

**HARRISBURG CITY ORDINANCE  
NO. 15 OF 2008  
(Related to Life Partnership Registry)**

AN ORDINANCE AMENDING/CREATING CHAPTER \_\_\_\_, HARRISBURG CITY CODE,  
RELATING TO A LIFE PARTNERSHIP REGISTRY.

WHEREAS, Harrisburg is comprised of diverse and varied groups, communities and individuals;

WHEREAS, Harrisburg values this diversity;

WHEREAS, a number of valuable public policy goals, such as facilitating the provision of health care benefits to those who may not currently have access to such benefits, fall within the powers granted to the City of Harrisburg by Pennsylvania Statutes, Title 53, Section 37403(60), stating that Harrisburg may pass ordinances as may be "expedient or necessary for the . . . safety and welfare of the city, and its trade, commerce and manufactures;" and

WHEREAS, a Life Partnership Registry will create a way to recognize relationships of mutual commitment, support and caring, where the parties to the relationship participate to support the financial and physical welfare of each other and intend to continue in this manner; and,

WHEREAS, to better facilitate the provision of such health care benefits and where employees, either of the City or a business licensed within the City, may desire to make a Declaration of Life Partnership in order to designate one another and their dependents as the recipients of health care benefits, a registry officially identifying such Life Partners would be effective; and,

WHEREAS, the establishment of a Life Partnership Registry may facilitate the City's interest in providing fair and reasonable health care and other benefits to its own employees; and,

WHEREAS, the establishment of a Life Partnership Registry may facilitate the extension of fair and reasonable health care and other benefits by private employers to their employees' named beneficiaries; and,

WHEREAS, the establishment of a Life Partnership Registry may facilitate visitation of a patient in health care facilities in appropriate circumstances;

NOW THEREFORE, be it ordained by the City Council of Harrisburg, Pennsylvania, as follows:

SECTION 1. That Chapter \_\_\_\_, Harrisburg City Code, be and the same hereby is amended as follows:

**CHAPTER \_\_\_\_\_  
LIFE PARTNERSHIP REGISTRY**

**Sections:**

- |   |  |
|---|--|
| 1 | Purpose                                    |
| 2 | Definitions                                |
| 3 | Requirements for Life Partnership Registry |
| 4 | Declaration of Life Partnership            |

5	Termination of Life Partnership
6	Registration and Fees
7	Rights
8	Severability

### **Section # 1 Purpose**

The City is committed to promoting justice, equality and inclusiveness in the provision of health care and many other benefits to all of its citizens that might be offered by the City or private employers licensed by the City. The City finds that it is made up of a diversity of households and that in those households relationships exist in many different forms. Those forms include committed, unmarried couples in either same or opposite sex relationships; parent and child relationships; other familial relationships; and committed friendships. The City wishes to promote the public health, safety, welfare, and prosperity of its citizens and generally improve the overall quality of life by allowing for the efficient and streamlined disposition of health care benefits or other benefits that the City or businesses licensed with the City might offer to their employees and dependents - including an employee's designee listed on the Life Partnership Registry. The City finds that a City-maintained list is the best way for the City and for businesses licensed with the City to reliably ascertain whether an employee's designee listed on the Life Partnership Registry and other dependents are eligible for such benefits. Therefore, it is the policy of the City to allow any two adults in a committed relationship who meet the Life Partnership Registry criteria to register with the City and to obtain a certificate attesting to their status.

### **Section #2 Definitions**

"City" means the City of Harrisburg, a municipality of the Third Class in the Commonwealth of Pennsylvania.

"Declaration of Life Partnership" or "Declaration" means the registration of a Life Partner relationship on the Life Partnership Registry, pursuant to the requirements of Section 4.

"Declarants" means two individuals freely agreeing to become Life Partners.

"Health Care Facility" means every place, institution, building or agency, whether organized for profit or not, which provides medical services, nursing services, health screening services, other health-related services, and supervisory care services.

"Life Partners" means those persons who qualify for registration on the Life Partnership Registry under Section 3.

"Life Partnership" means those persons involved in a relationship as Life Partners.

"Life Partnership Registry" means the records repository maintained by the City Clerk's Office, wherein persons who meet the criteria of Section 3 may register their relationship.

