

ATTACHMENT A

In amendment to an ordinance entitled the "Cambridge Municipal Code"

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter 2.119

DOMESTIC PARTNERSHIPS

Sections:

2.119.010	Recognition and Scope.
2.119.020	Definitions.
2.119.030	Registration and Termination.
2.119.040	City Clerk -- Fees.
2.119.050	City Clerk -- Records.
2.119.060	Rights of Domestic Partners.
2.119.070	Employment Benefits.
2.119.080	Limitation of Liabilities.
2.119.090	Reciprocity.
2.119.100	Retaliation.
2.119.110	Severability.
2.119.120	Forms.
2.119.130	Effect on Other Sections of Code.

2.119.010 Recognition and Scope.

A. The City Council recognizes the diverse composition of its citizenry and values its people. The City Council acknowledges that the people's lives have evolved from when laws governing family relationships were enacted. Perpetuation of the traditional definitions of "family" excludes a significant segment of the Cambridge population, deprives them of recognition and validation, and denies certain rights that should be afforded to persons who share their homes, their hearts, and their lives. The City, recognizing its commitment to nondiscrimination and fair treatment of its citizens and employees, hereby adopts this ordinance acknowledging domestic partnerships.

B. The ordinance allows persons in committed relationships who meet the criteria established by the City as constituting domestic partnerships to register at the office of the City Clerk and obtain a certificate attesting to their status. The ordinance recognizes certain rights of access for domestic partners. This ordinance, in conformance with the Human Rights Ordinance, which bars discrimination on the basis of sexual orientation, marital status, and family status, also equalizes the treatment of City employees.

2.119.020 Definitions.

As used in this chapter:

1. "Domestic Partnership" means the entity formed by two persons who meet the following criteria and jointly file a registration statement proclaiming that:
 - a. They are in a relationship of mutual support, caring and commitment and intend to remain in such a relationship; and
 - b. They reside together; and
 - c. They are not married; and
 - d. They are not related by blood closer than would bar marriage in the Commonwealth of Massachusetts; and
 - e. They are each other's sole domestic partner; and
 - f. They are competent to contract; and
 - g. They consider themselves to be a family.
2. "Mutual support" means that the domestic partners each contribute in some fashion, not necessarily equally or financially, to the maintenance and support of the domestic partnership.
3. "Reside together" means living together in a common household. A partner may be temporarily absent from the common household, so long as she or he has the intent to return. A partner may own or maintain an additional residence.
4. "Competent to contract" means 18 years of age or older, and mentally competent to contract.
5. The existence of a "family" relationship may be shown by the manner in which the people live their daily lives; how they hold their relationship out to the world; their emotional and financial commitment; their reliance on each other for daily family services; the longevity and exclusivity of their relationship; and any other factors which may be relevant.
6. "Domestic Partner" means a person who meets the criteria set out in 2.119.020.1 or who is registered as such in another jurisdiction.
7. "Dependent" means a minor who lives within the household of a domestic partnership and is:
 - a. A biological child, adopted child, or foster child of a domestic partner; or
 - b. A dependent as defined under IRS regulations; or
 - c. A ward of a domestic partner as determined in a guardianship proceeding.

2.119.030 Registration and Termination.

A. Persons who meet the criteria set out in 2.119.020.1 may make an official record of their domestic partnership by filing a Domestic Partnership Registration form with the City Clerk. The Domestic Partnership Registration shall include the name and date of

birth of each of the domestic partners, the address of their common household, and the names and dates of birth of any dependents of the domestic partnership, and shall be signed, under the pains and penalties of perjury, by both domestic partners.

B. Domestic partners may amend the Domestic Partnership Registration to add or delete dependents or change the household address. Amendments to the Domestic Partnership Registration shall be signed, under the pains and penalties of perjury, by both domestic partners.

C. A domestic partnership is terminated by the death of a domestic partner or by the filing of a termination statement by a domestic partner.

1. The death of a domestic partner automatically terminates a domestic partnership.

2. A domestic partnership may be terminated by a domestic partner who files with the City Clerk, by hand or by certified mail, a termination statement. The person filing the termination statement must declare under pains and penalties of perjury that the domestic partnership is terminated and that a copy of the termination statement has been mailed by certified mail to the other domestic partner at his or her last known address. The person filing the termination statement must include on such statement the address to which the copy was mailed.

D. The termination of a domestic partnership shall be effective immediately upon the death of a domestic partner. The voluntary termination of a domestic partnership by a partner shall be effective seven (7) days after the receipt of a termination statement by the City Clerk. Prior to becoming effective, the person who filed the termination statement may withdraw the termination statement in person at the office of the City Clerk. If the termination statement is withdrawn, the domestic partner shall give notice of the withdrawal, by certified mail, to the other domestic partner.

E. If a domestic partnership is terminated by the death of a domestic partner, there shall be no required waiting period prior to filing another domestic partnership. If a domestic partnership is terminated by one or both domestic partners, neither domestic partner may file another domestic partnership until six months have elapsed.

2.119.040 City Clerk -- Fees.

A. The City Clerk shall collect a reasonable fee for filing a domestic partnership registration. The initial amount for this fee shall be \$10.00, and it shall be adjusted as necessary to remain consistent with the fee for an application for a marriage license.

B. The City Clerk shall collect a fee of \$4.00 for certified copies of domestic partnership documents, other than the copy of the Certificate of Domestic Partnership issued by the City Clerk to the domestic partners, as provided for in 2.119.050.

2.119.050 City Clerk -- Records.

A. Upon receipt of a domestic partnership registration and filing fee, the City Clerk shall issue a Certificate of Domestic Partnership and shall mail to the household of the domestic partnership one certified copy of the certificate and two wallet-sized cards

indicating the existence of the domestic partnership, the names of the domestic partners, and the names of the dependents of the domestic partnership, if any.

B. The City Clerk shall maintain records of domestic partnerships registered in the City, including forms filed and certificates issued. The City Clerk shall provide forms to persons requesting them in accordance with 2.119.120.

C. The City Clerk shall allow public access to domestic partnership records to the same extent and in the same manner as marriage licenses.

2.119.060 Rights of Domestic Partners.

Persons who have registered their domestic partnership at the office of the City Clerk pursuant to 2.119.030 are entitled to the following rights:

1. a. A domestic partner shall have the same visitation rights as a spouse or parent of a patient at the Cambridge City Hospital and all other health care facilities in the City. A dependent shall have the same visitation rights as a patient's child.
b. The term "health care facilities" includes, but is not limited to, hospitals, convalescent facilities, mental health care facilities, and other short and long term care facilities.
2. a. A domestic partner shall have the same visitation rights at all correctional facilities in Cambridge as a spouse or parent of a person in custody. A dependent shall have the same visitation rights afforded to the child of a person in custody.
b. The term "correctional facilities" includes, but is not limited to, holding cells, jails, and juvenile correction centers.
3. a. A domestic partner, who is also the parent or legal guardian of a child, may file a form at or send a letter to the child's school to indicate that the parent's domestic partner shall have access to the child's records, access to school personnel in matters concerning the child, and access to the child, including the right to remove such child from the school for sickness or family emergency. The school shall afford such person access as directed by the child's parent.
b. When a domestic partnership is terminated pursuant to 2.119.030, it is the responsibility of the parent or guardian to notify the school, in writing, of the termination of rights of the former domestic partner.
c. The term "school" includes, but is not limited to, high schools, vocational schools, junior high and middle schools, elementary schools, pre-school programs, after-school programs, and day care programs.

2.119.070 Employment Benefits.

A. The City and School Department shall provide the same health and other employment fringe benefits to employees with domestic partners as to employees with spouses. As used in this chapter, "employees" refers to active and retired employees of the City of Cambridge and the Cambridge School Department eligible for benefits pursuant to state or municipal law, employment policies, or collective bargaining agreements.

B. Employees must file a Declaration of Domestic Partnership, signed under the pains and penalties of perjury, with their department administrator or Department of

Personnel of the City or School Department, as appropriate, in order to obtain benefits under this Ordinance. On such declaration, employees shall agree to promptly notify the City or School Department, as appropriate, of any change in the status or their domestic partnership. There shall be no fee for such declaration. Employees shall not be obligated to file a Domestic Partnership Registration form with the City Clerk.

C. The City and School Department shall provide medical insurance coverage to an employee's domestic partner as it does to an employee's spouse, and to the dependent(s) of an employee's domestic partnership as it does to an employee's child(ren). An employee may opt to decline medical insurance coverage for her or his domestic partner, without foregoing the right to obtain medical insurance coverage for her or his domestic partner at a later date.

D. Upon termination of a domestic partnership by an employee, the domestic partner shall be covered by medical insurance for a period of sixty (60) days following the termination of the domestic partnership. If the employee leaves employment with the City or School Department prior to the expiration of the sixty days, the medical insurance shall lapse on the date that the former employee's insurance lapses.

E. Upon termination of a domestic partnership by the death of an employee, the surviving domestic partner's medical insurance coverage shall lapse as it would for the spouse of a married employee, upon the death of such employee.

F. Employees shall be granted a leave of absence, with pay, for the death of a domestic partner or family member of a domestic partner to the same extent as for a spouse or family member of a spouse. Use of the term "in-law" in employee handbooks shall include the relatives of a domestic partner.

G. Employees shall be granted sick leave to care for a domestic partner to the same extent permitted to care for a spouse, and to care for a dependent of a domestic partnership to the same extent permitted to care for a child.

H. Employees shall be entitled to take parental leave to take care of a child born to their domestic partner or a newly adopted child to the same extent as a married person.

2.119.080 Limitation of Liabilities.

A. Nothing in this ordinance shall be interpreted to contravene the general laws of the commonwealth.

B. Nothing contained in this chapter shall be construed to impose liability upon a domestic partner for the health or medical expenses of his or her domestic partner, with the sole exception of the medical insurance contributions assumed by a City or School Department employee who is a member of a domestic partnership.

C. Nothing in this chapter shall be construed to create additional legal liabilities greater than those already existing under law or to create new private causes of action.

2.119.090 Reciprocity.

All rights, privileges and benefits extended to domestic partnerships registered pursuant to this ordinance shall also be extended to domestic partnerships registered pursuant to similar laws in other jurisdictions.

2.119.100 Retaliation.

No person shall discriminate or retaliate against a person who seeks the benefit of this chapter, registers or makes a declaration pursuant to its provisions, or assists another person in obtaining the benefits of this chapter. Any person who so discriminates or retaliates shall be penalized in accordance with the provisions of the Cambridge Human Rights Ordinance, Cambridge Code Chapter 2.76.

2.119.110 Severability.

The provisions of this chapter are severable. If any of its provisions are held invalid by a court of competent jurisdiction, all other provisions shall continue in full force and effect.

2.119.120 Forms.

A. The City Clerk shall distribute copies of the following forms to those persons who request them:

1. Domestic Partnership Registration
2. Domestic Partnership Information Sheet
3. Termination of Domestic Partnership
4. School Authorization Form

B. The Departments of Personnel shall distribute copies of the following forms to those persons who request them:

1. Declaration of Domestic Partnership
2. Amendment to Declaration of Domestic Partnership

C. The School Department shall distribute copies of the following forms to persons who request them:

1. School Authorization Form
2. Revocation of School Authorization Form

D. The City Clerk, the Department of Personnel, School Department, and all other affected City agencies, offices, and departments shall provide and distribute any other relevant forms that are or become necessary.

2.119.130 Effect on Other Sections of Code.

When the term "spouse" is used in other City ordinances, it shall be interpreted to include a domestic partner. When the term "family" is used in other City ordinances, it shall be interpreted to include domestic partnerships.

(June 10, 1992)



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

August 10, 1992

Mr. Russell B. Higley
City Solicitor
City Hall
Cambridge, MA 02139

Dear Sir:

Enclosed you will find copies of two proposed amendments to the Municipal Code of the City of Cambridge which were passed to be ordained as amended at the City Council meeting held on August 3, 1992 as follows:

1. Enforcement of the State Sanitary Code.
2. Street Performers.

Enclosed you will find also a proposed amendment to the Municipal Code which was passed to a second reading at the City Council meeting of August 3, 1992 relative to Domestic Partnerships.

Enclosed also are copies of two proposed amendments to the Zoning Ordinances which were also passed to a second reading at the City Council meeting of August 3, 1992 as follows:

1. Fast Order Food Establishments.
2. Kendall Square zoning amendment.

Finally, enclosed is a copy of the Kendall Square Plan Amendment # 3 which was also passed to a second as amended at the City Council meeting of August 3, 1992.

Would you kindly review these amendments and indicate your approval or disapproval on the bottom and return to this office.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
Temporary City Clerk

DMD/dl

Encs. (6) Ordinance # 1141, 1142, First publication # 2598, 2597, 2600 & 2599.

c.c. Councillor Wolf, Chair, Committee on Ordinances
Joseph Cellucci, Inspectional Services Commissioner
Birge Albright, Law Dept.



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety Two

AN ORDINANCE

In amendment to an ordinance entitled the "Cambridge Municipal Code."

Be it ordained by the City Council of the City of Cambridge as follows:

That Title 8 (Health and Safety) of the Cambridge Municipal Code is hereby amended by adding thereto the following new Chapter 8.60 (Enforcement of State Sanitary Code):

Chapter 8.60

ENFORCEMENT OF STATE SANITARY CODE

Sections

8.60.010	Declaration of Emergency
8.60.020	Definitions
8.60.030	Administrative Citations; Issuance
8.60.040	Repairs
8.60.050	Extensions
8.60.060	Fines for Failure to Repair
8.60.070	Appeals of Fines
8.60.080	Failure to Pay Fine
8.60.090	Effect of Fines in Subsequent Actions
8.60.100	Revenues Generated
8.60.110	Regulations
8.60.120	Construction
8.60.130	Severability
8.60.140	Effective Date

8.60.010 Declaration of Emergency

A serious public emergency exists in the City of Cambridge with respect to residential premises which are in violation of the State Sanitary Code, causing many citizens to live in unsafe conditions. The legal remedies available to the Inspectional Services Department in enforcing this code, as well as other applicable state laws and regulations, are insufficient to encourage timely repair of rental properties. Owners often avoid repairing sub-standard properties, thereby endangering the lives, safety, and property of tenants and severely limiting the ability of many people to remain in their homes safely.

In order to provide the Inspectional Services Department with the remedies necessary to effectively carry out its mandate under state law, to guarantee tenants of the City of Cambridge housing which complies with the State Sanitary Code and other applicable laws and regulations, and to encourage owners to maintain the buildings they own in compliance with this code, laws and regulations, the Cambridge City Council, in the exercise of its powers under Section 6 of the Home Rule Amendment, hereby enacts this ordinance under which administrative citations are issued to owners who violate the State Sanitary Code.

8.60.020 Definitions

(A) "Administrative Citation" means a notice issued to an owner by the Inspectional Services Department, pursuant to this Chapter, which provides a statement of the terms under which the owner may be fined for failure to remedy violations of the State

Sanitary Code and a statement of the owner's right to appeal the issuance of the administrative citation and/or fine.

(B) "Dwelling" means every building or shelter including but not limited to rooming houses and temporary housing used or intended for human habitation and every other structure or condition located within the same lot line whose existence causes or is likely to effect noncompliance with the provisions of 105 CMR 410.000.

(C) "Dwelling Unit" means the room or group of rooms within a dwelling used or intended for use by one family or household for living, sleeping, cooking and eating. Dwelling unit shall also mean a condominium unit.

(D) "Inspectional Services Department" means the legally designated health authority for the City of Cambridge, authorized by Chapter 84 of the Acts and Resolves of 1983, to enforce the State Sanitary Code through the inspection of rental units for violations of the code and the implementation of mechanisms to ensure compliance with repair orders.

(E) "Occupant" means every person over one year of age living or sleeping in a dwelling or dwelling unit.

(F) "Owner" means every person who alone or severally with others (a) has legal title to any rental unit, or parcel of land, vacant or otherwise, including a mobile home park; or (b) has care, charge or control of any dwelling, rental unit, mobile dwelling unit or parcel of land, vacant or otherwise, including a mobile home park, in any capacity including but not limited to agent,

executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or (c) mortgagee in possession; or (d) agent, trustee or other person appointed by the courts; (e) any officer or trustee of the association of unit owners of a condominium; (f) a bank or other lending institution in possession as a result of foreclosure; or (g) any person who operates a rooming house. The term "owner" includes landlords and lessors.

(G) "State Sanitary Code" means the State Sanitary Code, Code of Massachusetts Regulations codified at 105 CMR 400.00 - 419.00, adopted under the authority of Massachusetts General Laws, Chapter 111, §3 and §127A as it may be amended from time to time.

8.60.030 Administrative Citations; Issuance

(A) Whenever the Inspectional Services Department finds any violation of any provision of the State Sanitary Code it shall issue, in addition to its order to make repairs, an administrative citation against the owner according to the procedures set out in this Chapter.

(B) The administrative citation shall incorporate by reference the order to make repairs and shall contain the following information:

- (1) the date of the inspection;
- (2) the amount of fine which shall be assessed against the owner if the violation or violations are not remedied within the time set out in the order to make repairs as well as the rate

at which the fine shall escalate pursuant to Section 8.60.080 (B) of this Chapter;

(3) the manner in which the owner may pay any fine assessed in accordance with the provisions of this Chapter; and

(4) a description of the owner's appeal rights with respect to the issuance of the administrative citation and of any fine.

(C) The administrative citation shall be served on the owner, along with any orders to make repairs, in accordance with the provisions of the State Sanitary Code;

(D) A copy of the administrative citation shall also be served on the occupants of the dwelling or dwelling unit in which violations have been found and shall be posted in the common areas of the dwelling. If violations of the State Sanitary Code are found in the common areas of any dwelling, a copy of the administrative citation shall be served on each and every tenant of the dwelling.

(E) The Inspectional Services Department shall send a copy of the administrative citation to the mortgagee of the property. The City shall request that the mortgagee seek to cure, through all applicable provisions of its mortgage, except through foreclosure or increase in interest rates, any and all violations of Article II of the State Sanitary Code of which it has been so notified.

(F) A copy of the administrative citation shall be retained by the Inspectional Services Department and be available for public inspection and copying.

8.60.040 Repairs

(A) An owner shall make any and all repairs necessary to remedy any violations found by the Inspectional Services Department within the time stated on the order to make repairs, unless he or she requests a hearing pursuant to the hearing regulations of the State Sanitary Code.

(B) The Inspectional Services Department shall, within five days after the dates for compliance specified in an order to repair issued pursuant to 105 CMR 410.830, make an on-site inspection to determine whether there has been compliance with its order. This inspection shall be made within 24 hours of the dates for compliance specified in an order, however, if one or more of the violations or conditions cited in the order to repair are determined to be conditions which may endanger the health or safety, and well being of the occupant(s) as defined in 105 CMR 410.750. An inspection under 105 CMR 410.830 shall comply with the requirements of 105 CMR 410.822.

(C) If, upon re-inspection, it is determined that the Owner has remedied the violations cited in the order to make repairs, the administrative citation shall note this finding and shall be filed with the Inspectional Services Department.

(D) Copies of the administrative citation indicating that the violation has been remedied and no fine has been assessed shall be served on the same individuals who received notice of the initial administrative citation. This notice shall be served within five days of the re-inspection.

(E) If, upon re-inspection, it is determined that the owner has failed to remedy the violations cited, this shall be noted on the administrative citation and a fine shall be assessed against the owner in accordance with the terms of Section 8.60.060. of this Chapter.

(F) Copies of the administrative citation noting the assessment of a fine for failure to remedy the violations cited shall be served on the same individuals who received notice of the initial administrative citation within five days of the fine being assessed against the owner.

8.60.050 Extensions

(A) An owner who has made a good faith effort to remedy any violations cited in an order to make repairs and an administrative citation may apply to the Inspectional Services Department for an extension of the time set for making repairs by requesting a hearing under the hearing provisions of the State Sanitary Code.

(B) A good faith effort shall be found to exist only if the owner provides evidence that the repairs cannot be completed within the required time. Such evidence shall be in the form of at least two written estimates from outside professionals, one of which the owner has accepted in writing, stating when the repairs will be made.

(C) In any case where an extension has been granted for the remedying of any violation, a new date shall be set by the Inspectional Services Department by which the owner shall remedy the violation and a re-inspection shall take place in accordance

with Section 8.60.040 (C) through (F) of this Chapter.

(D) No extensions shall be granted in any case where an owner has received a fine for the same or similar violations in the same unit within the twelve month period immediately preceding issuance of the current administrative citation except where the owner has been granted an extension pursuant to this Section 8.60.050 for any such current administrative citation.

(E) In no event shall the time frame for repairs including any extensions be greater than ninety days from the date of issuance of the order to make repairs except where the owner has been granted an extension pursuant to this 8.60.050.

8.60.060 Fines for Failure to Repair

(A) If an owner fails to remedy a violation cited in an order to make repairs within the allotted time, or fails to remedy the violation within the time set out in any extension granted under Section 8.60.050 of this Chapter, or fails to file a timely appeal, a fine shall be assessed against the owner.

(B) Notice of the assessment of a fine shall be served on the owner in accordance with the notice provisions of the State Sanitary Code.

(C) Notice of the fine shall be served on the same individuals who received notice of the initial administrative citation.

(D) The amount of the fine shall be set according to the following schedule:

(1) \$100.00 per day for each violation referred to in

105 CMR 410.830 (A) and required to be corrected within twenty-four hours; or

(2) \$10.00 per day for each violation referred to in 105 CMR 401.830 (B) and required to be repaired in an amount of time determined by the Inspectional Service Department but, in any event, no more than thirty days.

(E) If a court with either civil or criminal jurisdiction determines that an extension of time for making repairs is appropriate and so orders pursuant to Section 8.60.050, then during the time of the extension, no fines or other penalties under this Chapter shall accrue.

8.60.070 Appeals of Fines

(A) An owner or occupant who is aggrieved by the issuance of a fine or by the failure of the Inspectional Services Department to fine an owner pursuant to this Chapter may appeal to the Inspectional Services Department according to the following procedures:

(1) An appeal shall be filed within ten days of the date of the action appealed from;

(2) The appeal shall be in writing and shall state, in detail, the grounds for the appeal;

(B) The filing of a timely appeal shall stay the effect of the fine but shall not stay the owner's obligation to repair any violations cited.

(C) A hearing shall be held on the appeal following the same procedures available in an appeal of the issuance of an order to

make repairs which are set out in 105 CMR §§ 410.850 and 410.860, except that any appeal to court shall be governed by the provisions of Massachusetts General Laws, Chapter 30A.

(D) Nothing in this section shall be construed to affect or impair the right to appeal the issuance of an order to make repairs.

8.60.080 Failure to Pay Fines

(A) Notice of a fine which has been issued pursuant to Section 8.60.060 of this Chapter shall be served on the owner and on the occupants who receive notice of the initial administrative citation.

(B) In addition, the owner shall be given notice that the fine shall automatically double if any violation cited in the administrative citation is not remedied within two weeks of service of the notice of the fine and shall automatically triple if any violation is not remedied within one month of service of the notice of the fine.

(C) Any person aggrieved by the failure of the City of Cambridge to take such enforcement action, may seek injunctive relief in the district or superior court pursuant to Massachusetts General Laws, Chapter 214 and 218, §19C to require action by the City of Cambridge in accordance with its enforcement obligations under this section.

8.60.090 Effect of Fine In Subsequent Court Actions

(A) A copy of the administrative citation indicating that a fine has been issued as a result of the owner's failure to remedy

a violation cited in the administrative citation shall be prima facie evidence of a violation of Massachusetts General Laws, Chapter 111, §127A et seq. and Chapter 239, §8A in any legal action by or against the owner.

8.60.100 Revenues Generated

(A) Each fiscal year the City Manager shall determine an accounting of the revenues generated by the implementation of this ordinance in excess of the cost of administration and shall make a recommendation in the budget presented to the City Council for an appropriation of said funds to the appropriate city department or agency so that said revenues will be directed toward the repair or rehabilitation of deteriorated dwellings or dwelling units in the city.

8.60.110 Regulations

The Commissioner of Inspectional Services shall promulgate regulations consistent with the terms of this Chapter and any applicable state laws and regulations.

8.60.120 Construction

Nothing in this Chapter shall be construed to conflict with the provisions of Massachusetts General Laws, Chapter 111, § 127A, et seq. governing the authority and conduct of the Inspectional Services Department or with any other law or regulation governing the rights and obligations of owners and tenants in the Commonwealth Of Massachusetts.

8.60.130 Severability

The provisions of this Chapter are severable. If any section

or sections are declared invalid by a court of competent jurisdiction, the invalidity shall not affect the validity of any remaining section or sections.

8.60.140 Effective Date

The provisions of this Chapter shall take effect three months from the date of its enactment.

In City Council August 3, 1992.

Passed to be ordained as amended by a yea and nay vote:- Yeas 5;
Nays 3; Absent 0. Present 1.

ATTEST:- D. Margaret Drury
Temporary City Clerk



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to an ordinance entitled "The Cambridge Municipal Code."

Be it ordained by the City Council of the City of Cambridge as follows:

Section 12.16.170 entitled "Street Performers" of the Municipal Code is hereby amended as follows:

That Paragraph E. entitled "Permitted Performances, subparagraph 3. is amended to read as follows:

- 3(a) No performer or group of performers may generate noise exceeding a median sound level of 80 decibels measured at a distance of 25 feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this sound level is not exceeded. Upon a complaint by a resident, a designated staff person from the Cambridge Arts Council shall, with the permission of the resident, measure the sound level inside the residential dwelling. If the sound level exceeds a median sound level of 50 decibels, and exceeds the background noise by at least 10 dB(A), the performer or group of performers causing the excessive sound level shall either turn down the music or move to a distance from the residence so as to reduce the sound level within these limitations. Background noise for this purpose shall mean L_{90} .
- 3(b) Drums shall be inaudible at a distance of 150 feet.

In City Council August 3, 1992.

Passed to be ordained as amended by a yea and nay vote:- Yeas 5; Nays 3; Absent 0; Present 1.

ATTEST:- D. Margaret Drury
Temporary City Clerk



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to an ordinance entitled "The Cambridge Municipal Code."

Be it ordained by the City Council of the City of Cambridge as follows:

That Title Two of the Municipal Code entitled "Administration and Personnel" is hereby amended by adding a new Chapter 2.119 entitled "Domestic Partnerships" which reads as follows:

CHAPTER 2.119

DOMESTIC PARTNERSHIPS

Sections:

- | | |
|-----------|-----------------------------------|
| 2.119.010 | Recognition and Scope. |
| 2.119.020 | Definitions. |
| 2.119.030 | Registration and Termination. |
| 2.119.040 | City Clerk -- Fees. |
| 2.119.050 | City Clerk -- Records. |
| 2.119.060 | Rights of Domestic Partners. |
| 2.119.070 | Employment Benefits. |
| 2.119.080 | Limitation of Liabilities. |
| 2.119.090 | Reciprocity. |
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| 2.119.120 | Forms. |
| 2.119.130 | Effect on Other Sections of Code. |

2.119.010 Recognition and Scope.

A. The City Council recognizes the diverse composition of its citizenry and values its people. The City Council acknowledges that the people's lives have evolved from when laws governing family relationships were enacted. Perpetuation of the traditional definitions of "family" excludes a significant segment of the Cambridge population, deprives them of recognition and validation, and denies certain rights that should be afforded to persons who share their homes, their hearts, and their lives. The City, recognizing its commitment to nondiscrimination and fair treatment of its citizens and employees, hereby adopts this ordinance acknowledging domestic partnerships.

B. The ordinance allows persons in committed relationships who meet the criteria established by the City as constituting domestic partnerships to register at the office of the City Clerk and obtain a certificate attesting to their status. The ordinance recognizes certain rights of access for domestic partners. This ordinance, in conformance with the Human Rights Ordinance, which bars discrimination on the basis of sexual orientation, marital status, and family status, also equalizes the treatment of City employees.

2.119.020 Definitions.

As used in this chapter:

1. "Domestic Partnership" means the entity formed by two persons who meet the following criteria and jointly file a registration statement proclaiming that:
 - a. They are in a relationship of mutual support, caring and commitment and intend to remain in such a relationship; and
 - b. They reside together; and
 - c. They are not married; and
 - d. They are not related by blood closer than would bar marriage in the Commonwealth of Massachusetts; and
 - e. They are each other's sole domestic partner; and
 - f. They are competent to contract; and
 - g. They consider themselves to be a family.
2. "Mutual support" means that the domestic partners each contribute in some fashion, not necessarily equally or financially, to the maintenance and support of the domestic partnership.
3. "Reside together" means living together in a common household. A partner may be temporarily absent from the common household, so long as she or he has the intent to return. A partner may own or maintain an additional residence.
4. "Competent to contract" means 18 years of age or older, and mentally competent to contract.
5. The existence of a "family" relationship may be shown by the manner in which the people live their daily lives; how they hold their relationship out to the world; their emotional and financial commitment; their reliance on each other for daily family services; the longevity and exclusivity of their relationship; and any other factors which may be relevant.
6. "Domestic Partner" means a person who meets the criteria set out in 2.119.020.1 or who is registered as such in another jurisdiction.
7. "Dependent" means a minor who lives within the household of a domestic partnership and is:
 - a. A biological child, adopted child, or foster child of a domestic partner; or
 - b. A dependent as defined under IRS regulations; or
 - c. A ward of a domestic partner as determined in a guardianship proceeding.

2.119.030 Registration and Termination.

A. Persons who meet the criteria set out in 2.119.020.1 may make an official record of their domestic partnership by filing a Domestic Partnership Registration form with the City Clerk. The Domestic Partnership Registration shall include the name and date of

birth of each of the domestic partners, the address of their common household, and the names and dates of birth of any dependents of the domestic partnership, and shall be signed, under the pains and penalties of perjury, by both domestic partners.

B. Domestic partners may amend the Domestic Partnership Registration to add or delete dependents or change the household address. Amendments to the Domestic Partnership Registration shall be signed, under the pains and penalties of perjury, by both domestic partners.

C. A domestic partnership is terminated by the death of a domestic partner or by the filing of a termination statement by a domestic partner.

1. The death of a domestic partner automatically terminates a domestic partnership.

2. A domestic partnership may be terminated by a domestic partner who files with the City Clerk, by hand or by certified mail, a termination statement. The person filing the termination statement must declare under pains and penalties of perjury that the domestic partnership is terminated and that a copy of the termination statement has been mailed by certified mail to the other domestic partner at his or her last known address. The person filing the termination statement must include on such statement the address to which the copy was mailed.

D. The termination of a domestic partnership shall be effective immediately upon the death of a domestic partner. The voluntary termination of a domestic partnership by a partner shall be effective seven (7) days after the receipt of a termination statement by the City Clerk. Prior to becoming effective, the person who filed the termination statement may withdraw the termination statement in person at the office of the City Clerk. If the termination statement is withdrawn, the domestic partner shall give notice of the withdrawal, by certified mail, to the other domestic partner.

E. If a domestic partnership is terminated by the death of a domestic partner, there shall be no required waiting period prior to filing another domestic partnership. If a domestic partnership is terminated by one or both domestic partners, neither domestic partner may file another domestic partnership until six months have elapsed.

2.119.040 City Clerk -- Fees.

A. The City Clerk shall collect a reasonable fee for filing a domestic partnership registration. The initial amount for this fee shall be \$10.00, and it shall be adjusted as necessary to remain consistent with the fee for an application for a marriage license.

B. The City Clerk shall collect a fee of \$4.00 for certified copies of domestic partnership documents, other than the copy of the Certificate of Domestic Partnership issued by the City Clerk to the domestic partners, as provided for in 2.119.050.

2.119.050 City Clerk -- Records.

A. Upon receipt of a domestic partnership registration and filing fee, the City Clerk shall issue a Certificate of Domestic Partnership and shall mail to the household of the domestic partnership one certified copy of the certificate and two wallet-sized cards

indicating the existence of the domestic partnership, the names of the domestic partners, and the names of the dependents of the domestic partnership, if any.

B. The City Clerk shall maintain records of domestic partnerships registered in the City, including forms filed and certificates issued. The City Clerk shall provide forms to persons requesting them in accordance with 2.119.120.

C. The City Clerk shall allow public access to domestic partnership records to the same extent and in the same manner as marriage licenses.

2.119.060 Rights of Domestic Partners.

Persons who have registered their domestic partnership at the office of the City Clerk pursuant to 2.119.030 are entitled to the following rights:

1. a. A domestic partner shall have the same visitation rights as a spouse or parent of a patient at the Cambridge City Hospital and all other health care facilities in the City. A dependent shall have the same visitation rights as a patient's child.
b. The term "health care facilities" includes, but is not limited to, hospitals, convalescent facilities, mental health care facilities, and other short and long term care facilities.
2. a. A domestic partner shall have the same visitation rights at all correctional facilities in Cambridge as a spouse or parent of a person in custody. A dependent shall have the same visitation rights afforded to the child of a person in custody.
b. The term "correctional facilities" includes, but is not limited to, holding cells, jails, and juvenile correction centers.
3. a. A domestic partner, who is also the parent or legal guardian of a child, may file a form at or send a letter to the child's school to indicate that the parent's domestic partner shall have access to the child's records, access to school personnel in matters concerning the child, and access to the child, including the right to remove such child from the school for sickness or family emergency. The school shall afford such person access as directed by the child's parent.
b. When a domestic partnership is terminated pursuant to 2.119.030, it is the responsibility of the parent or guardian to notify the school, in writing, of the termination of rights of the former domestic partner.
c. The term "school" includes, but is not limited to, high schools, vocational schools, junior high and middle schools, elementary schools, pre-school programs, after-school programs, and day care programs.

2.119.070 Employment Benefits.

A. The City and School Department shall provide the same health and other employment fringe benefits to employees with domestic partners as to employees with spouses. As used in this chapter, "employees" refers to active and retired employees of the City of Cambridge and the Cambridge School Department eligible for benefits pursuant to state or municipal law, employment policies, or collective bargaining agreements.

B. Employees must file a Declaration of Domestic Partnership, signed under the pains and penalties of perjury, with their department administrator or Department of

Personnel of the City or School Department, as appropriate, in order to obtain benefits under this Ordinance. On such declaration, employees shall agree to promptly notify the City or School Department, as appropriate, of any change in the status or their domestic partnership. There shall be no fee for such declaration. Employees shall not be obligated to file a Domestic Partnership Registration form with the City Clerk.

C. The City and School Department shall provide medical insurance coverage to an employee's domestic partner as it does to an employee's spouse, and to the dependent(s) of an employee's domestic partnership as it does to an employee's child(ren). An employee may opt to decline medical insurance coverage for her or his domestic partner, without foregoing the right to obtain medical insurance coverage for her or his domestic partner at a later date.

D. Upon termination of a domestic partnership by an employee, the domestic partner shall be covered by medical insurance for a period of sixty (60) days following the termination of the domestic partnership. If the employee leaves employment with the City or School Department prior to the expiration of the sixty days, the medical insurance shall lapse on the date that the former employee's insurance lapses.

E. Upon termination of a domestic partnership by the death of an employee, the surviving domestic partner's medical insurance coverage shall lapse as it would for the spouse of a married employee, upon the death of such employee.

F. Employees shall be granted a leave of absence, with pay, for the death of a domestic partner or family member of a domestic partner to the same extent as for a spouse or family member of a spouse. Use of the term "in-law" in employee handbooks shall include the relatives of a domestic partner.

G. Employees shall be granted sick leave to care for a domestic partner to the same extent permitted to care for a spouse, and to care for a dependent of a domestic partnership to the same extent permitted to care for a child.

H. Employees shall be entitled to take parental leave to take care of a child born to their domestic partner or a newly adopted child to the same extent as a married person.

2.119.080 Limitation of Liabilities.

A. Nothing in this ordinance shall be interpreted to contravene the general laws of the commonwealth.

B. Nothing contained in this chapter shall be construed to impose liability upon a domestic partner for the health or medical expenses of his or her domestic partner, with the sole exception of the medical insurance contributions assumed by a City or School Department employee who is a member of a domestic partnership.

C. Nothing in this chapter shall be construed to create additional legal liabilities greater than those already existing under law or to create new private causes of action.

2.119.090 Reciprocity.

All rights, privileges and benefits extended to domestic partnerships registered pursuant to this ordinance shall also be extended to domestic partnerships registered pursuant to similar laws in other jurisdictions.

2.119.100 Retaliation.

No person shall discriminate or retaliate against a person who seeks the benefit of this chapter, registers or makes a declaration pursuant to its provisions, or assists another person in obtaining the benefits of this chapter. Any person who so discriminates or retaliates shall be penalized in accordance with the provisions of the Cambridge Human Rights Ordinance, Cambridge Code Chapter 2.76.

2.119.110 Severability.

The provisions of this chapter are severable. If any of its provisions are held invalid by a court of competent jurisdiction, all other provisions shall continue in full force and effect.

