

ASSEMBLY, No. 3386

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblywoman CLEOPATRA G. TUCKER

District 28 (Essex)

Assemblywoman ELIANA PINTOR MARIN

District 29 (Essex)

Co-Sponsored by:

**Assemblyman Caputo, Assemblywoman Jasey, Assemblyman Giblin and
Assemblywoman Reynolds-Jackson**

SYNOPSIS

Permits municipal, county, and regional police and fire forces to establish five-year residency requirement for police officers and firefighters; allows exceptions to requirement under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 7/20/2020)

1 AN ACT concerning five-year residency requirement for police
2 officers and firefighters and amending various parts of the
3 statutory law.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. Section 1 of P.L.1972, c.3 (C.40A:14-9.1) is amended to
9 read as follows:

10 1. **[No]** a. Except as provided for in subsection b. of this
11 section, no municipality shall pass any ordinance, resolution, rule,
12 regulation, order or directive, making residency therein a condition
13 of employment for the purpose of original appointment, continued
14 employment, promotion, or for any other purpose for any member
15 of a paid fire department and force or paid member of a part-paid
16 fire department and force, and any such ordinance, resolution, rule,
17 regulation, order or directive in existence on the effective date of
18 **[this act]** P.L.1972, c.3 (C.40A:14-9.1 et al.) or passed hereafter
19 shall be void and have no force or effect.

20 b. A municipality may adopt an ordinance prohibiting an
21 applicant from obtaining employment with the municipal paid fire
22 department and force or obtaining a paid position in a part-paid fire
23 department and force unless the person agrees to remain a resident
24 of the municipality for the first five years of the person's
25 employment. In any municipality that adopts an ordinance pursuant
26 to this subsection, the applicant shall have six months from the date
27 of employment to begin residing in the municipality. The six-
28 month period shall begin on the applicant's first day of official duty
29 after the applicant has completed all requisite training. A
30 municipality that adopts an ordinance pursuant to this subsection
31 may provide an exception to the residency requirement for any
32 member of the fire department who suffers injury, or a threat of
33 injury, to the member's person, family, or property, committed by
34 another who acts with purpose to: (1) intimidate the member
35 because of their status as a member; (2) manipulate an
36 investigation; or (3) otherwise influence the member to violate their
37 official duty.

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

39
40 2. Section 2 of P.L.1972, c.3 (C.40A:14-9.2) is amended to
41 read as follows:

42 2. In any municipality **[wherein]** that operates under the
43 provisions of Title [11 (Civil Service)] 11A, Civil Service, of the
44 **[Revised]** New Jersey Statutes [is operative] , other than a
45 municipality which has adopted an ordinance pursuant to subsection

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.

1 b. of section 1 of P.L.1972, c.3 (C.40A:14-9.1), applicants for
2 appointment to the paid fire department and force or as paid
3 members of the part-paid fire department and force who are not
4 residents of the municipality shall be eligible for appointment
5 thereto **【notwithstanding the provision of any statute, law,**
6 **ordinance, rule or regulation to the contrary】.**

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

8
9 3. Section 11 of P.L.1972, c.3 (C.40A:14-122.1) is amended to
10 read as follows:

11 11. **【No】** a. Except as provided for in subsection b. of this
12 section, no municipality shall pass any ordinance, resolution, rule,
13 regulation, order or directive, making residency therein a condition
14 of employment for the purpose of original appointment, continued
15 employment, promotion, or for any other purpose for any member
16 of a police department and force and any such ordinance,
17 resolution, rule, regulation, order or directive in existence on the
18 effective date of **【this act】** P.L.1972, c.3 (C.40A:14-9.1 et al.) or
19 passed hereafter shall be void and have no force or effect.

