STATE OF NEW YORK

5661

2021-2022 Regular Sessions

IN SENATE

March 15, 2021

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the public officers law, in relation to residency requirements for paid firefighters in 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. Subdivision 4 of section 3 of the public officers law, as amended by chapter 985 of the laws of 1965, is amended to read as follows:

4. Except as otherwise provided in subdivision nine of this section, persons heretofore or hereafter employed in the paid fire department of a city, town, village or fire district shall not be deemed to be holding a civil office or a local office within the meaning of this section and the provisions of this section shall not apply to such persons. [~~The~~] **Except within a city with a population of one million or more,** provisions of any general, special or local law, city or village charter, code or ordinance, or any rule or regulation requiring a person to be a resident of the political subdivision or municipal corporation of the state for which he shall be chosen or within which his official functions are required to be exercised shall not apply to the appointment or continuance in office of any such person so employed, if such person resides in the county, or one of the counties, in which such political subdivision or municipal corporation is located.

§ 2. Subdivision 9 of section 3 of the public officers law, as amended by chapter 209 of the laws of 2006, is amended to read as follows:

9. Neither the provisions of this section, nor of any general, special or local law, charter, code, ordinance, resolution, rule or regulation, requiring a person to be a resident of the political subdivision or municipal corporation of the state for which he or she shall be chosen

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

LBD03563-01-1

or within which his or her official functions are required to be exercised, shall apply to the appointment of a paid member of the uniformed force of a paid fire department **outside of a city with a population of one million or more**, who, for purposes of this section shall include persons employed as fire alarm dispatchers, or to the appointment of any person employed in a department of correction in the correction service classification of the classified civil service, or to the appointment of officers and inspectors who are employees of a department of health of any city of over one million population who resides (a) in the county in which such city is located; or (b) in a county within the state contiguous to the county in which said city is located; or (c) in a county within the state contiguous to such city; or (d) in a county within the state which is not more than fifteen miles from said city.

§ 3. Subdivision 19 of section 3 of the public officers law, as added by chapter 509 of the laws of 1986, is amended to read as follows:

19. Any person who resides in this state and who is currently employed as a member of the police force[~~, a paid member of the uniformed force of a paid fire department~~] or department of corrections in the correctional service classification of the classified civil service, of a city of over one million population, shall be exempt from the provisions of subdivisions one, two and nine of this section upon compliance with the procedure set forth in this subdivision. Any person seeking to benefit from the exemption created by this subdivision shall notify his respective employer in writing of said intention within thirty days from the effective date of this subdivision and shall specify his then current residence address. The exemption created by this subdivision shall be applicable only to said actual designated residence and not to any residence that any subject currently employed member may thereafter establish; provided, however, that any such currently employed member who resides outside this state shall have one year from the effective date of this subdivision within which to establish residence as required pursuant to subdivisions one, two and nine of this section and comply with the notice requirements of this subdivision. Said residence shall constitute a lawful residence for all purposes notwithstanding any provision to the contrary of any general, special or local law, charter, code, ordinance, resolution, rule or regulation.

§ 4. Section 3 of the public officers law is amended by adding a new subdivision 19-a to read as follows:

19-a. In a city with a population of one million or more, any person appointed as a paid member of the uniformed force of a paid fire department of such city shall become a resident of any political subdivision or municipal corporation within such city within one year of his or her appointment and shall continue to reside within any such political subdivision or municipal corporation. No person appointed as a paid member of the uniformed force of a paid fire department of such city may continue such employment unless he or she complies with the provisions of this subdivision.

§ 5. Subdivision 5-a of section 30 of the public officers law, as added by chapter 509 of the laws of 1986, is amended to read as follows:

5-a. Any person who resides in this state and who is currently employed as a member of the police force[~~, a paid member of the uniformed force of a paid fire department,~~] or department of corrections in the correctional service classification of the classified civil service, of a city of over one million population, shall be exempt from the provisions of paragraph (d) of subdivision one and subdivisions four and five of this section upon compliance with the procedure set forth in

this subdivision. Any person seeking to benefit from the exemption created by this subdivision shall notify his respective employer in writing of said intention within thirty days from the effective date of this subdivision and shall specify his then current residence address. The exemption created by this subdivision shall be applicable only to said actual designated residence and not to any residence that any subject currently employed member may thereafter establish; provided, however, that any such currently employed member who resides outside this state shall have one year from the effective date of this subdivision within which to establish residence as required pursuant to paragraph (d) of subdivision one, and subdivisions four and five of this section and comply with the notice requirements of this subdivision. Said residence shall constitute a lawful residence for all purposes notwithstanding any provision to the contrary of any general, special or local law, charter, code, ordinance, resolution, rule or regulation.

§ 6. This act shall take effect immediately.