

## Residency Requirements - revised 12/20/2018

CITY	City Manager/ County Administrator	Department Directors	Police/Fire	Other Employees	Additional Info
Andover, KS	City Limits	No Requirement	Police and Fire Chief must live within the range of the departments paging system	No Requirement	
Butler County, KS	County Limits	Emergency Management (Director and Deputy Director)- Within the County, or if outside of county, within 15 minutes of the station in Augusta.	Sheriff's Patrol and Enforcement within County Limits.	No Requirement	
Coffeerville, KS	City Limits	Must reside in USD 445 School District	*	*	*Employees must be residents of KS and live within 25 miles of the Coffeerville City Hall and be able to drive to City Hall within 40 minutes
Des Moines, IA	*	*	Sworn public safety personnel must reside within one hour drive time of the city limits	*	*Non-civil service employees must reside within the city limits, within one month following their probationary period
Dodge City, KS	Must live in City Limits or 1-2 miles outside of limits	*	30 mile radius from the center of the City	Nothing mentioned for "other" employees	*City Mgr., Police Chief, Fire Chief, and Public Works director must live in city limits or 1-2 miles outside of limits
Gardner, KS	City Limits	No Requirement	Police Chief must live in city limits	No Requirement	
Hays, KS	City Manager, Asst City Manager must live in city limits	City Limits	Fire & Sworn Police (acceptance is non-clerical) personnel 3 mile planning radius	All other employees in Ellis County	
Hutchinson, KS	No Requirement	No Requirement	No Requirement	No Requirement	*Official requirement was eliminated in 2013, however, employees are strongly encouraged to reside within the city/county limits.
Independence, MO	No Requirement	No Requirement	No Requirement	No Requirement	
Junction City, KS	City limits	City limits	30 min response time	No Requirement	

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Kearny County, KS	30 minute response time	30 minute response time	30 minute response time	Public Works/Street Crew must be 30 minute response time, there is no requirement for other employees	*Department Directors determine if their employees must follow a residency rule
Lansing, KS	City Limits	City Limits	30 mile radius	30 mile radius	
Lawrence, KS	City Limits	City Limits	No Requirement	No Requirement	
Lenexa, KS	City Limits	City Limits	Police must reside within 45 minutes of Lenexa Police Department	*Management Team member hired is required to establish residency within the city limits within 6 months of a favorable employee evaluation conducted one year after hire	
Lincoln, NE	No Requirement	No Requirement	Police Officers must reside in County Limits	No Requirement	
Manhattan, KS	No Requirement	No Requirement	30 mile radius	*On-call city employees must reside within 30 mile radius of their work location	*Policy applies to on-call Public Works, Streets, Utilities, and Traffic employees. (Includes electricians, equipment operators, maintenance, airport and traffic techs)
Olathe, KS	No Requirement	No Requirement	Police Officers must live within 45 minutes of Olathe Police Department	No Requirement	
Overland Park, KS	City Limits	No Rule for Dept. Directors; Judges in city limits	Police Officers must live within 45 minutes of their work location	No Requirement	
Park City, KS	City Limits	City Limits	30 minute drive time	*No Requirement	*Department Directors have ability to change requirement for employees. Park City currently has crews that work on water main breaks, and street crews on a 20 minute requirement.
Pittsburg, KS	City Limits	Within 8 linear mile radius of 4th & Broadway St	No Requirement	No Requirement	

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Salina, KS	City Limits	City limits	Public Safety 40 minute response time	Utilities and Public Works Street employees 40 minutes response time	
Saline County, KS	No Requirement	No Requirement	No Requirement	No Requirement	
Shawnee County	No Requirement	No Requirement	No specific mile requirement, however Sheriff & Fire applicants must be able to respond in a minimum response time. If they are to certify and maintain the appointing authority a minimum response time, employee must transfer to a position without a requirement, or relocate residence.	No Requirement	
Shawnee, KS	City Limits	City Limits	No Requirement	No Requirement	
Topeka, KS	County Limits	County Limits	Police/Fire - county limits & 30 minute response time	County Limits	
Wichita, KS	City Limits	City Limits	Police and Fire reside within corporate limits or within 30 minutes driving by most direct route.	All employees reside within corporate limits or within 30 minutes of driving by most direct route.	
Wyandotte County Unified Government	County Limits	County Limits	County Limits	County Limits	Employees have 12 months to establish residency

## **Kansas City Income Tax**

Residents of Kansas City pay a flat city income tax of **1.00%** on earned income, in addition to the Missouri income tax and the Federal income tax.

