

4056

2015-2016 Regular Sessions

I N A S S E M B L Y

January 29, 2015

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 64 and 65 to read as follows:
3 64. 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 65. NOTWITHSTANDING ANY OTHER PROVISIONS OF ANY LAW OR REGULATION
12 RELATING TO THE RESIDENCY OF POLICE OFFICERS OF A PUBLIC AUTHORITY OR
13 MUNICIPAL HOUSING AUTHORITY OPERATING A POLICE FORCE WITHIN A CITY WITH
14 A POPULATION OF ONE MILLION OR MORE, AND NOTWITHSTANDING THE PROVISIONS
15 OF ANY LAW RELATING TO THE POWER OF A PUBLIC AUTHORITY OR MUNICIPAL
16

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

LBD05292-01-5

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

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

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

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

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

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

48 S 4. This act shall take effect immediately.