

# THE COUNCIL

The City of New York

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Int. No. 303

May 13, 1998

Introduced by the Speaker (Council Member Vallone), Council Members Duane, DiBrienza, Freed, Pinkett, Berman, Reed, Robles, Eisland, Lopez, McCaffrey, Rivera, Koslowitz, Fisher, Watkins, Eldridge, Sabini, Miller, Eristoff, Malave-Dilan, Espada, Fisher, Henry, Michels, Perkins, White and (The Public Advocate) Mr. Green (by the request of the Mayor); also Council Members Carrion, Clarke, Foster, Harrison, Leffler, Marshall, O'Donovan and Robinson—read and referred to the Committee on General Welfare.

## A LOCAL LAW

**To amend the charter and administrative code of the city of New York, in relation to domestic partners.**

*Be it enacted by the Council as follows:*

1       Section 1. Declaration of legislative intent and findings. Mayoral Executive Orders  
2       spanning the past two administrations have established several rights and procedures rel-  
3       ative to domestic partnerships, including a procedure for City residents to register their  
4       domestic partnerships in the office of the City Clerk. Such orders have further provided,  
5       among other things, that (i) registered domestic partners are eligible for visitation rights  
6       in City hospitals and correction facilities; (ii) City employees with registered domestic  
7       partnerships are eligible for child care leave and bereavement leave on the same basis as  
8       those benefits are afforded to employees with regard to their spouses; and (iii) registered  
9       domestic partnership is evidence of the right to succession to tenancy rights in facilities  
10      operated by the New York City housing authority and the department of housing preser-  
11      vation and development. By the end of April 1998, there were approximately 8,700  
12      couples registered as domestic partners in New York City. More than 55% of those reg-

1 istered domestic partners were heterosexual couples, and less than 45% were same sex  
2 couples. Almost forty percent of registered domestic partnerships have accessed City  
3 health benefits available to partners of City employees and retirees.

4 The Council hereby finds that the provisions of those executive orders (Executive  
5 Order No. 48, dated January 7, 1993 and Executive Order No. 49, dated January 7,  
6 1993) should now be enacted into local law and that, consistent with the intent of such  
7 orders and subject to any applicable federal or state law, the various provisions applica-  
8 ble to spouses in the charter and administrative code of the City of New York, as speci-  
9 fied herein, should now be extended to domestic partners. The Council further notes that  
10 concurrent with the enactment of this legislation, agencies will be amending their rules  
11 and completing a review of agency policies and practices to effectuate that intent regard-  
12 ing domestic partners.

13 § 2. Chapter 2 of title 3 of the administrative code of the city of New York is  
14 amended by adding a new subchapter 3, entitled domestic partnerships, to read as fol-  
15 lows:

16 *Subchapter 3. Domestic Partnerships*

17 § 3-240. *As used in this section, the following terms shall have the following*  
18 *meanings:*

19 a. *"Domestic partners" shall mean persons who have a registered domestic part-*  
20 *nership, which shall include any partnership registered pursuant to this chapter, any*  
21 *partnership registered in accordance with executive order number 123, dated August 7,*  
22 *1989, and any partnership registered in accordance with executive order number 48,*  
23 *dated January 7, 1993. Nothing in this code shall affect a partnership that has been reg-*  
24 *istered pursuant to either such executive order and has not been terminated in accor-*  
25 *dance with such executive orders or this chapter.*

1           *b. "Registry of domestic partnerships" shall mean the registry maintained by the*  
2 *city clerk pursuant to this chapter, and shall include all domestic partnerships regis-*  
3 *tered by the city clerk pursuant to executive order number 48, dated January 7, 1993.*

4           *c. "Affidavit of domestic partnership" shall mean an affidavit prepared by the*  
5 *office of the city clerk in accordance with rules adopted by the city clerk.*

6           § 3-241. *Domestic partnership registration. a. A domestic partnership may be*  
7 *registered by two people who meet all of the following conditions:*

8           1. *Either: (a) both persons are residents of the city of New York or (b) at least one*  
9 *partner is employed by the city of New York on the date of registration;*

10           2. *Both persons are eighteen years of age or older;*

11           3. *Neither of the persons is married;*

12           4. *Neither of the persons is a party to another domestic partnership, or has been a*  
13 *party to another domestic partnership within the six months immediately prior to regis-*  
14 *tration;*

15           5. *The persons are not related to each other by blood in a manner that would bar*  
16 *their marriage in the state of New York;*

17           6. *The persons have a close and committed personal relationship, live together and*  
18 *have been living together on a continuous basis.*

19           *b. In order to register, persons shall execute an affidavit of domestic partnership*  
20 *and submit it to the city clerk, who shall maintain a registry of domestic partnerships.*  
21 *Both parties to the partnership shall be present when the affidavit is submitted.*

22           *c. Except when one of the parties is confined to a prison, in a hospital or other*  
23 *health care facility, or is unable to travel to the office of the city clerk because of a dis-*  
24 *ability, the affidavits shall be submitted to the city clerk at the office of the city clerk.*

25           *The city clerk may adopt such rules as are necessary to implement the domestic partner-*

1 *ship registration program. Such rules shall include provisions necessary to provide for*  
2 *the registration of domestic partners when one of the partners is in prison or unable to*  
3 *travel, which shall be equivalent to the rules applicable to persons in such circum-*  
4 *stances who apply for a marriage license.*

5 *§ 3-242. a. Termination of domestic partnership. If either party or both parties to*  
6 *a registered domestic partnership determines that the partnership has terminated, one of*  
7 *the partners shall file a termination statement with the city clerk. The person filing the*  
8 *termination statement shall declare that the domestic partnership is terminated and, if*  
9 *the termination statement has not been signed by both domestic partners, that the other*  
10 *domestic partner has been notified of such termination by registered mail, return receipt*  
11 *requested.*

