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**LOCAL LAWS  
OF  
THE CITY OF NEW YORK**

65 CHAMBERS STREET  
NEW YORK CITY

**FOR THE YEAR 1998**

No. 27

Introduced by the Speaker (Council Member Vallone) and Council Members Duane, DiBrienza, Freed, Pinkett, Berman, Reed, Robles, Eisland, Lopez, McCaffrey, Rivera, Koslowitz, Fisher, Watkins, Eldridge, Sabini, Miller, Eristoff, Malave-Dilan, Espada, Henry, Michels, Perkins, White, Linares and Cruz and the Public Advocate (Mr. Green) (by request of the Mayor); also Council Members Carrion, Clarke, Foster, Harrison, Leffler, Marshall, O'Donovan and Robinson.

**A LOCAL LAW**

**To amend the charter and administrative code of the city of New York, in relation to domestic partners.**

*Be it enacted by the Council as follows:*

Section 1. Declaration of legislative intent and findings. Mayoral Executive Orders spanning the past two administrations have established several rights and procedures relative to domestic partnerships, including a procedure for City residents to register their domestic partnerships in the office of the City Clerk. Such orders have further provided, among other things, that (i) registered domestic partners are eligible for visitation rights in City hospitals and correction facilities; (ii) City employees with registered domestic partnerships are eligible for child care leave and bereavement leave on the same basis as those benefits are afforded to employees with regard to their spouses; and (iii) registered domestic partnership is evidence of the right to succession to tenancy rights in facilities operated by the New York City housing authority and the department of housing preservation and development. By the end of April 1998, there were approximately 8,700 couples registered as domestic partners in New York City. More than 55% of those registered domestic partners were heterosexual couples, and less than 45% were same sex couples. Almost forty percent of registered domestic partnerships have accessed City health benefits available to partners of City employees and retirees.

The Council hereby finds that the provisions of those executive orders (Executive Order No. 48, dated January 7, 1993 and Executive Order No. 49, dated January 7, 1993) should now be enacted into local law and that, consistent with the intent of such orders and subject to any applicable federal or state law, the various provisions applicable to spouses in the charter and administrative code of the City of New York, as speci-

fied herein, should now be extended to domestic partners. The Council further notes that concurrent with the enactment of this legislation, agencies will be amending their rules and completing a review of agency policies and practices to effectuate that intent regarding domestic partners.

§ 2. Chapter 2 of Title 3 of the administrative code of the city of New York is amended by adding a new subchapter 3, entitled domestic partnerships, to read as follows:

*Subchapter 3. Domestic Partnerships*

§ 3-240. *As used in this section, the following terms shall have the following meanings:*

a. *"Domestic partners" shall mean persons who have a registered domestic partnership, which shall include any partnership registered pursuant to this chapter, any partnership registered in accordance with executive order number 123, dated August 7, 1989, and any partnership registered in accordance with executive order number 48, dated January 7, 1993. Nothing in this code shall affect a partnership that has been registered pursuant to either such executive order and has not been terminated in accordance with such executive orders or this chapter.*

b. *"Registry of domestic partnerships" shall mean the registry maintained by the city clerk pursuant to this chapter, and shall include all domestic partnerships registered by the city clerk pursuant to executive order number 48, dated January 7, 1993, and all domestic partnerships registered with the former department of personnel pursuant to executive order number 123, dated August 7, 1989. Within ten days of the effective date of the local law that added this definition, the department of citywide administrative services shall transfer to the city clerk the records of domestic partnerships registered with the former department of personnel.*

c. *"Affidavit of domestic partnership" shall mean an affidavit prepared by the office of the city clerk in accordance with rules adopted by the city clerk.*

§ 3-241. *Domestic partnership registration. a. A domestic partnership may be registered by two people who meet all of the following conditions:*

1. *Either: (a) both persons are residents of the city of New York or (b) at least one partner is employed by the city of New York on the date of registration;*

2. *Both persons are eighteen years of age or older;*

3. *Neither of the persons is married;*

4. *Neither of the persons is a party to another domestic partnership, or has been a party to another domestic partnership within the six months immediately prior to registration;*