Nonresidents who work in Kansas City also pay a local income tax of **1.00%**, the same as the local income tax paid by residents.

### **What is a local income tax?**

A **local income tax** is a special tax on earned income collected by local governments like counties, cities, and school districts. Fourteen states including Missouri allow local governments to collect an income tax.

While the federal income tax and the Missouri income tax are progressive income taxes with multiple tax brackets, all local income taxes are flat-rate taxes which are the same for every taxpayer regardless of income.

Another major difference between local income taxes and federal or state taxes is that most local taxes are collected only on **earned income**, and not on capital gains or other non-earned income like interest and dividends.

### **How do you pay the KC Income Tax?**

The Kansas City income tax is due on April 15th, when you file your federal and state tax returns. Because calculating your local income tax is relatively simple compared to your other tax returns, many tax preparers will file your Kansas City income tax return for free.

If you file your own taxes, the Kansas City tax collector will likely mail you a copy of the tax forms you need by April. Unfortunately, many leading e-file providers (like TurboTax and H&R Block) do not support local income taxes. Kansas City may have a proprietary e-filing system you can use alongside your state and federal e-filing provider.

## Return of the Residency Requirement

Springfield, MO

*June 23, 2016 Patrick Yeagle*

<https://illinoistimes.com/article-17377-return-of-the-residency-requirement.html>

Future city employees will have to live inside Springfield under an ordinance passed Tuesday by the city council.

The controversial issue created a split among some unions, with police, fire and lineman unions opposing the measure and 15 other unions already adopting residency requirements in their contracts. The new ordinance also has potential to affect the city's minority recruitment efforts when it takes effect next year.

Springfield Mayor Jim Langfelder proposed the ordinance, making good on a campaign promise and negotiating with several unions to gain support before bringing the idea to the city council.

The main bargaining units which have not agreed to a residency requirement are the unions covering city police officers, firefighters and linemen at City Water, Light and Power.

Springfield previously had a full residency requirement from 1976 to 2000, when the prior ordinance was repealed. A version of the ordinance remained in effect prior to Tuesday's vote, requiring certain members of the mayor's administration to live in the city.

As of June 1, 595 (42 percent) of the city's 1,414 employees lived outside the city boundaries, according to the mayor's office. That doesn't include temporary workers and four regular employees whose places of residence could not be verified. The city's data shows that nearly 58 percent of Springfield firefighters and 38 percent of police officers live outside the city boundaries.

The ordinance passed Tuesday requires all employees hired after Jan. 1, 2017, to live within the city limits or move here within 12 months of being hired. Existing employees who already live outside the city would not be required to move. The council voted to amend the mayor's original proposal by creating a process for employees to obtain a waiver in case of hardship. Such employees would have to prove the hardship each year and face a public vote by the city council.

Voting in favor of the amended ordinance were Ward 2 Ald. Herman Senor, Ward 3 Ald. Doris Turner, Ward 4 Ald. John Fulgenzi, Ward 5 Ald. Aaron Proctor, Ward 7 Ald. Joe McMenamin and Ward 9 Ald. Jim Donelan. Four aldermen voted against the ordinance: Ward 1 Ald. Chuck Redpath, Ward 6 Ald. Cory Jobe, Ward 8 Ald. Kris Theilen and Ward 10 Ald. Ralph Hanauer.

Several people spoke regarding the ordinance prior to the vote just before 9 p.m., including residents of Springfield who work for the city, employees who live outside the city, past employees who chose to remain in Springfield, a former alderman and two union representatives with opposing views.

Ultimately, Langfelder's insistence on not "watering down" his original plan prevailed, defeating two amendments that would have enlarged the allowable residency area – one to include all of Sangamon County and another to include a mile-and-a-half swath around the city boundaries.

A 2012 voter referendum showed Springfield residents favor a residency requirement 59 percent to 41 percent. More than 50,000 people weighed in on the question, and every ward except Ward 1 (Redpath) voted in support of residency. Ward 1 mostly covers the area south of Stevenson Drive and east of Sixth Street, including Lake Springfield and the University of Illinois Springfield.

However, Theilen and others cast doubt on the referendum results, claiming many residents didn't know they were voting to exclude city employees from living in "holes in the donut" – the many small municipalities surrounded by or touching Springfield, such as Leland Grove, Jerome and Southern View.