"Mutual Support" means that Declarants contribute to each other's maintenance and well being.

"Notice of Termination" means the process by which a Life Partnership ends for purposes of registration, pursuant to the provisions of Section 5.

### **Section #3 Requirements for Life Partnership Registry**

To be eligible to register a relationship of Life Partnership with the City of Harrisburg, the two Declarants must meet all of the following criteria:

- A. Freely declare that they are solely and mutually committed to each other.
- B. Be persons eighteen years of age or older and be unmarried according to the laws of the Commonwealth of Pennsylvania, with neither being registered in another Life Partner relationship.
- C. Be competent to contract.
- D. Be directly dependent upon, or interdependent with, each other, sharing common financial obligations. Acceptable documentation shall include at least three (3) of the following:
  - 1. Common ownership of property or lease.
  - 2. Common ownership of a vehicle.
  - 3. Driving licenses listing common address.
  - 4. Joint bank, investment or credit account.
  - 5. Designation as a beneficiary of life insurance, retirement benefits or under the will of each other.
  - 6. Assignment of each other as agent under a durable power of attorney or health care power of attorney.
- E. Currently share a primary residence in the City, or one of the Declarants works in the City. For these purposes, primary residence means the place where both Declarants reside. The legal right to occupy the residence need not be joint.
- F. Execute a Declaration of Life Partnership, attesting to the foregoing requirements and attesting that the parties are in a relationship of mutual commitment, support, and caring; are responsible for each other's physical and financial welfare; and have the present intention to remain in that relationship.

#### **Section #4 Declaration of Life Partnership**

- A. Life Partnership Declarants shall make an official record of their relationship by executing a Declaration of Life Partnership on the form prescribed by the City.
- B. The Declaration must include a statement that the persons are in a relationship of mutual support and caring, and are responsible for each other's welfare. For these purposes, "mutual support" means that they contribute mutually to each other's maintenance and financial support.
- C. The Declaration must include a statement that the Declarants agree to file a termination of the relationship if there is a change in the status of their relationship such that they cease to meet the criteria for registration on the Life Partnership Registry.
- D. The sworn Declaration shall include the date on which the Life Partnership registration was made, the mailing address(es) of both Declarants, and the notarized signatures of both Declarants. The Declaration shall further state that the Declarants meet all the criteria for the Life Partnership Registry set forth in Section 3.
- E. The City shall have no duty to verify the authenticity of the information provided by the individuals filing the Declaration of Life Partnership if the documents provided appear to be valid on their face.
- F. In the event the City Clerk denies the request for Life Partner Registration, the

Declarants may immediately appeal this adverse decision to the Harrisburg Human Relations Commission.

### **Section #5 Termination of Life Partnership**

A. A Life Partnership ends for purposes of registration on the Life Partnership Registry when:

1. Either of the Declarants dies; or
2. One or both Declarants executes and files a Notice of Termination, on a form prescribed by the City, stating that one or more of the criteria listed in Section 3 no longer applies. If only one of the Declarants executes the Notice of Termination, that Declarant shall attest to the fact that he or she has sent a copy of the Notice of Termination to the other Declarant at his or her last known address. This requirement does not apply if the termination of the Life Partnership is due to the death of one of the Declarants.

B. A person cannot register a Life Partnership until at least six months after any other Life Partnership in which he or she was registered has ended and a Notice of Termination that the Life Partnership ended was filed with the City. This requirement does not apply if the earlier Life Partnership ended because one of the Declarants died.

### **Section #6 Registration and Fees**

A. The City Clerk's Office will keep a record of all Declarations of Life Partnership and of all Notices of Termination of a Life Partnership. All information contained in a Declaration of Life Partnership or Notice of Termination shall be open to public inspection.

B. The fee for filing a Declaration of Life Partnership shall be \$25.00, which entitles the persons filing the Declaration of Life Partnership to two (2) certified copies of the official Declaration. Additional certified copies will be available at a cost of \$5.00 each.