5. *The persons are not related to each other by blood in a manner that would bar their marriage in the state of New York;*

6. *The persons have a close and committed personal relationship, live together and have been living together on a continuous basis.*

b. *In order to register, persons shall execute an affidavit of domestic partnership and submit it to the city clerk, who shall maintain a registry of domestic partnerships. Both parties to the partnership shall be present when the affidavit is submitted.*

c. *Except when one of the parties is confined to a prison, in a hospital or other health care facility, or is unable to travel to the office of the city clerk because of a dis-*

ability, the affidavits shall be submitted to the city clerk at the office of the city clerk. The city clerk may adopt such rules as are necessary to implement the domestic partnership registration program. Such rules shall include provisions necessary to provide for the registration of domestic partners when one of the partners is in prison or unable to travel, which shall be equivalent to the rules applicable to persons in such circumstances who apply for a marriage license.

§ 3-242. a. Termination of domestic partnership. If either party or both parties to a registered domestic partnership determines that the partnership has terminated, one of the partners shall file a termination statement with the city clerk. The person filing the termination statement shall declare that the domestic partnership is terminated and, if the termination statement has not been signed by both domestic partners, that the other domestic partner has been notified of such termination by registered mail, return receipt requested.

b. A domestic partnership shall terminate whenever one of the parties to the partnership marries.

§ 3-243. Confidentiality of domestic partnership information. The city clerk shall establish procedures to ensure the confidentiality of information in the registry of domestic partnerships.

a. In the ordinary course of business, such records shall be released only:

1. To the parties to the domestic partnership;
2. To individuals presenting written authorization from one of the parties to the domestic partnership;
3. To attorneys in cases where such records are required as evidence in a legal proceeding.

b. The following restrictions shall not apply to records that are at least fifty years old, or to records where both parties to the domestic partnership are deceased:

1. Where a party to the domestic partnership sends a third party to obtain their domestic partnership record without a letter of authorization, the third party may make the request and pay any applicable fee if the third party consents to having the record mailed directly to the party to the domestic partnership. The record shall not be released directly to the unauthorized third party.

2. If a person requires information concerning the prior history of domestic partnerships of a person who is that person's domestic partner or spouse or prospective domestic partner or spouse, the office of the City Clerk shall, upon receiving adequate assurance that such person's interest is as described in this paragraph, payment of the appropriate fee, and the furnishing of an approximate date of the registration of the partnership and sufficient information to search under at least one party's name, confirm only the fact of a prior domestic partnership by a "yes" or "no" answer.

c. Nothing herein shall be construed to prohibit the publication of statistics pertaining to domestic partnerships which have been registered by the city clerk, provided that appropriate measures are taken to prevent identification of persons registered.

§ 3-244. Certificate of domestic partnership registration. The city clerk shall issue a certificate of domestic partnership registration to persons who have registered pursuant to this subchapter. Such a certificate shall constitute notice of a registered domes-

*tic partnership when persons apply for rights or benefits available to domestic partners, including but not limited to:*

- a. Bereavement leave and child care leave of absence for city employees;*
- b. Visitation in city correctional and juvenile detention facilities;*
- c. Visitation in facilities operated by the New York City health and hospitals corporation;*
- d. Eligibility to qualify as a family member to be added by the New York City housing authority to an existing tenancy as a permanent resident;*
- e. Eligibility to qualify as a family member entitled to succeed to the tenancy or occupancy rights of a tenant or cooperator in buildings supervised by or under the jurisdiction of the department of housing preservation and development;*
- f. Health benefits provided by the city to city employees and retirees and eligible members of their families, pursuant to stipulation or collective bargaining;*
- g. Such other rights or benefits as may be established pursuant to applicable law.*

§ 3. Section 1150 of the New York city charter is amended by adding a new subdivision 13, to read as follows:

13. The term "domestic partner" shall mean persons who have a registered domestic partnership pursuant to section 3-240 of the administrative code, a domestic partnership registered in accordance with executive order number 123, dated August 7, 1989, or a domestic partnership registered in accordance with executive order number 48, dated January 7, 1993.

