

ASSEMBLY, No. 2229

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED FEBRUARUY 7, 2022

Sponsored by:

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Co-Sponsored by:

**Assemblyman Caputo, Assemblywomen Reynolds-Jackson, Piperno,
Eulner, Matsikoudis, Haider and Assemblyman Umba**

SYNOPSIS

Eliminates requirement for State residency of public school employees for period of three years.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/14/2022)

1 AN ACT concerning the residency of public school employees and
2 amending R.S.52:14-7.

3

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

6

7 1. R.S.52:14-7 is amended to read as follows:

8 52:14-7. a. Every person holding an office, employment, or
9 position

10 (1) in the Executive, Legislative, or Judicial Branch of this
11 State, or

12 (2) with an authority, board, body, agency, commission, or
13 instrumentality of the State including any State college, university,
14 or other higher educational institution, and, to the extent consistent
15 with law, any interstate agency to which New Jersey is a party, or

16 (3) with a county, municipality, or other political subdivision of
17 the State or an authority, board, body, agency, district, commission,
18 or instrumentality of the county, municipality, or subdivision, or

19 (4) **[**with a school district or an authority, board, body, agency,
20 commission, or instrumentality of the district,**]** with a school
21 district, charter school, or renaissance school project.

22 shall have his or her principal residence in this State and shall
23 execute such office, employment, or position.

24 This residency requirement shall not apply to any person: (a)
25 who is employed on a temporary or per-semester basis as a visiting
26 professor, teacher, lecturer, or researcher by any State college,
27 university, or other higher educational institution, or county or
28 community college, or in a full or part-time position as a member of
29 the faculty, the research staff, or the administrative staff by any
30 State college, university, or other higher educational institution, or
31 county or community college, that the college, university, or
32 institution has included in the report required to be filed pursuant to
33 this subsection; (b) who is employed full-time by the State who
34 serves in an office, employment, or position that requires the person
35 to spend the majority of the person's working hours in a location
36 outside of this State; or (c) an officer of the waterfront commission
37 of New York harbor, employed by the commission on the effective
38 date of P.L.2017, c.324 (C.32:23-229 et al.), who seeks to be
39 transferred to the Division of State Police in the Department of Law
40 and Public Safety pursuant to section 4 of P.L.2017, c.324 (C.53:2-
41 9).

42 This residency requirement shall not apply to any person who is
43 hired by the New Jersey Transit Corporation as an engineer or
44 mechanic, or any other position certified by the board of directors
45 as a position of critical need.

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.

1 For the purposes of this subsection, a person may have at most
2 one principal residence, and the state of a person's principal
3 residence means the state (1) where the person spends the majority
4 of the person's nonworking time, and (2) which is most clearly the
5 center of the person's domestic life, and (3) which is designated as
6 the person's legal address and legal residence for voting. The fact
7 that a person is domiciled in this State shall not by itself satisfy the
8 requirement of principal residency hereunder.

9 A person, regardless of the office, employment, or position, who
10 holds an office, employment, or position in this State on the
11 effective date of P.L.2011, c.70 but does not have principal
12 residence in this State on that effective date shall not be subject to
13 the residency requirement of this subsection while the person
14 continues to hold office, employment, or position without a break in
15 public service of greater than seven days.

16 Any person may request an exemption from the provisions of
17 this subsection on the basis of critical need or hardship from a five-
18 member committee hereby established to consider applications for
19 exemptions. The committee shall be composed of three persons
20 appointed by the Governor, a person appointed by the Speaker of
21 the General Assembly, and a person appointed by the President of
22 the Senate, each of whom shall serve at the pleasure of the person
23 making the appointment and shall have a term not to exceed five
24 years. A vacancy on the committee shall be filled in the same
25 manner as the original appointment was made. The Governor shall
26 make provision to provide such clerical, secretarial, and
27 administrative support to the committee as may be necessary for it
28 to conduct its responsibilities pursuant to this subsection.

29 The decision on whether to approve an application from any
30 person shall be made by a majority vote of the members of the
31 committee, and those voting in the affirmative shall so sign the
32 approved application. If the committee fails to act on an application
33 within 30 days after the receipt thereof, no exemption shall be
34 granted and the residency requirement of this subsection shall be
35 operative. The head of a principal department of the Executive
36 Branch of the State government, a Justice of the Supreme Court,
37 judge of the Superior Court, and judge of any inferior court
38 established under the laws of this State shall not be eligible to
39 request from the committee an exemption from the provisions of
40 this subsection.