Paul Moore is a former CWLP supervisor of 20 years and assistant business manager of the International Brotherhood of Electrical Workers Local 193, which represents 136 employees at CWLP. Moore says that includes 16 audio-visual inspectors and 120 electrical workers who are paid with revenue from the utility's energy sales, not with tax dollars. Moore says that undercuts the argument that employees paid through taxes should live in the city.

"When there's an outage, these crews come in at all hours of the night to restore power," Moore said. "Not one single person asks, 'Hey, does that lineman live in Springfield?'"

Ernesto Johnson serves as co-chairman of the civic engagement task force with the Faith Coalition for the Common Good. A Springfield resident of 40 years, Johnson says the city's police and fire presence used to be more visible when those employees all lived in the city, providing better relationships between public servants and the public. Johnson says the residency requirement will strengthen neighborhoods, create more job opportunities for Springfield residents and improve the city's economy.

"Nobody's telling you where to work; it's just a job requirement," he said. "You can still have your fishing cabin in the country, but you need to spend the majority of your time living in the city."

Mostly unspoken in the debate over the residency requirement is how it might affect the city's minority recruitment efforts. Data from the city show the proportion of non-white city employees is increasing, but the workforce remains mostly white. An employment audit released in April says that during 2015, just 150 of the city's 1,421 workers at the time were non-white. That's 10.5 percent, compared with Springfield's non-white population of 24 percent.

The police and fire departments, along with CWLP, are among those with the lowest percentages of non-white employees. Combined, those three departments account for 1,055 workers, with just 89 non-white workers.

The city hasn't examined the racial makeup among employees who live elsewhere, but with only 150 non-white city employees total, it's clear that the majority of the nearly 600 workers who live outside the city are white.

Likewise, data from the U.S. Census Bureau show that the areas surrounding Springfield have significantly fewer non-white residents than the city itself. Capital Township, which has the same boundaries as Springfield, is 24 percent non-white, but the remaining townships in Sangamon County have on average 3.5 percent non-white residents.

Limiting city jobs to only those living within the city reduces the number of eligible white applicants and increases the percentage of non-white people in the pool of available workers. However, in an interview with Illinois Times prior to the vote, Hanauer in Ward 10 noted that the ordinance gives future employees up to 12 months to move, meaning the city could still hire people living outside the city.

“I just don’t agree with the logic that this helps the east side,” Hanauer said.

### **Arguments for and against the residency requirement**

At the most basic level, proponents of the residency requirement say it’s about reinvesting in the city that pays you. They say residency is merely a job requirement like a dress code, but it will have the effect of building up neighborhoods, creating better relationships between residents and public servants, keeping tax revenue circulating in the city’s economy, strengthening Springfield Public Schools and promoting pride in the city. Opponents – mainly police, firemen and linemen already employed by the city – say it’s a matter of freedom. They also pick apart the benefits touted by proponents and say the residency requirement may have unintended negative consequences.

The proponents note that the ordinance only applies to employees hired after Jan. 1, 2017, not those already hired. One current city employee, Josh Witkowski, opposed the ordinance because he currently lives in the city but would be banned from later moving elsewhere.

### **Education**

Proponents posit that people who are paid well – as with city jobs – live in nice houses, which means increased property taxes for schools. And while the argument wasn’t specifically outlined, more middle-class families means a smaller proportion of low-income students, which makes the school district more attractive for other middle-class families considering a move to Springfield.

In response, opponents say all of the houses in the city already yield property taxes – a fact that doesn’t change no matter who lives in them. Opponents also point out that Springfield’s corporate boundaries include parts of other school districts, such as New Berlin and Pleasant Plains, so the residency requirement won’t necessarily mean a large batch of new students for Springfield Public Schools. Proponents turn that argument around, saying the city’s boundaries overlapping with different school districts means families still have choices about where to send their children.

### **Taxes**

Proponents say employees whose salaries are funded with city taxes should keep that money in the city by living here. Opponents counter that sales tax is actually the largest revenue source for the city’s general fund, and sales tax comes from people living both inside and outside the city

limits. Additionally, opponents note that linemen at CWLP are paid with revenue from the utility's services, not from tax revenue. Proponents say property taxes are still the largest source of funding for the city's pension system, which all employees get regardless of where they live or how their salaries are paid.

