S T A T E O F N E W Y O R K

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:

Section 1. Section 3 of the public officers law is amended by adding two new subdivisions 56 and 57 to read as follows:

56. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISIONS TWO, TWO-A, FOUR, EIGHT AND NINE OF THIS SECTION, A CITY WITH A POPULATION OF ONE MILLION OR MORE SHALL HAVE THE AUTHORITY TO ENACT A LOCAL LAW SUBSEQUENT TO THE EFFECTIVE DATE OF THIS SUBDIVISION REQUIRING PERSONS, WHO WOULD OTHERWISE BE EXEMPT FROM MUNICIPAL RESIDENCY REQUIREMENTS BY STATE LAW, TO BE A RESIDENT OF SUCH A CITY; PROVIDED HOWEVER, THAT NOTHING HEREIN SHALL AUTHORIZE SUCH LOCAL LAW TO AFFECT PERSONS WHO ENTERED SUCH CITY SERVICE PRIOR TO THIRTY DAYS SUBSEQUENT TO THE DATE OF ENACTMENT OF THE LOCAL LAW.

57. NOTWITHSTANDING ANY OTHER PROVISIONS OF ANY LAW OR REGULATION RELATING TO THE RESIDENCY OF POLICE OFFICERS OF A PUBLIC AUTHORITY OR MUNICIPAL HOUSING AUTHORITY OPERATING A POLICE FORCE WITHIN A CITY WITH 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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OF ANY LAW RELATING TO THE POWER OF A PUBLIC AUTHORITY OR MUNICIPAL HOUSING AUTHORITY IN A CITY WITH A POPULATION OF ONE MILLION OR MORE TO ESTABLISH RESIDENCY REQUIREMENTS FOR MEMBERS OF ITS POLICE FORCE, SUCH AUTHORITIES SHALL HAVE THE POWER TO ADOPT A RESOLUTION SUBSEQUENT TO THE EFFECTIVE DATE OF THIS SUBDIVISION REQUIRING MEMBERS OF THE POLICE FORCE OF SUCH PUBLIC AUTHORITY OR MUNICIPAL HOUSING AUTHORITY TO BE RESIDENTS OF SUCH CITY; PROVIDED, HOWEVER, THAT NOTHING HEREIN SHALL AUTHORIZE SUCH PUBLIC AUTHORITY OR MUNICIPAL HOUSING AUTHORITY TO ADOPT SUCH RESOLUTION AFFECTING PERSONS WHO ENTERED POLICE SERVICE PRIOR TO THIRTY DAYS SUBSEQUENT TO THE DATE OF ADOPTION OF THE RESOLUTION.

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

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

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

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

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

S 4. This act shall take effect immediately.