PUBLIC HEARINGS ON DOMESTIC PARTNERSHIP/
MARITAL STATUS/EXTENDED FAMILY POLICIES

The Human Rights Commission, having conducted a public hearing on March 8, 1989 to study the concepts of domestic partnership benefits/marital status/extended family policies and the impact that currently restricting such benefits to certain groups (heterosexual married persons) has on the people of San Francisco, hereby submits its preliminary findings and recommendations, based on oral and written testimony at the Public Hearing.

FINDINGS:

1. That the City and County of San Francisco, by legislation, policy and practice, has consistently refused to tolerate discrimination based upon sexual orientation;

2. That de facto and de jure discrimination do currently exist in the City and County of San Francisco with regard to domestic partnerships and extended families whether or not related by blood or marriage;

3. That Lesbian/Gay couples, domestic partnerships, and extended families have systematically and institutionally been denied the right to be treated with respect and equity under the law as accorded to heterosexual citizens who engage in legal marriage sanctioned by the State;

4. That members of domestic partnerships and extended families have demonstrated their commitment and responsibility for each other's health and welfare in all areas of life as have heterosexual marriages and blood relationships, and the functional issues of family life do not recognize and are not contingent upon the marital status of the adults of the family and that those taking responsibility for the emotional and economic needs of their families do not know distinctions between legal marriage and non-marriage, nor a particular sexual orientation;

5. That although domestic partnerships affect Lesbians and Gay men, many different family units and family needs can be addressed by changes in legislation;
6. That existing laws and policies undermine the structure of non-marital families and erect economic, psychological and social impediments to rich constructive family life. This kind of family life is in the State's best interest to encourage.

7. That freedom to form primary relationships is a fundamental human right;

8. That children of domestic partnerships and extended families not related by blood or marriage suffer undue hardship by virtue of discrimination against the adults responsible for their care;

9. That the City and County of San Francisco does have within its purview the means to develop remedies for discrimination because of domestic partnerships without undue fiscal burden as has been demonstrated by both business policy and civil law in this and other communities;

10. That legislation and programs have been enacted in other locations which impact on non-married people. From these test cases, we already know that:

* from testimony relative to the program in Berkeley we heard that the financial impact has been "insignificant" in Berkeley, even though the City pays for employee health benefits.

* it is possible to find health carriers who will implement domestic partnership plans. Because the programs are still new, the financial impact remains as yet unknown; however, current findings show no negative impact.

* although domestic partnerships mimic the same population as married couples, insurance providers have indicated that they would be unduly fiscally burdened by adding on extended family members and would not do that.

* fair and well-defined definitions of domestic partnership aid in the success of domestic partnership plans. Legislation need not say anything about sexual or affectional orientation.

* domestic partner plans have had a tremendous positive impact on the lives of employees.

* current federal law, which forbids economic discrimination in mortgages to unmarried people, causes no problems for lenders.

* various businesses have already ended economic discrimination successfully against non-married couples in specific programs, e.g., United Airlines in family travel discounts, State Farm Insurance, and AAA of Southern California;
* domestic partners have not been able to make health decisions for incapacitated partners.

* current hospital visitation protocols often give power to doctors and nurses in allowing visits from domestic partners;

16. That due to marital discrimination, some elderly persons feel forced not to marry, in order to protect their benefits;

17. That families with disabled members have additional needs and concerns, including extended child-rearing periods, and more on-going day-to-day care. Many disabled persons live in households with other disabled persons and attendants; and

18. That there is a need to actively seek legal rights for couples that do not or cannot marry. These rights, which are granted automatically by marriage, can be obtained through seeking durable power of attorney, appropriate wills, designated insurance beneficiary, and other means.

RECOMMENDATIONS:

That the City and County of San Francisco enact legislation rectifying discrimination on account of domestic partnerships, marital status, or extended family status and set policy that recognizes the diversity of San Francisco families; and that staff and resources be given to the Human Rights Commission to administer the non-discrimination aspects of the legislation.

The City should consider the following when enacting legislation and/or policy:

1. That legislation and/or policies cover all aspects of City employment policies, City family and social service policy, and the enforcement and enjoyment of the City's goods and services;

2. That the City should seek to find out if jurisdiction exists to impact the private sector to ensure leave policies, visitation rights, real estate and rental rights, non-discrimination by business establishments and public accommodations. If such jurisdiction does exist, these should be written into the legislation and/or policy;

3. That the identification of domestic partnerships and extended families be undertaken in a manner that does not abridge civil liberties and that offers protection to all parties involved;
4. That the City and County provide a definition of domestic partnership and extended families which is inclusive in its letter and intent;

5. That the City and County develop enforcement provisions to ensure the implementation of its legislation wherever legally possible;

6. That the Health Service System be requested to convene a task force to determine needs and feasibility of adding domestic partners and/or other relationships, to city health benefit plans;

7. That the City produce and distribute information and resource materials for non-traditional families concerning their legal rights in the areas of wills, durable power of medical attorney, living together agreements, etc.

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