

# Arizona's Anti-Cohabitation Law Violates the Rights of Its Unmarried Residents

by Thomas F. Coleman, Esq.

Arizona and a few other states make it a crime for an unmarried man and woman to cohabit in an intimate relationship. The other states with such backward laws are New Mexico, Idaho, Florida, Michigan, Mississippi, North Carolina, North Dakota, Virginia, and West Virginia.

The American Association for Single People believes that such laws are unconstitutional in violation of the right to privacy. House Bill 2414, by Representative Kathi Foster (D-Phoenix), just passed the House Judiciary Committee and was sent to the House Human Services Committee for further review. Some conservative lawmakers, in the name of religious morality, would like to defeat the bill.

If the Legislature does not repeal this law, the courts should invalidate it. There are more than 1.2 million unmarried adults in Arizona. Single people have constitutional rights which the state should respect. The government has no business prying into the private lives of its citizens.

A member of the American Association for Single People, Debbie Deem, has her own horror story to tell about the anti-cohabitation laws of Arizona and New Mexico. Several years ago, she was denied a job opportunity in Arizona because she was cohabiting with her boyfriend. Debbie decided to leave Arizona. She planned to move to New Mexico, after reading a book that said New Mexico did not have such a law. When she discovered the book was wrong, she and her boyfriend moved to California. Their car displayed a bumper sticker which said: "Refugee From Arizona Laws."

Last week, the New Mexico state Senate passed a bill to repeal its anti-cohabitation statute. Lawmakers there were concerned that the law has been used to the detriment of unmarried residents. One case involved an ex-spouse who tried to have her former husband and his new girl friend prosecuted. Antiquated laws, you see, often lend themselves to harassment and even blackmail.

Besides its effect on employment opportunities, Arizona's anti-cohabitation law has other harmful effects on single people. For example, federal law says that if a relationship violates local law (such as the anti-cohabitation statute) then a wage-earner may not claim their partner as a dependent for income tax purposes. State lawmakers who vote to keep this law on the books will be taking money from the pockets of some unmarried residents and putting those dollars into the federal treasury. What a wonderful way for legislators to represent residents of Arizona.

Anti-cohabitation laws in other states have also been cited by judges as an excuse to deny fair housing rights to unmarried couples, on the theory that the Legislature could not have intended to protect people whom it has branded as criminals.

Most people these days cohabit prior to marriage – for months, maybe years. It's wrong when a law brands the majority of the population as criminal. Outmoded statutes cause people to disrespect the law. With a law like this on the books, no wonder unmarried citizens may distrust government.

It's time for unmarried adults in Arizona to stand up for their constitutional rights. It's time for them to speak out and to be heard. It's also time for legislators to respect the right of privacy of their unmarried constituents. ◇◇◇

The American Association for Single People is a nonprofit and nonpartisan organization promoting the human rights and well being of unmarried adults, couples, parents, and families. Arizona elected officials Rep. Christine Weason (D) and Rep. Steve May (R) are members of AASP. For more information about AASP, or to interview its executive director, Thomas F. Coleman, contact us at: (818) 242-5100, or e-mail us at [unmarried@earthlink.net](mailto:unmarried@earthlink.net). Visit our website at [www.unmarriedAmerica.com](http://www.unmarriedAmerica.com), the most authoritative source of information for and about single people on the Internet.