



# City of Philadelphia

City Council  
Chief Clerk's Office  
402 City Hall  
Philadelphia, PA 19107

**BILL NO. 120956**

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**Introduced November 29, 2012**

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**Councilmembers Kenney, Goode, Greenlee, Squilla, O'Brien and Reynolds  
Brown**

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**Referred to the  
Committee on Labor and Civil Service**

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## **AN ORDINANCE**

Amending various titles of The Philadelphia Code to increase the equality of treatment of all persons in the City of Philadelphia regardless of gender identity by expanding and modifying the definition of "Life Partnership" and "Life Partner"; further providing for protections, rights, benefits, and responsibilities of Life Partners; authorizing a tax credit as an incentive to provide health care benefits to Life Partners; providing for gender neutrality in certain City forms; and making conforming changes; all under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Title 1 of The Philadelphia Code is hereby amended to read as follows:

### TITLE 1. GENERAL PROVISIONS.

#### CHAPTER 1-100. DEFINITIONS, CONSTRUCTION, PENALTIES AND ENFORCEMENT.

\* \* \*

§ 1-103. Definitions.

(1) Unless otherwise provided in the Code, the following definitions apply:

\* \* \*

# City of Philadelphia

BILL NO. 120956 continued

(g) *Life Partner.* As defined in subsection 9-1102(1)(q).

(h) *Life Partnership.* As defined in subsection 9-1102(1)(r).

[(g)] (i) Person. \*\*\*

[(h)] (j) Whoever. \*\*\*

\* \* \*

SECTION 2. Title 4 of The Philadelphia Code is hereby amended to read as follows:

## TITLE 4. THE PHILADELPHIA BUILDING CONSTRUCTION AND OCCUPANCY CODE.

\* \* \*

### SUBCODE "PM" (THE PHILADELPHIA PROPERTY MAINTENANCE CODE).

\* \* \*

#### CHAPTER 2. DEFINITIONS.

\* \* \*

#### SECTION PM-202.0 GENERAL DEFINITIONS.

\* \* \*

Family: An individual or two or more persons related by blood, marriage, *Life Partnership* or adoption; or a group of three or less unrelated persons, living together as a single housekeeping unit.

\* \* \*

SECTION 3. Title 6 of The Philadelphia Code is hereby amended to read as follows:

## TITLE 6. HEALTH CODE.

### CHAPTER 6-100. GENERAL PROVISIONS.

# City of Philadelphia

BILL NO. 120956 continued

\* \* \*

§ 6-102. Definitions.

\* \* \*

(40) Patient. Any person receiving care in any institution, but excluding persons related by blood, *Life Partnership* or marriage to the person in active charge thereof.

\* \* \*

## CHAPTER 6-700. MAINTENANCE AND OPERATION OF DISTRICT HEALTH CENTERS.

\* \* \*

§ 6-703. Operation and Function of District Health Centers.

(1) The Health Department shall continue at a minimum to maintain and directly operate a system of at least nine (9) District Health Centers at which each of the following services shall be offered, except one may provide only Sexually Transmitted Disease services, in a manner that makes available to all citizens of the City the following services:

(a) a Family Medical Care Program providing the following pediatric and internal medicine ambulatory services to all individual, *Life Partner* and family enrollees:

\* \* \*

SECTION 4. Title 7 of The Philadelphia Code is hereby amended to read as follows:

## TITLE 7. HOUSING CODE.

### CHAPTER 7-100. INCLUSIONARY AFFORDABLE HOUSING

\* \* \*

§ 7-109. Initial Sale to Eligible Households.

# City of Philadelphia

BILL NO. 120956 continued

(1) Every affordable dwelling unit required under this Chapter shall be sold or rented only to eligible households, for the buyer or renter's primary residence. One-half of such sales or rentals shall be to families (*including households headed by Life Partners*) with incomes at or below 80% of AMI and the median income of such families shall be 40% of AMI; and one-half of such sales or rentals shall be to families with incomes at or below 125% of AMI and the median income of such families shall be equal to AMI.

SECTION 5. Title 9 of The Philadelphia Code is hereby amended to read as follows:

## TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS.

\* \* \*

### CHAPTER 9-1100. FAIR PRACTICES ORDINANCE: PROTECTIONS AGAINST UNLAWFUL DISCRIMINATION

\* \* \*

#### § 9-1102. Definitions.

(1) For purposes of this Chapter the following terms shall have the following meanings:

\* \* \*

(g) **Domestic Worker.** An individual employed in a home or residence for the purpose of caring for a child, serving as a companion for a sick, convalescing or elderly person, housekeeping, or for any other domestic service purpose. Domestic worker does not include any individual who is (.1) working on a casual basis, (.2) engaged in providing companionship services, as defined in Section 213(15)(a) of the Fair Labor Standards Act of 1938, and who is employed by an employer or agency other than the family or household using his or her services; or (.3) a relative through blood, marriage, *Life Partnership* or adoption of the employer or the individual for whom the worker is delivering services under a program funded or administered by federal, state or local government.

(h) **Employer.** Any person who does business in the City of Philadelphia through employees or who employs one or more employees exclusive of parents, spouse, *Life Partner* or children, including any public agency or authority; any

# City of Philadelphia

BILL NO. 120956 continued

agency, authority or other instrumentality of the Commonwealth; and the City, its departments, boards and commissions.