12 *b. A domestic partnership shall terminate whenever one of the parties to the part-*  
13 *nership marries.*

14 *§ 3-243. Confidentiality of domestic partnership information. The city clerk shall*  
15 *establish procedures to ensure the confidentiality of information in the registry of*  
16 *domestic partnerships.*

17 *a. In the ordinary course of business, such records shall be released only:*

18 *1. To the parties to the domestic partnership;*

19 *2. To individuals presenting written authorization from one of the parties to the*  
20 *domestic partnership;*

21 *3. To attorneys in cases where such records are required as evidence in a legal*  
22 *proceeding.*

23 *b. The following restrictions shall not apply to records that are at least fifty years*  
24 *old, or to records where both parties to the domestic partnership are deceased:*

25 *1. Where a party to the domestic partnership sends a third party to obtain their*

1 *domestic partnership record without a letter of authorization, the third party may make*  
2 *the request and pay any applicable fee if the third party consents to having the record*  
3 *mailed directly to the party to the domestic partnership. The record shall not be*  
4 *released directly to the unauthorized third party.*

5 *2. If a person requires information concerning the prior history of domestic part-*  
6 *nerships of a person who is that person's domestic partner or spouse or prospective*  
7 *domestic partner or spouse, the office of the City Clerk shall, upon receiving adequate*  
8 *assurance that such person's interest is as described in this paragraph, payment of the*  
9 *appropriate fee, and the furnishing of an approximate date of the registration of the*  
10 *partnership and sufficient information to search under at least one party's name, con-*  
11 *firm only the fact of a prior domestic partnership by a "yes" or "no" answer.*

12 *c. Nothing herein shall be construed to prohibit the publication of statistics per-*  
13 *taining to domestic partnerships which have been registered by the city clerk, provided*  
14 *that appropriate measures are taken to prevent identification of persons registered.*

15 *§ 3-244. Certificate of domestic partnership registration. The city clerk shall issue*  
16 *a certificate of domestic partnership registration to persons who have registered pur-*  
17 *suant to this subchapter. Such a certificate shall constitute notice of a registered domes-*  
18 *tic partnership when persons apply for rights or benefits available to domestic partners,*  
19 *including but not limited to:*

20 *a. Bereavement leave and child care leave of absence for city employees;*

21 *b. Visitation in city correctional and juvenile detention facilities;*

22 *c. Visitation in facilities operated by the New York City health and hospitals*  
23 *corporation;*

24 *d. Eligibility to qualify as a family member to be added by the New York City*  
25 *housing authority to an existing tenancy as a permanent resident;*

1           e. Eligibility to qualify as a family member entitled to succeed to the tenancy or  
2 occupancy rights of a tenant or cooperator in buildings supervised by or under the  
3 jurisdiction of the department of housing preservation and development;

4           f. Health benefits provided by the city to city employees and retirees and eligible  
5 members of their families, pursuant to stipulation or collective bargaining;

6           g. Such other rights or benefits as may be established pursuant to applicable law.

7           § 3. Section 1150 of the charter of the city of New York is amended by adding a  
8 new subdivision 13, to read as follows:

9           13. The term "domestic partner" shall mean persons who have a registered domes-  
10 tic partnership pursuant to section 3-240 of the administrative code, a domestic partner-  
11 ship registered in accordance with executive order number 123, dated August 7, 1989,  
12 or a domestic partnership registered in accordance with executive order number 48,  
13 dated January 7, 1993.

14           § 4. Paragraph 3 of subdivision a of section 111 of the charter of the city of New  
15 York, as added by vote of the electorate on November 7, 1989, is amended to read as  
16 follows:

17           3. Require each member of its governing board to submit to the agency each year a  
18 disclosure statement including such member's name, home address, principal occupation  
19 and business interests from which such member or such member's spouse or domestic  
20 partner received income equal to or greater than ten percent of their aggregate gross  
21 income during the previous year.

22           § 5. Subdivisions 5, 6, 16 and 21 of section 2601 of the charter of the city of New  
23 York, as added by vote of the electorate on November 8, 1988, are amended to read as  
24 follows:

25           5. A person or firm "associated" with a public servant includes a spouse, domestic

1 *partner*, child, parent or sibling; a person with whom the public servant has a business  
2 or other financial relationship; and each firm in which the public servant has a present or  
3 potential interest.

4 6. "Blind trust" means a trust in which a public servant, or the public servant's  
5 spouse, *domestic partner*, or unemancipated child, has a beneficial interest, the holdings  
6 and sources of income of which the public servant, the public servant's spouse, *domestic*  
7 *partner*, and unemancipated child have no knowledge, and which meets requirements  
8 established by rules of the board, which shall include provisions regarding the indepen-  
9 dent authority and discretion of the trustee, and the trustee's confidential treatment of  
10 information regarding the holdings and sources of income of the trust.

11 16. "Ownership interest" means an interest in a firm held by a public servant, or the  
12 public servant's spouse, *domestic partner*, or unemancipated child, which exceeds five  
13 percent of the firm or an investment of twenty-five thousand dollars in cash or other  
14 form of commitment, whichever is less, or five percent or twenty-five thousand dollars  
15 of the firm's indebtedness, whichever is less, and any lesser interest in a firm when the  
16 public servant, or the public servant's spouse, *domestic partner*, or unemancipated child  
17 exercises managerial control or responsibility regarding any such firm, but shall not  
18 include interests held in any pension plan, deferred compensation plan or mutual fund,  
19 the investments of which are not controlled by the public servant, the public servant's  
20 spouse, *domestic partner*, or unemancipated child, or in any blind trust which holds or  
21 acquires an ownership interest. The amount of twenty-five thousand dollars specified  
22 herein shall be modified by the board pursuant to subdivision a of section twenty-six  
23 hundred three.

24 21. a. "Spouse" means a husband or wife of a public servant who is not legally  
25 separated from such public servant.

