

# SENATE, No. 2181

## STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

**Sponsored by:**

**Senator M. TERESA RUIZ**

**District 29 (Essex and Hudson)**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**Co-Sponsored by:**

**Senators A.M.Bucco, O'Scanlon, Zwicker, Diegnan, Pou and Space**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As reported by the Senate Education Committee with technical review.



**(Sponsorship Updated As Of: 2/12/2024)**

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

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

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

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

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

33

34 2. This act shall take effect immediately.