

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2009**

No. 48

Introduced by Council Members de Blasio, Sears, Vallone, Jr., Jackson, Avella, Yassky, Fidler, Gonzalez, James, Koppell, Liu, Mealy, Nelson, Recchia, Jr., Reyna, Seabrook, Stewart, Weprin, Katz, Sanders Jr., Gerson, Vacca, Gennaro and Mitchell.

A LOCAL LAW

To amend the administrative code of the city of New York in relation to residency requirements for city employees

Be it enacted by the Council as follows:

Section 1. Section 12-120 of the administrative code of the city of New York, as added by local law number 40 for the year 1986, and as amended by local law number 10 for the year 2009, is amended to read as follows:

§12-120 Residency requirements. a. 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.

b. Notwithstanding subdivision a of this section, employees who have completed

two years of city *service* [employment and are either (i) in titles certified to a collective bargaining representative that has entered into an agreement with the city dated September 29, 2006 on or before the effective date of this local law to modify the residency requirements contained herein or (ii) represented by or affiliated with said representative and hold titles covered by Section 220 of the New York State Labor Law which subsequently enter into collective bargaining agreements or consent determinations to modify the residency requirements,] shall be deemed to be in compliance with the residency requirements of this section if they are residents of Nassau, Westchester, Suffolk, Orange, Rockland or Putnam county; *provided, however, that*

(i) the mayor may require deputy mayors, heads of mayoral agencies as defined in section 385 of the charter, deputy commissioners, assistant commissioners and general counsels of such agencies to have completed more than two years of city service to be in compliance with the residency requirements of this section,

(ii) the speaker of the council may require the council's chief of staff, deputy chiefs of staff, general counsel and division directors to have completed more than two years of city service to be in compliance with the residency requirements of this section,

(iii) the comptroller may require the chief of staff, deputy comptrollers, assistant comptrollers and general counsel to have completed more than two years of city service to be in compliance with the residency requirements of this section,

(iv) the borough presidents may require their chiefs of staff, deputy borough presidents and general counsels to have completed more than two years of city

service to be in compliance with the residency requirements of this section, and

(v) the public advocate may require the chief of staff, deputy advocates and general counsel to have completed more than two years of city service to be in compliance with the residency requirements of this section,

§2. The amendments to the administrative code enacted by this local law shall not be construed to affect administrative or judicial actions taken to enforce the residency requirements in effect prior to the effective date of this local law, or 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. In addition, such amendments shall not be construed to require the termination of any certification issued by the commissioner of citywide administrative services pursuant to subdivision a of section 12-121 of such code, as such subdivision was in effect prior to the effective date of this local law, or to require the recertification of any positions so certified prior to such effective date.

§3. 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.....June 19, 2009..... disapproved by the Mayor on...June 29, 2009and repassed by the Council Members on..... July 29, 2009.....and said law is adopted notwithstanding the objection of the Mayor.

MICHAEL M. McSWEENEY, City Clerk of the Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 48 of 2009, Council Int. No. 992-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on June 19, 2009:

50 for, 1 against, 0 not voting.

Was disapproved by the Mayor on June 29, 2009

Was returned to the City Clerk on June 29, 2009

Was reconsidered by the Council on July 29, 2009 and received the following vote of the Council members at a meeting of the Council on July 29, 2009:

46 for, 1 against, 0 not voting.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.