\* \* \*

(r) Life Partnership. A long-term committed relationship between two unmarried individuals [of the same gender] who: (.1) are residents of the City of Philadelphia; or one of whom is employed in the City, owns real property in the City, owns and operates a business in the City, or is a recipient of or has a vested interest in employee benefits from the City of Philadelphia; (.2) are at least 18 years old and competent to contract; (.3) are not related to each other by blood in any way which would prohibit marriage in the Commonwealth of Pennsylvania; (.4) have no other Life Partner but the other person; (.5) have not been a member of a different Life Partnership for the past [twelve] *three* months unless the prior Life Partnership ended as a result of the death of the other Life Partner; (.6) *have no spouse, civil partner or domestic partner recognized under Pennsylvania law or the law of any other state*; [(6)](.7) agree to share the common necessities of life and to be responsible for each other's common welfare; [(7)](.8) share at least one residence with the other Life Partner; and [(8)](.9) agree under penalty of law to notify the Commission of any change in the status of the Life Partnership.

(s) Marital Status. The status of being single, married, separated, divorced, widowed, *a Life Partner, former Life Partner* or [a] *surviving* Life Partner.

\* \* \*

## § 9-1123. Verification of Life Partnerships.

(1) No Life Partnership shall be recognized as such under this [Chapter] *Code* unless the members of the Life Partnership have verified the Life Partnership by: (i) filing with the Commission a Verification Statement, in the form and manner required by the Commission, which states, on penalty of perjury, that the Life Partnership meets all the provisions of § 9-1102(r) (relating to definition of Life Partnership); and (ii) filing with the Commission proof that the Life Partners have been interdependent for at least three (3) months prior to the date the Verification Statement is filed, such proof to include [at least two of] the following:

(a) *at least two of the following:*

(i) [(a)] common ownership of real property or a common leasehold interest in property;

# City of Philadelphia

BILL NO. 120956 continued

- (ii) [(b)] common ownership of a motor vehicle;
- (iii) [(c)] driver's licenses or other state- or federal-issued photo identification listing a common address;]
- (iv) [(d)] proof of joint bank accounts or credit accounts;
- (v) [(e)] proof of designation as a beneficiary for life insurance or retirement benefits, or beneficiary designation under a partner's will;
- (vi) [(f)] proof of appointment as attorney-in-fact or agent under a partner's durable power of attorney or health care power of attorney;
- (vii) *proof of common legal guardianship of an adopted, foster or dependent child.*

(b) *if a Life Partner was previously married, evidence that the most recent marriage has ended. Such evidence shall consist of proof of dissolution of the most recent marriage or, if the marriage ended upon the death of the spouse, a certified copy of the deceased spouse's death certificate.*

(c) *if a Life Partner was in a previous Life Partnership, evidence that the most recent such Partnership has ended. Such evidence shall consist of the sworn Termination Statement as provided in Section 9-1124 or, if the prior Life Partnership ended upon the death of the other Partner, a certified copy of the deceased Life Partner's death certificate.*

(d) *Each member of a Life Partnership shall also submit a social security card or other form of officially issued identification (for example, a pay stub, W-2 form, income tax return, or prescription card) that includes the applicant's social security number.*

(2) The foregoing requirements of proof for interdependency and verification may be changed or modified by the Commission at any time, by regulation.

## § 9-1124. Termination of *Verified* Life Partnerships.

(1) Either Life Partner may terminate the Life Partnership by filing a sworn Termination Statement with the Commission, in the form and manner required by the Commission, stating that the Life Partnership is to be terminated. The termination shall become effective sixty (60) days from the date the Termination Statement is filed, if it is signed by both Life Partners. If it is not signed by both Life Partners, the Termination

# City of Philadelphia

BILL NO. 120956 continued

Statement shall become effective sixty (60) days from the date proof is filed with the Commission that a copy of the Termination Statement was served, either personally or by certified or registered mail, on the other Life Partner.

(2) *Automatic Termination of Life Partnership. Upon receiving official notice that a Life Partner has married or died, that person's Life Partnership shall terminate and the Commission shall revise its registry of Life Partnerships accordingly.*

§ 9-1125. *Duties of the Human Relations Commission with Respect to Life Partnerships.*

(1) *The Commission shall prepare, post on its official website, and provide to all applicants who request or submit a Verification Statement, a document that explains the following:*

(a) *The procedure and qualifications for obtaining recognition as a Life Partnership;*

(b) *The rights and responsibilities of Life Partners under the Code;*

(c) *The procedure for terminating a Life Partnership;*

(d) *The principal differences between marriage and a Life Partnership under federal law, state law, the Charter, and the Code;*

(e) *An explanation of the particular importance to Life Partners of preparing legally enforceable documents with respect to adoption, medical treatment, and end-of-life decisions, including advance health care directives, living wills, durable health care powers of attorney, appointment of a health care agent, pre-need guardian designations, and wills. The Commission shall also provide forms with instructions and, upon request, shall provide assistance in completing such forms other than assistance that would constitute providing legal advice. Further, the Commission shall provide a list of non-profit organizations offering free or low-cost legal services, and shall indicate which organizations have affirmed that they have expertise concerning Life Partnerships.*

(2) *The Commission shall review each Verification Statement and, no later than 30 days after receipt of such statement, notify the persons submitting the statement whether the Verification Statement has been accepted or rejected. If the Commission has accepted the Verification Statement, it shall provide the Life Partners with an official document confirming their status as verified Life Partners. If the Commission rejects the Verification Statement, it shall provide an explanation of the reason for that action, and an explanation of the steps required to cure any deficiencies in the Statement.*

# City of Philadelphia

BILL NO. 120956 continued

(3) *The Commission is authorized to establish and collect from applicants submitting a Verification Statement a reasonable fee to defray the costs of administering the provisions of this Chapter with respect to Life Partnerships. The Commission may reduce or waive the fee upon a showing of financial hardship.*

(4) *Subject to the approval of the Department of Records as required by Section 5-1101(c) of the Charter, the Commission shall prepare all forms required to implement Life Partnerships under this Chapter.*

(5) *The Commission shall maintain records of all Verification Statements, amendments, and Termination Statements, and shall maintain on its website a public, on-line, searchable registry that includes these documents, provided that the Commission shall not post Verification Statements which it has rejected or not yet approved.*

