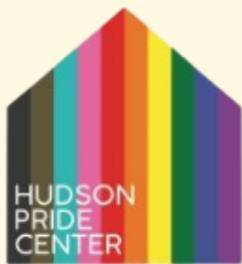


# MARRIAGE EQUALITY IN NJ: A LATINA/O/X PERSPECTIVE



**06/27/2022**

## **Marriage Equality in New Jersey: A Latina/o/x Perspective**

Seven years after same-sex marriage became legal in New Jersey couples in many municipalities across the state must navigate an unclear maze of municipal regulations that are at best unfriendly, and at worst discriminatory and unconstitutional. The message of marriage equality appears muddled and muddled on some municipal websites. The promise of marriage equality remains an aspiration rather than a reality.

Things should be simple. Two people fall in love. They want to get a marriage license. Gender should be irrelevant. But it is not. Same-sex couples seeking information must in many cases navigate municipal websites that are unclear and, in some cases, hostile to their goals of obtaining a marriage license. Some municipal websites make it seem as if that option is only available to couples of opposite genders.

The origins of this report begin with a love story.

Virginia Orozco, a resident of Fairview Borough, recently became engaged to her fiancée. The couple resides in Fairview, a municipality in Bergen County. In planning for their nuptials, the couple began reviewing the requirements to obtain a marriage license. However, [Fairview Borough's website](#) stated that marriage license applications were for couples of the opposite sex. “As a Latina and a queer person, I was already facing the judgment and conflict with my family due to their religious beliefs when I announced that I was going to marry my girlfriend of 2 years,” Virginia told the authors of this report. “I was discouraged when I saw the discriminatory language on my town’s website.”

Virginia’s story led the leaders of the Latino Action Network Foundation [LANF] to wonder how many other municipalities in New Jersey were failing to meet their responsibility to transmit unbiased information about obtaining marriage licenses. LANF reached out to allies in the LGBTQ community and reviewed the websites of all 565 municipalities in New Jersey

Our findings indicate that many municipalities are out of step with the state law that permits same-sex marriage. The language on their websites is often exclusionary and unwelcoming to same-sex couples. Some municipal websites continue to cite old doctrines around marriage requirements. And too many still fail to include gender-inclusive language for online documents. Many municipalities continue to use exclusionary, gendered language like “bride” and “groom” despite the [New Jersey Department of Health's website](#) providing inclusive forms and language.

## FINDINGS

We conducted an online survey of the websites of all 565 NJ municipalities. Each locality assigns marriage license applications to either their municipal clerk, Board of Vital Statistics, and/or public health board. Based on the information on their website, we categorized each municipality in one of four ways: Fully Compliant, Minimally Compliant, Non-Compliant, or No Data. Fully Compliant municipalities have the most recent information provided by the [NJ Department of Health](#) which indicates that marriage licenses are available to all couples, as well as forms and regulations with gender-inclusive language.

387 NJ municipalities (68%) statewide were Fully Compliant. Many municipalities within the Fully Compliant categorization used NJ Department of Health forms, which are inclusive of same-sex marriage. However, many municipalities went out of their way to produce their materials with non-gendered language. For example, one municipality that serves as a model of what an inclusive marriage requirements webpage should look like is Hillside (Union). On their Health Department webpage, Hillside goes out of the way to provide a separate [pdf document](#) detailing marriage license requirements. Instead of using gendered language, this document uses “Spouse A” and “Spouse B” and “Applicant A” and “Applicant B”. And, in Camden County, where zero municipalities were considered minimally compliant and non-compliant Haddon even includes a [frequently asked questions pdf document](#) for same-sex marriage, to further reduce any confusion for same-sex couples.

Municipalities that were categorized as Minimally Compliant did not explicitly state that marriage licenses were only for opposite-sex couples. But their websites used gendered language such as “bride and groom” to describe applicants and regulations. While these municipalities are not in direct violation of NJ state law, their frequent use of terms such as “bride and groom” is discriminatory toward LGBTQIA+ couples. 61 NJ municipalities (11%) statewide were categorized as Minimally Compliant.

Our survey determined that 6 NJ municipalities (1%) statewide were in direct violation of NJ state law establishing marriage equality. These towns were [Estelle Manor](#) (Atlantic), [Fairview Borough](#) (Bergen), [New Hanover](#) (Bergen), [Hanover](#) (Morris), [South Toms River](#) (Ocean), and [Linden](#) (Union). The websites of these NJ municipalities go out of their way to incorrectly cite that marriage licenses are only available to opposite-sex couples despite the 2006 landmark Marriage Equality decision [Lewis v. Harris](#).

