

THE RIGHT TO PRACTICE POLYAMORY

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While the 2020s have so far been an era of intense anti-LGBTQ backlash, with numerous bills being both introduced and ultimately passed into law in many states restricting LGBT rights,¹ at the same time, in some geographical areas, the decade has also seen the first incipient blossoming of ordinances and, to a lesser extent, case law, protecting the rights of those who practice polyamory,² which has been defined as “the practice, state or ability of having more than one sexual [or, for some, romantic] loving relationship at the same time, with the full knowledge and consent of all partners involved.”³ The ordinances protecting polyamorous persons have focused

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1. See, e.g., MOVEMENT ADVANCEMENT PROJECT, UNDER FIRE: THE WAR ON LGBTQ PEOPLE IN AMERICA 2 (2023), https://www.mapresearch.org/file/Under%20Fire%20report_MAP%202023.pdf (“While LGBTQ people’s lives and their safety have been attacked for decades, the sheer volume of anti-LGBTQ attacks over the past two years is unprecedented.”); Kaleigh Rogers & Mary Radcliffe, *Over 100 Anti-LGBTQ+ Laws Passed in the Last Five Years — Half of Them This Year*, FIVE THIRTY-EIGHT (May 25, 2023, 2:25 PM), <https://fivethirtyeight.com/features/anti-lgbtq-laws-red-states/>. In addition to the numerous state bills and laws, Donald Trump has been engaged in a multi-pronged attack on LGBTQ+ people through executive orders, beginning on the day he took office in January 2025. See, e.g., Lindsey Dawson & Jennifer Kates, Overview of President Trump’s Executive Actions Impacting LGBTQ+ Health, KFF (Apr. 25, 2025), <https://www.kff.org/other/fact-sheet/overview-of-president-trumps-executive-actions-impacting-lgbtq-health/>.

2. See, e.g., Note, *Three’s Company, Too: The Emergence of Polyamorous Partnership Ordinances*, 135 HARV. L. REV. 1441, 1441 (2022) (“In the summer of 2020, the city of Somerville, Massachusetts passed the first multiple-partner domestic partnership ordinance in the country.”); *West 49th St., LLC v. O’Neill*, 178 N.Y.S.3d 874, 881-83 (N.Y. Civ. Ct. 2022). Another significant development for those who prefer consensually non-monogamous relationships is Utah’s recent decriminalization of bigamy. See, e.g., Elisabeth A. Sheff, *Legal Protections for People in Polyamorous Relationships: New Developments in a Changing Social Landscape*, PSYCH. TODAY (July 23, 2020), <https://www.psychologytoday.com/us/blog/the-polyamorists-next-door/202007/legal-protections-people-in-polyamorous-relationships> (explaining that a new statute makes bigamy merely subject to a fine in Utah, rather than being classified as a felony).

3. Hadar Aviram, *Make Love, Not Law: Perceptions of the Marriage Equality Struggle Among Polyamorous Activists*, 7 J. BISEXUALITY 261, 264 (2008) (quoting DEBORAH ANAPOL,

on two areas: (1) multi-party domestic partnerships, adopted in several Massachusetts cities and towns,⁴ and (2) the right to be free from discrimination in employment, housing, policing, and other areas, adopted in cities in both Massachusetts⁵ and California.⁶ This essay explores these ordinances. It looks at the text of the ordinances, their framing, the strategies used to advocate for their passage, and their larger implications. It also addresses how these legal developments fit in with existing research on the current legal needs of polyamorist (or poly) communities and with theories as to likely future developments in this area of law, such as the possible eventual recognition of a right to plural marriage.

This essay builds on my prior article, *Polyamory as Sexual Orientation*, in which I explored the possibility of legislatively recognizing polyamory as a type of sexual orientation for purposes of anti-discrimination law.⁷ That article was written in 2010 and 2011, during the marriage equality campaign⁸ and, perhaps consequently, at the time some scholars who wrote about law and sexuality viewed my exploration of recognizing polyamory as a sexual orientation with suspicion.⁹ Partially as a result of such reactions and also in

POLYAMORY: THE NEW LOVE WITHOUT LIMITS : SECRETS OF SUSTAINABLE INTIMATE RELATIONSHIPS); see also Elisabeth Sheff et al., *A Whole Village: Polyamorous Families and the Best Interests of the Child Standard*, 31 CORNELL J.L. & PUB. POL'Y 287, 289-90 (2021) (noting that polyamory is “a largely secular practice of consensual non-monogamy (‘CNM’) . . . “and that it is “a relationship orientation, identity or behavior in which it is acceptable to love more than one person and/or engage in more than one concurrent romantic and/or intimate relationship”); Christian Klesse, *Marriage, Law, and Polyamory. Rebutting Mononormativity with Sexual Orientation Discourse?*, 6 OÑATI SOCIO-LEGAL SERIES 1348, 1365 (2016) (“Polyamory functions as an umbrella term for many approaches to non-monogamy and diverse (usually) multi-partner constellations of relationships or families.”) [hereinafter Klesse, *Marriage, Law, & Polyamory*]. As Sheff and her colleagues explain: “Large percentages of LGB-identified persons may likely engage in some form of consensual non-monogamy. Bisexuality, especially, has been linked with an increased likelihood to participate in polyamorous relationships.” Sheff et al., *supra*, at 290.

4. See, e.g., Andrew Engelson, *Protecting Polyamory: Municipalities Expand Rights, Domestic Partnerships to Include Nontraditional Relationships*, ABA J. (Apr. 27, 2023, 10:08 AM), <https://www.abajournal.com/web/article/municipalities-expand-rights-domestic-partnerships-to-include-non-traditional-relationships>.

5. Somerville, Mass., Ordinance No. 2023-08 (Mar. 23, 2023); Cambridge, Mass., Ordinance No. 2023-8A (Nov. 20, 2023).

6. BERKELEY, CAL., MUN. CODE tit. 13, ch. 13.22 (2024); OAKLAND, CAL., MUN. CODE tit. 9, ch. 9.45, § 20 (2024).

7. See generally Ann E. Tweedy, *Polyamory as a Sexual Orientation*, 79 U. CIN. L. REV. 1461 (2011) [hereinafter Tweedy, *Polyamory as a Sexual Orientation*].

8. For a timeline listing dates of significant marriage equality milestones in the United States, see *A Brief History of Civil Rights in the United States*: Obergefell v. Hodges, Vernon E. Jordan Law Library, Howard University School of Law, <https://library.law.howard.edu/civilrightshistory/lgbtq/obergefell>.