C. No fee will be charged for filing a Notice of Termination.

D. An amendment to a Declaration may be filed by a Declarant with the City Clerk's Office at any time to show a change in his or her mailing address or a legal name change, to correct clerical errors or add a dependent child of a Declarant, or for other applicable reason. The record will be maintained so that amendments and Notices of Termination are filed with the Declaration of Life Partnership to which they apply. No fee will be charged for filing an amendment to a Declaration. Only a party to a registered Life Partnership may apply to amend the Declaration. Applications to amend a Declaration must be supported by documentary evidence regarding the change.

### **Section #7 Rights**

A. Use of and Access to City Facilities. All facilities owned, leased and operated by the City, including but not limited to recreational facilities, shall allow those persons listed on the Life Partnership Registry, and his or her children, to be included in any rights and privileges accorded a married spouse and children for purposes of use and access to City facilities.

B. Health Care Visitation. When a Declarant is a patient in any health care facility operating within the City, such health care facility shall allow the other Declarant listed on the Life Partnership Registry the same policies, rights and privileges of visitation as is granted to a married spouse.

C. Other Benefits. The City may be asked by the City Council or Administration or by private employers licensed to do business within the City to have the Life Partnership Registry act as verification of Life Partner status for other benefits which meet the goals of this ordinance to

promote the public health, safety, welfare and prosperity of its citizens. The City Clerk shall cooperate with such requests.

D. Real estate. When used in any lease, rental agreement or other contract for the possession or use of real estate located within the City, the definition of the term “spouse” shall be interpreted to include the person with whom an individual has filed a Declaration of Life Partnership in the City registry. When the term “family” is used in such an agreement and includes within its scope the parents, children or other blood relatives of a spouse, the term shall also include the parents, children or other blood relatives of the person with whom the individual has filed a Declaration of Life Partnership in the City registry. This Subsection shall not affect any laws of the United States or the Commonwealth of Pennsylvania regarding real estate.

E. Bereavement Leave. An employer located in the City which allows an employee bereavement leave for the death of a spouse, child or parent shall allow employees the same terms of leave for persons registered as Life Partners with the City.

1. Proof of Life Partner Registration. Any employer covered by Subsection E of this Section may require its employees to submit proof of registration of their Life Partner status. A certified copy of a Declaration of Life Partnership which has been issued by the City Clerk must be accepted as such proof.

2. Application to Public Entities. Since the City itself is an employer in the city, to the full extent allowed by law, this Subsection shall apply with full force and effect to the City and its duly constituted authorities. This Subsection shall not apply to any other public entity, including, but not limited to, the United States, the Commonwealth of Pennsylvania, and the County of Dauphin.

F. Health Care Benefits for City Government Employees of the City of Harrisburg and its Duly Constituted Authorities. All health care benefits available to the spouse of a married employee shall hereby include the person registered in a Life Partnership with the employee as eligible for those same benefits. This Subsection shall not apply to any private employer within the City, nor to any other public entity, including, but not limited to, the United States, the Commonwealth of Pennsylvania, and the County of Dauphin.

G. Legal Effect of Declaration of Life Partnership. A Declaration of Life Partnership will create no legal rights or duties from one Declarant to the other except those legal rights and duties specified in this article or other ordinances or resolutions of the Harrisburg City Council which specifically refer to Declarations of Life Partnership in the Life Partnership Registry or as otherwise permitted pursuant to the laws of any other jurisdiction. Nothing in this article shall affect legal rights and duties which the Declarants agree in a legally enforceable writing they will owe to each other and which are not otherwise prohibited by this or any other applicable law or regulation.

H. Enforcement. Disputes arising under or concerning this article shall first be submitted to mediation with the Harrisburg Human Relations Commission. If mediation is unsuccessful, this article may be enforced by civil action. This article shall not be construed to require the City or the City Attorney to enforce its provisions.

### **Section #8 Severability**

If any Section, Subsection, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 2. This ordinance shall take effect immediately upon the date of its first publication.

Passed by the City Council of Harrisburg, Pennsylvania this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
PRESIDENT

ATTEST:

\_\_\_\_\_  
CITY CLERK

Transmitted to Mayor on \_\_\_\_\_.  
Mayor's Action: \_\_\_\_\_ Approved \_\_\_\_\_ Vetoed

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

Approved as to form and legality:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

Bill No. \_\_\_\_\_ of 2008  
Published: \_\_\_\_\_