ORDINANCE NO. C-7460

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH ADDING CHAPTER 8.95 RELATING
TO DOMESTIC PARTNERSHIP REGISTRATION

The City Council of the City of Long Beach ordains as
follows:

Section 1. Chapter 8.95 is added to the Long Beach
Municipal Code to read as follows:

8.95

DOMESTIC PARTNERSHIP REGISTRATION

8.95.010 Definition

"Domestic partners" means two adults who have chosen
to share one another's lives in an intimate and committed
relationship of mutual caring.

8.95.020 Domestic Partnership

A domestic partnership shall exist between two
persons if all of the following are true:

1. They reside together. (Reside together means
that two people share the same place to live. It is not
necessary that the legal right to possession be in both
of their names. Two people may reside together even if
one or both have additional places to live. Domestic
partners do not cease to reside together if one leaves the
shared place but intends to return.)

2. Neither is legally married or a member of
another domestic partnership.

3. They are not related by blood such that would bar marriage in the State of California.

4. They share the common necessities of life and consider themselves responsible for each other’s welfare.

5. They are 18 years of age or older.

6. They have filed a Statement of Domestic Partnership as described in this chapter.

8.95.030 Statement of Domestic Partnership

Domestic partners shall make an official record of their domestic partnership by completing and filing with the City Clerk a Statement of Domestic Partnership as provided by the City Clerk in substantially the following form:

"STATEMENT OF DOMESTIC PARTNERSHIP

WE, THE UNDERSIGNED, DO DECLARE THAT:

1. We live together.

2. Neither of us is legally married or a member of another domestic partnership.

3. We are not related by blood.

4. We share the common necessities of life and we are responsible for each other’s welfare.

5. We are both 18 years of age or older.

6. We agree to notify the City of the termination of our domestic partnership agreement.

7. (Optional) We are each other’s domestic partner and declare under penalty of perjury under the laws of the State of California that the statements above
are true and correct.

Executed on ______________, 19__, at __________, California.

Signed ________________________________

Print Name ______________________________

Address ________________________________

Such form shall be signed under penalty of perjury by both domestic partners and either or both partner(s) shall file it with the City Clerk.

8.95.040 Termination of Domestic Partnership

A domestic partnership shall be deemed terminated by either:

1. The death of either domestic partner; or

2. The filing with the City Clerk of a Notice of Termination of Domestic Partnership in the following form:

"NOTICE OF TERMINATION OF A DOMESTIC PARTNERSHIP

THE UNDERSIGNED, DO/DOES DECLARE THAT:

1. ________________________________ (Name of the individual as shown on Statement of Domestic Partnership) and I are no longer domestic partners, and;

2. I mailed my former domestic partner a copy of this notice at ________________________________ on ______________, 19__. I declare under penalty of perjury under the laws of the State of California that the statements above are true and correct.

Executed on ______________, 19__, at __________,
California.
Signed ________________________________
Print Name ________________________________
Address ________________________________
Phone ________________________________

8.95.050 Maintenance of Records

The City Clerk shall maintain adequate records of Statements of Domestic Partnerships or Notices of Termination which have been created or terminated by the domestic partners.

8.95.060 Fees

The City Clerk shall charge a fee for the filing of the Statement of Domestic Partnership, which fee shall be determined by resolution of the City Council. Payment of this fee entitles the person(s) filing a declaration on behalf of the domestic partnership to have two copies of the declaration certified by the City Clerk. Certification of additional copies of the Statement of Domestic Partnership or any copies of the Notice of Termination of Domestic Partnership shall cost an amount per copy to be determined by resolution of the City Council.

8.95.070 Civil Actions

Any person defrauded by a false statement contained in a Statement of Domestic Partnership or Notice of Termination may bring a civil action for fraud to recover his or her losses.

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8.95.080 **Retaliation**

It shall be unlawful for any person or entity to discriminate against any person who seeks the benefits of this chapter or who assists someone in obtaining the benefits of this chapter.

8.95.090 **Health Care Facilities Visitation Rights**

All hospitals, convalescent care facilities, residential care facilities, hospices and other long term and short term care facilities shall allow a domestic partner to visit, at the discretion of the patient, unless all visitors are prohibited.

Proof of such domestic partnership shall be in substantially the form provided by the City Clerk. Any facility which requires a declaration of proof of domestic partnership shall accept, but may not require anyone to submit a copy of a Statement of Domestic Partnership which has been filed with the City Clerk.

8.95.100 **Jail Visitation Rights**

City jails shall allow a domestic partner to visit an inmate unless (a) the applicable rules prohibit all visitors, or (b) the Police Department decides that a particular visitor is a threat to the security of the jail.

8.95.110 **Durable Power of Attorney**

At the time of filing of a Statement of Domestic Partnership, the individuals might consider a durable power of attorney for:

1. Health care, provided that any such document
complies with applicable California law;

2. For any authorized purposes, including but not limited to the disposition of personal effects at the time of death, provided that any such document complies with applicable California law.

8.95.120 Limited Effect

This chapter is not intended to make the California Uniform Partnership Act (Corporations Code Section 15001, et seq.) applicable to domestic partnerships.

Sec. 2. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first day after it is approved by the Mayor.
I certify that this ordinance was adopted by the City Council of the City of Long Beach at its meeting of April 1, 1997, by the following vote:

Ayes: Councilmembers: Oropeza, Lowenthal, Roosevelt, Donelon, Kellogg, Topsy-Elvord.

Noes: Councilmembers: Shultz.

Absent: Councilmembers: Drummond, Robbins.

Approved: 4-3-97 (Date)

Mayor

City Clerk

HAM:vmh
3/26/97
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