9. See, e.g., Ann E. Tweedy, *A Bisexual Perspective on Law School Hiring*, 31 COLUM. J. GENDER & L. 82, 84 (2015); see also Tweedy, *Polyamory as a Sexual Orientation*, *supra* note 7, at 1484.

light of the larger legal landscape, the prospect of legal protections for polyamory appeared to me to be remote when the article was published in 2011. Interestingly, however, the non-discrimination ordinances that have been passed to date take an approach to protecting the right to engage in polyamory that comes from a different direction than I explored in my 2011 article, *viz* these ordinances take a coalition-building approach¹⁰ rather than the identity-based approach that I had proposed. The implications of this coalition-building approach will be explored as well.

In terms of timing, the multi-party domestic partnership ordinances began to be passed first, starting in June 2020 with the ordinance in Somerville, Massachusetts, and the anti-discrimination ordinances began to emerge almost three years later, in March 2023, with the City of Somerville again passing the first one that was finalized and went into effect.¹¹

I. THE DOMESTIC PARTNERSHIP ORDINANCES.

A. *The Ordinances.*

1. Somerville, Massachusetts.

As noted above, the City of Somerville, Massachusetts, passed the first multi-party domestic partnership ordinance in June 2020.¹² As originally enacted, the ordinance required that the persons entering the domestic partnership not be married and that they reside together, as well as being both “in a relationship of mutual support, caring and commitment . . . “ and “consider[ing] themselves to be a family,” among other requirements.¹³ However, through an amendment in October 2021, the requirements of not

10. The website “The Campaign Workshop” explains the mechanics and benefits of coalition-building:

A coalition is a formalized alliance of interested parties joining together for a specific cause or change to achieve a mutually desired outcome that they may not have been able to accomplish on their own. Coalitions for ballot measures and advocacy campaigns are made up of a variety of individuals, groups, and organizations aligning themselves in support of or in opposition to a specific initiative or cause.

Martin Diego Garcia, Coalition Building Guide, The Campaign Workshop (April 18, 2022), <https://www.thecampaignworkshop.com/blog/advocacy/coalition-building>

11. *See infra* notes 74-77 and accompanying text (detailing how Berkeley passed such an ordinance earlier in 2017, but it was never implemented).

12. City of Somerville Ordinance No. 2020-16 (June 25, 2020). Significantly, this inaugural domestic partnership ordinance was passed only ten days after the Supreme Court’s decision in *Bostock v. Clayton County*, 590 U.S. 644 (2020), which recognized for the first time that LGBTQ people are protected under Title VII.

13. City of Somerville Ordinance No. 2020-16, at § 2-502(c).

being married and residing together were stricken.¹⁴ “Mutual support” is defined to mean “that the domestic partners each contribute in some fashion to the maintenance and support of the domestic partnership.”¹⁵

The amended ordinance requires, for married persons who wish to enter a domestic partnership, written consent of the domestic partner’s spouse, and similarly, for those who are already in a domestic partnership who wish to enter into a new one, written consent of pre-existing domestic partners.¹⁶ Existing domestic partners may add new domestic partners with the consent of the others, and a person may withdraw from the domestic partnership by written notice filed with the city clerk and provided to the other domestic partners.¹⁷ The City of Somerville provides to domestic partners all of the rights of married people to the extent consistent with federal and state law.¹⁸

2. Cambridge, Massachusetts.

The City of Cambridge passed its multi-party domestic partnership ordinance in March 2021.¹⁹ Its definition section is similar to Somerville’s amended definition with a slight difference in the definition of mutual support.²⁰ The Cambridge ordinance takes pains to define “mutual support” broadly so as not to require financial mutual support or equal levels of mutual support.²¹ This broad approach is important because, as scholars have noted, those in poly relationships take a variety of approaches to mutual support and interdependence more generally, with some in poly relationships pooling resources and others attempting to maintain financial independence.²² Under Cambridge law, those persons entering a domestic partnership that are married or in a pre-existing domestic partnership must notify by certified mail their spouse or pre-existing domestic partner(s).²³ Thus, notice to a spouse and/or pre-existing domestic partner(s), rather than consent, is required under the Cambridge provision.

The rights accorded domestic partners are more specifically laid out in the Cambridge ordinance than in Somerville’s.²⁴ In Cambridge, the

14. City of Somerville Ordinance No. 2021-29 § 2-502(c) (Oct. 28, 2021).

15. *Id.* § 2-502(d).

16. *Id.* § 2-503(c).

17. *Id.* §§ 2-503(c)-503(d)(1).

18. *Id.* § 2-505(b).

19. CAMBRIDGE, MASS., MUN. CODE tit. 2, ch. 2.119 (2024).

20. *See id.* § 2.119.020(D)(1), (E).

21. *See id.* § 2.119.020(E).

22. *See, e.g.,* Kaiponanea T. Matsumura, *Beyond Polygamy*, 107 IOWA L. REV. 1903, 1919-21 (2022).

23. CAMBRIDGE, MASS., MUN. CODE tit. 2, § 2.119.030(C).

24. *See id.* § 2.119.060(A)(1), (B)(1), (C)(1).

enumerated rights pertain specifically to healthcare visitation rights, correctional facility visitation rights, and access to children's school records, school personnel in matters relating to the children, and access to the children themselves (in other words, the ability "to remove" the child or children "from the school for sickness or family emergency"), as authorized by the children's parent or legal guardian who is a member of the domestic partnership.²⁵ Interestingly, while geographically far afield, a recent study of the Vienna poly community found that legal recognition of rights with respect to partners' children and the right to visit partners in the hospital were two of the respondents' most important legal priorities,²⁶ and other scholars have argued for hospital and correctional facility visitation for those in plural relationships as well.²⁷

The Cambridge ordinance also requires that City and School employees be able to have their domestic partners' medical insurance covered by the City, and the ordinance states that, as used in the Code, the terms "spouse" and "family" include domestic partners.²⁸ Parental leave is also granted when such an employee's domestic partner gives birth or adopts a child, and other types of leave, such as sick and bereavement leave relating to domestic partners, is available too.²⁹ Finally, the Cambridge Code, as the result of a 2023 amendment, prohibits retaliation or discrimination against someone for having registered a domestic partnership,³⁰ and, like the Somerville Code, it provides that it shall not "be interpreted to contravene the general laws of the commonwealth."³¹ It also contains an interesting preamble, which acknowledges the harms that ensue from failure to recognize diverse families:

The City Council acknowledges that the people's lives have evolved from when laws governing family relationships were enacted. Perpetuation of the traditional definitions of "family" excludes a significant segment of the Cambridge population, deprives them of recognition and validation, and denies certain rights that should be afforded to persons who share their homes, their hearts and their lives. The City, recognizing its commitment

25. *Id.*

26. Stefan F. Ossmann, *Loving, Living, Acting, Thinking and Feeling Poly. Polyamory in Self-Perception and Media Representation in the German-Speaking Region 2007-2017*, at 275-76, 279 (2021) (Ph.D. dissertation, University of Vienna) (on file with the University of Vienna).