1           b. "Domestic partner" means persons who have a registered domestic partnership  
2 pursuant to section 3-240 of the administrative code, a domestic partnership registered  
3 in accordance with executive order number 123, dated August 7, 1989, or a domestic  
4 partnership registered in accordance with executive order number 48, dated January 7,  
5 1993.

6           § 6. Subparagraph (a) of paragraph (15) of subdivision a of section 2903 of the  
7 charter of the city of New York, as amended by local law number 43 for the year 1995,  
8 is amended to read as follows:

9           (a) The commissioner shall issue a special vehicle identification parking permit to a  
10 New York city resident who requires the use of a private automobile for transportation  
11 and to a non-resident who requires the use of a private automobile for transportation to a  
12 school in which such applicant is enrolled or to a place of employment, when such  
13 person has been certified by the department of health or a provider designated by the  
14 department or the department of health, who shall make such certification in accordance  
15 with standards and guidelines prescribed by the department or the department of health,  
16 as having a permanent disability seriously impairing mobility. A permit shall be issued  
17 to such person upon his or her application. A permit shall also be issued to such person  
18 upon application made on such person's behalf by a parent, spouse, *domestic partner*,  
19 guardian or other individual having legal responsibility for the administration of such  
20 person's day to day affairs. Any vehicle displaying such permit shall be used exclusive-  
21 ly in connection with parking a vehicle in which the person to whom it has been issued  
22 is being transported or will be transported within a reasonable period of time. Such per-  
23 mit shall not be transferable and shall be revoked if used on behalf on any other person.  
24 Any abuse by any person to whom such permit has been issued of any privilege, benefit  
25 or consideration granted pursuant to such permit, shall be sufficient cause for revocation

1 of said permit.

2 § 7. Section 1-112 of the administrative code of the city of New York is amended  
3 by adding a new subdivision 21 to read as follows:

4 21. The term "*domestic partner*" shall mean persons who have a registered domes-  
5 tic partnership pursuant to section 3-240 of the administrative code, a domestic partner-  
6 ship registered in accordance with executive order number 123, dated August 7, 1989,  
7 or a domestic partnership registered in accordance with executive order number 48,  
8 dated January 7, 1993.

9 § 8. Subdivision a of section 3-204.2 of the administrative code of the city of New  
10 York, as amended by local law number 59 for the year 1996, is amended to read as fol-  
11 lows:

12 (a) The city clerk, clerk of the council shall have the power at the request of any  
13 member of the council who shall hereafter resign or whose term of office shall hereafter  
14 terminate, or a surviving spouse or *domestic partner* of such member, to sell and trans-  
15 fer to such member or to such surviving spouse or *domestic partner* the chair last occu-  
16 pied by such member in the councilmanic chamber for the sum of [thirtyfive] *thirty-five*  
17 dollars, depositing any monies received from such sale with the commissioner of  
18 finance; provided however, that a written request therefor accompanied by the payment  
19 herein provided be submitted to the city clerk, clerk of the council within sixty days  
20 after any such resignation or termination of term of office. The commissioner of city-  
21 wide administrative services shall upon notice from the city clerk, clerk of the council  
22 make prompt replacement of such chair so transferred or sold.

23 § 9. Sections 3-401, 3-402, 3-403, 3-404 and 3-405 of the administrative code of  
24 the city of New York, section 3-402 as amended by local law number 2 for the year  
25 1997, are amended to read as follows:

1       § 3-401 Awards to spouses of killed firefighters, police officers and transit police  
2 officers. The [board of estimate] *mayor* is authorized and empowered to make an award  
3 to the spouse *or domestic partner* of a member of the uniformed force of the police  
4 department, fire department or uniformed transit police force, maintained by the New  
5 York city transit authority, killed while engaged in the discharge of duty. Such award  
6 shall equal the annual salary of such member at the time of death, but in no case less  
7 than the full salary payable to a first grade police officer, firefighter or transit police  
8 officer at the date of death of such employee.

9       In case there shall be no spouse *or domestic partner* surviving such member, the  
10 award shall be made to the minor child or children surviving such member. In case there  
11 shall be no spouse *or domestic partner* nor child nor children so surviving the award  
12 may be made to the dependent mother, father, or other dependents of such member.  
13 Such award shall be made in one payment as soon after the death of such member as  
14 may be possible and shall be in addition to any pension, award or other allowances  
15 authorized by law.

16       § 3-402 Awards to surviving spouses *and domestic partners* of members of the uni-  
17 formed correctional and sanitation forces. The mayor is hereby authorized and empow-  
18 ered to make an award to the surviving spouse *or domestic partner* of a member of the  
19 uniformed correctional force or the uniformed sanitation force, employed by the depart-  
20 ment of correction in any prison or jail under control of the city, or any county within  
21 the city, or employed by the department of sanitation, who has been or hereafter shall be  
22 killed while engaged in the discharge of duty. Such award shall be fixed in the discre-  
23 tion of the mayor. In case there be no surviving spouse *or domestic partner* surviving  
24 the decedent, such award shall be made to the minor child or children surviving the  
25 decedent. Such award shall be paid in one payment as soon after the death of such mem-

1 ber of the uniformed correctional or sanitation force as may be possible and shall be in  
2 addition to any pension, award or other allowance authorized by law.

3 § 3-403 Awards to spouses *and domestic partners* of school crossing guards. The  
4 [board of estimate] *mayor* is hereby authorized and empowered to make an award to the  
5 spouse *or domestic partner* of a school crossing guard, appointed as such by the police  
6 commissioner pursuant to the provisions of section 14-118 of this code, who has been or  
7 hereafter shall be killed while engaged in the discharge of duty. Such award shall equal  
8 the annual compensation earnable by a school crossing guard as provided for in the bud-  
9 get for the fiscal year in which death occurs. In case there by no spouse *or domestic*  
10 *partner* surviving the decedent, such award shall be made to the minor child or children  
11 surviving such decedent. Such award shall be paid in one payment as soon after the  
12 death of such school crossing guard as may be possible and shall be in addition to any  
13 pension, award, or other allowance authorized by law.