2.119.120 Forms.

A. The City Clerk shall distribute copies of the following forms to those persons who request them:

1. Domestic Partnership Registration
2. Domestic Partnership Information Sheet
3. Termination of Domestic Partnership
4. School Authorization Form

B. The Departments of Personnel shall distribute copies of the following forms to those persons who request them:

1. Declaration of Domestic Partnership
2. Amendment to Declaration of Domestic Partnership

C. The School Department shall distribute copies of the following forms to persons who request them:

1. School Authorization Form
2. Revocation of School Authorization Form

D. The City Clerk, the Department of Personnel, School Department, and all other affected City agencies, offices, and departments shall provide and distribute any other relevant forms that are or become necessary.

2.119.130 Effect on Other Sections of Code.

When the term "spouse" is used in other City ordinances, it shall be interpreted to include a domestic partner. When the term "family" is used in other City ordinances, it shall be interpreted to include domestic partnerships.

Passed to a second reading at the City Council meeting held on August 3, 1992 and on or after August 24, 1992 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury
Temporary City Clerk



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to an ordinance entitled "Zoning Ordinances of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

That the Zoning Ordinances of the City of Cambridge are hereby amended in Section 11.30 entitled "Fast Order Food Establishments" and in Article 2.000 entitled "Definitions" which reads as follows:

11.30 FAST ORDER FOOD ESTABLISHMENTS

11.31 (revised) In considering applications for special permits for Fast Order Food Establishments and Automobile Oriented Fast Order Food Establishments, the Board of Zoning Appeal shall give consideration, in addition to the other criteria specified in Section 10.40, to the following criteria:

- (a) The operation of the establishment shall not (i) increase motor vehicle traffic in the area, (ii) reduce available parking, or (iii) threaten the public safety in the streets and sidewalks;
- (b) The physical design, including color and use of materials, of the establishment shall be compatible with and sensitive to the visual and physical characteristics of other buildings, public spaces and uses in the particular location;
- (c) the establishment fulfills a need for such a service in the neighborhood or in the city;
- (d) The establishment will attract patrons primarily from walk-in trade as opposed to drive-in or automobile related trade;
- (e) The establishment shall, to the greatest extent feasible, utilize biodegradable materials in packaging the food and in the utensils and other items provided for the consumption thereof;
- (f) The establishment shall provide convenient, suitable and well-marked waste receptacles to encourage patrons properly to dispose of all packaging materials, utensils and other items provided with the sale of food; and
- (g) The established complies with all State and local requirements applicable to ingress, egress, and use of all facilities on the premises for handicapped and disabled persons.

11.32 }

11.32.1 } same as current zoning

11.32.2 }

11.32.3 A special permit issued for a fast order food establishment hereunder may be utilized only by the owner or operator of such establishment as described in the application document, and any successor owner or operators of that establishment. No rights

under such special permit may be transferred, assigned or otherwise conveyed to the owner or operator of a different fast order food establishment, regardless of where it is located.

ARTICLE 2.000 - DEFINITIONS [revised]

Fast Order Food. Food which is (a) cooked on the premises or maintained thereon in a heated condition, (b) primarily intended for immediate consumption rather than for use as an ingredient in or component of meals, (c) available upon a short waiting time, and (d) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

Fast Order Food Establishment. An operation in a building, including all adjoining and contiguous areas in the same building, used for the primary purpose of offering for sale to the public Fast Order Food for consumption on or off the premises, which operation does not meet all of the following conditions: (1) provision of non-disposable plates, cups and utensils to all patrons, (2) availability to printed individual menus for all patrons, (3) provision of at least seventy-five (75) percent of the seating in the premises at free standing tables, rather than at counters, and (4) at least eighty (80) percent of the revenues from food sales is attributable to food consumed on the premises.

Passed to a second reading as amended at the City Council meeting held on August 3, 1992 and on or after August 24, 1992 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury
Temporary City Clerk



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to an ordinance entitled "Zoning Ordinances of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:
That the Zoning Ordinances of the City of Cambridge is hereby amended as follows:

1. Article 14.00 of the Zoning Ordinance of the City of Cambridge is hereby amended by deleting clause (5) of Section 14.32.2 and by substituting in lieu thereof the following:

"(5) Entertainment, recreational, institutional, transportation, communication and utility uses permitted by Sections 14.21.5, 14.21.6 and 14.21.7 and additional development of industrial, office, retail, consumer service and hotel/motel uses exceeding the foregoing cumulative GFA limitations of paragraphs (1), (2), (3), and (4b) above: Cumulative GFA=1,473,000 square feet."

Nothing herein shall affect or increase the maximum aggregate GFA of development in the District stated in Section 14.32.1.

2. Article 14.00 of the Zoning Ordinances of the City of Cambridge is hereby further amended by adding to "Table 2: Open Space Substitutions for Constructing Pedestrian Ways" in Section 14.45.1 thereof, the following:

"Roof-top Pedestrian Deck"	"50 sq. ft. or 2.5 sq. ft. for each 1 sq. ft. of total area provided, whichever is greater"
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3. Article 14.00 of the Zoning Ordinances of the City of Cambridge is hereby further amended by deleting the first two lines of Section 14.45.2 and substituting therefor the following:

"The pedestrian ways listed in Table 2 shall be designed to provide for public access (except in the case of a roof-top pedestrian deck) and shall have the following meanings:"

4. Article 14.00 of the Zoning Ordinances of the City of Cambridge is hereby further amended by adding to the list of meanings in Section 14.45.2, the following:

"(8) A roof-top pedestrian deck is a continuous, open platform at least twenty (20) feet in width which is at least fifteen (15) feet above the mean elevation of the lot and which is built in whole or in part on or over the roof of a structure providing any of the uses as permitted by Section 14.21. Such roof-top pedestrian deck may also extend in part over a street, pedestrian way, access or service road or open space within a lot or between two adjacent lots. It shall have pedestrian access from one or more abutting buildings, either directly from the buildings or otherwise, shall provide seating facilities, and shall be landscaped with appropriate materials which shall include plantings."

5. Article 14.00 of the Zoning Ordinance of the City of Cambridge is hereby further amended by deleting Section 14.60 in its entirety and by substituting in lieu thereof the following:

"14.60 - Signs

"During the life of the Kendall Square Urban Renewal Plan, as amended, the sign regulations of Section 7.10 shall not be applicable in the MXD District."

Passed to a second reading at the City Council meeting of August 3, 1992 and on or after August 24, 1992 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury
Temporary City Clerk

City of Cambridge

PROPOSED AMENDMENT TO KENDALL SQUARE URBAN RENEWAL PLAN

WHEREAS: Cambridge Redevelopment Authority desires to modify, as hereinafter set forth, certain provisions of the urban renewal plan known as the Urban Renewal Plan, Kendall Square Urban Renewal Area, Project No. Mass R-107", as heretofore amended; now therefore be it

RESOLVED: That said Plan is hereby further modified as follows:

1. Section 402(a) of the Plan is hereby amended by deleting the seventh paragraph thereof and by substituting in lieu thereof the following:

"Entertainment, recreational, institutional, transportation, communication and utility uses permitted by Sections 401(5), 401(6) and 401(7) and additional development of industrial, office, retail, consumer service and hotel/motel uses exceeding the foregoing cumulative GFA limitations: Cumulative GFA=973,000 s.f. for buildings which are located or are being constructed or may be constructed at any location within the MXD District, plus an additional 500,000 s.f. for buildings which may be constructed within the MXD District north of Broadway."

Nothing herein shall affect or increase the maximum aggregate GFA stated in the first paragraph of said Section 402(a) of the Plan.

2. Section 403 of the Plan is hereby amended by (a) deleting the fifth and sixth lines on pages 22-35 and substituting therefor the following:

"The pedestrian ways listed in Exhibit E shall be designed to provide for public access (except in the case of a roof-top pedestrian deck) and shall have the following meanings:"

and (b) by adding a new paragraph at the end thereof to read as follows:

(8) A roof-top pedestrian deck is a continuous, open platform at least twenty (20) feet in width which is at least fifteen (15) feet above the mean elevation of the lot and which is built in whole or in part on or over the roof of a structure providing any of the uses as permitted by Section 14.21. Such roof-top pedestrian deck may also extend in part over a street, pedestrian way, access or service road or open space within a lot or between two adjacent lots. It shall have pedestrian access from one or more abutting buildings, either directly from the buildings or otherwise shall provide seating facilities, and shall be landscaped with appropriated materials which shall include plantings.

3. Exhibit E to Section 403 of the Plan is hereby amended by adding the following at the end thereof:

"Roof-Top Pedestrian Deck"	50 sq. ft. or 2.5 sq. ft. for each sq. ft. of total area provided, whichever is greater"
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4. Section 803 of the Plan is hereby amended by revising the reference in the second line thereof from "thirty (30) years" to "forty-five (45) years".

Passed to a second reading as amended at the City Council meeting held on August 3, 1992 and on or after August 24, 1992 the question comes on adoption.

ATTEST:- D. Margaret Drury
Temporary City Clerk

**FOR
DOMESTIC PARTNERS**

	LEVI STRAUSS	BEN & JERRY'S	LOTUS	BERKELEY	SEATTLE						
1. Definition of domestic partner	Same sex and heterosexual	Same sex and heterosexual	Same sex only	Same sex and heterosexual	Same sex and heterosexual						
2. Enrollment experience	1% of 3,000 employees enrolled. Equal number of same and opposite sex.	4% to 5% of 365 to 370 employees enrolled. Most partners heterosexual.	8 of 3,000 (.27%) eligible employees enrolled. Lotus estimates that 10% of its employees are gay or lesbian.	116 of 1,475 (7%) employees enroll-ed; 19 are same sex partners.	10,000 eligible employees; 9,600 enrolled in health plans; 230 (2.4%) domestic partners enrolled (est. 30% of those who enrolled are same-sex partners).						
3. Conditions for coverage	Same residence; one year between partners. Completion of form required by employee (not partner because of community property issues).	Same residence for at least 3 months before enrollment. Developing form - has not had one.	Same residence; one year between partners. Completion of form required by both partners.	Same residence; partners for at least 6 months before application. Documentation and completion of form required.	Must file affidavit of marriage/domestic partnership. Same residence; 90 days between partners.						
4. Plan cost and charges	<p>LS pays 88% of Individual and Family costs.</p> <p>Imposes surcharge of \$70/month if partner has access to coverage elsewhere. (Applies to all family members, married and unmarried.)</p>	<p>B&J pays 100% of Individual cost and 90% of Family.</p> <p>Insured arrangement now, may change to self-funded.</p>	<p>Flex plan with three indemnity options and one HMO.</p> <p>Bi-weekly employee rates for HCHP and Option I Indemnity plan:</p> <table style="margin-left: 40px;"> <tr> <td>Employee</td> <td style="text-align: right;">\$ 8.35</td> </tr> <tr> <td>Employee + 1</td> <td style="text-align: right;">23.58</td> </tr> <tr> <td>Employee + 2</td> <td style="text-align: right;">34.85</td> </tr> </table>	Employee	\$ 8.35	Employee + 1	23.58	Employee + 2	34.85	<p>100% of least expensive plan paid by Berkeley. Initial HMO surcharge dropped after three years. Cost to cover additional partners estimated as \$125,000 (2.7%) per year out of total annual expense of \$4,500,000.</p> <p>Offers cash payment (one-party rate for least expensive plan) in lieu of coverage.</p>	<p>City pays 100% of premium except uniformed employees pay 20%.</p> <p>Added cost for May - Dec. 1990 - \$225,000 (1.1% of total May - Dec. costs of \$20,000,000).</p> <p>For 1991 estimated added cost - \$856,000 (2.5% of estimated total 1991 costs of \$34,000,000).</p> <p>First 5 months added cost for 1992 - \$64,425 (lower because HMOs eliminated surcharge).</p>
Employee	\$ 8.35										
Employee + 1	23.58										
Employee + 2	34.85										

	LEVI STRAUSS	BEN & JERRY'S	LOTUS	BERKELEY	SEATTLE
5. Reactions by employees and others	Varied by region. Unanimous approval in San Francisco area; some negatives nation-wide, but generally favorable (1/2 workforce located in Texas and Georgia and 1/3 in Arkansas).	Both positive and negative feedback from consumers. Well received by employees.	Mostly positive, some negatives.	Generally well received	Some adverse reaction at first. A referendum to overturn ordinance was defeated, however, and now it is a non-issue.
6. Insurer/Plan Reactions	Aetna Insurance Co. (self-insured) Domestic partner coverage not added to HMOs because it would require an increase in rates for all employees.	Left Connecticut General to go with Consumers United Ins. Co., Washington, D.C., a company that routinely covers unmarried domestic partners.	Self-insured indemnity plan HCHP - added a surcharge to rates.	Self-insured indemnity plan Kaiser Permanente Heals HMOs added surcharge at first, now dropped.	King County Medical Blue Shield (refused to insure domestic partners); Seattle insures. Group Health Coop Puget Sound Pacific Health HMOs agreed to cover with a rate increase for all employees.
7. Implemented	January 1992	November 1989	September 1991	1985	May 1990
DOMPART - 6/1992					

In amendment to an ordinance entitled the "Cambridge Municipal Code"

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter 2.119

DOMESTIC PARTNERSHIPS

Sections:

2.119.010	Recognition and Scope.
2.119.020	Definitions.
2.119.030	Registration and Termination.
2.119.040	City Clerk -- Fees.
2.119.050	City Clerk -- Records.
2.119.060	Rights of Domestic Partners.
2.119.070	Employment Benefits.
2.119.080	Limitation of Liabilities.
2.119.090	Reciprocity.
2.119.100	Retaliation.
2.119.110	Severability.
2.119.120	Forms.
2.119.130	Effect on Other Sections of Code.

2.119.010 Recognition and Scope.

A. The City Council recognizes the diverse composition of its citizenry and values its people. The City Council acknowledges that the people's lives have evolved from when laws governing family relationships were enacted. Perpetuation of the traditional definitions of "family" excludes a significant segment of the Cambridge population, deprives them of recognition and validation, and denies certain rights that should be afforded to persons who share their homes, their hearts, and their lives. The City, recognizing its commitment to nondiscrimination and fair treatment of its citizens and employees, hereby adopts this ordinance acknowledging domestic partnerships.

B. The ordinance allows persons in committed relationships who meet the criteria established by the City as constituting domestic partnerships to register at the office of the City Clerk and obtain a certificate attesting to their status. The ordinance recognizes certain rights of access for domestic partners. This ordinance, in conformance with the Human Rights Ordinance, which bars discrimination on the basis of sexual orientation, marital status, and family status, also equalizes the treatment of City employees.

2.119.020 Definitions.

As used in this chapter:

1. "Domestic Partnership" means the entity formed by two persons who meet the following criteria and jointly file a registration statement proclaiming that:
 - a. They are in a relationship of mutual support, caring and commitment and intend to remain in such a relationship; and
 - b. They reside together; and
 - c. They are not married; and
 - d. They are not related by blood closer than would bar marriage in the Commonwealth of Massachusetts; and
 - e. They are each other's sole domestic partner; and
 - f. They are competent to contract; and
 - g. They consider themselves to be a family.
2. "Mutual support" means that the domestic partners each contribute in some fashion, not necessarily equally or financially, to the maintenance and support of the domestic partnership.
3. "Reside together" means living together in a common household. A partner may be temporarily absent from the common household, so long as she or he has the intent to return. A partner may own or maintain an additional residence.
4. "Competent to contract" means 18 years of age or older, and mentally competent to contract.
5. The existence of a "family" relationship may be shown by the manner in which the people live their daily lives; how they hold their relationship out to the world; their emotional and financial commitment; their reliance on each other for daily family services; the longevity and exclusivity of their relationship; and any other factors which may be relevant.
6. "Domestic Partner" means a person who meets the criteria set out in 2.119.020.1 or who is registered as such in another jurisdiction.
7. "Dependent" means a minor who lives within the household of a domestic partnership and is:
 - a. A biological child, adopted child, or foster child of a domestic partner; or
 - b. A dependent as defined under IRS regulations; or
 - c. A ward of a domestic partner as determined in a guardianship proceeding.

2.119.030 Registration and Termination.

A. Persons who meet the criteria set out in 2.119.020.1 may make an official record of their domestic partnership by filing a Domestic Partnership Registration form with the City Clerk. The Domestic Partnership Registration shall include the name and date of

birth of each of the domestic partners, the address of their common household, and the names and dates of birth of any dependents of the domestic partnership, and shall be signed, under the pains and penalties of perjury, by both domestic partners.

B. Domestic partners may amend the Domestic Partnership Registration to add or delete dependents or change the household address. Amendments to the Domestic Partnership Registration shall be signed, under the pains and penalties of perjury, by both domestic partners.

C. A domestic partnership is terminated by the death of a domestic partner or by the filing of a termination statement by a domestic partner.

1. The death of a domestic partner automatically terminates a domestic partnership.

2. A domestic partnership may be terminated by a domestic partner who files with the City Clerk, by hand or by certified mail, a termination statement. The person filing the termination statement must declare under pains and penalties of perjury that the domestic partnership is terminated and that a copy of the termination statement has been mailed by certified mail to the other domestic partner at his or her last known address. The person filing the termination statement must include on such statement the address to which the copy was mailed.

D. The termination of a domestic partnership shall be effective immediately upon the death of a domestic partner. The voluntary termination of a domestic partnership by a partner shall be effective seven (7) days after the receipt of a termination statement by the City Clerk. Prior to becoming effective, the person who filed the termination statement may withdraw the termination statement in person at the office of the City Clerk. If the termination statement is withdrawn, the domestic partner shall give notice of the withdrawal, by certified mail, to the other domestic partner.

E. If a domestic partnership is terminated by the death of a domestic partner, there shall be no required waiting period prior to filing another domestic partnership. If a domestic partnership is terminated by one or both domestic partners, neither domestic partner may file another domestic partnership until six months have elapsed.

2.119.040 City Clerk -- Fees.

A. The City Clerk shall collect a reasonable fee for filing a domestic partnership registration. The initial amount for this fee shall be \$10.00, and it shall be adjusted as necessary to remain consistent with the fee for an application for a marriage license.

B. The City Clerk shall collect a fee of \$4.00 for certified copies of domestic partnership documents, other than the copy of the Certificate of Domestic Partnership issued by the City Clerk to the domestic partners, as provided for in 2.119.050.

2.119.050 City Clerk -- Records.

A. Upon receipt of a domestic partnership registration and filing fee, the City Clerk shall issue a Certificate of Domestic Partnership and shall mail to the household of the domestic partnership one certified copy of the certificate and two wallet-sized cards

indicating the existence of the domestic partnership, the names of the domestic partners, and the names of the dependents of the domestic partnership, if any.

B. The City Clerk shall maintain records of domestic partnerships registered in the City, including forms filed and certificates issued. The City Clerk shall provide forms to persons requesting them in accordance with 2.119.120.

C. The City Clerk shall allow public access to domestic partnership records to the same extent and in the same manner as marriage licenses.

2.119.060 Rights of Domestic Partners.

Persons who have registered their domestic partnership at the office of the City Clerk pursuant to 2.119.030 are entitled to the following rights:

1. a. A domestic partner shall have the same visitation rights as a spouse or parent of a patient at the Cambridge City Hospital and all other health care facilities in the City. A dependent shall have the same visitation rights as a patient's child.
b. The term "health care facilities" includes, but is not limited to, hospitals, convalescent facilities, mental health care facilities, and other short and long term care facilities.
2. a. A domestic partner shall have the same visitation rights at all correctional facilities in Cambridge as a spouse or parent of a person in custody. A dependent shall have the same visitation rights afforded to the child of a person in custody.
b. The term "correctional facilities" includes, but is not limited to, holding cells, jails, and juvenile correction centers.
3. a. A domestic partner, who is also the parent or legal guardian of a child, may file a form at or send a letter to the child's school to indicate that the parent's domestic partner shall have access to the child's records, access to school personnel in matters concerning the child, and access to the child, including the right to remove such child from the school for sickness or family emergency. The school shall afford such person access as directed by the child's parent.
b. When a domestic partnership is terminated pursuant to 2.119.030, it is the responsibility of the parent or guardian to notify the school, in writing, of the termination of rights of the former domestic partner.
c. The term "school" includes, but is not limited to, high schools, vocational schools, junior high and middle schools, elementary schools, pre-school programs, after-school programs, and day care programs.

2.119.070 Employment Benefits.

A. The City and School Department shall provide the same health and other employment fringe benefits to employees with domestic partners as to employees with spouses. As used in this chapter, "employees" refers to active and retired employees of the City of Cambridge and the Cambridge School Department eligible for benefits pursuant to state or municipal law, employment policies, or collective bargaining agreements.

B. Employees must file a Declaration of Domestic Partnership, signed under the pains and penalties of perjury, with their department administrator or Department of

Personnel of the City or School Department, as appropriate, in order to obtain benefits under this Ordinance. On such declaration, employees shall agree to promptly notify the City or School Department, as appropriate, of any change in the status or their domestic partnership. There shall be no fee for such declaration. Employees shall not be obligated to file a Domestic Partnership Registration form with the City Clerk.

C. The City and School Department shall provide medical insurance coverage to an employee's domestic partner as it does to an employee's spouse, and to the dependent(s) of an employee's domestic partnership as it does to an employee's child(ren). An employee may opt to decline medical insurance coverage for her or his domestic partner, without foregoing the right to obtain medical insurance coverage for her or his domestic partner at a later date.

D. Upon termination of a domestic partnership by an employee, the domestic partner shall be covered by medical insurance for a period of sixty (60) days following the termination of the domestic partnership. If the employee leaves employment with the City or School Department prior to the expiration of the sixty days, the medical insurance shall lapse on the date that the former employee's insurance lapses.

E. Upon termination of a domestic partnership by the death of an employee, the surviving domestic partner's medical insurance coverage shall lapse as it would for the spouse of a married employee, upon the death of such employee.

F. Employees shall be granted a leave of absence, with pay, for the death of a domestic partner or family member of a domestic partner to the same extent as for a spouse or family member of a spouse. Use of the term "in-law" in employee handbooks shall include the relatives of a domestic partner.

G. Employees shall be granted sick leave to care for a domestic partner to the same extent permitted to care for a spouse, and to care for a dependent of a domestic partnership to the same extent permitted to care for a child.

H. Employees shall be entitled to take parental leave to take care of a child born to their domestic partner or a newly adopted child to the same extent as a married person.

2.119.080 Limitation of Liabilities.

A. Nothing in this ordinance shall be interpreted to contravene the general laws of the commonwealth.

B. Nothing contained in this chapter shall be construed to impose liability upon a domestic partner for the health or medical expenses of his or her domestic partner, with the sole exception of the medical insurance contributions assumed by a City or School Department employee who is a member of a domestic partnership.

C. Nothing in this chapter shall be construed to create additional legal liabilities greater than those already existing under law or to create new private causes of action.

2.119.090 Reciprocity.

All rights, privileges and benefits extended to domestic partnerships registered pursuant to this ordinance shall also be extended to domestic partnerships registered pursuant to similar laws in other jurisdictions.

2.119.100 Retaliation.

No person shall discriminate or retaliate against a person who seeks the benefit of this chapter, registers or makes a declaration pursuant to its provisions, or assists another person in obtaining the benefits of this chapter. Any person who so discriminates or retaliates shall be penalized in accordance with the provisions of the Cambridge Human Rights Ordinance, Cambridge Code Chapter 2.76.

2.119.110 Severability.

The provisions of this chapter are severable. If any of its provisions are held invalid by a court of competent jurisdiction, all other provisions shall continue in full force and effect.

2.119.120 Forms.

A. The City Clerk shall distribute copies of the following forms to those persons who request them:

1. Domestic Partnership Registration
2. Domestic Partnership Information Sheet
3. Termination of Domestic Partnership
4. School Authorization Form

B. The Departments of Personnel shall distribute copies of the following forms to those persons who request them:

1. Declaration of Domestic Partnership
2. Amendment to Declaration of Domestic Partnership

C. The School Department shall distribute copies of the following forms to persons who request them:

1. School Authorization Form
2. Revocation of School Authorization Form

D. The City Clerk, the Department of Personnel, School Department, and all other affected City agencies, offices, and departments shall provide and distribute any other relevant forms that are or become necessary.

2.119.130 Effect on Other Sections of Code.

When the term "spouse" is used in other City ordinances, it shall be interpreted to include a domestic partner. When the term "family" is used in other City ordinances, it shall be interpreted to include domestic partnerships.

(June 10, 1992)

In amendment to an ordinance entitled the "Cambridge Municipal Code"

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter 2.119

DOMESTIC PARTNERSHIPS

Sections:

- 2.119.010 Recognition and Scope.**
- 2.119.020 Definitions.**
- 2.119.030 Registration and Termination.**
- 2.119.040 City Clerk -- Fees.**
- 2.119.050 City Clerk -- Records.**
- 2.119.060 Rights of Domestic Partners.**
- 2.119.070 Employment Benefits.**
- 2.119.080 Limitation of Liabilities.**
- 2.119.090 Reciprocity.**
- 2.119.100 Retaliation.**
- 2.119.110 Severability.**
- 2.119.120 Forms.**
- 2.119.130 Effect on Other Sections of Code.**

2.119.010 Recognition and Scope.

A. The City Council recognizes the diverse composition of its citizenry and values its people. The City Council acknowledges that the people's lives have evolved from when laws governing family relationships were enacted. Perpetuation of the traditional definitions of "family" excludes a significant segment of the Cambridge population, deprives them of recognition and validation, and denies certain rights that should be afforded to persons who share their homes, their hearts, and their lives. The City, recognizing its commitment to nondiscrimination and fair treatment of its citizens and employees, hereby adopts this ordinance acknowledging domestic partnerships.

B. The ordinance allows persons in committed relationships who meet the criteria established by the City as constituting domestic partnerships to register at the office of the City Clerk and obtain a certificate attesting to their status. The ordinance recognizes certain rights of access for domestic partners. This ordinance, in conformance with the Human Rights Ordinance, which bars discrimination on the basis of sexual orientation, marital status, and family status, also equalizes the treatment of City employees.

2.119.020 Definitions.

As used in this chapter:

1. "Domestic Partnership" means the entity formed by two persons who meet the following criteria and jointly file a registration statement proclaiming that:
 - a. They are in a relationship of mutual support, caring and commitment and intend to remain in such a relationship; and
 - b. They reside together; and
 - c. They are not married; and
 - d. They are not related by blood closer than would bar marriage in the Commonwealth of Massachusetts; and
 - e. They are each other's sole domestic partner; and
 - f. They are competent to contract; and
 - g. They consider themselves to be a family.
2. "Mutual support" means that the domestic partners each contribute in some fashion, not necessarily equally or financially, to the maintenance and support of the domestic partnership.
3. "Reside together" means living together in a common household. A partner may be temporarily absent from the common household, so long as she or he has the intent to return. A partner may own or maintain an additional residence.
4. "Competent to contract" means 18 years of age or older, and mentally competent to contract.
5. The existence of a "family" relationship may be shown by the manner in which the people live their daily lives; how they hold their relationship out to the world; their emotional and financial commitment; their reliance on each other for daily family services; the longevity and exclusivity of their relationship; and any other factors which may be relevant.
6. "Domestic Partner" means a person who meets the criteria set out in 2.119.020.1 or who is registered as such in another jurisdiction.
7. "Dependent" means a minor who lives within the household of a domestic partnership and is:
 - a. A biological child, adopted child, or foster child of a domestic partner; or
 - b. A dependent as defined under IRS regulations; or
 - c. A ward of a domestic partner as determined in a guardianship proceeding.

2.119.030 Registration and Termination.

A. Persons who meet the criteria set out in 2.119.020.1 may make an official record of their domestic partnership by filing a Domestic Partnership Registration form with the City Clerk. The Domestic Partnership Registration shall include the name and date of

birth of each of the domestic partners, the address of their common household, and the names and dates of birth of any dependents of the domestic partnership, and shall be signed, under the pains and penalties of perjury, by both domestic partners.

B. Domestic partners may amend the Domestic Partnership Registration to add or delete dependents or change the household address. Amendments to the Domestic Partnership Registration shall be signed, under the pains and penalties of perjury, by both domestic partners.

C. A domestic partnership is terminated by the death of a domestic partner or by the filing of a termination statement by a domestic partner.

1. The death of a domestic partner automatically terminates a domestic partnership.

2. A domestic partnership may be terminated by a domestic partner who files with the City Clerk, by hand or by certified mail, a termination statement. The person filing the termination statement must declare under pains and penalties of perjury that the domestic partnership is terminated and that a copy of the termination statement has been mailed by certified mail to the other domestic partner at his or her last known address. The person filing the termination statement must include on such statement the address to which the copy was mailed.

D. The termination of a domestic partnership shall be effective immediately upon the death of a domestic partner. The voluntary termination of a domestic partnership by a partner shall be effective seven (7) days after the receipt of a termination statement by the City Clerk. Prior to becoming effective, the person who filed the termination statement may withdraw the termination statement in person at the office of the City Clerk. If the termination statement is withdrawn, the domestic partner shall give notice of the withdrawal, by certified mail, to the other domestic partner.

E. If a domestic partnership is terminated by the death of a domestic partner, there shall be no required waiting period prior to filing another domestic partnership. If a domestic partnership is terminated by one or both domestic partners, neither domestic partner may file another domestic partnership until six months have elapsed.

2.119.040 City Clerk -- Fees.

A. The City Clerk shall collect a reasonable fee for filing a domestic partnership registration. The initial amount for this fee shall be \$10.00, and it shall be adjusted as necessary to remain consistent with the fee for an application for a marriage license.

B. The City Clerk shall collect a fee of \$4.00 for certified copies of domestic partnership documents, other than the copy of the Certificate of Domestic Partnership issued by the City Clerk to the domestic partners, as provided for in 2.119.050.

2.119.050 City Clerk -- Records.

A. Upon receipt of a domestic partnership registration and filing fee, the City Clerk shall issue a Certificate of Domestic Partnership and shall mail to the household of the domestic partnership one certified copy of the certificate and two wallet-sized cards

indicating the existence of the domestic partnership, the names of the domestic partners, and the names of the dependents of the domestic partnership, if any.

B. The City Clerk shall maintain records of domestic partnerships registered in the City, including forms filed and certificates issued. The City Clerk shall provide forms to persons requesting them in accordance with 2.119.120.

C. The City Clerk shall allow public access to domestic partnership records to the same extent and in the same manner as marriage licenses.

2.119.060 Rights of Domestic Partners.

Persons who have registered their domestic partnership at the office of the City Clerk pursuant to 2.119.030 are entitled to the following rights:

1. a. A domestic partner shall have the same visitation rights as a spouse or parent of a patient at the Cambridge City Hospital and all other health care facilities in the City. A dependent shall have the same visitation rights as a patient's child.
b. The term "health care facilities" includes, but is not limited to, hospitals, convalescent facilities, mental health care facilities, and other short and long term care facilities.
2. a. A domestic partner shall have the same visitation rights at all correctional facilities in Cambridge as a spouse or parent of a person in custody. A dependent shall have the same visitation rights afforded to the child of a person in custody.
b. The term "correctional facilities" includes, but is not limited to, holding cells, jails, and juvenile correction centers.
3. a. A domestic partner, who is also the parent or legal guardian of a child, may file a form at or send a letter to the child's school to indicate that the parent's domestic partner shall have access to the child's records, access to school personnel in matters concerning the child, and access to the child, including the right to remove such child from the school for sickness or family emergency. The school shall afford such person access as directed by the child's parent.
b. When a domestic partnership is terminated pursuant to 2.119.030, it is the responsibility of the parent or guardian to notify the school, in writing, of the termination of rights of the former domestic partner.
c. The term "school" includes, but is not limited to, high schools, vocational schools, junior high and middle schools, elementary schools, pre-school programs, after-school programs, and day care programs.

2.119.070 Employment Benefits.

A. The City and School Department shall provide the same health and other employment fringe benefits to employees with domestic partners as to employees with spouses. As used in this chapter, "employees" refers to active and retired employees of the City of Cambridge and the Cambridge School Department eligible for benefits pursuant to state or municipal law, employment policies, or collective bargaining agreements.

B. Employees must file a Declaration of Domestic Partnership, signed under the pains and penalties of perjury, with their department administrator or Department of

Personnel of the City or School Department, as appropriate, in order to obtain benefits under this Ordinance. On such declaration, employees shall agree to promptly notify the City or School Department, as appropriate, of any change in the status or their domestic partnership. There shall be no fee for such declaration. Employees shall not be obligated to file a Domestic Partnership Registration form with the City Clerk.

C. The City and School Department shall provide medical insurance coverage to an employee's domestic partner as it does to an employee's spouse, and to the dependent(s) of an employee's domestic partnership as it does to an employee's child(ren). An employee may opt to decline medical insurance coverage for her or his domestic partner, without foregoing the right to obtain medical insurance coverage for her or his domestic partner at a later date.

D. Upon termination of a domestic partnership by an employee, the domestic partner shall be covered by medical insurance for a period of sixty (60) days following the termination of the domestic partnership. If the employee leaves employment with the City or School Department prior to the expiration of the sixty days, the medical insurance shall lapse on the date that the former employee's insurance lapses.

E. Upon termination of a domestic partnership by the death of an employee, the surviving domestic partner's medical insurance coverage shall lapse as it would for the spouse of a married employee, upon the death of such employee.

F. Employees shall be granted a leave of absence, with pay, for the death of a domestic partner or family member of a domestic partner to the same extent as for a spouse or family member of a spouse. Use of the term "in-law" in employee handbooks shall include the relatives of a domestic partner.

G. Employees shall be granted sick leave to care for a domestic partner to the same extent permitted to care for a spouse, and to care for a dependent of a domestic partnership to the same extent permitted to care for a child.

H. Employees shall be entitled to take parental leave to take care of a child born to their domestic partner or a newly adopted child to the same extent as a married person.

2.119.080 Limitation of Liabilities.

A. Nothing in this ordinance shall be interpreted to contravene the general laws of the commonwealth.

B. Nothing contained in this chapter shall be construed to impose liability upon a domestic partner for the health or medical expenses of his or her domestic partner, with the sole exception of the medical insurance contributions assumed by a City or School Department employee who is a member of a domestic partnership.

C. Nothing in this chapter shall be construed to create additional legal liabilities greater than those already existing under law or to create new private causes of action.

2.119.090 Reciprocity.

All rights, privileges and benefits extended to domestic partnerships registered pursuant to this ordinance shall also be extended to domestic partnerships registered pursuant to similar laws in other jurisdictions.

2.119.100 Retaliation.

No person shall discriminate or retaliate against a person who seeks the benefit of this chapter, registers or makes a declaration pursuant to its provisions, or assists another person in obtaining the benefits of this chapter. Any person who so discriminates or retaliates shall be penalized in accordance with the provisions of the Cambridge Human Rights Ordinance, Cambridge Code Chapter 2.76.

2.119.110 Severability.

The provisions of this chapter are severable. If any of its provisions are held invalid by a court of competent jurisdiction, all other provisions shall continue in full force and effect.

2.119.120 Forms.

A. The City Clerk shall distribute copies of the following forms to those persons who request them:

1. Domestic Partnership Registration
2. Domestic Partnership Information Sheet
3. Termination of Domestic Partnership
4. School Authorization Form

B. The Departments of Personnel shall distribute copies of the following forms to those persons who request them:

1. Declaration of Domestic Partnership
2. Amendment to Declaration of Domestic Partnership

C. The School Department shall distribute copies of the following forms to persons who request them:

1. School Authorization Form
2. Revocation of School Authorization Form

D. The City Clerk, the Department of Personnel, School Department, and all other affected City agencies, offices, and departments shall provide and distribute any other relevant forms that are or become necessary.

2.119.130 Effect on Other Sections of Code.

When the term "spouse" is used in other City ordinances, it shall be interpreted to include a domestic partner. When the term "family" is used in other City ordinances, it shall be interpreted to include domestic partnerships.

(June 10, 1992)

In amendment to an ordinance entitled the "Cambridge Municipal Code"

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter 2.119

DOMESTIC PARTNERSHIPS

Sections:

2.119.010	Recognition and Scope.
2.119.020	Definitions.
2.119.030	Registration and Termination.
2.119.040	City Clerk -- Fees.
2.119.050	City Clerk -- Records.
2.119.060	Rights of Domestic Partners.
2.119.070	Employment Benefits.
2.119.080	Limitation of Liabilities.
2.119.090	Reciprocity.
2.119.100	Retaliation.
2.119.110	Severability.
2.119.120	Forms.
2.119.130	Effect on Other Sections of Code.

2.119.010 Recognition and Scope.

A. The City Council recognizes the diverse composition of its citizenry and values its people. The City Council acknowledges that the people's lives have evolved from when laws governing family relationships were enacted. Perpetuation of the traditional definitions of "family" excludes a significant segment of the Cambridge population, deprives them of recognition and validation, and denies certain rights that should be afforded to persons who share their homes, their hearts, and their lives. The City, recognizing its commitment to nondiscrimination and fair treatment of its citizens and employees, hereby adopts this ordinance acknowledging domestic partnerships.

B. The ordinance allows persons in committed relationships who meet the criteria established by the City as constituting domestic partnerships to register at the office of the City Clerk and obtain a certificate attesting to their status. The ordinance recognizes certain rights of access for domestic partners. This ordinance, in conformance with the Human Rights Ordinance, which bars discrimination on the basis of sexual orientation, marital status, and family status, also equalizes the treatment of City employees.

