

REVISED LEGISLATIVE DIGEST
(Amended in Committee, 2/22/2017)

[Various Codes - Baby Diaper-Changing Accommodations]

Ordinance replacing a provision of the Planning Code with a new provision of the Administrative Code requiring all City buildings that are available for use by the public to install and maintain at least one baby diaper-changing accommodation that is available for use by women and one that is available for use by men, or a single diaper-changing accommodation that is available for use by all genders; amending the Police Code to require businesses that make a baby diaper-changing accommodation available in a restroom available for use by women to also install and maintain a baby diaper-changing accommodation in a restroom available for use by men or available for use by all genders; and amending the Building Code to require that new public-serving establishments, and public-serving establishments with substantially renovated toilet rooms, install baby diaper-changing accommodations; making findings, including environmental findings, findings of public necessity, convenience, and welfare under Planning Code Section 302, and findings under the California Health and Safety Code regarding building standards; and directing the Clerk to forward this ordinance to the California Building Standards Commission upon final passage.

Existing Law

Currently, the installation and maintenance of baby diaper-changing accommodations is regulated by Section 168 of the Planning Code, which requires that all new and substantially renovated “public serving establishments” provide and maintain at least one baby diaper-changing station in a restroom accessible to women, and one that is accessible to men, or a single diaper-changing station in a restroom that is accessible to both.

Section 168 of the Planning Code defines “public serving establishments” to include a range of publicly accessible facilities, including:

- hospitals, health facilities and social services offices;
- retail sales facilities that are at least 5,000 square feet in size;
- arcades, restaurants, movie theaters and other entertainment venues that are at least 5,000 square feet in size;
- San Francisco public libraries, and new, publicly accessible facilities operated by the Department of Recreation and Parks.

For purposes of Section 168, a “substantial renovation” is any construction or renovation project that has an estimated cost of at least \$50,000 for which a building permit is issued, or in the case of City-owned buildings, for which final City approval is given.

Amendments to Current Law

This revised legislative digest reflects amendments made at the Public Safety and Neighborhood Services Committee on February 22, 2017.

This ordinance is entitled the San Francisco Bathrooms Accessible for Babies in Every Situation (BABIES) Ordinance. It would delete section 168 of the Planning Code in its entirety, and would replace it with new provisions in the Administrative, Police, and Building Codes requiring the installation and maintenance of baby diaper-changing facilities in a broader range of facilities.

Specifically, the proposed legislation would add Section 4.1-4 to the Administrative Code, requiring all buildings owned or rented by the City to install and maintain, at each floor level containing publicly accessible restrooms, at least one baby diaper-changing accommodation that is accessible to women and one that is accessible to men, or a single baby diaper-changing station accessible to all genders. This requirement would be waived where the installation of a baby diaper-changing facility would conflict with laws governing access to people with disabilities, or is otherwise infeasible due to spatial or structural limitations. For existing buildings, the City would have 12 months from the effective date of the ordinance to come into compliance.

The proposed legislation would add Section 3305.4 of the Police Code to require public accommodations that make baby diaper-changing accommodations available in women’s restrooms, to also install and maintain baby diaper-changing accommodations in men’s restrooms or in restrooms that are accessible to all genders. This requirement would be waived where the installation of a baby diaper-changing facility would conflict with laws governing access to people with disabilities, or is otherwise infeasible due to spatial or structural limitations. This requirement also would not apply to businesses where entry by minors is prohibited by law. Existing businesses would have 12 months from the effective date of the ordinance to come into compliance.

Lastly, this ordinance would add Section 1210.4 to the Building Code to require new public service establishments, and existing public service establishments that make significant renovations or alterations to their restrooms, to install at least one baby diaper-changing accommodation in a restroom open and available to women, and one that is open and available to men, or in an all-gender restroom. This requirement would be waived where the installation of a baby diaper-changing facility would conflict with laws governing access to people with disabilities, or is otherwise infeasible due to spatial or structural limitations. The new section of the Building Code would also require public service establishments to provide signage indicating the location of baby diaper-changing stations. For purposes of the

proposed Section 1210.4, a substantial renovation is defined as any addition, alteration or repair project made to a restroom and performed under a building permit with a construction cost of \$50,000 or more for renovation of the restroom.

Background Information

On October 7, 2016, President Barack Obama signed into law the Bathrooms Accessible for Babies in Every Situation (BABIES) Act (H.R. 5147). The law requires federal buildings to provide diaper-changing facilities in both male and female restrooms. This ordinance would build on the momentum that the federal government has established, to assure adequate diaper-changing facilities in San Francisco's public and private buildings.

Making diaper-changing facilities accessible to men promotes gender equality in child care. Currently, fathers must change their babies' diapers on a variety of unsanitary surfaces in public and private buildings, such as sinks, restroom floors, and counters. Not only does this pose health and safety risks to the baby, it also poses health risks to all other bathroom patrons. Making diaper-changing facilities equally accessible to men will help to secure and protect the health and safety of infants, and our population as a whole, while also encouraging a family-friendly environment in both public and private facilities.

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