

Legislation Text

File #: 230005, Version: 1

Amending Section 9-1102 through 1123 of The Philadelphia Code, entitled “Verification of Life Partnerships,” by removing gendered language relating to same-sex and same-gender couples, expanding access to this Life Partnerships regardless of gender.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 9-1100 of the Philadelphia Code is amended to read as follows:

TITLE 9. REGULATION OF BUSINESSES TRADES AND PROFESSIONS

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

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§ 9-1102. Definitions.

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

(r) Life Partnership. A long-term committed relationship between two unmarried individuals [of the same sex or gender identity] 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 three months unless the prior Life Partnership ended as a result of the death of the other Life Partner; (.6) agree to share the common necessities of life and to be responsible for each other's common welfare; (.7) share at least one residence with the other Life Partner; and (.8) agree under penalty of law to notify the Commission *or such other agency with respect to which the Commission has an agreement to administer Life Partnerships* of any change in the status of the Life Partnership.

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§ 9-1123. Verification of Life Partnerships.

(1) No Life Partnership shall be recognized as such under this Chapter unless the members of the Life Partnership have verified the Life Partnership by: (i) filing with the Commission *or such other agency with respect to which the Commission has an agreement to administer Life Partnerships* a Verification Statement, in

the form and manner required by [the Commission,] *such agency*, which states, on penalty of perjury, that the Life Partnership meets all the provisions of subsection 9-1102(1)(r) (relating to definition of Life Partnership); and (ii) filing with the Commission *or such other agency with respect to which the Commission has an agreement to administer Life Partnerships* 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:

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(2) The foregoing requirements of proof for interdependency and verification may be changed or modified by the Commission *or such other agency with respect to which the Commission has an agreement to administer Life Partnerships* at any time, by regulation.

§ 9-1124. Termination of Life Partnerships.

(1) Either Life Partner may terminate the Life Partnership by filing a sworn Termination Statement with the [Commission,] *Commission or such other agency with respect to which the Commission has an agreement to administer Life Partnerships*, in the form and manner required by the [Commission,] *agency*, 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 Statement shall become effective sixty (60) days from the date proof is filed with the Commission *or such other agency with respect to which the Commission has an agreement to administer Life Partnerships* that a copy of the Termination Statement was served, either personally or by certified or registered mail, on the other Life Partner.

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

(1) The Commission *or such other agency with respect to which the Commission has an agreement to administer Life Partnerships* shall advise all applicants that Life Partnership does not provide the protections afforded by marriage, and shall make such forms and information available to applicants as the [Commission] *agency* deems appropriate on issues that may include, but are not limited to, adoption, medical treatment, and end-of-life decisions, advance health care directives, living wills, durable health care powers of attorney, appointment of a health care agent, guardian designations, and wills; provided that the [Commission] *agency* shall not provide legal advice or services.

(2) The Commission *or such other agency with respect to which the Commission has an agreement to administer Life Partnerships* 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] *agency* 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] *agency* 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.

(3) The Commission *or such other agency with respect to which the Commission has an agreement to administer Life Partnerships* may, by regulation, 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] *agency* may reduce or waive the fee upon a showing of financial hardship.

§ 9-1126. Life Partnerships - Responsibilities of Others.

(1) Health Care Providers.

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(c) If a provider does not require spouses of patients to prove their spousal status, then the provider shall not require Life Partners to prove Life Partner status. If such proof is required, then the provider may accept as proof any evidence of the Life Partnership the provider deems acceptable, provided that the provider shall accept a copy of the official document issued by the Commission *or such other agency with respect to which the Commission has an agreement to administer Life Partnerships* pursuant to subsection 9-1125(2) confirming Life Partner status.

(2) Funeral Providers. The Verification Statement designed by the Commission *or such other agency with respect to which the Commission has an agreement to administer Life Partnerships* 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. § 305 ("Right to dispose of a decedent's remains"). In designing this section of the Verification Statement, the Commission *or such other agency with respect to which the Commission has an agreement to administer Life Partnerships* shall ensure that the section complies with all requirements of state law as to form and verification.

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Explanation:

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