(a) *Upon the request of a member of a Life Partnership, the Commission shall indicate on its website that the member has granted to the member's Life Partner a durable health care power of attorney and full hospital visitation privileges. The Commission shall notify hospitals in Philadelphia and adjacent counties that the registry required by this subsection (5) is available.*

## *§ 9-1126. Life Partnerships – Responsibilities of Others.*

(1) *Equalization of treatment under the Code. It is the intent of the Council that, to the extent permitted by law, Life Partners and married persons shall possess similar rights, responsibilities, and benefits within the City, provided that nothing herein shall be construed as defining a Life Partnership to be a marriage. The Mayor and appropriate officials of the Executive Branch are authorized to take the steps necessary to achieve this goal, whether by revising regulations, issuing Executive Orders, pursuing collective bargaining provisions, or proposing legislation.*

(a) *Reporting requirement. Within six months of the effective date of this subsection 9-1126(1), the Commission, or such other official or agency as the Mayor designates, shall submit to the Council President and Chief Clerk of Council a comprehensive schedule of Code provisions, regulations, and existing collective bargaining provisions that conflict with the goal specified herein; proposals to ameliorate such conflicting provisions; and an assessment of the likely cost of implementing such proposals. Areas of consideration shall include, but are not limited to, health insurance, victims' and survivors' compensation benefits, workers' compensation benefits, medical care and treatment, family leave and other support benefits, pension benefits, and local taxation.*



# City of Philadelphia

BILL NO. 120956 continued

(2) *Health care providers. Health care providers within the City shall allow a hospitalized patient's Life Partner full visitation rights, consistent with 42 C.F.R. § 482.13(h). The dependent, foster, or adopted child of the patient's Life Partner shall have the same visitation rights that a child of the patient would have. In the event that the patient is incapacitated, health care providers within the City shall grant the Life Partner the same authority to make health care decisions that a spouse of the patient would have.*

(a) *If such providers do not require spouses of patients to prove their spousal status, then no proof shall be required of a Life Partner to prove Life Partner status. If such proof is required, then the provider shall accept as proof either a copy of the Verification Statement or evidence of the Life Partnership on the Commission website's registry.*

(3) *Funeral providers. The Verification Statement designed by the Commission shall include an optional section in which a Life Partner may designate the other Life Partner as the person authorized to determine the final disposition of the first Life Partner's remains. Funeral providers shall treat such a designation as the authorization required by 20 Pa.C.S.A. § 305 ("Right to dispose of a decedent's remains"). In designing this section of the Verification Statement, the Commission shall ensure that the section complies with all requirements of state law as to form and verification.*

(4) *Visitation rights in City correctional facilities. The Commissioner of the Philadelphia Prisons System shall ensure that a minor child of an adult inmate housed in a Philadelphia Prison may visit the inmate if accompanied by the inmate's Life Partner. Proof of Life Partnership in the form of a copy of the Verification Statement may be required.*

(5) *Notification of family members. Whenever a City official or employee is directed or authorized to notify "family members" or "next of kin," on behalf of an injured person, such official or employee shall attempt to determine whether the person has a Life Partner and, if so, the official or employee shall include that Life Partner among those notified. The Managing Director or such other official as the Mayor shall designate, shall take steps to ensure that City employees are aware of this responsibility.*

(6) *Education decisions. No person shall deprive a member of a Life Partnership of the opportunity to participate in decisions concerning the education of the other Life Partner's child based solely on that member's status as a Life Partner.*

(7) *Health Care Insurer Registry. No later than three months after the effective date of this Ordinance, the Commission, or such other agency as the Mayor may designate, shall prepare a form that can be used to determine whether an employer*

# City of Philadelphia

BILL NO. 120956 continued

*provides health insurance coverage to Life Partners of employees that is comparable to the coverage provided to spouses of employees. No later than six months after the effective date of this Ordinance, the Department of Commerce, or such other agency as the Mayor shall designate, shall distribute the survey document, either in hard copy or electronically, to all employers with employees who reside in the City or who are non-residents subject to City wage tax under Section 19-1502(b). Each company shall be required to complete and return the survey within thirty days of its initial receipt. The Commission shall publish the results of the survey on its website in a format that contains at least the following categories: companies that provide comparable health insurance coverage to spouses and Life Partners of employees; companies that provide coverage to spouses but do not provide coverage to Life Partners; companies that provide no health insurance to spouses or Life Partners; and companies that did not respond to the survey. The agency responsible for conducting the survey shall repeat the survey annually and, in the interim, shall update the published information on the Commission's website whenever a business provides notice that it belongs in a different category.*

(8) *The provisions of Sections 9-1111 through 9-1122 of this Chapter shall apply to alleged violations of the requirements of subsections (2) through (7) of this Section 9-1126.*

§ 9-1127. *Gender Neutrality.*

(1) *Pursuant to Section 5-1101(c) of the Charter, the Department of Records shall, no later than one year after the effective date of this Ordinance, review all forms required by City departments and agencies and revise those forms by replacing requests for gender-specific identification with gender-neutral requests. The revisions required by this subsection shall include, for example, replacing the terms "Mother" and "Father" with "Parent/Legal Guardian"; and, where it is necessary to request the gender of a person, an option for that person to self-identify the person's gender in addition to the options of "Male" and "Female."*

(2) *Exceptions. Revisions pursuant to subsection (1) shall not be required for a particular form if the Commission or City Solicitor certifies and advises the Department of Records in writing that any of the following circumstances exists:*

(a) *gender-specific information will further the ability of the requesting agency to perform its responsibilities;*

(b) *state or federal law requires the use of gender-specific information;*

# City of Philadelphia

BILL NO. 120956 continued

(c) *eligibility for funding depends upon the use of gender-specific information;*

(d) *the Commission has determined that, for a reason not listed above, gender-specific data is required, in which case the Commission shall specify the reason for this exception.*

§ [9-1125] 9-1128. Severability.