27. *See, e.g.*, Matsumura, *supra* note 22, at 1954.

28. CAMBRIDGE, MASS., MUN. CODE tit. 2, §§ 2.119.070(C), 2.119.130.

29. *Id.* § 2.119.070(F), (G), (H).

30. *Id.* § 2.119.100.

31. *Id.* § 2.119.080(A).

to nondiscrimination and fair treatment of its residents and employees, adopts this chapter acknowledging domestic partnerships.³²

This section further affirms that it “equalizes the treatment of City employees” “in conformance with the Human Rights Ordinance.”³³

3. Arlington, Massachusetts.

The Town of Arlington, Massachusetts, passed its multi-party domestic partnership provisions, which are incorporated into its by-laws, in April 2021, just over a month after the Cambridge ordinance was passed.³⁴ Because Arlington is a town rather than a city, its new by-law had to be approved by the Massachusetts Attorney General.³⁵ This approval was granted by letter opinion on December 23, 2021.³⁶ The Town subsequently amended the domestic partnership provisions of its by-laws in April 2022, and the Massachusetts Attorney General approved the amendments on December 21, 2022.³⁷

The Town of Arlington, like the City of Somerville, originally required domestic partners to be unmarried and reside together,³⁸ but it removed those requirements via its 2022 amendment.³⁹ The Attorney General’s approval letter for the amendment does not discuss this specific alteration.⁴⁰ The initial approval letter emphasizes that the domestic partnership provisions do “not, in any way refer to, or result in a redefinition of, the ‘vital social institution of marriage,’” and further affirms that the provisions do not “attempt[] to authorize polygamy,” which is “illegal in the Commonwealth.”⁴¹

32. *Id.* § 2.119.010(A).

33. *Id.* § 2.119.010(B). The description of the Human Rights Ordinance in this section, specifically the enumerated list of prohibited bases of discrimination under the ordinance, was expanded in the 2023 amendment to include, as relevant here, both “relationship status” and “family structure.” *Compare* Cambridge, Mass., Ordinance No. 2020-14 (Mar. 8, 2021), *with* Cambridge, Mass., Ordinance No. 2023-8A (Nov. 20, 2023).

34. *See* ARLINGTON, MASS., BY-LAWS tit. I, art. 23 (2024).

35. *See* MASS. GEN. L. ch. 40, § 32 (2024).

36. *See* Letter from Maura Healey, Mass. Att’y Gen., to Julianna H. Brazile, Town Clerk of Arlington, Mass. (Dec. 23, 2021) (on file with author) [hereinafter Healey 2021 Letter].

37. *See* Letter from Maura Healey, Mass. Att’y Gen., to Julianna Brazile, Town Clerk of Arlington, Mass. (Dec. 21, 2022) (on file with author) [hereinafter Healey 2022 Letter].

38. *Compare* Healey 2021 Letter, *supra* note 36, at 3, *with* Somerville, Mass., Ordinance No. 2020-16 (June 25, 2020).

39. *See* ARLINGTON, MASS., BY-LAWS, tit. I, art. 23, § 2(A) (reflecting the absence of those requirements).

40. *See* Healey 2022 Letter, *supra* note 37, at 1.

41. Healey 2021 Letter, *supra* note 36, at 1-2 (quoting *Goodridge v. Dep’t of Pub. Health*, 798 N.E.2d 941, 948 (Mass. 2003)).

Arlington's domestic partnership provisions are very similar to Cambridge's, with a few important differences. Arlington, like Somerville and unlike Cambridge, *does* require consent of a pre-existing spouse or domestic partner(s) when a person registering for a domestic partnership is already married or part of a domestic partnership.⁴² Additionally, while many of the rights of domestic partners in Arlington are similar or the same as those of domestic partners in Cambridge, there is no right to medical insurance for Town employees in Arlington, although rights to bereavement, sick, and parental leave relating to domestic partners do exist for Town employees in Arlington.⁴³ Rather than "mutual support," the Arlington by-law requires sharing in "basic living expenses," while recognizing that contributions need not be equal and that "[l]abor or services in kind" can count as contributions to such expenses.⁴⁴ Finally, there is no catch-all provision in Arlington that stipulates that "spouse" or "family" as used elsewhere in the municipality's laws includes domestic partners, although there is a notation that "the term 'in-law' in employee handbooks shall include the relatives of a domestic partner."⁴⁵

It may be that drafters omitted such a catch-all provision because they were more cautious in writing the Arlington by-law provisions than were those drafting Cambridge's and Somerville's ordinances due to the requirement that the Attorney General approve the Arlington provisions. Under Massachusetts law, as with the laws in many other jurisdictions, the notion of marriage denotes "the voluntary union of two persons as spouses, to the exclusion of all others."⁴⁶ Counting domestic partnerships that include three or more people as marriages for the purposes of municipal law could well be seen as in tension with the exclusionary character of marriage, and allowing already married persons to enter multi-party domestic partnerships potentially raises similar concerns, although the consent requirement for the pre-existing spouse at least partially ameliorates such concerns. It is

42. Compare ARLINGTON, MASS., BY-LAWS, tit. I, art. 23, § 3(A)(c) (2024), and SOMERVILLE, MASS. MUN. CODE pt. II, ch. 2, art. IX, § 2503(c) (2023), with CAMBRIDGE, MASS., MUN. CODE tit. 2, ch. 2.119, § 2.119.030(c) (2024).

43. ARLINGTON, MASS., BY-LAWS, tit. I, art. 23, § 6(A)-(C) (2024).

44. *Id.* § 2(C).

45. *Id.* § 6(A).

