

APRIL 1, 2025 SESSION

LOCAL LAWS

- a. A LOCAL LAW ADOPTING A DOMESTIC PARTNERSHIP REGISTRY**
(Sponsored by Ms. Hernandez, Mr. Olson, Mr. Brown)

LOCAL LAW NO. ____ - 2025

A LOCAL LAW ADOPTING A DOMESTIC PARTNERSHIP REGISTRY

BE IT ENACTED BY THE COUNTY LEGISLATURE OF ONONDAGA COUNTY, AS FOLLOWS:

Section 1. Purpose. The County of Onondaga recognizes that it is in the public interest for persons in committed relationships and who share common households to be able to register those qualifying domestic partnership relationships formally, which formal registration process may allow a domestic partner to qualify for certain health, employee, next of kin and other legal benefits and rights.

Section 2. Definitions. For the purposes of this Local Law, the following terms shall have the following meanings:

A. "Affidavit of Domestic Partnership" shall mean an affidavit prepared by the Onondaga County Clerk's Office and signed and notarized by both partners to a qualifying domestic partnership attesting thereof, in accordance with the rules adopted by the County Clerk and this Local Law.

B. "Affidavit of Termination" shall mean an affidavit prepared by the Onondaga County Clerk's Office and signed and notarized by one or both domestic partners attesting to the termination of a qualifying domestic partnership, in accordance with the rules adopted by the County Clerk and this Local Law.

C. "Domestic Partner" shall mean a person who, with respect to another person:

(i) is formally a party in a domestic partnership or similar relationship with the other person, entered into pursuant to the laws of the United States or any state, local or foreign jurisdiction, or registered as the domestic partner of the person with any registry maintained by the employer of either party or any state, municipality, or foreign jurisdiction; or

(ii) is formally recognized as a beneficiary or covered person under the other person's employment benefits or health insurance; or

(iii) is dependent or mutually interdependent on the other person for support, as evidenced by the totality of the circumstances indicating a mutual intent to be domestic partners including but not limited to: common ownership or joint leasing of real or personal property; common householding; shared income or shared expenses; children in common; signs of intent to marry or become domestic partners under subparagraph (i) or (ii) of this paragraph; or the length of the personal relationship of the persons; and

(iv) is not the adopted child of the other person, is unrelated to the other person by blood in a manner that would bar marriage to the other person in New York state, and is unrelated by blood in a manner that would bar marriage in New York state to a person who is the lawful spouse of the other person; and

(v) is an unmarried person 18 years of age or older and competent to contract; and

(vi) is not a party to another domestic partnership and/or has not been a party to another domestic partnership within the six (6) months immediately prior to registration.

Each party to a domestic partnership shall be considered to be the domestic partner of the other party.

D. "Domestic Partnership Registry" shall mean the registry maintained by the Onondaga County Clerk pursuant to this Local Law of all domestic partnerships registered hereunder.

Section 3. Domestic Partnership Registration.

A. Persons meeting the definition of Domestic Partner under New York state law may register as Domestic Partners hereunder by executing an Affidavit of Domestic Partnership before a notary public and filing said affidavit in the Onondaga County Clerk's Office. Persons submitting an Affidavit of Domestic Partnership must declare under penalty of perjury that:

- (i) The persons are residents of Onondaga County;
- (ii) Neither person is married;
- (iii) The persons are 18 years of age or older;
- (iv) The persons are competent to enter into a contract;
- (v) Neither person is the adopted child of the other person, is related to the other person by blood in a manner that would bar marriage to the other person in New York state, or is related by blood in a manner that would bar marriage in New York state to a person who is the lawful spouse of the other person;
- (vi) The persons are dependent or mutually interdependent on each other for support, live together, are in a close and personal relationship, and intend to remain in the relationship;
- (vii) The persons are each other's sole Domestic Partner, each has no other Domestic Partner and the persons intend to remain each other's sole Domestic Partner;
- (viii) Neither person has terminated a previous domestic partnership within the six (6) months immediately prior to the filing of the Affidavit of Domestic Partnership; and
- (ix) The persons agree to file an Affidavit of Termination in the event that the domestic partnership is terminated.

