

RESIDENCY REQUIREMENTS

Historically most municipal charters in Rhode Island contained some provisions regarding residency requirements for various city and town employees at all levels of municipal government. However, beginning in 2001 with public schoolteachers and school district administrators (**16-12-9**), and then in 2005 with police officers and firefighters (**45-2-15.1**), as well as municipal employees (**45-2-15.2**), state laws, in effect, nullified these provisions in municipal charters. The specific provisions of these General Laws are listed below for the sake of clarification and reference.

Sec. 16-12-9 Residency within municipality not required. - Notwithstanding any prior ratification and validation by the general assembly of any home rule charter provision requiring that a public school department employee reside within the employing city or town, effective September 1, 2001, no home rule charter provision shall require that a public school department employee reside within the city or town as a condition of appointment or continued employment. Any prior ratification and validation by the general assembly of a home rule charter provision requiring residency within a city or town as a condition for employment of a public school department employee is expressly repealed by the general assembly. Nor shall any town or city council make or ordain any ordinance requiring that a school department employee reside within the employing city or town as a condition of appointment or continued employment. Any existing ordinance requiring that a public school department employee reside within the employing city or town as a condition of appointment or continued employment is considered contrary to the laws of this state and is thus void as violative of state law.

Sec. 45-2-15.1 Police officers and firefighters – Residency within municipality not required. – Notwithstanding any prior ratification and validation by the general assembly of any home rule charter provision requiring that police officers and firefighters reside within the employing city or town, no home rule charter provision shall require that a police officer or firefighter reside within the city or town as a condition of appointment or continued employment. Any prior ratification and validation by the general assembly of a home rule charter provision requiring residency within a city or town as a condition for employment of a police officer or firefighter is hereby expressly repealed by the general assembly; further, no city or town council shall make or ordain any ordinance requiring a police officer or firefighter to reside within the employing city or town as a condition of appointment or continued employment. Any existing ordinance requiring a police officer or firefighter to reside within the employing city or town as a condition of appointment or continued employment is hereby considered contrary to the laws of this state and is thus void as being in violation of state law.

Sec. 45-2-15.2 Municipal employees – Residency within municipality not required.

Notwithstanding any prior ratification and validation by the general assembly of any home rule charter provision requiring that municipal employees reside within the employing city or town, no home rule charter provision shall require that a municipal employee reside within the city or town as a condition of appointment or continued employment. Any prior ratification and validation by the general assembly of a home rule charter provision requiring residency within a city or town as a condition for employment of a municipal employee is hereby expressly repealed by the general assembly; provided, further, no city or town council shall make or ordain any ordinance requiring a municipal employee to reside within the employing city or town as a condition of appointment or continued employment. Any existing ordinance requiring a municipal employee to reside within the employing city or town as a condition of appointment or continued employment is hereby considered contrary to the laws of this state and is thus void as being in violation of state law. Nothing in this chapter shall preclude any city or town from offering employment incentives to its employees.

Notwithstanding the foregoing, no city or town with a municipal charter shall be precluded from entering into employment contracts which contain residency requirements with their appointed town or city manager(s) and/or town or city administrator(s).