

LOCAL LAW FILING

COUNTY OF DELAWARE

Local Law No. 15 of the Year 2022

A LOCAL LAW OF THE COUNTY OF DELAWARE, NEW YORK, KNOWN AS THE "TO AUTHORIZE COUNTY REGISTRY FOR DOMESTIC PARTNERS"

BE IT ENACTED by the Board of Supervisors of the County of Delaware, State of New York as follows:

Section 1. Board Intent

This Board hereby finds and determines that the American tradition of equal opportunity and the exercise of individual rights protects all citizens against discrimination.

This Board also finds that many couples who live together often have personal relationships and bonds that are as strong as married couples and who nurture and care for one another in sickness and health.

This Board hereby determines that the COVID-19 Pandemic demonstrated the need to provide domestic partners in committed relationships with a means to legally establish that relationship because there are situations in which one partner was disabled or killed and the partner has been denied the ability to collect insurance, reside in the partner's residence, claim next of kin benefits, or even to visit their hospitalized partner.

Therefore, the purpose of this law is to establish a Delaware County registry for domestic partners of county residents and/or employees.

Section 2. Definitions

- A. "Domestic partners" shall mean persons who have a registered domestic partnership, including any partnership registered pursuant to this law.
- B. "Registry of domestic partnerships" shall mean the registry maintained by the County Clerk pursuant to this law, including all domestic partnerships registered.
- C. "Affidavit of domestic partnership" shall mean an affidavit prepared by the office of the County Clerk in accordance with the rules adopted by the County Clerk.

Section 3 Domestic partnership registration

- A. Domestic partnership registration: A domestic partnership may be registered by two people who meet all of the following conditions:

1. Either (a) both persons are residents of Delaware County, or (b) at least one partner is employed by the County of Delaware on the date of registration;
2. Both persons are eighteen (18) years of age or older and mentally competent to execute a contract;
3. Neither of the persons is legally married to a third party;
4. Neither of the persons is a party to another domestic partnership, or has been a party to another domestic partnership within the six months immediately prior to registration;
5. The persons are not related to each other by blood in a manner that would bar their marriage in the State of New York;
6. The persons have a close and committed personal relationship, live together, and have been living together on a continuous basis for a least one (1) year;
7. The persons return a completed domestic partners affidavit provided by the County Clerk, notarized and signed by both parties;
8. The proposed partners submit at least two (2) items of proof evidencing their financial interdependence from among the following list:

JOINT BANK ACCOUNT

- Statement with both names
- Check with both names
- Passbook with both names

JOINT CREDIT CARD

- Statement with both names

JOINT OBLIGORS ON LOAN

- Note or other loan origination document with both names

JOINT OWNERSHIP OF RESIDENCE

- Deed or other sale/transfer document with both names
- Property or water tax document with both names
- Mortgage Agreement

JOINT TENANTS ON LEASE

- Lease with both names

COMMON HOUSEHOLD EXPENSES

- Utility/telephone bill with both names
- Public assistance document with both names

JOINT CUSTODY OF A CHILD

JOINT VEHICLE OWNERSHIP

Title in both names

JOINT WILLS

-Copy of will or wills, with each party naming the other as beneficiary and/or executor

POWER OF ATTORNEY

-Copy of Powers of Attorney with each party naming the other party and no limitation on the term of the documents

HEALTH CARE PROXY

-Copy of health care proxies/living wills, with each party giving the other party the power to make health care/non-resuscitation decisions upon incapacitation

LIFE INSURANCE

-Copy of policy with one party naming the other as beneficiary

RETIREMENT BENEFITS

-Copy of beneficiary designation form with one party designating the other as beneficiary

TAX RETURNS

JOINT MEMBERSHIP

-Church
-Family organization

REGISTRATION

-Domestic partnership filed in a different state or municipality which recognizes such partnerships

DAYCARE

-Joint responsibility for childcare as evidenced by school documents or guardianship

JOINT INVESTMENTS

-Investment securities with both names
-Mutual fund statements with both names
-Brokerage account statements with both names

AFFIDAVIT

-By a creditor or other person able to testify to partner's financial interdependence

COUNTY CLERK

-Other proof establishing economic interdependence, as determined by the County Clerk

- B. In order to register, persons shall execute an affidavit of domestic partnership and submit it to the County Clerk, who shall maintain a registry of domestic partnerships. Both parties to the partnership shall be present when the affidavit is submitted.
- C. Except when one of the parties is confined to a prison, in a hospital or other health-care facility, or is unable to travel to the office of the County Clerk because of a physical disability, the affidavits shall be submitted to the County Clerk at the office of the County Clerk.
- D. The County Clerk may adopt such rules and filing fees as are necessary to implement this domestic partnership registration program which shall include provisions necessary to provide for the registration of domestic partners when one of the partners is in prison or unable to travel, which shall be comparable to (no more restrictive) to the rules applicable to persons in such circumstances who apply for a marriage license.

