

**Topic:**

MUNICIPAL OFFICIALS/EMPLOYEES; RESIDENCY REQUIREMENTS;

**Location:**

MUNICIPAL OFFICIALS AND EMPLOYEES;

**Scope:**

Court Cases; Connecticut laws/regulations;

 [OLR Research Report](#)



February 9, 2001

2001-R-0150

## **RESIDENCY REQUIREMENTS FOR MUNICIPALITIES**

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You asked which Connecticut towns have residency requirements for municipal employees such as firefighters, police officers, and teachers.

### **SUMMARY**

In Connecticut it is illegal to require firefighters, police officers, teachers, and other collective bargaining employees to live in town as a condition of employment (CGS §§ 7-460b and 10-155f). But, the law does not prohibit residency requirements for applicants for some of these positions. We surveyed 15 towns by telephone and found that one town requires applicants to be residents, three give residents bonus points on examinations, and one automatically considers three residents in the final selection pool. OLR Report 94-R-0255 attached gives a legislative history of the residency provision in CGS § 7-460b.

Towns can require non-collective bargaining employees to be residents of the town or district for which they work. Such employees include police chiefs, fire chiefs, school superintendents, and other high-ranking employees. Usually, the residency stipulation is written in the employee's contract.

### **RESIDENCY REQUIREMENTS**

We surveyed the following 15 towns to determine whether they have any residency requirements: Branford, Cromwell, Enfield, Glastonbury, Hartford, Manchester, New Britain, New Haven, Newington, Simsbury, South Windsor, Stafford, Stamford, Torrington, and Waterbury. Of these, only Hartford requires that applicants live in town. But New Haven and Waterbury give resident applicants a five to 10 point bonus on civil service

examinations thus increasing their final scores and chances of being hired. Branford gives extra points to resident volunteer firefighters applying for paid positions. And New Britain places the three residents with the highest scores on the job examination with the five applicants with the highest scores in the final selection pool.

## **COURT CASES**

More than once, the U.S. Supreme Court has ruled that residency provisions that require people to live in a certain town or state for a set period of time before becoming eligible to vote or receive welfare benefits are an unconstitutional infringement on the right to travel between states. But the Court has also upheld requirements that municipal employees live in a particular town or area while employed. The Court makes a distinction between “a requirement of continuing residency and a requirement of prior residency of a given duration.” The former is allowed while the latter is not (McCarthy v. Philadelphia Civil Service Commission, 424 U.S. 645 (1976)).

The Connecticut Supreme Court, in its rulings on residency requirements, makes a similar distinction. In 1984, the Court invalidated a Bridgeport requirement that, to be admitted to a civil service exam, an applicant must have been a city resident for at least 12 months before the exam date. The Court ruled that the requirement violated the equal protection clause of the U.S. Constitution and also infringed on the fundamental constitutional right to travel (Bruno v. Civil Service Commission of the City of Bridgeport et. al., 192 Conn. 335 (1984)). One year later, however, the court upheld a Bridgeport requirement that police officers live in the city while employed as Bridgeport police officers (Carofano v. Bridgeport, 196 Conn. 623 (1985)).

Because the highest state and federal courts have upheld more restrictive residency requirements, it is unlikely that they would find a mere hiring preference in favor of residents unconstitutional.

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