\* \* \*

## CHAPTER 9-1700. REQUIRED POLICY FOR EMPLOYERS WITHIN THE CITY OF PHILADELPHIA REGARDING ASPECTS OF TRANSMISSION OF HUMAN IMMUNODEFICIENCY VIRUS

\* \* \*

§ 9-1702. Definitions.

\* \* \*

(3) **Employer.** Any person who employs more than three (3) employees exclusive of his parents, spouse, *Life Partner* or children, including any governmental unit, agency or employee as to which the City has power to legislate, but excluding any fraternal, sectarian, charitable or religious organization.

\* \* \*

SECTION 6. Title 10 of The Philadelphia Code is hereby amended to read as follows:

## TITLE 10. REGULATION OF INDIVIDUAL CONDUCT AND ACTIVITY

\* \* \*

### CHAPTER 10-800. SAFETY

\* \* \*

§ 10-828. Strict Liability for Damages Caused by Certain Firearms.

(1) **Definitions.**

# City of Philadelphia

BILL NO. 120956 continued

(a) Smart gun. A firearm which incorporates within its design, and as part of its original manufacture, technology which cannot be readily deactivated and which automatically limits the firearm's operational use so that it may only be fired by the particular individual to whom it is sold, or an immediate family member *or Life Partner* of that individual who is the legal age to purchase a firearm. Such technology may include, but is not limited to, touch memory, automated fingerprint identification systems, and other automatic user identification systems utilizing biometrics, mechanism, and electronic systems.

\* \* \*

SECTION 7. Title 14 of The Philadelphia Code is hereby amended to read as follows:

## TITLE 14. ZONING AND PLANNING

\* \* \*

### CHAPTER 14-200. DEFINITIONS

\* \* \*

§ 14-203. Definitions.

\* \* \*

(115) Family.

A person living independently or a group of persons living as a single household unit using housekeeping facilities in common, but not to include more than three persons who are unrelated by blood, marriage, *Life Partnership*, adoption, or foster-child status.

\* \* \*

### CHAPTER 14-600. USE REGULATIONS

§ 14-601. Use Categories.

\* \* \*

# City of Philadelphia

BILL NO. 120956 continued

(4) Public, Civic, and Institutional Use Category.

\* \* \*

(c) Day Care.

Uses providing care, protection, and supervision for children or adults for a fee on a regular basis away from their primary residence for less than 24 hours per day. Examples include preschools, nursery schools, Head Start programs, latch key programs, and adult daycare programs. The following are not regulated as day care uses: (i) care given by guardians or relatives of the children or adults, or (ii) care given away from the primary residence of the children or adults by babysitters or caregivers for fewer than 10 hours per week. For the purposes of the day care use subcategory, the term “relative” shall mean a spouse, *Life Partner*, parent, child, stepparent, stepchild, grandparent, grandchild, brother, sister, half brother, half sister, aunt, uncle, niece, or nephew. The following are day care specific use types:

\* \* \*

SECTION 8. Title 17 of The Philadelphia Code is hereby amended to read as follows:

## TITLE 17. CONTRACTS AND PROCUREMENT

\* \* \*

### CHAPTER 17-1900. EQUAL BENEFITS.

\* \* \*

#### § 17-1902. Equal Benefits.

(3) A contractor shall accept any of the following as proof of a Life Partnership:

\* \* \*

(c) An official document evidencing a marriage, civil union, domestic partnership, or the equivalent, under the laws of any state or country[, and undertaken

# City of Philadelphia

BILL NO. 120956 continued

between two people who share the same gender identity as defined under Section 9-1102(1)(k)].

\* \* \*

SECTION 9. Title 19 of The Philadelphia Code is hereby amended to read as follows:

## TITLE 19. FINANCE, TAXES AND COLLECTIONS

\* \* \*

### CHAPTER 19-1400. REALTY TRANSFER TAX

\* \* \*

§ 19-1402. Definitions.

\* \* \*

(8) Members of the same family. Any individual, such individual's brothers and sisters, the brothers and sisters of such individual's parents and grandparents, the ancestors and lineal descendants of any of the foregoing, a spouse of any of the foregoing, *a Life Partner of any of the foregoing, children of a Life Partner of any of the foregoing*, and the estate of any of the foregoing. Individuals related by the halfblood or legal adoption shall be treated as if they were related by the wholeblood.

\* \* \*

§ 19-1405. Excluded Transactions.

The tax imposed by Section 19-1403 shall not be imposed upon:

\* \* \*

(6) A transfer between husband and wife, between persons who were previously husband and wife who have since been divorced, provided the property or interest therein subject to such transfer was acquired by the husband and wife or husband or wife prior to the granting of the final decree in divorce, *between persons who were previously Life Partners who have since terminated their Life Partnership, provided the property or interest therein subject to such transfer was acquired by the Life Partners or by one of the Life Partners prior to the termination of the Life Partnership*, between

# City of Philadelphia

BILL NO. 120956 continued

parent and child or the spouse *or Life Partner* of such child, between brother or sister or spouse *or Life Partner* of a brother or sister, between a grandparent and grandchild or the spouse *or Life Partner* of such grandchild and between any life partners, except that a subsequent transfer by the grantee within one year shall be subject to tax as if the grantor were making such transfer. The parties to any such a transfer shall jointly sign the Philadelphia Real Estate Transfer Tax Certification Affidavit as issued by the Revenue Department. For purposes of this paragraph, the term "life partner" shall mean a member of a Life Partnership that is verified pursuant to § 9-1123.