14 § 3-404 Awards to spouses *and domestic partners* of officers or employees of the  
15 city. The [board of estimate] *mayor* is hereby empowered to make an award to the  
16 spouse *or domestic partner* of any officer or employee of the city who was heretofore or  
17 shall hereafter be killed while engaged in the discharge of duty and who, at the time of  
18 death, was not or shall not have been a member of a retirement system or pension fund  
19 maintained by the city or supported in whole or in part by city funds. Such award shall  
20 equal the annual compensation earnable by such officer or employee as provided by law  
21 or in the budget for the fiscal year in which death occurs.

22 In case there shall be no spouse *or domestic partner* surviving the decedent, the  
23 award shall be made to the minor child or children of such decedent. In case there shall  
24 be no spouse, *domestic partner*, or child or children so surviving, the award shall be  
25 made to the dependent mother, father, or other dependents of such decedent. Such award

1 shall be paid in one payment as soon after the death of such officer or employee as may  
2 be possible.

3 § 3-405 Awards for death or injuries received by persons other than peace officers  
4 while attempting to prevent the commission of a crime, preserve the peace or prevent  
5 public disturbances. Direct action on the part of private citizens in preventing crimes  
6 against the person or property of others, preserving the peace or preventing public dis-  
7 turbances, benefits the entire public. The [board of estimate] *mayor* is hereby authorized  
8 and empowered to make an award for the death of or injury to any person or persons,  
9 other than police officers or peace officers, which has been or shall hereafter be caused  
10 in attempting to prevent the commission of a crime against the person or property of  
11 another, preserve the peace or prevent public disturbances. Such award shall be fixed in  
12 the discretion of the [board of estimate] *mayor* as a matter of grace and not as a matter  
13 of right, and shall, in the case of personal injuries, be based upon the medical expenses  
14 and loss of earnings incurred by such person injured while attempting to prevent the  
15 commission of a crime, preserve the peace or prevent public disturbances. In the case of  
16 the death of such person, such award shall be made to the surviving spouse *or domestic*  
17 *partner*, child or other dependent of such person; and the award may be in a single pay-  
18 ment, or may be made in periodic payments under provisions similar to those set forth in  
19 section 13-244 of this code, which periodic payments may be in an amount not to  
20 exceed the amounts payable pursuant to such section as a pension to the surviving  
21 *spouse*, child or other dependent, as the case may be, of a deceased first-grade police  
22 officer. Petitions for an award hereunder must be presented to the [board of estimate]  
23 *mayor* within six months after the happening of the occurrence which resulted in such  
24 injury or death. Before the [board] *mayor* shall make such payment, [it] *he or she* shall  
25 require the claimant to execute and deliver an assignment to the city, in such form as

1 shall be approved by the corporation counsel, of an amount equal to the payments made  
2 or to be made by the city, payable out of the proceeds of any recovery, whether by judg-  
3 ment, settlement or otherwise, against the city or any person or any public or private  
4 corporation alleged to have been responsible for said death or injuries.

5 § 10. Subdivision 12 of section 3-702 of the administrative code of the city of New  
6 York is amended to read as follows:

7 The term "intermediary" shall mean an individual, corporation, partnership, politi-  
8 cal committee, employee organization or other entity which, other than in the regular  
9 course of business as a postal, delivery or messenger service, delivers any contribution  
10 from another person or entity to a candidate or an authorized committee. "Intermediary"  
11 shall not include spouses, *domestic partners*, parents, children or siblings of the person  
12 making such contribution.

13 § 11. Paragraph (h) of subdivision 1 of section 3-703 of the administrative code of  
14 the city of New York, as amended by local law number 69 for the year 1990, is amended  
15 to read as follows:

16 (h) not make expenditures from or use his or her personal funds or property or the  
17 personal funds or property of his or her spouse, *domestic partner*, or unemancipated  
18 children in connection with his or her nomination for election or election except as a  
19 contribution to his or her principal committee in an amount that does not exceed the  
20 maximum contribution amount applicable pursuant to paragraph (f) of this subdivision.

21 § 12. Paragraph (b) of subdivision 2 of section 3-704 of the administrative code of  
22 the city of New York is amended to read as follows:

23 (b) payments made to the candidate or a spouse, *domestic partner*, child, grand-  
24 child, parent, grandparent, brother or sister of the candidate or spouse or *domestic part-*  
25 *ner* of such child, grandchild, parent, grandparent, brother or sister, or to a business

1 entity in which the candidate or any such person has a ten percent or greater ownership  
2 interest;

3 § 13. Paragraph (f) of subdivision 1 of section 8-107 of the administrative code of  
4 the city of New York, as added by local law number 39 for the year 1991, is amended to  
5 read as follows:

6 (f) The provisions of this subdivision shall not govern the employment by an  
7 employer of his or her parents, spouse, *domestic partner*, or children; provided, howev-  
8 er, that such family members shall be counted as persons employed by an employer for  
9 the purposes of subdivision five of section 8-102 of this chapter.

