

[Third Reprint]
SENATE, No. 685

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

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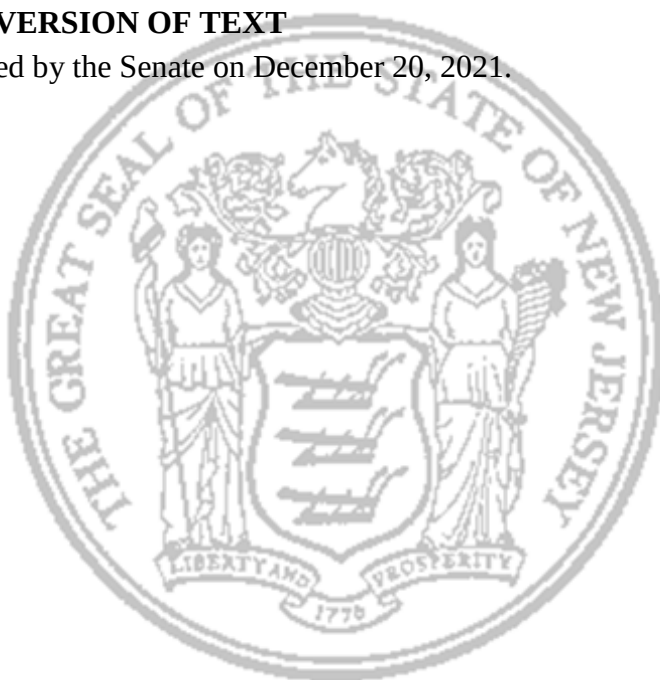
Senator Rice

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 December 20, 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 ³**[his]** the person's³
 26 employment. ¹**[In any municipality that adopts an]** ¹**An** ¹ordinance
 27 ¹adopted ¹pursuant to this subsection ¹shall not take effect until
 28 approved by the Commissioner of Community Affairs. Upon such
 29 ordinance taking effect¹, the applicant shall have six months from
 30 the date of employment to begin residing in the municipality. The
 31 six-month period shall begin on the applicant's first day of official
 32 duty after the applicant has completed all requisite training. A
 33 municipality that adopts an ordinance pursuant to this subsection
 34 may provide an exception to the residency requirement for any
 35 member of the fire department who suffers injury, or a threat of
 36 injury, to ³**[his]** ³their ³person, family, or property, committed by
 37 another who acts with purpose to: (1) intimidate the member
 38 because of ³**[his]** ³the person's ³status as a member; (2) manipulate
 39 an investigation; or (3) otherwise influence the member to violate
 40 ³**[his]** ³the member's ³official duty. ³A municipality may establish
 41 guidelines for the granting of hardship waivers.

42 c. (1) An ordinance adopted pursuant to subsection b. of this
 43 section shall contain incentives for residency within the
 44 municipality including but not limited to municipal residency

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.

³Senate floor amendments adopted December 20, 2021.

1 serving as the tie breaker in promotional exams.
2 (2) An ordinance adopted pursuant to subsection b. of this
3 section shall establish a tuition aid reimbursement program that
4 provides a reimbursement of not less than 20 percent of the cost of
5 relevant courses at the county college of the county within which
6 the municipality is located and which courses are required to be
7 taken as determined by the appointing authority of the municipality
8 unless the benefit is otherwise provided in a collective bargaining
9 agreement. A tuition aid reimbursement shall not be awarded until
10 the five-year residency requirement in subsection b. of this section
11 has been completed, except in the case of a transfer who has met the
12 residency requirements of a previous municipality at the time of
13 transfer.³
14 (cf: P.L.1972, c.3, s.1)
15
16 2. Section 2 of P.L.1972, c.3 (C.40A:14-9.2) is amended to
17 read as follows:
18 2. In any municipality **【wherein】** that operates under the
19 provisions of Title 【11 (Civil Service)】 11A, Civil Service, of the
20 **【Revised】** New Jersey Statutes 【is operative】 , other than a
21 municipality which has adopted an ordinance ¹that has been
22 approved by the Commissioner of Community Affairs¹ pursuant to
23 subsection b. of section 1 of P.L.1972, c.3 (C.40A:14-9.1),
24 applicants for appointment to the paid fire department and force or
25 as paid members of the part-paid fire department and force who are
26 not residents of the municipality shall be eligible for appointment
27 thereto 【notwithstanding the provision of any statute, law,
28 ordinance, rule or regulation to the contrary】.
29 (cf: P.L.1972, c.3, s.2)
30
31 3. Section 11 of P.L.1972, c.3 (C.40A:14-122.1) is amended to
32 read as follows:
33 11. **【No】** a. Except as provided for in subsection b. of this
34 section, no municipality shall pass any ordinance, resolution, rule,
35 regulation, order or directive, making residency therein a condition
36 of employment for the purpose of original appointment, continued
37 employment, promotion, or for any other purpose for any member
38 of a police department and force and any such ordinance,
39 resolution, rule, regulation, order or directive in existence on the
40 effective date of 【this act】 P.L.1972, c.3 or passed hereafter shall
41 be void and have no force or effect.
42 b. A municipality may adopt an ordinance prohibiting an
43 applicant from obtaining employment with the municipal police
44 department or force unless the person agrees to remain a resident of
45 the municipality for the first five years of ³【his】 the person's³
46 employment. ¹【In any municipality that adopts an】 An¹ ordinance
47 ¹adopted¹ pursuant to this subsection ¹shall not take effect until

