

[First Reprint]

**SENATE, No. 685**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Senator M. TERESA RUIZ**

**District 29 (Essex)**

**Senator SANDRA B. CUNNINGHAM**

**District 31 (Hudson)**

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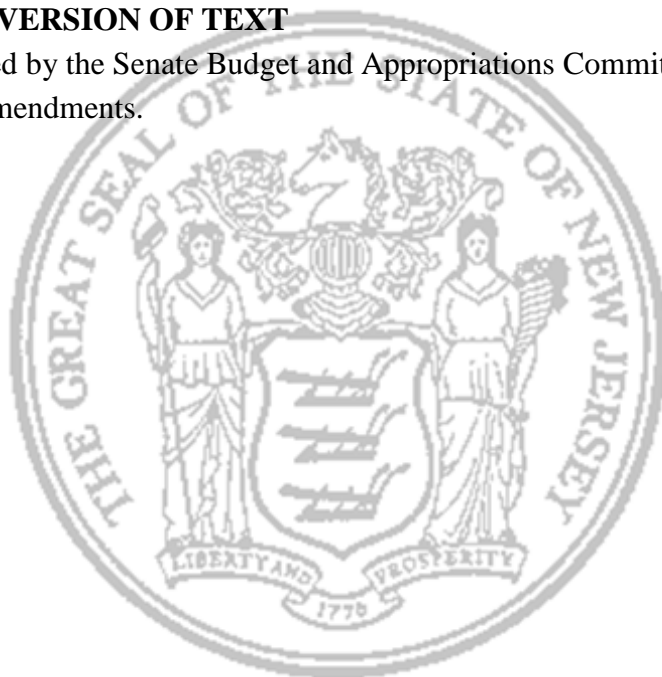
**Senator Rice**

**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 reported by the Senate Budget and Appropriations Committee on July 28, 2020, with amendments.



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

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

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

43 2. In any municipality **[wherein]** that operates under the  
44 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:

<sup>1</sup>Senate SBA committee amendments adopted July 28, 2020.

1 **【Revised】** New Jersey Statutes **【is operative】** , other than a  
2 municipality which has adopted an ordinance <sup>1</sup>that has been  
3 approved by the Commissioner of Community Affairs<sup>1</sup> 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 for 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. <sup>1</sup>**【In**  
27 **any municipality that adopts an】** An<sup>1</sup> ordinance <sup>1</sup>adopted<sup>1</sup> pursuant  
28 to this subsection <sup>1</sup>shall not take effect until approved by the  
29 Commissioner of Community Affairs. Upon such ordinance taking  
30 effect<sup>1</sup> , 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 <sup>1</sup>that has been  
2 approved by the Commissioner of Community Affairs <sup>1</sup> 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 <sup>1</sup>**【an】** a  
25 resolution or <sup>1</sup> ordinance <sup>1</sup>, as appropriate, <sup>1</sup> 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. <sup>1</sup>**【In any county that adopts**  
29 **an】** A resolution or <sup>1</sup> ordinance <sup>1</sup>adopted <sup>1</sup> pursuant to this  
30 subsection, <sup>1</sup>shall not take effect until approved by the  
31 Commissioner of Community Affairs. Upon such resolution or  
32 ordinance taking effect <sup>1</sup> 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 <sup>1</sup>**【an】** a resolution or <sup>1</sup> 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 <sup>1</sup>**【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.

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

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

26 (cf: P.L.2007, c.63, s.15)]<sup>1</sup>

27  
28 <sup>1</sup>6. Section 15 of P.L.2007, c.63 (C.40A:65-15) is amended to  
29 read as follows:

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

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

39 (1) to sue and be sued;

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

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

44 (4) to do and perform any and all acts or things necessary,  
45 convenient or desirable for the purposes of the joint meeting or  
46 regional service agency or to carry out any powers expressly given  
47 in sections 1 through 35 of P.L.2007, c.63 (C.40A:65-1 through  
48 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 c. If the governing body of a municipality in which a joint  
43 meeting or regional service agency has applied for the location and  
44 erection of sewage treatment or solid waste disposal facilities  
45 refuses permission therefor, or fails to take final action upon the  
46 application within 60 days of its filing, the joint meeting or regional  
47 service agency may, at any time within 30 days following the date  
48 of such refusal or the date of expiration of the 60-day period, apply

1 to the Department of Environmental Protection for relief. That  
2 department is authorized, after hearing the joint meeting or regional  
3 service agency and the interested municipality, to grant the  
4 application for the erection of the sewage treatment or disposal or  
5 solid waste treatment or disposal facilities, notwithstanding the  
6 refusal or failure to act of the municipal governing body, upon  
7 being satisfied that the topographical and other physical conditions  
8 existing in the local units comprising the joint meeting or regional  
9 service agency are such as to make the erection of such facilities  
10 within its boundaries impracticable as an improvement for the  
11 benefit of the whole applying joint meeting or regional service  
12 agency.<sup>1</sup>

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

14

15 This act shall take effect immediately.