The last category of No Data was given to municipalities that provided no guidance or information at all on their website for couples looking to marry. While this may not be as egregious a violation as marriage requirements using language that is exclusive of same-sex couples, it created unnecessary confusion surrounding requirements- for everyone. Various

municipalities provide no information on marriage license requirements. For example, our researchers could not find any information on marriage license requirements or any related forms for [Milford Boro. \(Hunterdon County\)](#). In addition, this website is difficult to navigate, and individuals seeking a marriage license will be hard-pressed to get answers about how to proceed.

## SCOPE OF THE PROBLEM

Many LGBTQIA+ couples and individuals look to broader societal acceptance, support, and protection so that they can come out to their loved ones and be who they are. Stigma and discrimination have been linked to poor mental health among those who identify as a sexual and gender minority. According to Trevor Project<sup>1</sup>, Latinx youth who identify as LGBT are 30% more likely to report suicide attempts than their straight, cis-gendered Latino/a peers. Latinx LGBT individuals are facing multiple stigmas within and outside of their communities including racism and oppression based on their ethnic and sexual identities.

Historically, Latinos have been disproportionately impacted by homophobia and transphobia from the HIV/AIDS public health crisis to oppressive policies that limit LGBT couples from forming a family. This led to strong activism and community mobilization of Latino communities to be part of the solution. Starting in the 1990s, Latino Community Based Organizations in New Jersey such as [P.R.O.C.E.E.D](#) in Elizabeth led the charge in providing culturally sensitive and linguistically accessible health services via Ryan White HIV/AIDS Programs. [The Latino Action Network, our sister organization, endorsed marriage equality in 2012](#). However, stigma continues to plague LGBT communities and many within Latino communities are negatively impacted. For example, in March 2022, [a group of Latinx youth protested local school board policies in Passaic that prohibit them from flying the LGBT flag \(Cowen, R., Mar 2022\)](#).

## NEXT STEPS

The State Attorney General, the Division on Civil Rights, and the State Health Department need to take immediate action to ensure that municipalities that are non-compliant, minimally compliant, or provide no data come into compliance with state law and provide appropriate information about the acquisition of marriage licenses. This report will be forwarded to them for action.

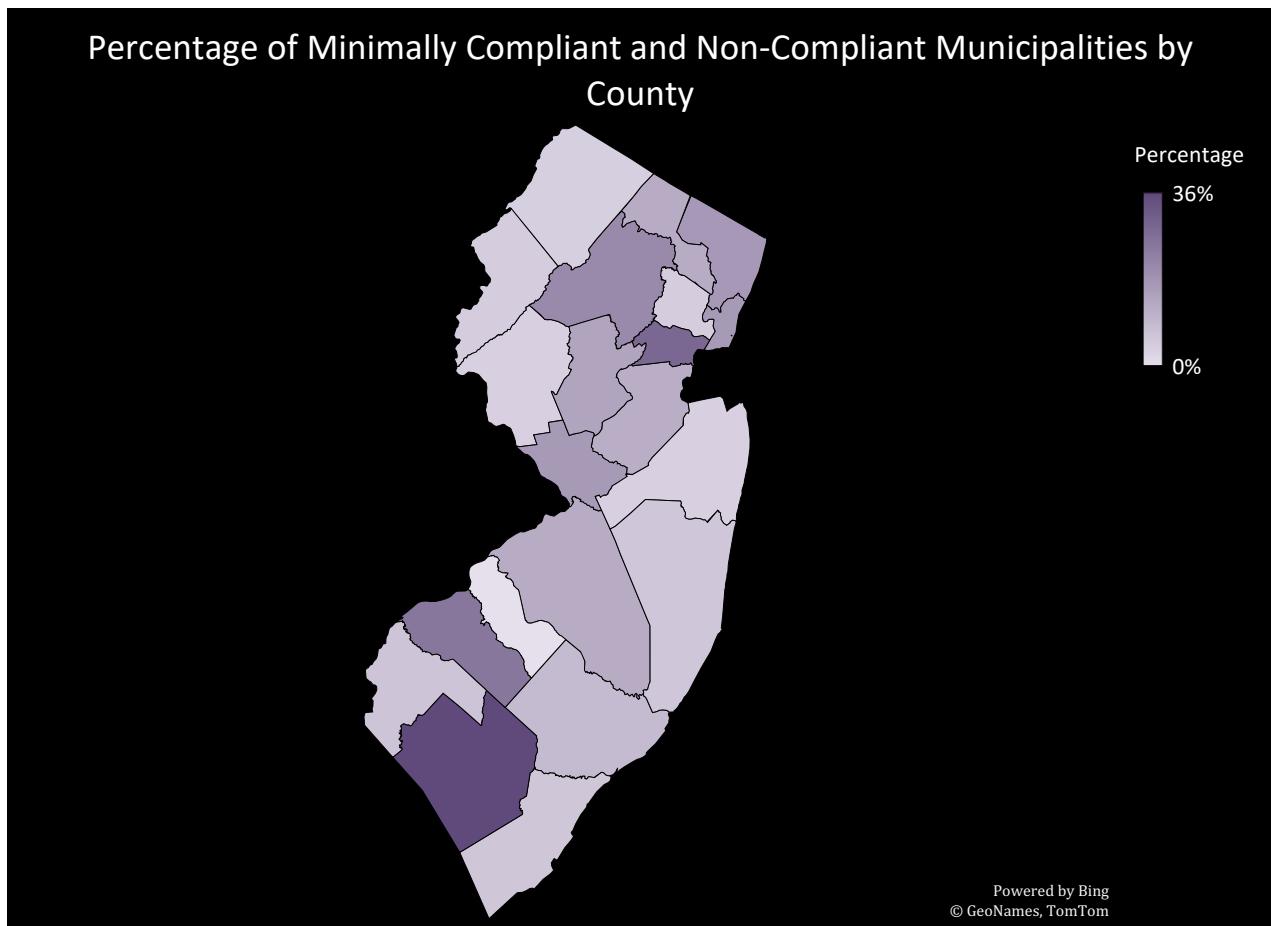
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<sup>1</sup> The Trevor Project. Latinx LGBTQ Youth Suicide Risk. <https://www.thetrevorproject.org/research-briefs/latinx-lgbtq-youth-suicide-risk/>