1 approved by the Commissioner of Community Affairs. Upon such
2 ordinance taking effect¹ , the applicant shall have six months from
3 the date of employment to begin residing in the municipality. The
4 six-month period shall begin on the applicant's first day of official
5 duty after the applicant has completed all requisite training. A
6 municipality that adopts an ordinance pursuant to this subsection
7 may provide an exception to the residency requirement for any
8 member of the police department who suffers injury, or a threat of
9 injury, to ³**[his]** their³ person, family, or property, committed by
10 another who acts with purpose to: (1) intimidate the officer because
11 of ³**[his]** the person's³ status as an officer; (2) manipulate an
12 investigation; or (3) otherwise influence the officer to violate ³**[his]**
13 the officer's³ official duty. ³A municipality may establish
14 guidelines for the granting of hardship waivers.

15 c. (1) An ordinance adopted pursuant to subsection b. of this
16 section shall contain incentives for residency within the
17 municipality including but not limited to municipal residency
18 -serving as the tie breaker in promotional exams.

19 (2) An ordinance adopted pursuant to subsection b. of this
20 section shall establish a tuition aid reimbursement program that
21 provides a reimbursement of not less than 20 percent of the cost of
22 relevant courses at the county college of the county within which
23 the municipality is located and which courses are required to be
24 taken as determined by the appointing authority of the municipality
25 unless the benefit is otherwise provided in a collective bargaining
26 agreement. A tuition aid reimbursement shall not be awarded until
27 the five-year residency requirement in subsection b. of this section
28 has been completed, except in the case of a transfer who has met the
29 residency requirements of a previous municipality at the time of
30 transfer.³

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

32
33 4. Section 12 of P.L.1972, c.3 (C.40A:14-122.2) is amended to
34 read as follows:

35 12. In any municipality **[wherein]** that operates under the
36 provisions of Title **[11 (Civil Service)] 11A, Civil Service,** of the
37 **[Revised]** New Jersey Statutes **[is operative]** , other than a
38 municipality which has adopted an ordinance ¹that has been
39 approved by the Commissioner of Community Affairs¹ pursuant to
40 subsection b. of section 11 of P.L.1972, c.3 (C.40A:14-122.1),
41 applicants for appointment to the police department and force who
42 are not residents of the municipality shall be eligible for
43 appointment thereto **[notwithstanding the provision of any statute,**
44 law, ordinance, rule or regulation to the contrary**].**

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

46
47 5. N.J.S.40A:14-106 is amended to read as follows:

1 40A:14-106. a. The governing body of any county, adopting
2 rules for the regulation of traffic upon the county highways and
3 roads and for the enforcement of laws pertaining thereto, by
4 ordinance or resolution, as appropriate, may create and establish a
5 county police department and force and provide for its maintenance,
6 regulation and control. Except as otherwise provided by law, the
7 governing body may appoint a chief of the department and such
8 other members, officers and personnel as shall be deemed
9 necessary, determine their terms of office, fix their compensation
10 and prescribe their powers, functions and duties. The governing
11 body shall adopt and promulgate rules and regulations for the
12 government of the department and force and for the discipline of its
13 members.