10 § 14. Paragraphs 1, 2, 3, 7, 8, 9, 10, 11, 12, 13, 14, and 15 of subdivision b of sec-  
11 tion 12-110 of the administrative code of the city of New York, as amended by local law  
12 number 84 for the year 1990, are amended to read as follows:

13 1. List the name of the person reporting; his or her title of position; the entity by  
14 which he or she is employed, his or her office address and telephone number; list the  
15 marital status of the person reporting, and if married, list spouse's full name including  
16 maiden name where applicable; *indicate whether the person is a member of a domestic*  
17 *partnership, and if so, list the partner's full name*; list the names of all unemancipated  
18 children. For purposes of this section, the term "unemancipated child" shall mean any  
19 son, daughter, stepson, or stepdaughter who is under age eighteen, unmarried and living  
20 in the household of the person reporting, *and shall also include any son or daughter of*  
21 *the domestic partner of such person who is under age eighteen, unmarried and living in*  
22 *the household of the person.*

23 2. List any office, trustee, directorship, or partnership, or position of any nature  
24 including honorary positions, whether compensated or not, held by the person reporting,  
25 or his or her spouse *or domestic partner* or unemancipated child of the person reporting,

1 with any firm, corporation, association, partnership, or other organization other than the  
2 state of New York. Do not list membership positions. If the listed entity was licensed or  
3 regulated by any state or local agency, or, as a regular and significant part of the busi-  
4 ness or activity of said entity, did business with, or had matters other than ministerial  
5 matters before, any state or local agency, list the name of any such agency.

6 3. (a) List the name, address and description of any occupation, trade, business, pro-  
7 fession or employment, other than the employment listed pursuant to paragraph one of  
8 this subdivision, engaged in by the person reporting. If such activity was licensed or reg-  
9 ulated by any state or local agency, or, as a regular and significant part of the business  
10 or activity of the listed entity, did business with, or had matters other than ministerial  
11 matters before, any state or local agency, list the name of any such agency.

12 (b) If the spouse, *domestic partner* or unemancipated child of the person reporting  
13 was engaged in any occupation, employment, trade, business or profession which activi-  
14 ty was licensed or regulated by any state or local agency, or, as a regular and significant  
15 part of the business or activity of said entity, did business with, or had matters other  
16 than ministerial matters before, any state or local agency, list the name, [address] *address*  
17 and description of such occupation, employment, trade, business or profession and the  
18 name of any such agency.

19 7. List the nature and amount of any income of one thousand dollars or more from  
20 each source derived during the preceding calendar year, to the person reporting or his or  
21 her spouse or *domestic partner*. For purposes of this paragraph, "income" shall include,  
22 but not be limited to, salary for government employment, income from other compensat-  
23 ed employment whether public or private, directorships and other fiduciary or advisory  
24 positions, contractual arrangements, teaching income, partnerships, lecture fees, consul-  
25 tant fees, bank and bond interest, dividends, income derived from a trust, real estate

1 rents, and recognized gains from the sale or exchange of real or other property. Income  
2 from a business or profession and real estate rents shall be reported with the source  
3 identified by the building address in the case of real estate rents and otherwise by the  
4 name of the entity and not by the name of the individual customers, clients or tenants,  
5 with the aggregate net income before taxes for each building address or entity. The  
6 receipt of maintenance received in connection with a matrimonial action, alimony and  
7 child support payments shall not be listed.

8 8. List the source [or] *of* each of the following items received or accrued during the  
9 preceding calendar year by the person reporting:

10 (a) Any deferred income to be paid following the close of the calendar year for  
11 which this disclosure statement is filed, other than any source of income otherwise dis-  
12 closed pursuant to subparagraph (a) of paragraph nine of this subdivision, of one thou-  
13 sand dollars or more from each source. Deferred income derived from the practice of a  
14 profession shall be listed in the aggregate and shall be identified as to the source, includ-  
15 ing the name of the firm, corporation, partnership or association through which the  
16 income was derived, but shall not include individual clients' identity.

17 (b) Reimbursement to the person reporting or his or her spouse *or domestic*  
18 *partner*, for expenditures, excluding campaign expenditures and expenditures in connec-  
19 tion with official duties reimbursed by the city, of one thousand dollars or more in each  
20 instance. For purposes of this subparagraph, the term "reimbursements" shall mean any  
21 travel-related expenses provided by non-governmental sources and for activities related  
22 to the reporting person's official duties, such as speaking engagements, conferences, or  
23 fact-finding events, but shall not include gifts reported pursuant to subparagraph (d) of  
24 this paragraph.

25 (c) Honoraria received by the person reporting or his or her spouse *or domestic*

1 *partner* from a single source in the aggregate amount of one thousand dollars or more.

2 (d) Any gift, its value and nature, in the aggregate amount or value of one thousand  
3 dollars or more from any single source received by the person reporting, his or her  
4 spouse *or domestic partner* or unemancipated child, during the preceding calendar year,  
5 excluding gifts from a relative, except as otherwise provided under the election law cov-  
6 ering campaign contributions. For purposes of this subparagraph, the term "gift" shall  
7 not include reimbursements, as defined in subparagraph (b) of this paragraph, and the  
8 term "relative" shall mean the spouse, *domestic partner* stepchild, or stepparent of the  
9 person reporting, or any person who is a direct descendant of the grandparents of the  
10 person reporting or of the spouse *or domestic partner* of the person reporting.

11 9. (a) List the identity and value, if reasonably ascertainable, of each interest in a  
12 trust, estate or beneficial interest held by the person reporting or his or her spouse *or*  
13 *domestic partner*, including but not limited to (1) retirement plans (other than retirement  
14 plans of the state of New York or city of New York) and (2) deferred compensation  
15 plans established in accordance with the internal revenue code, where the person report-  
16 ing or his or her spouse *or domestic partner* held a beneficial interest of one thousand  
17 dollars or more during the preceding calendar year. Do not report interests in a trust,  
18 estate or other beneficial interest established by or for, or the estate of, a relative, as  
19 defined in subparagraph (d) of paragraph eight of this subdivision.

20 (b) List each assignment of income of one thousand dollars or more, and each  
21 transfer other than to a relative, as defined in subparagraph (d) of paragraph eight of this  
22 subdivision, during the preceding calendar year for less than fair consideration of an  
23 interest of one thousand dollars or more, in a trust, estate, or other beneficial interest,  
24 securities or real property, by the person reporting, which would otherwise be required  
25 to be reported herein and is not or has not been reported.

