



Legislation Text

File #: 1584-2012, **Version:** 2

This legislation enacts new Section 229 of the Columbus City Code to establish a City of Columbus Domestic Partnership Registry, and amends Ordinance No. 1077-2010, passed November 22, 2010, by updating the directive and criteria of extending benefits to older children and domestic partners of City employees.

In order for the City of Columbus to recognize relationships of mutual love, care, support and commitment, it is necessary for the government of the City of Columbus to enact new Section 229 of the Columbus City Code to establish a City of Columbus Domestic Partnership Registry. This registry will not only assist the City, and numerous local private and public entities, determine eligibility for partner benefits, it will further convey Columbus' long-time efforts of building an inclusive community that strives to improve residents' quality of life.

This ordinance also amends Ordinance 1077-2010, which will further strengthen the extension of eligible dependent benefits by updating the directive, and requirements to include the option of providing domestic partnership registration documentation as proof of eligibility.

WHEREAS, the government of the City of Columbus prides itself on being inclusive and representative of all residents, regardless of race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, or national origin, age, disability, familial status or military status, and

WHEREAS, the City of Columbus respects and recognizes that many unmarried residents of Columbus have formed loving, supportive, and faithful relationships; and

WHEREAS, many public and private companies, organizations and institutions allow their employees, members, patrons and other individuals with whom they interact to include their partners as beneficiaries of various policies, including but not limited to health insurance coverage, hospital visitation rights, and family recreational memberships; and

WHEREAS, a registry for unmarried couples, maintained by the Columbus City Clerk, would help remove the administrative burden on hospitals, universities, employers and other businesses to define and verify the existence of these committed, non-marital relationships; and

WHEREAS, a registry for unmarried couples could make those couples and their families feel more welcome and valued in Columbus; and

WHEREAS, Columbus City Council approved Ordinance 1077-2010 on November 22, 2010 to provide for additional eligible dependents who meet the necessary criteria with along with a City employee; and

WHEREAS, the City seeks to amend Ordinance 1077-2010 to now authorize, and direct, the Director of Human Resources to provide for additional eligible dependents for purposes of insurance coverage; Now, Therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Columbus City Codes, 1959, are hereby supplemented by the enactment of a new Section 229, which shall read as follows:

229 Domestic Partnership Registry
229.01 (A) Definitions

As used in this section:

- (1) "Domestic Partnership" refers to the non-marital committed relationship of two adults of the same or different sex, who share responsibility for each others' common welfare, and have signed and filed declaration of Domestic Partnership with the City.
- (2) "Financially Interdependent" means individuals in a domestic partnership are jointly responsible for the financial obligations of the partnership.

229.02 (B) Domestic Partnership Criteria

To establish a domestic partnership, two individuals must file a Declaration of Domestic Partnership with the Columbus City Clerk affirming that they ~~meet the following eligibility requirement:~~(1) share with another adult **share with an adult co-applicant** a government-issued marriage license **not** whether recognized by the State of Ohio or not, **or that they meet all of the following eligibility requirements as set forth below.**

~~OR all of the following requirements:~~

- (1) Are not currently married to another adult as recognized by Ohio law ~~besides the adult with whom the domestic partnership is being established;~~ and
- (2) Are not legally separated from another person either under statutory or common law; and
- (3) Shares responsibility for each others' common welfare; and
- (4) Are at least eighteen (18) years of age and mentally competent to consent to contract; and
- (5) Are financially interdependent, as demonstrated by at least four (4) of the following:
 - a) Joint ownership of real estate property or joint tenancy on a residential lease; or
 - b) Joint ownership of an automobile; or
 - c) Joint bank or credit account; or
 - d) Joint liabilities (e.g., credit cards or loans); or
 - e) A will designating the interdependent adults as primary beneficiaries; or
 - f) A retirement plan or life insurance policy beneficiary designation form designating the interdependent adults as primary beneficiaries; or
 - g) A durable power of attorney signed to the effect that the two interdependent adults have granted powers to one another.

229.03 (C) Filing

- (1) Location: Two persons wishing to establish a domestic partnership must complete and file, either in person or by ground mail, a Declaration of Domestic Partnership with the Columbus City Clerk.
- (2) Prohibitions: No individual who has previously filed a Declaration of Domestic Partnership with the Columbus City Clerk may file a new Declaration of Domestic Partnership until a Notice of Termination of Domestic Partnership has been filed with the Columbus City Clerk. However, this prohibition shall not apply if the previous domestic partnership ended because one of the domestic partners is deceased. A death certificate or a dated newspaper obituary with newspaper citation may be used as proof of death to end partnership.

