

SALT LAKE CITY ORDINANCE
NO. 16 of 2008
(Relating to Mutual Commitment Registry (Formerly Known as Domestic Partnership
Registry))

AN ORDINANCE AMENDING AND RENUMBERING CHAPTER 2.92, *SALT
LAKE CITY CODE*, RELATING TO A MUTUAL COMMITMENT REGISTRY
(FORMERLY KNOWN AS DOMESTIC PARTNERSHIP REGISTRY).

WHEREAS, Salt Lake City is comprised of diverse and varied groups, communities and individuals;

WHEREAS Salt Lake City values this diversity;

WHEREAS, a number of valuable public policy goals, such as the provision of health care benefits to those who may not currently have access to such benefits, fall within the powers granted to Salt Lake City by Utah Code Annotated Section 10-8-84(1) stating that Salt Lake City may pass ordinances intended to "preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants."

WHEREAS, the Salt Lake City Council passed Ordinance No. 4 of 2006, amending Section 2.52.100 titled "Benefits for Dependents of Employees" including that "an unmarried employee may designate one 'adult designee' and the 'child' or 'children' of the adult designee" to receive such benefits (the "Ordinance"); and,

WHEREAS, a Mutual Commitment 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 Mutual Commitment to designate one another as the recipients of such health care benefits, a registry officially identifying such a Mutual Commitment would be effective; and,

WHEREAS, the establishment of a Mutual Commitment Registry may facilitate both the City's interest in providing fair and reasonable health care and other benefits; and,

WHEREAS, the establishment of a Mutual Commitment Registry may facilitate the extension of fair and reasonable health care and other benefits by private employer's to their employees' named beneficiaries; and,

WHEREAS, the establishment of a Mutual Commitment Registry may facilitate visitation of a patient in health care facilities by those registered in appropriate circumstances;

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah, as follows:

SECTION 1. That Chapter 2.92, *Salt Lake City Code*, pertaining to a Domestic Partnership Registry, be and the same hereby is, amended and renumbered as follows:

**CHAPTER 10.03
MUTUAL COMMITMENT REGISTRY**

Sections:

- 10.03.010 Purpose
- 10.03.020 Requirements for Mutual Commitment Registry
- 10.03.030 Declaration of Mutual Commitment
- 10.03.040 Termination of Mutual Commitment
- 10.03.050 Registration and Fees
- 10.03.060 Rights
- 10.03.070 Severability

10.03.010 Purpose

The City is committed to promoting justice, equity, 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 by 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 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 within the City might offer to their employees – including an employee’s designee listed on the Mutual Commitment Registry. The City finds that a City-maintained list is the best way for the City and for businesses licensed within the City to reliably ascertain whether an employee’s designee listed on the Mutual Commitment Registry and beneficiaries 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 Mutual Commitment Registry criteria to register with the City and to obtain a certificate attesting to their status.

10.03.020 Requirements for Mutual Commitment Registry

To be eligible to register a relationship of Mutual Commitment with Salt Lake City, the two individuals (the “declarants”) must meet 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 State of Utah;
- C. Be competent to contract;

D. Be directly dependent upon, or interdependent with, each other, sharing a common financial obligation. Acceptable documentation shall include any three (3) of the following five (5) documents:

1. A joint loan obligation, mortgage, lease, or joint ownership of a vehicle;
2. A life insurance policy, retirement benefits account, or will or trust of one declarant designating the other declarant as beneficiary thereto, or will or trust of one declarant which designates the other declarant as executor or successor trustee;
3. A mutually granted power of attorney for purposes of healthcare or financial management;
4. Proof showing that one declarant is authorized to sign for purposes of the other declarant's bank or credit account;
5. Proof of a joint bank or credit account;

E. Currently share a primary residence in Salt Lake City. For these purposes primary residence means the place where both declarants reside. The legal right to occupy the residence need not be joint; and,

F. Execute a Declaration of Mutual Commitment, 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.

10.03.030 Declaration of Mutual Commitment

A. Mutual Commitment declarants shall make an official record of their relationship by executing a “Declaration of Mutual Commitment” on the form prescribed by the City.

B. The Declaration must include a statement that the persons are in a relationship of mutual commitment, 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 support.

C. The Declaration must include a statement that both persons 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 the Mutual Commitment Registry.

D. The sworn Declaration shall include the date on which the Mutual Commitment was registered, 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 Mutual Commitment Registry set forth in section 10.03.020.

E. The City shall have no duty to verify the information provided by the individuals filing the Declaration of Mutual Commitment.

10.03.040 Termination of Mutual Commitment

A Mutual Commitment ends when:

A. Either of the declarants dies; or

B. One or both declarants execute a notice of termination, stating that one or more of the criteria listed in section 10.03.020 no longer applies. If only one of the

declarants execute the notice of termination, then 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 the other declarant's last known address. This notice requirement does not apply if the termination of the Mutual Commitment is due to the death of one of the declarants.

C. A person cannot register a Mutual Commitment until at least six months after any other Mutual Commitment of which he or she was a declarant ended and a notice that the Mutual Commitment ended was given. This does not apply if the earlier Mutual Commitment ended because one of the members died.

10.03.050 Registration and Fees

A. The City Recorder's Office will keep a record of all Declarations of Mutual Commitment and of all notices terminating a Mutual Commitment.

B. The fee for filing a Declaration of Mutual Commitment shall be \$25.00 (or such lesser, cost-based amount as may be determined by the City Recorder), which entitles the persons filing the Declaration of Mutual Commitment to two (2) certified copies of the official statement.

C. No fee will be charged for filing a notice terminating a Mutual Commitment.

D. An amendment to a Declaration may be filed by a declarant with the City Recorder's Office at any time to show a change in his or her mailing address. The record will be maintained so that amendments and notices terminating a Mutual Commitment are filed with the Declaration of Mutual Commitment to which they apply.

10.03.060 Rights

A. Use of and Access to City Facilities. All facilities owned and operated by the City, including but not limited to recreational facilities shall allow those listed on the Mutual Commitment Registry, and his or her children, to be included in any rights and privileges accorded a 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 Mutual Commitment Registry to visit such patient unless no visitors are allowed or the patient expresses a desire that visitation by the declarant be restricted. As used in this section, "health care facility" means every place, institution, building or agency; whether organized for profit or not, which provides facilities with medical services, nursing services, health screening services, other health-related services, and supervisory care services.

C. Other Benefits. The City may, from time to time, be asked by the City Council or Administration or by private employers licensed to do business within the City to have the Registry act as verification of the Mutual Commitment status for other benefits which meet the goals of this ordinance to promote the public health, safety and welfare and prosperity of its citizens.

10.03.070 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 Salt Lake City, Utah this 8th day of
April, 2008.

Willow
CHAIRPERSON

ATTEST:

Christine Neeker
CHIEF DEPUTY CITY RECORDER



Transmitted to Mayor on 4-8-08.

Mayor's Action: Approved. Vetoed.

[Signature]
MAYOR

ATTEST:

Christine Neeker
CHIEF DEPUTY CITY RECORDER



Bill No. 16 of 2008.
Published: 4-14-08.

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date March 25, 2008
By [Signature]