46. *Goodridge*, 798 N.E.2d at 969. Indeed, a practice guide maintains that an earlier definition emphasizing the "chasten[ing]" effect of marriage remains good law except for its focus on the parties to the marriage being male and female. See 1 MAUREEN MCBRIEN & PATRICIA A. KINDREGAN, MASSACHUSETTS PRACTICE, FAMILY LAW AND PRACTICE § 17:1 (4th ed. 2024) (quoting *Inhabitants of Town of Milford v. Inhabitants of Town of Worcester*, 7 Mass. 48, 52 (1810)). For examples of Tribal laws using "to the exclusion of all others" language, see Ann E. Tweedy, *Tribal Laws & Same-Sex Marriage: Theory, Process, and Content*, 46 COLUM. HUM. RTS. L. REV. 104, 115-16, 119 (2015).

important to note, however, that the exclusionary character of marriage in Massachusetts has undoubtedly been softened by the State's repeal of its adultery law in 2018 on the grounds that it was archaic.⁴⁷ Additionally, traditional marriage is known for its oppressive history, particularly with respect to women.⁴⁸ Therefore, these domestic partnership laws, and the ease with which the participants are able to expand and contract their partnerships under them,⁴⁹ are a victory for personal freedom, including women's freedom, and particularly for what Joseph J. Fischel terms "relational autonomy" by which he means "the capability to codetermine sexual and/or intimate relations."⁵⁰

B. *How the Ordinances Came About and What the Future Might Hold.*

With the exception of the first domestic partnership ordinance, a coalition called the Polyamory Legal Advocacy Coalition (PLAC) has worked with local advocates to suggest language for the domestic partnership and anti-discrimination ordinances passed in the 2020s that protect polyamorous persons.⁵¹ As explained by Andy Izenon, one of the founding

47. See An Act Relative to Reproductive Health, ch. 155, § 2, 2018 Mass. Acts; 2017 MA S.B. 2260 (NS), Amend. 2; see also Trial Court Law Libraries & Mass. Ct. System, *Massachusetts Law About Sex: Adultery*, MASS.GOV, <https://www.mass.gov/info-details/massachusetts-law-about-sex#:~:text=It%20is%20not%20against%20the,%C2%A7%2040%20Cohabitation%20after%20divorce> (last visited Apr. 8, 2025); accord Elizabeth F. Emens, *Monogamy's Law: Compulsory Monogamy and Polyamorous Existence*, 29 N.Y.U. REV. L. & SOC. CHANGE 277, 285 (2004) ("Criminal adultery statutes are, in theory at least, a coercive enforcement of monogamy."); Edward Stein, *Adultery, Infidelity, and Consensual Non-Monogamy*, 55 WAKE FOREST L. REV. 147, 177 (2020) ("By pushing non-monogamy into the closet, the law of adultery disincentivizes consensual non-monogamy and, thereby, perversely encourages infidelity.").

48. See Darren Lenard Hutchinson, "Gay Rights" for "Gay Whites"?: Race, Sexual Identity, and Equal Protection Discourse, 85 CORNELL L. REV. 1358, 1370 (1999-2000) ("[M]arriage and family life within communities of color, as among whites, are often marked by patriarchy and heterosexism."); Alexander Chen & Christina Mulligan, *Parafamily*, 105 B.U. L. REV. 385, 411 (2025) (describing the history of "government actors forcibly impos[ing]" monogamous marriage on various cultures and religions in the United States and noting that "the monogamous marriage model was far from a model of justice and gender equality"). Notably, one of the co-authors of *Parafamily*, Alexander Chen, is also a founding member of the Polyamory Legal Advocacy Coalition, whose work is discussed below. See *Our Team*, POLYAMORY LEGAL ADVOC. COAL., <https://polyamorylegal.org/our-team> (last visited Apr. 8, 2025).

49. See, e.g., ARLINGTON, MASS., BY-LAWS, tit. I, art. 23, §3(B)-(C).

50. Joseph J. Fischel, *A More Promiscuous Politics: LGBT Rights Without the LGBT Rights*, in AFTER MARRIAGE EQUALITY: THE FUTURE OF LGBT RIGHTS 181, 191 (Carlos A. Ball ed., 2016); see also Christian Klesse, *Toward a Genealogy of a Discourse on Women's Erotic Autonomy: Feminist and Queer-Feminist Critiques of Monogamy*, 44 SIGNS 205, 222 (2018) ("[C]oncepts of erotic autonomy have been core to feminist critiques of heteropatriarchy and compulsory monogamy since the nineteenth century.").

51. See *Our Mission*, POLYAMORY LEGAL ADVOC. COAL., <https://polyamorylegal.org/our-mission> (last visited Jan. 13, 2025); see also Zoom Interview with Andy Izenon, Founding

members of PLAC, the very first poly-friendly domestic partnership ordinance came about when a Somerville Councilor named J.T. Scott happened to find that some fellow city councilors were working on a domestic partnership ordinance, and Scott spontaneously suggested to them that the right to domestic partnership not be limited to two persons.⁵² Izenon notes that “no one really noticed until it was passed.”⁵³ It was after this development that a number of attorneys who had been working on poly issues for a while decided to band together to “make sure” that, for future efforts, “the people who are drafting the legislation have technical support” in order to help ensure enforceability.⁵⁴ Thus, PLAC serves as a resource for local activists pursuing legislation in their cities and towns.⁵⁵

Scholars such as Ronald Den Otter have argued that the same reasons that bar the exclusion of same-sex couples from marriage also support broadening marriage to include groups of more than two who wish to marry.⁵⁶ This does not mean, however, that it is necessarily the goal of PLAC or the local activists pursuing poly-friendly domestic partnership ordinances to ultimately open the door to plural marriage. In an interview with the author, Andy Izenon noted the difficulty of opening up marriage to more than two people because of all the legislative steps involved and further explained that, at least in New York, parties can create most of the rights that come with marriage through legal devices like contracts and wills.⁵⁷ While Izenon thought that immigration was an arena where multiple partners faced unfair barriers because of the inability to marry, they did not think that marriage rights were required to remove those barriers.⁵⁸ I did not get the sense from talking to Izenon that plural marriage was one of PLAC’s goals (they specifically stated that it was not something “we need to . . . be putting a lot of energy towards”), although they acknowledged that eventually someone would likely argue for it.⁵⁹

Sociologist Christian Klesse has argued that the fluid and freedom-based nature of polyamory makes marriage ill-suited for polyamorous

Member, Polyamory Legal Advoc. Coal., at 46-47 (July 23, 2024) (interview transcript on file with author) [hereinafter Andy Izenon Zoom Interview Transcript].