## NJ Municipality Compliance with Marriage Equality by County

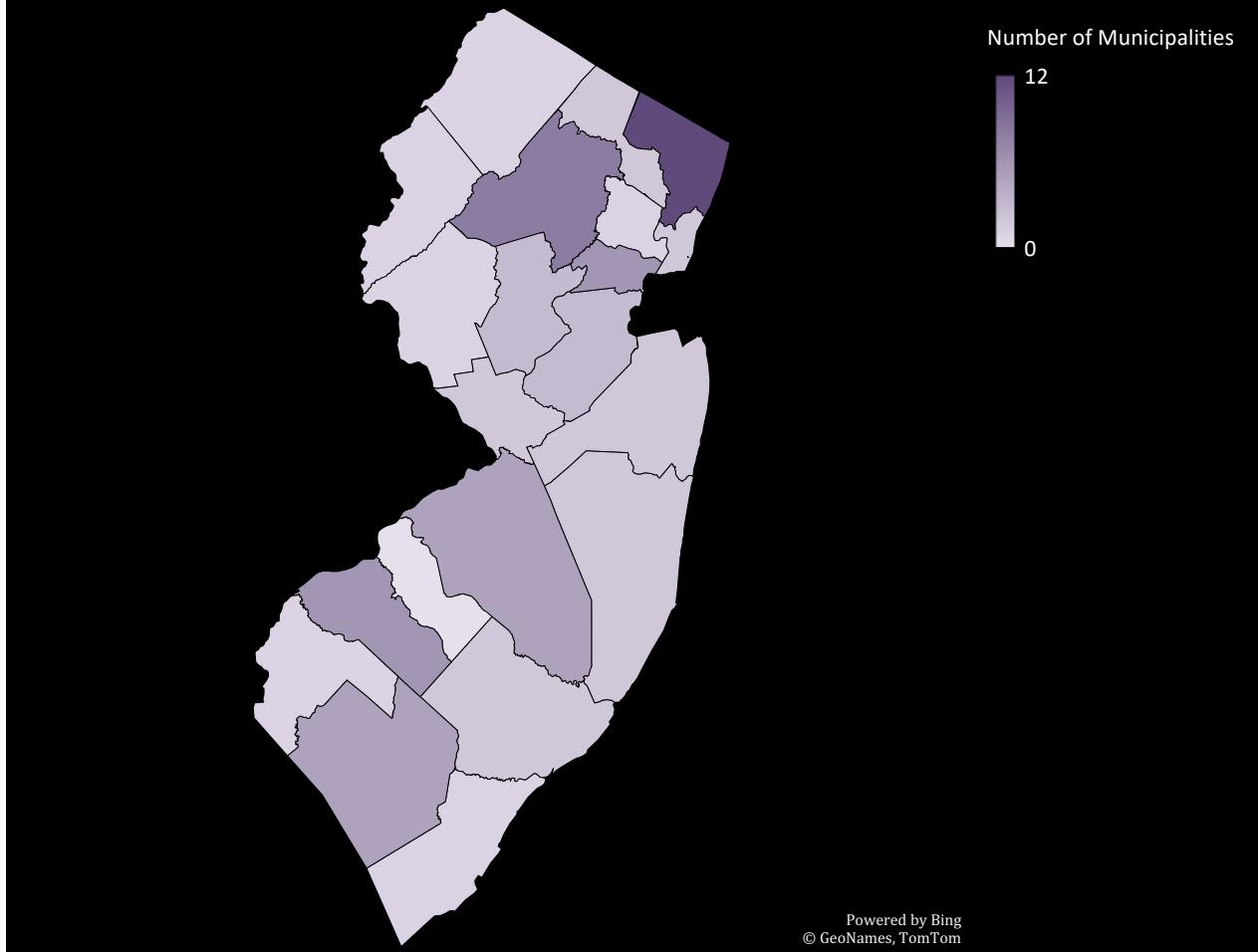
	No Data (ND)	Minimally Compliant (MC)	Non-Compliant (NC)	Fully Compliant
<b>Atlantic County</b>	5	1	1	16
<b>Bergen County</b>	11	11	1	47
<b>Burlington County</b>	7	4	1	28
<b>Camden County</b>	8	0	0	29
<b>Cape May County</b>	4	1	0	11
<b>Cumberland County</b>	2	6	0	6
<b>Essex County</b>	1	1	0	20
<b>Gloucester County</b>	4	6	0	14
<b>Hudson County</b>	0	2	0	10
<b>Hunterdon County</b>	10	1	0	15
<b>Mercer County</b>	1	2	0	9
<b>Middlesex County</b>	1	3	0	21
<b>Monmouth County</b>	11	2	0	40
<b>Morris County</b>	7	7	1	24
<b>Ocean County</b>	9	1	1	22
<b>Passaic County</b>	3	2	0	11
<b>Salem County</b>	5	1	0	9
<b>Somerset County</b>	3	3	0	15
<b>Sussex County</b>	4	1	0	19
<b>Union County</b>	4	5	1	11
<b>Warren County</b>	11	1	0	10
<b>Total</b>	111	61	6	387
	20%	11%	1%	68%

A full spreadsheet of each municipality is available in Addendum A of this report and available online at <https://www.lanfoundation.org/public-files>.



This map provides a graphic representation of the percentage of municipalities within New Jersey counties that were either minimally compliant or non-compliant with legal protections of same-sex marriage throughout the United States. The map reveals a range, with Cumberland County having the highest percentage of minimally compliant and non-compliant counties at 36% and Camden County having the lowest percentage of minimally compliant and non-compliant counties at 0%. The data for this map was collected from the information provided on municipality websites, meaning that there was no data for some municipalities due to a lack of information about marriage requirements on the website. The map was produced based on data collected in 2021.

## Number of Minimally Complaint and Non-Compliant Municipalities by County



This map provides a graphic representation of the number of municipalities within New Jersey counties that were either minimally compliant or non-compliant with legal protections of same-sex marriage throughout the United States. The map reveals a range, with Bergen County having the greatest number of minimally compliant and non-compliant counties at 9 counties. Camden County has the lowest number of minimally compliant and non-compliant counties at 0 counties. The data for this map was collected from the information provided on municipality websites, meaning that there was no data for some municipalities due to a lack of information about marriage requirements on the website. The map was produced based on data collected in 2021.

This report was produced as a collaborative effort between the Latino Action Network Foundation, Hudson P.R.I.D.E., and Garden State Equality.

The narrative of this report was authored by Dr. Jesselly De La Cruz, Dr. Frank Argote-Freyre, and Francesca Baroni. Our online research and mapping spreadsheet data were prepared by Dr. Jesselly De La Cruz, Francesca Baroni, and L. Kahn. The NJ mapping images were created by Francesca Baroni. We are thankful to the Fund for New Jersey for their continued financial support of our policy reports.

**Our Latino Policy Agenda Reports are supported by the Fund for NJ.**

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