

# STATE OF NEW YORK

---

2913

2023-2024 Regular Sessions

## IN ASSEMBLY

February 1, 2023

---

Introduced by M. of A. CRUZ, JACKSON, SIMON, ZINERMAN, EPSTEIN,  
SEAWRIGHT, TAPIA, ANDERSON, BURGOS -- read once and referred to the  
Committee on Governmental Operations

AN ACT to amend the public officers law, in relation to residency  
requirements for police officers in a city with a population of one  
million or more

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. Subdivision 2 of section 3 of the public officers law, as  
2 amended by chapter 1004 of the laws of 1966, is amended to read as  
3 follows:

4 2. [~~Neither~~] In a city with a population less than one million,  
5 neither the provisions of this section or of any general, special or  
6 local law, charter, code, ordinance, resolution, rule or regulation,  
7 requiring a person to be a resident of the political subdivision or  
8 municipal corporation of the state for which he or she shall be chosen  
9 or within which his or her official functions are required to be exer-  
10 cised, shall apply to the appointment of a person as a member of the  
11 police force of any political subdivision or municipal corporation of  
12 the state if such person resides (a) in the county in which such poli-  
13 tical subdivision or municipal corporation is located; or (b) in a coun-  
14 ty within the state contiguous to the county in which such political  
15 subdivision or municipal corporation is located; or (c) in a county  
16 within the state contiguous to such political subdivision or municipal  
17 corporation; or (d) in a county within the state contiguous to a county  
18 described in item (c) hereof where the former is less than fifteen miles  
19 from such political subdivision or municipal corporation, measured from  
20 their respective nearest boundary lines; or (e) in a county within the  
21 state contiguous to a county described in item (d) hereof where the  
22 former is less than thirty miles from such political subdivision or

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

LBD01971-01-3

1 municipal corporation, measured from their respective nearest boundary  
2 lines.

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

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

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

28 19-a. In a city with a population of one million or more, any person  
29 appointed as a paid member of the police force of such city shall become  
30 a resident of any political subdivision or municipal corporation within  
31 such city within one year of his or her appointment and shall continue  
32 to reside within any such political subdivision or municipal corpo-  
33 ration. No person appointed as a paid member of such police force may  
34 continue such employment unless he or she complies with the provisions  
35 of this subdivision.

36 § 4. Paragraph 1 of subdivision 4 of section 30 of the public officers  
37 law, as amended by chapter 173 of the laws of 1962, is amended to read  
38 as follows:

39 (1) If such person was appointed as a member of such police force  
40 prior to [~~July first, nineteen hundred sixty-one~~] January first, two  
41 thousand twenty-four, shall reside in any such county on such date and  
42 shall continue to reside in any such county after such date, or

43 § 5. This act shall take effect immediately.