52. See Andy Izenon Zoom Interview Transcript, *supra* note 51, at 44, 47-49.

53. *Id.* at 49.

54. *Id.* at 50-51.

55. *Id.* at 50, 52-54.

56. RONALD C. DEN OTTER, IN DEFENSE OF PLURAL MARRIAGE 49, 61 (2015).

57. See Andy Izenon Zoom Interview Transcript, *supra* note 51, at 89-92.

58. See *id.* at 93-95.

59. *Id.* at 87-88, 97-102.

relationships.⁶⁰ He describes “marriage as a regulatory tool of governance and citizenship” and further notes that “marriage is an institution of privilege and [that] the call for marriage equality is a liberal demand for the inclusion into meritocratic systems and institutions.”⁶¹ Interestingly, in a 2012 survey of polyamorous respondents, roughly the same percentage (just over 65%) noted that they would take advantage of plural marriage if available as thought that no relationship structure deserves special recognition.⁶² The preference to keep the state out of the business of regulating relationships is a familiar theme among many in poly communities,⁶³ although the success of the marriage equality movement appeared to generate newfound enthusiasm for plural marriage in the United States.⁶⁴

Conceptualizing multi-partner domestic partnerships as separate from, and unrelated to, a quest for plural marriage raises the question of whether domestic partnerships have much of a future after the advent of same-sex marriage. Domestic partnerships were a concept initiated by a Berkeley city employee named Tom Brougham who wanted a way to sign his same-sex partner up for benefits.⁶⁵ He began advocating for them in the late 1970s, and Berkeley enacted a domestic partnership ordinance in 1984.⁶⁶ Other cities, and eventually states, followed suit.⁶⁷ In the wake of the legalization of same-sex marriage, however, a significant number of states have abolished domestic partnerships, although at least one state has broadened their availability, and many municipalities retain them.⁶⁸

Thus, the future of domestic partnerships in general is uncertain, a fact which may mean that the trend of multi-party domestic partnership laws may not have the potential to become that widespread. The backlash against

60. See Klesse, *Marriage, Law, & Polyamory*, *supra* note 3, at 1367-68; see also Matsumura, *supra* note 22, at 1945-47 (explaining the harms of potential laws requiring those in poly relationships “conform to marriage-like standards” in order to be able to receive the benefits of such laws, including incursions on the “self-determination” of those who engage in such relationships).

61. Klesse, *Marriage, Law, & Polyamory*, *supra* note 3, at 1367-68.

62. See Ann Tweedy, *Marriage & Polyamory*, FAC. LOUNGE (July 18, 2013, 6:16 PM), <https://www.thefacultyounge.org/2013/07/marriage-polyamory.html>.

63. See, e.g., Ossmann, *supra* note 26, at 277; Hadar Aviram & Gwendolyn M. Leachman, *The Future of Polyamorous Marriage: Lessons from the Marriage Equality Struggle*, 38 HARV. J.L. & GENDER 269, 274 (2015).

64. See Aviram & Leachman, *supra* note 63.

65. Leland Traiman, *A Brief History of Domestic Partnerships*, GAY & LESBIAN REV. WORLDWIDE, July-Aug. 2008, at 23.

66. See *id.* at 23-24.

67. See *id.* at 24; Grace J. Anderson, *The Continued Relevance of Domestic Partnerships in the Post-Obergefell United States*, 41 MINN. J.L. & INEQ. 133, 139-40 (2023).

68. Anderson, *supra* note 67, at 141-42; see also Jade Yeban, *State Laws: Domestic Partnerships*, FINDLAW (last reviewed Oct. 5, 2023), <https://www.findlaw.com/family/domestic-partnerships/state-laws-domestic-partnerships.html>.

LGBTQ rights is likely another limiting factor, as those hostile to LGBTQ rights are presumably at least just as likely to be hostile to polyamory-based rights. One unexplored possibility is that Tribes could adopt multi-partner domestic partnership laws, given that many Tribes traditionally had plural marriages and that these traditions were targeted by colonialist assimilationist efforts of both the federal government and religious entities.⁶⁹ While some Tribes do protect domestic partnerships to some degree,⁷⁰ it is not known if any Tribes would be interested in reinvigorating—and formalizing—past traditions of plural relationships.⁷¹

II. ANTI-DISCRIMINATION ORDINANCES.

The Cities of Cambridge and Somerville, Massachusetts both enacted anti-discrimination laws in 2023 that prohibit discrimination based on family structure.⁷² Berkeley and Oakland, California passed similar laws in 2024.⁷³ The City of Somerville’s anti-discrimination ordinance, enacted in March 2023, is the first of this group, but it was not the first time that a city passed an ordinance protecting against discrimination based on family structure that was aimed at protecting polyamorous persons. Berkeley had previously examined and even passed such an ordinance in December 2017, with continued evaluation in 2018 and 2019, but it was never implemented, apparently because of concerns among city staffers that it could be read to

69. Tweedy, *supra* note 46, at 157; Chen & Mulligan, *supra* note 48, at 409.

70. See, e.g., Fond Du Lac Reservation, Lake Superior Chippewa, Ordinance 04/10 ch. 4 (Jan. 13, 2016) (allowing for recognition and registration of “non-married but committed adult partners” so that employers may “provide equal treatment in employment benefits”); LITTLE RIVER BAND OF OTTAWA INDIANS, #R700-01:HC-1, HOUSING REGULATIONS § 3 (2017) (allowing domestic partners to live with Tribal members in Tribal housing); MUCKLESHOOT TRIBAL CODE: TRIBAL HOUSING ASSISTANCE § 13.07.030(e) (effective Jan. 1, 2000) (defining domestic partners as those living together as life partners “without legal or religious sanction”); Tweedy, *supra* note 46, at 127.

71. It may be that only a small fraction, if any, Tribes, would be interested in reviving this tradition in light of the prevalence, among some Tribal members, of “socially conservative Christian beliefs.” See Lauren van Schilfgaarde, Aila Hoss, Ann E. Tweedy, Sarah Deer, & Stacy Leeds, *Tribal Nations and Abortion Access: A Path Forward*, 46 HARV. J. L. & GENDER 1, 29 (2023); accord Margaret Robinson, *Two-Spirit Identity in a Time of Gender Fluidity*, 67 J. Homosexuality 1675, 1680 (2020) (“[S]everal scholars have explored how Christian conservatives continue to use state and private funding to influence Indigenous culture legislation on issues of same-sex marriage.”).