### **Applicant pools**

Opponents of the residency requirement say it will decrease the number of people who apply for city jobs, making it difficult to find qualified employees. During debate on the ordinance, Paul Moore, assistant business manager for IBEW Local 193, said the linemen his union represents require training, and the pool of qualified people is already small. As older linemen retire, he said, there won't be enough qualified young linemen to replace them if new hires have to live in the city. Mayor Jim Langfelder countered that the city already trains all of its employees. Brad Schaive, business manager for Laborers Local 477, noted that the last time the city interviewed 200 applicants for a handful of jobs, only five people were hired. "If you pay," he said, "they will come – guaranteed."

*Contact Patrick Yeagle at [pyeagle@illinoistimes.com](mailto:pyeagle@illinoistimes.com).*

***CORRECTIONS: This article has been changed from the original story. Paul Moore's title has been corrected from president to assistant business manager for IBEW 193. Additionally, the article originally stated IBEW represents 120 linemen. It has been corrected to reflect that not all of the 120 electrical workers IBEW represents at CWLP are linemen.***



International Public Management Association for Human Resources  
**HR-CENTER**

April 2006

*Personnel Practices:*  
**Residency Requirements**



*International Public Management Association*

*for Human Resources*

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Alexandria, VA 22314

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<http://www.ipma-hr.org>

## RESIDENCY REQUIREMENTS POLICIES

### Table of Contents

I.	Residency Requirements Overview.....	3
II.	Sample Policies	
	A. City of Dubuque, IA.....	5
	B. City of Glen Cove , NY.....	7
	C. City of Waterloo, IA.....	8
	D. Office of Personnel, DC.....	10
	E. City of York, PA.....	13

As you develop your own plans and policies, please email information to [gov@ipma-hr.org](mailto:gov@ipma-hr.org).

IPMA-HR  
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## **Residency Requirements**

By: Ryan Lowry

Many towns, cities, and counties have ordinances requiring public employees to live in that jurisdiction or within a certain distance from the work site. According to the IPMA/NASPE 2000-2001 benchmarking report nearly 40 percent of jurisdictions have a residency requirement.

Having a residency requirement can be controversial. In some cases employees may want to work in an area but not be able to afford to live there. This happens frequently in metropolitan areas where the cost of living can be very high. The reverse may also be true; the work location may have high crime rates and poor schools, making it an undesirable place to live. Or, an individual may simply be well-established in an area and not want to move to unfamiliar surroundings.

Some agencies do require employees to live in the jurisdiction where they work or within a specific radius of their occupation. Agencies may require employees to do this for particular reasons that might help that person to perform their job at a higher level.

If a person works for an emergency medical service, accessibility for emergencies is a big issue. As with other employees who may work on an on-call basis, such as those responsible for public utilities and in the health care field. Certain people have expertise that must be drawn upon whenever necessary. If these people must travel many miles to report to work, there may be public health and safety issues.

Other reasons for having a residency requirement are as follows:

- Enhance the quality of performance. Those who live in the community have more invested in the community, therefore making more conscious decisions
- Increase the likelihood of interacting with community officials and citizens
- Minimize absenteeism
- Minimize tardiness
- Potential economic benefits
- Tax exemption purposes

Agencies that have residency requirement policies in place usually give new hires six months to move into the specified location and require specific documentation to verify that they reside in the proper jurisdiction. For example, the City of York in Pennsylvania asks for employees to provide a certificate stating their name and home address from the City's Controller.

In cities like York, failure to file the proper paperwork within the specified timeframe, results in immediate termination or a probationary period. The probationary period gives the employee an extension in time to find a residence in case he or she incurs problems trying to finding a place to live.

Are agencies allowed to enforce such a policy and carry its consequences legally? Given Supreme Court decisions on the topic, residency requirements are legal as long as the policy does not discriminate or unfairly favor someone based on sex, race, religion, or sexual orientation.

For example, the United States Court of Appeals for the Third Circuit ruled that the Town of Harrison's policy of hiring only residents violated Title VII of the Civil Rights Act of 1964. Harrison is a small town adjacent to Essex County and "could very well be considered an extension of the City of Newark." The residency requirement resulted in a disparity between the pool of qualified black applicants and the actual black representation among employees. *Newark Branch, National Association for the Advancement of Colored People, et al., v. Town of Harrison, New Jersey*, Docket No. 90-5897, July 1991.

On the other hand, some states do not allow their local governments and municipalities to implement these policies. Rather, they require that employees live within a "reasonable distance" from their occupation.