1           10. List any interest of one thousand dollars or more, excluding bonds and notes,  
2 held by the person reporting, his or her spouse *or domestic partner* or the reporting per-  
3 son's unemancipated child, or partnership of which any such person is a member, or cor-  
4 poration, ten per centum or more of the stock of which is owned or controlled by any  
5 such person, whether vested or contingent, in any contract made or executed by a state  
6 or local agency. Include the name of the entity which holds such interest and the rela-  
7 tionship of the person reporting, or his or her spouse *or domestic partner* or unemanci-  
8 pated child, to such entity and the interest in such contract. Do not list any interest in  
9 any such contract on which final payment has been made and all obligations under the  
10 contract, except for guarantees and warranties, have been performed, provided, however,  
11 that such an interest shall be listed if there has been an ongoing dispute during the calen-  
12 dar year for which this statement is filed with respect to any such guarantees or war-  
13 ranties. Do not list any interest in a contract made or executed by a state agency after  
14 public notice and pursuant to a process for competitive bidding or a process for competi-  
15 tive requests for proposals.

16           11. List the name, principal address and general description or the nature of the  
17 business activity of any entity in which the person reporting or his or her spouse *or*  
18 *domestic partner* had an investment of one thousand dollars or more, excluding invest-  
19 ments in securities and interests in real property.

20           12. List the type and market value of [securities] *securities* held by the person  
21 reporting or his or her spouse *or domestic partner* from each issuing entity, valued at  
22 one thousand dollars or more at the close of the preceding calendar year, including the  
23 name of the issuing entity, exclusive of securities held by the person reporting issued by  
24 a professional corporation. Whenever an interest in securities exists through a beneficial  
25 interest in a trust, the securities held in such trust shall be listed only if the person

1 reporting has knowledge thereof, except where the person reporting or his or her spouse  
2 has transferred assets to such trust for his or her benefit; in that event the securities shall  
3 be listed unless they are not ascertainable by the person reporting because the trustee is  
4 under an obligation or has been instructed in writing not to disclose the contents of the  
5 trust to the person reporting. Securities of which the person reporting or his or her  
6 spouse *or domestic partner* is the owner of record but in which he or she has no benefi-  
7 cial interest shall not be listed. Where the person or his or her spouse *or domestic part-*  
8 *ner* holds more than five per centum of the stock of a publicly held corporation or more  
9 than ten per centum of a privately held corporation, percentage of ownership shall be  
10 listed. List any securities owned for investment purposes by a corporation more than  
11 fifty per centum of the stock of which is owned or controlled by the person reporting or  
12 his or her spouse *or domestic partner*. For purposes of this paragraph the term "securi-  
13 ties" shall mean bonds, mortgages, notes, obligations, warrants and stocks of any class,  
14 investment interests in limited or general partnerships and certificates of deposits and  
15 such other evidences of indebtedness and certificates of interest as are usually referred  
16 to as securities. The market value for such securities shall be reported only if reasonably  
17 ascertainable and shall not be reported if the security is an interest in a general partner-  
18 ship that was listed in paragraph five of this subdivision or if the security is corporate  
19 stock, not publicly traded, in a trade or business of the reporting person or his or her  
20 spouse *or domestic partner*.

21 13. List the location, size, general nature, acquisition date, market value and per-  
22 centage of ownership of any real property in which any vested or contingent interest of  
23 one thousand dollars or more is held by the person reporting or his or her spouse *or*  
24 *domestic partner*. List real property owned for investment purposes by a corporation  
25 more than fifty per centum of the stock of which is owned or controlled by the person

1 reporting or his or her spouse *or domestic partner*. Do not list any real property which is  
2 the primary or secondary personal residence of the reporting person or his or her spouse  
3 *or domestic partner*, except where there is a co-owner who is other than a relative, as  
4 defined in subparagraph (d) of paragraph eight of this subdivision.

5 14. List the identity of each note or account receivable or other outstanding loan in  
6 the amount of one thousand dollars or more held by the person reporting or his or her  
7 spouse *or domestic partner* during the preceding calendar year, including debts secured  
8 by a mortgage, and other secured and unsecured debts. List the name of the debtor, type  
9 of obligation, date due and the nature of the collateral, if any, securing payment for each  
10 such debt. Debts, notes and accounts receivable owed to the person reporting or his or  
11 her spouse *or domestic partner* by a relative, as defined in subparagraph (d) of para-  
12 graph eight of this subdivision, shall not be reported.

13 15. List each creditor to whom the person reporting or his or her spouse *or domes-*  
14 *tic partner* was indebted, for a period of ninety consecutive days or more during the pre-  
15 ceding calendar year, and each such creditor to whom any debt was owed on the date of  
16 filing, in an amount of five thousand dollars or more. Debts to be listed include real  
17 estate mortgages and other secured and unsecured loans. If any reportable liability has  
18 been guaranteed by any third person, list the name of such guarantor. Do not list liabili-  
19 ties incurred by, or guarantees made by, the person reporting or his or her spouse *or*  
20 *domestic partner* or by any proprietorship, partnership or corporation in which such per-  
21 son has an interest, when incurred or made in the ordinary course of trade, business or  
22 professional practice of such person. Include the name of the creditor and any collateral  
23 pledged by such individual to secure payment of any such liability. Do not list any lia-  
24 bility to a relative, as defined in subparagraph (d) of paragraph eight of this subdivision,  
25 or any obligation to pay maintenance in connection with a matrimonial action, alimony

1 or child support payments. Revolving charge account information shall only be set forth  
2 if the [liability] *liability* thereon is in excess of five thousand dollars for a period of  
3 ninety consecutive days or more during the preceding calendar year, or if the liability  
4 thereon is in excess of five thousand dollars as of the time of filing. Any loan issued in  
5 the ordinary course of business by a financial institution to finance educational costs,  
6 the cost of home purchase or improvements for a primary or secondary residence, or  
7 purchase of a personally owned motor vehicle, household furniture or appliances shall  
8 be excluded.