\* \* \*

## CHAPTER 19-2600. BUSINESS INCOME AND RECEIPTS TAXES

\* \* \*

### § 19-2604. Tax Rates, Credits, and Alternative Tax Computation.

\* \* \*

#### (14) *Life Partner Health Benefits Tax Credit.*

(a) *Reserved.*

(b) *Eligibility. The tax credit provided by this subsection (14) shall only be awarded to businesses that meet all of the following criteria:*

(i) *The business makes health insurance coverage available for the Life Partners of its employees, and children of such Life Partners, on the same basis and to the same extent as such business makes health insurance coverage available for spouses of employees, and children of such spouses.*

(ii) *During the three tax years immediately prior to the tax year for which the business first claims a credit pursuant to this subsection (14), the business did not make health insurance coverage available for the Life Partners of its employees, and children of such Life Partners, on the same basis and to the same extent as such business makes health insurance coverage available for spouses of employees, and children of such spouses.*

(c) *Application. Application for the Life Partner Health Benefits Tax Credit shall be on such form as the Department specifies, and shall include documentation that the business meets the eligibility criteria under subsection (14)(b). Such documentation shall include such evidence of eligibility as the Department may*

# City of Philadelphia

BILL NO. 120956 continued

require.

(d) *Tax Credit.*

(i) *For any full tax year in which a business continuously meets the eligibility criteria set forth in subsection (14)(b), the business shall be eligible to claim a non-refundable tax credit against its business income and receipts tax liability for such tax year as follows:*

(.1) *In the first year of eligibility, the tax credit shall be calculated as \_\_\_\_% of the amount expended by the business during the tax year to purchase health benefits for the Life Partners of its employees and the children of such Life Partners, up to \$\_\_\_\_\_.*

(.2) *In the immediately following year if the business is still eligible, the tax credit shall be calculated as \_\_\_\_% of the amount expended by the business during the tax year to purchase health benefits for the Life Partners of its employees and the children of such Life Partners, up to \$\_\_\_\_\_.*

(ii) *No business may claim a tax credit under this subsection (14) in any year other than as provided above, and no business may claim a tax credit under this subsection (14) in more than two consecutive years.*

(iii) *In the event that the aggregate amount of tax credits under this subsection (14) to which businesses are entitled in any tax year under subsection (14)(d)(i) would exceed \$\_\_\_\_\_, the amount of tax credit awarded to any business under subsection (14)(d)(i) shall instead be computed as follows: (A) obtaining a reduction factor by dividing \$\_\_\_\_\_ by the aggregate amount of all tax credits sought in that year under subsection (14)(d)(i); and (B) multiplying the amount of the tax credit to which a business would be entitled under subsection (14)(d)(i) by the reduction factor.*

(iv) *Unused tax credits provided under this subsection (14) may not be carried forward.*

(f) *Repayment of Credits. A business shall repay any credits claimed for a tax year pursuant to this subsection (14) if, at any time within three years from the end of such tax year, the business ceases to make health benefits available for the Life Partners of its employees, and children of such Life Partners, on the same basis and to the same extent as the business makes such benefits available for spouses of employees, and children of such spouses.*



# City of Philadelphia

BILL NO. 120956 continued

(g) *Regulations.* The Department may issue regulations governing the implementation of this subsection (14), including, but not limited to, the manner in which eligibility under subsection (14)(b) is determined, and the manner in which subsection (14)(f) is enforced.

(h) *Reporting.* The Revenue Department shall, by December 31 of each year, submit a written report to the Mayor, the Council President, and the Chief Clerk of Council, summarizing the City's experience during the prior year with the tax credit provided under this subsection (14).

\* \* \*

SECTION 10. Title 20 of The Philadelphia Code is hereby amended as follows:

## TITLE 20. OFFICERS AND EMPLOYEES

\* \* \*

### CHAPTER 20-600. STANDARDS OF CONDUCT AND ETHICS

\* \* \*

§ 20-601. Definitions.

\* \* \*

(9) *Immediate Family.* A spouse or *Life Partner* residing in the individual's household and minor dependent children.

\* \* \*

### CHAPTER 20-800. THE W. THACHER LONGSTRETH MEMORIAL SURVIVORS AND DEPENDENTS MEDICAL CARE ORDINANCE

§20-801. Definitions.

\* \* \*

(2) *Eligible Family Member.* A spouse or dependent [unmarried] *single child* under the age of nineteen, a *Life Partner or dependent single child of a Life Partner under the age of nineteen*, [or] a dependent [unmarried] *single child* under the age of

# City of Philadelphia

BILL NO. 120956 continued

twenty-three who is a full time student, *or a dependent single child of a Life Partner under the age of twenty-three who is a full time student.*

\* \* \*

## CHAPTER 20-900. HEALTH AND WELFARE BENEFITS FOR PENSIONED EMPLOYEES

\* \* \*

§ 20-902. Continuation of Health and Welfare Benefits for Eligible Family Members.

In the event that a pensioned employee who qualifies for the health and welfare benefits provided for in § 20-801 dies within the five year period, health and welfare benefits for the employee's spouse *or Life Partner* and dependent children *or dependent children of the employee's Life Partner* shall continue for the entire five year period.

\* \* \*

## CHAPTER 20-1200. LOBBYING

§ 20-1201. Definitions.

\* \* \*

(14) "Immediate family." An individual's spouse, *Life Partner*, child, *Life Partner's child*, parent, brother, sister and like relative-in-law.

\* \* \*

SECTION 11. Title 21 of The Philadelphia Code is hereby amended as follows:

## TITLE 21. MISCELLANEOUS

### CHAPTER 21-100. CITY EMBLEMS, COLORS AND AWARDS

\* \* \*

§ 21-105. Hero Awards.

