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ORDINANCE AMENDMENT TO SECTION 2-221 OF THE CODE OF ORDINANCES OF THE CITY OF NEW HAVEN CONCERNING RESIDENCY REQUIREMENT EXCEPTIONS FOR INDIVIDUALS IN ROLES SUBJECT TO RESIDENT ELECTOR REQUIREMENTS UNDER ARTICLE II, SECTION 12 OF THE CITY CHARTER.

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WHEREAS, Article II, Section 12 of the Charter of the City of New Haven establishes elector and residency requirements for certain appointed officials in order to promote accountability, accessibility, and familiarity with the needs of City residents; and

WHEREAS, the Board of Alders recognizes that residency within the City promotes responsiveness to local concerns, strengthens public confidence in municipal government, and supports the Charter's purpose of ensuring local accountability; and

WHEREAS, the Board of Alders further recognizes that, in limited circumstances, strict application of such residency requirements for newly appointed coordinators and department heads may significantly affect the City's ability to recruit or retain highly qualified individuals necessary to serve the public interest; and

WHEREAS, the Board of Alders finds that any exception process should be narrowly tailored, transparent, based on documented review, and subject to written findings and approval by the Board of Alders; and

WHEREAS, the Board of Alders by this amendment preserves residency requirements as the general rule while establishing a limited process for case-specific exceptions in appropriate circumstances consistent with the Charter and the public interest.

NOW, THEREFORE, BE IT ORDAINED by the Board of Alders of the City of New Haven that Section 2-221 of the Code of Ordinances be amended as follows:

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DIVISION 1. GENERALLY

Section 2-221. Exceptions to Residency Requirements for individuals in roles subject to Resident Elector Requirements under Article II, Section 12 of the City Charter.

- (a) Notwithstanding the resident elector requirements otherwise applicable under Article II, Section 12 of the Charter, the Board of Alders may, upon written recommendation of the Mayor and review by the Personnel Director, grant a case-specific exception to such requirements for a specific individual, subject to the standards and procedures set forth in this section.
- (b) As pertains to individuals newly appointed or hired into such roles, any request for such exception shall be submitted within the period otherwise permitted for compliance under the Charter.
- (c) Request and Review for Exceptions to the Residency Requirement. The Mayor may submit to the Personnel Director a request for an exception pursuant to subsection (a) on behalf of a specific individual in a role subject to the residency requirement. Such submission shall identify the appointee and the position and may include such information as is reasonably necessary to support the request.

(d) The Personnel Director shall review the submission and may require additional information per their discretion. Upon completion of such review, the Personnel Director shall certify in writing to the Mayor whether the request satisfies the criteria for consideration, including, but not limited to, the following factors, as applicable:

- 1) whether the appointee possesses qualifications, training, experience, and demonstrated ability to perform the functions of the office;
- 2) whether the City conducted a reasonable and documented recruitment process, including public posting and active outreach appropriate to the position;
- 3) whether comparably qualified resident candidates were not reasonably available through the recruitment process;
- 4) whether strict application of the residency requirement would significantly affect the City's ability to recruit or retain a qualified candidate necessary to serve the public interest; or
- 5) whether the appointee has demonstrated that compliance with the residency requirement would impose a substantial hardship, including but not limited to:
  - a) economic hardship, including consideration of the cost of residency, the potential for economic loss associated with the sale of a residence owned prior to appointment, relocation expenses, and the cost of maintaining multiple residences for the purpose of complying with the requirements of the Charter;
  - b) the presence of school age children in the household;
  - c) the necessity of a member of the appointee's household to continue to reside in a residence owned prior to appointment;
  - d) health-related or medical reasons; or
  - e) any other factor that creates a substantial hardship for the appointee.

(e) Upon receipt of the Personnel Director's written certification, the Mayor may submit a written recommendation and supporting documentation to the Board of Alders for consideration.

(f) Conditions of New Appointment Exceptions. Any exception granted pursuant to subsection (a) shall:

- 1) Apply only to the specific individual for whom the exception is granted;
- 2) Apply only to the appointment for which the exception is granted;
- 3) Not be construed to create a continuing exemption for any successor appointee or similarly situated position;
- 4) Be subject to any conditions or limitations imposed by the Board of Alders;

- 5) Be subject to the continuing requirement that the individual for whom the exception is granted reside within the State of Connecticut; and
  - 6) Not diminish the authority of the Board of Alders under the Charter, ordinances, or applicable law.
- (g) Annual Review. The exception, if granted, shall be subject to an annual review by the Personnel Director to ensure that conditions have not changed. Following the review, the Director shall file a report and make recommendations to the Mayor and the Board of Alders regarding any further action pertaining to the exception. In the event there is reason to revoke the exception, the revocation shall be subject to approval by a majority vote of the members of the Board of Alders, present and voting.
- (h) No Precedent. The granting of an exception pursuant to this section shall not be deemed to establish a precedent, right, or entitlement to the granting of any future exception. In any legal challenge to the granting of an exception pursuant to this ordinance, the judgment of the Board of Alders in granting the exception shall be presumed to be reasonable and proper and shall not be set aside, vacated or invalidated absent clear and convincing evidence of mistake, fraud or the Board of Alders' lack of legal authority.
- (i) Severability. If any provision of this section or its application to any person or circumstance is held invalid, such invalidity shall not affect the remaining provisions or applications of this section.