9 § 15. Subparagraph (b) of paragraph 2 of subdivision d of section 12-110 of the  
10 administrative code of the city of New York, as amended by local law number 16 for  
11 the year 1986, is amended to read as follows:

12 (b) Any information regarding any financial interests of the spouse, *domestic part-*  
13 *ner*, or an unemancipated child of a person filing in which the person filing has no  
14 financial interest shall be withheld from public inspection as an unwarranted invasion of  
15 privacy unless the conflicts of interest board determines that such information involves  
16 an actual or potential conflict of interest on the part of the person filing.

17 § 16. Section 12-307 of the administrative code of the city of New York is amend-  
18 ed by adding a new subdivision c to read as follows:

19 *c. It shall be the policy of the city of New York that, to the extent not inconsistent*  
20 *with law, the city shall make benefits available to the domestic partners of city*  
21 *employees on the same basis as the city makes benefits available to the spouses of city*  
22 *employees.*

23 § 17. Paragraph (ii) of subdivision 2 of section 14-204 of the administrative code of  
24 the city of New York is amended to read as follows:

25 (ii) that funds collected will be used to aid surviving spouses [*and*], *domestic part-*

1    *ners or children of members of the police force slain in the line of duty or that the funds*  
2    *collected will be used for any other charitable program unless the organization is actual-*  
3    *ly engaged in such a program;*

4        § 18. Paragraph 10 of subdivision b of section 16-321 of the administrative code of  
5    the city of New York is amended to read as follows:

6        (10) "Ownership interest" means an interest in a firm that is held by a candidate for  
7    any advisory board created pursuant to this subchapter, or by a member of such board,  
8    or by the spouse, *domestic partner*, or unemancipated child of such candidate or mem-  
9    ber, which exceeds five percent of the firm or an investment of twenty-five thousand  
10   dollars in cash or other form of commitment, whichever is less, or five percent or twen-  
11   ty-five thousand dollars of the firm's indebtedness, whichever is less, and any lesser  
12   interest in a firm when such candidate or member, or such spouse, *domestic partner*, or  
13   unemancipated child, exercises managerial control or responsibility regarding any such  
14   firm, but shall not include interests held in any pension plan, deferred compensation  
15   plan or mutual fund, the investments of which are not controlled by such candidate or  
16   member, or by such spouse, *domestic partner*, or unemancipated child, or in any blind  
17   trust that holds or acquires an ownership interest.

18        § 19. Subdivision d of section 16-501 of the administrative code of the city of New  
19    York, as added by local law number 42 for the year 1996, is amended to read as follows:

20        d. "Principal" shall mean, of a sole proprietorship, the proprietor; of a corporation,  
21    every officer and director and every stockholder holding ten percent or more of the out-  
22    standing shares of the corporation; of a partnership, all the partners; if another type of  
23    business entity, the chief operating officer or chief executive officer, irrespective of  
24    organizational title, and all persons or entities having an ownership interest of ten per-  
25    cent or more; and with respect to all business entities, all other persons participating

1 directly or indirectly in the control of such business entity. Where a partner or stock-  
2 holder holding ten percent or more of the outstanding shares of a corporation is itself a  
3 partnership, or a corporation, a "principal" shall also include the partners of such part-  
4 nership or the officers, directors and stockholders holding ten percent or more of the  
5 outstanding shares of such corporation, as is appropriate. For the purposes of this chap-  
6 ter (1) an individual shall be considered to hold stock in a corporation where such stock  
7 is owned directly or indirectly by or for (i) such individual; (ii) the spouse *or domestic*  
8 *partner* of such individual (other than a spouse who is legally separated from such indi-  
9 vidual pursuant to a judicial decree or an agreement cognizable under the laws of the  
10 state in which such individual is domiciled); (iii) the children, grandchildren and parents  
11 of such individual; and (iv) a corporation in which any of such individual, the spouse,  
12 *domestic partner*, children, grandchildren or parents of such individual in the aggregate  
13 own fifty percent or more in value of the stock of such corporation; (2) a partnership  
14 shall be considered to hold stock in a corporation where such stock is owned, directly or  
15 indirectly, by or for a partner in such partnership; and (3) a corporation shall be consid-  
16 ered to hold stock in a corporation that is an applicant as defined in this section where  
17 such corporation holds fifty percent or more in value of the stock of a third corporation  
18 that holds stock in the applicant corporation.

19 § 20. Paragraph 1 of subdivision d of section 17-314.1 of the administrative code of  
20 the city of New York is amended to read as follows:

21 1. the commissioner may, in his or her discretion, transfer a permit to a dependent  
22 husband, wife, *domestic partner* or child of an incapacitated or deceased person to  
23 whom the permit was issued under this subchapter;

24 § 21. Subchapter 27 of chapter 2 of title 20 of the administrative code of the city of  
25 New York is amended by adding a new section 20-455.1 to read as follows:

1       § 20-455.1 *Domestic Partners*. For purposes of this subchapter, the rights and  
2       *benefits bestowed upon the surviving spouse of an honorably discharged member of the*  
3       *armed forces of the United States pursuant to article four of the general business law*  
4       *shall also be bestowed upon the surviving domestic partner of any such veteran.*

5       § 22. Subparagraph (a) of paragraph (3) of subdivision a of section 20-708.1 of the  
6       administrative code of the city of New York, as added by local law number 84 for the  
7       year 1991, is amended to read as follows:

8       (a) Has as its only full-time employee the owner thereof, or the parent, spouse,  
9       *domestic partner* or child of the owner, and in addition thereto not more than two full-  
10      time employees; or

11      § 23. Subdivision l of section 20-950 of the administrative code of the city of New  
12      York, section 20-950 as added by local law number 57 for the year 1997, is amended to  
13      read as follows:

