by Courtney Gross
Monday, February 25, 2008 12:00 AM

Last year, Councilmember Mathieu Eugene was elected three times: Once in February, once in April and once in November. The reason: his address.

When the seat became vacant in January of 2007, Eugene lived in Canarsie, far beyond the Central Brooklyn district's borders. He later moved to a leased apartment in Prospect Park South, well within the district's borders. The question was whether he moved in time.

The controversy over his residence sent Brooklynites to and from the polls , elicited advice from the state attorney general and sparked a discussion on how long elected officials should live in their district before seeking office.

Different offices, from local to state to federal, have different requirements. And ironically, said some advocates and elected officials, it is the municipal level in New York City - the most local form of government - that has the most lenient rules.

Because of last year's confusion, residency requirements are now back in the spotlight and in front of the City Council this week. Several members want the state to require that municipal officials reside in their district for one year before an election. Others think a stringent rule could hinder a voter's choice - it is, after all, up to them.

A Variety of Rules

Anyone looking to run for the City Council must reside in the district on the day voters head to the polls. Prior to the marathon special elections in Brooklyn last year, however, even that was not clear.

When Eugene's residency was called into question, Council Speaker Christine Quinn sought guidance from Attorney General Andrew Cuomo to interpret the state's Public Officer's Law. Once Cuomo determined a candidate must reside in the district on the day of the election, Quinn required Eugene sign an affidavit affirming he resided in the district on the day of the election, and she announced that the City Council would no longer swear in new members until after the Board of Elections certified the results.

All this surprises some members of the City Council.

"I never knew that you could run for the City Council and you didn't have to live in the district," said Councilmember James Vacca, a co-sponsor of a resolution urging the state to take up the matter.

The rules are convoluted and not spelled out clearly, said officials and City Hall observers.

For most other offices, the requirements are quite clear. To run for statewide office, like governor, a candidate must be a resident of the state for five years. To run for the State Assembly or the State Senate, a candidate must reside in his or her district for a year.

To run for Congress a candidate must live in the state, but not necessarily the district. (Some city officials attribute this to history - specifically westward expansion, when there was barely a way to find transit to the Wild West, let alone legitimate candidates.)

A Reason to Resideâ€¦

What's in an address, anyway? To some City Council members it can be the difference between knowing your constituency and an underhanded motivation.

That’s why Councilmembers Kendall Stewart, Tony Avella and Vacca have signed onto a resolution (Reso. 1232), which calls for a one-year district residency requirement for all those seeking municipal office. (The City Council's residency requirement is a state statute, and thus cannot be changed at City Hall. Any revision would be decided in Albany.)

Those who have signed onto the legislation thus far say anyone who wants to seriously represent a community must be immersed in it - from the scents wafting from local restaurants to the shouts of playgrounds at local schools.

"If someone tells me they live in the 2100 block of Cruger Avenue, I know that block will need

additional trees," said Vacca. "I will tell you that some buildings are nicer than others."

Knowing a neighborhood inside and out is crucial to representing its interests, said sponsors.

Avella said a lack of requirements breeds carpetbaggers, who may not have the best motivations, he said.

"If you really want to run for office for the right reasons, why would you run for office in a district you don't live in?" asked Avella.

Several good government groups have voiced support for a residency requirement. Susan Lerner, the executive director of Common Cause New York , said the group had not taken a formal position on the resolution, but would likely support a one-year residency requirement. Lerner said there should be exceptions during redistricting years to ensure gerrymandering was avoided.

Neal Rosenstein of the New York Public Interest Research Group expressed a similar concern over redistricting, especially following the upcoming 2010 census.

"The notion of residency requirement is a great idea, (but) if improperly implemented, it can also be used to target or potentially disenfranchise candidates by gerrymandering them outside of a district," said Rosenstein.

â€¦And Not To

One good government group disagrees with the requirement. Citizens Union , the sister organization to Citizens Union Foundation, which is Gotham Gazette's publisher, opposes the one-year rule. The group argues it would hinder voter choice. Instead the group would like to see candidates disclose current addresses honestly, regardless of whether they are in or outside of the district being sought.

Officials, though, should reside in the district when they are sworn in, according to Citizens Union.

"Instead of winnowing the field of candidates, let the voters decide who they want to represent them," said Executive Director Dick Dadey.

Other officials were hesitant to endorse a year requirement just yet, but admitted that the current regulations were not up to par. Councilmember Simcha Felder, chair of the council's Governmental Operations Committee that is holding a hearing today on the issue, said the regulations need to be tweaked. How, he wouldn't say.

"It's a problem, and it's not a small one," said Felder. "Even if it only occurs infrequently, it really disenfranchises voters when they hear about these situations."

Â