



WHY YOUR STATE SHOULD ADOPT THE UNIFORM COHABITANTS' ECONOMIC REMEDIES ACT (2021)

The Uniform Cohabitants' Economic Remedies Act enables cohabitants to exercise the usual rights of individual citizens of a state to contract and to successfully maintain contract and equitable claims against others in appropriate circumstances. The Act affirms the capacity of each cohabitant to contract with the other and to maintain claims with respect to “contributions to the relationship” without regard to any intimate relationship that exists between them and without subjecting them to hurdles that would not be imposed on litigants of similar claims. Some important reasons why your state should adopt this Act include:

- **The Act responds to an increasingly relevant issue in modern American life.** Data shows a significant rise in the number of nonmarital cohabitants in the United States over the past half-century. Cohabitants may share financial responsibilities during their cohabitation, or they may keep their finances separate. One cohabitant may move into a dwelling the other had acquired separately. They may acquire property together. Both may work, neither may work or one may work and the other might take care of the household. As cohabitation and its acceptance has changed over the years, so too have available claims and remedies at separation and death that derive from cohabitation.
- **The Act enhances predictability for cohabitants by providing states with a consistent approach to addressing claims when a cohabitation ends.** Today, a number of states recognize rights between nonmarital cohabitants, some states allow cohabitants to assert claims based on both express or implied contracts as well as equitable claims, some states have imposed writing requirements on cohabitants' agreements, and a few states refuse to accept domestic or household services as lawful consideration, reasoning that such services are inextricably intertwined with the sexual relationship and are typically provided without expectation of compensation when a couple shares a residence. There is thus no predictable result when cohabitants dissolve their relationship or when one cohabitant dies. This unpredictability is enhanced when cohabitants move from state-to-state. This Act provides much-needed statutory direction for courts and individuals.
- **The Act clears barriers for cohabitants to assert claims, without creating a special status for cohabitants.** The Act enables cohabitants to exercise the usual rights of individual citizens of a state to contract with others and to bring equitable claims against others in appropriate circumstances. The Act ensures that the nature of the relationship of the parties is not a bar to a successful claim.

- **The Act gives states flexibility and guidance to states in term of addressing claims involving a cohabitant that is married.** The Act offers states five different approaches to address the situation. Commentary to the Act discusses differing approaches in order to assist a state in choosing which is appropriate for its residents.
- **The Act has no effect on marriage or state law governing marriage.** Marriage is a formal legal status that provides spouses with rights and remedies unavailable to cohabitants under the act.
- **The Act is intended to supplement, not displace existing state law, in most instances.** The remedies provided in this Act are not the only remedies available to cohabitants. Cohabitants may have claims against one another based on other state law that are not covered by the Act, including, for example, tort claims and partnership claims.

For further information about Uniform Cohabitants' Economic Remedies Act, please contact Legislative Counsel Libby Snyder at (312) 450-6619 or lsnyder@uniformlaws.org.