2.119.020 Definitions.

As used in this chapter:

1. "Domestic Partnership" means the entity formed by two persons who meet the following criteria and jointly file a registration statement proclaiming that:
 - a. They are in a relationship of mutual support, caring and commitment and intend to remain in such a relationship; and
 - b. They reside together; and
 - c. They are not married; and
 - d. They are not related by blood closer than would bar marriage in the Commonwealth of Massachusetts; and
 - e. They are each other's sole domestic partner; and
 - f. They are competent to contract; and
 - g. They consider themselves to be a family.
2. "Mutual support" means that the domestic partners each contribute in some fashion, not necessarily equally or financially, to the maintenance and support of the domestic partnership.
3. "Reside together" means living together in a common household. A partner may be temporarily absent from the common household, so long as she or he has the intent to return. A partner may own or maintain an additional residence.
4. "Competent to contract" means 18 years of age or older, and mentally competent to contract.
5. The existence of a "family" relationship may be shown by the manner in which the people live their daily lives; how they hold their relationship out to the world; their emotional and financial commitment; their reliance on each other for daily family services; the longevity and exclusivity of their relationship; and any other factors which may be relevant.
6. "Domestic Partner" means a person who meets the criteria set out in 2.119.020.1 or who is registered as such in another jurisdiction.
7. "Dependent" means a minor who lives within the household of a domestic partnership and is:
 - a. A biological child, adopted child, or foster child of a domestic partner; or
 - b. A dependent as defined under IRS regulations; or
 - c. A ward of a domestic partner as determined in a guardianship proceeding.

2.119.030 Registration and Termination.

A. Persons who meet the criteria set out in 2.119.020.1 may make an official record of their domestic partnership by filing a Domestic Partnership Registration form with the City Clerk. The Domestic Partnership Registration shall include the name and date of

birth of each of the domestic partners, the address of their common household, and the names and dates of birth of any dependents of the domestic partnership, and shall be signed, under the pains and penalties of perjury, by both domestic partners.

B. Domestic partners may amend the Domestic Partnership Registration to add or delete dependents or change the household address. Amendments to the Domestic Partnership Registration shall be signed, under the pains and penalties of perjury, by both domestic partners.

C. A domestic partnership is terminated by the death of a domestic partner or by the filing of a termination statement by a domestic partner.

1. The death of a domestic partner automatically terminates a domestic partnership.

2. A domestic partnership may be terminated by a domestic partner who files with the City Clerk, by hand or by certified mail, a termination statement. The person filing the termination statement must declare under pains and penalties of perjury that the domestic partnership is terminated and that a copy of the termination statement has been mailed by certified mail to the other domestic partner at his or her last known address. The person filing the termination statement must include on such statement the address to which the copy was mailed.

D. The termination of a domestic partnership shall be effective immediately upon the death of a domestic partner. The voluntary termination of a domestic partnership by a partner shall be effective seven (7) days after the receipt of a termination statement by the City Clerk. Prior to becoming effective, the person who filed the termination statement may withdraw the termination statement in person at the office of the City Clerk. If the termination statement is withdrawn, the domestic partner shall give notice of the withdrawal, by certified mail, to the other domestic partner.

E. If a domestic partnership is terminated by the death of a domestic partner, there shall be no required waiting period prior to filing another domestic partnership. If a domestic partnership is terminated by one or both domestic partners, neither domestic partner may file another domestic partnership until six months have elapsed.

2.119.040 City Clerk -- Fees.

A. The City Clerk shall collect a reasonable fee for filing a domestic partnership registration. The initial amount for this fee shall be \$10.00, and it shall be adjusted as necessary to remain consistent with the fee for an application for a marriage license.

B. The City Clerk shall collect a fee of \$4.00 for certified copies of domestic partnership documents, other than the copy of the Certificate of Domestic Partnership issued by the City Clerk to the domestic partners, as provided for in 2.119.050.

2.119.050 City Clerk -- Records.

A. Upon receipt of a domestic partnership registration and filing fee, the City Clerk shall issue a Certificate of Domestic Partnership and shall mail to the household of the domestic partnership one certified copy of the certificate and two wallet-sized cards

indicating the existence of the domestic partnership, the names of the domestic partners, and the names of the dependents of the domestic partnership, if any.

B. The City Clerk shall maintain records of domestic partnerships registered in the City, including forms filed and certificates issued. The City Clerk shall provide forms to persons requesting them in accordance with 2.119.120.

C. The City Clerk shall allow public access to domestic partnership records to the same extent and in the same manner as marriage licenses.

2.119.060 Rights of Domestic Partners.

Persons who have registered their domestic partnership at the office of the City Clerk pursuant to 2.119.030 are entitled to the following rights:

1. a. A domestic partner shall have the same visitation rights as a spouse or parent of a patient at the Cambridge City Hospital and all other health care facilities in the City. A dependent shall have the same visitation rights as a patient's child.
b. The term "health care facilities" includes, but is not limited to, hospitals, convalescent facilities, mental health care facilities, and other short and long term care facilities.
2. a. A domestic partner shall have the same visitation rights at all correctional facilities in Cambridge as a spouse or parent of a person in custody. A dependent shall have the same visitation rights afforded to the child of a person in custody.
b. The term "correctional facilities" includes, but is not limited to, holding cells, jails, and juvenile correction centers.
3. a. A domestic partner, who is also the parent or legal guardian of a child, may file a form at or send a letter to the child's school to indicate that the parent's domestic partner shall have access to the child's records, access to school personnel in matters concerning the child, and access to the child, including the right to remove such child from the school for sickness or family emergency. The school shall afford such person access as directed by the child's parent.
b. When a domestic partnership is terminated pursuant to 2.119.030, it is the responsibility of the parent or guardian to notify the school, in writing, of the termination of rights of the former domestic partner.
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2.119.070 Employment Benefits.

A. The City and School Department shall provide the same health and other employment fringe benefits to employees with domestic partners as to employees with spouses. As used in this chapter, "employees" refers to active and retired employees of the City of Cambridge and the Cambridge School Department eligible for benefits pursuant to state or municipal law, employment policies, or collective bargaining agreements.

B. Employees must file a Declaration of Domestic Partnership, signed under the pains and penalties of perjury, with their department administrator or Department of

Personnel of the City or School Department, as appropriate, in order to obtain benefits under this Ordinance. On such declaration, employees shall agree to promptly notify the City or School Department, as appropriate, of any change in the status or their domestic partnership. There shall be no fee for such declaration. Employees shall not be obligated to file a Domestic Partnership Registration form with the City Clerk.

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E. Upon termination of a domestic partnership by the death of an employee, the surviving domestic partner's medical insurance coverage shall lapse as it would for the spouse of a married employee, upon the death of such employee.

F. Employees shall be granted a leave of absence, with pay, for the death of a domestic partner or family member of a domestic partner to the same extent as for a spouse or family member of a spouse. Use of the term "in-law" in employee handbooks shall include the relatives of a domestic partner.

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C. Nothing in this chapter shall be construed to create additional legal liabilities greater than those already existing under law or to create new private causes of action.

2.119.090 Reciprocity.

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No person shall discriminate or retaliate against a person who seeks the benefit of this chapter, registers or makes a declaration pursuant to its provisions, or assists another person in obtaining the benefits of this chapter. Any person who so discriminates or retaliates shall be penalized in accordance with the provisions of the Cambridge Human Rights Ordinance, Cambridge Code Chapter 2.76.

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(June 10, 1992)

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Chapter 2.119

DOMESTIC PARTNERSHIPS

Sections:

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2.119.130	Effect on Other Sections of Code.

2.119.010 Recognition and Scope.

A. The City Council recognizes the diverse composition of its citizenry and values its people. The City Council acknowledges that the people's lives have evolved from when laws governing family relationships were enacted. Perpetuation of the traditional definitions of "family" excludes a significant segment of the Cambridge population, deprives them of recognition and validation, and denies certain rights that should be afforded to persons who share their homes, their hearts, and their lives. The City, recognizing its commitment to nondiscrimination and fair treatment of its citizens and employees, hereby adopts this ordinance acknowledging domestic partnerships.

B. The ordinance allows persons in committed relationships who meet the criteria established by the City as constituting domestic partnerships to register at the office of the City Clerk and obtain a certificate attesting to their status. The ordinance recognizes certain rights of access for domestic partners. This ordinance, in conformance with the Human Rights Ordinance, which bars discrimination on the basis of sexual orientation, marital status, and family status, also equalizes the treatment of City employees.

2.119.020 Definitions.

As used in this chapter:

1. "Domestic Partnership" means the entity formed by two persons who meet the following criteria and jointly file a registration statement proclaiming that:
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 - c. They are not married; and
 - d. They are not related by blood closer than would bar marriage in the Commonwealth of Massachusetts; and
 - e. They are each other's sole domestic partner; and
 - f. They are competent to contract; and
 - g. They consider themselves to be a family.
2. "Mutual support" means that the domestic partners each contribute in some fashion, not necessarily equally or financially, to the maintenance and support of the domestic partnership.
3. "Reside together" means living together in a common household. A partner may be temporarily absent from the common household, so long as she or he has the intent to return. A partner may own or maintain an additional residence.
4. "Competent to contract" means 18 years of age or older, and mentally competent to contract.
5. The existence of a "family" relationship may be shown by the manner in which the people live their daily lives; how they hold their relationship out to the world; their emotional and financial commitment; their reliance on each other for daily family services; the longevity and exclusivity of their relationship; and any other factors which may be relevant.
6. "Domestic Partner" means a person who meets the criteria set out in 2.119.020.1 or who is registered as such in another jurisdiction.
7. "Dependent" means a minor who lives within the household of a domestic partnership and is:
 - a. A biological child, adopted child, or foster child of a domestic partner; or
 - b. A dependent as defined under IRS regulations; or
 - c. A ward of a domestic partner as determined in a guardianship proceeding.

2.119.030 Registration and Termination.

A. Persons who meet the criteria set out in 2.119.020.1 may make an official record of their domestic partnership by filing a Domestic Partnership Registration form with the City Clerk. The Domestic Partnership Registration shall include the name and date of

birth of each of the domestic partners, the address of their common household, and the names and dates of birth of any dependents of the domestic partnership, and shall be signed, under the pains and penalties of perjury, by both domestic partners.

B. Domestic partners may amend the Domestic Partnership Registration to add or delete dependents or change the household address. Amendments to the Domestic Partnership Registration shall be signed, under the pains and penalties of perjury, by both domestic partners.

C. A domestic partnership is terminated by the death of a domestic partner or by the filing of a termination statement by a domestic partner.

1. The death of a domestic partner automatically terminates a domestic partnership.

2. A domestic partnership may be terminated by a domestic partner who files with the City Clerk, by hand or by certified mail, a termination statement. The person filing the termination statement must declare under pains and penalties of perjury that the domestic partnership is terminated and that a copy of the termination statement has been mailed by certified mail to the other domestic partner at his or her last known address. The person filing the termination statement must include on such statement the address to which the copy was mailed.

D. The termination of a domestic partnership shall be effective immediately upon the death of a domestic partner. The voluntary termination of a domestic partnership by a partner shall be effective seven (7) days after the receipt of a termination statement by the City Clerk. Prior to becoming effective, the person who filed the termination statement may withdraw the termination statement in person at the office of the City Clerk. If the termination statement is withdrawn, the domestic partner shall give notice of the withdrawal, by certified mail, to the other domestic partner.

E. If a domestic partnership is terminated by the death of a domestic partner, there shall be no required waiting period prior to filing another domestic partnership. If a domestic partnership is terminated by one or both domestic partners, neither domestic partner may file another domestic partnership until six months have elapsed.

2.119.040 City Clerk -- Fees.

A. The City Clerk shall collect a reasonable fee for filing a domestic partnership registration. The initial amount for this fee shall be \$10.00, and it shall be adjusted as necessary to remain consistent with the fee for an application for a marriage license.

B. The City Clerk shall collect a fee of \$4.00 for certified copies of domestic partnership documents, other than the copy of the Certificate of Domestic Partnership issued by the City Clerk to the domestic partners, as provided for in 2.119.050.

2.119.050 City Clerk -- Records.

A. Upon receipt of a domestic partnership registration and filing fee, the City Clerk shall issue a Certificate of Domestic Partnership and shall mail to the household of the domestic partnership one certified copy of the certificate and two wallet-sized cards

indicating the existence of the domestic partnership, the names of the domestic partners, and the names of the dependents of the domestic partnership, if any.

B. The City Clerk shall maintain records of domestic partnerships registered in the City, including forms filed and certificates issued. The City Clerk shall provide forms to persons requesting them in accordance with 2.119.120.

C. The City Clerk shall allow public access to domestic partnership records to the same extent and in the same manner as marriage licenses.

2.119.060 Rights of Domestic Partners.

Persons who have registered their domestic partnership at the office of the City Clerk pursuant to 2.119.030 are entitled to the following rights:

1. a. A domestic partner shall have the same visitation rights as a spouse or parent of a patient at the Cambridge City Hospital and all other health care facilities in the City. A dependent shall have the same visitation rights as a patient's child.
b. The term "health care facilities" includes, but is not limited to, hospitals, convalescent facilities, mental health care facilities, and other short and long term care facilities.
2. a. A domestic partner shall have the same visitation rights at all correctional facilities in Cambridge as a spouse or parent of a person in custody. A dependent shall have the same visitation rights afforded to the child of a person in custody.
b. The term "correctional facilities" includes, but is not limited to, holding cells, jails, and juvenile correction centers.
3. a. A domestic partner, who is also the parent or legal guardian of a child, may file a form at or send a letter to the child's school to indicate that the parent's domestic partner shall have access to the child's records, access to school personnel in matters concerning the child, and access to the child, including the right to remove such child from the school for sickness or family emergency. The school shall afford such person access as directed by the child's parent.
b. When a domestic partnership is terminated pursuant to 2.119.030, it is the responsibility of the parent or guardian to notify the school, in writing, of the termination of rights of the former domestic partner.
c. The term "school" includes, but is not limited to, high schools, vocational schools, junior high and middle schools, elementary schools, pre-school programs, after-school programs, and day care programs.

2.119.070 Employment Benefits.

A. The City and School Department shall provide the same health and other employment fringe benefits to employees with domestic partners as to employees with spouses. As used in this chapter, "employees" refers to active and retired employees of the City of Cambridge and the Cambridge School Department eligible for benefits pursuant to state or municipal law, employment policies, or collective bargaining agreements.

B. Employees must file a Declaration of Domestic Partnership, signed under the pains and penalties of perjury, with their department administrator or Department of

Personnel of the City or School Department, as appropriate, in order to obtain benefits under this Ordinance. On such declaration, employees shall agree to promptly notify the City or School Department, as appropriate, of any change in the status or their domestic partnership. There shall be no fee for such declaration. Employees shall not be obligated to file a Domestic Partnership Registration form with the City Clerk.

C. The City and School Department shall provide medical insurance coverage to an employee's domestic partner as it does to an employee's spouse, and to the dependent(s) of an employee's domestic partnership as it does to an employee's child(ren). An employee may opt to decline medical insurance coverage for her or his domestic partner, without foregoing the right to obtain medical insurance coverage for her or his domestic partner at a later date.

D. Upon termination of a domestic partnership by an employee, the domestic partner shall be covered by medical insurance for a period of sixty (60) days following the termination of the domestic partnership. If the employee leaves employment with the City or School Department prior to the expiration of the sixty days, the medical insurance shall lapse on the date that the former employee's insurance lapses.

E. Upon termination of a domestic partnership by the death of an employee, the surviving domestic partner's medical insurance coverage shall lapse as it would for the spouse of a married employee, upon the death of such employee.

F. Employees shall be granted a leave of absence, with pay, for the death of a domestic partner or family member of a domestic partner to the same extent as for a spouse or family member of a spouse. Use of the term "in-law" in employee handbooks shall include the relatives of a domestic partner.

G. Employees shall be granted sick leave to care for a domestic partner to the same extent permitted to care for a spouse, and to care for a dependent of a domestic partnership to the same extent permitted to care for a child.

H. Employees shall be entitled to take parental leave to take care of a child born to their domestic partner or a newly adopted child to the same extent as a married person.

2.119.080 Limitation of Liabilities.

A. Nothing in this ordinance shall be interpreted to contravene the general laws of the commonwealth.

B. Nothing contained in this chapter shall be construed to impose liability upon a domestic partner for the health or medical expenses of his or her domestic partner, with the sole exception of the medical insurance contributions assumed by a City or School Department employee who is a member of a domestic partnership.

C. Nothing in this chapter shall be construed to create additional legal liabilities greater than those already existing under law or to create new private causes of action.

2.119.090 Reciprocity.

All rights, privileges and benefits extended to domestic partnerships registered pursuant to this ordinance shall also be extended to domestic partnerships registered pursuant to similar laws in other jurisdictions.

2.119.100 Retaliation.

No person shall discriminate or retaliate against a person who seeks the benefit of this chapter, registers or makes a declaration pursuant to its provisions, or assists another person in obtaining the benefits of this chapter. Any person who so discriminates or retaliates shall be penalized in accordance with the provisions of the Cambridge Human Rights Ordinance, Cambridge Code Chapter 2.76.

2.119.110 Severability.

The provisions of this chapter are severable. If any of its provisions are held invalid by a court of competent jurisdiction, all other provisions shall continue in full force and effect.

2.119.120 Forms.

A. The City Clerk shall distribute copies of the following forms to those persons who request them:

1. Domestic Partnership Registration
2. Domestic Partnership Information Sheet
3. Termination of Domestic Partnership
4. School Authorization Form

B. The Departments of Personnel shall distribute copies of the following forms to those persons who request them:

1. Declaration of Domestic Partnership
2. Amendment to Declaration of Domestic Partnership

C. The School Department shall distribute copies of the following forms to persons who request them:

1. School Authorization Form
2. Revocation of School Authorization Form

D. The City Clerk, the Department of Personnel, School Department, and all other affected City agencies, offices, and departments shall provide and distribute any other relevant forms that are or become necessary.

2.119.130 Effect on Other Sections of Code.

When the term "spouse" is used in other City ordinances, it shall be interpreted to include a domestic partner. When the term "family" is used in other City ordinances, it shall be interpreted to include domestic partnerships.

(June 10, 1992)

7:15

Ordinance Committee Domestic Partnerships

Chair: F. Duchey

Present: A. Wolf

K. Reeves

T. Torrey

E. Cyn

J. Myers

W. Walsh

F. Duchey

S. Russell

W. Sullivan

Discussed procedure

1. presentation
2. CC comments
3. pub. input

A. Wolf: Discussed process of ord. develop
Developed over 2 yrs by working group

Ordinance content:

- Citizens can sign up w/ City Clerk's

[check: F. Duchey → cosponsor - should be looked
in ~~the~~ order]

Matter of family values

Not an entirely new concept, but Com's
would be the 1st City in the Commonwealth to adopt

Some concerns abt legal matters

Some concern abt abuse

Research for other parts of country has not
shown this

Cost = %age who take advantage is v. low. And
there is a case of equity + fairness

He heard some comments that this proposal is why
City Mgr has proposed change in health care
Not true. Not related

City now spends \$25 mil. Need cost containment

Bmauto
Mary Bmauto 25 Cop. Blvd Rd
Atty w/ (LAI)
Gay Lesb Advocates & Defenders

Controversial Ch 32B

Issue - Does Cmt. have the right to compensate nontrad + families =

32B in 1956 set minimum standards for benefits for families

32B doesn't apply

sec 15

This is an issue of 1st impression under 32B

- 32B § 3 says purp. is to represent best interests of all employees

- whether 32B is a floor or a ceiling
- another issue of 1st impression

UUASH. Would there be a problem w/ including blood relatives

Mary Bmauto: No

UU Why not home rule

Cambridge already has the power to do this as an employer

UU I believe home rule legis. is required

Ken Reeves - Domestic partner as a spouse
Mary Brouk - interesting approach but haven't seen it be successful

Claire Conley
21 Buckingham St.
Cm's

Quest. of fairness - equal pay for equal work

Economic impact likely to be minimal
3.300 to Seattle

may = 4.6 to except Berkeley

except Berkeley 9 1/2 to

average = 3% except for Berkeley

Ithaca
Wash DC

See: Submitted "Cities Offering Domestic Partnership..." (A)

No evidence of fraud in any city
contact

A. Wolfe -

Several is. cs initially had 2-3% surcharges
for expect. of increased expenses which have
since then been rescinded

M. Reeves: I wanted a chart showing your expenses

See: "For Domestic Partners" (B)

Check -

Lorenzo Parlo, Chair Human Rights
Commission

Human Rights Ord. prohibits discrim on basis of
marital status or sexual preference

WW what abt brothers/sisters

May Bonauto - Discrim means to "single out" Quest is what
discrim is prohibited

Sexual orient + marital basis are prohibited
basis for discrimination. Sibling status is not

WW Shouldn't we try to cover all kinds of nontrad'l
families

A.W. When group first started, I was a prime advocate for
looking at family in broadest way

2 big probs

① How to delimit so that everyone is
Cov. is not 1 big happy family + covered

② Did not find any precedent in terms of
is. Cos where there was that kind of
broad coverage in its experience

WW See lots of cases of nontrad'l families in lower level
jobs. Don't think it would change the cost
tremendously

Where us is a v. large consideration

Some needs when family members are sick to
visit her

J. Myers - will support

Margaret Cerullo
23 Greenway Ave

As a lesbian mother, my life will be
affected

Adoptive parent of small daughter
She doesn't know where of 60 is the legal
adopted daughter
As she approaches school age, again a big
consideration

~~Imada Etian~~

Susan Weinstein - CKCB
279 Grand Ave Weymouth
Shipyard, Dist 65
Legal 5-

Union has voted to support
domestic partnership

Fairness issue

Nancy Alcock
23 Gemini St
teacher W.C.S.

It's been non-traditional families in
Cumb. for a v. long time
Want my son to grow

Gary Daffin
10 Dma St
Mass Gay + Lesb. Polit. Caucus

Spoke in support

Rev. Vernon Carter
295 Harvard St.

Spoke in support

Marriage is relative. Fairness of treatment
is important

Jack Woynd
13 Cottage St
Co-Chair Harv Gay + Lesb Caucus

Caucus strongly supports
Hv taken some positive re: Harvard
Major step of leadership

Drew Williams
17 Ender St
Srmtee
Pres, Harv Cler + Tech
Working

Hv done research on the cost
Don't cost that much money

Bill Burnett
Cambridge Lambda Alliance

v. little to separate gay/lesb. people from
any other kind people

Ellen Zucker
President Boston NOW
Camb resident

Spoke in favor of proposed ord
I have to talk abt how to include all families
Basic right of recognition + some services

Not that things he changed. He always had
non-tradit'l families. Now at a point where
they can stand up.

Don't get stuck in legal concerns

Robt. Wheatley
33 Crispwell Ave
Retired minister. Unit/
Unit

Was 1st div of Committee on Elders

" " Council on Relief

Served on 1st Bd of Camb. Home Rts Commis

Gay man spent over 50 yrs struggling against
internalized homophobia

37 yrs in ~~marriage~~ caring stable family w/o benefit of
ins.

He spent yrs supporting tax breaks for marriage,
etc.

Ann Curby
15 James Way
Stated for 95th Church
in Cambridge Congregational

15th Church decision to affirm the
personhood of gay, lesbian & bisexual(?)
indiv.

Significant effort to

M. Reeves

We are moving in an area that is tried + tested + has the best legal basis. But we'd commit to study these other families

Sue Hyde

27 Putnam Ave

Camb. Lavender Alliance

Spoke in support

Real families left out because of prejudice + bigotry against gay + lesbian people

A. Wolf

In every city where it has been passed we have been a uniformly positive experience
Matter of pure justice

Rev. Louise Conant 70 Old Farm Rd Wellesley
Christ Church Episcopal O Garden
Assoc. Rectr

- Spoke in support

- Family values are precious in whatever ~~value~~ form of family they are

Steve Beltrac

33 Magazine St

Old Camb. Baptist Church

Work of people w/ AIDS. Family members have been able to prevent committed partners from visiting in hospital

Hugh Russell
1 - 0 - Place

It's been in a domestic partnership for 16 yrs
My partner has AIDS
Presid. of small co. which has a domestic partners
policy since I've been president

City should provide the most support we
can for employees so they can be effective
at work

Speaker in opposition:

NONE

A. Woelfe: Move: reported back to CC for action

K. Reeves: Support

J. Myers: Support

V V / Yes no abst present
5-0-4 W. Sullivan
Tommy
Wash
Russell

9:10 Adjourned

Domestic Partners Speakers List

Louise Comant - Christ Church

Steve Gelinas - OCBC

Ellen Zucker - NOW

Bob Wheatley - UU minister

Anne ~~Kirby~~^{Curby} - First Church

Gary Daffin - Mass. Gay / Gg Pol. Caucus.

Jack Wofford - Co-Chair, Harvard Gay + Lesbian
Caucus

Donene Williams - Harvard Union of Clerical + Tech. Workers

Bill Barnert - Cambridge Lavender Alliance

Rev. Vernon Carter - All Saints Lutheran

Margaret Cerullo

Marla Erlie

Susan Weinstein

DOMESTIC PARTNERSHIP

Speaker Sign Up

Speakers In Favor

NAME

ADDRESS

Nancy Alach
Hugh Russell.

23 Gurney St Coacomb MA 02138

DOMESTIC PARTNERSHIP

Speaker Sign Up

Speakers Against

NAME

ADDRESS

2.119.020 Definitions.

As used in this chapter:

1. "Domestic Partnership" means the entity formed by two persons who meet the following criteria and jointly file a registration statement proclaiming that:
 - a. They are in a relationship of mutual support, caring and commitment and intend to remain in such a relationship; and
 - b. They reside together; and
 - c. They are not married; and
 - d. They are not related by blood closer than would bar marriage in the Commonwealth of Massachusetts; and
 - e. They are each other's sole domestic partner; and
 - f. They are competent to contract; and
 - g. They consider themselves to be a family.
2. "Mutual support" means that the domestic partners each contribute in some fashion, not necessarily equally or financially, to the maintenance and support of the domestic partnership.
3. "Reside together" means living together in a common household. A partner may be temporarily absent from the common household, so long as she or he has the intent to return. A partner may own or maintain an additional residence.
4. "Competent to contract" means 18 years of age or older, and mentally competent to contract.
5. The existence of a "family" relationship may be shown by the manner in which the people live their daily lives; how they hold their relationship out to the world; their emotional and financial commitment; their reliance on each other for daily family services; the longevity and exclusivity of their relationship; and any other factors which may be relevant.
6. "Domestic Partner" means a person who meets the criteria set out in 2.119.020.1 or who is registered as such in another jurisdiction.
7. "Dependent" means a minor who lives within the household of a domestic partnership and is:
 - a. A biological child, adopted child, or foster child of a domestic partner; or
 - b. A dependent as defined under IRS regulations; or
 - c. A ward of a domestic partner as determined in a guardianship proceeding.

2.119.030 Registration and Termination.

A. Persons who meet the criteria set out in 2.119.020.1 may make an official record of their domestic partnership by filing a Domestic Partnership Registration form with the City Clerk. The Domestic Partnership Registration shall include the name and date of

birth of each of the domestic partners, the address of their common household, and the names and dates of birth of any dependents of the domestic partnership, and shall be signed, under the pains and penalties of perjury, by both domestic partners.

B. Domestic partners may amend the Domestic Partnership Registration to add or delete dependents or change the household address. Amendments to the Domestic Partnership Registration shall be signed, under the pains and penalties of perjury, by both domestic partners.

C. A domestic partnership is terminated by the death of a domestic partner or by the filing of a termination statement by a domestic partner.

1. The death of a domestic partner automatically terminates a domestic partnership.

2. A domestic partnership may be terminated by a domestic partner who files with the City Clerk, by hand or by certified mail, a termination statement. The person filing the termination statement must declare under pains and penalties of perjury that the domestic partnership is terminated and that a copy of the termination statement has been mailed by certified mail to the other domestic partner at his or her last known address. The person filing the termination statement must include on such statement the address to which the copy was mailed.

D. The termination of a domestic partnership shall be effective immediately upon the death of a domestic partner. The voluntary termination of a domestic partnership by a partner shall be effective seven (7) days after the receipt of a termination statement by the City Clerk. Prior to becoming effective, the person who filed the termination statement may withdraw the termination statement in person at the office of the City Clerk. If the termination statement is withdrawn, the domestic partner shall give notice of the withdrawal, by certified mail, to the other domestic partner.

E. If a domestic partnership is terminated by the death of a domestic partner, there shall be no required waiting period prior to filing another domestic partnership. If a domestic partnership is terminated by one or both domestic partners, neither domestic partner may file another domestic partnership until six months have elapsed.

2.119.040 City Clerk -- Fees.

A. The City Clerk shall collect a reasonable fee for filing a domestic partnership registration. The initial amount for this fee shall be \$10.00, and it shall be adjusted as necessary to remain consistent with the fee for an application for a marriage license.

B. The City Clerk shall collect a fee of \$4.00 for certified copies of domestic partnership documents, other than the copy of the Certificate of Domestic Partnership issued by the City Clerk to the domestic partners, as provided for in 2.119.050.

2.119.050 City Clerk -- Records.

A. Upon receipt of a domestic partnership registration and filing fee, the City Clerk shall issue a Certificate of Domestic Partnership and shall mail to the household of the domestic partnership one certified copy of the certificate and two wallet-sized cards

indicating the existence of the domestic partnership, the names of the domestic partners, and the names of the dependents of the domestic partnership, if any.

B. The City Clerk shall maintain records of domestic partnerships registered in the City, including forms filed and certificates issued. The City Clerk shall provide forms to persons requesting them in accordance with 2.119.120.

C. The City Clerk shall allow public access to domestic partnership records to the same extent and in the same manner as marriage licenses.

2.119.060 Rights of Domestic Partners.

Persons who have registered their domestic partnership at the office of the City Clerk pursuant to 2.119.030 are entitled to the following rights:

1. a. A domestic partner shall have the same visitation rights as a spouse or parent of a patient at the Cambridge City Hospital and all other health care facilities in the City. A dependent shall have the same visitation rights as a patient's child.
b. The term "health care facilities" includes, but is not limited to, hospitals, convalescent facilities, mental health care facilities, and other short and long term care facilities.
2. a. A domestic partner shall have the same visitation rights at all correctional facilities in Cambridge as a spouse or parent of a person in custody. A dependent shall have the same visitation rights afforded to the child of a person in custody.
b. The term "correctional facilities" includes, but is not limited to, holding cells, jails, and juvenile correction centers.
3. a. A domestic partner, who is also the parent or legal guardian of a child, may file a form at or send a letter to the child's school to indicate that the parent's domestic partner shall have access to the child's records, access to school personnel in matters concerning the child, and access to the child, including the right to remove such child from the school for sickness or family emergency. The school shall afford such person access as directed by the child's parent.
b. When a domestic partnership is terminated pursuant to 2.119.030, it is the responsibility of the parent or guardian to notify the school, in writing, of the termination of rights of the former domestic partner.
c. The term "school" includes, but is not limited to, high schools, vocational schools, junior high and middle schools, elementary schools, pre-school programs, after-school programs, and day care programs.

2.119.070 Employment Benefits.

A. The City and School Department shall provide the same health and other employment fringe benefits to employees with domestic partners as to employees with spouses. As used in this chapter, "employees" refers to active and retired employees of the City of Cambridge and the Cambridge School Department eligible for benefits pursuant to state or municipal law, employment policies, or collective bargaining agreements.

B. Employees must file a Declaration of Domestic Partnership, signed under the pains and penalties of perjury, with their department administrator or Department of

Personnel of the City or School Department, as appropriate, in order to obtain benefits under this Ordinance. On such declaration, employees shall agree to promptly notify the City or School Department, as appropriate, of any change in the status or their domestic partnership. There shall be no fee for such declaration. Employees shall not be obligated to file a Domestic Partnership Registration form with the City Clerk.

C. The City and School Department shall provide medical insurance coverage to an employee's domestic partner as it does to an employee's spouse, and to the dependent(s) of an employee's domestic partnership as it does to an employee's child(ren). An employee may opt to decline medical insurance coverage for her or his domestic partner, without foregoing the right to obtain medical insurance coverage for her or his domestic partner at a later date.

D. Upon termination of a domestic partnership by an employee, the domestic partner shall be covered by medical insurance for a period of sixty (60) days following the termination of the domestic partnership. If the employee leaves employment with the City or School Department prior to the expiration of the sixty days, the medical insurance shall lapse on the date that the former employee's insurance lapses.

E. Upon termination of a domestic partnership by the death of an employee, the surviving domestic partner's medical insurance coverage shall lapse as it would for the spouse of a married employee, upon the death of such employee.

F. Employees shall be granted a leave of absence, with pay, for the death of a domestic partner or family member of a domestic partner to the same extent as for a spouse or family member of a spouse. Use of the term "in-law" in employee handbooks shall include the relatives of a domestic partner.

G. Employees shall be granted sick leave to care for a domestic partner to the same extent permitted to care for a spouse, and to care for a dependent of a domestic partnership to the same extent permitted to care for a child.

H. Employees shall be entitled to take parental leave to take care of a child born to their domestic partner or a newly adopted child to the same extent as a married person.

2.119.080 Limitation of Liabilities.

A. Nothing in this ordinance shall be interpreted to contravene the general laws of the commonwealth.

B. Nothing contained in this chapter shall be construed to impose liability upon a domestic partner for the health or medical expenses of his or her domestic partner, with the sole exception of the medical insurance contributions assumed by a City or School Department employee who is a member of a domestic partnership.

C. Nothing in this chapter shall be construed to create additional legal liabilities greater than those already existing under law or to create new private causes of action.

2.119.090 Reciprocity.

All rights, privileges and benefits extended to domestic partnerships registered pursuant to this ordinance shall also be extended to domestic partnerships registered pursuant to similar laws in other jurisdictions.

In amendment to an ordinance entitled the "Cambridge Municipal Code"

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter 2.119

DOMESTIC PARTNERSHIPS

Sections:

- 2.119.010 Recognition and Scope.**
- 2.119.020 Definitions.**
- 2.119.030 Registration and Termination.**
- 2.119.040 City Clerk -- Fees.**
- 2.119.050 City Clerk -- Records.**
- 2.119.060 Rights of Domestic Partners.**
- 2.119.070 Employment Benefits.**
- 2.119.080 Limitation of Liabilities.**
- 2.119.090 Reciprocity.**
- 2.119.100 Retaliation.**
- 2.119.110 Severability.**
- 2.119.120 Forms.**
- 2.119.130 Effect on Other Sections of Code.**

2.119.010 Recognition and Scope.

A. The City Council recognizes the diverse composition of its citizenry and values its people. The City Council acknowledges that the people's lives have evolved from when laws governing family relationships were enacted. Perpetuation of the traditional definitions of "family" excludes a significant segment of the Cambridge population, deprives them of recognition and validation, and denies certain rights that should be afforded to persons who share their homes, their hearts, and their lives. The City, recognizing its commitment to nondiscrimination and fair treatment of its citizens and employees, hereby adopts this ordinance acknowledging domestic partnerships.

B. The ordinance allows persons in committed relationships who meet the criteria established by the City as constituting domestic partnerships to register at the office of the City Clerk and obtain a certificate attesting to their status. The ordinance recognizes certain rights of access for domestic partners. This ordinance, in conformance with the Human Rights Ordinance, which bars discrimination on the basis of sexual orientation, marital status, and family status, also equalizes the treatment of City employees.

2.119.100 Retaliation.

No person shall discriminate or retaliate against a person who seeks the benefit of this chapter, registers or makes a declaration pursuant to its provisions, or assists another person in obtaining the benefits of this chapter. Any person who so discriminates or retaliates shall be penalized in accordance with the provisions of the Cambridge Human Rights Ordinance, Cambridge Code Chapter 2.76.

2.119.110 Severability.

The provisions of this chapter are severable. If any of its provisions are held invalid by a court of competent jurisdiction, all other provisions shall continue in full force and effect.

2.119.120 Forms.

A. The City Clerk shall distribute copies of the following forms to those persons who request them:

1. Domestic Partnership Registration
2. Domestic Partnership Information Sheet
3. Termination of Domestic Partnership
4. School Authorization Form

B. The Departments of Personnel shall distribute copies of the following forms to those persons who request them:

1. Declaration of Domestic Partnership
2. Amendment to Declaration of Domestic Partnership

C. The School Department shall distribute copies of the following forms to persons who request them:

1. School Authorization Form
2. Revocation of School Authorization Form

D. The City Clerk, the Department of Personnel, School Department, and all other affected City agencies, offices, and departments shall provide and distribute any other relevant forms that are or become necessary.

2.119.130 Effect on Other Sections of Code.

When the term "spouse" is used in other City ordinances, it shall be interpreted to include a domestic partner. When the term "family" is used in other City ordinances, it shall be interpreted to include domestic partnerships.