229.04 (D) Registration

- (1) The city clerk shall develop "Declaration of Domestic Partnership" and "Notice of Termination of Domestic Partnership" forms.
- (2) The "Declaration of Domestic Partnership" form shall require each registrant to:
 - a) Affirm that he or she meets the aforementioned requirements of this section;
 - b) Provide a mailing address;
 - c) Sign the form under penalty of perjury; and
 - d) Have a notary public acknowledge his or her signature.
- (3) The City shall have declaration and termination forms available at the office of the City Clerk.

- (4) The City shall charge an administrative fee of \$50 to persons filing a Declaration of Domestic Partnership. No fee shall be charged for the filing of a Notice of Termination of Domestic Partnership.
- (5) The City shall register the Declaration of Domestic Partnership in a registry and return a copy of the declaration form to the domestic partners at the address provided as their common residence.
- (6) The City shall register the Notice of Termination of Domestic Partnership pursuant to the aforementioned requirements set forth in this division.

229.05 (E) Termination

- (1) A domestic partnership ends when:
 - a) One of the domestic partners dies; or
 - b) A Notice of Termination of Domestic Partnership has been filed by one or both domestic partners with the City.
- (2) If the facts affirmed in the Declaration of Domestic Partnership cease to be true, one or both parties to a domestic partnership shall file a Notice of Termination of Domestic Partnership with the City Clerk. Upon receipt, the City shall return a copy of the notice marked "filed" to each of the partners if jointly filed; or two copies to the filing partner. Unless the partners jointly file the notice, the partner filing the notice shall, within five days, send a copy of the filed notice to the other partner's last known address. However, this requirement shall not apply if the termination is due to the death of one of the domestic partners.
- (3) Termination of a domestic partnership shall be effective upon filing of the Notice of Termination of Domestic Partnership with the City by one or both partners or on the date of the death of one of the domestic partners.
- (4) Following the termination of a domestic partnership, the burden of notification rests with each former domestic partner who has received or qualified for any benefit or right based upon the existence of a domestic partnership and whose receipt of that benefit or enjoyment of that right has not otherwise terminated, to give prompt notification to any third party who provides such benefit or right that the domestic partnership was terminated. The City shall not be liable for any injury to any third party by virtue of lack of notice of termination to the domestic partnership, including any third party which has provided any benefits regarding the domestic partnership.
- (5) Failure to provide notice to third parties as prescribed in this section shall not delay or prevent the termination of the domestic partnership.

229.06 (F) Legal Effect

- (1) Registering as domestic partners by two individuals who are also married to one another in Ohio or in another state shall under no circumstances be considered as evidence, knowledge, awareness or an admission that the partners are not lawfully married and it shall not be given any other legal effect in Ohio or any other state with regard to whether the persons are lawfully married.
- (2) Nothing in this division shall be interpreted to alter or contravene county, state or federal law.
- (3) Nothing in this division shall be construed as recognizing or treating a Declaration of Domestic Partnership as a marriage or a legal status that intends to approximate the design, qualities, significance or effect of marriage.

Section 2. That Section 3 of Ordinance 1077-2010 is amended to the following:

That the Human Resources Director is hereby authorized **and directed** to provide for additional eligible dependents to include an adult with whom the covered employee shares a permanent residence. The additional eligible dependent must also **be registered along with the City employee on the City's Domestic Partnership Registry, or** meet all of the following criteria:

- (1) Is not currently married to or legally separated from another person either under statutory or common law; and
- (2) Shares responsibility with the employee for each others' common welfare; and
- (3) Is at least eighteen (18) years of age and mentally competent to consent to contract; and
- (4) Is financially interdependent with the employee, as demonstrated by a signed declaration of financial interdependence and at least four (4) of the following:
 - a) Joint ownership of real estate property or joint tenancy on a residential lease; or
 - b) Joint ownership of an automobile; or
 - c) Joint bank or credit account; or
 - d) Joint liabilities (e.g., credit cards or loans); or
 - e) A will designating the eligible dependent as primary beneficiary; or
 - f) A retirement plan or life insurance policy beneficiary designation form designating the eligible dependent as primary beneficiary; or
 - g) A durable power of attorney signed to the effect that the employee and eligible dependent have granted powers to one another.
 - h) ~~Any additional criteria limiting eligibility as determined by the Human Resources Director. Such additional criteria shall be incorporated by amendment in the Health Insurance Summary Plan Description, commonly referred to as the benefit booklet.~~

Section 3. That this ordinance shall take effect at the earliest possible date allowed by law but its provisions shall not be enforced until ninety days from final passage.