

San Francisco's gay-marriage ruling may violate state law

Mayor Gavin Newsom set precedent in the same-sex marriage debate but is accused of 'exceeding authority'

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ASSOCIATED PRESS WRITER

SAN FRANCISCO — The California Supreme Court is set to rule Thursday on whether the mayor exceeded his authority by allowing gay couples to wed earlier this year — and many assume the decision will find Mayor Gavin Newsom violated state law.

What is less clear, however, is how the seven justices will treat thousands of same-sex marriages sanctioned before the high court intervened in March.

"It appears quite obvious the court is going to rule against the mayor," said

Kate Kendell, executive director of the National Center for Lesbian Rights. "We think that's unfortunate and it's wrong, but of course the more human question is what to do with 4,037 marriage licenses that belong to couples in relationships and with families."

Gay rights advocates say the most they can hope for is that the justices will say nothing — at least for now — about the validity of the licenses gay couples received at San Francisco City Hall between Feb. 12 and March 11, the day the court issued an injunction halting the unprecedented wedding spree.

The city, as well as several legal groups, sued the state the same day, alleging California's marriage laws — defining marriage as a union between a man and a woman — are an unconstitutional abridgment of the civil rights of gays and lesbians.

Thursday's opinion will not address the constitutional question.

"Tomorrow's ruling is important, but it will not resolve whether same-sex couples have the right to marry and be treated equally under our state constitution," said Jennifer Pizer, a lawyer with the Lambda Legal Defense and Education Fund, a gay rights legal aid group.

Lawyers for the state and a Christian legal organization that filed the pair of cases challenging the mayor's decision have asked the court to nullify the disputed marriage licenses if it finds that Newsom's action was unlawful.

They maintain letting the marriages stand would not only sow confusion for other jurisdictions, but would encourage residents to disregard any laws with which they disagree.

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HOUSING

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Under Corvallis's system, if a renter has a complaint, he or she can contact the city's rental agency. If the landlord doesn't make the requested repairs within 10 days, the landlord, tenant and a city assessor examine the property in dispute. The city assessor has the power to set a deadline for the repairs to be completed if violations are found. If the landlord doesn't complete the repairs by that deadline, the city can levy a \$250 fine for every violation, every day, until the repairs are completed.

Council members had various concerns.

Councilor Gary Papé said he was concerned about the annual \$10-per-unit fee imposed on rental companies to fund the program. That money might be better spent to build more low-income housing and help with the homeless situation in Eugene, he said.

Councilor David Kelly said he feels the housing standards are important for Eugene.

"It's very exciting that we're moving forward to a public hearing," he said. "This is designed to accomplish the idea that people in Eugene ought to literally have a roof over their head that doesn't leak, have a toilet that works, have heat that will heat their dwelling unit, and have weatherproofing for those rainy windy nights."

He cites these as basic rights to which everyone is entitled.

In response to Papé's concerns, Kelly also said the per-unit fee would not go far in building low-income housing.

Councilor Scott Meisner questioned the need for so many full-time employees.

"Corvallis is a complaint-driven program, not an annual inspection at every dwelling unit," Meisner said. "In that case, you are really going to have to defend to me the need for a minimum of two full-time employees."

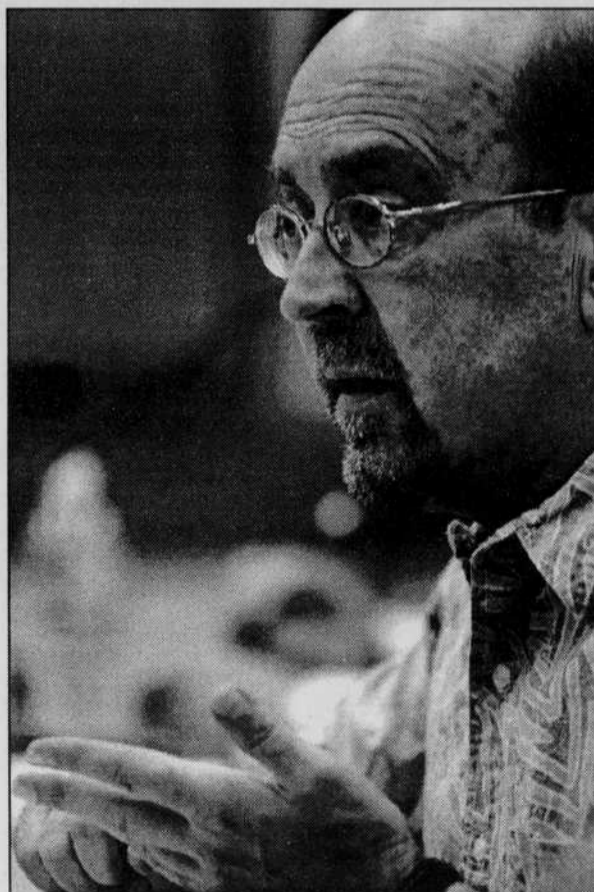
Marsha Miller, City of Eugene Planning and Development Department building and permit services manager, said the numbers were based on the Corvallis program, which receives approximately 35 calls per month. Corvallis is about one-third the size of Eugene. Kelly proposed the idea of hiring temporary staff as a compromise to the full-time employees.

Eugene City Council President Bonny Bettman said she hopes the housing standards will raise the threshold of standard housing in the community.

"(This will result in) no housing that people will have to rent that doesn't have adequate heating or plumbing," she said.

The council thanked staff, students, and community members for their hard work on the issue.

"It's heartening to see the unanimous vote," said ASUO President Adam Petkun, adding that



Eugene City Council President Bonny Bettman (top) and City Councilor Scott Meisner (bottom) discuss details of the proposed housing standards at a City Council work session Wednesday afternoon in city hall.
Jared Paben
Editor in Chief

54,000 renters in Eugene have been without adequate housing.

Kelly was happy to see the council was unified in approving the program for a hearing and that all of their concerns were minor.

The public hearing is set for October. If the city council approves the housing standards, the early stages of the program will start in November 2004 and be in full operation by November 2005.

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