In some agencies, residency requirements are only required of directors and supervisors. For example, the City of Roanoke in Virginia only requires department heads to live within the city limits.

For information on specific Residency Requirement policies, please see the same policies below. Please keep IPMA-HR informed of any unique policies your agency may have or questions that may arise.

**CITY OF DUBUQUE  
ADMINISTRATIVE POLICY  
720 Central Avenue  
Dubuque, IA 52001**

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**PURPOSE**

The purpose of this Administrative Policy (AP) is to put into AP format the City's policy regarding residency requirements for City Employees.

**SCOPE**

This AP covers all full-time and part-time employees under the administrative control of the City Manager.

**RESPONSIBILITY**

It shall be the responsibility of the City Manager or his/her designated representative to insure compliance with this AP.

**POLICY**

All persons hired on or appointed after August 31, 1980, to a position of: (a) department manager or assistant department manager, except Assistant Fire Chief and Assistant Police Chief; (b) division manager; or (c) member of the City Manager's staff shall have their principal residence within the corporate limits of the City of Dubuque within six (6) months of the date of hire. Persons presently occupying any of the above described positions who currently live within the corporate limits of the City of Dubuque shall maintain their principal residence within the corporate limits of the City of Dubuque during the term of their employment with the City.

All other persons hired after August 31, 1980, shall be, within six (6) months of the date of hire, residents of the State of Iowa and shall have their principal place of residence either within the corporate limits of the City of Dubuque or within 6.5 miles of the corporate limits of the City of Dubuque by the most direct street, road, or highway.

Exception: Employees assigned to the Municipal Airport or the Metropolitan Solid Waste Agency shall comply with the AP, or, at their option, reside within 6.5 miles of their assigned worksite by the most direct street, road, or highway. Thirteen (13) percent of the staff hours established to operate the emergency communications center may be filled by employees who reside within Dubuque County.

In the event any current City Employee, prior to September 1, 1980, resided outside the State of Iowa or resided in Iowa but lived more than 6.5 miles outside the corporate limits of the City of Dubuque changes his/her place of principal residence on the first relocation so as to be fifty (50) percent closer to the 6.5-mile limit set in this AP, and on the second change of residence must relocate within the 6.5-mile limit of this AP.

In the event any current City employee, prior to September 1, 1980, resided within the corporate limits of the City of Dubuque or within 6.5 miles outside the corporate limits of the City of Dubuque, such employee shall maintain such residence either within the corporate limits of the City of Dubuque or within 6.5 miles of the corporate limits of the City of Dubuque during the term of their employment with the City.

Principal place of residence is defined as that place which the employee declares his/her home for voting purposes or with the intent to remain there permanently for a definite, indefinite or undetermined length of time.

All City employees shall report changes of principal addresses to their respective department/division managers within five (5) working days from the date of change of address.

All City employees shall comply with the provisions of this AP during the term of their employment with the City. Failure to comply with the provisions of this AP will be grounds for termination.

**City of Glen Cove  
Civil Service Commission  
9 Glen Street, Glen Cove, NY 11542**

**Residency Requirements**

Our Local Civil Service Rules set the default residency requirements for competitive examinations. Unless otherwise stated on exam postings, applicants must be residents of Glen Cove or contiguous villages for at least 12 months prior to the date of the exam. If any question of residency arises, it is the responsibility of the applicant to prove that they meet the residency requirements.

Residency requirements may be waived or expanded in instances where the Commission determines use of our residency requirements would be disadvantageous. Recently, the Commission decided to open many (non-entry level) exams to residents of Nassau County. The decision to reduce the residency requirements for these exams were based on the Commissions need to reduce the number of provisional employees. The various appointing authorities can determine that City of Glen Cove residents may take preference in certification in accordance with Civil Service Law.



# City of Waterloo

## Policy Regarding Residency of Critical Municipal Employees and City Department Heads

715 Mulberry Street  
Waterloo, IA 50703

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### **Application:**

This policy applies to all City of Waterloo employees deemed to be critical municipal employees and to all City of Waterloo Department Heads.

### **Policy:**

The City of Waterloo recognizes the need to have certain critical municipal employees able and available to respond on an emergency call basis. Those employees deemed to be critical municipal employees include: all ranks of sworn Police Officers and Fire Fighters; Fire Mechanic; all Street Department personnel except clerical staff; Forestry personnel; Airport Maintenance Workers; Garage Mechanics; Waste Water Operators; Treatment Operations Foreman; Sewer Maintenance Workers; Collection Systems Foreman; Maintenance Mechanics; Maintenance Foreman; Instrumentation Control Technicians; Instrumentation Control Foreman; all Traffic Operations personnel except clerical staff; Parking Maintenance personnel; and all Building Maintenance personnel.