B. A domestic partnership shall be established and effective hereunder upon the filing of an Affidavit of Domestic Partnership, signed and notarized by both partners, with the Onondaga County Clerk's Office. Both parties to the partnership must appear with an acceptable form of identification when the Affidavit of Domestic Partnership is filed at the Clerk's Office. Except when one of the parties is incarcerated, in a hospital or other health care facility, or is unable to travel to the Clerk's Office because of a disability, the Affidavit of Domestic Partnership shall be submitted to the County Clerk at the County Clerk's Office. The County Clerk may adopt rules, consistent herewith, to the extent necessary to provide for the registration of Domestic Partners

when one of the partners is incarcerated, in a hospital or health care facility, or unable to travel by reason of disability, which shall be equivalent to the rules applicable to persons in such circumstances who apply for a marriage license.

C. No person shall be eligible to register in the Office of the County Clerk as a Domestic Partner if such person has terminated a previous domestic partnership during the six (6) months prior to the filing of the Affidavit of Domestic Partnership.

Section 4. Form of Declaration. All Affidavits of Domestic Partnership shall be executed and notarized on a form provided by the Office of the County Clerk in accordance with this Local Law. The Affidavit of Domestic Partnership shall contain the following information and shall be in substantially the following form:

We the undersigned, do hereby declare ourselves to be domestic partners. We reside in the County of Onondaga. We are both 18 years of age or older, unmarried and competent to enter into a contract. Neither person is the adopted child of the other person, is related to the other person by blood in a manner that would bar marriage to the other person in New York state, or is related by blood in a manner that would bar marriage in New York state to a person who is the lawful spouse of the other person. We are dependent or mutually interdependent on each other for support, live together, are in a close and personal relationship, and intend to remain in the relationship. We are each other's sole domestic partner, have no other domestic partner and intend to remain each other's sole domestic partner. Neither of us has terminated another domestic partnership within the last 6 months. We agree to file an Affidavit of Termination in the event that the domestic partnership is terminated.

Section 5. Amendment of Domestic Partnership. Either Domestic Partner may, on a form provided by the County Clerk, amend an Affidavit of Domestic Partnership filed with the Office of the County Clerk at any time to reflect a change in the information previously provided to the County Clerk.

Section 6. Termination of Domestic Partnership.

A. A domestic partnership shall end:

(i) as of the date that either of the Domestic Partners dies;

(ii) as of the date that either of the Domestic Partners marries; or

(iii) as of the date either or both Domestic Partners file an executed Affidavit of Termination, except that the death of a Domestic Partner shall not automatically terminate any benefits extended by third parties.

B. Either or both Domestic Partners may terminate a registered domestic partnership by filing in the Office of the County Clerk a notarized statement declaring, under the penalty of perjury, that the domestic partnership is terminated, on a form provided by the County Clerk. In the event that

only one of the partners executes the Affidavit of Termination, the terminating partner shall notify the other partner of said termination by Certified Mail, Return Receipt requested to the other partner's last known address, attest thereto, and provide a postal paid receipt as proof of the mailing via Certified Mail, Return Receipt Requested with the terminating party's completed, signed, and notarized Affidavit of Termination.

C. When a domestic partnership has ended, at least one of the partners to the domestic partnership shall file an Affidavit of Termination with the Office of the County Clerk within 30 days thereof.

D. Upon the filing of the Affidavit of Termination, a former partner may cancel a declaration given to any third party by giving such third party a certified copy of the Affidavit of Termination.

Section 7. Fees. The County Clerk may charge a fee of \$35 per domestic partnership registration, amendment, or termination. Upon payment of the aforesaid fee, the filing party(ies) shall receive two certified copies of the applicable document. The fee for obtaining additional copies shall be the applicable fee authorized by this Onondaga County Legislature for such services.

Section 8. Registry. The County Clerk shall maintain a Domestic Partnership Registry consisting of a log of all registrations, amendments and terminations of domestic partnerships by name of each individual and date of filing in a format designed to facilitate public access to such registry. The Domestic Partnership Registry shall be a public record pursuant to the New York State Freedom of Information Law. The County Clerk shall treat any other information of a personally identifying nature relating to any individual as a matter of personal privacy exempt from disclosure under the New York State Freedom of Information Law. Nothing herein shall be construed to prohibit the publication of statistics pertaining to domestic partnership that have been registered with the Office of the County Clerk.

Section 9. Limited Effect and Intent. The intent of this Local Law is to establish a registration process in Onondaga County for domestic partnerships, as that term is defined by New York state law. Nothing in this Local Law shall be deemed to supersede, alter, affect or conflict with any state or federal laws or rules.

Section 10. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this Local 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 Local Law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstances directly involved in the controversy in which such order or judgment shall be rendered.

Section 11. Effective Date. This Local Law shall take effect immediately upon filing, consistent with the provisions of the New York State Municipal Home Rule Law.