



# AGENDA REPORT

**TO:** City Council and Members of the Public

**FROM:** Councilmember Janani Ramachandran

**SUBJECT:** Ordinance Prohibiting Discrimination On The Basis Of Family And Relationship Structure

**DATE:** February 29, 2024

---

## **RECOMMENDATION**

Councilmember Ramachandran respectfully recommends that the City Council **adopt an Ordinance amending the Oakland Municipal Code to Prohibit Discrimination in Real Estate Transactions and in the Provision of Goods, Facilities, and Services by any Business, the City, or City Funded Entity, on the Basis of Nontraditional Family and Relationship Structure.** This ordinance aims to extend legal protections to a diverse array of family configurations and relationship structures, including polyamorous relationships, multi-parent families, step-families, and other non-nuclear family structures. It is a significant step towards recognizing and safeguarding the rights and dignity of all residents, reflecting the city's commitment to inclusivity and equality.

## **EXECUTIVE SUMMARY**

In today's diverse society, a significant portion of households diverge from the traditional nuclear family model. Research indicates that only a minority of American households fit this normative structure, showcasing a variety of configurations including multi-partner/multi-parent families, step-families, and multi-generational households. Concurrently, consensual non-monogamy (CNM) is practiced by an estimated 5% of American adults, with surveys revealing that more than 1 in 6 adults express interest in non-monogamous relationships at some point in their lives. Moreover, it is well-established that diverse relationship and family structures have roots in a variety of historic cultural practices, particularly in the non-Western world.

Despite this prevalence, diverse family and relationship structures lack explicit protection under current laws, leading to widespread stigma and discrimination. Nearly two-thirds of non-monogamous individuals report experiencing discrimination in critical areas such as housing, healthcare, and business services, underscoring the urgent need for legal recognition and protection.

The proposed ordinance in Oakland aims to prohibit discrimination based on nontraditional family and relationship structure. By acknowledging the complexity of modern relationships and the inherent dignity of all family structures, this ordinance seeks to foster a more inclusive and empathetic community. It is a

necessary step towards ensuring that all residents can live authentically without fear of discrimination, reflecting Oakland's longstanding commitment to diversity and inclusion.

**REASON FOR URGENCY** *(If Applicable)*

**REASON FOR SUPPLEMENTAL OR REPLACEMENT** *(If Applicable)*

**BACKGROUND / LEGISLATIVE HISTORY**

This is the first time that the City of Oakland is considering an ordinance to protect against family and relationship nondiscrimination. The City of Oakland has similar non-discrimination protections for sexual orientation and other categories of identity. However, these provisions do not include mention of family and relationship structures as protected categories. This omission leaves several categories of individuals who do not conform to traditional nuclear family models or who are part of non-monogamous relationships vulnerable to various forms of discrimination and bias.

In addressing this gap, the proposed ordinances draw upon the foundational principles of equity and inclusivity that guide the City of Oakland's approach to civil rights. By proposing the inclusion of "nontraditional family and relationship structure" within the ambit of protected categories, these ordinances seek to extend these protections to encompass the full spectrum of family and relationship dynamics present within the community.

Legislation protecting individuals in diverse family and relationship structures has recently been introduced in the City of Berkeley. The first cities to pass ordinances protecting diverse family and relationship structures were Somerville, Arlington, and Cambridge, Massachusetts. Several cities nationwide are considering enacting similar protections.

**ANALYSIS AND POLICY ALTERNATIVES**

In considering how best to protect diverse families and relationships from discrimination, the option of revising the Oakland Municipal Code to explicitly include "nontraditional family and relationship structure" as protected categories was identified as the most effective and direct approach. This decision was made in light of the fact that there are no existing legal remedies or alternative measures within the city's current legal framework that adequately address the discrimination experienced by individuals in non-traditional family configurations or non-monogamous relationships.

Other alternatives, such as relying on broader state or federal anti-discrimination laws, were deemed insufficient due to their lack of specificity regarding the unique challenges faced by these groups.

Similarly, the development of separate programs or policies outside the legal framework was considered less effective, as they would not provide the same level of enforceable protections against discrimination.

Therefore, the proposed ordinances represent a necessary and appropriate step towards ensuring that all residents, regardless of their family or relationship structure, are afforded equal protection under the law. This action underscores Oakland's commitment to inclusivity and civil rights, ensuring that the city's legal protections evolve to reflect the diversity of its community.

Adopting this ordinance will make Oakland a leader on the West Coast in recognizing the rights of non-traditional families and relationships, aligning with our city's long-standing commitment to human rights. It is a clear statement of our dedication to fostering an inclusive and equitable society for all residents.

### **FISCAL IMPACT**

No fiscal impact identified,

### **PUBLIC OUTREACH / INTEREST**

The development and introduction of these non-discrimination ordinances were informed by extensive consultation and collaboration with key stakeholders dedicated to advancing the rights and acceptance of non-monogamous families and relationships, including:

- The Polyamory Legal Advocacy Coalition (PLAC): This multi-disciplinary coalition of academic and legal professionals, including notable figures such as Alexander Chen, Founding Director of the Harvard Law School LGBTQ+ Advocacy Clinic; Diana Adams, Esq., founder of the Chose Family Law Center; and Heath Schechinger, M.Ed., Ph.D., Co-Founder of PLAC and Executive Director of the Modern Family Institute. Their collective expertise in legal support, policy advocacy, and academic research on diverse family and relationship forms significantly contributed to the bill's development.
- OPEN (Organization for Polyamory and Ethical Non-monogamy): A California-based nonprofit, OPEN brought to the table its advocacy experience and extensive network, including Berkeley residents who are active in advocating for non-monogamous relationship protections. OPEN's involvement highlights the grassroots support for the ordinance and the organization's role in representing the community's voice.
- PolyActive: This East Bay grassroots advocacy group played a pivotal role in the advocacy for the initial 2017 bill and continued to support the current efforts. Their local

insight and community mobilization efforts underscored the immediate need for legal protections within Berkeley.

- The Oakland City Attorney’s Office was consulted to ensure the proposed ordinances align with existing legal frameworks and municipal code requirements, facilitating a legally sound approach to extending protections based on family and relationship structure.

These consultations resulted in a robust and inclusive legislative proposal, reflecting a collaborative effort among legal experts, community advocates, and local government representatives. This process underscores the collective commitment to fostering a more inclusive society through meaningful legal change.

## **COORDINATION**

## **PAST PERFORMANCE, EVALUATION AND FOLLOW-UP** *(If Applicable)*

## **SUSTAINABLE OPPORTUNITIES**

***Economic:***

***Environmental:***

***Race & Equity:***

## **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)** *(If Applicable)*

## **ACTION REQUESTED OF THE CITY COUNCIL**

Adopt an Ordinance prohibiting discrimination in real estate transactions and in the provision of goods, facilities, and services by any business, the city, or city funded entity, on the basis of nontraditional family and relationship structure.

For questions regarding this report, please contact  
Iris Merriouns, Chief of Staff to District 4  
Councilmember Janani Ramachandran at  
[ilmerriouns@oaklandca.gov](mailto:ilmerriouns@oaklandca.gov). Respectfully submitted,

Prepared by:

Janani Ramachandran

Councilmember, District 4

Attachments:

1. Legislation
2. Schechinger Affidavit Consensual Non-Monogamy
3. OPEN Factsheet on Consensual Non-Monogamy