14 b. The governing body of a county may adopt ¹[an] a
15 resolution or¹ ordinance ¹, as appropriate, ¹prohibiting an applicant
16 from obtaining employment with the county police department or
17 force unless the person agrees to remain a resident of the county for
18 the first five years of his employment. ¹[In any county that adopts
19 an] A resolution or¹ ordinance ¹adopted¹ pursuant to this
20 subsection, ¹shall not take effect until approved by the
21 Commissioner of Community Affairs. Upon such resolution or
22 ordinance taking effect¹ the applicant shall have six months from
23 the date of employment to begin residing in the county. The six-
24 month period shall begin on the applicant's first day of official duty
25 after the applicant has completed all requisite training. A county
26 that adopts ¹[an] a resolution or¹ ordinance pursuant to this
27 subsection may provide an exception to the residency requirement
28 for any member of the police department who suffers injury, or a
29 threat of injury, to his person, family, or property, committed by
30 another who acts with purpose to: (1) intimidate the officer because
31 of his status as an officer; (2) manipulate an investigation; or (3)
32 otherwise influence the officer to violate his official duty.

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

34
35 ¹[6. Section 15 of P.L.2007, c.63 (C.40A:65-15) is amended to
36 read as follows:

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

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

44 (1) to sue and be sued;

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

17

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

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

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

29 (1) to sue and be sued;

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

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

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

39 (5) to sell real and personal property owned by the joint meeting
40 or regional service agency at public sale;

41 (6) to operate all services, lands, public improvements, works,
42 facilities or undertakings for the purposes and objects of the joint
43 meeting or regional service agency;

44 (7) to enter into a contract or contracts providing for or relating
45 to the use of its services, lands, public improvements, works,
46 facilities or undertakings, or any part thereof, by local units who are
47 not members of the joint meeting or regional service agency, and

1 other persons, upon payment of charges therefor as fixed by the
2 management committee;

3 (8) to receive whatever State or federal aid or grants that may be
4 available for the purposes of the joint meeting or regional service
5 agency and to make and perform any agreements and contracts that
6 are necessary or convenient in connection with the application for,
7 procurement, acceptance, or disposition of such State or federal aid
8 or grants; **and**

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

16 (10) to prohibit an applicant for a regional police or fire
17 department from obtaining employment with the regional police or
18 fire department unless the person agrees to remain a resident of the
19 region served by the department for the first five years of his
20 employment. Any residency requirement adopted pursuant to this
21 paragraph shall provide the applicant six months from his date of
22 employment to begin residing in the region served by his employer.
23 The six-month period shall begin on the applicant's first day of
24 official duty after the applicant has completed all requisite training.
25 A joint meeting or regional service agency that adopts a residency
26 requirement pursuant to this paragraph may provide an exception to
27 the residency requirement for any member of the regional police or
28 fire department who suffers injury, or a threat of injury, to his
29 person, family, or property, committed by another who acts with
30 purpose to: (1) intimidate the officer because of his status as an
31 officer; (2) manipulate an investigation; or (3) otherwise influence
32 the officer to violate his official duty.

33 ²A residency requirement adopted pursuant to this paragraph
34 shall not apply to any person who on the effective date of P.L. _____,
35 c. _____ (C. _____) (pending before the Legislature as this bill) is member
36 of a police department or force or a member of a fire department or
37 force who becomes a member of a regional police department or
38 force or a regional fire department or force, or a joint meeting for
39 law enforcement or fire protection, after the effective date of
40 P.L. _____, c. _____ (C. _____) (pending before the Legislature as this
41 bill), unless the member is already a resident of the region served
42 by his employer on the effective date of P.L. _____, c. _____ (C. _____)
43 (pending before the Legislature as this bill).²

44 c. If the governing body of a municipality in which a joint
45 meeting or regional service agency has applied for the location and
46 erection of sewage treatment or solid waste disposal facilities
47 refuses permission therefor, or fails to take final action upon the
48 application within 60 days of its filing, the joint meeting or regional

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

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

16

17 ²7. Notwithstanding the provisions of any law to the contrary, a
18 residency requirement adopted as part of a shared service agreement
19 or a joint contract among local units for law enforcement or fire
20 protection shall not apply to any person who on the effective date of
21 P.L. , c. (C.) (pending before the Legislature as this
22 bill) is member of a police department or force or a member of a
23 fire department or force that is a party to a shared service or joint
24 contract for such services after the effective date of
25 P.L. , c. (C.) (pending before the Legislature as this
26 bill), unless the member is already a resident of a local unit served
27 by the shared service or joint contract on the effective date of
28 P.L. , c. (C.) (pending before the Legislature as this bill).²

29

30 ²**[7.] 8.**² This act shall take effect immediately.