

City and County of San Francisco
HUMAN RIGHTS COMMISSION



Theresa Sparks
Executive Director

Edwin M. Lee
Mayor

March 14, 2016

Erica Major
Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: All-Gender Restroom Ordinance (File No. 160024)

Dear Ms. Major,

I am writing to provide comment on the All-Gender Restroom Ordinance (File No. 160024) proposed by Supervisor David Campos on January 12, 2016.

The proposed Ordinance amends 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. This Ordinance is in addition to current law which already mandates that all persons are legally able to use gender-specific facilities. The Ordinance further provides that any person who believes that he or she has been discriminated against in violation of this Ordinance may file a complaint with the Human Rights Commission, which shall serve as a request to have the Commission investigate and mediate the complaint pursuant to Section 18 12A.5 of the Administrative Code.

Since 1964, the Human Rights Commission has championed San Francisco's fight to address the causes of and problems resulting from prejudice, intolerance, bigotry and discrimination. The Commission is charged with enforcing the City's non-discrimination laws as prescribed by San Francisco Police Code Article 33, which prohibits discrimination against protected classes in employment, housing and public accommodations. The Commission investigates and mediates complaints of discrimination and makes findings and recommendations as appropriate.

The Commission routinely investigates complaints of gender identity discrimination in employment, housing and public accommodations. During the last fiscal year, twenty percent of all complaints of employment discrimination were on the basis of gender identity. Members of the public have also reported discrimination on the basis of gender identity in housing and public accommodations.

The Commission also works closely with San Francisco's transgender and gender non-conforming communities to address discrimination on the basis of gender identity. Current initiatives include providing violence prevention and intervention services to transgender Latinas; legal/support services

for incarcerated and formerly incarcerated transgender persons; and coalition building services for the full range of the City's transgender and gender non-conforming communities.

The Commission will enforce applicable parts of the Ordinance as part of its ongoing responsibilities under San Francisco Police Code Article 33, which include investigating allegations of discrimination based on gender identity in public accommodations. The Commission has long fought against gender identity discrimination through education, advocacy and outreach. The Commission looks forward to continuing to work with the Board of Supervisors and members of the public in order to ensure that people of all genders have safe access to restrooms and other public accommodations.

Thank you for the opportunity to provide comment on this issue. I hope that this information will assist you in your evaluation of the proposed Ordinance. Please do not hesitate to contact me with any questions or concerns.

Thank You,



Theresa Sparks
Executive Director