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Boston Residency Requirement Still Active

Ordinance enforced despite its questionable benefits and uneven application

Boston's employee residency requirement is alive and well despite the rule's questionable benefits and the inequity in its application. The Boston Residency Compliance Commission's Annual Report for FY10 indicates that 139 city employees left city service due to residency violations. After investigations, 61 employees were found not in compliance and dismissed and 78 employees volunteered that they did not reside in Boston and resigned from city service. In FY10, 149 cases were referred to the Commission of which 102 were investigated. The results of those investigations are shown in the table below.

Results	Cases	Percent
In compliance	38	37.3%
In violation	61	59.8%
Continued	3	2.9%
Totals	102	100.0%

The residency requirement was promoted as an economic benefit in helping retain a middle class in the City but the employee numbers are too small to have a real impact. The City of Boston is a \$2.3B operation and the residency requirement has made it more difficult to recruit top talent in city departments, an important factor in ensuring the efficient delivery of services. Compliance of the rule is uneven since a large number of employees are exempt from the ordinance. For example, the Boston Teachers Union was

successful in securing legislation that exempted teachers from the ordinance. The last round of collective bargaining contracts with the public safety unions produced language that loosened the hold of the ordinance and reduced the time that police officers and firefighters were required to live in the City to 10 years. Because of the higher cost of housing in Boston, the City agreed with at least two unions representing lower paid employees to help fund a housing trust to assist employees.

The Boston residency ordinance (CBC. Ord. 5-5.2, 5-5.3) states that every person employed by the City of Boston on or after July 1, 1976 must be a resident of the City of Boston during his/her employment. If an exempted employee is promoted, that person must become a resident of the City within one year of promotion. Officers appointed by the Mayor or elected by the City Council, except those serving without compensation, face the same requirements but are allowed a period of six months after accepting the position to become a resident and registered voter.

Failure to comply with the stated qualifications results in termination of employment and disqualification from holding office. Employees and officers stricken from a payroll cannot be reemployed by the City for one year following termination.

The cost to the taxpayers for this program is at least \$44,912 to fund a full-time Residency Investigator in Property Management.