

Date: July 13, 2015
To: Public Safety, Civil Rights and Technology Committee Members
From: Loren Othon, Seattle Office for Civil Rights; David Mendoza, Mayor's Office
Subject: **All-Gender Restrooms Ordinance**

On July 15, 2015, the Public Safety, Civil Rights and Technology Committee will have its first briefing and discussion on the All-Gender Restroom legislation. The legislation proposes several amendments to the Seattle Municipal Code Human Rights Title, including:

- Amending the definition of “gender identity” to reflect best practices;
- Clarifying 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.

Background

Despite existing protections on the basis of gender identity, transgender and gender nonconforming people often experience harassment, intimidation, refusal of access, and in some cases, violence, when trying to use public restrooms and other gender-specific facilities consistent with their gender identities. These experiences sometimes lead to significant health problems including dehydration, urinary tract infections, kidney infections and other problems, from having to avoid using public restrooms.

In 2013, the Seattle LGBT Commission began working with the Seattle Office for Civil Rights (SOCR) to explore the feasibility of creating legislation that would improve restroom accessibility for transgender and gender nonconforming people in Seattle, by requiring gender neutral, or “all-gender” signage on single-occupant restroom facilities. 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 nonconforming individuals.

SOCR conducted research on best practices, identifying a few jurisdictions across the country that had enacted similar legislation, applying to government-operated facilities and/or public accommodations. Some of these jurisdictions include, Washington D.C., the City of Philadelphia, the City of West Hollywood, and Multnomah County.

In partnership with the Mayor's Office for Policy and Innovation, SOCR developed legislation that would achieve greater restroom accessibility for transgender and gender nonconforming

individuals, and clarify the rights of individuals to use gender-specific facilities that are consistent with their gender identity.

This legislation implements 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.

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, Seattle Public Library, and Seattle Public Utilities. SOCR has worked with these Departments to determine the number of restrooms that may be impacted by new signage requirements. 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.

If passed, enforcement of this legislation will be complaint based and handled by SOCR. Places of public accommodation will have 180 days from the effective date of the ordinance to ensure that signage on all single-occupant restrooms does not restrict use to a single gender.

This legislation was also one of the early recommendations from Mayor Ed Murray's 2015 LGBTQ Task Force.

Next Steps

If you have any questions about the All-Gender Restroom legislation, please feel free to contact Loren Othon (loren.othon@seattle.gov / 206.684.4528) or David Mendoza (david.mendoza@seattle.gov / 206.386.1256).