

ORDINANCE #2020-14 - FINAL PUBLICATION

CITY OF CAMBRIDGE

In the Year Two Thousand and Twenty-One

AN ORDINANCE

In amendment to the Ordinance entitled "Cambridge Municipal Code."

That the Municipal Code of the City of Cambridge be amended as follows:

That section 2.119 of the Ordinances of the City of Cambridge, titled Domestic Partnerships be amended to read as follows:

Chapter 2.119 - DOMESTIC PARTNERSHIPS

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, adopts this chapter acknowledging domestic partnerships.
- B. The chapter 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 chapter recognizes certain right of access for domestic partners. This chapter, 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:

- A. "Competent to contract" means eighteen years of age or older, and mentally competent to contract.

- B. "Dependent" means a minor who lives within the household of a domestic partnership and is:
1. 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;
 2. A dependent as defined under IRS regulations; or
 3. A ward of a domestic partner as determined in a guardianship proceeding.
- C. "Domestic partner" means a person who meets the criteria set out in subsection D of this section or who is registered as such in another jurisdiction.
- D. "Domestic partnership" means the entity formed by two or more persons who meet the following criteria and jointly file a registration statement proclaiming that:
1. They are in a relationship of mutual support, caring and commitment and intend to remain in such a relationship; and
 2. They are not related by blood closer than would bar marriage in the Commonwealth of Massachusetts; and
 3. They are competent to contract; and
 4. They consider themselves to be a family.
- E. "Mutual support" means that the domestic partners each contributed in some fashion, not necessarily equally or financially, to the maintenance and support of the domestic partnership.

(Ord. 1144 (part), 1992)

2.119.030 - Registration and withdrawal.

- A. Persons who meet the criteria set out in subsection D of Section 2.119.020 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, and the name and dates of birth of any dependents of the domestic partnership, and shall be signed, under the pains and penalties of perjury, by all domestic partners.
- B. Domestic partners may amend the domestic partnership registration to add or delete domestic partners or dependents. Amendments to the domestic partnership registration shall be signed, under the pains and penalties of perjury, by all domestic partners.
- C. **If any member of the domestic partnership is married or in another domestic partnership, notice of the registration of this domestic partnership and/or of the addition of new partner(s) to this domestic partnership must be given, by certified mail, to any marital or domestic partners outside of this domestic partnership.**
- D. Any person in a domestic partnership may voluntarily withdraw from the domestic partnership by filing a withdrawal statement.
1. Any person in a domestic partnership may voluntarily withdraw from the domestic partnership by filing with the City Clerk, by hand or by certified mail, a withdrawal statement. The person filing the withdrawal statement must declare under pains and

penalties of perjury that they are withdrawing from the domestic partnership and that a copy of the withdrawal statement has been mailed by certified mail to the other domestic partners at his, her or their last known addresses. The person filing the withdrawal statement must include on such statement the address(es) to which the copy(ies) were/was mailed. The fee for a domestic partnership withdrawal shall be \$5.00.

2. The death of a domestic partner functions as an automatic withdrawal from the domestic partnership as to that partner.
- E. If there are only two persons in the domestic partnership, withdrawal of one person terminates the domestic partnership. If there are more than two persons in the domestic partnership, withdrawal of one partner does not terminate the domestic partnership as to the remaining persons in the domestic partnership. The voluntary withdrawal from a domestic partnership by a partner shall be effective seven days after the receipt of a withdrawal statement by the City Clerk. Prior to becoming effective, the person who filed the withdrawal statement may retract the withdrawal statement as follows: in person at the office of the City Clerk; or via certified mail addressed to the City Clerk, provided the retraction is received no later than seven days following the date the withdrawal statement was filed. If the withdrawal statement is retracted, the domestic partner shall give notice of the retraction, by certified mail, to the other domestic partner(s). The withdrawal of a deceased person from a domestic partnership shall be effective immediately upon the death of that domestic partner.
 - F. 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 person voluntarily withdraws from a domestic partnership, that person may not file another domestic partnership until ninety (90) days have elapsed from the effective date of such withdrawal.

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 fifteen dollars 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 the same fee charged for marriage certificates 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 Section 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 each of the domestic partners one certified copy of the certificate and one wallet-sized card 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 Section 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 Section 2.119.030 are entitled to the following rights:

A.

1. 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.
2. 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.

B.

1. 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.
2. The term "correctional facilities" includes, but is not limited to, holding cells, jails and juvenile correction centers under the City's jurisdiction.

C.

1. 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.
2. When a domestic partnership is terminated pursuant to Section 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.
3. The term "school" includes, but is not limited to, high schools, vocational schools, junior high and middle schools, elementary schools, preschool 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 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 chapter. 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(s) 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(s) shall be covered by medical insurance for a period of sixty 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)'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 chapter 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 chapter 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. Withdrawal of domestic partnership;
4. School authorization form.

B. The Department 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.

In City Council March 8, 2021

Passed to be ordained as amended by a yea and nay vote:-

Yeas 7; Nays 0; Absent 0; Present 2

Attest:- Anthony I. Wilson, City Clerk

ATTEST:-



Anthony I. Wilson
City Clerk