

CITY OF SOMERVILLE
ORDINANCE NO. 2020-16
In City Council: June 25, 2020

AN ORDINANCE ADDING PROVISIONS REGARDING
DOMESTIC PARTNERSHIPS IN THE CITY OF SOMERVILLE

Be it ordained by the City Council, in session assembled, that the Code of Ordinances of the City of Somerville is hereby amended by adding the following provisions to Chapter 2, as Article IX. Domestic Partnerships:

ARTICLE IX. DOMESTIC PARTNERSHIPS

Sec. 2-501. Recognition and Scope

The City of Somerville recognizes the diverse composition of its citizenry and values its people. The city acknowledges that many laws governing family relationships were enacted in a time when not all families were properly recognized. The city, recognizing its commitment to nondiscrimination and fair treatment of its citizens and employees, adopts this ordinance acknowledging domestic partnerships. 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.

Sec. 2-502. Definitions

As used in this article:

- (a) *Competent to contract* means eighteen years of age or older, and mentally competent to contract.
- (b) *Domestic partner* means a person who meets the criteria set out in subsection (c) of this section or who is registered as such in another jurisdiction.
- (c) *Domestic partnership* means (i) for purposes of Sec. 2-505 (Rights of Domestic Partnership), a domestic partnership legally recognized as such in another jurisdiction or (ii) the entity formed by people 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 reside together; and~~
 - ~~(3) They are not married; and~~
 - ~~(4)~~(2) They are not related by blood closer than would bar marriage in the Commonwealth of Massachusetts; and
 - ~~(5)~~(3) They are competent to contract; and
 - ~~(6)~~(4) They consider themselves to be a family.
- (d) *Mutual support* means that the domestic partners each contribute in some fashion to the maintenance and support of the domestic partnership.

~~(e) *Reside together* means living together in a common household. A partner may be temporarily absent from the common household, so long as they have the intent to return. A partner may own or maintain an additional residence.~~

Sec. 2-503. Registration and Termination

~~(a)~~ Persons who meet the criteria set out in subsection (c) of section 2-502 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 declare under the pains and penalties of perjury that the persons meet the criteria in subsection (c) of section 2-502 and shall include the name and date of birth of each of the domestic partners, ~~the address of their common household~~, and shall be signed by all domestic partners, who shall appear together in person at the office of the city clerk, or before a notary public licensed in Massachusetts.

~~(a)(b)~~ 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.

~~(b)(c)~~ Withdrawal and termination of 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 the domestic partnership.~~

~~(1) Any person in a domestic partnership may be terminated by a domestic partner who withdraw from the domestic partnership by filing with the city clerk, by hand or by certified mail, a ~~termination withdrawal~~ statement. The person filing the ~~withdrawal termination~~ statement must declare that they are with withdrawing from the domestic partnership is terminated and that a copy of the withdrawal termination statement has been mailed by certified mail or delivered in hand to the other domestic partners at their current or last known address(es). The withdrawal termination statement must also include the address(es) to which the copy was mailed or delivered. The withdrawal termination statement must be signed, under the pains and penalties of perjury, by the domestic partner, who shall appear before the city clerk or their designee, or before a notary public licensed in Massachusetts.~~

~~(2) Except as set forth in Sec. 2-503(c)(3), following the withdrawal of a domestic partner, the domestic partnership shall continue in effect as between any remaining domestic partners.~~

~~(3) If there are only two persons in the domestic partnership, the withdrawal of one domestic partner shall constitute a termination of that domestic partnership.~~

~~(4) The death of a domestic partner shall function as an automatic withdrawal from the domestic partnership as to that domestic partner; provided, however, that any remaining domestic partners shall continue to be afforded any and all rights, privileges, benefits, or the like, that would be afforded to a surviving spouse in a marriage.~~

~~(2)(5)~~ A domestic partnership may be terminated by filing with the city clerk, by hand or by certified mail, a termination statement. The termination statement must declare that the domestic partnership is terminated and be signed, under the pains and penalties of perjury, by each of the domestic partners, who shall appear before the city clerk or their designee, or before a notary public licensed in Massachusetts.

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~~(e)(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 immediately upon receipt of a termination statement by the city clerk or, if there are only two persons in the domestic partnership, upon the death of one domestic partner. If a domestic partnership is terminated by any domestic partner, n/a person withdrawing from or, except to the extent a termination results from the death of a domestic partner, the members of a terminated domestic partnership o domestic partner may not file another domestic partnership until 90 days have elapsed from termination.

Sec. 2-504. City Clerk – Fees and Records

- (a) The city clerk shall collect a reasonable fee for filing a domestic partnership registration.
- (b) Upon receipt of a properly completed domestic partnership registration and filing fee, the city clerk shall complete a certificate of domestic partnership.
- (c) The city clerk shall maintain records of domestic partnerships registered in the city, including forms filed and certificates issued.
- (d) The city clerk shall allow public access to domestic partnership records to the same extent and in the same manner as marriage licenses.

Sec. 2-505. Rights of Domestic Partnership

- (a) When the term "spouse" or "marriage" is used in other city ordinances, city or school district policies, rules, or any other form having legal effect, it shall be interpreted to include a domestic partner or partnership. When the term "family" is used in other city ordinances, it shall be interpreted to include domestic partnerships.
- (b) The City of Somerville shall afford persons in domestic partnerships all the same rights and privileges afforded to those who are married.

Sec. 2-506. Limitations

- (a) Nothing in this article shall be interpreted to contravene the general laws of the Commonwealth.
- (b) Nothing in this article shall be construed to create additional legal liabilities greater than those already existing under law or to create new private causes of action.

Sec. 2-507. Severability

The provisions of this article 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.

Approved:

President
City Council