

[Second Reprint]
SENATE, No. 685

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

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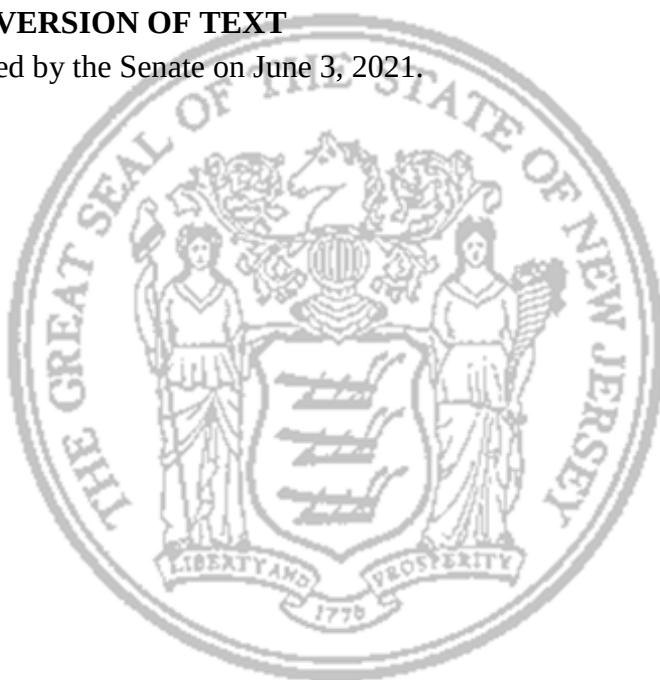
Senator Rice

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 amended by the Senate on June 3, 2021.



1 AN ACT concerning five-year residency requirement for police
 2 officers and firefighters ²**[and]** ² amending various parts of the
 3 statutory law ², and supplementing P.L.2007, c.63 (C.40A:65-1 et
 4 seq.)².

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

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

11 1. **[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 paid fire department and force or paid member of a part-paid
 17 fire department and force, and any such ordinance, resolution, rule,
 18 regulation, order or directive in existence on the effective date of
 19 **[this act]** P.L.1972, c.3 or passed hereafter shall be void and have
 20 no force or effect.

21 b. A municipality may adopt an ordinance prohibiting an
 22 applicant from obtaining employment with the municipal paid fire
 23 department and force or obtaining a paid position in a part-paid fire
 24 department and force unless the person agrees to remain a resident
 25 of the municipality for the first five years of his employment. ¹**[In**
 26 **any municipality that adopts an]** An¹ ordinance ¹adopted¹ pursuant
 27 to this subsection ¹shall not take effect until approved by the
 28 Commissioner of Community Affairs. Upon such ordinance taking
 29 effect¹ , the applicant shall have six months from the date of
 30 employment to begin residing in the municipality. The six-month
 31 period shall begin on the applicant's first day of official duty after
 32 the applicant has completed all requisite training. A municipality
 33 that adopts an ordinance pursuant to this subsection may provide an
 34 exception to the residency requirement for any member of the fire
 35 department who suffers injury, or a threat of injury, to his person,
 36 family, or property, committed by another who acts with purpose to:
 37 (1) intimidate the member because of his status as a member; (2)
 38 manipulate an investigation; or (3) otherwise influence the member
 39 to violate his official duty.

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

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

44 2. In any municipality **[wherein]** that operates under the
 45 provisions of Title [11 (Civil Service)] 11A, Civil Service, of the

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SBA committee amendments adopted July 28, 2020.

²Senate floor amendments adopted June 3, 2021.

1 **【Revised】** New Jersey Statutes **【is operative】** , other than a
2 municipality which has adopted an ordinance ¹that has been
3 approved by the Commissioner of Community Affairs ¹ pursuant to
4 subsection b. of section 1 of P.L.1972, c.3 (C.40A:14-9.1),
5 applicants for appointment to the paid fire department and force or
6 as paid members of the part-paid fire department and force who are
7 not residents of the municipality shall be eligible for appointment
8 thereto **【notwithstanding the provision of any statute, law,**
9 **ordinance, rule or regulation to the contrary】.**

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

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

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

23 b. A municipality may adopt an ordinance prohibiting an
24 applicant from obtaining employment with the municipal police
25 department or force unless the person agrees to remain a resident of
26 the municipality for the first five years of his employment. ¹**【In**
27 **any municipality that adopts an】** An ¹ordinance ¹adopted ¹pursuant
28 to this subsection ¹shall not take effect until approved by the
29 Commissioner of Community Affairs. Upon such ordinance taking
30 effect ¹ , the applicant shall have six months from the date of
31 employment to begin residing in the municipality. The six-month
32 period shall begin on the applicant's first day of official duty after
33 the applicant has completed all requisite training. A municipality
34 that adopts an ordinance pursuant to this subsection may provide an
35 exception to the residency requirement for any member of the
36 police department who suffers injury, or a threat of injury, to his
37 person, family, or property, committed by another who acts with
38 purpose to: (1) intimidate the officer because of his status as an
39 officer; (2) manipulate an investigation; or (3) otherwise influence
40 the officer to violate his official duty.