If called in the event of an emergency, the City's critical municipal employees are expected to promptly report, prepared and ready for work. To ensure that these employees are able to report on a timely basis, it is the City of Waterloo's policy that all critical municipal employees who move their location of residence or who are hired after April 7, 2003, must physically reside within a radius of twenty (20) miles from Waterloo's City Hall.

City of Waterloo Department Heads who move their location of residence or who are hired after April 7, 2003, must physically reside within the city limits of Waterloo.

### **Provisions:**

1. This residency policy is in accordance with Section 400.17 of the Code of Iowa which permits cities to set reasonable maximum distances outside of the corporate limits of the city that police officers, fire fighters and other critical municipal employees may live.



2. New critical municipal employees will be provided a reasonable period of time in which to meet the residency requirements of this policy. As the time period may vary depending upon the type of position held, each Department Head with critical municipal employees shall adopt and enforce its own departmental policy specifying the deadline by which a new departmental employee must comply with the City of Waterloo's residency requirement.
3. Maintaining a post office box within the 20-mile radius from City Hall shall not satisfy the requirements of this policy; employees must maintain their physical place of residence within the specified distance. Any critical municipal employee or City Department Head who fails to comply with this Policy shall be subject to immediate termination of employment, except as hereinafter provided in numbered paragraphs 4 and 6.
4. City of Waterloo critical municipal employees and Department Heads who physically reside outside of a 20-mile radius of City Hall and are residing at such address as of April 7, 2003, shall not be required to comply with the provisions of this policy unless and until they move their location of physical residence.
5. The Police Chief, Fire Chief, and Department Heads shall be responsible for enforcing this policy with respect to the critical municipal employees within their departments. An area map showing a 20-mile radius from Waterloo's City Hall shall be made available by the Engineering Department to assist in this effort.
6. This policy shall be approved by City Council and become effective on April 7, 2003. This policy shall replace any previous residency policies or Council resolutions and shall remain in effect until replaced by subsequent Council resolution. Any exceptions to this policy regarding the residency of City of Waterloo critical municipal employees and Department Heads must be approved by a majority vote of the Waterloo City Council members.

**DC Office of Personnel**  
441 4th Street, NW, Suite 300S  
Washington, DC 20001  
(202) 442-9700

### **301 Residency Preferences**

301.1 A person who applies for employment in the Career Service or the Management Supervisory Service and who is a bona fide resident of the District of Columbia may claim a residency preference at the time of application.

301.2 An employee who applies for a competitive promotion in the Career Service or the Management Supervisory Service and who is a bona fide resident of the District of Columbia may claim a residency preference at the time of application.

301.3 When residency preference is claimed pursuant to § 301.1 or 301.2, proof of bona fide residency shall be submitted upon selection for the position.

301.4 Except as provided in § 301.14, an applicant for a position in the Career Service or the Management Supervisory Service who claims a residency preference and is selected for the position shall agree in writing at the time of appointment to maintain bona fide District residency for a period of five (5) consecutive years from the effective date of appointment.

301.5 Except as provided in § 301.14, an employee who claims a residency preference in applying for a competitive promotion and is selected for the position shall agree in writing no later than the day before the effective date of appointment to maintain bona fide District residency for a period of five (5) consecutive years from the effective date of appointment.

301.6 The requirement to maintain bona fide District residency as provided in §§ 301.4 and 301.5 shall be applicable to any applicant or employee who claims a residency preference and is selected for the position on or after March 16, 1989.

301.7 Failure to maintain bona fide District residency as provided in § 301.4, 301.5, or 301.6 shall result in forfeiture of employment.

301.8 Except as provided in § 301.9, residency preference shall be given by adding five (5) points to the rating and ranking score of each qualified applicant claiming or entitled to residency preference.

301.9 When all applicants are employees of the District government or when there are no qualified outside candidates who claim preference, no points shall be afforded to any qualified applicant who claims or is entitled to preference.

301.10 To fill a position in the Career Service or the Management Supervisory Service where two (2) or more applicants are equally qualified, the applicant with residency preference shall be listed and selected ahead of the non-preference candidate, with the determination as to equal qualifications made as follows:

(a) For an unassembled examining procedure, all applicants with the same categorical ranking; and

(b) For an assembled examining procedure, all applicants with the same numerical rating.

