

Residency Requirement

Any person may apply for a City of Boston job. However, the selected applicant must be a resident of Boston on the first day of employment.

Newly hired employees are governed by the City of Boston Ordinance 5-5.3 as amended on July 21, 1994. Upon date of hire, and annually on February 1st, all employees subject to the City of Boston ordinance must file a certificate of residency and sufficient documentation with their respective department heads.

Employees must remain residents during their entire employment with the City of Boston.*

* Certain unionized members may become exempt from the residency ordinance in accordance with the relevant collective bargaining agreement.

Failure to file an annual residency certificate and sufficient documentation will result in a voluntary termination of your employment.

City of Boston Municipal Code, Section 5-5.3

Every person first employed by the City of Boston on or after July 1, 1976, shall be a resident of the City of Boston, and shall not cease to be a resident of the City of Boston during his employment by the City. For the purposes of this ordinance, an employee shall be any person receiving monies from the City or the Boston Water and Sewer Commission subject to withholding taxes by the State or Federal Government, except principal employees and officers subject to the provisions of subsection 5-5.2 hereof.

All persons promoted by the City on or after July 1, 1976, shall be, or within one year of such promotion become, a resident of the City as defined herein. Failure to do so shall be determined to be a voluntary termination of employment.

Upon taking employment with the City, and annually on February first thereafter, every person subject to this section shall file with his or her Department head, or like officer, a certificate, signed under the pains and penalties of perjury, stating his or her name, and place of residence. A copy of every such certificate shall be transmitted by the Department head or like officer to the Boston Residency Compliance Commission within five (5) business days of filing. Upon receipt of a certificate indicating a place or residence not within the City of Boston, or if no such certificate is filed, the Department head or like officer shall forthwith strike the name of the employee from the payroll, that person shall cease to be employed by the City, and the Department head or like officer shall give notice of his action to the City Clerk, who shall transmit the same to the City Council, the Mayor, and the Collector-Treasurer. No person so stricken from a payroll, shall be reemployed by the City for a period of one year following the cessation of his or her employment. Every employee shall be furnished a copy of the residency ordinance when hired and annually thereafter, but failure to receive a copy shall not be held to excuse any violation.

Any person, acting in behalf of the City who makes payment of wages to any person stricken from a payroll under the provisions hereof, within one year of the date of striking, and any person accepting such payment, shall be punished by a fine of two (\$2.00) dollars for each dollar so paid or accepted.

To the extent permissible by law, no collective bargaining agreement hereafter entered into by the City of Boston shall contain any provision contrary to the provisions hereof, nor shall the absence of any provision with respect to the residency of any person hired after the date of such contract be deemed to prevent enforcement of this section.

To the extent permitted by Chapter 31 of the General Laws, every examination held to establish a Civil Service list for employment by the City of Boston shall be restricted to City of Boston residents.

In the event that this section shall be deemed to be in conflict with a provision of any general or special law, the provision of that general or special law shall govern, and shall not defeat the application of this ordinance with respect to any position not governed by that law.

The provisions hereof shall not be waived by the Mayor nor the City Council with respect to a particular person or position. With respect to previous waivers exempting a particular person or position from the residency requirement, such waivers shall continue until such time as the waived individual terminates employment or the waived position becomes vacant.

The provisions hereof are severable, and the action of any court of competent jurisdiction in declaring any part or portion hereof invalid, shall not act to defeat any remaining part or portion hereof, and any such action declaring this section invalid with respect to any position or person shall not be held to apply to any other person or position.

In construing this ordinance, residence shall be the actual principal residence of the individual, where he or she normally eats and sleeps and maintains his or her normal personal and household effects. This ordinance shall be deemed to affect both Civil Service and non-Civil Service employees of the City.

(Ord. 1976 c. 9; Ord. 1994 c. 10 §§ 1-4; Ord. 1995 c. 7 § 1)

City of Boston Municipal Code