14      l. "Principal" shall mean, of a sole proprietorship, the proprietor; of a corporation,  
15      every officer and director and every stockholder holding ten percent or more of the out-  
16      standing shares of the corporation; of a partnership, all the partners; if another type of  
17      business entity, the chief operating officer or chief executive officer, irrespective of  
18      organizational title, and all persons or entities having an ownership interest of ten per-  
19      cent or more. Where a partner or stockholder holding ten percent or more of the out-  
20      standing shares of a corporation is itself a partnership or a corporation, the term  
21      "principal" shall also include the partners of such partnership or the officers, directors  
22      and stockholders holding the equivalent of ten percent or more ownership interest of the  
23      applicant business. For the purposes of this chapter: (1) an individual shall be consid-  
24      ered to hold stock in a corporation where such individual participates in the operation of  
25      or has a beneficial interest in such corporation and such stock is owned directly or indi-

1 rectly by or for (i) such individual, (ii) the spouse *or domestic partner* of such individual  
2 (other than a spouse who is legally separated from such individual pursuant to a judicial  
3 decree or an agreement cognizable under the laws of the state in which such individual  
4 is domiciled), (iii) the children, grandchildren and parents of such individual or (iv) a  
5 corporation in which any of such individual, the spouse, *domestic partner*, children,  
6 grandchildren or parents of such individual in the aggregate own fifty percent or more in  
7 value of the stock of such corporation; (2) a partnership shall be considered to hold  
8 stock in a corporation where such stock is owned, directly or indirectly, by or for a part-  
9 ner in such partnership; and (3) a corporation shall be considered to hold stock in a cor-  
10 poration that is an applicant as defined in this section where such corporation holds fifty  
11 percent or more in value of the stock of a third corporation that holds stock in the appli-  
12 cant corporation. Notwithstanding any other provision of this subdivision, where there is  
13 reasonable cause to believe that any owner, officer or director of a business entity with  
14 an interest in an applicant business not otherwise within the scope of this subdivision  
15 lacks good character, honesty and integrity, the commission may designate such person  
16 as a principal for the purposes of sections 20-954, 20-955, 20-956 and 20-959 of this  
17 chapter.

18 § 24. Subdivision 1 of section 22-202 of the administrative code of the city of New  
19 York, as added by local law number 50 for the year 1995, is amended to read as follows:

20 1. "Principal" shall mean, of a sole proprietorship, the proprietor; of a corporation,  
21 every officer, director and stockholder holding ten percent or more of the outstanding  
22 shares of the corporation; of a partnership, all the partners; if another type of business  
23 entity, the chief operating officer or chief executive officer, irrespective of organization-  
24 al title, and all persons or entities having an ownership interest of ten percent or more;  
25 and with respect to all business entities, all other persons participating directly or indi-

1 rectly in the control of such business entity. Where a partner or stockholder holding ten  
2 percent or more of the outstanding shares of a corporation is itself a partnership or a cor-  
3 poration, a "principal" shall also include the partners of such partnership or the officers,  
4 directors and stockholders holding ten percent or more of the outstanding shares of such  
5 corporation, as is appropriate. For the purposes of this chapter (1) an individual shall be  
6 considered to hold stock in a corporation where such stock is owned directly or indirect-  
7 ly by or for (i) such individual; (ii) the spouse *or domestic partner* of such individual  
8 (other than a spouse who is legally separated from such individual pursuant to a judicial  
9 decree or an agreement cognizable under the laws of the state in which such individual  
10 is domiciled); (iii) the children, grandchildren and parents of such individual; (iv) a part-  
11 nership in which such individual is a partner in proportion to the partnership interest of  
12 such individual; and (v) a corporation in which any of such individual, spouse, *domestic*  
13 *partner*, children, grandchildren [and] *or* parents of such individual in the aggregate  
14 own fifty percent or more in value of the stock of such corporation; (2) a partnership  
15 shall be considered to hold stock in a corporation where such stock is owned, directly or  
16 indirectly, by or for a partner in such partnership; and (3) a corporation shall be consid-  
17 ered to hold stock in a corporation that is an applicant as defined in this section where  
18 such corporation holds fifty percent or more in value of the stock of a third corporation  
19 that holds stock in the applicant corporation.

20 § 25. The definition in the one hundred twenty-sixth paragraph of section 27-232 of  
21 the administrative code of the city of New York is amended to read as follows:

22 A single individual; or two or more individuals related by blood or marriage *or who*  
23 *are parties to a domestic partnership*, and living together and maintaining a common  
24 household, with not more than four boarders, roomers or lodgers; or a group of not more  
25 than four individuals, not necessarily related by blood or marriage, and maintaining a

1 common household.

2 § 26. Subparagraph (ii) of paragraph 4 of subdivision a of section 27-2004 of the  
3 administrative code of the city of New York is amended to read as follows:

4 (ii) two or more persons related by blood or marriage *or who are parties to a*  
5 *domestic partnership*, occupying a dwelling unit and maintaining a common household  
6 with not more than two boarders, roomers or lodgers;

7 § 27. Nothing in this local law shall be deemed to supersede, alter, affect or con-  
8 flict with any applicable state or federal law or rules. Nor shall anything in this local law  
9 be construed to confer any right, privilege or benefit not explicitly provided for herein.

10 § 28. Nothing in this local law requires, or is intended to require any religious or  
11 denominational institution or organization operated for charitable or educational purpos-  
12 es to recognize or provide benefits to domestic partners.

13 § 29. Severability. If any provision of this local law or application thereof is  
14 adjudged by a court of competent jurisdiction to be invalid, such judgment shall not  
15 affect, impair or invalidate the remainder thereof, and the remainder of this local law and  
16 application thereof to other persons or circumstances shall not be affected by such hold-  
17 ing and shall remain in full force and effect.

18 § 30. Effective date. This local law shall take effect sixty days after it shall have  
19 been enacted into law.

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Note: Matter in *italics* is new; matter in brackets [ ] to be omitted.