

To the Councilmembers of the District of Columbia:

Human Rights are the basic rights and freedoms that belong to every person in the world, from birth until death. They apply regardless of your origin, your beliefs, or whom you choose to love. These basic rights are based on values like dignity, fairness, equality, respect, and independence. However, human rights are not just abstract concepts, they are defined and protected by law.

Title 2, Chapter 14 of the District of Columbia Code, known as the DC Human Rights Acts of 1977, is the legislation dedicated to securing an end to discrimination for any reason other than that of individual merit. This legislation details 20 protected traits the District of Columbia prohibits discrimination for in housing, employment, public accommodations, and educational institutions for people that live, visit, or work in the District. However, this legislation leaves without protection people, and families that choose to practice diverse “relationship structures.”

The Health Care Benefits Expansion Act of 1992 and § 32–701 of the Code of the District of Columbia sets the rules for domestic partnership registration and termination procedures. The status of domestic partnership allows individuals in committed relationships that are not able to file for marriage to (1) have access to partners at health care facilities, including hospitals, convalescent facilities, or other long term care facilities, (2) allow District government employees to be granted sick leave when needed to care for a domestic partner, (3) allow District government employees to be granted sick leave when needed to care for a minor child of either domestic partner or to care for the employee’s domestic partner who is on maternity or paternity leave, (4) allow District government employees funeral leave or annual leave when needed to make arrangements for or attend a funeral or memorial service for a partner, (5) allow District government employees who are adopting or whose domestic partner is adopting a child to be granted annual leave or leave without pay to make necessary family arrangements, and (6) allow District government employees enrolled in the District of Columbia Employees Health Benefits Program to purchase family health insurance coverage that would cover the employee’s partner. However, this legislation leaves without protection people and families that choose to practice diverse “relationship structures.”

“Relationship structure” refers to the number of consenting adults involved in an intimate personal relationship and/or the number of intimate personal relationships in which each consenting adult is simultaneously involved. It also includes an individual’s disposition or desire for a certain relationship structure, regardless of whether the individual is currently in that type of, or any, relationship. “Intimate personal relationship” means an interpersonal relationship between two or more adult individuals that involves romantic, physical, or emotional intimacy. This includes multi-partner/multi-parent families, diverse family structures, and consensual sexual relationships, including relationships involving consensual non-monogamy.

The residents whom these terms cover face hardships that interrupt their right to peacefully pursue fulfilling lives free from fear for themselves and their families. Too often, they encounter employment and housing discrimination, restricted access to public accommodations, discrimination in services, public humiliation, bullying in educational environments, and unfair treatment in legal proceedings, including child custody cases.

Christopher N. Smith and Benjamin Schenker, Esq. are collaborating to propose the Right to Family Amendment Act of 2021. This legislation seeks to amend the DC Human Rights Act of 1977 to include “relationship structure” as part of the definition of discrimination on the basis of “familial status” and amend the Health Care Benefits Expansion Act of 1992 and § 32–702 of the Code of the District of Columbia to expand the definition of domestic partnership to 2 or more. This ensures people’s rights to maintain relationships as they see fit, prevents discrimination in housing, employment, public accommodations, educational institutions, and against children based upon their parents’ relationships, and expands access to health coverage.

Following are the suggested changes:

**BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA
That this act may be cited as the “Right to Family Amendment Act of 2021”**

Sec. 2. The Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 et seq.), is amended as follows:

Section 101 (D.C. Code § 2-1401.01) is amended as follows:

- The section is amended by striking the phrase “and place of residence or business” and inserting the phrase “place of residence or business, and relationship structure.”

Section 102 (D.C. Code § 2-1401.02) is amended as follows:

- A new subsection 28-a is added to read as follows: “Relationship structure” means the number of consenting adults involved in an intimate personal relationship and/or the number of intimate personal relationships in which each consenting adult is simultaneously involved. It also includes an individual’s disposition or desire for a certain relationship structure, regardless of whether the individual is currently in that type of, or in any, relationship.”