(June 10, 1992)



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to an ordinance entitled "The Cambridge Municipal Code."

Be it ordained by the City Council of the City of Cambridge as follows:

That Title Two of the Municipal Code entitled "Administration and Personnel" is hereby amended by adding a new Chapter 2.119 entitled "Domestic Partnerships" which reads as follows:

CHAPTER 2.119

DOMESTIC PARTNERSHIPS

Sections:

2.119.010	Recognition and Scope.
2.119.020	Definitions.
2.119.030	Registration and Termination.
2.119.040	City Clerk -- Fees.
2.119.050	City Clerk -- Records.
2.119.060	Rights of Domestic Partners.
2.119.070	Employment Benefits.
2.119.080	Limitation of Liabilities.
2.119.090	Reciprocity.
2.119.100	Retaliation.
2.119.110	Severability.
2.119.120	Forms.
2.119.130	Effect on Other Sections of Code.

2.119.010 Recognition and Scope.

A. The City Council recognizes the diverse composition of its citizenry and values its people. The City Council acknowledges that the people's lives have evolved from when laws governing family relationships were enacted. Perpetuation of the traditional definitions of "family" excludes a significant segment of the Cambridge population, deprives them of recognition and validation, and denies certain rights that should be afforded to persons who share their homes, their hearts, and their lives. The City, recognizing its commitment to nondiscrimination and fair treatment of its citizens and employees, hereby adopts this ordinance acknowledging domestic partnerships.

B. The ordinance allows persons in committed relationships who meet the criteria established by the City as constituting domestic partnerships to register at the office of the City Clerk and obtain a certificate attesting to their status. The ordinance recognizes certain rights of access for domestic partners. This ordinance, in conformance with the Human Rights Ordinance, which bars discrimination on the basis of sexual orientation, marital status, and family status, also equalizes the treatment of City employees.

2.119.020 Definitions.

As used in this chapter:

1. "Domestic Partnership" means the entity formed by two persons who meet the following criteria and jointly file a registration statement proclaiming that:
 - a. They are in a relationship of mutual support, caring and commitment and intend to remain in such a relationship; and
 - b. They reside together; and
 - c. They are not married; and
 - d. They are not related by blood closer than would bar marriage in the Commonwealth of Massachusetts; and
 - e. They are each other's sole domestic partner; and
 - f. They are competent to contract; and
 - g. They consider themselves to be a family.
2. "Mutual support" means that the domestic partners each contribute in some fashion, not necessarily equally or financially, to the maintenance and support of the domestic partnership.
3. "Reside together" means living together in a common household. A partner may be temporarily absent from the common household, so long as she or he has the intent to return. A partner may own or maintain an additional residence.
4. "Competent to contract" means 18 years of age or older, and mentally competent to contract.
5. **Subsequent to the filing of a registration form, the existence of a "family" relationship may be shown by evidence relevant to the following factors: the manner in which the people live their daily lives; how they hold their relationship out to the world; their emotional and financial commitment; their reliance on each other for daily family services; the longevity and exclusivity of their relationship; and any other factors which may be relevant.**
6. "Domestic Partner" means a person who meets the criteria set out in 2.119.020.1 or who is registered as such in another jurisdiction.
7. "Dependent" means a minor who lives within the household of a domestic partnership and is:
 - a. A biological child **or adopted child, or foster child of a domestic partner, if the child is not provided with medical insurance coverage by the Commonwealth.**
 - b. **A dependent as defined under IRS regulations; or**
 - c. **A ward of a domestic partner as determined in a guardianship proceeding.**

2.119.030 Registration and Termination.

A. Persons who meet the criteria set out in 2.119.020.1 may make an official record of their domestic partnership by filing a Domestic Partnership Registration form with the City Clerk. The Domestic Partnership Registration shall include the name and date of

birth of each of the domestic partners, the address of their common household, and the names and dates of birth of any dependents of the domestic partnership, and shall be signed, under the pains and penalties of perjury, by both domestic partners.

B. Domestic partners may amend the Domestic Partnership Registration to add or delete dependents or change the household address. Amendments to the Domestic Partnership Registration shall be signed, under the pains and penalties of perjury, by both domestic partners.

C. A domestic partnership is terminated by the death of a domestic partner or by the filing of a termination statement by a domestic partner.

1. The death of a domestic partner automatically terminates a domestic partnership.

2. A domestic partnership may be terminated by a domestic partner who files with the City Clerk, by hand or by certified mail, a termination statement. The person filing the termination statement must declare under pains and penalties of perjury that the domestic partnership is terminated and that a copy of the termination statement has been mailed by certified mail to the other domestic partner at his or her last known address. The person filing the termination statement must include on such statement the address to which the copy was mailed.

D. The termination of a domestic partnership shall be effective immediately upon the death of a domestic partner. The voluntary termination of a domestic partnership by a partner shall be effective seven (7) days after the receipt of a termination statement by the City Clerk. Prior to becoming effective, the person who filed the termination statement may withdraw the termination statement in person at the office of the City Clerk. If the termination statement is withdrawn, the domestic partner shall give notice of the withdrawal, by certified mail, to the other domestic partner.

E. If a domestic partnership is terminated by the death of a domestic partner, there shall be no required waiting period prior to filing another domestic partnership. If a domestic partnership is terminated by one or both domestic partners, neither domestic partner may file another domestic partnership until six months have elapsed **from termination.**

2.119.040 City Clerk -- Fees.

A. The City Clerk shall collect a reasonable fee for filing a domestic partnership registration. The initial amount for this fee shall be **\$15.00** and it shall be adjusted as necessary to remain consistent with the fee for an application for a marriage license.

B. The City Clerk shall collect a fee of **\$5.00** for certified copies of domestic partnership documents, other than the copy of the Certificate of Domestic Partnership issued by the City Clerk to the domestic partners, as provided for in 2.119.050.

2.119.050 City Clerk -- Records.

A. Upon receipt of a domestic partnership registration and filing fee, the City Clerk shall issue a Certificate of Domestic Partnership and shall mail to the household of the domestic partnership one certified copy of the certificate and two wallet-sized cards

indicating the existence of the domestic partnership, the names of the domestic partners, and the names of the dependents of the domestic partnership, if any.

B. The City Clerk shall maintain records of domestic partnerships registered in the City, including forms filed and certificates issued. The City Clerk shall provide forms to persons requesting them in accordance with 2.119.120.

C. The City Clerk shall allow public access to domestic partnership records to the same extent and in the same manner as marriage licenses.

2.119.060 Rights of Domestic Partners.

Persons who have registered their domestic partnership at the office of the City Clerk pursuant to 2.119.030 are entitled to the following rights:

1. a. A domestic partner shall have the same visitation rights as a spouse or parent of a patient at the Cambridge City Hospital and all other health care facilities in the City. A dependent shall have the same visitation rights as a patient's child.
b. The term "health care facilities" includes, but is not limited to, hospitals, convalescent facilities, mental health care facilities, and other short and long term care facilities **under the City's jurisdiction.**
2. a. A domestic partner shall have the same visitation rights at all correctional facilities in Cambridge as a spouse or parent of a person in custody. A dependent shall have the same visitation rights afforded to the child of a person in custody.
b. The term "correctional facilities" includes, but is not limited to, holding cells, jails, and juvenile correction centers **under the City's jurisdiction.**
3. a. A domestic partner, who is also the parent or legal guardian of a child, may file a form at or send a letter to the child's school to indicate that the parent's domestic partner shall have access to the child's records, access to school personnel in matters concerning the child, and access to the child, including the right to remove such child from the school for sickness or family emergency. The school shall afford such person access as directed by the child's parent.
b. When a domestic partnership is terminated pursuant to 2.119.030, it is the responsibility of the parent or guardian to notify the school, in writing, of the termination of rights of the former domestic partner.
c. The term "school" includes, but is not limited to, high schools, vocational schools, junior high and middle schools, elementary schools, pre-school programs, after-school programs, and day care programs.

2.119.070 Employment Benefits.

A. The City and School Department shall provide the same health and other employment fringe benefits to employees with domestic partners as to employees with spouses. As used in this chapter, "employees" refers to active and retired employees of the City of Cambridge and the Cambridge School Department eligible for benefits pursuant to state or municipal law, employment policies, or collective bargaining agreements.

B. Employees must file a Declaration of Domestic Partnership, signed under the pains and penalties of perjury, with their department administrator or Department of

Personnel of the City or School Department, as appropriate, in order to obtain benefits under this Ordinance. On such declaration, employees shall agree to promptly notify the City or School Department, as appropriate, of any change in the status or their domestic partnership. There shall be no fee for such declaration. Employees shall not be obligated to file a Domestic Partnership Registration form with the City Clerk.

C. The City and School Department shall provide medical insurance coverage to an employee's domestic partner as it does to an employee's spouse, and to the dependent(s) of an employee's domestic partnership as it does to an employee's child(ren). An employee may opt to decline medical insurance coverage for her or his domestic partner, without foregoing the right to obtain medical insurance coverage for her or his domestic partner at a later date.

D. Upon termination of a domestic partnership by an employee, the domestic partner shall be covered by medical insurance for a period of sixty (60) days following the termination of the domestic partnership. If the employee leaves employment with the City or School Department prior to the expiration of the sixty days, the medical insurance shall lapse on the date that the former employee's insurance lapses.

E. Upon termination of a domestic partnership by the death of an employee, the surviving domestic partner's medical insurance coverage shall lapse as it would for the spouse of a married employee, upon the death of such employee.

F. Employees shall be granted a leave of absence, with pay, for the death of a domestic partner or family member of a domestic partner to the same extent as for a spouse or family member of a spouse. Use of the term "in-law" in employee handbooks shall include the relatives of a domestic partner.

G. Employees shall be granted sick leave to care for a domestic partner to the same extent permitted to care for a spouse, and to care for a dependent of a domestic partnership to the same extent permitted to care for a child.

H. Employees shall be entitled to take parental leave to take care of a child born to their domestic partner or a newly adopted child to the same extent as a married person.

2.119.080 Limitation of Liabilities.

A. Nothing in this ordinance shall be interpreted to contravene the general laws of the commonwealth.

B. Nothing contained in this chapter shall be construed to impose liability upon a domestic partner for the health or medical expenses of his or her domestic partner, with the sole exception of the medical insurance contributions assumed by a City or School Department employee who is a member of a domestic partnership.

C. Nothing in this chapter shall be construed to create additional legal liabilities greater than those already existing under law or to create new private causes of action.

2.119.090 Reciprocity.

All rights, privileges and benefits extended to domestic partnerships registered pursuant to this ordinance shall also be extended to domestic partnerships registered pursuant to similar laws in other jurisdictions.

2.119.100 Retaliation.

No person shall discriminate or retaliate against a person who seeks the benefit of this chapter, registers or makes a declaration pursuant to its provisions, or assists another person in obtaining the benefits of this chapter. Any person who so discriminates or retaliates shall be penalized in accordance with the provisions of the Cambridge Human Rights Ordinance, Cambridge Code Chapter 2.76.

2.119.110 Severability.

The provisions of this chapter are severable. If any of its provisions are held invalid by a court of competent jurisdiction, all other provisions shall continue in full force and effect.

2.119.120 Forms.

A. The City Clerk shall distribute copies of the following forms to those persons who request them:

1. Domestic Partnership Registration
2. Domestic Partnership Information Sheet
3. Termination of Domestic Partnership
4. School Authorization Form

B. The Departments of Personnel shall distribute copies of the following forms to those persons who request them:

1. Declaration of Domestic Partnership
2. Amendment to Declaration of Domestic Partnership

C. The School Department shall distribute copies of the following forms to persons who request them:

1. School Authorization Form
2. Revocation of School Authorization Form

D. The City Clerk, the Department of Personnel, School Department, and all other affected City agencies, offices, and departments shall provide and distribute any other relevant forms that are or become necessary.

2.119.130 Effect on Other Sections of Code.

When the term "spouse" is used in other City ordinances, it shall be interpreted to include a domestic partner. When the term "family" is used in other City ordinances, it shall be interpreted to include domestic partnerships.

2.119.140. Effective Date.

In order to give time for implementation of this ordinance, its provisions will go into effect sixty (60) days after final ordination by the City Council.

In City Council September 14, 1992.

Passed to be ordained as amended by a yea and nay vote:- Yeas 5; Nays 4; Absent 0.

Robert W. Healy, City Manager.

ATTEST:- D. Margaret Drury
City Clerk

RECONSIDERATION FILED BY COUNCILLOR WALSH.



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to an ordinance entitled "The Cambridge Municipal Code."

Be it ordained by the City Council of the City of Cambridge as follows:

That Title Two of the Municipal Code entitled "Administration and Personnel" is hereby amended by adding a new Chapter 2.119 entitled "Domestic Partnerships" which reads as follows:

CHAPTER 2.119

DOMESTIC PARTNERSHIPS

Sections:

- 2.119.010 Recognition and Scope.
- 2.119.020 Definitions.
- 2.119.030 Registration and Termination.
- 2.119.040 City Clerk -- Fees.
- 2.119.050 City Clerk -- Records.
- 2.119.060 Rights of Domestic Partners.
- 2.119.070 Employment Benefits.
- 2.119.080 Limitation of Liabilities.
- 2.119.090 Reciprocity.
- 2.119.100 Retaliation.
- 2.119.110 Severability.
- 2.119.120 Forms.
- 2.119.130 Effect on Other Sections of Code.

2.119.010 Recognition and Scope.

A. The City Council recognizes the diverse composition of its citizenry and values its people. The City Council acknowledges that the people's lives have evolved from when laws governing family relationships were enacted. Perpetuation of the traditional definitions of "family" excludes a significant segment of the Cambridge population, deprives them of recognition and validation, and denies certain rights that should be afforded to persons who share their homes, their hearts, and their lives. The City, recognizing its commitment to nondiscrimination and fair treatment of its citizens and employees, hereby adopts this ordinance acknowledging domestic partnerships.

B. The ordinance allows persons in committed relationships who meet the criteria established by the City as constituting domestic partnerships to register at the office of the City Clerk and obtain a certificate attesting to their status. The ordinance recognizes certain rights of access for domestic partners. This ordinance, in conformance with the Human Rights Ordinance, which bars discrimination on the basis of sexual orientation, marital status, and family status, also equalizes the treatment of City employees.

2.119.020 Definitions.

As used in this chapter:

1. "Domestic Partnership" means the entity formed by two persons who meet the following criteria and jointly file a registration statement proclaiming that:
 - a. They are in a relationship of mutual support, caring and commitment and intend to remain in such a relationship; and
 - b. They reside together; and
 - c. They are not married; and
 - d. They are not related by blood closer than would bar marriage in the Commonwealth of Massachusetts; and
 - e. They are each other's sole domestic partner; and
 - f. They are competent to contract; and
 - g. They consider themselves to be a family.
2. "Mutual support" means that the domestic partners each contribute in some fashion, not necessarily equally or financially, to the maintenance and support of the domestic partnership.
3. "Reside together" means living together in a common household. A partner may be temporarily absent from the common household, so long as she or he has the intent to return. A partner may own or maintain an additional residence.
4. "Competent to contract" means 18 years of age or older, and mentally competent to contract.
5. **Subsequent to the filing of a registration form, the existence of a "family" relationship may be shown by evidence relevant to the following factors: the manner in which the people live their daily lives; how they hold their relationship out to the world; their emotional and financial commitment; their reliance on each other for daily family services; the longevity and exclusivity of their relationship; and any other factors which may be relevant.**
6. "Domestic Partner" means a person who meets the criteria set out in 2.119.020.1 or who is registered as such in another jurisdiction.
7. "Dependent" means a minor who lives within the household of a domestic partnership and is:
 - a. A biological child **or adopted child, or foster child of a domestic partner, if the child is not provided with medical insurance coverage by the Commonwealth.**
 - b. A dependent as defined under IRS regulations; or
 - c. A ward of a domestic partner as determined in a guardianship proceeding.

2.119.030 Registration and Termination.

A. Persons who meet the criteria set out in 2.119.020.1 may make an official record of their domestic partnership by filing a Domestic Partnership Registration form with the City Clerk. The Domestic Partnership Registration shall include the name and date of

birth of each of the domestic partners, the address of their common household, and the names and dates of birth of any dependents of the domestic partnership, and shall be signed, under the pains and penalties of perjury, by both domestic partners.

B. Domestic partners may amend the Domestic Partnership Registration to add or delete dependents or change the household address. Amendments to the Domestic Partnership Registration shall be signed, under the pains and penalties of perjury, by both domestic partners.

C. A domestic partnership is terminated by the death of a domestic partner or by the filing of a termination statement by a domestic partner.

1. The death of a domestic partner automatically terminates a domestic partnership.

2. A domestic partnership may be terminated by a domestic partner who files with the City Clerk, by hand or by certified mail, a termination statement. The person filing the termination statement must declare under pains and penalties of perjury that the domestic partnership is terminated and that a copy of the termination statement has been mailed by certified mail to the other domestic partner at his or her last known address. The person filing the termination statement must include on such statement the address to which the copy was mailed.

D. The termination of a domestic partnership shall be effective immediately upon the death of a domestic partner. The voluntary termination of a domestic partnership by a partner shall be effective seven (7) days after the receipt of a termination statement by the City Clerk. Prior to becoming effective, the person who filed the termination statement may withdraw the termination statement in person at the office of the City Clerk. If the termination statement is withdrawn, the domestic partner shall give notice of the withdrawal, by certified mail, to the other domestic partner.

E. If a domestic partnership is terminated by the death of a domestic partner, there shall be no required waiting period prior to filing another domestic partnership. If a domestic partnership is terminated by one or both domestic partners, neither domestic partner may file another domestic partnership until six months have elapsed **from termination.**

2.119.040 City Clerk -- Fees.

A. The City Clerk shall collect a reasonable fee for filing a domestic partnership registration. The initial amount for this fee shall be **\$15.00** and it shall be adjusted as necessary to remain consistent with the fee for an application for a marriage license.

B. The City Clerk shall collect a fee of **\$5.00** for certified copies of domestic partnership documents, other than the copy of the Certificate of Domestic Partnership issued by the City Clerk to the domestic partners, as provided for in 2.119.050.

2.119.050 City Clerk -- Records.

A. Upon receipt of a domestic partnership registration and filing fee, the City Clerk shall issue a Certificate of Domestic Partnership and shall mail to the household of the domestic partnership one certified copy of the certificate and two wallet-sized cards

indicating the existence of the domestic partnership, the names of the domestic partners, and the names of the dependents of the domestic partnership, if any.

B. The City Clerk shall maintain records of domestic partnerships registered in the City, including forms filed and certificates issued. The City Clerk shall provide forms to persons requesting them in accordance with 2.119.120.

C. The City Clerk shall allow public access to domestic partnership records to the same extent and in the same manner as marriage licenses.

2.119.060 Rights of Domestic Partners.

Persons who have registered their domestic partnership at the office of the City Clerk pursuant to 2.119.030 are entitled to the following rights:

1. a. A domestic partner shall have the same visitation rights as a spouse or parent of a patient at the Cambridge City Hospital and all other health care facilities in the City. A dependent shall have the same visitation rights as a patient's child.
b. The term "health care facilities" includes, but is not limited to, hospitals, convalescent facilities, mental health care facilities, and other short and long term care facilities **under the City's jurisdiction.**
2. a. A domestic partner shall have the same visitation rights at all correctional facilities in Cambridge as a spouse or parent of a person in custody. A dependent shall have the same visitation rights afforded to the child of a person in custody.
b. The term "correctional facilities" includes, but is not limited to, holding cells, jails, and juvenile correction centers **under the City's jurisdiction.**
3. a. A domestic partner, who is also the parent or legal guardian of a child, may file a form at or send a letter to the child's school to indicate that the parent's domestic partner shall have access to the child's records, access to school personnel in matters concerning the child, and access to the child, including the right to remove such child from the school for sickness or family emergency. The school shall afford such person access as directed by the child's parent.
b. When a domestic partnership is terminated pursuant to 2.119.030, it is the responsibility of the parent or guardian to notify the school, in writing, of the termination of rights of the former domestic partner.
c. The term "school" includes, but is not limited to, high schools, vocational schools, junior high and middle schools, elementary schools, pre-school programs, after-school programs, and day care programs.

2.119.070 Employment Benefits.

A. The City and School Department shall provide the same health and other employment fringe benefits to employees with domestic partners as to employees with spouses. As used in this chapter, "employees" refers to active and retired employees of the City of Cambridge and the Cambridge School Department eligible for benefits pursuant to state or municipal law, employment policies, or collective bargaining agreements.

B. Employees must file a Declaration of Domestic Partnership, signed under the pains and penalties of perjury, with their department administrator or Department of

Personnel of the City or School Department, as appropriate, in order to obtain benefits under this Ordinance. On such declaration, employees shall agree to promptly notify the City or School Department, as appropriate, of any change in the status or their domestic partnership. There shall be no fee for such declaration. Employees shall not be obligated to file a Domestic Partnership Registration form with the City Clerk.

C. The City and School Department shall provide medical insurance coverage to an employee's domestic partner as it does to an employee's spouse, and to the dependent(s) of an employee's domestic partnership as it does to an employee's child(ren). An employee may opt to decline medical insurance coverage for her or his domestic partner, without foregoing the right to obtain medical insurance coverage for her or his domestic partner at a later date.

D. Upon termination of a domestic partnership by an employee, the domestic partner shall be covered by medical insurance for a period of sixty (60) days following the termination of the domestic partnership. If the employee leaves employment with the City or School Department prior to the expiration of the sixty days, the medical insurance shall lapse on the date that the former employee's insurance lapses.

E. Upon termination of a domestic partnership by the death of an employee, the surviving domestic partner's medical insurance coverage shall lapse as it would for the spouse of a married employee, upon the death of such employee.

F. Employees shall be granted a leave of absence, with pay, for the death of a domestic partner or family member of a domestic partner to the same extent as for a spouse or family member of a spouse. Use of the term "in-law" in employee handbooks shall include the relatives of a domestic partner.

G. Employees shall be granted sick leave to care for a domestic partner to the same extent permitted to care for a spouse, and to care for a dependent of a domestic partnership to the same extent permitted to care for a child.

H. Employees shall be entitled to take parental leave to take care of a child born to their domestic partner or a newly adopted child to the same extent as a married person.

2.119.080 Limitation of Liabilities.

A. Nothing in this ordinance shall be interpreted to contravene the general laws of the commonwealth.

B. Nothing contained in this chapter shall be construed to impose liability upon a domestic partner for the health or medical expenses of his or her domestic partner, with the sole exception of the medical insurance contributions assumed by a City or School Department employee who is a member of a domestic partnership.

C. Nothing in this chapter shall be construed to create additional legal liabilities greater than those already existing under law or to create new private causes of action.

2.119.090 Reciprocity.

All rights, privileges and benefits extended to domestic partnerships registered pursuant to this ordinance shall also be extended to domestic partnerships registered pursuant to similar laws in other jurisdictions.

2.119.100 Retaliation.

No person shall discriminate or retaliate against a person who seeks the benefit of this chapter, registers or makes a declaration pursuant to its provisions, or assists another person in obtaining the benefits of this chapter. Any person who so discriminates or retaliates shall be penalized in accordance with the provisions of the Cambridge Human Rights Ordinance, Cambridge Code Chapter 2.76.

2.119.110 Severability.

The provisions of this chapter are severable. If any of its provisions are held invalid by a court of competent jurisdiction, all other provisions shall continue in full force and effect.

2.119.120 Forms.

A. The City Clerk shall distribute copies of the following forms to those persons who request them:

1. Domestic Partnership Registration
2. Domestic Partnership Information Sheet
3. Termination of Domestic Partnership
4. School Authorization Form

B. The Departments of Personnel shall distribute copies of the following forms to those persons who request them:

1. Declaration of Domestic Partnership
2. Amendment to Declaration of Domestic Partnership

C. The School Department shall distribute copies of the following forms to persons who request them:

1. School Authorization Form
2. Revocation of School Authorization Form

D. The City Clerk, the Department of Personnel, School Department, and all other affected City agencies, offices, and departments shall provide and distribute any other relevant forms that are or become necessary.

2.119.130 Effect on Other Sections of Code.

When the term "spouse" is used in other City ordinances, it shall be interpreted to include a domestic partner. When the term "family" is used in other City ordinances, it shall be interpreted to include domestic partnerships.

2.119.140. Effective Date.

In order to give time for implementation of this ordinance, its provisions will go into effect sixty (60) days after final ordination by the City Council.

In City Council September 14, 1992.

Passed to be ordained as amended by a yeas and nays vote:- Yeas 5; Nays 4; Absent 0.

Robert W. Healy, City Manager.

ATTEST:- D. Margaret Drury
City Clerk

RECONSIDERATION FILED BY COUNCILLOR WALSH.



CAMBRIDGE CITY COUNCIL

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4280

FAX (617) 349-4287

Alice K. Wolf
City Councillor

Mayor
1990-1991

TECHNICAL AMENDMENTS TO THE DOMESTIC PARTNERS ORDINANCE

to be introduced on 9/14

Section 2.11.020

subsection 5, substitute for

"The existence of a 'family' relationship may be shown by"

the following:

"Subsequent to the filing of a registration form, the existence of a 'family' relationship may be shown by evidence relevant to the following factors:

subsection 7 a, substitute for

"A biological, child, adopted child, or foster child"

the following:

"A biological child or adopted child"

Section 2.119.040

Sentence 2 in A:

Change \$10.00 to \$15.00

Sentence 1 in B

Change \$4.00 to \$5.00

Section 2.119.050

subsection E

Add at the end of the last sentence: "from termination."

Section 2.119.060
subsections 1b and 2b

Add to the end of the last sentence: "under the City's jurisdiction."

Add section 2.119.140

In order to give time for implementation of this ordinance, its provisions will go into effect 60 days after final ordination by the City Council.



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to an ordinance entitled "The Cambridge Municipal Code."

Be it ordained by the City Council of the City of Cambridge as follows:

That Title Two of the Municipal Code entitled "Administration and Personnel" is hereby amended by adding a new Chapter 2.119 entitled "Domestic Partnerships" which reads as follows:

CHAPTER 2.119

DOMESTIC PARTNERSHIPS

Sections:

2.119.010	Recognition and Scope.
2.119.020	Definitions.
2.119.030	Registration and Termination.
2.119.040	City Clerk -- Fees.
2.119.050	City Clerk -- Records.
2.119.060	Rights of Domestic Partners.
2.119.070	Employment Benefits.
2.119.080	Limitation of Liabilities.
2.119.090	Reciprocity.
2.119.100	Retaliation.
2.119.110	Severability.
2.119.120	Forms.
2.119.130	Effect on Other Sections of Code.

2.119.010 Recognition and Scope.

A. The City Council recognizes the diverse composition of its citizenry and values its people. The City Council acknowledges that the people's lives have evolved from when laws governing family relationships were enacted. Perpetuation of the traditional definitions of "family" excludes a significant segment of the Cambridge population, deprives them of recognition and validation, and denies certain rights that should be afforded to persons who share their homes, their hearts, and their lives. The City, recognizing its commitment to nondiscrimination and fair treatment of its citizens and employees, hereby adopts this ordinance acknowledging domestic partnerships.

B. The ordinance allows persons in committed relationships who meet the criteria established by the City as constituting domestic partnerships to register at the office of the City Clerk and obtain a certificate attesting to their status. The ordinance recognizes certain rights of access for domestic partners. This ordinance, in conformance with the Human Rights Ordinance, which bars discrimination on the basis of sexual orientation, marital status, and family status, also equalizes the treatment of City employees.

2.119.020 Definitions.

As used in this chapter:

1. "Domestic Partnership" means the entity formed by two persons who meet the following criteria and jointly file a registration statement proclaiming that:
 - a. They are in a relationship of mutual support, caring and commitment and intend to remain in such a relationship; and
 - b. They reside together; and
 - c. They are not married; and
 - d. They are not related by blood closer than would bar marriage in the Commonwealth of Massachusetts; and
 - e. They are each other's sole domestic partner; and
 - f. They are competent to contract; and
 - g. They consider themselves to be a family.
2. "Mutual support" means that the domestic partners each contribute in some fashion, not necessarily equally or financially, to the maintenance and support of the domestic partnership.
3. "Reside together" means living together in a common household. A partner may be temporarily absent from the common household, so long as she or he has the intent to return. A partner may own or maintain an additional residence.
4. "Competent to contract" means 18 years of age or older, and mentally competent to contract.
5. The existence of a "family" relationship may be shown by the manner in which the people live their daily lives; how they hold their relationship out to the world; their emotional and financial commitment; their reliance on each other for daily family services; the longevity and exclusivity of their relationship; and any other factors which may be relevant.
6. "Domestic Partner" means a person who meets the criteria set out in 2.119.020.1 or who is registered as such in another jurisdiction.
7. "Dependent" means a minor who lives within the household of a domestic partnership and is:
 - a. A biological child, adopted child, or foster child of a domestic partner; or
 - b. A dependent as defined under IRS regulations; or
 - c. A ward of a domestic partner as determined in a guardianship proceeding.

2.119.030 Registration and Termination.

A. Persons who meet the criteria set out in 2.119.020.1 may make an official record of their domestic partnership by filing a Domestic Partnership Registration form with the City Clerk. The Domestic Partnership Registration shall include the name and date of

birth of each of the domestic partners, the address of their common household, and the names and dates of birth of any dependents of the domestic partnership, and shall be signed, under the pains and penalties of perjury, by both domestic partners.

B. Domestic partners may amend the Domestic Partnership Registration to add or delete dependents or change the household address. Amendments to the Domestic Partnership Registration shall be signed, under the pains and penalties of perjury, by both domestic partners.

C. A domestic partnership is terminated by the death of a domestic partner or by the filing of a termination statement by a domestic partner.

1. The death of a domestic partner automatically terminates a domestic partnership.

2. A domestic partnership may be terminated by a domestic partner who files with the City Clerk, by hand or by certified mail, a termination statement. The person filing the termination statement must declare under pains and penalties of perjury that the domestic partnership is terminated and that a copy of the termination statement has been mailed by certified mail to the other domestic partner at his or her last known address. The person filing the termination statement must include on such statement the address to which the copy was mailed.

D. The termination of a domestic partnership shall be effective immediately upon the death of a domestic partner. The voluntary termination of a domestic partnership by a partner shall be effective seven (7) days after the receipt of a termination statement by the City Clerk. Prior to becoming effective, the person who filed the termination statement may withdraw the termination statement in person at the office of the City Clerk. If the termination statement is withdrawn, the domestic partner shall give notice of the withdrawal, by certified mail, to the other domestic partner.

E. If a domestic partnership is terminated by the death of a domestic partner, there shall be no required waiting period prior to filing another domestic partnership. If a domestic partnership is terminated by one or both domestic partners, neither domestic partner may file another domestic partnership until six months have elapsed.

2.119.040 City Clerk -- Fees.

A. The City Clerk shall collect a reasonable fee for filing a domestic partnership registration. The initial amount for this fee shall be \$10.00, and it shall be adjusted as necessary to remain consistent with the fee for an application for a marriage license.

B. The City Clerk shall collect a fee of \$4.00 for certified copies of domestic partnership documents, other than the copy of the Certificate of Domestic Partnership issued by the City Clerk to the domestic partners, as provided for in 2.119.050.

2.119.050 City Clerk -- Records.

A. Upon receipt of a domestic partnership registration and filing fee, the City Clerk shall issue a Certificate of Domestic Partnership and shall mail to the household of the domestic partnership one certified copy of the certificate and two wallet-sized cards

indicating the existence of the domestic partnership, the names of the domestic partners, and the names of the dependents of the domestic partnership, if any.

B. The City Clerk shall maintain records of domestic partnerships registered in the City, including forms filed and certificates issued. The City Clerk shall provide forms to persons requesting them in accordance with 2.119.120.

C. The City Clerk shall allow public access to domestic partnership records to the same extent and in the same manner as marriage licenses.

2.119.060 Rights of Domestic Partners.

Persons who have registered their domestic partnership at the office of the City Clerk pursuant to 2.119.030 are entitled to the following rights:

1. a. A domestic partner shall have the same visitation rights as a spouse or parent of a patient at the Cambridge City Hospital and all other health care facilities in the City. A dependent shall have the same visitation rights as a patient's child.
b. The term "health care facilities" includes, but is not limited to, hospitals, convalescent facilities, mental health care facilities, and other short and long term care facilities.
2. a. A domestic partner shall have the same visitation rights at all correctional facilities in Cambridge as a spouse or parent of a person in custody. A dependent shall have the same visitation rights afforded to the child of a person in custody.
b. The term "correctional facilities" includes, but is not limited to, holding cells, jails, and juvenile correction centers.
3. a. A domestic partner, who is also the parent or legal guardian of a child, may file a form at or send a letter to the child's school to indicate that the parent's domestic partner shall have access to the child's records, access to school personnel in matters concerning the child, and access to the child, including the right to remove such child from the school for sickness or family emergency. The school shall afford such person access as directed by the child's parent.
b. When a domestic partnership is terminated pursuant to 2.119.030, it is the responsibility of the parent or guardian to notify the school, in writing, of the termination of rights of the former domestic partner.
c. The term "school" includes, but is not limited to, high schools, vocational schools, junior high and middle schools, elementary schools, pre-school programs, after-school programs, and day care programs.

2.119.070 Employment Benefits.

A. The City and School Department shall provide the same health and other employment fringe benefits to employees with domestic partners as to employees with spouses. As used in this chapter, "employees" refers to active and retired employees of the City of Cambridge and the Cambridge School Department eligible for benefits pursuant to state or municipal law, employment policies, or collective bargaining agreements.

B. Employees must file a Declaration of Domestic Partnership, signed under the pains and penalties of perjury, with their department administrator or Department of

Personnel of the City or School Department, as appropriate, in order to obtain benefits under this Ordinance. On such declaration, employees shall agree to promptly notify the City or School Department, as appropriate, of any change in the status or their domestic partnership. There shall be no fee for such declaration. Employees shall not be obligated to file a Domestic Partnership Registration form with the City Clerk.

C. The City and School Department shall provide medical insurance coverage to an employee's domestic partner as it does to an employee's spouse, and to the dependent(s) of an employee's domestic partnership as it does to an employee's child(ren). An employee may opt to decline medical insurance coverage for her or his domestic partner, without foregoing the right to obtain medical insurance coverage for her or his domestic partner at a later date.

D. Upon termination of a domestic partnership by an employee, the domestic partner shall be covered by medical insurance for a period of sixty (60) days following the termination of the domestic partnership. If the employee leaves employment with the City or School Department prior to the expiration of the sixty days, the medical insurance shall lapse on the date that the former employee's insurance lapses.

E. Upon termination of a domestic partnership by the death of an employee, the surviving domestic partner's medical insurance coverage shall lapse as it would for the spouse of a married employee, upon the death of such employee.

F. Employees shall be granted a leave of absence, with pay, for the death of a domestic partner or family member of a domestic partner to the same extent as for a spouse or family member of a spouse. Use of the term "in-law" in employee handbooks shall include the relatives of a domestic partner.

G. Employees shall be granted sick leave to care for a domestic partner to the same extent permitted to care for a spouse, and to care for a dependent of a domestic partnership to the same extent permitted to care for a child.

H. Employees shall be entitled to take parental leave to take care of a child born to their domestic partner or a newly adopted child to the same extent as a married person.

2.119.080 Limitation of Liabilities.

A. Nothing in this ordinance shall be interpreted to contravene the general laws of the commonwealth.

B. Nothing contained in this chapter shall be construed to impose liability upon a domestic partner for the health or medical expenses of his or her domestic partner, with the sole exception of the medical insurance contributions assumed by a City or School Department employee who is a member of a domestic partnership.

C. Nothing in this chapter shall be construed to create additional legal liabilities greater than those already existing under law or to create new private causes of action.

2.119.090 Reciprocity.

All rights, privileges and benefits extended to domestic partnerships registered pursuant to this ordinance shall also be extended to domestic partnerships registered pursuant to similar laws in other jurisdictions.

2.119.100 Retaliation.

No person shall discriminate or retaliate against a person who seeks the benefit of this chapter, registers or makes a declaration pursuant to its provisions, or assists another person in obtaining the benefits of this chapter. Any person who so discriminates or retaliates shall be penalized in accordance with the provisions of the Cambridge Human Rights Ordinance, Cambridge Code Chapter 2.76.

2.119.110 Severability.

The provisions of this chapter are severable. If any of its provisions are held invalid by a court of competent jurisdiction, all other provisions shall continue in full force and effect.

2.119.120 Forms.

A. The City Clerk shall distribute copies of the following forms to those persons who request them:

1. Domestic Partnership Registration
2. Domestic Partnership Information Sheet
3. Termination of Domestic Partnership
4. School Authorization Form

B. The Departments of Personnel shall distribute copies of the following forms to those persons who request them:

1. Declaration of Domestic Partnership
2. Amendment to Declaration of Domestic Partnership

C. The School Department shall distribute copies of the following forms to persons who request them:

1. School Authorization Form
2. Revocation of School Authorization Form

D. The City Clerk, the Department of Personnel, School Department, and all other affected City agencies, offices, and departments shall provide and distribute any other relevant forms that are or become necessary.