72. See Somerville, Mass., Ordinance No. 2023-08 (Mar. 23, 2023); Somerville, Mass., Ordinance No. 2023-09 (Mar. 23, 2023); Somerville, Mass., Ordinance No. 2023-10 (Mar. 23, 2023); CAMBRIDGE, MASS., MUN. CODE tit. 2, ch. 2.76, 2.119 (2023).

73. BERKELEY, CAL., MUN. CODE tit. 13, ch. 13.22 (2024); OAKLAND, CAL., MUN. CODE tit. 9, ch. 9.45 (2024).

require insurance coverage for an employee's multiple partners.⁷⁴ As noted by its sponsor, Councilmember Linda Maio, this first, unrealized Berkeley ordinance was envisioned by "[a] group of citizens of Berkeley," who drafted the ordinance language "with a great deal of care and thoroughness."⁷⁵ Berkeley's unimplemented ordinance protected against discrimination based on "relationship structure," which it defined based on the "number of consenting adults" in the relationship or with whom an individual was currently involved, and the definition included "disposition or desire for a certain relationship structure"⁷⁶ It was thus narrower than the coalition-based approach we find in the current ordinances. The unimplemented Berkeley ordinance was broad in terms of the sectors in which it prohibited discrimination, which included employment, housing and real estate transactions, public accommodations, and education.⁷⁷

There is a strong need for anti-discrimination protections for polyamorous persons because those who are open about being engaged in non-monogamous relationships⁷⁸ report experiencing discrimination in a range of areas, including employment, child custody, and healthcare, among other spheres.⁷⁹ In the context of child custody in particular, Dr. Elisabeth

74. See, e.g., Minutes of Special Meeting of Berkeley City Council, Tuesday, December 19, 2017 6:00 pm, no. 27 (approving recommendation to "[r]efer the proposed language to the City Manager requesting that the City amend Chapter 13.31 as proposed to prohibit discrimination on the basis of relationship structure in regard to Employment, Real Estate Transactions, Business Practices, City Facilities and Services or Education on the Basis of Relationship Structure"); Sheff, *supra* note 2.; *Proclamation Calling a Special Meeting of the Berkeley City Council*, CITY OF BERKELEY at 20 (June 11, 2019) <https://berkeleyca.gov/sites/default/files/city-council-meetings/2019-06-11%20Special%20Agenda%20Packet%20-%20Council%20-%20WEB.pdf>; Memo from Dee Williams-Ridley, City Manager, to Honorable Mayor and Members of the City Council, at 64 (Dec. 4, 2018) (on file with author). A local activist informed the author in June 2018 that there was said to be a concern on the part of the City Attorney that the ordinance could be read to require private employers to provide insurance to a poly employee's multiple partners. E-mail from Anonymous Source to author (June 15, 2018, 3:38 pm) (on file with author). Multiple public records requests by the author to the City of Berkeley in July and September 2024 did not shed any additional light on why the 2017 ordinance was never implemented.

75. Consent Calendar for Special Meeting of Berkeley City Council, Tuesday, December 19, 2017, Memo from Councilmember Linda Maio, at 1.

76. Consent Calendar for Special Meeting of Berkeley City Council, Tuesday, December 19, 2017, Memo from Councilmember Linda Maio (Attachment, Proposed Section 13.31.020(4)), at 4.

77. Consent Calendar for Special Meeting of Berkeley City Council, Tuesday, December 19, 2017, Memo from Councilmember Linda Maio (Attachment, Proposed Section 13.31.030-13.31.070), at 4-10.

78. Matsumura, *supra* note 22, at 1925 ("Many people in plural relationships conceal those relationships from co-workers, friends, and family.")

79. See, e.g., *id.* (citing Ryan G. Witherspoon & Peter S. Theodore, *Exploring Minority Stress and Resilience in a Polyamorous Sample*, 50 ARCHIVES SEXUAL BEHAV. 1367, 1373, 1378 (2021)); Tweedy, *Polyamory as a Sexual Orientation*, *supra* note 7, at 1498 ("[P]olyamorists risk custody loss, workplace discrimination, loss of friends, alienation from their families, and ostracism from

Sheff's research on poly families has demonstrated that children who are part of such families are not generally negatively affected by being part of these families and that they instead tend to experience advantages compared to other children, including "abundant physical, material, and emotional resources"⁸⁰ Accordingly, she and her co-authors argue that "polyamorous families warrant the same consideration as all other families appearing in family court: a case-by-case, family by-family determination, unencumbered by judicial biases."⁸¹

Turning to the scope of the ordinances that have been implemented, Somerville's ordinances prohibit discrimination in its personnel program and in policing.⁸² Cambridge's ordinance more broadly prohibits discrimination by employment agencies, employers, labor organizations, persons engaged in real estate transactions, financial institutions, insurance companies, educational institutions, and persons offering public accommodations.⁸³ Berkeley's current ordinance protects against discrimination in "housing, employment, education, contracts, purchasing, and business establishments."⁸⁴ Oakland's ordinance applies to real estate, business establishments, city services and facilities, and city-supported services and facilities.⁸⁵

spiritual and other communities as a result of revealing their polyamory."'). For an example of a recent custody case that weighs a past polyamorous relationship negatively against the mother in its analysis, ultimately removing the children from the mother's physical custody and temporarily awarding physical custody to the father, see *Harrison v. Switzer*, No. D-1314-DM-2014-416, NM 13th Dist. (Sept. 15, 2020). Other cases in which the courts appeared to view a parent's polyamorous relationship or practices negatively in the custody context include *In re Lily C.*, No. M202100885COAR3PT, 2022 WL 2301598 *9 (Tenn. Ct. App. June 27, 2022), and *Cross v. Cross*, No. 07-13227, 2008 WL 4491492 (Pa. Com. Pl. Aug. 14, 2008). However, other decisions either explicitly reject reliance on a parent's "morality or sexual lifestyle" in making custody decisions, *Bolds v. Bowe*, 285 A.3d 944, *11 (Pa. Super. Ct. 2022), or appear to implicitly reject such reliance. *Godfrey v. Godfrey*, No. 1141, Sept. term, 2019, 2020 WL 5870524, *2 (Md. Ct. Spec. App. Oct. 2, 2020).

