

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 1986**

**No. 40**

Introduced by the Vice Chairman (Council Member Vallone), Council Members DeMarco and Castaneira Colon (By request of the Mayor).

**A LOCAL LAW**

*Int No 625*

**To amend the administrative code of the city of New York, in relation to requiring city residence as a condition of employment.**

*Be it enacted by the Council as follows:*

Section 1. Local law number forty of nineteen hundred seventy-eight is REPEALED.

§2. Sections 12-119, 12-120 and 12-121 of the administrative code of the city of New York are REPEALED and reenacted to read as follows:

§12-119 Definitions. As used in sections 12-120 and 12-121 of this subchapter:

a. The word "residence" means domicile and the word "resident" means domiciliary.

b. The term "city service" means service as an employee of the city or of any agency thereof other than service in a position which is exempted from municipal residence requirements pursuant to the public officers law or any other state law.

§12-120 Employees to be city residents. Except as otherwise provided in section 12-121, any person who enters city service on or after September first nineteen hundred eighty-six (i) shall be a resident of the city on the date that he or she enters city service or shall establish city residence within ninety days after such date and (ii) shall thereafter maintain city residence as a condition of employment. Failure to establish or maintain city residence as required by this section shall constitute a forfeiture of employment; provided, however, that prior to dismissal for failure to establish or maintain city residence an employee shall be given notice of and the opportunity to contest the charge that his or her residence is outside the city.

§12-121 Exceptions to city residence requirements. a. The personnel director on his or her own initiative or upon application of the head of an agency may certify that there is difficulty in the recruitment of personnel for a position and that to restrict recruitment for such position to city residents and persons who would be willing to establish city residence would not be in the public interest. Persons appointed to positions so certified by the personnel director shall not be required to establish or maintain city residence as a condition of employment while in service in that position. Each agency head may make application to the personnel director, in such form as the director shall prescribe, for the certification of positions within the agency head's jurisdiction. The personnel director may certify such positions subject to such limitations and conditions as the director may deem appropriate. Notwithstanding the foregoing provisions, positions in the city council may be so certified by the vice-chairman of the city council. Copies of all certifications of the personnel director and the vice-chairman shall be filed with the city clerk and shall be subject to annual review by the director and vice-chairman.

b. City residence shall not be required as a condition of employment for persons appointed to the position of chaplain or for employees whose regular work site is outside the city.

§3. This local law shall not be construed to supersede, alter or affect any order of the mayor adopted prior to or after the effective date of this local law requiring persons in mayoral agencies in

the exempt, non-competitive or provisional class of the civil service to establish or maintain residence within the city as a condition of employment except in so far as such order permits employees to reside outside the city who would otherwise be required by this local law to reside within the city.

§4. This local law shall not be construed to supersede, alter or affect any provision of the public officers law requiring that a person appointed to a position in city service be a resident on the date of such appointment.

§5. This local law shall take effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on July 10, 1986, and approved by the Mayor on July 30, 1986.

CARLOS CUEVAS, City Clerk, Clerk of the Council.

---

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW § 27

Pursuant to the provisions of Municipal Home Rule Law § 27, I hereby certify that the enclosed local law (Local Law 40 of 1986, Council Int. No. 625) contains the correct text and received the following vote at the meeting of the New York City Council on July 10, 1986: 31 for, 1 against, 1 not voting.

Was approved by the Mayor on July 30, 1986.

Was returned to the City Clerk on July 30, 1986.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.