2.119.130 Effect on Other Sections of Code.

When the term "spouse" is used in other City ordinances, it shall be interpreted to include a domestic partner. When the term "family" is used in other City ordinances, it shall be interpreted to include domestic partnerships.

Passed to a second reading at the City Council meeting held on August 3, 1992 and on or after August 24, 1992 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury
Temporary City Clerk



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to an ordinance entitled "The Cambridge Municipal Code."

Be it ordained by the City Council of the City of Cambridge as follows:

That Title Two of the Municipal Code entitled "Administration and Personnel" is hereby amended by adding a new Chapter 2.119 entitled "Domestic Partnerships" which reads as follows:

CHAPTER 2.119

DOMESTIC PARTNERSHIPS

Sections:

2.119.010	Recognition and Scope.
2.119.020	Definitions.
2.119.030	Registration and Termination.
2.119.040	City Clerk -- Fees.
2.119.050	City Clerk -- Records.
2.119.060	Rights of Domestic Partners.
2.119.070	Employment Benefits.
2.119.080	Limitation of Liabilities.
2.119.090	Reciprocity.
2.119.100	Retaliation.
2.119.110	Severability.
2.119.120	Forms.
2.119.130	Effect on Other Sections of Code.

2.119.010 Recognition and Scope.

A. The City Council recognizes the diverse composition of its citizenry and values its people. The City Council acknowledges that the people's lives have evolved from when laws governing family relationships were enacted. Perpetuation of the traditional definitions of "family" excludes a significant segment of the Cambridge population, deprives them of recognition and validation, and denies certain rights that should be afforded to persons who share their homes, their hearts, and their lives. The City, recognizing its commitment to nondiscrimination and fair treatment of its citizens and employees, hereby adopts this ordinance acknowledging domestic partnerships.

B. The ordinance allows persons in committed relationships who meet the criteria established by the City as constituting domestic partnerships to register at the office of the City Clerk and obtain a certificate attesting to their status. The ordinance recognizes certain rights of access for domestic partners. This ordinance, in conformance with the Human Rights Ordinance, which bars discrimination on the basis of sexual orientation, marital status, and family status, also equalizes the treatment of City employees.

2.119.020 Definitions.

As used in this chapter:

1. "Domestic Partnership" means the entity formed by two persons who meet the following criteria and jointly file a registration statement proclaiming that:
 - a. They are in a relationship of mutual support, caring and commitment and intend to remain in such a relationship; and
 - b. They reside together; and
 - c. They are not married; and
 - d. They are not related by blood closer than would bar marriage in the Commonwealth of Massachusetts; and
 - e. They are each other's sole domestic partner; and
 - f. They are competent to contract; and
 - g. They consider themselves to be a family.
2. "Mutual support" means that the domestic partners each contribute in some fashion, not necessarily equally or financially, to the maintenance and support of the domestic partnership.
3. "Reside together" means living together in a common household. A partner may be temporarily absent from the common household, so long as she or he has the intent to return. A partner may own or maintain an additional residence.
4. "Competent to contract" means 18 years of age or older, and mentally competent to contract.
5. The existence of a "family" relationship may be shown by the manner in which the people live their daily lives; how they hold their relationship out to the world; their emotional and financial commitment; their reliance on each other for daily family services; the longevity and exclusivity of their relationship; and any other factors which may be relevant.
6. "Domestic Partner" means a person who meets the criteria set out in 2.119.020.1 or who is registered as such in another jurisdiction.
7. "Dependent" means a minor who lives within the household of a domestic partnership and is:
 - a. A biological child, adopted child, or foster child of a domestic partner; or
 - b. A dependent as defined under IRS regulations; or
 - c. A ward of a domestic partner as determined in a guardianship proceeding.

2.119.030 Registration and Termination.

A. Persons who meet the criteria set out in 2.119.020.1 may make an official record of their domestic partnership by filing a Domestic Partnership Registration form with the City Clerk. The Domestic Partnership Registration shall include the name and date of

birth of each of the domestic partners, the address of their common household, and the names and dates of birth of any dependents of the domestic partnership, and shall be signed, under the pains and penalties of perjury, by both domestic partners.

B. Domestic partners may amend the Domestic Partnership Registration to add or delete dependents or change the household address. Amendments to the Domestic Partnership Registration shall be signed, under the pains and penalties of perjury, by both domestic partners.

C. A domestic partnership is terminated by the death of a domestic partner or by the filing of a termination statement by a domestic partner.

1. The death of a domestic partner automatically terminates a domestic partnership.

2. A domestic partnership may be terminated by a domestic partner who files with the City Clerk, by hand or by certified mail, a termination statement. The person filing the termination statement must declare under pains and penalties of perjury that the domestic partnership is terminated and that a copy of the termination statement has been mailed by certified mail to the other domestic partner at his or her last known address. The person filing the termination statement must include on such statement the address to which the copy was mailed.

D. The termination of a domestic partnership shall be effective immediately upon the death of a domestic partner. The voluntary termination of a domestic partnership by a partner shall be effective seven (7) days after the receipt of a termination statement by the City Clerk. Prior to becoming effective, the person who filed the termination statement may withdraw the termination statement in person at the office of the City Clerk. If the termination statement is withdrawn, the domestic partner shall give notice of the withdrawal, by certified mail, to the other domestic partner.

E. If a domestic partnership is terminated by the death of a domestic partner, there shall be no required waiting period prior to filing another domestic partnership. If a domestic partnership is terminated by one or both domestic partners, neither domestic partner may file another domestic partnership until six months have elapsed.

2.119.040 City Clerk -- Fees.

A. The City Clerk shall collect a reasonable fee for filing a domestic partnership registration. The initial amount for this fee shall be \$10.00, and it shall be adjusted as necessary to remain consistent with the fee for an application for a marriage license.

B. The City Clerk shall collect a fee of \$4.00 for certified copies of domestic partnership documents, other than the copy of the Certificate of Domestic Partnership issued by the City Clerk to the domestic partners, as provided for in 2.119.050.

2.119.050 City Clerk -- Records.

A. Upon receipt of a domestic partnership registration and filing fee, the City Clerk shall issue a Certificate of Domestic Partnership and shall mail to the household of the domestic partnership one certified copy of the certificate and two wallet-sized cards

indicating the existence of the domestic partnership, the names of the domestic partners, and the names of the dependents of the domestic partnership, if any.

B. The City Clerk shall maintain records of domestic partnerships registered in the City, including forms filed and certificates issued. The City Clerk shall provide forms to persons requesting them in accordance with 2.119.120.

C. The City Clerk shall allow public access to domestic partnership records to the same extent and in the same manner as marriage licenses.

2.119.060 Rights of Domestic Partners.

Persons who have registered their domestic partnership at the office of the City Clerk pursuant to 2.119.030 are entitled to the following rights:

1. a. A domestic partner shall have the same visitation rights as a spouse or parent of a patient at the Cambridge City Hospital and all other health care facilities in the City. A dependent shall have the same visitation rights as a patient's child.
b. The term "health care facilities" includes, but is not limited to, hospitals, convalescent facilities, mental health care facilities, and other short and long term care facilities.
2. a. A domestic partner shall have the same visitation rights at all correctional facilities in Cambridge as a spouse or parent of a person in custody. A dependent shall have the same visitation rights afforded to the child of a person in custody.
b. The term "correctional facilities" includes, but is not limited to, holding cells, jails, and juvenile correction centers.
3. a. A domestic partner, who is also the parent or legal guardian of a child, may file a form at or send a letter to the child's school to indicate that the parent's domestic partner shall have access to the child's records, access to school personnel in matters concerning the child, and access to the child, including the right to remove such child from the school for sickness or family emergency. The school shall afford such person access as directed by the child's parent.
b. When a domestic partnership is terminated pursuant to 2.119.030, it is the responsibility of the parent or guardian to notify the school, in writing, of the termination of rights of the former domestic partner.
c. The term "school" includes, but is not limited to, high schools, vocational schools, junior high and middle schools, elementary schools, pre-school programs, after-school programs, and day care programs.

2.119.070 Employment Benefits.

A. The City and School Department shall provide the same health and other employment fringe benefits to employees with domestic partners as to employees with spouses. As used in this chapter, "employees" refers to active and retired employees of the City of Cambridge and the Cambridge School Department eligible for benefits pursuant to state or municipal law, employment policies, or collective bargaining agreements.

B. Employees must file a Declaration of Domestic Partnership, signed under the pains and penalties of perjury, with their department administrator or Department of

Personnel of the City or School Department, as appropriate, in order to obtain benefits under this Ordinance. On such declaration, employees shall agree to promptly notify the City or School Department, as appropriate, of any change in the status or their domestic partnership. There shall be no fee for such declaration. Employees shall not be obligated to file a Domestic Partnership Registration form with the City Clerk.

C. The City and School Department shall provide medical insurance coverage to an employee's domestic partner as it does to an employee's spouse, and to the dependent(s) of an employee's domestic partnership as it does to an employee's child(ren). An employee may opt to decline medical insurance coverage for her or his domestic partner, without foregoing the right to obtain medical insurance coverage for her or his domestic partner at a later date.

D. Upon termination of a domestic partnership by an employee, the domestic partner shall be covered by medical insurance for a period of sixty (60) days following the termination of the domestic partnership. If the employee leaves employment with the City or School Department prior to the expiration of the sixty days, the medical insurance shall lapse on the date that the former employee's insurance lapses.

E. Upon termination of a domestic partnership by the death of an employee, the surviving domestic partner's medical insurance coverage shall lapse as it would for the spouse of a married employee, upon the death of such employee.

F. Employees shall be granted a leave of absence, with pay, for the death of a domestic partner or family member of a domestic partner to the same extent as for a spouse or family member of a spouse. Use of the term "in-law" in employee handbooks shall include the relatives of a domestic partner.

G. Employees shall be granted sick leave to care for a domestic partner to the same extent permitted to care for a spouse, and to care for a dependent of a domestic partnership to the same extent permitted to care for a child.

H. Employees shall be entitled to take parental leave to take care of a child born to their domestic partner or a newly adopted child to the same extent as a married person.

2.119.080 Limitation of Liabilities.

A. Nothing in this ordinance shall be interpreted to contravene the general laws of the commonwealth.

B. Nothing contained in this chapter shall be construed to impose liability upon a domestic partner for the health or medical expenses of his or her domestic partner, with the sole exception of the medical insurance contributions assumed by a City or School Department employee who is a member of a domestic partnership.

C. Nothing in this chapter shall be construed to create additional legal liabilities greater than those already existing under law or to create new private causes of action.

2.119.090 Reciprocity.

All rights, privileges and benefits extended to domestic partnerships registered pursuant to this ordinance shall also be extended to domestic partnerships registered pursuant to similar laws in other jurisdictions.

2.119.100 Retaliation.

No person shall discriminate or retaliate against a person who seeks the benefit of this chapter, registers or makes a declaration pursuant to its provisions, or assists another person in obtaining the benefits of this chapter. Any person who so discriminates or retaliates shall be penalized in accordance with the provisions of the Cambridge Human Rights Ordinance, Cambridge Code Chapter 2.76.

2.119.110 Severability.

The provisions of this chapter are severable. If any of its provisions are held invalid by a court of competent jurisdiction, all other provisions shall continue in full force and effect.

2.119.120 Forms.

A. The City Clerk shall distribute copies of the following forms to those persons who request them:

1. Domestic Partnership Registration
2. Domestic Partnership Information Sheet
3. Termination of Domestic Partnership
4. School Authorization Form

B. The Departments of Personnel shall distribute copies of the following forms to those persons who request them:

1. Declaration of Domestic Partnership
2. Amendment to Declaration of Domestic Partnership

C. The School Department shall distribute copies of the following forms to persons who request them:

1. School Authorization Form
2. Revocation of School Authorization Form

D. The City Clerk, the Department of Personnel, School Department, and all other affected City agencies, offices, and departments shall provide and distribute any other relevant forms that are or become necessary.

2.119.130 Effect on Other Sections of Code.

When the term "spouse" is used in other City ordinances, it shall be interpreted to include a domestic partner. When the term "family" is used in other City ordinances, it shall be interpreted to include domestic partnerships.

Passed to a second reading at the City Council meeting held on August 3, 1992 and on or after August 24, 1992 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury
Temporary City Clerk



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to an ordinance entitled "The Cambridge Municipal Code."

Be it ordained by the City Council of the City of Cambridge as follows:

That Title Two of the Municipal Code entitled "Administration and Personnel" is hereby amended by adding a new Chapter 2.119 entitled "Domestic Partnerships" which reads as follows:

CHAPTER 2.119

DOMESTIC PARTNERSHIPS

Sections:

2.119.010	Recognition and Scope.
2.119.020	Definitions.
2.119.030	Registration and Termination.
2.119.040	City Clerk -- Fees.
2.119.050	City Clerk -- Records.
2.119.060	Rights of Domestic Partners.
2.119.070	Employment Benefits.
2.119.080	Limitation of Liabilities.
2.119.090	Reciprocity.
2.119.100	Retaliation.
2.119.110	Severability.
2.119.120	Forms.
2.119.130	Effect on Other Sections of Code.

2.119.010 Recognition and Scope.

A. The City Council recognizes the diverse composition of its citizenry and values its people. The City Council acknowledges that the people's lives have evolved from when laws governing family relationships were enacted. Perpetuation of the traditional definitions of "family" excludes a significant segment of the Cambridge population, deprives them of recognition and validation, and denies certain rights that should be afforded to persons who share their homes, their hearts, and their lives. The City, recognizing its commitment to nondiscrimination and fair treatment of its citizens and employees, hereby adopts this ordinance acknowledging domestic partnerships.

B. The ordinance allows persons in committed relationships who meet the criteria established by the City as constituting domestic partnerships to register at the office of the City Clerk and obtain a certificate attesting to their status. The ordinance recognizes certain rights of access for domestic partners. This ordinance, in conformance with the Human Rights Ordinance, which bars discrimination on the basis of sexual orientation, marital status, and family status, also equalizes the treatment of City employees.

2.119.020 Definitions.

As used in this chapter:

1. "Domestic Partnership" means the entity formed by two persons who meet the following criteria and jointly file a registration statement proclaiming that:
 - a. They are in a relationship of mutual support, caring and commitment and intend to remain in such a relationship; and
 - b. They reside together; and
 - c. They are not married; and
 - d. They are not related by blood closer than would bar marriage in the Commonwealth of Massachusetts; and
 - e. They are each other's sole domestic partner; and
 - f. They are competent to contract; and
 - g. They consider themselves to be a family.
2. "Mutual support" means that the domestic partners each contribute in some fashion, not necessarily equally or financially, to the maintenance and support of the domestic partnership.
3. "Reside together" means living together in a common household. A partner may be temporarily absent from the common household, so long as she or he has the intent to return. A partner may own or maintain an additional residence.
4. "Competent to contract" means 18 years of age or older, and mentally competent to contract.
5. The existence of a "family" relationship may be shown by the manner in which the people live their daily lives; how they hold their relationship out to the world; their emotional and financial commitment; their reliance on each other for daily family services; the longevity and exclusivity of their relationship; and any other factors which may be relevant.
6. "Domestic Partner" means a person who meets the criteria set out in 2.119.020.1 or who is registered as such in another jurisdiction.
7. "Dependent" means a minor who lives within the household of a domestic partnership and is:
 - a. A biological child, adopted child, or foster child of a domestic partner; or
 - b. A dependent as defined under IRS regulations; or
 - c. A ward of a domestic partner as determined in a guardianship proceeding.

2.119.030 Registration and Termination.

A. Persons who meet the criteria set out in 2.119.020.1 may make an official record of their domestic partnership by filing a Domestic Partnership Registration form with the City Clerk. The Domestic Partnership Registration shall include the name and date of

birth of each of the domestic partners, the address of their common household, and the names and dates of birth of any dependents of the domestic partnership, and shall be signed, under the pains and penalties of perjury, by both domestic partners.

B. Domestic partners may amend the Domestic Partnership Registration to add or delete dependents or change the household address. Amendments to the Domestic Partnership Registration shall be signed, under the pains and penalties of perjury, by both domestic partners.

C. A domestic partnership is terminated by the death of a domestic partner or by the filing of a termination statement by a domestic partner.

1. The death of a domestic partner automatically terminates a domestic partnership.

2. A domestic partnership may be terminated by a domestic partner who files with the City Clerk, by hand or by certified mail, a termination statement. The person filing the termination statement must declare under pains and penalties of perjury that the domestic partnership is terminated and that a copy of the termination statement has been mailed by certified mail to the other domestic partner at his or her last known address. The person filing the termination statement must include on such statement the address to which the copy was mailed.

D. The termination of a domestic partnership shall be effective immediately upon the death of a domestic partner. The voluntary termination of a domestic partnership by a partner shall be effective seven (7) days after the receipt of a termination statement by the City Clerk. Prior to becoming effective, the person who filed the termination statement may withdraw the termination statement in person at the office of the City Clerk. If the termination statement is withdrawn, the domestic partner shall give notice of the withdrawal, by certified mail, to the other domestic partner.

E. If a domestic partnership is terminated by the death of a domestic partner, there shall be no required waiting period prior to filing another domestic partnership. If a domestic partnership is terminated by one or both domestic partners, neither domestic partner may file another domestic partnership until six months have elapsed.

2.119.040 City Clerk -- Fees.

A. The City Clerk shall collect a reasonable fee for filing a domestic partnership registration. The initial amount for this fee shall be \$10.00, and it shall be adjusted as necessary to remain consistent with the fee for an application for a marriage license.

B. The City Clerk shall collect a fee of \$4.00 for certified copies of domestic partnership documents, other than the copy of the Certificate of Domestic Partnership issued by the City Clerk to the domestic partners, as provided for in 2.119.050.

2.119.050 City Clerk -- Records.

A. Upon receipt of a domestic partnership registration and filing fee, the City Clerk shall issue a Certificate of Domestic Partnership and shall mail to the household of the domestic partnership one certified copy of the certificate and two wallet-sized cards

indicating the existence of the domestic partnership, the names of the domestic partners, and the names of the dependents of the domestic partnership, if any.

B. The City Clerk shall maintain records of domestic partnerships registered in the City, including forms filed and certificates issued. The City Clerk shall provide forms to persons requesting them in accordance with 2.119.120.

C. The City Clerk shall allow public access to domestic partnership records to the same extent and in the same manner as marriage licenses.

2.119.060 Rights of Domestic Partners.

Persons who have registered their domestic partnership at the office of the City Clerk pursuant to 2.119.030 are entitled to the following rights:

1. a. A domestic partner shall have the same visitation rights as a spouse or parent of a patient at the Cambridge City Hospital and all other health care facilities in the City. A dependent shall have the same visitation rights as a patient's child.
b. The term "health care facilities" includes, but is not limited to, hospitals, convalescent facilities, mental health care facilities, and other short and long term care facilities.
2. a. A domestic partner shall have the same visitation rights at all correctional facilities in Cambridge as a spouse or parent of a person in custody. A dependent shall have the same visitation rights afforded to the child of a person in custody.
b. The term "correctional facilities" includes, but is not limited to, holding cells, jails, and juvenile correction centers.
3. a. A domestic partner, who is also the parent or legal guardian of a child, may file a form at or send a letter to the child's school to indicate that the parent's domestic partner shall have access to the child's records, access to school personnel in matters concerning the child, and access to the child, including the right to remove such child from the school for sickness or family emergency. The school shall afford such person access as directed by the child's parent.
b. When a domestic partnership is terminated pursuant to 2.119.030, it is the responsibility of the parent or guardian to notify the school, in writing, of the termination of rights of the former domestic partner.
c. The term "school" includes, but is not limited to, high schools, vocational schools, junior high and middle schools, elementary schools, pre-school programs, after-school programs, and day care programs.

2.119.070 Employment Benefits.

A. The City and School Department shall provide the same health and other employment fringe benefits to employees with domestic partners as to employees with spouses. As used in this chapter, "employees" refers to active and retired employees of the City of Cambridge and the Cambridge School Department eligible for benefits pursuant to state or municipal law, employment policies, or collective bargaining agreements.

B. Employees must file a Declaration of Domestic Partnership, signed under the pains and penalties of perjury, with their department administrator or Department of

Personnel of the City or School Department, as appropriate, in order to obtain benefits under this Ordinance. On such declaration, employees shall agree to promptly notify the City or School Department, as appropriate, of any change in the status or their domestic partnership. There shall be no fee for such declaration. Employees shall not be obligated to file a Domestic Partnership Registration form with the City Clerk.

C. The City and School Department shall provide medical insurance coverage to an employee's domestic partner as it does to an employee's spouse, and to the dependent(s) of an employee's domestic partnership as it does to an employee's child(ren). An employee may opt to decline medical insurance coverage for her or his domestic partner, without foregoing the right to obtain medical insurance coverage for her or his domestic partner at a later date.

D. Upon termination of a domestic partnership by an employee, the domestic partner shall be covered by medical insurance for a period of sixty (60) days following the termination of the domestic partnership. If the employee leaves employment with the City or School Department prior to the expiration of the sixty days, the medical insurance shall lapse on the date that the former employee's insurance lapses.

E. Upon termination of a domestic partnership by the death of an employee, the surviving domestic partner's medical insurance coverage shall lapse as it would for the spouse of a married employee, upon the death of such employee.

F. Employees shall be granted a leave of absence, with pay, for the death of a domestic partner or family member of a domestic partner to the same extent as for a spouse or family member of a spouse. Use of the term "in-law" in employee handbooks shall include the relatives of a domestic partner.

G. Employees shall be granted sick leave to care for a domestic partner to the same extent permitted to care for a spouse, and to care for a dependent of a domestic partnership to the same extent permitted to care for a child.

H. Employees shall be entitled to take parental leave to take care of a child born to their domestic partner or a newly adopted child to the same extent as a married person.

2.119.080 Limitation of Liabilities.

A. Nothing in this ordinance shall be interpreted to contravene the general laws of the commonwealth.

B. Nothing contained in this chapter shall be construed to impose liability upon a domestic partner for the health or medical expenses of his or her domestic partner, with the sole exception of the medical insurance contributions assumed by a City or School Department employee who is a member of a domestic partnership.

C. Nothing in this chapter shall be construed to create additional legal liabilities greater than those already existing under law or to create new private causes of action.

2.119.090 Reciprocity.

All rights, privileges and benefits extended to domestic partnerships registered pursuant to this ordinance shall also be extended to domestic partnerships registered pursuant to similar laws in other jurisdictions.

2.119.100 Retaliation.

No person shall discriminate or retaliate against a person who seeks the benefit of this chapter, registers or makes a declaration pursuant to its provisions, or assists another person in obtaining the benefits of this chapter. Any person who so discriminates or retaliates shall be penalized in accordance with the provisions of the Cambridge Human Rights Ordinance, Cambridge Code Chapter 2.76.

2.119.110 Severability.

The provisions of this chapter are severable. If any of its provisions are held invalid by a court of competent jurisdiction, all other provisions shall continue in full force and effect.

2.119.120 Forms.

A. The City Clerk shall distribute copies of the following forms to those persons who request them:

1. Domestic Partnership Registration
2. Domestic Partnership Information Sheet
3. Termination of Domestic Partnership
4. School Authorization Form

B. The Departments of Personnel shall distribute copies of the following forms to those persons who request them:

1. Declaration of Domestic Partnership
2. Amendment to Declaration of Domestic Partnership

C. The School Department shall distribute copies of the following forms to persons who request them:

1. School Authorization Form
2. Revocation of School Authorization Form

D. The City Clerk, the Department of Personnel, School Department, and all other affected City agencies, offices, and departments shall provide and distribute any other relevant forms that are or become necessary.

2.119.130 Effect on Other Sections of Code.

When the term "spouse" is used in other City ordinances, it shall be interpreted to include a domestic partner. When the term "family" is used in other City ordinances, it shall be interpreted to include domestic partnerships.

Passed to a second reading at the City Council meeting held on August 3, 1992 and on or after August 24, 1992 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury
Temporary City Clerk



CAMBRIDGE CITY COUNCIL

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4280

FAX (617) 349-4287

Alice K. Wolf
City Councillor

Mayor
1990-1991

TECHNICAL AMENDMENTS TO THE DOMESTIC PARTNERS ORDINANCE

to be introduced on 9/14

*Roll call
6-1-2
asset parent*

Section 2.119.020

subsection 5, substitute for

"The existence of a 'family' relationship may be shown by"

the following:

"Subsequent to the filing of a registration form, the existence of a 'family' relationship may be shown by evidence relevant to the following factors:

subsection 7 a, substitute for

"A biological, child, adopted child, or foster child"

of a domestic partner

the following:

"A biological child or adopted child" *of a foster child, if the*

*C. Torrey
friendly
amendment*

child is not ~~eligible~~

*provided with ~~health~~
medical insurance
coverage by
the Commonwealth*

Section 2.119.040

Sentence 2 in A:

Change \$10.00 to \$15.00

Sentence 1 in B

Change \$4.00 to \$5.00

*030
#70*

Section 2.119.050

subsection E

Add at the end of the last sentence: "from termination."

Section 2.119.060
subsections 1b and 2b

Add to the end of the last sentence: "under the City's
jurisdiction."

Add section 2.119.140

In order to give time for implementation of this ordinance, its
provisions will go into effect 60 days after final ordination by
the City Council.



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to an ordinance entitled "The Cambridge Municipal Code."

Be it ordained by the City Council of the City of Cambridge as follows:

That Title Two of the Municipal Code entitled "Administration and Personnel" is hereby amended by adding a new Chapter 2.119 entitled "Domestic Partnerships" which reads as follows:

CHAPTER 2.119

DOMESTIC PARTNERSHIPS

Sections:

2.119.010	Recognition and Scope.
2.119.020	Definitions.
2.119.030	Registration and Termination.
2.119.040	City Clerk -- Fees.
2.119.050	City Clerk -- Records.
2.119.060	Rights of Domestic Partners.
2.119.070	Employment Benefits.
2.119.080	Limitation of Liabilities.
2.119.090	Reciprocity.
2.119.100	Retaliation.
2.119.110	Severability.
2.119.120	Forms.
2.119.130	Effect on Other Sections of Code.

2.119.010 Recognition and Scope.

A. The City Council recognizes the diverse composition of its citizenry and values its people. The City Council acknowledges that the people's lives have evolved from when laws governing family relationships were enacted. Perpetuation of the traditional definitions of "family" excludes a significant segment of the Cambridge population, deprives them of recognition and validation, and denies certain rights that should be afforded to persons who share their homes, their hearts, and their lives. The City, recognizing its commitment to nondiscrimination and fair treatment of its citizens and employees, hereby adopts this ordinance acknowledging domestic partnerships.

B. The ordinance allows persons in committed relationships who meet the criteria established by the City as constituting domestic partnerships to register at the office of the City Clerk and obtain a certificate attesting to their status. The ordinance recognizes certain rights of access for domestic partners. This ordinance, in conformance with the Human Rights Ordinance, which bars discrimination on the basis of sexual orientation, marital status, and family status, also equalizes the treatment of City employees.

2.119.020 Definitions.

As used in this chapter:

1. "Domestic Partnership" means the entity formed by two persons who meet the following criteria and jointly file a registration statement proclaiming that:
 - a. They are in a relationship of mutual support, caring and commitment and intend to remain in such a relationship; and
 - b. They reside together; and
 - c. They are not married; and
 - d. They are not related by blood closer than would bar marriage in the Commonwealth of Massachusetts; and
 - e. They are each other's sole domestic partner; and
 - f. They are competent to contract; and
 - g. They consider themselves to be a family.
2. "Mutual support" means that the domestic partners each contribute in some fashion, not necessarily equally or financially, to the maintenance and support of the domestic partnership.
3. "Reside together" means living together in a common household. A partner may be temporarily absent from the common household, so long as she or he has the intent to return. A partner may own or maintain an additional residence.
4. "Competent to contract" means 18 years of age or older, and mentally competent to contract.
5. *Subsequent to the filing of a registration form, evidence relevant to the*
The existence of a "family" relationship may be shown by ~~the manner~~ in which the people live their daily lives; how they hold their relationship out to the world; their emotional and financial commitment; their reliance on each other for daily family services; the longevity and exclusivity of their relationship; and any other *relevant* factors which may be relevant.
6. "Domestic Partner" means a person who meets the criteria set out in 2.119.020.1 or who is registered as such in another jurisdiction.
7. "Dependent" means a minor who lives within the household of a domestic partnership and is:
 - a. A biological child, adopted child, *or foster child of a domestic partner*, or ~~or foster child of a domestic partner; or~~
 - b. A dependent as defined under IRS regulations; or
 - c. A ward of a domestic partner as determined in a guardianship proceeding.

2.119.030 Registration and Termination.

A. Persons who meet the criteria set out in 2.119.020.1 may make an official record of their domestic partnership by filing a Domestic Partnership Registration form with the City Clerk. The Domestic Partnership Registration shall include the name and date of

birth of each of the domestic partners, the address of their common household, and the names and dates of birth of any dependents of the domestic partnership, and shall be signed, under the pains and penalties of perjury, by both domestic partners.

B. Domestic partners may amend the Domestic Partnership Registration to add or delete dependents or change the household address. Amendments to the Domestic Partnership Registration shall be signed, under the pains and penalties of perjury, by both domestic partners.

C. A domestic partnership is terminated by the death of a domestic partner or by the filing of a termination statement by a domestic partner.

1. The death of a domestic partner automatically terminates a domestic partnership.

2. A domestic partnership may be terminated by a domestic partner who files with the City Clerk, by hand or by certified mail, a termination statement. The person filing the termination statement must declare under pains and penalties of perjury that the domestic partnership is terminated and that a copy of the termination statement has been mailed by certified mail to the other domestic partner at his or her last known address. The person filing the termination statement must include on such statement the address to which the copy was mailed.

D. The termination of a domestic partnership shall be effective immediately upon the death of a domestic partner. The voluntary termination of a domestic partnership by a partner shall be effective seven (7) days after the receipt of a termination statement by the City Clerk. Prior to becoming effective, the person who filed the termination statement may withdraw the termination statement in person at the office of the City Clerk. If the termination statement is withdrawn, the domestic partner shall give notice of the withdrawal, by certified mail, to the other domestic partner.

E. If a domestic partnership is terminated by the death of a domestic partner, there shall be no required waiting period prior to filing another domestic partnership. If a domestic partnership is terminated by one or both domestic partners, neither domestic partner may file another domestic partnership until six months have elapsed *from termination*

2.119.040 City Clerk -- Fees.

A. The City Clerk shall collect a reasonable fee for ^{15.00} filing a domestic partnership registration. The initial amount for this fee shall be ~~\$10.00~~, and it shall be adjusted as necessary to remain consistent with the fee for an application for a marriage license.

B. The City Clerk shall collect a fee of ~~\$4.00~~ ^{5.00} for certified copies of domestic partnership documents, other than the copy of the Certificate of Domestic Partnership issued by the City Clerk to the domestic partners, as provided for in 2.119.050.

2.119.050 City Clerk -- Records.

A. Upon receipt of a domestic partnership registration and filing fee, the City Clerk shall issue a Certificate of Domestic Partnership and shall mail to the household of the domestic partnership one certified copy of the certificate and two wallet-sized cards

indicating the existence of the domestic partnership, the names of the domestic partners, and the names of the dependents of the domestic partnership, if any.

B. The City Clerk shall maintain records of domestic partnerships registered in the City, including forms filed and certificates issued. The City Clerk shall provide forms to persons requesting them in accordance with 2.119.120.

C. The City Clerk shall allow public access to domestic partnership records to the same extent and in the same manner as marriage licenses.

2.119.060 Rights of Domestic Partners.

Persons who have registered their domestic partnership at the office of the City Clerk pursuant to 2.119.030 are entitled to the following rights:

1. a. A domestic partner shall have the same visitation rights as a spouse or parent of a patient at the Cambridge City Hospital and all other health care facilities in the City. A dependent shall have the same visitation rights as a patient's child.
b. The term "health care facilities" includes, but is not limited to, hospitals, convalescent facilities, mental health care facilities, and other short and long term care facilities. *under the City's jurisdiction*
2. a. A domestic partner shall have the same visitation rights at all correctional facilities in Cambridge as a spouse or parent of a person in custody. A dependent shall have the same visitation rights afforded to the child of a person in custody.
b. The term "correctional facilities" includes, but is not limited to, holding cells, jails, and juvenile correction centers. *under the City's jurisdiction*
3. a. A domestic partner, who is also the parent or legal guardian of a child, may file a form at or send a letter to the child's school to indicate that the parent's domestic partner shall have access to the child's records, access to school personnel in matters concerning the child, and access to the child, including the right to remove such child from the school for sickness or family emergency. The school shall afford such person access as directed by the child's parent.
b. When a domestic partnership is terminated pursuant to 2.119.030, it is the responsibility of the parent or guardian to notify the school, in writing, of the termination of rights of the former domestic partner.
c. The term "school" includes, but is not limited to, high schools, vocational schools, junior high and middle schools, elementary schools, pre-school programs, after-school programs, and day care programs.

2.119.070 Employment Benefits.

A. The City and School Department shall provide the same health and other employment fringe benefits to employees with domestic partners as to employees with spouses. As used in this chapter, "employees" refers to active and retired employees of the City of Cambridge and the Cambridge School Department eligible for benefits pursuant to state or municipal law, employment policies, or collective bargaining agreements.

B. Employees must file a Declaration of Domestic Partnership, signed under the pains and penalties of perjury, with their department administrator or Department of

Personnel of the City or School Department, as appropriate, in order to obtain benefits under this Ordinance. On such declaration, employees shall agree to promptly notify the City or School Department, as appropriate, of any change in the status or their domestic partnership. There shall be no fee for such declaration. Employees shall not be obligated to file a Domestic Partnership Registration form with the City Clerk.

C. The City and School Department shall provide medical insurance coverage to an employee's domestic partner as it does to an employee's spouse, and to the dependent(s) of an employee's domestic partnership as it does to an employee's child(ren). An employee may opt to decline medical insurance coverage for her or his domestic partner, without foregoing the right to obtain medical insurance coverage for her or his domestic partner at a later date.

D. Upon termination of a domestic partnership by an employee, the domestic partner shall be covered by medical insurance for a period of sixty (60) days following the termination of the domestic partnership. If the employee leaves employment with the City or School Department prior to the expiration of the sixty days, the medical insurance shall lapse on the date that the former employee's insurance lapses.

E. Upon termination of a domestic partnership by the death of an employee, the surviving domestic partner's medical insurance coverage shall lapse as it would for the spouse of a married employee, upon the death of such employee.

F. Employees shall be granted a leave of absence, with pay, for the death of a domestic partner or family member of a domestic partner to the same extent as for a spouse or family member of a spouse. Use of the term "in-law" in employee handbooks shall include the relatives of a domestic partner.

G. Employees shall be granted sick leave to care for a domestic partner to the same extent permitted to care for a spouse, and to care for a dependent of a domestic partnership to the same extent permitted to care for a child.

H. Employees shall be entitled to take parental leave to take care of a child born to their domestic partner or a newly adopted child to the same extent as a married person.

2.119.080 Limitation of Liabilities.

A. Nothing in this ordinance shall be interpreted to contravene the general laws of the commonwealth.

B. Nothing contained in this chapter shall be construed to impose liability upon a domestic partner for the health or medical expenses of his or her domestic partner, with the sole exception of the medical insurance contributions assumed by a City or School Department employee who is a member of a domestic partnership.

C. Nothing in this chapter shall be construed to create additional legal liabilities greater than those already existing under law or to create new private causes of action.

2.119.090 Reciprocity.

All rights, privileges and benefits extended to domestic partnerships registered pursuant to this ordinance shall also be extended to domestic partnerships registered pursuant to similar laws in other jurisdictions.

2.119.100 Retaliation.

No person shall discriminate or retaliate against a person who seeks the benefit of this chapter, registers or makes a declaration pursuant to its provisions, or assists another person in obtaining the benefits of this chapter. Any person who so discriminates or retaliates shall be penalized in accordance with the provisions of the Cambridge Human Rights Ordinance, Cambridge Code Chapter 2.76.

2.119.110 Severability.

The provisions of this chapter are severable. If any of its provisions are held invalid by a court of competent jurisdiction, all other provisions shall continue in full force and effect.

2.119.120 Forms.

A. The City Clerk shall distribute copies of the following forms to those persons who request them:

1. Domestic Partnership Registration
2. Domestic Partnership Information Sheet
3. Termination of Domestic Partnership
4. School Authorization Form

B. The Departments of Personnel shall distribute copies of the following forms to those persons who request them:

1. Declaration of Domestic Partnership
2. Amendment to Declaration of Domestic Partnership

C. The School Department shall distribute copies of the following forms to persons who request them:

1. School Authorization Form
2. Revocation of School Authorization Form

D. The City Clerk, the Department of Personnel, School Department, and all other affected City agencies, offices, and departments shall provide and distribute any other relevant forms that are or become necessary.

2.119.130 Effect on Other Sections of Code.

When the term "spouse" is used in other City ordinances, it shall be interpreted to include a domestic partner. When the term "family" is used in other City ordinances, it shall be interpreted to include domestic partnerships.