20 b. A municipality may adopt an ordinance prohibiting an
21 applicant from obtaining employment with the municipal police
22 department or force unless the person agrees to remain a resident of
23 the municipality for the first five years of the person's employment.
24 In any municipality that adopts an ordinance pursuant to this
25 subsection, the applicant shall have six months from the date of
26 employment to begin residing in the municipality. The six-month
27 period shall begin on the applicant's first day of official duty after
28 the applicant has completed all requisite training. A municipality
29 that adopts an ordinance pursuant to this subsection may provide an
30 exception to the residency requirement for any member of the
31 police department who suffers injury, or a threat of injury, to the
32 member's person, family, or property, committed by another who
33 acts with purpose to: (1) intimidate the officer because of their
34 status as an officer; (2) manipulate an investigation; or (3)
35 otherwise influence the officer to violate their official duty.

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

37
38 4. Section 12 of P.L.1972, c.3 (C.40A:14-122.2) is amended to
39 read as follows:

40 12. In any municipality **【wherein】** that operates under the
41 provisions of Title 【11 (Civil Service)】 11A, Civil Service, of the
42 **【Revised】** New Jersey Statutes 【is operative】 , other than a
43 municipality which has adopted an ordinance pursuant to subsection
44 b. of section 11 of P.L.1972, c.3 (C.40A:14-122.1), applicants for
45 appointment to the police department and force who are not
46 residents of the municipality shall be eligible for appointment

1 thereto **【**notwithstanding the provision of any statute, law,
2 ordinance, rule or regulation to the contrary**】**.

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

4
5 5. N.J.S.40A:14-106 is amended to read as follows:

6 40A:14-106. a. The governing body of any county, adopting
7 rules for the regulation of traffic upon the county highways and
8 roads and for the enforcement of laws pertaining thereto, by
9 ordinance or resolution, as appropriate, may create and establish a
10 county police department and force and provide for its maintenance,
11 regulation and control. Except as otherwise provided by law, the
12 governing body may appoint a chief of the department and such
13 other members, officers and personnel as shall be deemed
14 necessary, determine their terms of office, fix their compensation
15 and prescribe their powers, functions and duties. The governing
16 body shall adopt and promulgate rules and regulations for the
17 government of the department and force and for the discipline of its
18 members.

19 b. The governing body of a county may adopt an ordinance
20 prohibiting an applicant from obtaining employment with the
21 county police department or force unless the person agrees to
22 remain a resident of the county for the first five years of the
23 person's employment. In any county that adopts an ordinance
24 pursuant to this subsection, the applicant shall have six months
25 from the date of employment to begin residing in the county. The
26 six-month period shall begin on the applicant's first day of official
27 duty after the applicant has completed all requisite training. A
28 county that adopts an ordinance pursuant to this subsection may
29 provide an exception to the residency requirement for any member
30 of the police department who suffers injury, or a threat of injury, to
31 the member's person, family, or property, committed by another
32 who acts with purpose to: (1) intimidate the officer because of their
33 status as an officer; (2) manipulate an investigation; or (3)
34 otherwise influence the officer to violate their official duty.

35 (cf: P.L.1981, c.126, s.1)

36
37 6. Section 15 of P.L.2007, c.63 (C.40A:65-15) is amended to
38 read as follows:

39 15. a. A joint meeting is a public body corporate and politic
40 constituting a political subdivision of the State for the exercise of
41 public and essential governmental functions to provide for the
42 public health and welfare.

43 b. A joint meeting has the following powers and authority,
44 which may be exercised by its management committee to the extent
45 provided for in the joint contract:

46 (1) to sue and be sued;

47 (2) to acquire and hold real and personal property by deed, gift,
48 grant, lease, purchase, condemnation or otherwise;

1 (3) to enter into any and all contracts or agreements and to
2 execute any and all instruments;

3 (4) to do and perform any and all acts or things necessary,
4 convenient or desirable for the purposes of the joint meeting or to
5 carry out any powers expressly given in sections 1 through 35 of
6 P.L.2007, c.63 (C.40A:65-1 through C.40A:65-35);