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

42
43 4. Section 12 of P.L.1972, c.3 (C.40A:14-122.2) is amended to
44 read as follows:

45 12. In any municipality **【wherein】** that operates under the
46 provisions of Title **【11 (Civil Service)】** 11A, Civil Service, of the
47 **【Revised】** New Jersey Statutes **【is operative】** , other than a

1 municipality which has adopted an ordinance ¹that has been
2 approved by the Commissioner of Community Affairs ¹ pursuant to
3 subsection b. of section 11 of P.L.1972, c.3 (C.40A:14-122.1),
4 applicants for appointment to the police department and force who
5 are not residents of the municipality shall be eligible for
6 appointment thereto **【notwithstanding the provision of any statute,**
7 **law, ordinance, rule or regulation to the contrary】.**
8 (cf: P.L.1972, c.3, s.12)
9

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

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

24 b. The governing body of a county may adopt ¹**【an】** a
25 resolution or ¹ ordinance ¹, as appropriate, ¹ prohibiting an applicant
26 from obtaining employment with the county police department or
27 force unless the person agrees to remain a resident of the county for
28 the first five years of his employment. ¹**【In any county that adopts**
29 **an】** A resolution or ¹ ordinance ¹adopted ¹ pursuant to this
30 subsection, ¹shall not take effect until approved by the
31 Commissioner of Community Affairs. Upon such resolution or
32 ordinance taking effect ¹ the applicant shall have six months from
33 the date of employment to begin residing in the county. The six-
34 month period shall begin on the applicant's first day of official duty
35 after the applicant has completed all requisite training. A county
36 that adopts ¹**【an】** a resolution or ¹ ordinance pursuant to this
37 subsection may provide an exception to the residency requirement
38 for any member of the police department who suffers injury, or a
39 threat of injury, to his person, family, or property, committed by
40 another who acts with purpose to: (1) intimidate the officer because
41 of his status as an officer; (2) manipulate an investigation; or (3)
42 otherwise influence the officer to violate his official duty.
43 (cf: P.L.1981, c.126, s.1)
44

45 ¹**【6. Section 15 of P.L.2007, c.63 (C.40A:65-15) is amended to**
46 **read as follows:**

1 15. a. A joint meeting is a public body corporate and politic
2 constituting a political subdivision of the State for the exercise of
3 public and essential governmental functions to provide for the
4 public health and welfare.

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

8 (1) to sue and be sued;

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

11 (3) to enter into any and all contracts or agreements and to
12 execute any and all instruments;

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

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

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

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

27 (8) to receive whatever State or federal aid or grants that may be
28 available for the purposes of the joint meeting and to make and
29 perform any agreements and contracts that are necessary or
30 convenient in connection with the application for, procurement,
31 acceptance, or disposition of such State or federal aid or grants;
32 **[and]**

33 (9) to acquire, maintain, use, and operate lands, public
34 improvements, works, or facilities in any municipality in the State,
35 except where the governing body of the municipality, by resolution
36 adopted within 60 days after receipt of written notice of intention to
37 so acquire, maintain, use, or operate, shall find that the same would
38 adversely affect the governmental operations and functions and the
39 exercise of the police powers of that municipality ; and

40 (10) to prohibit an applicant for a regional police or fire
41 department from obtaining employment with the regional police or
42 fire department unless the person agrees to remain a resident of the
43 region served by the department for the first five years of his
44 employment. Any residency requirement adopted pursuant to this
45 paragraph shall provide the applicant six months from his date of
46 employment to begin residing in the region served by his employer.
47 The six-month period shall begin on the applicant's first day of
48 official duty after the applicant has completed all requisite training.

A joint meeting that adopts a residency requirement pursuant to this paragraph may provide an exception to the residency requirement for any member of the regional police or fire department who suffers injury, or a threat of injury, to his person, family, or property, committed by another who acts with purpose to: (1) intimidate the officer because of his status as an officer; (2) manipulate an investigation; or (3) otherwise influence the officer to violate his official duty.

c. If the governing body of a municipality in which a joint meeting has applied for the location and erection of sewage treatment or solid waste disposal facilities refuses permission therefor, or fails to take final action upon the application within 60 days of its filing, the joint meeting may, at any time within 30 days following the date of such refusal or the date of expiration of the 60-day period, apply to the Department of Environmental Protection for relief. That department is authorized, after hearing the joint meeting and the interested municipality, to grant the application for the erection of the sewage treatment or disposal or solid waste treatment or disposal facilities, notwithstanding the refusal or failure to act of the municipal governing body, upon being satisfied that the topographical and other physical conditions existing in the local units comprising the joint meeting are such as to make the erection of such facilities within its boundaries impracticable as an improvement for the benefit of the whole applying joint meeting.