Passed to a second reading at the City Council meeting held on August 3, 1992 and on or after August 24, 1992 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury
Temporary City Clerk

2.119.140

7

City of Cambridge

Domestic Partnership Ordinance

MASSACHUSETTS

In City Council

9/14

1992

Vote on Technical Amendments Proposed in A. Wolf's memo and including T. Toomey friendly amendment*

	YEA	NAY	ABSENT	PRESENT	
Mr. Ed Cyr	✓				
Mr. Francis H. Duehay	✓				
Mr. Jonathan S. Myers	✓				
Mrs. Sheila T. Russell				✓	
Mr. Walter J. Sullivan			✓		
Mr. Timothy J. Toomey, Jr.				✓	
Mr. William H. Walsh	✓				
Ms. Alice K. Wolf	✓				
Mayor Kenneth E. Reeves	✓				

* 2.119.020 7(a) Add "or a foster child of a domestic partner if the child is not provided with medical insurance coverage by the Commonwealth."

City of Cambridge

MASSACHUSETTS

Domestic Partnership

Quasi case on Ordination In City Council Sept 14 1992
as amended

	YEA	NAY	ABSENT	PRESENT	
Mr. Ed Cyr	✓				
Mr. Francis H. Duehay	✓				
Mr. Jonathan S. Myers	✓				
Mrs. Sheila T. Russell		✓			
Mr. Walter J. Sullivan		✓			
Mr. Timothy J. Toomey, Jr.		✓			
Mr. William H. Walsh		✓			
Ms. Alice K. Wolf	✓				
Mayor Kenneth E. Reeves	✓				

5 - 4

AW move 345

City of Cambridge

MASSACHUSETTS

Domestic Partnership In City Council

Sept 14

199 *2*

Suspension of the Rule

<i>Mrs. Alice Wolf</i>					
	YEA	NAY	ABSENT	PRESENT	
Mr. Ed Cyr	✓				
Mr. Francis H. Duehay	✓				
Mr. Jonathan S. Myers	✓				
Mrs. Sheila T. Russell		✓			
Mr. Walter J. Sullivan		✓			
Mr. Timothy J. Toomey, Jr.		✓			
Mr. William H. Walsh		✓			
Ms. Alice K. Wolf	✓	NA			
Mayor Kenneth E. Reeves	✓				

5 4

Suspension failed

City of Cambridge

MASSACHUSETTS

zoned w/ court #14
Mag's Agenda #3

In City Council

9/14

1992

Roll call ~~is support of~~ of License Commission

Denying applicants upon recommendation

	YEA	NAY	ABSENT	PRESENT
Mr. Ed Cyr	✓			
Mr. Francis H. Duehay	✓			
Mr. Jonathan S. Myers	✓			
Mrs. Sheila T. Russell	✓			
Mr. Walter J. Sullivan	✓			
Mr. Timothy J. Toomey, Jr.	✓			
Mr. William H. Walsh	✓			
Ms. Alice K. Wolf	✓			
Mayor Kenneth E. Reeves	✓			

9 - 0

FD

swap 11/9-0

JMS Revisited 11/9-0 not recorded



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

August 14, 1992

TO: THE HONORABLE, MAYOR KENNETH E. REEVES

FROM: **DMD**
D. MARGARET DRURY, CITY CLERK

SUBJECT: ORDER ADOPTED BY THE ORDINANCE COMMITTEE
PERTAINING TO PROPOSED DOMESTIC PARTNERSHIP
ORDINANCE.

The language of the order adopted, by unanimous vote of the Ordinance Committee, on August 12, 1992 is as follows:

That the Mayor is hereby requested to appoint a committee within one week to address the issue of expanding the definition of family in the proposed Domestic Partners Ordinance, and further, that the Committee shall report back to the City Council by its September 14, 1992 meeting.

Your kind attention in this matter will be greatly appreciated.



City of Cambridge

AMENDED ORDER
46.
IN CITY COUNCIL

August 3, 1992

COUNCILLOR WALSH

WHEREAS: Never is it acceptable to claim to cure alleged discrimination against some members of society when the claimed cure imposes absolute discrimination against other members of society; and

WHEREAS: The proposed Domestic Partnerships Ordinance, as drafted presently, is fallacious and unacceptable because it imposes absolute discrimination against other City of Cambridge employees in that it rejects the latter's siblings, parents, widows and/or widowers; now therefore be it

ORDERED: That the proposed text of the Domestic Partnerships Ordinance be amended so as to assure that the City of Cambridge will be required to extend health and other insurance benefits not only to domestic partners of City of Cambridge employees to the same extent as those benefits are currently provided to the spouses of City employees (Section 2.119.070 of the proposed Ordinance), but also to every City of Cambridge employee's siblings, parents, widow and/or widower. We are either for discrimination or we are against discrimination as it effects all human beings. Either we are for equality for all or we are for equality for none; and be it further

ORDERED: That this order is forwarded to the Ordinance Committee.

In City Council August 3, 1992.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, Temporary City Clerk.

A true copy;

D. Margaret Drury

ATTEST:-

D. Margaret Drury
Temporary City Clerk



City of Cambridge

ORIGINAL ORDER

46.

IN CITY COUNCIL

August 3, 1992

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ORDERED: That the City Manager be and hereby is requested to direct the City Solicitor to draft and add the content of the forementioned amendment to the proposed Ordinance's text and provide the amended text to this City Council no later than September 14, 1992 so that it may move through the Ordinance Committee process expeditiously and with justice for all, not solely for some.



City of Cambridge

NO
46

IN CITY COUNCIL

Councillor Walsh

August 3, 1992

- WHEREAS: Never is it acceptable to claim to cure alleged discrimination against some members of society when the claimed cure imposes absolute discrimination against other members of society; and
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- ORDERED: That the proposed text of the Domestic Partnerships Ordinance be amended so as to assure that the City of Cambridge will be required to extend health and other insurance benefits not only to domestic partners of City of Cambridge employees to the same extent as those benefits are currently provided to the spouses of City employees (Section 2.119.070 of the proposed Ordinance), but also to every City of Cambridge employee's siblings, parents, widow and/or widower. We are either for discrimination or we are against discrimination as it effects all human beings. Either we are for equality for all or we are for equality for none; and be it further
- ORDERED: That the City Manager direct the City Solicitor to draft and add the content of the forementioned amendment to the proposed Ordinance's text and provide the amended text to this City Council no later than September 14, 1992 so that it may move through the Ordinance Committee process expeditiously and with justice for all, not solely for some.



CAMBRIDGE CITY COUNCIL

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4280

FAX (617) 349-4287

William H. Walsh
City Councillor

BY HAND DELIVERY

July 29, 1992

MEMORANDUM:

TO: John Flynn, Deputy City Clerk

FROM: David Noonan, for *David Noonan*
Councillor Walsh

ATTENTION: Mrs. Donna Lopez

RE: Council Order for NON-CONSENT AGENDA
Council Session on August 3, 1992

Councillor Walsh requests that the enclosed Council Order regarding the Domestic Partnerships Ordinance be included in the **NON-CONSENT AGENDA** for the Special Summer Session of the City Council on Monday, August 3, 1992.

As usual, your courtesy and cooperation in this regard are much appreciated.

(ENCLOSURE)

CC: COUNCILLOR WALSH



City of Cambridge

46.

IN CITY COUNCIL

August 3, 1992

COUNCILLOR WALSH

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ORDERED: That the City Manager be and hereby is requested to direct the City Solicitor to draft and add the content of the forementioned amendment to the proposed Ordinance's text and provide the amended text to this City Council no later than September 14, 1992 so that it may move through the Ordinance Committee process expeditiously and with justice for all, not solely for some.



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

August 10, 1992

Mr. Russell B. Higley
City Solicitor
City Hall
Cambridge, MA 02139

Dear Sir:

Enclosed you will find an amended order which was adopted by the City Council meeting of August 3, 1992 regarding Domestic Partnerships.

Councillor Wolf, Chair of the Ordinance Committee, has scheduled a public hearing regarding the Family Definition as contained in the Domestic Partnership Ordinance for Wednesday, August 12, 1992 at 5:00 P. M.

Would you kindly amend the text to incorporate the intent of the enclosed order prior to the Ordinance Committee hearing on Wednesday.

Thank you for your cooperation in this regard.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
Temporary City Clerk

DMD/dl

Enc.



City of Cambridge

AMENDED ORDER
46.
IN CITY COUNCIL

August 3, 1992

COUNCILLOR WALSH

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ORDERED: That this order is forwarded to the Ordinance Committee.

In City Council August 3, 1992.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, Temporary City Clerk.

A true copy;

D. Margaret Drury

ATTEST:-

D. Margaret Drury
Temporary City Clerk



City of Cambridge

ORIGINAL ORDER

46.

IN CITY COUNCIL

August 3, 1992

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ORDERED: That the City Manager be and hereby is requested to direct the City Solicitor to draft and add the content of the forementioned amendment to the proposed Ordinance's text and provide the amended text to this City Council no later than September 14, 1992 so that it may move through the Ordinance Committee process expeditiously and with justice for all, not solely for some.



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

AUGUST 10, 1992

TO: THE HONORABLE, THE CITY COUNCIL

FROM: JOHN E. FLYNN, DEPUTY CITY CLERK JEF

SUBJECT: ORDINANCE COMMITTEE HEARING

Please be advised that Councillor Alive K. Wolf, Chair of the above referenced committee, has scheduled a public hearing for Wednesday, August 12, 1992 beginning at 5:00 p. m. in the Sullivan Chamber, City Hall.

The purpose of this hearing is to continue discussions relative to **FAMILY DEFINITION** as contained in the Domestic Partnership Ordinance.

You are requested to attend at this time.

Thank you for your cooperation in this matter.



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

August 10, 1992

Mr. Russell B. Higley
City Solicitor
City Hall
Cambridge, MA 02139

Dear Sir:

Enclosed you will find an amended order which was adopted by the City Council meeting of August 3, 1992 regarding Domestic Partnerships.

Councillor Wolf, Chair of the Ordinance Committee, has scheduled a public hearing regarding the Family Definition as contained in the Domestic Partnership Ordinance for Wednesday, August 12, 1992 at 5:00 P. M.

Would you kindly amend the text to incorporate the intent of the enclosed order prior to the Ordinance Committee hearing on Wednesday.

Thank you for your cooperation in this regard.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
Temporary City Clerk

DMD/dl

Enc.



City of Cambridge

AMENDED ORDER
46.
IN CITY COUNCIL

August 3, 1992

COUNCILLOR WALSH

WHEREAS: Never is it acceptable to claim to cure alleged discrimination against some members of society when the claimed cure imposes absolute discrimination against other members of society; and

WHEREAS: The proposed Domestic Partnerships Ordinance, as drafted presently, is fallacious and unacceptable because it imposes absolute discrimination against other City of Cambridge employees in that it rejects the latter's siblings, parents, widows and/or widowers; now therefore be it

ORDERED: That the proposed text of the Domestic Partnerships Ordinance be amended so as to assure that the City of Cambridge will be required to extend health and other insurance benefits not only to domestic partners of City of Cambridge employees to the same extent as those benefits are currently provided to the spouses of City employees (Section 2.119.070 of the proposed Ordinance), but also to every City of Cambridge employee's siblings, parents, widow and/or widower. We are either for discrimination or we are against discrimination as it effects all human beings. Either we are for equality for all or we are for equality for none; and be it further

ORDERED: That this order is forwarded to the Ordinance Committee.

In City Council August 3, 1992.
Adopted by the affirmative vote of nine members.
Attest:- D. Margaret Drury, Temporary City Clerk.

A true copy;

D. Margaret Drury

ATTEST:-

D. Margaret Drury
Temporary City Clerk



City of Cambridge

ORIGINAL ORDER
46.
IN CITY COUNCIL

August 3, 1992

COUNCILLOR WALSH

- WHEREAS: Never is it acceptable to claim to cure alleged discrimination against some members of society when the claimed cure imposes absolute discrimination against other members of society; and
- WHEREAS: The proposed Domestic Partnerships Ordinance, as drafted presently, is fallacious and unacceptable because it imposes absolute discrimination against other City of Cambridge employees in that it rejects the latter's siblings, parents, widows and/or widowers; now therefore be it
- ORDERED: That the proposed text of the Domestic Partnerships Ordinance be amended so as to assure that the City of Cambridge will be required to extend health and other insurance benefits not only to domestic partners of City of Cambridge employees to the same extent as those benefits are currently provided to the spouses of City employees (Section 2.119.070 of the proposed Ordinance), but also to every City of Cambridge employee's siblings, parents, widow and/or widower. We are either for discrimination or we are against discrimination as it affects all human beings. Either we are for equality for all or we are for equality for none; and be it further
- ORDERED: That the City Manager be and hereby is requested to direct the City Solicitor to draft and add the content of the forementioned amendment to the proposed Ordinance's text and provide the amended text to this City Council no later than September 14, 1992 so that it may move through the Ordinance Committee process expeditiously and with justice for all, not solely for some.



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

AUGUST 10, 1992

TO: THE HONORABLE, THE CITY COUNCIL

FROM: JOHN E. FLYNN, DEPUTY CITY CLERK JEF

SUBJECT: ORDINANCE COMMITTEE HEARING

Please be advised that Councillor Alive K. Wolf, Chair of the above referenced committee, has scheduled a public hearing for Wednesday, August 12, 1992 beginning at 5:00 p. m. in the Sullivan Chamber, City Hall.

The purpose of this hearing is to continue discussions relative to **FAMILY DEFINITION** as contained in the Domestic Partnership Ordinance.

You are requested to attend at this time.

Thank you for your cooperation in this matter.

RECEIVED BY
OFFICE OF CITY CLERK

1992 JUL 28 AM 9:20

33 Cogswell Ave. #11
Cambridge, MA 02140
July 22, 1992

The Ordinance Committee
City Council
City of Cambridge, MA

CAMBRIDGE MA.

Ladies and Gentlemen:

I am here this evening as a Cambridge resident for 43 years, having first come here to attend Harvard Divinity School. I am a retired minister of the Unitarian Universalist Churches of North America. I speak in strong support of the Domestic Partners Ordinance.

My ministry has included not only churches in Massachusetts and New Hampshire but also positions in various social service areas including, especially, the field of aging. In this city I was the first director of the Cambridge Committee of Elders, the first director of the Cambridge Council on Aging (and thus an employee of the City) and was on the first Board of the Somerville-Cambridge Area Agency on Aging. The last ten years of my ministry was as Associate Director for Social Responsibility for the Unitarian Universalist Association of churches, a continental structure comparable to what other religious bodies call denominations. I also served on the first Board of the Cambridge Human Rights Commission, the year we hammered out its by-laws and modus operandi.

But I am not here tonight as some ideological do-gooder, with yet another liberal cause, asking for the expenditure of more city funds. I am here on a more personal agenda, asking for what is only fair and right and just, something for myself and others like me. For, I am a gay man who has spent over 50 years struggling against personal, internalized homophobia and a homophobic society and culture, both of which worked against my thinking of my loving relationships as equal to others because involving someone of the same gender.

As a result, the more than 35 years I have been in a stable, caring, sharing relationship with one person have been spent without benefit of shared housing, shared medical benefits, shared visitation rights in emergencies, and a shared and open facing of the world as a single family unit, of two persons who cared deeply for and took care of each other. What a waste and how unfair! Are we a family unit? You bet we are! I'll put our 37 years together up against any legalized bonding the state so conveniently permits men and women to take advantage of with the ceremonial ease of marriage.

In my 72 years I have paid my share of taxes for the educating of other people's children, supporting tax breaks for married persons I could not take advantage of, and providing health and inheritance and many other benefits whose fairness I never much questioned. But I do question them now - and ask this committee and Council to take this one small step to begin to balance the scales of justice, for all the citizens of Cambridge.

Sincerely,

B.P. Wheatly

(Rev.) Robert P. Wheatly

MEMORANDUM

TO: Robert W. Healy
City Manager

FROM: Michael P. Gardner
Personnel Director

DATE: July 15, 1992

SUBJECT: City Council Calendar Item #2a, dated 6/22/92, RE: Number of employees who would participate in Domestic Partnership and approximate cost.

=====
Neither this office or the insurers we have consulted with know of a reliable way to accurately project enrollment and cost of health insurance for an extension of health insurance eligibility to domestic partners. Using some of the limited data available however, the following analysis is provided.

City of Cambridge Employees with City Health Insurance:

Individual Plan	Family Plan	Total
1735	2780	4515

Medex (Medicare Plan Supplement)

1351

Participation Rates:

In Seattle, the participation rate when a similar plan was introduced was approximately 1.75% (175 of 10,000 employees).

In Berkeley, the participation rate was 9.57% (110 of 1,550 employees).

This is a very wide range. It could depend on very many factors, including the relative richness of the offered plan design. Cambridge of course has a very rich plan design, making it an

attractive benefit. Assuming Cambridge fell in the middle of the reported experience, approximately 5.66% (250) of our employees might apply. In discussing projected costs, alternative participation rates will be used.

Projected Costs:

The bulk of the City's health insurance expense is self insured. That is, nearly 85% of our cost is for health services on a self funded basis, with no insurance, either primary premium, or reinsurance (stop loss) arrangement. Thus the City pays purely on experience. An employee who uses no health services during a year in fact costs the City nothing for health care. An employee who has medical intervention costs the price of the medical services plus an administrative charge from the carrier. These costs can of course be quite high. A recent heart transplant case cost in excess of \$300,000. Forty-six recent high cost cases together cost the City in excess of \$2.6 million, in one year.

There is no real way to accurately project the costs related to expanded coverage of domestic partners except to use the insurance companies' actuarial values for the total plan. Of course with a small sample the reliability of the numbers is substantially less.

The difference in projected price between individual and family coverage for our primary Blue Cross plan is \$4,900 annually. That probably would be one of the common changes in coverage. In addition to this, an individual with existing family coverage might also add one or more new covered members. The actuarial value of each additional person is estimated (based on June, 1991 per member costs trended forward) at \$2,300 per person.

Assuming 5.66% on employees with individual coverage upgraded to family coverage, the projected, estimated increased cost would be
 $\$4,900 \times 1735 \times 5.66\% = \$480,000$

If, in addition to that, 1.75% of persons with family coverage upgraded by adding an average of 1.1 new persons to existing coverage, the cost of that would be estimated at:

$\$2,300 \times 1.1 \times 2780 \times 1.75\% = \$123,000$

or a total of \$603,000, at FY93 cost levels.

It should be emphasized that these are highly subjective numbers based upon averaging projections. The numbers are subject to wide variation.

For instance, if participation rates were 2 percent lower for individual coverage upgrades and 1 percent lower for increases in additional family member coverage, the estimates would be as follows:

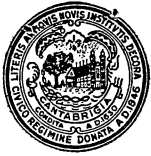
$\$4,900 \times 1735 \times 3.66\% = \$310,000$
 $\$2,300 \times 1.1 \times 2780 \times .755 = \$52,000$ Total \$362,000.

If participation was 2 per cent higher in the individual coverage conversion and 1 per cent higher in the added family coverage, the estimates instead would be:

$\$4,900 \times 1735 \times 7.66\% = \$650,000$.
 $\$2,300 \times 1.1 \times 2780 \times 2.75 = \$193,000$ Total \$843,000.

Tax impact:

Assuming the value of the additional coverage is subject to taxation, participation rates should be lower. However that might also mean that the persons who elect to opt for the coverage are sicker, having greater need for it, and generating higher than average expenses. That is our experience with the COBRA plan, where ex-employees may elect to pay the full average cost of extended coverage.



City of Cambridge

7.

IN CITY COUNCIL

June 15, 1992

COUNCILLOR WOLF
COUNCILLOR DUEHAY

WHEREAS: The City Council recognizes its commitment to non-discrimination and fair treatment of its citizens and employees and in conformance with the Cambridge Human Rights Ordinance passed in 1984; it is therefore

ORDERED: That the proposed amendment to the "Cambridge Municipal Code," the Domestic Partnerships ordinance attached, which recognizes certain rights for city residents and employees who declare that they are in permanent, committed relationships, be submitted to the Ordinance Committee for a hearing and recommendation to the City Council.

CHARTER RIGHT EXERCISED BY COUNCILLOR RUSSELL.

In amendment to an ordinance entitled the "Cambridge Municipal Code"

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter 2.119

DOMESTIC PARTNERSHIPS

Sections:

2.119.010	Recognition and Scope.
2.119.020	Definitions.
2.119.030	Registration and Termination.
2.119.040	City Clerk -- Fees.
2.119.050	City Clerk -- Records.
2.119.060	Rights of Domestic Partners.
2.119.070	Employment Benefits.
2.119.080	Limitation of Liabilities.
2.119.090	Reciprocity.
2.119.100	Retaliation.
2.119.110	Severability.
2.119.120	Forms.
2.119.130	Effect on Other Sections of Code.

2.119.010 Recognition and Scope.

A. The City Council recognizes the diverse composition of its citizenry and values its people. The City Council acknowledges that the people's lives have evolved from when laws governing family relationships were enacted. Perpetuation of the traditional definitions of "family" excludes a significant segment of the Cambridge population, deprives them of recognition and validation, and denies certain rights that should be afforded to persons who share their homes, their hearts, and their lives. The City, recognizing its commitment to nondiscrimination and fair treatment of its citizens and employees, hereby adopts this ordinance acknowledging domestic partnerships.

B. The ordinance allows persons in committed relationships who meet the criteria established by the City as constituting domestic partnerships to register at the office of the City Clerk and obtain a certificate attesting to their status. The ordinance recognizes certain rights of access for domestic partners. This ordinance, in conformance with the Human Rights Ordinance, which bars discrimination on the basis of sexual orientation, marital status, and family status, also equalizes the treatment of City employees.

2.119.020 Definitions.

As used in this chapter:

1. "Domestic Partnership" means the entity formed by two persons who meet the following criteria and jointly file a registration statement proclaiming that:
 - a. They are in a relationship of mutual support, caring and commitment and intend to remain in such a relationship; and
 - b. They reside together; and
 - c. They are not married; and
 - d. They are not related by blood closer than would bar marriage in the Commonwealth of Massachusetts; and
 - e. They are each other's sole domestic partner; and
 - f. They are competent to contract; and
 - g. They consider themselves to be a family.
2. "Mutual support" means that the domestic partners each contribute in some fashion, not necessarily equally or financially, to the maintenance and support of the domestic partnership.
3. "Reside together" means living together in a common household. A partner may be temporarily absent from the common household, so long as she or he has the intent to return. A partner may own or maintain an additional residence.
4. "Competent to contract" means 18 years of age or older, and mentally competent to contract.
5. The existence of a "family" relationship may be shown by the manner in which the people live their daily lives; how they hold their relationship out to the world; their emotional and financial commitment; their reliance on each other for daily family services; the longevity and exclusivity of their relationship; and any other factors which may be relevant.
6. "Domestic Partner" means a person who meets the criteria set out in 2.119.020.1 or who is registered as such in another jurisdiction.
7. "Dependent" means a minor who lives within the household of a domestic partnership and is:
 - a. A biological child, adopted child, or foster child of a domestic partner; or
 - b. A dependent as defined under IRS regulations; or
 - c. A ward of a domestic partner as determined in a guardianship proceeding.

2.119.030 Registration and Termination.

A. Persons who meet the criteria set out in 2.119.020.1 may make an official record of their domestic partnership by filing a Domestic Partnership Registration form with the City Clerk. The Domestic Partnership Registration shall include the name and date of

birth of each of the domestic partners, the address of their common household, and the names and dates of birth of any dependents of the domestic partnership, and shall be signed, under the pains and penalties of perjury, by both domestic partners.

B. Domestic partners may amend the Domestic Partnership Registration to add or delete dependents or change the household address. Amendments to the Domestic Partnership Registration shall be signed, under the pains and penalties of perjury, by both domestic partners.

C. A domestic partnership is terminated by the death of a domestic partner or by the filing of a termination statement by a domestic partner.

1. The death of a domestic partner automatically terminates a domestic partnership.

2. A domestic partnership may be terminated by a domestic partner who files with the City Clerk, by hand or by certified mail, a termination statement. The person filing the termination statement must declare under pains and penalties of perjury that the domestic partnership is terminated and that a copy of the termination statement has been mailed by certified mail to the other domestic partner at his or her last known address. The person filing the termination statement must include on such statement the address to which the copy was mailed.

D. The termination of a domestic partnership shall be effective immediately upon the death of a domestic partner. The voluntary termination of a domestic partnership by a partner shall be effective seven (7) days after the receipt of a termination statement by the City Clerk. Prior to becoming effective, the person who filed the termination statement may withdraw the termination statement in person at the office of the City Clerk. If the termination statement is withdrawn, the domestic partner shall give notice of the withdrawal, by certified mail, to the other domestic partner.

E. If a domestic partnership is terminated by the death of a domestic partner, there shall be no required waiting period prior to filing another domestic partnership. If a domestic partnership is terminated by one or both domestic partners, neither domestic partner may file another domestic partnership until six months have elapsed.

2.119.040 City Clerk -- Fees.

A. The City Clerk shall collect a reasonable fee for filing a domestic partnership registration. The initial amount for this fee shall be \$10.00, and it shall be adjusted as necessary to remain consistent with the fee for an application for a marriage license.

B. The City Clerk shall collect a fee of \$4.00 for certified copies of domestic partnership documents, other than the copy of the Certificate of Domestic Partnership issued by the City Clerk to the domestic partners, as provided for in 2.119.050.

2.119.050 City Clerk -- Records.

A. Upon receipt of a domestic partnership registration and filing fee, the City Clerk shall issue a Certificate of Domestic Partnership and shall mail to the household of the domestic partnership one certified copy of the certificate and two wallet-sized cards

indicating the existence of the domestic partnership, the names of the domestic partners, and the names of the dependents of the domestic partnership, if any.

B. The City Clerk shall maintain records of domestic partnerships registered in the City, including forms filed and certificates issued. The City Clerk shall provide forms to persons requesting them in accordance with 2.119.120.

C. The City Clerk shall allow public access to domestic partnership records to the same extent and in the same manner as marriage licenses.

2.119.060 Rights of Domestic Partners.

Persons who have registered their domestic partnership at the office of the City Clerk pursuant to 2.119.030 are entitled to the following rights:

1. a. A domestic partner shall have the same visitation rights as a spouse or parent of a patient at the Cambridge City Hospital and all other health care facilities in the City. A dependent shall have the same visitation rights as a patient's child.
b. The term "health care facilities" includes, but is not limited to, hospitals, convalescent facilities, mental health care facilities, and other short and long term care facilities.
2. a. A domestic partner shall have the same visitation rights at all correctional facilities in Cambridge as a spouse or parent of a person in custody. A dependent shall have the same visitation rights afforded to the child of a person in custody.
b. The term "correctional facilities" includes, but is not limited to, holding cells, jails, and juvenile correction centers.
3. a. A domestic partner, who is also the parent or legal guardian of a child, may file a form at or send a letter to the child's school to indicate that the parent's domestic partner shall have access to the child's records, access to school personnel in matters concerning the child, and access to the child, including the right to remove such child from the school for sickness or family emergency. The school shall afford such person access as directed by the child's parent.
b. When a domestic partnership is terminated pursuant to 2.119.030, it is the responsibility of the parent or guardian to notify the school, in writing, of the termination of rights of the former domestic partner.
c. The term "school" includes, but is not limited to, high schools, vocational schools, junior high and middle schools, elementary schools, pre-school programs, after-school programs, and day care programs.

2.119.070 Employment Benefits.

A. The City and School Department shall provide the same health and other employment fringe benefits to employees with domestic partners as to employees with spouses. As used in this chapter, "employees" refers to active and retired employees of the City of Cambridge and the Cambridge School Department eligible for benefits pursuant to state or municipal law, employment policies, or collective bargaining agreements.

B. Employees must file a Declaration of Domestic Partnership, signed under the pains and penalties of perjury, with their department administrator or Department of

Personnel of the City or School Department, as appropriate, in order to obtain benefits under this Ordinance. On such declaration, employees shall agree to promptly notify the City or School Department, as appropriate, of any change in the status or their domestic partnership. There shall be no fee for such declaration. Employees shall not be obligated to file a Domestic Partnership Registration form with the City Clerk.

C. The City and School Department shall provide medical insurance coverage to an employee's domestic partner as it does to an employee's spouse, and to the dependent(s) of an employee's domestic partnership as it does to an employee's child(ren). An employee may opt to decline medical insurance coverage for her or his domestic partner, without foregoing the right to obtain medical insurance coverage for her or his domestic partner at a later date.

D. Upon termination of a domestic partnership by an employee, the domestic partner shall be covered by medical insurance for a period of sixty (60) days following the termination of the domestic partnership. If the employee leaves employment with the City or School Department prior to the expiration of the sixty days, the medical insurance shall lapse on the date that the former employee's insurance lapses.

E. Upon termination of a domestic partnership by the death of an employee, the surviving domestic partner's medical insurance coverage shall lapse as it would for the spouse of a married employee, upon the death of such employee.

F. Employees shall be granted a leave of absence, with pay, for the death of a domestic partner or family member of a domestic partner to the same extent as for a spouse or family member of a spouse. Use of the term "in-law" in employee handbooks shall include the relatives of a domestic partner.

G. Employees shall be granted sick leave to care for a domestic partner to the same extent permitted to care for a spouse, and to care for a dependent of a domestic partnership to the same extent permitted to care for a child.

H. Employees shall be entitled to take parental leave to take care of a child born to their domestic partner or a newly adopted child to the same extent as a married person.

2.119.080 Limitation of Liabilities.

A. Nothing in this ordinance shall be interpreted to contravene the general laws of the commonwealth.

B. Nothing contained in this chapter shall be construed to impose liability upon a domestic partner for the health or medical expenses of his or her domestic partner, with the sole exception of the medical insurance contributions assumed by a City or School Department employee who is a member of a domestic partnership.

C. Nothing in this chapter shall be construed to create additional legal liabilities greater than those already existing under law or to create new private causes of action.

2.119.090 Reciprocity.

All rights, privileges and benefits extended to domestic partnerships registered pursuant to this ordinance shall also be extended to domestic partnerships registered pursuant to similar laws in other jurisdictions.

2.119.100 Retaliation.

No person shall discriminate or retaliate against a person who seeks the benefit of this chapter, registers or makes a declaration pursuant to its provisions, or assists another person in obtaining the benefits of this chapter. Any person who so discriminates or retaliates shall be penalized in accordance with the provisions of the Cambridge Human Rights Ordinance, Cambridge Code Chapter 2.76.

2.119.110 Severability.

The provisions of this chapter are severable. If any of its provisions are held invalid by a court of competent jurisdiction, all other provisions shall continue in full force and effect.

2.119.120 Forms.

A. The City Clerk shall distribute copies of the following forms to those persons who request them:

1. Domestic Partnership Registration
2. Domestic Partnership Information Sheet
3. Termination of Domestic Partnership
4. School Authorization Form

B. The Departments of Personnel shall distribute copies of the following forms to those persons who request them:

1. Declaration of Domestic Partnership
2. Amendment to Declaration of Domestic Partnership

C. The School Department shall distribute copies of the following forms to persons who request them:

1. School Authorization Form
2. Revocation of School Authorization Form

D. The City Clerk, the Department of Personnel, School Department, and all other affected City agencies, offices, and departments shall provide and distribute any other relevant forms that are or become necessary.

2.119.130 Effect on Other Sections of Code.

When the term "spouse" is used in other City ordinances, it shall be interpreted to include a domestic partner. When the term "family" is used in other City ordinances, it shall be interpreted to include domestic partnerships.

(June 10, 1992)



City of Cambridge

Calendar Item # 2

IN CITY COUNCIL

June 22, 1992

COUNCILLOR WALSH

ORDERED: That the City Manager be and hereby is requested to confer with the City Solicitor regarding an Advisory Opinion on the legality of the definition of "Family" as it is defined in Massachusetts General Laws Chapter 32B; and be it further

ORDERED: That the City Manager be and hereby is requested to confer with the Personnel Director regarding whether or not the City's insurance carriers will honor the proposed Domestic Partnership Legislation; and be it further

ORDERED: That said report be presented to the Ordinance Committee prior to its meeting on July 22, 1992.

In City Council June 22, 1992.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, Temporary City Clerk.

A true copy;

A handwritten signature in cursive script that reads "D. Margaret Drury".

ATTEST:-

D. Margaret Drury
Temporary City Clerk



City of Cambridge

Calendar Item # 2

IN CITY COUNCIL

June 22, 1992

COUNCILLOR WALSH

ORDERED: That the City Manager be and hereby is requested to prepare a report estimating the number of employees who would participate in the Domestic Partnership and the approximate cost.

In City Council June 22, 1992.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, Temporary City Clerk.

A true copy;

A handwritten signature in cursive script that reads "D. Margaret Drury".

ATTEST:-

D. Margaret Drury
Temporary City Clerk



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

June 26, 1992

To Whom It May Concern:

Please be advised that Councillor Alice K. Wolf, Chair of the Ordinance Committee of the City Council, has scheduled the following hearings for Wednesday, July 22, 1992:

- 4:30 P. M. Whether, if the City of Cambridge declares available for disposition an easement under Ames Street, as proposed by Massachusetts Institute of Technology, for construction of a tunnel, the disposition process shall be diminished pursuant to Section 2.110.010 (g) of the Municipal Code.
- 6:00 P. M. Proposed amendment to the Municipal Code in Chapter 2.119 entitled "Domestic Partnerships."
- 7:30 P. M. A. Proposed Amendment Number Three to the Kendall Square Urban Renewal Plan.
- B. Proposed amendment to the Zoning Ordinances of the City of Cambridge in Article 14.000 entitled "Mixed Use Development district: Cambridge Center and in Section 14.60 of Article 14.000 entitled "Signs."
- C. Confirmation of three appointments to the Cambridge Redevelopment Authority.

The above scheduled hearings will be held in the Sullivan Chamber.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
Temporary City Clerk

Copy sent to Domestic Partnership Committee 6/29/92 @dw

Veda Wright
9 Ware Street
Cambridge, MA 02138

Ann Robbart
55 Alpine Street
Cambridge, MA 02138

Ann Kotell
33 Jefferson Street
Cambridge, MA 02141

Lorenzo Parra
356 B Concord Avenue
Cambridge, MA 02138

Jan Platner
Human Rights Commission
57 Inman Street

Mary Leno
Women's Commission
57 Inman Street

Nancy Ryan
Women's Commission
57 Inman Street

Cathy Hoffman
Cambridge Peace Commission
57 Inman Street

David A. Ryan
356 Concord Avenue
Cambridge, MA 02138

Mary L. Bonauto
GLAD
P.O. Box 218
Boston, MA 02112

Arthur Lipkin
16 Chatham Street
Cambridge, MA 02138

Julia Gregory
11 Market Street
Cambridge, MA 02139

Katherine Triantafillou
101 Rogers Street
Cambridge, MA 02142

Sue Hyde
27 Putnam Avenue #3
Cambridge, MA 02139

Susan Weinstein
c/o Rent Control Board
831 Massachusetts Avenue
Cambridge, MA 02139

Cindy Hummel
1A Watson Street
Somerville, MA 02144

Mary Baxter
69 Chestnut Street
Cambridge, MA 02139

Clare Conley
21 Buckingham Street
Cambridge, MA 02138

Beth Arnold
Boston NOW
971 Commonwealth Avenue
Boston, MA 02215

Kathy French
1440 Beacon Street #712
Brookline, MA 02146

Chuck Colbert
13 Cottage Street
Cambridge, MA 02139

William Barnert
7 Herbert Street
Cambridge, MA 02140

Ann D. Canavan
65 Pearl Street
Cambridge, MA 02139

Ms. Deborah Lerne-Goodman
8 Fairmont Avenue
Cambridge, MA 02139

NATIONAL ORGANIZATION OF LEGAL SERVICES WORKERS

affiliated with District 65 and United Auto Workers

Cambridge Rent Control
831 Massachusetts Avenue
Cambridge, Massachusetts 02139
(617) 349-6161

John R. Puricelli
Susan Weinstein
Shop Stewards

June 22, 1992

Alice K. Wolf, City Councillor
City of Cambridge
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Councillor Wolf,

The National Organization of Legal Services Workers (NOLSW), Cambridge Rent Control Local, has voted unanimously to support the proposed Domestic Partnership Ordinance. We believe that this ordinance is necessary to further the intent of the Human Rights Ordinance and to treat all employees fairly and without discrimination. We also know from personal experience that discrimination against lesbians and gay men does exist in this City. The Domestic Partnership Ordinance will strengthen the City's commitment to nondiscrimination and take an important step toward the eradication of discrimination against many City employees.

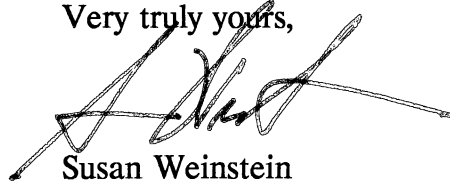
From April 1991 through October 1991, this bargaining unit was forced to pursue a grievance against the City after one of our members was unfairly denied bereavement leave on the death of her partner's mother. The matter was eventually settled: the bereavement leave was allowed, the grievant's personal time was reinstated, and a provision was added to the contract to specifically include domestic partners and their relatives for bereavement leave purposes. To the best of our knowledge, our collective bargaining agreement is the only contract to have a "domestic partner" provision, and ours is limited to bereavement leave.

