

# STATE OF NEW YORK

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5661

2021-2022 Regular Sessions

## IN SENATE

March 15, 2021

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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:

1 Section 1. Subdivision 4 of section 3 of the public officers law, as  
2 amended by chapter 985 of the laws of 1965, is amended to read as  
3 follows:

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

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

20 9. Neither the provisions of this section, nor of any general, special  
21 or local law, charter, code, ordinance, resolution, rule or regulation,  
22 requiring a person to be a resident of the political subdivision or  
23 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.

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1 or within which his or her official functions are required to be exer-  
2 cised, shall apply to the appointment of a paid member of the uniformed  
3 force of a paid fire department outside of a city with a population of  
4 one million or more, who, for purposes of this section shall include  
5 persons employed as fire alarm dispatchers, or to the appointment of any  
6 person employed in a department of correction in the correction service  
7 classification of the classified civil service, or to the appointment of  
8 officers and inspectors who are employees of a department of health of  
9 any city of over one million population who resides (a) in the county in  
10 which such city is located; or (b) in a county within the state contig-  
11 uous to the county in which said city is located; or (c) in a county  
12 within the state contiguous to such city; or (d) in a county within the  
13 state which is not more than fifteen miles from said city.

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

16 19. Any person who resides in this state and who is currently employed  
17 as a member of the police force[, ~~a paid member of the uniformed force~~  
18 ~~of a paid fire department~~] or department of corrections in the correc-  
19 tional service classification of the classified civil service, of a city  
20 of over one million population, shall be exempt from the provisions of  
21 subdivisions one, two and nine of this section upon compliance with the  
22 procedure set forth in this subdivision. Any person seeking to benefit  
23 from the exemption created by this subdivision shall notify his respec-  
24 tive employer in writing of said intention within thirty days from the  
25 effective date of this subdivision and shall specify his then current  
26 residence address. The exemption created by this subdivision shall be  
27 applicable only to said actual designated residence and not to any resi-  
28 dence that any subject currently employed member may thereafter estab-  
29 lish; provided, however, that any such currently employed member who  
30 resides outside this state shall have one year from the effective date  
31 of this subdivision within which to establish residence as required  
32 pursuant to subdivisions one, two and nine of this section and comply  
33 with the notice requirements of this subdivision. Said residence shall  
34 constitute a lawful residence for all purposes notwithstanding any  
35 provision to the contrary of any general, special or local law, charter,  
36 code, ordinance, resolution, rule or regulation.

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

39 19-a. In a city with a population of one million or more, any person  
40 appointed as a paid member of the uniformed force of a paid fire depart-  
41 ment of such city shall become a resident of any political subdivision  
42 or municipal corporation within such city within one year of his or her  
43 appointment and shall continue to reside within any such political  
44 subdivision or municipal corporation. No person appointed as a paid  
45 member of the uniformed force of a paid fire department of such city may  
46 continue such employment unless he or she complies with the provisions  
47 of this subdivision.

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

50 5-a. Any person who resides in this state and who is currently  
51 employed as a member of the police force[, ~~a paid member of the~~  
52 ~~uniformed force of a paid fire department,~~] or department of corrections  
53 in the correctional service classification of the classified civil  
54 service, of a city of over one million population, shall be exempt from  
55 the provisions of paragraph (d) of subdivision one and subdivisions four  
56 and five of this section upon compliance with the procedure set forth in

1 this subdivision. Any person seeking to benefit from the exemption  
2 created by this subdivision shall notify his respective employer in  
3 writing of said intention within thirty days from the effective date of  
4 this subdivision and shall specify his then current residence address.  
5 The exemption created by this subdivision shall be applicable only to  
6 said actual designated residence and not to any residence that any  
7 subject currently employed member may thereafter establish; provided,  
8 however, that any such currently employed member who resides outside  
9 this state shall have one year from the effective date of this subdivi-  
10 sion within which to establish residence as required pursuant to para-  
11 graph (d) of subdivision one, and subdivisions four and five of this  
12 section and comply with the notice requirements of this subdivision.  
13 Said residence shall constitute a lawful residence for all purposes  
14 notwithstanding any provision to the contrary of any general, special or  
15 local law, charter, code, ordinance, resolution, rule or regulation.  
16 § 6. This act shall take effect immediately.