

LEGISLATIVE DIGEST

[Police, Administrative Codes - All-Gender Toilet Facilities]

Ordinance amending the Police Code to mandate that businesses and places of public accommodation designate single-user toilet facilities that are available to the public or employees as all-gender and accessible to persons of any gender identity and require enforcement of the signage requirements by the Department of Building Inspection; amending the Administrative Code to require buildings on land that the City owns or leases to provide all-gender toilet facilities; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

Police Code Section 3305 et seq. prohibits certain discriminatory acts by business establishments and places of public accommodation either partially or wholly because of a person's actual or perceived race, sexual orientation, gender identity, weight, or height. Chapter 4 of the Administrative Code contains requirements for City buildings, equipment, and vehicles.

Amendments to Current Law

The proposed legislation would add Section 3305.3 to the Police Code to require that all single-user toilet facilities in any business establishment or place of public accommodation that are open to the public or employees of the establishment (including those in or on City-owned buildings or property), whether existing or proposed, shall be identified as all-gender by appropriate signage and such facilities made available to persons of any gender identify. Existing businesses and places of accommodation would have 90 days from the effective date of the ordinance to remove any existing gender-specific room identification signage and replace it with signage for all genders that complies with either State or Federal signage requirements.

Section 4.1-3 is added to the Administrative Code to require that at least one all-gender toilet facility shall be provided on each floor in any new building constructed on City-owned land, or that is constructed by or on behalf of the City, where toilet facilities are required or provided. In existing buildings, at least one all-gender toilet facility shall be provided on each floor where there are extensive renovations. Where a City building has five or more multiple-user toilet facilities, at least one such facility shall be identified as all-gender. However, the minimum number of separate male and female toilet facilities required by State law must be maintained and there shall be no reduction in the number of toilet facilities accessible to persons with disabilities that are otherwise required under either State or Federal law.

Background Information

For over a decade, the San Francisco Human Rights Commission has urged that all single-user restrooms be designated all-gender and that all places of public accommodation and employment provide a single-user restroom option in order to ensure that people of all gender identities have safe restroom access. Transgender and gender nonconforming people are frequently verbally harassed or even physically assaulted in gender-specific restrooms, which can lead to trauma and long-term negative outcomes. All-gender restrooms also benefit the entire community by providing universal access for families with small children, people with disabilities who rely upon personal care assistance from an attendant or family member, seniors who require assistance or supervision, or anyone who needs additional privacy. To address these issues and the need for more inclusive and safer restroom spaces, an increasing number of cities, including Washington, D.C., Seattle and Philadelphia, are adopting laws requiring the availability of non-gender-specific restroom facilities.

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