



## Legislation Text

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Int. No. 114-A

By The Speaker (Council Member Miller) and Council Members Quinn, Baez, Brewer, Clarke, DeBlasio, Gerson, Jackson, Martinez, Moskowitz, Perkins, Reed, Rivera, Serrano, Yassky, Boyland and Lopez; also Council Member Koppell

A Local Law to amend the administrative code of the city of New York, in relation to the recognition of marriages that are not recognized by the state of New York, domestic partnerships, and civil unions, lawfully entered into in other jurisdictions.

Be it enacted by the Council as follows:

**Section 1.** Declaration of legislative intent and findings. Same sex couples have faced many obstacles to full legal recognition of their relationships. The Defense of Marriage Act, Pub. L. No. 104-199, 110 Stat. 2419 (1996) defines marriage for purposes of federal law as the union of a man and woman and empowers states to deny recognition to same sex marriages entered into in other jurisdictions. Unlike the majority of states nationwide, New York State has not enacted legislation denying recognition to same sex marriages. However, the Domestic Relations Law, which governs marriage, does not explicitly recognize same sex marriage or authorize issuance of marriage licenses to same sex couples. In practice in New York State, same sex couples have not been able to obtain marriage licenses and, as a result, have not been able to legally marry.

In 1998, the Council passed the New York City Domestic Partnership Law, which codified prior Mayoral Executive Orders establishing rights and entitlements for City residents who register their domestic partnerships with the City Clerk. The Council now intends to extend New York City's commitment to recognizing rights of same sex partners by revising the definition of "domestic partners" in the administrative code to include persons who have lawfully registered domestic partnerships or entered civil unions or marriages not explicitly recognized by New York State in other jurisdictions, ensuring that such couples enjoy all rights and benefits currently available to domestic partners registered under New York City law.

**§2.** Section 3-240(a) of subchapter 3 of chapter 2 of title 3 of the administrative code of the city of New

York is amended to read as follows:

a. "Domestic partners" shall mean persons who have a registered domestic partnership, which shall include any partnership registered pursuant to this chapter, any partnership registered in accordance with executive order number 123, dated August 7, 1989, and any partnership registered in accordance with executive order number 48, dated January 7, 1993[.], and persons who are members of a marriage that is not recognized by the state of New York, domestic partnership, or civil union, lawfully entered into in another jurisdiction. Nothing in this code shall affect a partnership that has been registered pursuant to either such executive order and has not been terminated in accordance with such executive orders or this chapter.

§3. Subchapter 3 of chapter 2 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-245 to read as follows:

**§3-245. Recognition of marriages not recognized by the state of New York, domestic partnerships, and civil unions, of other jurisdictions.**

a. Members of a marriage that is not recognized by the state of New York, a domestic partnership, or a civil union, lawfully entered into in another jurisdiction, shall be entitled to all the rights and benefits available to domestic partners registered pursuant to this subchapter. A certificate of such domestic partnership, civil union or marriage issued by another jurisdiction shall constitute sufficient proof of entitlement to such rights and benefits.

b. "Members of a marriage that is not recognized by the state of New York" for purposes of this section and of section 3-240(a) of this title does not include a marriage prohibited by section 5 or section 6 of the New York State Domestic Relations Law.

§4. This local law shall take effect immediately.