80. Sheff et al., *supra* note 3, at 310 (describing Dr. Sheff's research).

81. *Id.* at 322. In addition to the protections available under ordinances that bar discrimination based on being part of a polyamorous relationship or another stigmatized relationship or family structure, there are increasingly avenues in family law for courts to recognize more than two parents in some circumstances, as explained in Courtney G. Joslin & Douglas NeJaime, *Multiparenthood*, 99 N.Y.U. L. REV. 1242, 1262, 1278, 1279-80 (2024) (describing states that allow courts to adjudicate that a child has more than two legal parents, as well as states that allow functional parents, in addition to legal parents, to be accorded "some parental rights").

82. Somerville, Mass., Ordinance No. 2023-09 (Mar. 23, 2023); Somerville, Mass., Ordinance No. 2023-10 (Mar. 23, 2023).

83. CAMBRIDGE, MASS., MUN. CODE tit. 2, § 2.76.120 (2023).

84. BERKELEY, CAL., MUN. CODE tit. 13, § 13.22.010 (2024).

85. OAKLAND, CAL., MUN. CODE tit. 9, § 9.45.020 (2024).

One of the most interesting and important aspects of all four ordinances is that they, although all apparently driven by poly activists and having benefitted from technical assistance provided by PLAC, purposefully take a coalition-building approach to defining family structure. For starters, Somerville's, Berkeley's, and Oakland's ordinances use the term "[f]amily or relationship structure," while Cambridge's refers to "[f]amily structure."⁸⁶ All, however, evidence this coalition-building approach, rather than focusing solely on protections for members of poly families and relationships.

Starting with the two Massachusetts cities, Somerville's ordinance references "an individual's actual or perceived affinity, or lack thereof, for any given type of intimate personal relationship . . . " and further defines "intimate personal relationship" as including "any interpersonal relationship between two or more adult individuals that involves romantic, physical, or emotional intimacy."⁸⁷ Cambridge defines "[f]amily structure" to mean "a single person, or two persons, or a lawful consensual non-monogamous or lawful consensual multi-partner family structure"⁸⁸ Thus, neither municipality's definition is limited to families with multiple partners. For instance, Cambridge also includes families with step-parents as well as multi-generational and non-nuclear families.⁸⁹ Somerville's definition includes "stepfamilies and multi-generational households."⁹⁰

Oakland's and Berkeley's definitions are also broad. For instance, Oakland's definition states that:

"Family and relationship structure" means the actual or perceived involvement, or lack thereof, of an individual in an intimate personal relationship or relationships, other than a marital relationship. It includes an individual's actual or perceived affinity, or lack thereof, for any given type of intimate personal relationship, other than a marital relationship, regardless of whether the individual is currently in any intimate personal relationship(s).

"Intimate personal relationship" means an interpersonal relationship, other than a marital relationship, between two (2) or more adult individuals that involves romantic, physical, or emotional intimacy. This includes multi-

86. BERKELEY, CAL., MUN. CODE tit. 13, § 13.22.030 (2024); Somerville, Mass., Ordinance No. 2023-08, § 1-4 (Mar. 23, 2023); OAKLAND, CAL., MUN. CODE tit. 9, § 9.45.010 (2024); CAMBRIDGE, MASS., MUN. CODE tit. 2, § 2.76.030 (2023).

87. Somerville, Mass., Ordinance No. 2023-08, § 1-4 (Mar. 23, 2023).

88. CAMBRIDGE, MASS., MUN. CODE tit. 2, § 2.76.030(6) (2023) (defining "Family Structure"); *see also id.* § 2.76.030(15) (defining "Relationship Status"). Cambridge does not explicitly include language on affinity or disposition for certain types of relationships. *See* CAMBRIDGE, MASS., MUN. CODE tit. 2, § 2.76.030(6) (2023).

89. *Id.*

90. Somerville, Mass., Ordinance No. 2023-08, § 1-4 (Mar. 23, 2023).

partner/multi-parent families and relationships, step-families, multi-generational households, diverse family structures, consensually non-monogamous relationships, and consensual sexual and/or intimate relationships, including asexual and aromantic relationships.⁹¹

Thus, Oakland's definition includes not only consensually non-monogamous families but also asexual persons in relationships, single persons, step-families, multi-generational households, and the catch-all "diverse family structures."⁹² It also includes actual or perceived relationship affinity or lack thereof, thus protecting persons based on preferences (real or perceived) for certain types of relationships, regardless of whether they are actively involved in such relationships.⁹³

Berkeley's list of protected types of relationships is similar, and it also specifically includes single parents:

It is the policy of the City to eliminate all forms of discrimination within the City, particularly discrimination against individuals who are a part of families or relationships that fall outside the nuclear family norm. These include single parents, multi-partner/multi-parent families and relationships, multi-generational households, consensually non-monogamous relationships, and asexual and aromantic relationships. It is the intent of the City to eliminate discrimination against individuals in such family or relationship structures in housing, public accommodations, educational institutions, and business establishments.⁹⁴

Like Somerville and Oakland, Berkeley also protects against discrimination based on "actual or perceived affinity, or lack thereof," for a certain type of relationship.⁹⁵

In my interview with Andy Izenson, they stated that this sort of coalition-building was "baked in from the beginning" and that it supports a focus on conduct rather than identity.⁹⁶ This approach is admirable because of its potential for inclusiveness, and it is supported by pioneering work by legal scholars such as Nancy Polikoff, who argued that the push for same-sex marriage was limiting because many different types of families besides lesbian and gay couples were harmed by the special benefits afforded to two-

91. OAKLAND, CAL., MUN. CODE tit. 9, § 9.45.010 (2024).

92. *Id.*

93. Including relationship affinity is important because research shows that people can be discriminated against based on affinity for poly relationships even when not involved in such a relationship. See, e.g., Ann E. Tweedy & Karen Yescavage, *Employment Discrimination Against Bisexuals: An Empirical Study*, 21 WM. & MARY J. WOMEN & L. 699, 726, 732 (2015).

94. BERKELEY, CAL., MUN. CODE tit. 13, §§ 13.22.010 (2024).

95. *Id.* § 13.22.030(A).