(1) The Council hereby provides that the sum of twenty-five thousand dollars (\$25,000) may be awarded to the surviving spouse *or Life Partner* or dependent children

# City of Philadelphia

BILL NO. 120956 continued

*or dependent children of a Life Partner* or dependent parents of every firefighter, police officer and prosecution detective who is killed in the course of performing a heroic deed which, in the judgment of the Hero Award Committee, involves a special hazard or risk; provided, however, that payments of said sum shall be made at the rate of five hundred dollars (\$500) per month for a period of fifty months, and shall be subject to the provisions of subsection (6).

\* \* \*

(6) The payments provided for in this Section shall be made in the following order of priority:

(a) surviving spouse *or surviving Life Partner*, if the surviving spouse *or surviving Life Partner* was living with deceased at the time of his or her death, or was actually dependent upon him or her at such time; and payments shall continue so long as the surviving spouse remains [unmarried] *single or does not enter into a subsequent Life Partnership*;

(b) dependent children *and dependent children of a Life Partner*, which shall include stepchildren, children to whom deceased stood in loco parentis, and posthumous children;

(c) dependent parents.

\* \* \*

SECTION 12. Title 22 of The Philadelphia Code is hereby amended as follows:

## TITLE 22. PUBLIC EMPLOYEES RETIREMENT CODE

\* \* \*

### CHAPTER 22-300. RETIREMENT BENEFITS

\* \* \*

§ 22-304.

The unmarried surviving spouse *or single surviving Life Partner* of any retired member of Plan D or Plan X who was married to [the member], *or in a Life Partnership with, the member* for at least two (2) years prior to the member's retirement and who is not receiving or is not eligible to receive any other benefits from the Retirement System

# City of Philadelphia

BILL NO. 120956 continued

shall receive a minimum pension of two hundred and fifty dollars (\$250.00) per month. This pension shall continue until the surviving spouse *or surviving Life Partner* [remarries] *is no longer single* or dies.

\* \* \*

## § 22-306. Retirement and Survivorship Benefit Options.

(1) Election of options. Any member may at any time prior to retirement elect in writing one of the following options pursuant to which retirement benefits and survivorship benefits will be paid.

\* \* \*

Option 4 – With respect to a member of Plan D, Plan J, Plan A, Plan B or Plan X and police and fire members of Plan '10 only, the retired member will receive retirement benefits in the form of an annuity for life. If the retired member elected this option or dies without having elected any option, one-half of the amount of the member's retirement benefit, without reduction, shall be paid to the member's surviving spouse *or surviving Life Partner*, provided that they were married *or Life Partners* at least two (2) years before retirement or the date on which a separated member became eligible to apply for retirement benefits.

Option 5 – Under this option, the member shall choose one of Options 1 through 3 (or, if eligible, Option 4), and in addition, the member shall receive a partial lump sum benefit under the provisions of § 22-312. The member's retirement benefits shall be governed by § 22-312. This Option shall not be available to a member who at any time has elected to participate in the Deferred Retirement Option Plan under § 22-310. A member who elected Option 5 and is subsequently rehired shall not, after such rehire, be eligible to elect Option 5 again, nor be eligible to participate in the Deferred Retirement Option Plan.

Upon the death of the surviving spouse *or surviving Life Partner*, or if there is no surviving spouse *or surviving Life Partner* who qualifies under the previous paragraph, the retirement benefit shall be paid to the dependent children, either natural or adopted, of the deceased member; and to the dependent grandchildren, either natural or adopted, of the deceased member, if the deceased had court ordered or court sanctioned physical and legal custody of the dependent grandchild, until each child or grandchild attains age eighteen (18) or, if any such child or grandchild remains dependent because of physical or mental infirmity, the duration of the infirmity. If there is no eligible child or eligible grandchild, the retirement benefit shall be paid to the dependent parent or parents of the deceased. Upon election of the member at any time during the member's life, any

# City of Philadelphia

BILL NO. 120956 continued

benefit otherwise payable after the member's death to a child or eligible grandchild who remains dependent at the time of the member's death because of physical or mental infirmity may instead be paid to a trust for the benefit of that child or eligible grandchild, so long as the trust meets the following conditions:

\* \* \*

If there is no surviving spouse, *surviving Life Partner*, dependent child or eligible grandchild or parent who qualifies, and the member dies before receiving retirement benefits equal to his or her member contributions, the balance shall be paid to the member's beneficiary.

\* \* \*

(3) Failure to designate survivor. When a member of Plan A, Plan B, Plan L, Plan Y, or Plan '10 retires without designating any survivor and then dies, no further benefits will be paid; provided, however, that if such member is survived by a spouse *or Life Partner* to whom the member had been married *or in a Life Partnership* two (2) years or more, and with whom the member was either living at the time of death, or had one or more children who are under the age of eighteen (18) at the time of the member's death, the member shall be deemed to have designated such spouse *or Life Partner* as the survivor under Option 1.

\* \* \*

§ 22-307. Payment of Retirement Benefit.

\* \* \*

(2) Remaining sums. When a retired member dies and letters testamentary or of administration have not been taken out on the estate of such retired member, the Board may pay any sums remaining due directly to:

(a) the spouse *or Life Partner*;

\* \* \*

§ 22-309. Application for Benefits.

\* \* \*

# City of Philadelphia

BILL NO. 120956 continued

(3) Incapacity to apply. In the event any member is unable, by reason of any disability, to make application personally for retirement or other benefits established by this Title, such application may be made on behalf of the member by a member's spouse, *Life Partner*, parent, son, daughter, brother, sister or legal representative.

\* \* \*

§ 22-501. Service-Connected Death and Health Care Benefits.