7 (5) to sell real and personal property owned by the joint meeting
8 at public sale;

9 (6) to operate all services, lands, public improvements, works,
10 facilities or undertakings for the purposes and objects of the joint
11 meeting;

12 (7) to enter into a contract or contracts providing for or relating
13 to the use of its services, lands, public improvements, works,
14 facilities or undertakings, or any part thereof, by local units who are
15 not members of the joint meeting, and other persons, upon payment
16 of charges therefor as fixed by the management committee;

17 (8) to receive whatever State or federal aid or grants that may be
18 available for the purposes of the joint meeting and to make and
19 perform any agreements and contracts that are necessary or
20 convenient in connection with the application for, procurement,
21 acceptance, or disposition of such State or federal aid or grants;

22 **[and]**

23 (9) to acquire, maintain, use, and operate lands, public
24 improvements, works, or facilities in any municipality in the State,
25 except where the governing body of the municipality, by resolution
26 adopted within 60 days after receipt of written notice of intention to
27 so acquire, maintain, use, or operate, shall find that the same would
28 adversely affect the governmental operations and functions and the
29 exercise of the police powers of that municipality ; and

30 (10) to prohibit an applicant for a regional police or fire
31 department from obtaining employment with the regional police or
32 fire department unless the person agrees to remain a resident of the
33 region served by the department for the first five years of the
34 person's employment. Any residency requirement adopted pursuant
35 to this paragraph shall provide the applicant six months from the
36 date of employment to begin residing in the region served by the
37 employer. The six-month period shall begin on the applicant's first
38 day of official duty after the applicant has completed all requisite
39 training. A joint meeting that adopts a residency requirement
40 pursuant to this paragraph may provide an exception to the
41 residency requirement for any member of the regional police or fire
42 department who suffers injury, or a threat of injury, to the
43 member's person, family, or property, committed by another who
44 acts with purpose to: (1) intimidate the officer because of their
45 status as an officer; (2) manipulate an investigation; or (3)
46 otherwise influence the officer to violate their official duty.

47 c. If the governing body of a municipality in which a joint
48 meeting has applied for the location and erection of sewage

1 treatment or solid waste disposal facilities refuses permission
2 therefor, or fails to take final action upon the application within 60
3 days of its filing, the joint meeting may, at any time within 30 days
4 following the date of such refusal or the date of expiration of the
5 60-day period, apply to the Department of Environmental
6 Protection for relief. That department is authorized, after hearing
7 the joint meeting and the interested municipality, to grant the
8 application for the erection of the sewage treatment or disposal or
9 solid waste treatment or disposal facilities, notwithstanding the
10 refusal or failure to act of the municipal governing body, upon
11 being satisfied that the topographical and other physical conditions
12 existing in the local units comprising the joint meeting are such as
13 to make the erection of such facilities within its boundaries
14 impracticable as an improvement for the benefit of the whole
15 applying joint meeting.
16 (cf: P.L.2007, c.63, s.15)

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18 7. This act shall take effect immediately.

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STATEMENT

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23 This bill would permit a municipality to adopt an ordinance
24 prohibiting an applicant from obtaining employment with the
25 municipal police department, paid fire department, or part-paid fire
26 department unless the applicant agrees to remain a resident of the
27 municipality for the first five years of employment. Under this bill,
28 county and regional police and fire forces would also have the
29 power to institute a residency requirement. In any municipality
30 with such an ordinance, the applicant would have six months from
31 the date the applicant begins their official duties, following all
32 requisite training, to relocate to the municipality, county, or region
33 served by the force.

34 The bill would allow an exception to this residency requirement
35 if any member of the fire department or police department suffers
36 injury, or a threat of injury, to the member's person, family, or
37 property, committed by another who acts with purpose to: (1)
38 intimidate the member because of their status as a member; (2)
39 manipulate an investigation; or (3) otherwise influence the member
40 to violate their official duty.