

## **BILL SUMMARY & FISCAL NOTE**

| <b>Department:</b>      | <b>Contact Person/Phone:</b> | <b>Executive Contact/Phone:</b>   |
|-------------------------|------------------------------|---|
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### **1. BILL SUMMARY**

**Legislation Title:** AN ORDINANCE relating to gender identity and all-gender single-occupant restrooms in Seattle; amending the definition of “gender identity” in Sections 14.04.030, 14.06.020, 14.08.020, and 14.10.020 of the Seattle Municipal Code; amending the definition of “place of public accommodation” in Section 14.06.020 of the Seattle Municipal Code; amending Section 14.06.030 of the Seattle Municipal Code to clarify the right of individuals to use gender-specific facilities consistent with their gender identity; and adding a new Chapter 14.07 to the Seattle Municipal Code providing for all-gender restrooms in City-controlled buildings and places of public accommodation and prescribing enforcement procedures.

#### **Summary and background of the Legislation:**

The City of Seattle is committed to protecting civil rights which includes ensuring gender equity. This legislation affirms this commitment by implementing measures to create all-gender restroom facilities by amending the Seattle Municipal Code to prevent single-occupant restrooms from being restricted to a specific sex or gender identity in existing and newly-built City facilities and in places of public accommodation in Seattle. These bathroom facilities will require appropriate signage, if not already in place, that allow use by any person, regardless of sex or gender identity. This legislation also clarifies existing public accommodations protections for transgender and gender nonconforming people.

All-gender restrooms are facilities that anyone can use regardless of gender. They benefit a variety of people, including those who require the assistance of a differently gendered caregiver, parents with differently gendered children, and transgender and gender non-conforming individuals. These facilities are particularly important for transgender and gender non-conforming individuals, as gender-segregated bathrooms can be unsafe spaces for this population.

Based on a preliminary analysis of City facilities, this legislation will affect buildings managed by Finance and Administrative Services, Department of Parks and Recreation, Seattle Center, Seattle City Light, and Seattle Public Utilities. The Seattle Office for Civil Rights (SOCR) has worked with these Departments to determine the number of restrooms that may be impacted by new signage requirements. The following table estimates the number of impacted restrooms and estimated financial impact on these Departments. The Executive Department has reached out to

these Departments to ensure that they have sufficient budgetary capacity to absorb costs associated with complying with this legislation over the next twelve months.

|                                     | Estimated Number of Restrooms/Signs | Estimated Cost of Sign and Installation* |
|-------------------------------------|-------------------------------------|--|
| Finance and Administrative Services | 100                                 | \$11,000                                 |
| Department of Parks and Recreation  | 76                                  | \$8,360                                  |
| Seattle Center                      | 8                                   | \$880                                    |
| Seattle City Light                  | 6                                   | \$660                                    |
| Seattle Public Utilities            | 3                                   | \$330                                    |
| <b>Grand Total</b>                  | <b>193</b>                          | <b>\$21,230</b>                          |

\*Signs are estimated to cost \$50/sign and \$60/hr for installation.

In addition to the above Departments, this legislation will also affect the Seattle Public Library which has an estimated 61 restrooms that may be affected by this legislation. The estimated cost for this work at SPL is \$6,700. SOCR has not estimated the exact number of other non-City owned single-occupant restrooms that provide public accommodation that may be affected by this legislation.

Enforcement of this legislation will be complaint based and handled by SOCR. If, after 180 days from the effective date of this legislation, it is determined that a covered entity is not in compliance with the requirements established by the legislation, SOCR shall, by service of an advisory letter, notify the entity of the violation and provide an opportunity for voluntary compliance by replacing non-compliant restroom signage with appropriate signage. Entities are allowed 30 days from the date of the advisory letter to provide proof of compliance. If the respondent refuses to comply within 30 days of the date of the advisory letter, SOCR may issue a notice of violation, which will include a requirement to pay a civil penalty of \$125. This civil penalty may be waived by SOCR if proof of compliance is submitted to the Agency within 15 days of the date of the notice of violation. Failure to comply within 15 days of the notice of violation will be considered a subsequent violation. Subsequent violations will result in a civil penalty of \$300.

A respondent may appeal the civil penalty by requesting a contested hearing before the Hearing Examiner in writing within 15 days of the date of the notice of violation. If the respondent fails to timely appeal the civil penalty, it shall be final and enforceable. In the event a respondent fails to comply with any final penalty issued by SOCR or the Hearing Examiner, the SOCR Director may refer the matter to the City Attorney for the filing of a civil action in superior court, the Seattle Municipal Court, or any other court of competent jurisdiction to enforce such penalty.

## 2. CAPITAL IMPROVEMENT PROGRAM

\_\_\_\_\_ This legislation creates, funds, or amends a CIP Project.

### 3. SUMMARY OF FINANCIAL IMPLICATIONS

  X   **This legislation does not have direct financial implications.**

This legislation will require Departments to replace or add signage to their single-occupant restrooms with their current Adopted appropriations. No additional appropriation authority is necessary.

### 4. OTHER IMPLICATIONS

**a) Does the legislation have indirect or long-term financial impacts to the City of Seattle that are not reflected in the above?**

This legislation requires that all newly-built single-occupant restrooms have all-gender signage. Any new construction will be impacted by this requirement.

**b) Is there financial cost or other impacts of not implementing the legislation?**

No.

**c) Does this legislation affect any departments besides the originating department?**

Yes, this will impact the Department of Financial and Administrative Services, Seattle Parks and Recreation, Seattle Public Libraries, Seattle City Light, Seattle Public Utilities, and Seattle Center.

**d) Is a public hearing required for this legislation?**

No.

**e) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

No.

**f) Does this legislation affect a piece of property?**

No.

**g) Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?**

Yes. Studies have shown that transgender and gender non-conforming people of color face disproportionate health, emotional and psychological impacts when attempting to navigate gender-specific facilities. This legislation is intended to eliminate the health and safety risks endured by the transgender community when trying to access gender-specific facilities, and thus intended to directly impact the experiences of people of color.

**h) If this legislation includes a new initiative or a major programmatic expansion:**

**What are the long-term and measurable goals of the program? Please describe how this legislation would help achieve the program's desired goals.**

N/A

**i) Other Issues:**

None.

**List attachments below:** None.