Section 211 (D.C. Code § 2-1401.11) is amended as follows:

- Subsection (a) is amended by striking the phrase “or political affiliation of any individual” and inserting the phrase “relationship structure, or political affiliation of any individual”
- Subsection (a)(4)(B) is amended by striking the phrase “or political affiliation of any individual” and inserting the phrase “relationship structure, or political affiliation of any kind”

- Subsection (b) is amended by striking the phrase “or political affiliation of any individual” and inserting the phrase “relationship structure, or political affiliation of any individual”

Section 221 (D.C. Code 2-1402.21) is amended as follows:

- Subsection (a) is amended by striking the phrase “or place of residence or business of any individual” and inserting the phrase “relationship structure, or political affiliation of any individual”
- Subsection (a)(5) is amended by striking the phrase “or place of residence or business, of any individual” and inserting the phrase “relationship structure, or place of residence or business, of any individual”
- Subsection (b) is amended by striking the phrase “or place of residence or business of any individual” and inserting the phrase “relationship structure, or place of residence or business of any individual”

Section 231 (D.C. Code 2-1402.31) is amended as follows:

- Subsection (a) is amended by striking the phrase “or place of residence or business of any individual” and inserting the phrase “relationship structure, or place of residence or business of any individual”
- Subsection (b) is amended by striking the phrase “or place of residence or business of any individual” and inserting the phrase “relationship structure, or place of residence or business of any individual”

Section 241 (D.C. Code § 2-1402.41) is amended as follows:

- Subsection (1) is amended by striking the phrase “political affiliation, source of income, or disability of any individual” and inserting the phrase “relationship structure, political affiliation, source of income, or disability of any individual”

Section 271 (D.C. Code § 2-1402.71) is amended as follows:

- The section heading is amended by striking the phrase “disability, matriculation, political affiliation, lawful occupation, or location within the geographical area of the District of Columbia of any individual” and inserting the phrase “relationship structure, disability, matriculation, political affiliation, lawful occupation, or location within the geographical area of the District of Columbia of any individual”

Section 273 (D.C. Code § 2-1402.73) is amended as follows:

- The section heading is amended by striking the phrase “disability, matriculation, political affiliation, source of income, or place of residence or business” and inserting the phrase “relationship structure, disability, matriculation, political affiliation, source of income, or place of residence or business”

Sec. 3 The Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701 et seq.) is amended as follows:

Sec. 2 (D.C. Code § 32-701) is amended as follows:

- Subsection (1) is amended by striking the phrase “between 2 individuals characterized by mutual caring, and the sharing of a mutual residence” and inserting the phrase “between 2 or more individuals characterized by mutual caring”
- Subsection (3) is amended by striking the phrase “with whom an individual maintains a committed relationship” and inserting the phrase “with whom an individual or individuals maintains or maintain a committed relationship”
- Subsection (3)(B) is amended by striking the phrase “Be the domestic partner of the other person” and inserting the phrase “Be a domestic partner of the other person or persons”
- Subsection 4 is amended by striking the phrase “relationship between 2 persons who become domestic partners” and inserting the phrase “relationship between 2 or more persons who become domestic partners”

Sec. 3 (D.C. Code § 32-702) is amended as follows:

- Subsection (a)(2) is amended by striking the phrase “Is the sole domestic partner of the other person” and inserting the phrase “Is a domestic partner of the other person or persons”
- Subsection (a)(4) is amended by striking the phrase “Is in a committed relationship with the other person” and inserting the phrase “Is in a committed relationship with the other person or persons”
- Subsection (d)(1) is amended by striking the phrase “Either domestic partner may terminate the domestic partnership” and inserting the phrase “Any domestic partner may terminate the domestic partnership”
- Subsection (d)(1)(B) is amended by striking the phrase “on the other domestic partner if the termination statement is not signed by both domestic partners” and inserting the phrase “on the other domestic partner or partners if the termination statement is not signed by all domestic partners
- Subsection (d)(2) is amended by striking the phrase “because the other domestic partner has abandoned the domestic partnership” and inserting the phrase “because the other domestic partner or partners has or have abandoned the domestic partnership”
- Subsection (d)(2)(A) is amended by striking the phrase “to be terminated” and inserting the phrase “to be terminated; and”
- Subsection (d)(2)(B) is amended by striking the phrase “The other domestic partner partners permanently departed the mutual residence at least 6 months before the filing of the termination statement, or has not been in contact with the domestic partner filing the termination statement for at least 6 months preceding the filing of the termination statement; and” and inserting the phrase “If the location of the other domestic partner or partners is, or are, known, and a copy of the termination statement has been served on the other domestic partner or partners”
- Subsection (d)(2)(c) is struck.
- Subsection (j)(2) is amended by striking the phrase “Two persons who are in a domestic partnership” and inserting the phrase “Persons who are in a domestic partnership”

Sec. 6 (D.C. Code §32-705) is amended as follows:

- Subsection (b) is amended by striking the phrase “to care for a minor child of either domestic partner” and inserting the phrase “to care for a minor child of any domestic partner”.

Please see attached three affidavits, from clinical and legal professionals, and an empirical fact sheet concerning discrimination and consensual non monogamy. As DC Residents we thank you for your consideration and in full faith and hope await your responses.

Signed:

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