41 The exemption provided in this subsection for certain persons
42 employed by a State college, university, or other higher educational
43 institution, or a county or community college, other than those
44 employed on a temporary or per-semester basis as a visiting
45 professor, teacher, lecturer, or researcher, shall apply only to those
46 persons holding positions that the college, university, or institution
47 has included in a report of those full or part-time positions as a
48 member of the faculty, the research staff, or the administrative staff

1 requiring special expertise or extraordinary qualifications in an
2 academic, scientific, technical, professional, or medical field or in
3 administration, that, if not exempt from the residency requirement,
4 would seriously impede the ability of the college, university, or
5 institution to compete successfully with similar colleges,
6 universities, or institutions in other states. The report shall be
7 compiled annually and shall also contain the reasons why the
8 positions were selected for inclusion in the report. The report shall
9 be compiled and filed within 60 days following the effective date of
10 P.L.2011, c.70. The report shall be reviewed, revised as necessary,
11 and filed by January 1 of each year thereafter. Each report shall be
12 filed with the Governor and, pursuant to section 2 of P.L.1991,
13 c.164 (C.52:14-19.1), with the Legislature, and a report may be
14 revised at any time by filing an amendment to the report with the
15 Governor and Legislature.

16 Notwithstanding the provisions of this section to the contrary, for
17 a period of three years following the effective date of P.L. , c.
18 (C.) (pending before the Legislature as this bill), a person hired
19 by a school district, charter school, or renaissance school project
20 shall not be required to comply with the residency requirement
21 established pursuant to paragraph (4) of this subsection. During the
22 three year period for which a person hired by a school district,
23 charter school, or renaissance school project is not required to
24 comply with the residency requirement, each school district, charter
25 school, or renaissance school project seeking to fill an open position
26 shall make a good faith effort to hire a person who maintains a
27 principal residence in this State for the open position. A person
28 hired by a school district, charter school, or renaissance school
29 project who maintains or establishes a principal residence outside of
30 this State during the three year period shall not be required to
31 comply with the residency requirement established pursuant to
32 paragraph (4) of this subsection after the end of the three year
33 period, regardless of whether the person changes their principal
34 residence or experiences a break in service or employment with a
35 school district, charter school, or renaissance school project after
36 the end of the three year period.

37 The Department of Education, not later than 90 days after the
38 end of the three year period, shall submit a report to the Governor,
39 and the Legislature pursuant to section 2 of P.L.1991, c.164
40 (C.52:14-19.1), that evaluates the elimination of the residency
41 requirement for persons hired by a school district, charter school, or
42 renaissance school project during the three year period, with
43 specific regard to its effectiveness, any unintended consequences,
44 and any recommendations for legislation.

45 As used in this section, "school district" means any local or
46 regional school district established pursuant to chapter 8 or chapter
47 13 of Title 18A of the New Jersey Statutes or an authority, board,
48 body, agency, commission, or instrumentality of the district and any

1 jointure commission, county vocational school, county special
2 services district, educational services commission, educational
3 research and demonstration center, environmental education center,
4 and educational information and resource center.

5 b. If any person holding any office, employment, or other
6 position in this State shall attempt to let, farm out, or transfer office,
7 employment, or position or any part thereof to any person, the
8 person shall forfeit the sum of \$1,500, to be recovered with costs by
9 any person who shall sue for the same, one-half to the prosecutor
10 and the other half to the State Treasurer for the use of the State.

11 c. No person shall be appointed to or hold any position in this
12 State who has not the requisite qualifications for personally
13 performing the duties of such position in cases where scientific
14 engineering skill is necessary to the performance of the duties
15 thereof.

16 d. Any person holding or attempting to hold an office,
17 employment, or position in violation of this section shall be
18 considered as illegally holding or attempting to hold the same;
19 provided that a person holding an office, employment, or position in
20 this State shall have one year from the time of taking the office,
21 employment, or position to satisfy the requirement of principal
22 residency, and if thereafter the person fails to satisfy the
23 requirement of principal residency as defined herein with respect to
24 any 365-day period, that person shall be deemed unqualified for
25 holding the office, employment, or position. The Superior Court
26 shall, in a civil action in lieu of prerogative writ, give judgment of
27 ouster against the person, upon the complaint of any officer or
28 citizen of the State, provided that any complaint shall be brought
29 within one year of the alleged 365-day period of failure to have the
30 person's principal residence in this State.

31 (cf: P.L.2018, c.162, s.10)

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33 2. This act shall take effect immediately.

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STATEMENT

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38 This bill provides for a three year period during which a person
39 hired by a school district, charter school, or renaissance school project
40 will not be required to comply with the State residency requirement
41 under R.S.52:14-7. This State residency requirement was established
42 by law in 2011 and currently applies to all public officers and
43 employees in the State, with certain limited exceptions.

44 The bill also specifies that a person hired by a school district,
45 charter school, or renaissance school project who maintains or
46 establishes a principal residence outside of this State during the three
47 year period will not be required to comply with the residency
48 requirement after the end of the three year period, regardless of

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1 whether the person changes their principal residence or experiences a
2 break in service or employment with a school district, charter school,
3 or renaissance school project after the end of the three year period.

4 The bill requires the Department of Education, not later than 90
5 days after the end of the three year period, to submit a report to the
6 Governor and the Legislature that evaluates the elimination of the
7 residency requirement for persons hired by a school district, charter
8 school, or renaissance school project during the three year period, with
9 specific regard to its effectiveness, any unintended consequences, and
10 any recommendations for legislation.