\* \* \*

(2) Benefit amount. The service-connected death benefit shall be an amount equal to the total deceased member's contributions to the Retirement System, without interest, together with additional amounts of benefits payable as follows:

(a) A surviving spouse *or surviving Life Partner* who was living with the member or entitled to support from such member at the time of death shall receive an annual benefit equal to sixty percent (60%) of the member's final compensation. If a child or children, under the age of eighteen (18) years also survive the deceased member, each such child shall receive an annual benefit equal to ten percent (10%) of the member's final compensation until such child attains the age of eighteen, but in no event shall the total annual amount paid to the surviving spouse *or surviving Life Partner* and dependent children exceed eighty percent (80%) of the member's final compensation.

(b) If there is no such surviving spouse *or Life Partner*, or [if the] *such* surviving spouse dies [or], remarries *or enters into a Life Partnership* before any surviving child of such deceased member shall have attained the age of eighteen (18) years, *or such surviving Life Partner dies, marries, or re-enters into a Life Partnership*, then each child under such age shall receive an annual benefit equal to twenty-five percent (25%) of the member's final compensation, but in no event shall the total annual benefit so paid in any one (1) year exceed seventy-five percent (75%) of the member's final compensation. If there are more than three (3) surviving children under the age of eighteen (18) years, the children shall receive equal shares of such seventy-five percent (75%) of final compensation. When any such child dies or attains the age of eighteen (18) years, there shall be a redistribution by the Board to the surviving children under such age, but in no event shall any child receive more than twenty-five percent (25%) of the member's final compensation in any one year.

(c) If there is no such surviving spouse *or surviving Life Partner* and there is no child under the age of eighteen (18) years surviving such deceased member, then an amount equal to fifteen percent (15%) of final compensation shall be paid to the surviving father and/or mother, if any, of the deceased member if the Board, after

# City of Philadelphia

BILL NO. 120956 continued

investigation, shall find that such parent or parents were actually dependent upon such deceased member through absence of earning power as the result of disability or old age.

(d) If there is no such surviving spouse, *surviving Life Partner*, child under the age of eighteen (18) years or dependent parent surviving such deceased member, then the ordinary death benefit calculated as provided by § 22-502(2) (Ordinary Death Benefits) shall be payable to the deceased member's beneficiary.

(3) Proof of widowhood, *non-participation in a Life Partnership*, or dependency. Any survivor receiving benefits pursuant to the provisions of § 22-501(2) above, shall, not later than the fifteenth day of January of each year, file with the Board proof of continued widowhood, *non-participation in a Life Partnership* or dependency, as the case may be. Failure to file such proof shall result in the suspension of benefits until such proof has been filed.

\* \* \*

(5) Service-connected health care benefit. If the Board determines that the death of a Police Employee or Fire Employee who had been a member of Plan A, Plan B, Plan D, Plan X or Plan '10 resulted from the performance of the duties of such member's position, a service-connected health care benefit shall become payable to the survivors of such member as set forth below. The Board shall avail itself of the services of the Medical Panel in making its determination whether the member died as a result of the performance of the duties of the member's position.

(a) The service-connected health care benefit shall consist of regular payments on behalf of the spouse *or Life Partner* and the member's dependent children of the appropriate cost of maintaining medical, dental, optical and pharmaceutical prescription benefits for such beneficiaries at the same benefit level as would have been in force if the deceased member were still alive and employed in the same position as held at the time of death. Payments on behalf of [the] *a spouse* shall cease upon remarriage *or entry into a Life Partnership*. *Payments on behalf of a Life Partner shall cease upon marriage or re-entry into a Life Partnership*. Payments on behalf of any surviving child shall cease when the child reaches the age of eighteen (18) years or, if any such child upon attaining age eighteen is and remains dependent because of physical or mental infirmity, the duration of the infirmity or, if the child is enrolled as a full-time undergraduate student, when the child ceases to be so enrolled or attains the age of twenty-two (22) years, whichever occurs first.

\* \* \*

§ 22-502. Ordinary Death Benefits.

# City of Philadelphia

BILL NO. 120956 continued

\* \* \*

(4) Ordinary death benefit in lieu of service-connected death benefit. If the deceased member's death was a service-connected death, the surviving spouse *or surviving Life Partner* may elect to receive ordinary death benefits in lieu of service-connected death benefits. If the surviving spouse *or surviving Life Partner* shall die before that surviving spouse's *or surviving Life Partner's* dependent child or children reach the age of eighteen (18) years, then the surviving dependent children under the age of eighteen (18) years shall receive equal shares of the annual benefit that the surviving spouse *or surviving Life Partner* had been receiving. When any such child dies or attains the age of eighteen (18) years, there shall be a redistribution by the Board to the surviving dependent child or children under such age.

(5) Conditions. No spouse *or surviving Life Partner* of a member of Plan D, Plan J or Plan X shall be entitled to receive benefits pursuant to this Section unless such spouse *or Life Partner* (a) was married to *or in a Life Partnership with* the deceased member for not less than two (2) full years before the member died, and was living with or entitled to support from such member at the date of death, or (b) was designated in writing as the beneficiary.

\* \* \*

## CHAPTER 22-700. BENEFICIARIES AND SURVIVORS

### § 22-701. Designation of Beneficiaries.

(1) Permissible designations. The designation of a member's beneficiaries must be in writing and on file with the Board during the member's employment. A member may designate as beneficiaries only individuals within the following categories:

(a) The spouse *or Life Partner* who either lives with the member at the time of the member's death or is entitled to financial support by the member;

\* \* \*

(d) individuals who are specifically named by the member and who are within any of the following categories:

(.1) stepchild or foster child of the member; or

(.2) *child of the member's Life Partner; or*



# City of Philadelphia

BILL NO. 120956 continued

- or [(2)](.3) child for whom the member stood in loco parentis;
- [(3)](.4) individual whom the member is legally obligated to support; or
- Life Partner*; or [(4)](.5) a relative by blood or marriage *or a relative of a*
- [(5)](.6) any other person as designated by the employee.

