

Chapter 776

(House Bill 167)

AN ACT concerning

Counties and Municipalities – At-Will Supervisory Employees – Residency Requirements

FOR the purpose of authorizing a county or municipality to require a certain at-will supervisory employee to reside in the State, county, or municipality or within a certain distance of the State, county, or municipality as a condition of employment under certain circumstances; providing for the application of a certain local law, ordinance, or policy enacted or adopted by a county or municipality; and generally relating to residency requirements for employees of counties and municipalities in the State.

BY repealing and reenacting, with amendments,
 Article – Local Government
 Section 1–201
 Annotated Code of Maryland
 (2013 Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 That the Laws of Maryland read as follows:

Article – Local Government

1–201.

- (a) This section does not apply to:
- (1) an elected official;
 - (2) the head of a unit of a county or municipality who reports directly to:
 - (i) the chief administrative officer of the county or municipality;
 - (ii) an elected executive; or
 - (iii) the governing body of the county or municipality; or
 - (3) the chief administrative officer of the county or municipality.

(b) (1) **[A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A county or municipality may not require an employee to reside in the State,**

county, or municipality or within a specified distance of the State, county, or municipality as a condition of employment.

(2) A COUNTY OR MUNICIPALITY MAY REQUIRE AN AT-WILL SUPERVISORY EMPLOYEE TO RESIDE IN THE STATE, COUNTY, OR MUNICIPALITY OR WITHIN A SPECIFIED DISTANCE OF THE STATE, COUNTY, OR MUNICIPALITY AS A CONDITION OF EMPLOYMENT IF THE AT-WILL SUPERVISORY EMPLOYEE REPORTS DIRECTLY TO THE HEAD OF A UNIT OF THE COUNTY OR MUNICIPALITY.

(3) Subject to subsection (c) of this section, when making employment, promotion, demotion, layoff, and discharge decisions, a county or municipality may not discriminate based on an individual's place of residence.

(c) A county or municipality may grant a resident of the State, county, or municipality additional points or credits in employment or promotion decisions if the points or credits are provided in accordance with a merit system established by the county or municipality by local law or ordinance.

(d) An agency created under State law that provides governmental services to more than one county or municipality may not require an employee, as a condition of employment, to reside in the State or a county or municipality or within a specified distance of the State, a county, or a municipality for which the agency provides governmental services.

SECTION 2. AND BE IT FURTHER ENACTED, That a local law, ordinance, or policy enacted or adopted in accordance with this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to the continued employment of any individual employed by a county or municipality before the effective date of the local law, ordinance, or policy enacted or adopted by the county or municipality in accordance with this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.