It is inconsistent for the City to have a broad Human Rights Ordinance that protects people regardless of, among other things, sexual orientation, marital status, and family status, yet allow discrimination against unmarried people to persist. This discrimination may take the form of denial of bereavement leave, sick leave, parental leave, and the like. It also takes the form of not providing equal compensation for equal work, most specifically, not extending medical insurance coverage to employees' domestic partners. Single people and people who are not married have long shouldered the financial burden of married people's health insurance. It is inequitable and discriminatory to perpetuate that system.

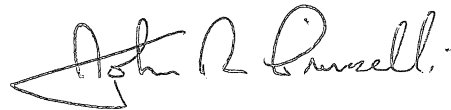
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CITY OF CAMBRIDGE
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There are a variety of reasons that prevent people from taking marriage vows. Whether those reasons are based on personal ideology, moral convictions, sexual orientation, or social security status, they do not justify the denial of recognition or of important benefits. The Council now has before it the opportunity to equalize benefits for its employees. We thank you for your leadership and your support of the Domestic Partnership Ordinance.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Susan Weinstein', with a long horizontal stroke extending to the right.

Susan Weinstein
Shop Steward

A handwritten signature in black ink, appearing to read 'John R. Puricelli', with a large, sweeping initial 'J'.

John R. Puricelli
Shop Steward



City of Cambridge

7.

IN CITY COUNCIL

June 15, 1992

COUNCILLOR WOLF

WHEREAS: The City Council recognizes its commitment to non-discrimination and fair treatment of its citizens and employees and in conformance with the Cambridge Human Rights Ordinance passed in 1984; it is therefore

ORDERED: That the proposed amendment to the "Cambridge Municipal Code," the Domestic Partnerships ordinance attached, which recognizes certain rights for city residents and employees who declare that they are in permanent, committed relationships, be submitted to the Ordinance Committee for a hearing and recommendation to the City Council.



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

June 12, 1992

Ms. Sally Fox
City of Seattle
Personnel Department
710 Second Avenue
13th Floor
Seattle, Washington 98104

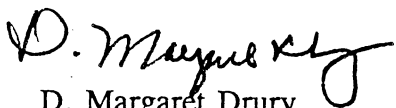
Dear Ms. Fox:

Enclosed is a copy of a local newspaper article about Seattle's Domestic Partnership Legislation along with an article about Cambridge's proposed ordinance.

I am sending them at the request of co-workers in your office who were extremely helpful in answering questions and agreeing to send copies of the forms used by Seattle in administering its domestic partner program.

Thank you for your cooperation in this matter.

Sincerely,


D. Margaret Drury
Temporary City Clerk

DMD/dl

Encs.

THE CAMBRIDGE TAB



A FAMILY

Plan would give city workers' unmarried

By Brad Skillman
TAB Staff Writer

Gay couples or unmarried heterosexuals who live together would receive the same benefits and rights as married couples under a plan the City Council will consider later this month.

The proposal, which affects only city employees, would be the first of its kind in the commonwealth and could set a statewide precedent.

City Councilor Alice Wolf said the domestic-partner legislation she proposes is designed to redress economic and social hardships that now burden city employees who live in non-traditional families. She said similar legislation has never been proposed in Cambridge.

"The domestic-partnership legislation comes from the fact that people are living in different kinds of families. Many of the laws leave out people in various kinds of relationships," Wolf said.

Domestic partners are two people who live together in a mutually supportive relationship but are not married or directly related. The legislation, if passed, would allow city employees medical and insurance benefits not previously accorded to them, but granted to married couples.

Similar legislation was considered in Boston last year but was defeated.

In an interview last week, Wolf said the proposal, which is still in draft form and has not yet been circulated to other councilors,



City Councilor Alice Wolf: "People are living in different kinds of families." PHOTO BY WINSLOW MARTIN

would:
• Give domestic partners visitation rights to see a partner or partner's children at Cambridge City Hospital or city correctional facilities. Currently, only immediate family

Councilors mixed on benefits plan



City Councilor Sheila Russell: Taxpayers should not have to "support alternative lifestyles."

PHOTO BY WINSLOW MARTIN

FAMILY, from page 1
responsible for each other."

Platner dismissed the idea that the legislation would pave the way for gay and lesbian marriage, which is prohibited by state law. "It doesn't affect the legal rights controlled by the state," she said. "Marriage [between gays and lesbians] is still illegal."

Numerous gay and lesbian organizations, including the gay rights group Lavender Alliance, have been involved in drawing up the legislation.

Sue Hyde, head of the Alliance, said that she was pleased with the work that had been done so far.

"This is not a revolutionary piece of legislation," Hyde said, "but it would be a major step if it passed."

"Monetary discrimination"

Mary Bonato, a member of Gay and Lesbian Advocates and Defenders, indicated that her organization was very supportive of the legislation.

And Gary Daffin, co-chair of the Mass Gay and Lesbian Political Caucus, called the draft legislation "really consistent with domestic partnership in municipalities

across the country."

The most important part of the legislation, Daffin said, was the access to health-care benefits for domestic partners.

"That is an area where there is real monetary discrimination," he said. "People are not receiving equal pay for equal work."

"We're not at all interested in an ordinance that just says 'partner,'" Daffin added. "The bottom line is really benefits. We tend to favor the ordinances that have real meat to them to the ones that just recognize domestic partners."

While city councilors have not received a copy of the legislation, a few were willing to offer preliminary opinions on the subject during interviews last week. Some were supportive, some were not.

Cost to taxpayers

Councilor Jonathan Myers said he would probably support a version of the legislation. "It seems a reasonable thing to do at this point in time," he said. "I think it's an important recognition by the city for those who don't fall into traditional categories."

see Family, page 39

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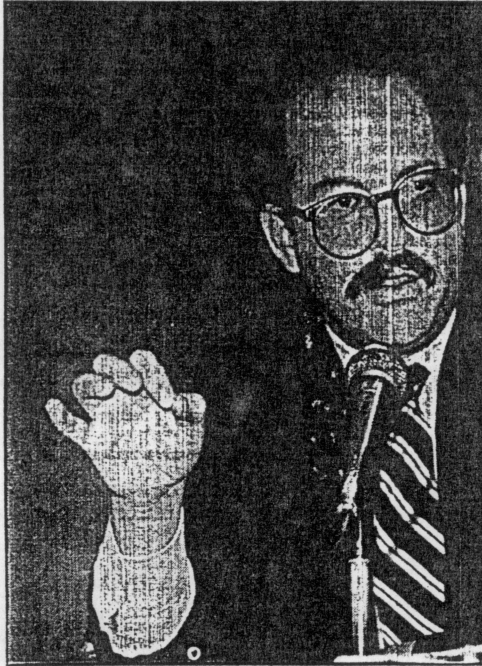
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Councilors react to benefits plan proposal

FAMILY, from page 6

But Councilor Sheila Russell voiced concern about what may prove to be the biggest impediment for part of the legislation — paying for the added benefits. "I don't think taxpayers should have to support alternative lifestyles," she said.



City Councilor Edward Cyr: It is important to recognize the "variety of family structures."

Russell added, however, that she might be amenable to legislation that provides benefits for family members not now covered.

Vice Mayor Edward Cyr said he would probably support a more extensive network of benefits — such as for elderly siblings who live together — than might come before the council.

"People live in a variety of family structures, and it's important that we recognize this," he said.

Both Russell and Cyr said they would want to see a copy of the legislation before committing to support or oppose it. Other council members, including Mayor Ken Reeves, either could not be reached or said they were not familiar enough with the legislation to comment.

"Sleeping arrangements"

While the legislation is only in the draft stage, some debate is expected, Wolf said. "Most communities which have passed it have done so under a certain level of controversy."

Some voice concern, however, that the discussion will turn into a forum examining non-traditional lifestyles. "I hope it doesn't come down to a discussion of people's sleeping arrangements," Cyr said. "Families are a lot more complex than who we sleep with."

Other communities in the United States that have instituted some version of this legislation include Seattle, Washington, D.C., and the Californian cities of San Francisco, Berkeley, West Hollywood and Santa Cruz.

In the private sector, some local companies provide benefits for domestic partners. Lotus Development and the New England Regional Office of the American Friends Committee provide insurance benefits for domestic partners, Hyde said. Harvard Law School allows for domestic partners in its housing policy, she said.

Private institutions or organizations that offer domestic partner benefits in some form include Ben and Jerry's Ice

Cream in Vermont, the *Village Voice* newspaper in New York City, the American Civil Liberties Union, the American Psychological Association, and the National Organization for Women. □

FAMILY MATTER

give city workers' unmarried "partners" rights and benefits

members are accorded these rights under certain conditions.

- Give domestic partners access to the school records of their partner's children.

- Give city employees benefits relating to a partner, including bereavement leave, sick leave, parental leave and medical insurance for the partner.

To qualify for these rights and benefits, domestic partners would need to register at City Hall and prove that they live together, are dependent on one another for emotional and financial support, are at least 18 years old, the age of consent, and consider themselves to be a family.

"A matter of fairness,"

Supporters of domestic-partner legislation said they were pleased with the plan as it had been described to them.

Jan Platner, the Cambridge Human Rights commissioner, called the proposed legislation "a matter of fairness."

"This legislation deals specifically with unmarried couples — gay or straight — who have an extended family," Platner said. "Unmarried couples may be more committed than married couples. The nuclear family is now just a minority of people. The burden should be shared equally, not on the backs of gay people."

Wolf agreed. "People who are in committed relationships are people who are

see Family, page 6

Tale of two cities

Two cities — Boston and Seattle, Wash. — have already tackled the issue of benefits and rights for domestic partners, with mixed results.

In Boston, the Family Protection Act of 1991 was defeated by the City Council last year after often raucous debate.

Ma
ord
the
abc

Seattle benefits system runs well

TALE, from page 1

of the problem he faces is convincing other councilors that supporting the proposal will not bring dire political consequences, he said.

"Some politicians are frightened of doing what they know is right because they think that voters will get mad at them and not re-elect them," Scondras said. "The reality is that we have 18 cities in the country that have passed one version or the other, and nobody got unelected, so it's a bit of superstition."

"Most folks feel that you should respect everyone's family, no matter what the family looks like," he added.

Sentiments such as this exist in Seattle, where officials passed with relatively few problems a version of domestic-partner legislation similar to that being proposed in Cambridge.

Seattle benefits manager Sally Fox said that the legislation, which has been in place for two years, was working "extremely well."

Health-insurance costs rose initially due to the legislation, but this year, health-insurance costs decreased, she said.

Only 450 of Seattle's 10,000 employees have registered with the city as domestic partners, Fox said, and only 70 percent of those cover their partners under the city's insurance plan.

The 4.5 percent registration is similar



PHOTO BY WINSLOW MARTIN

Councilor David Scondras:
"Some politicians are frightened of doing what they know is right."

to other municipalities with such programs, according to figures provided by Scondras.

Political fallout in Seattle was virtually non-existent, Fox said.

"Most of the city was for it, and very few politicians were against it," Fox said. "Only one or two council members had reservations."

It wasn't completely clear sailing, but an initiative petition to repeal the issue was defeated handily by the voters.

"It was deemed as a civil-rights issue," Fox said. "Seattle has an ordinance that prohibits discrimination based on either sexual preference or marital status, and it was seen as a violation of the ordinance that we covered benefits for spouses, but not domestic partners."

— Brad Skillman

MEMORANDUM

TO: Robert W. Healy
City Manager

FROM: Michael P. Gardner
Personnel Director

DATE: July 15, 1992

SUBJECT: City Council Calendar Item #2a, dated 6/22/92, RE: Number of employees who would participate in Domestic Partnership and approximate cost.

=====

Neither this office or the insurers we have consulted with know of a reliable way to accurately project enrollment and cost of health insurance for an extension of health insurance eligibility to domestic partners. Using some of the limited data available however, the following analysis is provided.

City of Cambridge Employees with City Health Insurance:

Individual Plan	Family Plan	Total
1735	2780	4515

Medex (Medicare Plan Supplement)

1351

Participation Rates:

In Seattle, the participation rate when a similar plan was introduced was approximately 1.75% (175 of 10,000 employees).

In Berkeley, the participation rate was 9.57% (110 of 1,550 employees).

This is a very wide range. It could depend on very many factors, including the relative richness of the offered plan design. Cambridge of course has a very rich plan design, making it an

attractive benefit. Assuming Cambridge fell in the middle of the reported experience, approximately 5.66% (250) of our employees might apply. In discussing projected costs, alternative participation rates will be used.

Projected Costs:

The bulk of the City's health insurance expense is self insured. That is, nearly 85% of our cost is for health services on a self funded basis, with no insurance, either primary premium, or reinsurance (stop loss) arrangement. Thus the City pays purely on experience. An employee who uses no health services during a year in fact costs the City nothing for health care. An employee who has medical intervention costs the price of the medical services plus an administrative charge from the carrier. These costs can of course be quite high. A recent heart transplant case cost in excess of \$300,000. Forty-six recent high cost cases together cost the City in excess of \$2.6 million, in one year.

There is no real way to accurately project the costs related to expanded coverage of domestic partners except to use the insurance companies' actuarial values for the total plan. Of course with a small sample the reliability of the numbers is substantially less.

The difference in projected price between individual and family coverage for our primary Blue Cross plan is \$4,900 annually. That probably would be one of the common changes in coverage. In addition to this, an individual with existing family coverage might also add one or more new covered members. The actuarial value of each additional person is estimated (based on June, 1991 per member costs trended forward) at \$2,300 per person.

Assuming 5.66% on employees with individual coverage upgraded to family coverage, the projected, estimated increased cost would be
 $\$4,900 \times 1735 \times 5.66\% = \$480,000$

If, in addition to that, 1.75% of persons with family coverage upgraded by adding an average of 1.1 new persons to existing coverage, the cost of that would be estimated at:

$\$2,300 \times 1.1 \times 2780 \times 1.75\% = \$123,000$

or a total of \$603,000, at FY93 cost levels.

It should be emphasized that these are highly subjective numbers based upon averaging projections. The numbers are subject to wide variation.

For instance, if participation rates were 2 percent lower for individual coverage upgrades and 1 percent lower for increases in additional family member coverage, the estimates would be as follows:

$\$4,900 \times 1735 \times 3.66\% = \$310,000$
 $\$2,300 \times 1.1 \times 2780 \times .755 = \$52,000$ Total \$362,000.

If participation was 2 per cent higher in the individual coverage conversion and 1 per cent higher in the added family coverage, the estimates instead would be:

$\$4,900 \times 1735 \times 7.66\% = \$650,000$.
 $\$2,300 \times 1.1 \times 2780 \times 2.75 = \$193,000$ Total \$843,000.

Tax impact:

Assuming the value of the additional coverage is subject to taxation, participation rates should be lower. However that might also mean that the persons who elect to opt for the coverage are sicker, having greater need for it, and generating higher than average expenses. That is our experience with the COBRA plan, where ex-employees may elect to pay the full average cost of extended coverage.



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

June 26, 1992

To Whom It May Concern:

Please be advised that Councillor Alice K. Wolf, Chair of the Ordinance Committee of the City Council, has scheduled the following hearings for Wednesday, July 22, 1992:

- 4:30 P. M. Whether, if the City of Cambridge declares available for disposition an easement under Ames Street, as proposed by Massachusetts Institute of Technology, for construction of a tunnel, the disposition process shall be diminished pursuant to Section 2.110.010 (g) of the Municipal Code.
- 6:00 P. M. Proposed amendment to the Municipal Code in Chapter 2.119 entitled "Domestic Partnerships."
- 7:30 P. M. A. Proposed Amendment Number Three to the Kendall Square Urban Renewal Plan.
- B. Proposed amendment to the Zoning Ordinances of the City of Cambridge in Article 14.000 entitled "Mixed Use Development district: Cambridge Center and in Section 14.60 of Article 14.000 entitled "Signs."
- C. Confirmation of three appointments to the Cambridge Redevelopment Authority.

The above scheduled hearings will be held in the Sullivan Chamber.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
Temporary City Clerk

City of Cambridge

The Ordinance Committee held a public hearing on Wednesday, July 22, 1992, beginning at 7:15 p.m. in the Sullivan Chamber for the purpose of considering a proposed amendment to the Municipal Code in Chapter 2.110.119 entitled "Domestic Partnerships," sponsored by Councillor Wolf and Councillor Duehay. Present at the hearing were Vice Mayor Edward N. Cyr, Councillor Francis H. Duehay, Councillor Jonathan S. Myers, Mayor Kenneth E. Reeves, Councillor Sheila T. Russell, Councillor Walter J. Sullivan, Councillor Timothy J. Toomey, Jr., Councillor William H. Walsh and Councillor Alice K. Wolf. The hearing was chaired by Councillor Duehay.

The hearing began with a presentation by Councillor Wolf. She described the process of the development of the proposed ordinance, through the efforts of a working group over two years. Councillor Wolf also outlined the major provisions of the proposed ordinance, a copy of which is attached to this Report as Attachment A. She stated that this ordinance is a matter of family values in the truest sense, and informed the hearing that although this is not an entirely new concept, as other cities in the nation have such legislation, if Cambridge adopts this ordinance, it will be the first City in the Commonwealth to have such a law.

Councillor Wolf then introduced Mary Bonauto, 25 Corporal Burns Road, an attorney for Gay and Lesbian Advocates and Defenders (GLAD), to discuss the legal issues raised by the ordinance's provision of health care benefits to the domestic partners of City employees. Mary Bonauto stated that the legal issue is whether Cambridge has the right to compensate nontraditional families in a manner equal to its compensation of traditional families of employees. M.G.L. c.32B sets minimum not maximum standards for benefits for families, and, in any case, does not apply here where "dependents" are not at issue. In response to a question from Councillor Walsh, she stated that she did not believe c.32B precludes the inclusion of blood relatives as domestic partners to be compensated. She also said that although home rule legislation was a legitimate option, it is not necessary in this case because Cambridge already had the power to provide these benefits as an employer.

Councillor Wolf next introduced Claire Conley, 21 Buckingham Street, to discuss research she has done on the question of the cost to the City of the provision of health care benefits to domestic partners. The material presented by Claire Conley summarized a chart which she submitted entitled "Cities Offering Domestic Partnership Registration and/or Health and Other Benefits." This chart is attached to this Report as "Attachment B." She stated that the research showed that the economic impact was likely to be minimal. The average participation rate for all cities except Berkeley (which had an unusually high rate of 9.5%)

was 3%.

Councillor Wolf noted that the research revealed that several insurers who had initially charged a 2-3% surcharge based on their apprehension of increased expenses had rescinded the surcharge based on actual experience.

Mayor Reeves submitted a chart of the experience of private corporations which have provided benefits to domestic partners. That chart is filed with this Report as Attachment C.

Lorenzo Parra, 356B Concord Avenue, Chair of the Human Rights Commission, made a presentation of the relationship of domestic partners and discrimination law. Under the Human Rights Ordinance, discrimination on the basis of sexual orientation or marital status is prohibited. Under state law, discrimination on the basis of marital status is prohibited. To deny benefits otherwise available on these bases is therefore illegal, as well as unfair and inequitable.

Councillor Walsh asked why the City should not try to remove all inequity by a broader ordinance that would cover other struggling families that cannot receive health benefits, such as an elderly brother and sister.

Councillor Wolf responded that this is an important issue to keep in mind for future study, but that after attempting to look at a way to accommodate more types of nontraditional families, the working group found two big problems that have not yet been resolved: (1) how to define and delimit additional groupings and (2) the lack of precedent in terms of insurance companies that would enable cost setting based on experience.

Mayor Reeves added that the domestic partners ordinance as presently proposed has the best legal basis for success at the moment. However, the equity issues raised by Councillor Walsh are important and the City should commit to additional study and research into a way to assist these families too.

Councillor Wolf then introduced Sue Hyde, 27 Putnam Avenue, representing the Cambridge Lavender Alliance, who spoke in support of the proposed ordinance. She said that real families who live and work in Cambridge are left out in so many ways because of prejudice and bigotry against gay and lesbian people. This ordinance would be an important step in helping them to feel secure in their community.

The hearing was then opened to public testimony. The following people offered testimony in support of the proposed ordinance:

Reverend Louise Conant, 70 Old Farm Road, Wellesley, Associate Rector of the Christ Church Episcopal, 0 Garden Street, Cambridge.

Steve Gelinas, 33 Magazine Street, representing Old Cambridge Baptist Church, Cambridge.

Ellen Zucker, 404 Broadway, President, Boston Chapter of the National Organization for Women (NOW).

Robert Wheatly, 33 Cogswell Avenue, retired minister, Unitarian Universalist.

Ann Curby, 15 James Way, representing the First Church in Cambridge Congregational, Garden Street.

Gary Daffin, 10 Dana Street, Massachusetts Gay and Lesbian Political Caucus.

Jack Wofford, 13 Cottage Street, Co-Chair, Harvard Gay and Lesbian Caucus.

Dorene Williams, 17 Endicott Street, Somerville, President, Harvard Union of Clerical and Technical Workers.

Bill Barnert, 7 Herbert Street, Cambridge Lavender Alliance.

Margaret Cerrullo, 23 Greenough Avenue.

Susan Weinstein, 279 Concord Avenue, Wayland, Shop Steward, District 65, Legal Services Union, UAW, Cambridge Rent Control Board.

Nancy Alack, 23 Guerney Street,

Hugh Adams Russell, 1 Corliss Place.

No testimony was offered in opposition to the proposed domestic partners ordinance.

Councillor Wolf moved:

That the proposed amendment to the Municipal Code in Chapter 2.119 entitled "Domestic Partnerships" be reported back to the City Council for action.

The motion carried on a voice vote, with Councillor Sullivan, Councillor Toomey, Councillor Walsh and Councillor Russell voting present.

For the Committee



Councillor Francis H. Duehay,
Acting Chair

	LEVI STRAUSS	BEN & JERRY'S	LOTUS	BERKELEY	SEATTLE
5. Reactions by employees and others	Varied by region. Unanimous approval in San Francisco area; some negatives nation-wide, but generally favorable (1/2 workforce located in Texas and Georgia and 1/3 in Arkansas).	Both positive and negative feedback from consumers. Well received by employees.	Mostly positive, some negatives.	Generally well received	Some adverse reaction at first. A referendum to overturn ordinance was defeated, however, and now it is a non-issue.
6. Insurer/Plan Reactions	Aetna Insurance Co. (self-insured) Domestic partner coverage not added to HMOs because it would require an increase in rates for all employees.	Left Connecticut General to go with Consumers United Ins. Co., Washington, D.C., a company that routinely covers unmarried domestic partners.	Self-insured indemnity plan HCHP - added a surcharge to rates.	Self-insured indemnity plan Kaiser Permanente Heals HMOs added surcharge at first, now dropped.	King County Medical Blue Shield (refused to insure domestic partners); Seattle insures. Group Health Coop Puget Sound Pacific Health HMOs agreed to cover with a rate increase for all employees.
7. Implemented	January 1992	November 1989	September 1991	1985	May 1990
DOMPART - 6/1992					

FOR
DOMESTIC PARTNERS

	LEVI STRAUSS	BEN & JERRY'S	LOTUS	BERKELEY	SEATTLE
1. Definition of domestic partner	Same sex and heterosexual	Same sex and heterosexual	Same sex only	Same sex and heterosexual	Same sex and heterosexual
2. Enrollment experience	1% of 3,000 employees enrolled. Equal number of same and opposite sex.	4% to 5% of 365 to 370 employees enrolled. Most partners heterosexual.	8 of 3,000 (.27%) eligible employees enrolled. Lotus estimates that 10% of its employees are gay or lesbian.	116 of 1,475 (7%) employees enroll-ed; 19 are same sex partners.	10,000 eligible employees; 9,600 enrolled in health plans; 230 (2.4%) domestic partners enrolled (est. 30% of those who enrolled are same-sex partners).
3. Conditions for coverage	Same residence; one year between partners. Completion of form required by employee (not partner because of community property issues).	Same residence for at least 3 months before enrollment. Developing form - has not had one.	Same residence; one year between partners. Completion of form required by both partners.	Same residence; partners for at least 6 months before application. Documentation and completion of form required.	Must file affidavit of marriage/domestic partnership. Same residence; 90 days between partners.
4. Plan cost and charges	LS pays 88% of Individual and Family costs. Imposes surcharge of \$70/month if partner has access to coverage elsewhere. (Applies to all family members, married and unmarried.)	B&J pays 100% of Individual cost and 90% of Family. Insured arrangement now, may change to self-funded.	Flex plan with three indemnity options and one HMO. Bi-weekly employee rates for HCHP and Option I Indemnity plan: Employee \$ 8.35 Employee + 1 23.58 Employee + 2 34.85	100% of least expensive plan paid by Berkeley. Initial HMO surcharge dropped after three years. Cost to cover additional partners estimated as \$125,000 (2.7%) per year out of total annual expense of \$4,500,000. Offers cash payment (one-party rate for least expensive plan) in lieu of coverage.	City pays 100% of premium except uniformed employees pay 20%. Added cost for May - Dec. 1990 - \$225,000 (1.1% of total May - Dec. costs of \$20,000,000). For 1991 estimated added cost - \$856,000 (2.5% of estimated total 1991 costs of \$34,000,000). First 5 months added cost for 1992 - \$64,425 (lower because HMOs eliminated surcharge).

ATTACHMENT B

**Cities Offering Domestic Partnership Registration
and/or Health and Other Benefits**

City and State Benefits Available	Date	Participation Rates
Berkeley, CA Health Benefits Sick/bereavement leave	1985	Workforce: 1550 Participants: 110 Percent Participation: 9.57%
Ithaca, NY Registration Sick/bereavement leave	1990	Everyone eligible
Laguna Beach, CA Health Benefits	1990	Workforce: 200 Participants: 2 Percent Participation: 1.00%
Los Angeles, CA Sick/bereavement leave	1988	Everyone eligible
Madison, WI Sick/bereavement leave	1988	Workforce: 2204 Everyone eligible
San Francisco, CA Registration for all citizens Health Benefits for city workers	1990 1991	Workforce: 30,840 Participants: 161 Percent Participation: .50%
Santa Cruz, CA Health Benefits Sick/bereavement leave	1986	Workforce: 650 Participants: 30 Percentage Participation: 4.60%
Santa Cruz, CA Transit and County Health Benefits	1987/90	Workforce: 2000 Participants: 25 Percentage Participation: 1.30%
Seattle, WA Health Benefits Sick/bereavement leave	1990 1989	Workforce: 10,000 Participants: 323 Percentage Participation: 3.23%
Tacoma Park, MD Sick/bereavement leave	1988	Everyone eligible
Washington, DC Sick/bereavement leave Health Benefits -- option to purchase	1992	Workforce: 40,000 other information not yet available
West Hollywood, CA Health Benefits Sick/bereavement leave	1985	Workforce: 170 Participants: 3 Percentage Participation: 1.80%
Lotus Development Corporation Health Benefits Sick/bereavement leave	1991	Lotus does not publicize size of work- force; Percentage Participation 1.00%



City of Cambridge

46.

IN CITY COUNCIL

August 3, 1992

COUNCILLOR WALSH

WHEREAS: Never is it acceptable to claim to cure alleged discrimination against some members of society when the claimed cure imposes absolute discrimination against other members of society; and

WHEREAS: The proposed Domestic Partnerships Ordinance, as drafted presently, is fallacious and unacceptable because it imposes absolute discrimination against other City of Cambridge employees in that it rejects the latter's siblings, parents, widows and/or widowers; now therefore be it

ORDERED: That the proposed text of the Domestic Partnerships Ordinance be amended so as to assure that the City of Cambridge will be required to extend health and other insurance benefits not only to domestic partners of City of Cambridge employees to the same extent as those benefits are currently provided to the spouses of City employees (Section 2.119.070 of the proposed Ordinance), but also to every City of Cambridge employee's siblings, parents, widow and/or widower. We are either for discrimination or we are against discrimination as it affects all human beings. Either we are for equality for all or we are for equality for none; and be it further

ORDERED: ~~That the City Manager be and hereby is requested to direct the City Solicitor to draft and add the content of the forementioned amendment to the proposed Ordinance's text and provide the amended text to this City Council no later than September 14, 1992 so that it may move through the Ordinance Committee process expeditiously and with justice for all, not solely for some.~~

*That this ~~City~~ order is forwarded to
the Ordinance Committee.*

NATIONAL ORGANIZATION OF LEGAL SERVICES WORKERS
affiliated with District 65 and United Auto Workers

Cambridge Rent Control
831 Massachusetts Avenue
Cambridge, Massachusetts 02139
(617) 349-6161

John R. Puricelli
Susan Weinstein
Shop Stewards

June 22, 1992

Alice K. Wolf, City Councillor
City of Cambridge
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Councillor Wolf,

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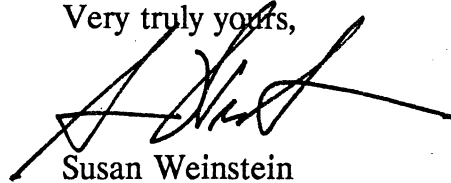
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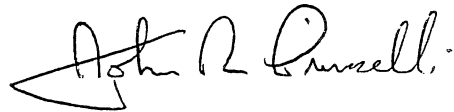
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Susan Weinstein
Shop Steward

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John R. Puricelli
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(617) 349-6161

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June 22, 1992

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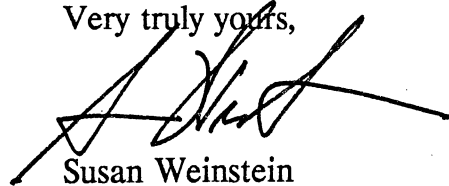
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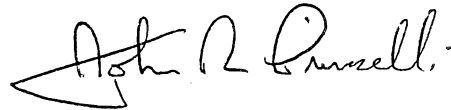
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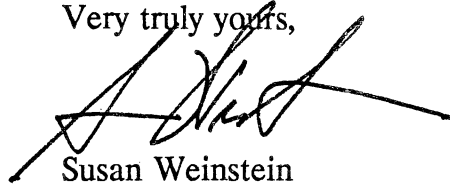
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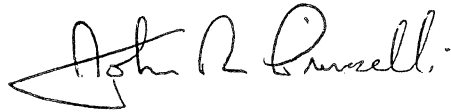
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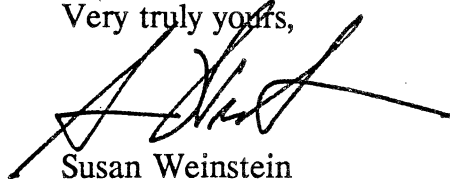
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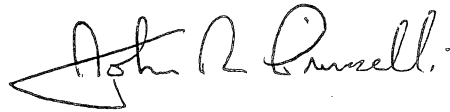
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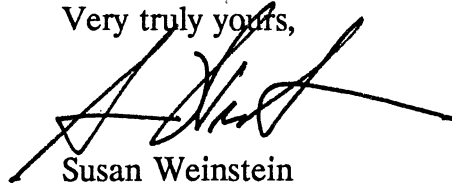
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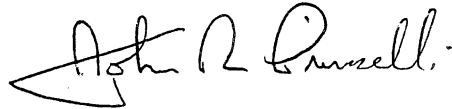
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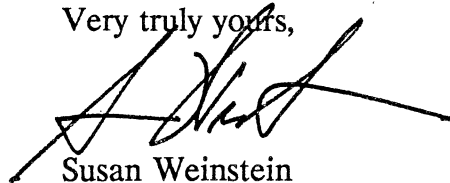
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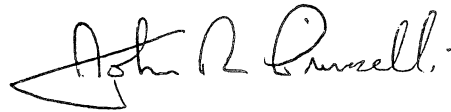
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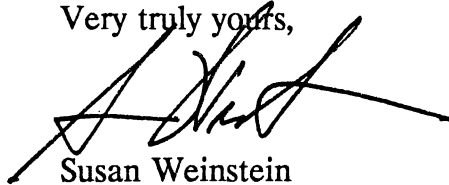
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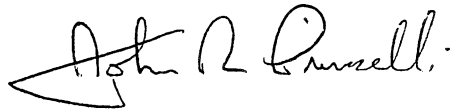
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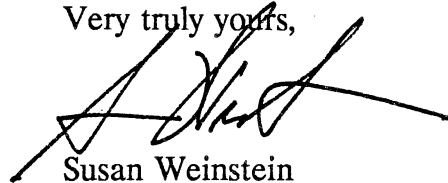
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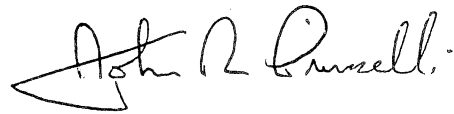
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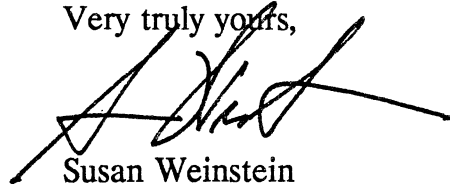
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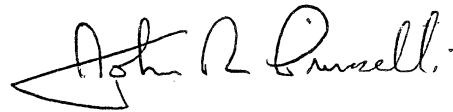
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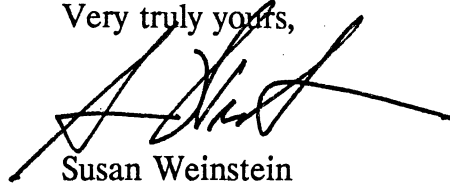
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It is inconsistent for the City to have a broad Human Rights Ordinance that protects people regardless of, among other things, sexual orientation, marital status, and family status, yet allow discrimination against unmarried people to persist. This discrimination may take the form of denial of bereavement leave, sick leave, parental leave, and the like. It also takes the form of not providing equal compensation for equal work, most specifically, not extending medical insurance coverage to employees' domestic partners. Single people and people who are not married have long shouldered the financial burden of married people's health insurance. It is inequitable and discriminatory to perpetuate that system.

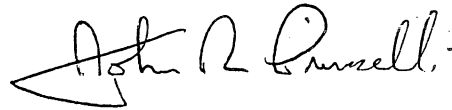
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CAMBRIDGE MA.

There are a variety of reasons that prevent people from taking marriage vows. Whether those reasons are based on personal ideology, moral convictions, sexual orientation, or social security status, they do not justify the denial of recognition or of important benefits. The Council now has before it the opportunity to equalize benefits for its employees. We thank you for your leadership and your support of the Domestic Partnership Ordinance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Susan Weinstein", written over a horizontal line.

Susan Weinstein
Shop Steward

A handwritten signature in black ink, appearing to read "John R. Puricelli", written over a horizontal line.

John R. Puricelli
Shop Steward



CITY OF CAMBRIDGE

Office of the City Solicitor
City Hall

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Cambridge, Massachusetts 02139

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Laura H. Yager
Legal Counsel

Linda A. Stamper
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Arthur J. Goldberg
Legal Counsel

July 16, 1992

Robert Healy
City Manager
City Hall
Cambridge, MA 02139

Re: Domestic Partnerships Ordinance Insurance Issues
Council Order #2b dated 6/22/92

Dear Mr. Healy:

This is a response to the City Council's request for an opinion on the legality of the provisions of the proposed Domestic Partnerships Ordinance that would require the City to extend health and other insurance benefits to domestic partners of City employees to the same extent as those benefits are currently provided to the spouses of City employees (§2.119.070 of the proposed Ordinance). The Council Order particularly identified a concern with whether such an extension of benefits is prohibited by G.L.c.32B, which in a very particular way governs the conditions under which a City may extend health and other insurance benefits to City employees and their dependents.

There is no certain legal answer to this question. Although G.L.c.32B does not absolutely preclude the City from extending the benefits proposed by the Ordinance, I cannot say that the proposed Ordinance provision is within the City Council's power to enact. This question would present a court with a case of first impression. The court's analysis would consider the following state of the law.

I. G.L.c.32B

G.L.c.32B has as its purpose the provision of "group life insurance, group accidental death and dismemberment insurance and group general or blanket hospital, surgical, medical, dental and other health insurance for certain persons in the service of...cities...and their dependents." G.L.c.32B, s.1. "Employee" and "Dependent" are very specifically defined in G.L.c.32B, s.2. A dependent is "an employee's spouse, an employee's unmarried children under nineteen years of age, and any child nineteen years of age or over who is mentally or physically incapable of earning his own living, provided that any additional premium which may be required is paid for the coverage of such handicapped child. Said definition shall also include an unmarried child nineteen years of age or over who is a full-time student in an educational or vocational institution and whose program of education has not been substantially interrupted by full-time gainful employment excluding service in the armed forces, provided, that any additional premium which may be required for the coverage of such student shall be paid in full by the employee." Clearly, a domestic partner is not a dependent (or an employee) as defined.