96. Andy Izenson Zoom Interview Transcript, *supra* note 51, at 65.

person, different-sex marriage in the years before marriage equality.⁹⁷ In the context of polyamory specifically, sociologist Christian Klesse has similarly argued that advocating for poly rights based on identity is limiting and tends to militate towards an essentialist view of what it means to be polyamorous, thus resulting in the loss of “a broader agenda aimed at social and economic transformation.”⁹⁸ I explored these sorts of problems with identity-based advocacy in my prior article on polyamory as well.⁹⁹

Coalition-building in this area is powerful because many groups have been stigmatized in the United States due to being part of non-nuclear families.¹⁰⁰ Moreover, while public perception of religious polygamous communities tends to be focused on those that are oppressive to women and girls, recent research highlights the fact that some such communities actually support women’s autonomy and freedom and have a decidedly feminist orientation.¹⁰¹ Indeed, Andy Izenon expressed openness and enthusiasm about collaborating with such communities if the opportunity arose.¹⁰² Ultimately, coalition-building in this context lifts up freedom as a paramount value, perhaps especially for poly persons and others who practice consensual non-monogamy.¹⁰³ Yet freedom in the United States is currently under severe attack, with groups and politicians perversely using the name of freedom while attempting to suppress speech and conduct they disagree with.¹⁰⁴ Moreover, rights rhetoric, which tends to paint rights as the

97. NANCY D. POLIKOFF, *BEYOND (STRAIGHT AND GAY) MARRIAGE: VALUING ALL FAMILIES UNDER THE LAW* 7, 103–05, 107, 152 (2008); *see also* Chen & Mulligan, *supra* note 48, at 390.

98. Klesse, *Marriage, Law, & Polyamory*, *supra* note 3, at 1368.

99. *See* Tweedy, *Polyamory as a Sexual Orientation*, *supra* note 7, at 1468-71.

100. *See, e.g.*, *Moore v. City of East Cleveland*, 431 U.S. 494 (1977); Tweedy, *supra* note 46, at 157; Chen & Mulligan, *supra* note 48, at 407-411.

101. *See generally* Janet Bennion, *Progressive Polygamy in Western United States*, in *BEYOND SAME-SEX MARRIAGE: PERSPECTIVES ON MARITAL POSSIBILITIES* (Ronald C. Den Otter ed., 2016).

102. *See* Andy Izenon Zoom Interview Transcript, *supra* note 51, at 36.

103. *See* Fischel, *supra* note 50, at 193-94 (Fischel does not argue simply for freedom in the sense of non-interference; instead, he argues that his concept of relational autonomy may sometimes require government interference such as in the case of a spouse or romantic partner that is consenting to abuse.).

104. For example, the perversely named Moms for Liberty has been criticized by the American Historical Association because of “advocacy of censorship and legislation ‘that renders it impossible for historians to teach with professional integrity without risking job loss and other penalties.’” Glenn C. Altschuler, *Six Reasons Why Moms for Liberty Is an Extremist Organization*, HILL: OPINION (July 09, 2023, 8:00 AM), <https://thehill.com/opinion/education/4086179-six-reasons-why-moms-for-liberty-is-an-extremist-organization/>. *See also* Andrew Atterbury, ‘Positively Dystopian’: Florida Judge Blocks DeSantis’ Anti-Woke Law for Colleges, POLITICO (Nov. 17, 2022, 5:55 PM) <https://www.politico.com/news/2022/11/17/florida-anti-woke-law->

exclusive province of those who are similarly situated to others whose rights in the area have already been established,¹⁰⁵ has strong emotional appeal, which likely explains its careful and targeted use in Supreme Court opinions upholding same-sex marriage.¹⁰⁶ Coalitions may be less able to summon the same emotional responses that narrower groups can elicit through personal stories (although, on the other hand, coalitions can presumably amass large numbers of supporters by banding their existing supporters together).

Because personal freedom in the United States is currently under virulent attack and thus may not be a persuasive rallying call and because foregoing rights rhetoric results in not being able to summon the emotional appeal that comes with it, it may be that the path of coalition-building in the context of laws protecting polyamorous persons will be a long one if it is to achieve widespread success. The path, however, will unquestionably be more inclusive than a rights-based approach because rights rhetoric tends to be essentializing for the groups who deploy it, leaving those who fail to conform to the sanitized, outward-facing vision of group members in the cold.¹⁰⁷ And, in the meantime, these ordinances, enacted in progressive cities on both coasts,¹⁰⁸ represent significant victories for personal freedom, self-realization, and justice. It is to be hoped that these ordinances themselves

block-colleges-education-00069252; Ann E. Tweedy, *Bisexual Erasure, Marjorie Rowland, and the Evolution of LGBTQ Rights*, 46 HARV. J.L. & GENDER 265, 319, 324 (2023).

105. See Natasha L. Carroll-Ferrary, *Incarcerated Men and Women, the Equal Protection Clause, and the Requirement of "Similarly Situated"*, 51 N.Y.L. SCH. L. REV. 596, 596 (2006) (discussing the requirement of being similarly situated in the context of equal protection claims); JOSEPH WILLIAM SINGER, ET AL., *PROPERTY LAW: RULES, POLICIES, AND PRACTICES XLII* (8th ed. 2021) (describing rights theorists whose work builds on Immanuel Kant's as asking "whether a claim that an interest should be protected could be universalized such that every person in similar circumstances would be entitled to similar protection").

106. See, e.g., Min Kyung Lee, *A Story of a Birth and a Funeral: A Rhetorical Analysis of Windsor and Shelby County*, 23 J.L. & POL'Y 507, 519-22 (2015) (describing how personalized rights narratives were deployed in *Windsor* and explaining these narratives' emotional effect); see also Michael Boucai, *Sexual Liberty and Same-Sex Marriage: An Argument from Bisexuality*, 49 SAN DIEGO L. REV. 415, 417 (2012) (describing the emotional appeal of arguing that same-sex marriage bans unfairly discriminate against same-sex couples but arguing that such strategies ignore the ways that such bans impede personal choices about marriage and relationships).

107. Tweedy, *Polyamory as a Sexual Orientation*, *supra* note 7, at 1470-71; Tweedy, *supra* note 104, at 267 & n.8.

108. Another municipality that has explored enacting such an ordinance is the Village of New Paltz, New York. See, e.g., Village of New Paltz, Village Board of Trustees – 3/13/24, March 13, 2024, <https://www.youtube.com/watch?v=xq25640z-Mg&list=WL&index=3> (testimony of Andy Izenson from 26:00 to 47:00); see also Andy Izenson Zoom Interview Transcript, *supra* note 51, at 49.

will begin the process of shifting negative attitudes about polyamory into a more positive realm.¹⁰⁹

109. See, e.g., Stein, *supra* note 47, at 164 (“There must have been significant synergies between the dramatic changes in the legal landscape for LGBT people and the significant shift in public attitudes towards LGBT people.”).