\* \* \*

## § 22-702. Designation of Survivors.

(1) Permissible designations. Each member shall make an irrevocable designation of survivors upon retirement. The designation of a member's survivors must be in writing and on file with the Board. A member may designate only the following individuals:

- (a) spouse *or Life Partner*;

\* \* \*

(d) individuals who are specifically designated and who are within any of the following categories:

- (.1) stepchild or foster child of the member; or
- (.2) *child of the member's Life Partner; or*
- or [(2)](.3) child for whom the member stood in loco parentis;
- [(3)](.4) individual whom the member is legally obligated to support; or
- Life Partner*; or [(4)](.5) a relative by blood or marriage *or a relative of a*
- [(5)](.6) any other person as designated by the employee.

# City of Philadelphia

BILL NO. 120956 continued

\* \* \*

## CHAPTER 22-900. CONTRIBUTIONS

\* \* \*

§ 22-904. Direct Rollover.

\* \* \*

(2) Definitions.

\* \* \*

(b) Eligible Retirement Plan. An eligible retirement plan is an individual retirement account described in Section 408(a) of the Tax Code, an individual retirement annuity described in Section 408(b) of the Tax Code, an annuity plan described in Section 403(a) of the Tax Code, or a qualified trust described in Section 401(a) of the Tax Code, that accepts the distributee's eligible rollover distribution. However, in the case of an eligible rollover distribution to the surviving spouse *or surviving Life Partner*, an eligible retirement plan is an individual retirement account or individual retirement annuity.

(c) Distributee. A distributee includes a member and a member's spouse *or Life Partner*. The member's surviving spouse *or Life Partner* and the member's former spouse *or Life Partner* who is the alternative payee under an approved domestic relations order, as determined under § 22-1303, are distributees with regard to the interest of the spouse *or Life Partner*, or former spouse *or Life Partner*.

\* \* \*

## CHAPTER 22-1300. MISCELLANEOUS

\* \* \*

§ 22-1303. Exemption from Attachment.

\* \* \*

(5) Domestic relations orders in general. A domestic relations order authorizing the payment of benefits to a child *of a member*, [or] *a former spouse of a member, a*

# City of Philadelphia

BILL NO. 120956 continued

*former Life Partner of a member or a child of such Life Partner*, shall be accepted by the executive director of the Board, or by the executive director's designated representative, as an approved domestic relations order if such order meets all of the following:

\* \* \*

(10) Ineligible designations of beneficiary or survivor; exception. Notwithstanding the provisions of subsections (8) and (9) of this § 22-1303, a person ineligible to be designated as a survivor may not be designated an irrevocable survivor and a person ineligible to be designated as a beneficiary may not be designated an irrevocable beneficiary, except that a former spouse *or former Life Partner* named as either an irrevocable beneficiary or an irrevocable survivor in a domestic relations order shall be deemed to be a "person whom the member is legally obligated to support" for purposes of § 22-501 (Service-Connected Death and Health Care Benefits), § 22-502 (Ordinary Death Benefits), § 22-701 (Designation of Beneficiaries) and § 22-702 (Designation of Survivors).

(11) Designation of survivor by domestic relations order; prohibition. Although the designation of a survivor pursuant to § 22-306 (Retirement and Survivorship Benefit Options) is irrevocable (unless made in accordance with § 22-702 (Designation of Survivors)), the Board may implement the provisions of a domestic relations order requiring a member to designate a former spouse *of a member*, [or] a child of the member, *a former Life Partner of a member, or a child of such Life Partner*, as a survivor under Option 1, Option 2 or Option 3 of § 22-306 (Retirement and Survivorship Benefit Options). In no event shall the Board recognize the designation of any survivor not otherwise qualified as a survivor under Option 4 of § 22-306.

\* \* \*

## CHAPTER 22-1400. DEFINED CONTRIBUTION PLAN

\* \* \*

§ 22-1402. Definitions.

In addition to the definitions set forth in §§ 1-103(1) and 22-105 of the Code, the following definitions apply to this Chapter.

\* \* \*

(4) Eligible Retirement Plan. Any of the following: (a) an individual retirement account described in Tax Code Section 408(a); (b) an individual retirement annuity

# City of Philadelphia

BILL NO. 120956 continued

described in Tax Code Section 408(b); (c) an annuity plan described in Tax Code Section 403(a); (d) a qualified trust described in Tax Code Section 401(a); (e) an annuity contract described in Tax Code Section 403(b); and (f) an eligible plan under Tax Code Section 457(b) which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state, and which accepts the Member's Eligible Rollover Distribution. However, in the case of an Eligible Rollover Distribution to the non-spousal *or non-Life Partner* beneficiary of a member, an Eligible Retirement Plan is an individual retirement account or individual retirement annuity.

\* \* \*

SECTION 13. Severability. If any clause, sentence, paragraph or part of this Ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance nor the application of such clause, sentence, paragraph or part to other persons or circumstances but shall be confined in its operation to the clause, sentence, paragraph or part thereof and to the persons or circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such provisions not been included or such persons or circumstances been expressly excluded from their coverage.

SECTION 14. This Ordinance shall take effect immediately, with the following exception: The provisions establishing the Life Partner Health Benefits Tax Credit (to be incorporated as Section 19-2604(14) of the Code) shall take effect beginning with Tax Year 2013. Nothing in this Ordinance shall affect the amount of estimated business income and receipts tax payments required to be paid in April 2013 for estimated Tax Year 2013 tax liabilities, and such estimated tax payments shall be calculated as if this Ordinance were not in effect for Tax Year 2013.

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**Explanation:**

[Brackets] indicate matter deleted.  
*Italics* indicate new matter added.