301.11 Each applicant for a position in the Career Service or the Management Supervisory Service shall be informed in writing by the personnel authority of the provisions of §§ 301.1 through 301.10.

301.12 Each person who claims a residency preference and who is selected for a position in the Career Service or the Management Supervisory Service shall be informed, in writing, by the personnel authority, no later than the effective date of the appointment, of the requirement to maintain bona fide District residency for a period of five (5) consecutive years from the effective date of appointment and that failure to do so shall result in forfeiture of employment.

301.13 For the purpose of this section, in order to be a bona fide resident of the District of Columbia, a person must maintain a place of abode in the District of Columbia as his or her actual, regular, and principal place of residence and must have the intent to remain in the District for a minimum of five (5) consecutive years from the date of appointment.

301.14 Notwithstanding any other provision of this chapter, any person who meets either of the following criteria shall be granted a residency preference, as provided in § 301.15, upon application for a competitive promotion in the Career Service or the Management Supervisory Service:

(a) Any person who was employed by the District of Columbia government on December 31, 1979, and who is still employed by the District of Columbia government without having had a break in service of one (1) workday or more since that date; or

(b) Pursuant to the provisions of § 7 of the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act, approved November 8, 1984 (P.L. 98-621; 98 Stat. 3376; 24 U.S.C. § 225e(b)) (P.L. 98-621), any former employee of the U.S. Department of Health and Human Services at St. Elizabeths Hospital who accepted employment with the District government without a break in service effective October 1, 1987, and who has not had a break in service since that date.

301.15 The entitlement to a residency preference pursuant to § 301.14 shall be granted if at least one (1) of the qualified applicants for the position has claimed a residency preference.

301.16 Each applicant for appointment or promotion shall be required to indicate at the time of application his or her claim or entitlement to residency preference in a manner prescribed by the Mayor.

301.17 The provisions of this section shall apply to Legal Service attorneys who are appointed competitively and who claim a residency preference at the time of application for positions in the Legal Service other than the Senior Executive Attorney Service.

City of York  
50 W King Street  
York, PA 17405

#### 165.07 RESIDENCY REQUIREMENTS.

- (a) "Employee" means any person appointed to any position of employment by the City, whether such employment be full or part-time provided such person receives financial compensation from the City subject to withholding taxes by the State or Federal government.
- (b) "Residence" means the actual domicile where the employee normally eats and sleeps and maintains a normal household.
- (c) All persons who shall become employed by the City (other than department heads who remain subject to the provisions of Section 121.03(b)) on or after the effective date of this section shall be or become residents of the City within six months from the first date the employee achieves permanent employment status.
- (d) All new employees, once their residence in the City is established, shall be required to maintain residence within the City during their employment. Failure to do so shall be determined to be a forfeiture of employment.
- (e) Effective February 1, 1994, and thereafter annually, every employee of the City shall file, with the City Controller, a certificate stating the employee's name and place of residence. Such a residence certificate shall be signed under penalty of perjury. The City Controller may also, from time to time, require proof of the bona fide residence of any employee of the City, to determine such employee's eligibility to receive financial compensation from the City.
- (f) Officials and employees of the City shall be subject to such residency requirement as may now or in the future be imposed by the laws of the Commonwealth of Pennsylvania or by any contract or agreement resulting from the collective bargaining process. (Ord. 3-1994 §1. Passed 2-1-94.)



Home / News

# Residency Recommendations

## Local Impacts of Employee Location

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As the manager of a relatively small local government of 30,000 residents, a request came to my office last year from an elected official to consider requiring all future department heads who are hired by the village to live within its boundaries.



Immediately my biases on the subject came to the surface. After 23 years, however, I have learned to never immediately shoot down an elected official's idea on any topic without thoroughly researching the matter and formulating a sound argument and recommendation.

As I began to study the topic, I found there was no one resource that provided information on local residency pros and cons. This article compiles the insight from numerous sources: general web-based news articles, ICMA website's "Ask & Answer," legal documents, and discussion with professional colleagues. (The Ask & Answer area of the website led me to more information at [icma.org/questions/mandatory-residency-employees#node-84748](https://icma.org/questions/mandatory-residency-employees#node-84748)).

