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District 29 (Essex)
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SYNOPSIS
Permits municipalities to establish five-year residency requirement for police officers and firefighters.

CURRENT VERSION OF TEXT
As introduced.

(Sponsorship Updated As Of: 3/17/2015)
AN ACT concerning five-year residency requirement for police officers and firefighters and amending P.L.1972, c.3.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section 1 of P.L.1972, c.3 (C.40A:14-9.1) is amended to read as follows:

1. [No] a. Except as provided for in subsection b. of this section, no municipality shall pass any ordinance, resolution, rule, regulation, order or directive, making residency therein a condition of employment for the purpose of original appointment, continued employment, promotion, or for any other purpose for any member of a paid fire department and force or paid member of a part-paid fire department and force, and any such ordinance, resolution, rule, regulation, order or directive in existence on the effective date of this act P.L.1972, c.3 or passed hereafter shall be void and have no force or effect.

b. A municipality may adopt an ordinance prohibiting an applicant from obtaining employment with the municipal paid fire department and force or obtaining a paid position in a part-paid fire department and force unless the person agrees to remain a resident of the municipality for the first five years of his employment. In any municipality that adopts an ordinance pursuant to this subsection, the applicant shall have six months from the date of employment to begin residing in the municipality.

(cf: P.L.1972, c.3, s.1)

2. Section 2 of P.L.1972, c.3 (C.40A:14-9.2) is amended to read as follows:

2. In any municipality wherein that operates under the provisions of Title 11 (Civil Service) 11A, Civil Service, of the Revised New Jersey Statutes is operative, other than a municipality which has adopted an ordinance pursuant to subsection b. of section 1 of P.L. , c. (C.40A:14-9.1) (pending before the Legislature as this bill), applicants for appointment to the paid fire department and force or as paid members of the part-paid fire department and force who are not residents of the municipality shall be eligible for appointment thereto notwithstanding the provision of any statute, law, ordinance, rule or regulation to the contrary.

(cf: P.L.1972, c.3, s.2)

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
3. Section 11 of P.L.1972, c.3 (C.40A:14-122.1) is amended to read as follows:

11. [No] a. Except as provided for in subsection b. of this section, no municipality shall pass any ordinance, resolution, rule, regulation, order or directive, making residency therein a condition of employment for the purpose of original appointment, continued employment, promotion, or for any other purpose for any member of a police department and force and any such ordinance, resolution, rule, regulation, order or directive in existence on the effective date of [this act] P.L.1972, c.3 or passed hereafter shall be void and have no force or effect.

b. A municipality may adopt an ordinance prohibiting an applicant from obtaining employment with the municipal police department or force unless the person agrees to remain a resident of the municipality for the first five years of his employment. In any municipality that adopts an ordinance pursuant to this subsection, the applicant shall have six months from the date of employment to begin residing in the municipality.

(cf: P.L.1972, c.3, s.11)

4. Section 12 of P.L.1972, c.3 (C.40A:14-122.2) is amended to read as follows:

12. In any municipality [wherein] that operates under the provisions of Title [11 (Civil Service) ], 11A, Civil Service, of the [Revised] New Jersey Statutes [is operative] other than a municipality which has adopted an ordinance pursuant to subsection b. of section 3 of P.L., c. (C.40A:14-122.1) (pending before the Legislature as this bill), applicants for appointment to the police department and force who are not residents of the municipality shall be eligible for appointment thereto [notwithstanding the provision of any statute, law, ordinance, rule or regulation to the contrary].

(cf: P.L.1972, c.3, s.12)

5. This act shall take effect immediately.

STATEMENT

This bill would permit a municipality to adopt an ordinance requiring that an applicant for appointment to the municipal police department, paid fire department, or part-paid fire department reside in the municipality in which he or she seeks appointment for the first five years of his or her employment. Upon appointment, the individual must agree to begin residing in the municipality no later than six months after the date of employment.