The entire chapter describes the provision of insurance coverage for employees and dependents. G.L.c.32B, s.3 provides "...the public authority...shall negotiate and purchase...life

and...medical [insurance]...covering employees and their dependents." G.L.c.32B, s.3A states "Payment to the subdivision by the employees, retirees and surviving spouses of their contributions toward the total monthly premium or rate shall be to the extent and manner as required in the applicable sections of this chapter." G.L.c.32B, s.5 provides that the amount of coverage "to be provided each employee and his dependents shall be determined by the appropriate public authority...." G.L.c.32B, ss.6 and 7 refer to the employee and his dependents. G.L.c.32B, ss. 9B, 9C, 9D, 9D1/2, 9D3/4, 9G, 9H, 11C, and 11E refer to rights of an employee's surviving spouse and dependents.

G.L.c.32B, s.14 provides "The appropriate public authority...shall adopt such rules and regulations, not inconsistent with this chapter, as may be necessary for the administration of this chapter."

Accepting that G.L.c.32B does not explicitly apply to domestic partners does not foreclose the argument that G.L.c.32B prescribes the minimum requirements that the City must meet when offering life and health insurance coverage to employees as opposed to the maximum it may offer, i.e., that it is a floor and not a ceiling on what may be offered. G.L.c.32B, s.15 is the section that places perhaps the biggest obstacle in the path of this argument. It states, "No governmental unit may appropriate or expend public funds for the payment of premiums for group life insurance, group accidental death and dismemberment insurance and group general or blanket hospital, surgical, medical, dental, and other health insurance for its active or retired employees, or their dependents, unless such insurance is procured pursuant to the provisions of this chapter...." The City Personnel Director has acknowledged that the City's position in collective bargaining in the past has been that G.L.c.32B is a ceiling on what the City may offer

employees, above which the City may not go even if it were so inclined.

The cases construing G.L.c.32B and its purpose do not support the position that domestic partners may be included within its provisions. In Lexington Education Association v. Town of Lexington, 15 Mass.App.Ct. 749 (1983), the Court held that the Town did not have the authority to alter the definition of employee in G.L.c.32B, s.2(d) to make it less inclusive by requiring people to work at least 25 hours per week to be considered an employee instead of for 20 hours per week as the statute provides. The Court reviewed the legislative history of the statutory definition of employee and concluded that it "indicates steady movement away from broad discretion in the public authority as to who was to receive the statute's benefits, in favor of a more specific statutory definition of 'employee', creating an easily applied bright line test." Id. at 754. The Court also noted that the discretion in s.2(d) given to an employer to determine whether a person is an employee means only that the employer may determine whether the statutory definition of employee is met by the person. Id.; School Committee of Peabody v. Peabody Federation of Teachers, Local 1289, 32 Mass.App.Ct. 50, 53 (1992).

In Teamsters, Chauffeurs, Warehouseman & Helpers Union, Local 59 v. Town of Chatham, 404 Mass. 365 (1989), the Court held that a city has discretion under G.L.c.32B to offer more than one group policy to its employees notwithstanding the language in G.L.c.32B that a city shall provide "a plan." The Court wrote, "A community is bound by expressly stated constraints in setting up its program, but is given broad authority to act within those constraints. The Legislature used the phrase 'a plan' in s.1 in this broader sense, to encompass a state-wide system consisting of numerous group insurance plans which would cover Massachusetts municipal employees." Id. at 367. A clear constraint on cities is that insurance may be provided only to

employees and their dependents, as statutorily defined. The Court noted that language in G.L.c.32B, s.3 allows cities some discretion where it provides that a city shall purchase "on such terms as it deems to be in the best interest of the governmental unit and its employees, from one or more insurance companies...a policy or policies...." Id.

In Watertown Firefighters, Local 1347, IAFF, AFL-CIO v. Town of Watertown, 376 Mass. 706, 712 (1978), the Court held that a town's increased contribution to the insurance premium was prohibited because it "offended against the statutory scheme" of G.L.c.32B. G.L.c.32B was described as "a comprehensive statute." Id. at 710. The Court also held that the town could not evade the "well defined statutory policy" by contributing cash to a fund or for some other stated purpose but then using the cash to pay an increased insurance contribution. Id. at 713-714.

The Court held in School Committee of Holyoke v. Duprey, 8 Mass.App.Ct. 58 (1979) that the School Committee could not be ordered by an arbitrator to increase its contribution to employees' insurance premiums even though it had agreed to do so in a collective bargaining agreement because G.L.c.32B did not authorize it at that time. The Court wrote, "The public policy limitation upon contracts concerning governmental contributions to insurance premiums must prevail, and it cannot be frustrated by awarding the contributions but under a different label." Id. at 65.

G.L.c.32B, s.15 allows for a "health and welfare trust fund agreement for the purposes of...providing health benefits not otherwise provided to such employees by said governmental unit under the provisions of this chapter...." Such an agreement could conceivably include benefits for domestic partners, although there is little law on the proper objects of such

agreements and it is difficult to base the validity of the Domestic Partnerships Ordinance's provisions on the extension of insurance coverage on the possibility that bargaining could lead to such an agreement. Kerrigan v. Boston, 361 Mass. 24 (1972) upheld the validity of a health and welfare fund which provided weekly accident and sickness benefits which did not meet the requirements of G.L.c.32B. The Court held that the agreement was valid because the benefits provided were not "hospital, surgical, medical, dental, and other health insurance" as those terms are used in G.L.c.32B. "Other health insurance" was deemed to have "a specialized meaning limited to an 'optional medicare extension'" supplementing the Federal Health Insurance for the Aged Act.

II. An Argument for the Ordinance

G.L.c.32B aside, the argument in support of the City's power to enact the Domestic Partnerships Ordinance begins with an examination of the sources of municipal power. The Home Rule Amendment adopted by the Commonwealth in 1966 as the 89th Article of Amendment to the Massachusetts Declaration of Rights defines a municipality's right to self-government. Section 1 of the Home Rule Amendment provides that, "It is the intention of this article to reaffirm the customary and traditional liberties of the people with respect to the conduct of their local government, and to grant and confirm to the people of every city and town the right of self-government in local matters, subject to the provisions of this article and to such standards and requirements as the general court may establish by law in accordance with the provisions of this article." Under the Home Rule Amendment, cities and towns possess broad powers to adopt laws for the protection of the public health, morals, safety and general welfare.

Marshall House, Inc. v. Rent Review and Grievance Board of Brookline, 357 Mass. 709 (1970).

In case of an inconsistency or conflict between a local ordinance and a general law the ordinance must give way to the general law. Town of Arlington v. Board of Conciliation and Arbitration, 370 Mass. 709 (1976). A local enactment is pre-empted by state law if the legislative intent to preclude local action is clear either from an explicit statement by the Legislature or because the local enactment prevents the achievement of a clearly identifiable state purpose. Town of Wendell v. Attorney General, 394 Mass. 518 (1985). Local enactments enjoy a presumption of validity and must be in sharp conflict with state law before they will be invalidated. School Committee of Boston v. City of Boston, 383 Mass. 693 (1981). If the state legislature has made no explicit indication of its intent, a Court may infer the intent. Bloom v. Worcester, 363 Mass. 136, 155 (1973). "Legislation which deals with a subject comprehensively, describing...what municipalities can and cannot do, may reasonably be inferred as intended to preclude the exercise of any local power on the same subject because otherwise the legislative purpose of that statute would be frustrated. [Preemption] may also be inferred if the Legislature has explicitly limited the manner in which cities and towns may act on that subject." Id.

"[However] if the state legislative purpose can be achieved in the face of a local ordinance...on the same subject, the local ordinance...is not inconsistent with the state legislation, unless the Legislature has expressly forbidden the adoption of local ordinances...on that subject." Id. at 156. "The degree of comprehensiveness of the act cannot itself foreclose all local by-laws." Town of Wendell v. Attorney General, 394 Mass. 518, 527 (1985). "The hard cases are those in which it is asserted that a legislative intent to bar local action should be

inferred in all the circumstances." Id. at 524.

The argument in favor of the validity of the Domestic Partnerships Ordinance is that the Home Rule Amendment gives the City power to enact such an ordinance and the legislative intent underlying G.L.c.32B is not negated by the ordinance. It could be argued that the Legislature when it wrote G.L.c.32B did not consider the issue of domestic partners and that public policy has evolved to the point that fairness toward all members of our society supports the extension of insurance benefits to domestic partners. This public policy has been encoded, for example, in G.L.c.151B, s.3 which states that one of the functions of the Massachusetts Commission Against Discrimination is "To receive, investigate and pass upon complaints of unlawful practices...alleging discrimination because of...sexual orientation,[or]...marital status....The term 'sexual orientation' shall mean having an orientation for or being identified as having an orientation for heterosexuality, bisexuality, or homosexuality." G.L.c.151B, s.4 provides that "It shall be an unlawful practice: 1. For an employer...because of the...sexual orientation...of any individual...to discriminate against such individual in compensation or in terms, conditions or privileges of employment, unless based upon a bona fide occupational qualification." City of Cambridge ordinances affirm the same policy--"It is an unlawful practice for the City or the Cambridge School Department...to discriminate against any person...in the provision of services, facilities, employment...or other opportunities because of ...sexual orientation, marital status, [or] family status," Cambridge City Code §2.76.120(A); and, "It shall be an unlawful practice for an employer [including the City]...to discriminate against any individual in compensation or in the terms, conditions or privileges of employment...because of...sexual orientation, marital status, [or] family status...unless based on a bona fide

occupational qualification." Cambridge City Code §2.76.120(D).

G.L.c.209A, s.1, the abuse prevention statute, now defines family or household members as "persons who:...(b) are or were residing together in the same household;...(d) have a child in common regardless of whether they have ever married or lived together; or (e) are or have been in a substantive dating or engagement relationship which shall be adjudged by [a]...court's consideration of the following factors: (1) the length of time of the relationship; (2) the type of relationship; (3) the frequency of interaction between the parties; and (4) if the relationship has been terminated by either person, the length of time elapsed since the termination of the relationship."

Extending benefits to domestic partners does not defeat the purpose of offering benefits to employees and their dependents as defined in G.L.c.32B. The only intent of G.L.c.32B that the extension of benefits to domestic partners would defeat is the intent that cities be allowed to offer the benefits only to the limited class of employees and dependents statutorily described. That limited class is defined based primarily on marital status and, by implication, sexual orientation. Because, (a) marital status and sexual orientation are today deemed an unlawful basis for differentiating between people in the dispensation of employment benefits and, (b) the definition of family appears to be expanding, it is arguable that the same Legislature that enacted G.L.c.32B and G.L.c.151B, ss.3 and 4 could not intend that G.L.c.32B be construed to differentiate on the basis of sexual orientation or marital status.

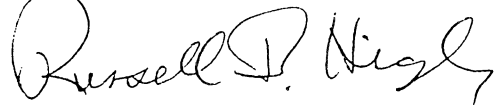
The major flaw with this argument is that G.L.c.32B, s.15 does appear to be an explicit preemption by the Legislature of local action to extend health and life insurance benefits to employees. Also, even if an argument can be made around s.15, G.L.c.32B taken as a whole

appears to be (and has been described in case law cited above) a preemptive comprehensive treatment by the Legislature on the subject of health and life insurance to public employees.

III. An unassailable solution

Given the state of the law and the arguments that any challenger to the Domestic Partnerships Ordinance could make against it, perhaps a legislative solution should be considered. If the City were able to have a special act passed by the General Court that expressly extended insurance coverage to domestic partners, a legal challenge would no longer be viable.

Very truly yours,

A handwritten signature in black ink that reads "Russell D. Higley". The signature is written in a cursive style with a large initial "R".

Russell Higley



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to an ordinance entitled "The Cambridge Municipal Code."

Be it ordained by the City Council of the City of Cambridge as follows:

That Title Two of the Municipal Code entitled "Administration and Personnel" is hereby amended by adding a new Chapter 2.119 entitled "Domestic Partnerships" which reads as follows:

CHAPTER 2.119

DOMESTIC PARTNERSHIPS

Sections:

2.119.010	Recognition and Scope.
2.119.020	Definitions.
2.119.030	Registration and Termination.
2.119.040	City Clerk -- Fees.
2.119.050	City Clerk -- Records.
2.119.060	Rights of Domestic Partners.
2.119.070	Employment Benefits.
2.119.080	Limitation of Liabilities.
2.119.090	Reciprocity.
2.119.100	Retaliation.
2.119.110	Severability.
2.119.120	Forms.
2.119.130	Effect on Other Sections of Code.

2.119.010 Recognition and Scope.

A. The City Council recognizes the diverse composition of its citizenry and values its people. The City Council acknowledges that the people's lives have evolved from when laws governing family relationships were enacted. Perpetuation of the traditional definitions of "family" excludes a significant segment of the Cambridge population, deprives them of recognition and validation, and denies certain rights that should be afforded to persons who share their homes, their hearts, and their lives. The City, recognizing its commitment to nondiscrimination and fair treatment of its citizens and employees, hereby adopts this ordinance acknowledging domestic partnerships.

B. The ordinance allows persons in committed relationships who meet the criteria established by the City as constituting domestic partnerships to register at the office of the City Clerk and obtain a certificate attesting to their status. The ordinance recognizes certain rights of access for domestic partners. This ordinance, in conformance with the Human Rights Ordinance, which bars discrimination on the basis of sexual orientation, marital status, and family status, also equalizes the treatment of City employees.

2.119.020 Definitions.

As used in this chapter:

1. "Domestic Partnership" means the entity formed by two persons who meet the following criteria and jointly file a registration statement proclaiming that:
 - a. They are in a relationship of mutual support, caring and commitment and intend to remain in such a relationship; and
 - b. They reside together; and
 - c. They are not married; and
 - d. They are not related by blood closer than would bar marriage in the Commonwealth of Massachusetts; and
 - e. They are each other's sole domestic partner; and
 - f. They are competent to contract; and
 - g. They consider themselves to be a family.
2. "Mutual support" means that the domestic partners each contribute in some fashion, not necessarily equally or financially, to the maintenance and support of the domestic partnership.
3. "Reside together" means living together in a common household. A partner may be temporarily absent from the common household, so long as she or he has the intent to return. A partner may own or maintain an additional residence.
4. "Competent to contract" means 18 years of age or older, and mentally competent to contract.
5. Subsequent to the filing of a registration form, the existence of a "family" relationship may be shown by evidence relevant to the following factors: the manner in which the people live their daily lives; how they hold their relationship out to the world; their emotional and financial commitment; their reliance on each other for daily family services; the longevity and exclusivity of their relationship; and any other factors which may be relevant.
6. "Domestic Partner" means a person who meets the criteria set out in 2.119.020.1 or who is registered as such in another jurisdiction.
7. "Dependent" means a minor who lives within the household of a domestic partnership and is:
 - a. A biological child or adopted child, or foster child of a domestic partner, if the child is not provided with medical insurance coverage by the Commonwealth.
 - b. A dependent as defined under IRS regulations; or
 - c. A ward of a domestic partner as determined in a guardianship proceeding.

2.119.030 Registration and Termination.

A. Persons who meet the criteria set out in 2.119.020.1 may make an official record of their domestic partnership by filing a Domestic Partnership Registration form with the City Clerk. The Domestic Partnership Registration shall include the name and date of

birth of each of the domestic partners, the address of their common household, and the names and dates of birth of any dependents of the domestic partnership, and shall be signed, under the pains and penalties of perjury, by both domestic partners.

B. Domestic partners may amend the Domestic Partnership Registration to add or delete dependents or change the household address. Amendments to the Domestic Partnership Registration shall be signed, under the pains and penalties of perjury, by both domestic partners.

C. A domestic partnership is terminated by the death of a domestic partner or by the filing of a termination statement by a domestic partner.

1. The death of a domestic partner automatically terminates a domestic partnership.

2. A domestic partnership may be terminated by a domestic partner who files with the City Clerk, by hand or by certified mail, a termination statement. The person filing the termination statement must declare under pains and penalties of perjury that the domestic partnership is terminated and that a copy of the termination statement has been mailed by certified mail to the other domestic partner at his or her last known address. The person filing the termination statement must include on such statement the address to which the copy was mailed.

D. The termination of a domestic partnership shall be effective immediately upon the death of a domestic partner. The voluntary termination of a domestic partnership by a partner shall be effective seven (7) days after the receipt of a termination statement by the City Clerk. Prior to becoming effective, the person who filed the termination statement may withdraw the termination statement in person at the office of the City Clerk. If the termination statement is withdrawn, the domestic partner shall give notice of the withdrawal, by certified mail, to the other domestic partner.

E. If a domestic partnership is terminated by the death of a domestic partner, there shall be no required waiting period prior to filing another domestic partnership. If a domestic partnership is terminated by one or both domestic partners, neither domestic partner may file another domestic partnership until six months have elapsed from termination.

2.119.040 City Clerk -- Fees.

A. The City Clerk shall collect a reasonable fee for filing a domestic partnership registration. The initial amount for this fee shall be **\$15.00** and it shall be adjusted as necessary to remain consistent with the fee for an application for a marriage license.

B. The City Clerk shall collect a fee of **\$5.00** for certified copies of domestic partnership documents, other than the copy of the Certificate of Domestic Partnership issued by the City Clerk to the domestic partners, as provided for in 2.119.050.

2.119.050 City Clerk -- Records.

A. Upon receipt of a domestic partnership registration and filing fee, the City Clerk shall issue a Certificate of Domestic Partnership and shall mail to the household of the domestic partnership one certified copy of the certificate and two wallet-sized cards

indicating the existence of the domestic partnership, the names of the domestic partners, and the names of the dependents of the domestic partnership, if any.

B. The City Clerk shall maintain records of domestic partnerships registered in the City, including forms filed and certificates issued. The City Clerk shall provide forms to persons requesting them in accordance with 2.119.120.

C. The City Clerk shall allow public access to domestic partnership records to the same extent and in the same manner as marriage licenses.

2.119.060 Rights of Domestic Partners.

Persons who have registered their domestic partnership at the office of the City Clerk pursuant to 2.119.030 are entitled to the following rights:

1. a. A domestic partner shall have the same visitation rights as a spouse or parent of a patient at the Cambridge City Hospital and all other health care facilities in the City. A dependent shall have the same visitation rights as a patient's child.
b. The term "health care facilities" includes, but is not limited to, hospitals, convalescent facilities, mental health care facilities, and other short and long term care facilities **under the City's jurisdiction.**
2. a. A domestic partner shall have the same visitation rights at all correctional facilities in Cambridge as a spouse or parent of a person in custody. A dependent shall have the same visitation rights afforded to the child of a person in custody.
b. The term "correctional facilities" includes, but is not limited to, holding cells, jails, and juvenile correction centers **under the City's jurisdiction.**
3. a. A domestic partner, who is also the parent or legal guardian of a child, may file a form at or send a letter to the child's school to indicate that the parent's domestic partner shall have access to the child's records, access to school personnel in matters concerning the child, and access to the child, including the right to remove such child from the school for sickness or family emergency. The school shall afford such person access as directed by the child's parent.
b. When a domestic partnership is terminated pursuant to 2.119.030, it is the responsibility of the parent or guardian to notify the school, in writing, of the termination of rights of the former domestic partner.
c. The term "school" includes, but is not limited to, high schools, vocational schools, junior high and middle schools, elementary schools, pre-school programs, after-school programs, and day care programs.

2.119.070 Employment Benefits.

A. The City and School Department shall provide the same health and other employment fringe benefits to employees with domestic partners as to employees with spouses. As used in this chapter, "employees" refers to active and retired employees of the City of Cambridge and the Cambridge School Department eligible for benefits pursuant to state or municipal law, employment policies, or collective bargaining agreements.

B. Employees must file a Declaration of Domestic Partnership, signed under the pains and penalties of perjury, with their department administrator or Department of

Personnel of the City or School Department, as appropriate, in order to obtain benefits under this Ordinance. On such declaration, employees shall agree to promptly notify the City or School Department, as appropriate, of any change in the status or their domestic partnership. There shall be no fee for such declaration. Employees shall not be obligated to file a Domestic Partnership Registration form with the City Clerk.

C. The City and School Department shall provide medical insurance coverage to an employee's domestic partner as it does to an employee's spouse, and to the dependent(s) of an employee's domestic partnership as it does to an employee's child(ren). An employee may opt to decline medical insurance coverage for her or his domestic partner, without foregoing the right to obtain medical insurance coverage for her or his domestic partner at a later date.

D. Upon termination of a domestic partnership by an employee, the domestic partner shall be covered by medical insurance for a period of sixty (60) days following the termination of the domestic partnership. If the employee leaves employment with the City or School Department prior to the expiration of the sixty days, the medical insurance shall lapse on the date that the former employee's insurance lapses.

E. Upon termination of a domestic partnership by the death of an employee, the surviving domestic partner's medical insurance coverage shall lapse as it would for the spouse of a married employee, upon the death of such employee.

F. Employees shall be granted a leave of absence, with pay, for the death of a domestic partner or family member of a domestic partner to the same extent as for a spouse or family member of a spouse. Use of the term "in-law" in employee handbooks shall include the relatives of a domestic partner.

G. Employees shall be granted sick leave to care for a domestic partner to the same extent permitted to care for a spouse, and to care for a dependent of a domestic partnership to the same extent permitted to care for a child.

H. Employees shall be entitled to take parental leave to take care of a child born to their domestic partner or a newly adopted child to the same extent as a married person.

2.119.080 Limitation of Liabilities.

A. Nothing in this ordinance shall be interpreted to contravene the general laws of the commonwealth.

B. Nothing contained in this chapter shall be construed to impose liability upon a domestic partner for the health or medical expenses of his or her domestic partner, with the sole exception of the medical insurance contributions assumed by a City or School Department employee who is a member of a domestic partnership.

C. Nothing in this chapter shall be construed to create additional legal liabilities greater than those already existing under law or to create new private causes of action.

2.119.090 Reciprocity.

All rights, privileges and benefits extended to domestic partnerships registered pursuant to this ordinance shall also be extended to domestic partnerships registered pursuant to similar laws in other jurisdictions.

2.119.100 Retaliation.

No person shall discriminate or retaliate against a person who seeks the benefit of this chapter, registers or makes a declaration pursuant to its provisions, or assists another person in obtaining the benefits of this chapter. Any person who so discriminates or retaliates shall be penalized in accordance with the provisions of the Cambridge Human Rights Ordinance, Cambridge Code Chapter 2.76.

2.119.110 Severability.

The provisions of this chapter are severable. If any of its provisions are held invalid by a court of competent jurisdiction, all other provisions shall continue in full force and effect.

2.119.120 Forms.

A. The City Clerk shall distribute copies of the following forms to those persons who request them:

1. Domestic Partnership Registration
2. Domestic Partnership Information Sheet
3. Termination of Domestic Partnership
4. School Authorization Form

B. The Departments of Personnel shall distribute copies of the following forms to those persons who request them:

1. Declaration of Domestic Partnership
2. Amendment to Declaration of Domestic Partnership

C. The School Department shall distribute copies of the following forms to persons who request them:

1. School Authorization Form
2. Revocation of School Authorization Form

D. The City Clerk, the Department of Personnel, School Department, and all other affected City agencies, offices, and departments shall provide and distribute any other relevant forms that are or become necessary.

2.119.130 Effect on Other Sections of Code.

When the term "spouse" is used in other City ordinances, it shall be interpreted to include a domestic partner. When the term "family" is used in other City ordinances, it shall be interpreted to include domestic partnerships.

2.119.140. Effective Date.

In order to give time for implementation of this ordinance, its provisions will go into effect sixty (60) days after final ordination by the City Council.

In City Council September 14, 1992.

Passed to be ordained as amended by a yea and nay vote:- Yeas 5; Nays 4; Absent 0.

Robert W. Healy, City Manager.

ATTEST:- D. Margaret Drury
City Clerk

RECONSIDERATION FILED BY COUNCILLOR WALSH.

9/21/92 - RECONSIDERATION FAILED 4 - 5 - 0.

ACTION TAKEN ON 9/14/92 PASSING TO BE ORDAINED AS AMENDED STANDS.



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to an ordinance entitled "The Cambridge Municipal Code."

Be it ordained by the City Council of the City of Cambridge as follows:

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CHAPTER 2.119

DOMESTIC PARTNERSHIPS

Sections:

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2.119.010 Recognition and Scope.

A. The City Council recognizes the diverse composition of its citizenry and values its people. The City Council acknowledges that the people's lives have evolved from when laws governing family relationships were enacted. Perpetuation of the traditional definitions of "family" excludes a significant segment of the Cambridge population, deprives them of recognition and validation, and denies certain rights that should be afforded to persons who share their homes, their hearts, and their lives. The City, recognizing its commitment to nondiscrimination and fair treatment of its citizens and employees, hereby adopts this ordinance acknowledging domestic partnerships.

B. The ordinance allows persons in committed relationships who meet the criteria established by the City as constituting domestic partnerships to register at the office of the City Clerk and obtain a certificate attesting to their status. The ordinance recognizes certain rights of access for domestic partners. This ordinance, in conformance with the Human Rights Ordinance, which bars discrimination on the basis of sexual orientation, marital status, and family status, also equalizes the treatment of City employees.

2.119.020 Definitions.

As used in this chapter:

1. "Domestic Partnership" means the entity formed by two persons who meet the following criteria and jointly file a registration statement proclaiming that:
 - a. They are in a relationship of mutual support, caring and commitment and intend to remain in such a relationship; and
 - b. They reside together; and
 - c. They are not married; and
 - d. They are not related by blood closer than would bar marriage in the Commonwealth of Massachusetts; and
 - e. They are each other's sole domestic partner; and
 - f. They are competent to contract; and
 - g. They consider themselves to be a family.
2. "Mutual support" means that the domestic partners each contribute in some fashion, not necessarily equally or financially, to the maintenance and support of the domestic partnership.
3. "Reside together" means living together in a common household. A partner may be temporarily absent from the common household, so long as she or he has the intent to return. A partner may own or maintain an additional residence.
4. "Competent to contract" means 18 years of age or older, and mentally competent to contract.
5. Subsequent to the filing of a registration form, the existence of a "family" relationship may be shown by evidence relevant to the following factors: the manner in which the people live their daily lives; how they hold their relationship out to the world; their emotional and financial commitment; their reliance on each other for daily family services; the longevity and exclusivity of their relationship; and any other factors which may be relevant.
6. "Domestic Partner" means a person who meets the criteria set out in 2.119.020.1 or who is registered as such in another jurisdiction.
7. "Dependent" means a minor who lives within the household of a domestic partnership and is:
 - a. A biological child or adopted child, or foster child of a domestic partner, if the child is not provided with medical insurance coverage by the Commonwealth.
 - b. A dependent as defined under IRS regulations; or
 - c. A ward of a domestic partner as determined in a guardianship proceeding.

2.119.030 Registration and Termination.

A. Persons who meet the criteria set out in 2.119.020.1 may make an official record of their domestic partnership by filing a Domestic Partnership Registration form with the City Clerk. The Domestic Partnership Registration shall include the name and date of

birth of each of the domestic partners, the address of their common household, and the names and dates of birth of any dependents of the domestic partnership, and shall be signed, under the pains and penalties of perjury, by both domestic partners.

B. Domestic partners may amend the Domestic Partnership Registration to add or delete dependents or change the household address. Amendments to the Domestic Partnership Registration shall be signed, under the pains and penalties of perjury, by both domestic partners.

C. A domestic partnership is terminated by the death of a domestic partner or by the filing of a termination statement by a domestic partner.

1. The death of a domestic partner automatically terminates a domestic partnership.

2. A domestic partnership may be terminated by a domestic partner who files with the City Clerk, by hand or by certified mail, a termination statement. The person filing the termination statement must declare under pains and penalties of perjury that the domestic partnership is terminated and that a copy of the termination statement has been mailed by certified mail to the other domestic partner at his or her last known address. The person filing the termination statement must include on such statement the address to which the copy was mailed.

D. The termination of a domestic partnership shall be effective immediately upon the death of a domestic partner. The voluntary termination of a domestic partnership by a partner shall be effective seven (7) days after the receipt of a termination statement by the City Clerk. Prior to becoming effective, the person who filed the termination statement may withdraw the termination statement in person at the office of the City Clerk. If the termination statement is withdrawn, the domestic partner shall give notice of the withdrawal, by certified mail, to the other domestic partner.

E. If a domestic partnership is terminated by the death of a domestic partner, there shall be no required waiting period prior to filing another domestic partnership. If a domestic partnership is terminated by one or both domestic partners, neither domestic partner may file another domestic partnership until six months have elapsed **from termination.**

2.119.040 City Clerk -- Fees.

A. The City Clerk shall collect a reasonable fee for filing a domestic partnership registration. The initial amount for this fee shall be **\$15.00** and it shall be adjusted as necessary to remain consistent with the fee for an application for a marriage license.

B. The City Clerk shall collect a fee of **\$5.00** for certified copies of domestic partnership documents, other than the copy of the Certificate of Domestic Partnership issued by the City Clerk to the domestic partners, as provided for in 2.119.050.

2.119.050 City Clerk -- Records.

A. Upon receipt of a domestic partnership registration and filing fee, the City Clerk shall issue a Certificate of Domestic Partnership and shall mail to the household of the domestic partnership one certified copy of the certificate and two wallet-sized cards

indicating the existence of the domestic partnership, the names of the domestic partners, and the names of the dependents of the domestic partnership, if any.

B. The City Clerk shall maintain records of domestic partnerships registered in the City, including forms filed and certificates issued. The City Clerk shall provide forms to persons requesting them in accordance with 2.119.120.

C. The City Clerk shall allow public access to domestic partnership records to the same extent and in the same manner as marriage licenses.

2.119.060 Rights of Domestic Partners.

Persons who have registered their domestic partnership at the office of the City Clerk pursuant to 2.119.030 are entitled to the following rights:

1. a. A domestic partner shall have the same visitation rights as a spouse or parent of a patient at the Cambridge City Hospital and all other health care facilities in the City. A dependent shall have the same visitation rights as a patient's child.
b. The term "health care facilities" includes, but is not limited to, hospitals, convalescent facilities, mental health care facilities, and other short and long term care facilities **under the City's jurisdiction.**
2. a. A domestic partner shall have the same visitation rights at all correctional facilities in Cambridge as a spouse or parent of a person in custody. A dependent shall have the same visitation rights afforded to the child of a person in custody.
b. The term "correctional facilities" includes, but is not limited to, holding cells, jails, and juvenile correction centers **under the City's jurisdiction.**
3. a. A domestic partner, who is also the parent or legal guardian of a child, may file a form at or send a letter to the child's school to indicate that the parent's domestic partner shall have access to the child's records, access to school personnel in matters concerning the child, and access to the child, including the right to remove such child from the school for sickness or family emergency. The school shall afford such person access as directed by the child's parent.
b. When a domestic partnership is terminated pursuant to 2.119.030, it is the responsibility of the parent or guardian to notify the school, in writing, of the termination of rights of the former domestic partner.
c. The term "school" includes, but is not limited to, high schools, vocational schools, junior high and middle schools, elementary schools, pre-school programs, after-school programs, and day care programs.

2.119.070 Employment Benefits.

A. The City and School Department shall provide the same health and other employment fringe benefits to employees with domestic partners as to employees with spouses. As used in this chapter, "employees" refers to active and retired employees of the City of Cambridge and the Cambridge School Department eligible for benefits pursuant to state or municipal law, employment policies, or collective bargaining agreements.

B. Employees must file a Declaration of Domestic Partnership, signed under the pains and penalties of perjury, with their department administrator or Department of

Personnel of the City or School Department, as appropriate, in order to obtain benefits under this Ordinance. On such declaration, employees shall agree to promptly notify the City or School Department, as appropriate, of any change in the status or their domestic partnership. There shall be no fee for such declaration. Employees shall not be obligated to file a Domestic Partnership Registration form with the City Clerk.

C. The City and School Department shall provide medical insurance coverage to an employee's domestic partner as it does to an employee's spouse, and to the dependent(s) of an employee's domestic partnership as it does to an employee's child(ren). An employee may opt to decline medical insurance coverage for her or his domestic partner, without foregoing the right to obtain medical insurance coverage for her or his domestic partner at a later date.

D. Upon termination of a domestic partnership by an employee, the domestic partner shall be covered by medical insurance for a period of sixty (60) days following the termination of the domestic partnership. If the employee leaves employment with the City or School Department prior to the expiration of the sixty days, the medical insurance shall lapse on the date that the former employee's insurance lapses.

E. Upon termination of a domestic partnership by the death of an employee, the surviving domestic partner's medical insurance coverage shall lapse as it would for the spouse of a married employee, upon the death of such employee.

F. Employees shall be granted a leave of absence, with pay, for the death of a domestic partner or family member of a domestic partner to the same extent as for a spouse or family member of a spouse. Use of the term "in-law" in employee handbooks shall include the relatives of a domestic partner.

G. Employees shall be granted sick leave to care for a domestic partner to the same extent permitted to care for a spouse, and to care for a dependent of a domestic partnership to the same extent permitted to care for a child.

H. Employees shall be entitled to take parental leave to take care of a child born to their domestic partner or a newly adopted child to the same extent as a married person.

2.119.080 Limitation of Liabilities.

A. Nothing in this ordinance shall be interpreted to contravene the general laws of the commonwealth.

B. Nothing contained in this chapter shall be construed to impose liability upon a domestic partner for the health or medical expenses of his or her domestic partner, with the sole exception of the medical insurance contributions assumed by a City or School Department employee who is a member of a domestic partnership.

C. Nothing in this chapter shall be construed to create additional legal liabilities greater than those already existing under law or to create new private causes of action.

2.119.090 Reciprocity.

All rights, privileges and benefits extended to domestic partnerships registered pursuant to this ordinance shall also be extended to domestic partnerships registered pursuant to similar laws in other jurisdictions.

2.119.100 Retaliation.

No person shall discriminate or retaliate against a person who seeks the benefit of this chapter, registers or makes a declaration pursuant to its provisions, or assists another person in obtaining the benefits of this chapter. Any person who so discriminates or retaliates shall be penalized in accordance with the provisions of the Cambridge Human Rights Ordinance, Cambridge Code Chapter 2.76.

2.119.110 Severability.

The provisions of this chapter are severable. If any of its provisions are held invalid by a court of competent jurisdiction, all other provisions shall continue in full force and effect.

2.119.120 Forms.

A. The City Clerk shall distribute copies of the following forms to those persons who request them:

1. Domestic Partnership Registration
2. Domestic Partnership Information Sheet
3. Termination of Domestic Partnership
4. School Authorization Form

B. The Departments of Personnel shall distribute copies of the following forms to those persons who request them:

1. Declaration of Domestic Partnership
2. Amendment to Declaration of Domestic Partnership

C. The School Department shall distribute copies of the following forms to persons who request them:

1. School Authorization Form
2. Revocation of School Authorization Form

D. The City Clerk, the Department of Personnel, School Department, and all other affected City agencies, offices, and departments shall provide and distribute any other relevant forms that are or become necessary.

2.119.130 Effect on Other Sections of Code.

When the term "spouse" is used in other City ordinances, it shall be interpreted to include a domestic partner. When the term "family" is used in other City ordinances, it shall be interpreted to include domestic partnerships.

2.119.140. Effective Date.

In order to give time for implementation of this ordinance, its provisions will go into effect sixty (60) days after final ordination by the City Council.

In City Council September 14, 1992.

Passed to be ordained as amended by a yea and nay vote:- Yeas 5; Nays 4; Absent 0.

Robert W. Healy, City Manager.

ATTEST:- D. Margaret Drury
City Clerk

RECONSIDERATION FILED BY COUNCILLOR WALSH.

9/21/92 - RECONSIDERATION FAILED 4 - 5 - 0.

ACTION TAKEN ON 9/14/92 PASSING TO BE ORDAINED AS AMENDED STANDS.

City of Cambridge

MASSACHUSETTS

In City Council Sept 21 1992

Reconsideration #1

YEA	NAY	ABSENT	PRESENT	
	✓			Mr. Ed Cyr
	✓			Mr. Francis H. Duehay
	✓			Mr. Jonathan S. Myers
✓				Mrs. Sheila T. Russell
✓				Mr. Walter J. Sullivan
✓				Mr. Timothy J. Toomey, Jr.
✓				Mr. William H. Walsh
	✓			Ms. Alice K. Wolf
	✓			Mayor Kenneth E. Reeves

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RECEIVED BY
CITY CLERK
MOTION FOR RECONSIDERATION SUBMITTED BY COUNCILLOR

Walsh

1992 SEP 16 AM 11:38

CAMBRIDGE MA.

Date

Councillor Walsh has notified the City Clerk of his intention to move reconsideration of the vote taken on September 14, 1992 passing to be ordained as amended a proposed amendment to the Municipal Code entitled "Domestic Partnerships."

Wm H Walsh

Signature

Cal #1 O-30

Councillor Walsh's intention to move reconsideration of the vote of the City Council passing to be ordained as amended a proposed amendment to the Municipal Code entitled "Domestic Partnerships."

In City Council,

September 21, 1992

9/21/92 Reconsideration
failed 4-5-0.
Action taken on
9/14/92 Passing to be
ordained as amended
(stands).