Although my angle is from the point of view of department heads, much of the information gathered here could be expanded to include local government managers. It is my hope that this article will help others who are considering and researching the subject.

## Arguments *for* Residency Laws

The debate on residency has its proponents on both sides. Here are the top reasons identified for having residency laws:

**1. Residency ensures manpower will be available in case of an emergency.** This argument is specific to a community's first responders, and it also can relate to public works employees. Since these departments are usually unionized, it is a mandatory subject of bargaining.

A case can be made, however, for department heads and higher-level positions who usually serve in emergency operations centers to be required to live in the community where they are employed.

But unless the event is immediate, widespread, and a complete surprise, it is my experience that this can be managed. Over the past nine years, I managed two blizzards, one multi-day power outage, and four floods, all of which were anticipated.

Although four of these incidents were declared disasters by the United States president and I lived outside of the community some 12 miles away, I managed to be present and on-site for each incident without putting myself in danger.

**2. Residency promotes a better comprehension for problems within the community and an employee will take more interest in the results of their work.** This argument is probably the most emotional of all arguments for residency groups.

Residents and elected officials have a lot of pride in their local government and in most cases, deep roots. There is a strong belief among some that unless a management-level employee lives in town, owns a home, uses the schools, and participates in community events, they could never really be committed to it.

To begin with, top-level personnel need to be professionals committed to doing their absolute best to improve the life of those served. An argument can be made, however, that these same staff need to be connected to the community and actively work to not be alienated.

A community connection comes from a number of things—volunteering alongside residents, participating in community clubs, attending community events, and generally being available to residents and other community organizations and agencies.

It has been my experience that department heads and other front-line employees who live outside the community often bring fresh ideas and operational programs with them from those communities.

**3. Government confidence is increased when managed by residents.** The argument for residency laws was not seen much in my research, but it certainly grabbed my attention. Confidence, in my opinion, is built through facetime with the public as well as the celebration of staff successes.

Depending on the form of government, it is possible that elected officials who are residents may be more engaged in local policy implementation, which is the case in the village where I currently serve.

A case can also be made against management and upper-level employees being residents due to the chance of being unduly pressured by neighbors, family members, and patronage to act unilaterally or to give special treatment, thus ultimately chancing a loss of trust in the position.

**4. Residency promotes the "public coffer" principle, provides jobs to residents, encourages home ownership, and discourages middle-class flight.** Certainly, local employees, especially those in unions, could be considered by some to be the last stronghold of the middle class. These employees will enhance local revenues through both real estate taxes and local economy participation.

Economies, however, do not exist in isolation. People shop where they want to shop or where they need to shop based on accessibility. Employees also can be encouraged to participate in the local economy through a shop-local campaign that encourages them to shop close to work.

## **Arguments Against Residency Laws**

Here are the top reasons identified for not having residency laws:

**1. Residency results in a less-skilled workforce.** This argument against residency is likely the most commonly used by hiring professionals. A residency requirement could easily be that one issue that prevents a high-quality individual from entering a candidate pool.



The job offer must be good enough to overcome uprooting family, changing schools, accepting the quality of schools, overriding partner interests, moving costs, leaving aging parents, and so on.

If a position opening does not entice these candidates, a local government is left with the potential of a lower-skilled workforce, which will negatively impact the quality of work.

**2. Residency requires a generous compensation package to attract the best and brightest to work for a local government.** To overcome the pressures mentioned above, including underwater mortgages and a depressed housing market, a residency law would require a generous compensation package.

A compensation package that includes such benefits as moving and housing assistance, an above-average salary, an auto allowance, and an employment contract with generous separation terms among other items.

Unless the locality is willing to settle on a candidate who is less experienced or less qualified, a residency policy could become a long-term financial liability.

**3. Residency reduces the liberty of the employee.** Fundamentally, residency rules squeeze the rights of an employee by telling them where to buy a home, send their kids to school, raise a family, and spend their free time.

Quality of life is relative. While some may enjoy living in an urban setting, others may prefer suburban or country living. Forcing residency can easily have a negative impact on the work-life balance of an employee and his or her family members. This level of control could easily impact morale and quality of life resulting in resentment and ultimately, turnover.

My ultimate advice for local governments deciding to pursue residency laws for upper-level staff positions is to be mindful of the challenges they will face with attracting and retaining quality leaders and managers.

It is my experience that department heads and management personnel are career-driven professionals who are going to give any community they serve 110 percent. They will become connected to the community, no matter where they lay their heads at night.

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