(cf: P.L.2007, c.63, s.15)】¹

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

15. a. A joint meeting or regional service agency is a public body corporate and politic constituting a political subdivision of the State for the exercise of public and essential governmental functions to provide for the public health and welfare, and qualifies as a "local unit," as defined in section 3 of the "Local Fiscal Affairs Law," N.J.S.40A:5-3.

b. A joint meeting or regional service agency has the following powers and authority, which may be exercised by its management committee to the extent provided for in the joint contract:

(1) to sue and be sued;

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

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

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

- 1 (5) to sell real and personal property owned by the joint meeting
2 or regional service agency at public sale;
- 3 (6) to operate all services, lands, public improvements, works,
4 facilities or undertakings for the purposes and objects of the joint
5 meeting or regional service agency;
- 6 (7) to enter into a contract or contracts providing for or relating
7 to the use of its services, lands, public improvements, works,
8 facilities or undertakings, or any part thereof, by local units who are
9 not members of the joint meeting or regional service agency, and
10 other persons, upon payment of charges therefor as fixed by the
11 management committee;
- 12 (8) to receive whatever State or federal aid or grants that may be
13 available for the purposes of the joint meeting or regional service
14 agency and to make and perform any agreements and contracts that
15 are necessary or convenient in connection with the application for,
16 procurement, acceptance, or disposition of such State or federal aid
17 or grants; **[and]**
- 18 (9) to acquire, maintain, use, and operate lands, public
19 improvements, works, or facilities in any municipality in the State,
20 except where the governing body of the municipality, by resolution
21 adopted within 60 days after receipt of written notice of intention to
22 so acquire, maintain, use, or operate, shall find that the same would
23 adversely affect the governmental operations and functions and the
24 exercise of the police powers of that municipality; and
- 25 (10) to prohibit an applicant for a regional police or fire
26 department from obtaining employment with the regional police or
27 fire department unless the person agrees to remain a resident of the
28 region served by the department for the first five years of his
29 employment. Any residency requirement adopted pursuant to this
30 paragraph shall provide the applicant six months from his date of
31 employment to begin residing in the region served by his employer.
32 The six-month period shall begin on the applicant's first day of
33 official duty after the applicant has completed all requisite training.
34 A joint meeting or regional service agency that adopts a residency
35 requirement pursuant to this paragraph may provide an exception to
36 the residency requirement for any member of the regional police or
37 fire department who suffers injury, or a threat of injury, to his
38 person, family, or property, committed by another who acts with
39 purpose to: (1) intimidate the officer because of his status as an
40 officer; (2) manipulate an investigation; or (3) otherwise influence
41 the officer to violate his official duty.
- 42 ²A residency requirement adopted pursuant to this paragraph
43 shall not apply to any person who on the effective date of P.L. _____,
44 c. (C.) (pending before the Legislature as this bill) is member
45 of a police department or force or a member of a fire department or
46 force who becomes a member of a regional police department or

1 force or a regional fire department or force, or a joint meeting for
2 law enforcement or fire protection, after the effective date of
3 P.L. , c. (C.) (pending before the Legislature as this
4 bill), unless the member is already a resident of the region served
5 by his employer on the effective date of P.L. , c. (C.)
6 (pending before the Legislature as this bill).²

7 c. If the governing body of a municipality in which a joint
8 meeting or regional service agency has applied for the location and
9 erection of sewage treatment or solid waste disposal facilities
10 refuses permission therefor, or fails to take final action upon the
11 application within 60 days of its filing, the joint meeting or regional
12 service agency may, at any time within 30 days following the date
13 of such refusal or the date of expiration of the 60-day period, apply
14 to the Department of Environmental Protection for relief. That
15 department is authorized, after hearing the joint meeting or regional
16 service agency and the interested municipality, to grant the
17 application for the erection of the sewage treatment or disposal or
18 solid waste treatment or disposal facilities, notwithstanding the
19 refusal or failure to act of the municipal governing body, upon
20 being satisfied that the topographical and other physical conditions
21 existing in the local units comprising the joint meeting or regional
22 service agency are such as to make the erection of such facilities
23 within its boundaries impracticable as an improvement for the
24 benefit of the whole applying joint meeting or regional service
25 agency.¹

26 (cf: P.L.2019, c.433, s.7)

27
28 ²7. Notwithstanding the provisions of any law to the contrary, a
29 residency requirement adopted as part of a shared service agreement
30 or a joint contract among local units for law enforcement or fire
31 protection shall not apply to any person who on the effective date of
32 P.L. , c. (C.) (pending before the Legislature as this
33 bill) is member of a police department or force or a member of a
34 fire department or force that is a party to a shared service or joint
35 contract for such services after the effective date of
36 P.L. , c. (C.) (pending before the Legislature as this
37 bill), unless the member is already a resident of a local unit served
38 by the shared service or joint contract on the effective date of
39 P.L. , c. (C.) (pending before the Legislature as this bill).²

40
41 ²**[7.] 8.²** This act shall take effect immediately.