive law, in relation to authorizing the local enactment of a residency requirement for members of the police force, the department of sanitation, probation officers, members of the uniformed force of the fire department, employees of the department of correction in the correctional service classification of the classified civil service, and officers and inspectors of the department of health in cities with a population of one million or more and authorizing the adoption of a residency requirement for members of a police force of a public authority or municipal housing authority within a city with a population of one million or more

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 3 of the public officers law is amended by adding
2 two new subdivisions 56 and 57 to read as follows:
3 56. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISIONS TWO, TWO-A, FOUR,
4 EIGHT AND NINE OF THIS SECTION, A CITY WITH A POPULATION OF ONE MILLION
5 OR MORE SHALL HAVE THE AUTHORITY TO ENACT A LOCAL LAW SUBSEQUENT TO THE
6 EFFECTIVE DATE OF THIS SUBDIVISION REQUIRING PERSONS, WHO WOULD OTHERWISE BE EXEMPT FROM MUNICIPAL RESIDENCY REQUIREMENTS BY STATE LAW, TO BE
7 A RESIDENT OF SUCH A CITY; PROVIDED HOWEVER, THAT NOTHING HEREIN SHALL
8 AUTHORIZE SUCH LOCAL LAW TO AFFECT PERSONS WHO ENTERED SUCH CITY SERVICE
9 PRIOR TO THIRTY DAYS SUBSEQUENT TO THE DATE OF ENACTMENT OF THE LOCAL
10 LAW.
11
12 57. NOTWITHSTANDING ANY OTHER PROVISIONS OF ANY LAW OR REGULATION
13 RELATING TO THE RESIDENCY OF POLICE OFFICERS OF A PUBLIC AUTHORITY OR
14 MUNICIPAL HOUSING AUTHORITY OPERATING A POLICE FORCE WITHIN A CITY WITH
15 A POPULATION OF ONE MILLION OR MORE, AND NOTWITHSTANDING THE PROVISIONS

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 OF ANY LAW RELATING TO THE POWER OF A PUBLIC AUTHORITY OR MUNICIPAL
2 HOUSING AUTHORITY IN A CITY WITH A POPULATION OF ONE MILLION OR MORE TO
3 ESTABLISH RESIDENCY REQUIREMENTS FOR MEMBERS OF ITS POLICE FORCE, SUCH
4 AUTHORITIES SHALL HAVE THE POWER TO ADOPT A RESOLUTION SUBSEQUENT TO THE
5 EFFECTIVE DATE OF THIS SUBDIVISION REQUIRING MEMBERS OF THE POLICE FORCE
6 OF SUCH PUBLIC AUTHORITY OR MUNICIPAL HOUSING AUTHORITY TO BE RESIDENTS
7 OF SUCH CITY; PROVIDED, HOWEVER, THAT NOTHING HEREIN SHALL AUTHORIZE
8 SUCH PUBLIC AUTHORITY OR MUNICIPAL HOUSING AUTHORITY TO ADOPT SUCH
9 RESOLUTION AFFECTING PERSONS WHO ENTERED POLICE SERVICE PRIOR TO THIRTY
10 DAYS SUBSEQUENT TO THE DATE OF ADOPTION OF THE RESOLUTION.

11 S 2. Section 30 of the public officers law is amended by adding two
12 new subdivisions 9 and 10 to read as follows:

13 9. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISIONS FOUR, FOUR-A, FOUR-B
14 AND FIVE OF THIS SECTION, A CITY WITH A POPULATION OF ONE MILLION OR
15 MORE SHALL HAVE THE AUTHORITY TO ENACT A LOCAL LAW SUBSEQUENT TO THE
16 EFFECTIVE DATE OF THIS SUBDIVISION REQUIRING PERSONS, WHO WOULD OTHER-
17 WISE BE EXEMPT FROM MUNICIPAL RESIDENCY REQUIREMENTS BY STATE LAW, TO
18 VACATE HIS OR HER OFFICE UPON CEASING TO BE A RESIDENT OF SUCH A CITY;
19 PROVIDED HOWEVER, THAT NOTHING HEREIN SHALL AUTHORIZE SUCH LOCAL LAW TO
20 AFFECT PERSONS WHO ENTERED SUCH CITY SERVICE PRIOR TO THIRTY DAYS SUBSE-
21 QUENT TO THE DATE OF ENACTMENT OF THE LOCAL LAW.

22 10. NOTWITHSTANDING ANY OTHER PROVISIONS OF ANY LAW OR REGULATION
23 RELATING TO THE RESIDENCY OF POLICE OFFICERS OF A PUBLIC AUTHORITY OR
24 MUNICIPAL HOUSING AUTHORITY OPERATING A POLICE FORCE WITHIN A CITY WITH
25 A POPULATION OF ONE MILLION OR MORE, AND NOTWITHSTANDING THE PROVISIONS
26 OF ANY LAW RELATING TO THE POWER OF A PUBLIC AUTHORITY OR MUNICIPAL
27 HOUSING AUTHORITY IN A CITY WITH A POPULATION OF ONE MILLION OR MORE TO
28 ESTABLISH RESIDENCY REQUIREMENTS FOR MEMBERS OF ITS POLICE FORCE, SUCH
29 AUTHORITIES SHALL HAVE THE POWER TO ADOPT A RESOLUTION SUBSEQUENT TO THE
30 EFFECTIVE DATE OF THIS SUBDIVISION REQUIRING MEMBERS OF THE POLICE FORCE
31 OF SUCH PUBLIC AUTHORITY OR MUNICIPAL HOUSING AUTHORITY TO VACATE THEIR
32 OFFICES UPON CEASING TO BE RESIDENTS OF SUCH CITY; PROVIDED, HOWEVER,
33 THAT NOTHING HEREIN SHALL AUTHORIZE SUCH PUBLIC AUTHORITY OR MUNICIPAL
34 HOUSING AUTHORITY TO ADOPT SUCH RESOLUTION AFFECTING PERSONS WHO ENTERED
35 POLICE SERVICE PRIOR TO THIRTY DAYS SUBSEQUENT TO THE DATE OF ADOPTION
36 OF THE RESOLUTION.

37 S 3. Subdivision 5 of section 255 of the executive law, as added by
38 chapter 603 of the laws of 1973, is amended to read as follows:

39 5. Notwithstanding any other provision of law or of the New York city
40 charter or administrative code, any duly appointed officer or employee
41 of such probation department may reside in any county within the state;
42 PROVIDED HOWEVER, THAT A CITY WITH A POPULATION OF ONE MILLION OR MORE
43 SHALL HAVE THE AUTHORITY TO ENACT A LOCAL LAW SUBSEQUENT TO THE EFFEC-
44 TIVE DATE OF THE AMENDMENT OF THIS SUBDIVISION WHICH ADDED THESE WORDS,
45 REQUIRING OFFICERS AND EMPLOYEES OF THE DEPARTMENT TO BE A RESIDENT OF
46 SUCH A CITY; PROVIDED HOWEVER, THAT NOTHING HEREIN SHALL AUTHORIZE SUCH
47 LOCAL LAW TO AFFECT PERSONS WHO ENTERED SUCH CITY SERVICE PRIOR TO THIR-
48 TY DAYS SUBSEQUENT TO THE DATE OF ENACTMENT OF THE LOCAL LAW.

49 S 4. This act shall take effect immediately.