§ 4. Paragraph 3 of subdivision a of section 111 of the New York city charter, as added by vote of the electorate on November 7, 1989, is amended to read as follows:

3. Require each member of its governing board to submit to the agency each year a disclosure statement including such member's name, home address, principal occupation and business interests from which such member or such member's spouse or domestic partner received income equal to or greater than ten per cent of their aggregate gross income during the previous year.

§ 5. Subdivisions 5, 6, 16 and 21 of section 2601 of the New York city charter, as added by vote of the electorate on November 8, 1988, are amended to read as follows:

5. A person or firm "associated" with a public servant includes a spouse, domestic partner, child, parent or sibling; a person with whom the public servant has a business or other financial relationship; and each firm in which the public servant has a present or potential interest.

6. "Blind trust" means a trust in which a public servant, or the public servant's spouse, domestic partner, or unemancipated child, has a beneficial interest, the holdings and sources of income of which the public servant, the public servant's spouse, domestic partner, and unemancipated child have no knowledge, and which meets requirements established by rules of the board, which shall include provisions regarding the independent authority and discretion of the trustee, and the trustee's confidential treatment of information regarding the holdings and sources of income of the trust.

16. "Ownership interest" means an interest in a firm held by a public servant, or the public servant's spouse, domestic partner, or unemancipated child, which exceeds five percent of the firm or an investment of twenty-five thousand dollars in cash or other form of commitment, whichever is less, or five percent or twenty-five thousand dollars of the

firm's indebtedness, whichever is less, and any lesser interest in a firm when the public servant, or the public servant's spouse, *domestic partner*, or unemancipated child exercises managerial control or responsibility regarding any such firm, but shall not include interests held in any pension plan, deferred compensation plan or mutual fund, the investments of which are not controlled by the public servant, the public servant's spouse, *domestic partner*, or unemancipated child, or in any blind trust which holds or acquires an ownership interest. The amount of twenty-five thousand dollars specified herein shall be modified by the board pursuant to subdivision a of section twenty-six hundred three.

21. a. "Spouse" means a husband or wife of a public servant who is not legally separated from such public servant.

b. "*Domestic partner*" means persons who have a registered domestic partnership pursuant to section 3-240 of the administrative code, a domestic partnership registered in accordance with executive order number 123, dated August 7, 1989, or a domestic partnership registered in accordance with executive order number 48, dated January 7, 1993.

§ 6. Subparagraph (a) of paragraph 15 of subdivision a of section 2903 of the New York city charter, as amended by local law number 43 for the year 1995, is amended to read as follows:

(a) The commissioner shall issue a special vehicle identification parking permit to a New York city resident who requires the use of a private automobile for transportation and to a non-resident who requires the use of a private automobile for transportation to a school in which such applicant is enrolled or to a place of employment, when such person has been certified by the department of health or a provider designated by the department or the department of health, who shall make such certification in accordance with standards and guidelines prescribed by the department or the department of health, as having a permanent disability seriously impairing mobility. A permit shall be issued to such person upon his or her application. A permit shall also be issued to such person upon application made on such person's behalf by a parent, spouse, *domestic partner*, guardian or other individual having legal responsibility for the administration of such person's day to day affairs. Any vehicle displaying such permit shall be used exclusively in connection with parking a vehicle in which the person to whom it has been issued is being transported or will be transported within a reasonable period of time. Such permit shall not be transferable and shall be revoked if used on behalf of any other person. Any abuse by any person to whom such permit has been issued of any privilege, benefit or consideration granted pursuant to such permit, shall be sufficient cause for revocation of said permit.

§ 7. Section 1-112 of the administrative code of the city of New York is amended by adding a new subdivision 21 to read as follows:

21. The term "*domestic partner*" shall mean persons who have a registered domestic partnership pursuant to section 3-240 of the administrative code, a domestic partnership registered in accordance with executive order number 123, dated August 7, 1989, or a domestic partnership registered in accordance with executive order number 48, dated January 7, 1993.