Section 4. Termination of domestic partnership

- A. If either party or both parties to a registered domestic partnership determines that the partnership has terminated, one of the partners shall file a termination statement with the County Clerk. The person filing the termination statement shall declare that the domestic partnership is terminated and, if the termination statement has not been signed by both domestic partners, proof that the other domestic partner has been notified of such termination by registered mail, return receipt requested.
- B. A domestic partnership shall terminate whenever one of the parties to the partnership marries a third party.
- C. A domestic partnership shall terminate upon the death of one of the parties.

Section 5. Confidentiality of domestic partnership information

- A. The County Clerk shall establish procedures and filing fees to ensure the confidentiality of information in the registry of domestic partnerships. In the ordinary course of business, such records shall be released only:
 - 1. To the parties to the domestic partnership;
 - 2. To individuals presenting written authorization, duly notarized, from one of the parties to the domestic partnership; and
 - 3. To attorneys in cases where such records are required as evidence in an active pending legal proceeding.

- B. The following restrictions shall not apply to records that are at least fifty (50) years old, or to records where both parties to the domestic partnership are deceased:
1. Where a party to the domestic partnership sends a third party to obtain their domestic partnership record without a letter of authorization, the third party may make the request and pay any applicable fee if the third-party consents to have the record mailed directly to the party to the domestic partnership;
 2. If a person requires information concerning the prior history of domestic partnerships of a person who is that person's domestic partner or spouse or prospective domestic partner or spouse, the office of the County Clerk shall, upon receiving adequate assurance that such person's interest is as described in this paragraph, payment of the appropriate fee, and the furnishing of an approximate date of the registration of the partnership and sufficient information to search under at least one party's name, confirm only the fact of a prior domestic partnership by a "yes" or "no" answer.
- C. Nothing herein shall be construed to prohibit the publication of statistics pertaining to domestic partnerships which have been registered by the County Clerk, provided that appropriate measures are taken to prevent identification of persons registered.

Section 6. Certificate of domestic partnership registration

- A. The County Clerk shall issue a Certificate of Domestic Partnership Registration to persons who have registered pursuant to this law. Such a certificate shall constitute notice of a registered domestic partnership when persons apply for rights or benefits available to domestic partners.
- B. The application fee for the processing of the request for such a Certificate of Domestic Partnership Registration shall be Twenty and 00/100 (\$20.00) Dollars and must be paid before any such certificate may be issued.
- C. The fee for such a Certificate of Domestic Partnership Registration or certified copy thereof shall be Twenty and 00/100 (\$20.00) Dollars

Section 7. Benefits

As a matter of County policy,

- A. Nothing in this law shall be deemed to supersede, alter, affect or conflict with any applicable state or federal statutes, laws, regulations, or rules. Nor shall anything in this law be construed to confer any right, privilege, or benefit not explicitly provided for herein.
- B. Nothing in this local law requires, or is intended to require, any religious or denominational institution or organization operated for charitable or educational purposes to recognize or

provide health benefits to domestic partners.

Section 8. Applicability

This law shall apply to domestic partners who apply for a domestic partnership registration on or after the effective date of this law.

Section 9. Severability

If any clause, sentence, paragraph, subdivision, section or party of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 10. Penalties

Any person who willfully makes a material misrepresentation under Section 3 of this law shall be guilty of a violation punishable by a fine not to exceed Five Hundred Dollars (\$500.00).

Section 11. SEORA Determination

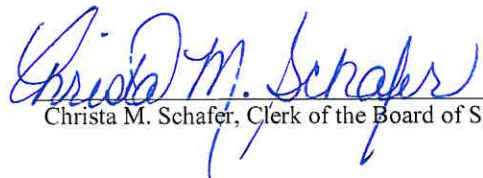
It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 NYECL Section 0101 et seq. and its implementing regulations, Part 617 of 6 NYCRR, that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5(c)(25) and (26) of 6 NYCRR, and accordingly, is of a class of action which do not have a significant impact on the environment and no further review is required. [6 NYCRR Section 617.5(c)(25)(26) apply to "(25) official acts of a ministerial nature involving no exercise of discretion, including building permits and historic preservation permits where issuance is predicted solely on the applicant's compliance or noncompliance with the relevant local building or preservation code(s); (26) routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment."]

Section 12. Effective Date

This law shall take effect on the 60th day after filing in the office of the Secretary of State.

I hereby certify that the local law annexed hereto, designated as Local Law No. 15 of 2022 of the County of Delaware was duly passed by the Board of Supervisors on October 26, 2022, and was approved. Such local law was not subject to permissive referendum in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph above.

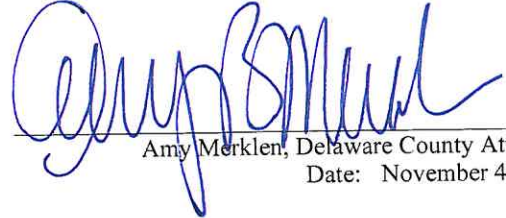

Christa M. Schafer, Clerk of the Board of Supervisors

Date: November 4, 2022

(Seal)

STATE OF NEW YORK
COUNTY OF DELAWARE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

A handwritten signature in blue ink, appearing to read "Amy Merklen", is written over a horizontal line.

Amy Merklen, Delaware County Attorney
Date: November 4, 2022