

1 WHEREAS, studies have shown that these health and safety risks faced by transgender and
2 gender nonconforming individuals impact people of color disproportionately; and

3 WHEREAS, transgender women and transgender people of color are more likely to be turned
4 away or experience harassment and assault in shelters and the National Transgender
5 Discrimination Survey, conducted in 2008, reported that almost one in three transgender
6 people seeking refuge in homeless shelters were turned away, while 55 percent were
7 harassed, 25 percent were physically assaulted, and 22 percent were sexually assaulted in
8 the shelters they were allowed into, and 42 percent of transgender shelter-seekers were
9 forced to live as the wrong gender in order to be allowed to stay; and

10 WHEREAS, the City of Seattle is committed to race and social justice and a key piece of that
11 work is ensuring City policies and programs advance equity in employment, housing and
12 health; and

13 WHEREAS, Resolution 31224, adopted on June 21, 2010, expresses the City Council's
14 commitment to full equal rights for all Seattle residents and City employees regardless of
15 sexual orientation or gender identity and authorizes City Departments to work with the
16 Seattle Office for Civil Rights and the Seattle Lesbian Gay Bisexual and Transgender
17 (LGBT) Commission as they assess the needs of Seattle's LGBT community and propose
18 community and City strategies for meeting those needs; and

19 WHEREAS, the City recognizes that all persons and groups of people should have access to
20 restrooms and other gender-specific facilities, regardless of sex, gender identity, ability,
21 or parental status; NOW, THEREFORE,

22 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

1 Section 1. A new Chapter 14.07 is added to Title 14 of the Seattle Municipal Code as
2 follows:

3 **Chapter 14.07 ALL-GENDER SINGLE-OCCUPANT RESTROOMS REQUIREMENTS**

4 **14.07.010 Definitions**

5 “Agency” means the Seattle Office for Civil Rights.

6 “All-gender restroom” means toileting facilities, either single room or with multiple
7 stalls, which are designated for use by any person or persons, regardless of sex or gender
8 identity.

9 “Appropriate signage” means signage that indicates that single-occupant restrooms
10 are not restricted to a single gender. Examples include, but are not limited to, signs with the
11 words “washroom,” “restroom,” “all-gender restroom,” “gender-neutral restroom,” or
12 “unisex,” or that use images to indicate that restrooms are accessible to all genders.

13 "City" means the City of Seattle.

14 “Covered entity” means any place of public accommodation in Seattle.

15 "Director" means the Director of the Seattle Office for Civil Rights.

16 “Gender identity” means a person’s gender-related identity, appearance, or
17 expression, whether or not traditionally associated with one’s biological sex or one’s sex at
18 birth, and including a person’s attitudes, preferences, beliefs, and practices pertaining thereto.

19 "Place of public accommodation" means any place, licensed or unlicensed, where the
20 public gathers, congregates, or assembles for amusement, recreation or public purposes, or
21 any place, store, or other establishment that supplies goods or services with or without charge
22 to the general public. "Place of public accommodation" includes, but is not limited to, the
23 following types of services or facilities: hotels, or other establishments which provide

1 lodging to transient guests; restaurants, cafeterias, lunchrooms, lunch counters, soda
2 fountains or other facilities principally engaged in selling or offering for sale food for
3 consumption upon or off the premises; public restrooms; public elevators; motion picture
4 houses, theatres, concert halls, sport arenas, stadiums, or other places of exhibition or
5 entertainment; bowling alleys, pool halls, arcades, and amusement parks; retail
6 establishments; transportation carriers; barber shops and beauty shops; bars or taverns or
7 other facilities engaged in selling or offering for sale alcoholic beverages for consumption
8 upon the premises; and public burial facilities.

9 "Respondent" means any person who is alleged or found to have committed a
10 violation of regulations established in this Chapter 14.07.

11 "Single-occupant restroom" means any toileting facility that is designed for use by
12 one person at a time.

13 **14.07.020 Single-occupant restrooms in City facilities**

14 All existing and newly-built single-occupant restrooms in City facilities shall not be
15 restricted to a specific sex or gender identity and shall use appropriate signage to indicate such
16 facilities are designated for use by any person, regardless of sex or gender identity.

17 **14.07.030 Requirements for single-occupant restrooms in places of public** 18 **accommodation**

19 A. Single-occupant restrooms shall not be restricted to a specific sex or gender identity
20 and shall use appropriate signage to indicate such facilities are designated for use by any person,
21 regardless of sex or gender identity.

22 B. Entities covered by this Chapter 14.07 shall have 180 days from the effective date of
23 the ordinance introduced as Council Bill _____ to comply by replacing existing signs on the

1 exterior of single-occupant restrooms restricting use to a single gender with signs indicating that
2 they are for use by all genders.

3 **14.07.040 Enforcement**

4 A. Powers and duties

5 1. The Agency shall investigate alleged violations of this Chapter 14.07 and shall
6 have such powers and duties in the performance of these functions as are defined in this Chapter
7 14.07 and otherwise necessary and proper in the performance of the same and provided for by
8 law.

9 2. The Director is authorized and directed to promulgate rules to enforce this
10 Chapter 14.07.

11 B. Reporting and investigation of violations. The Agency may investigate any
12 violations of this Chapter 14.07. Individual reporting of a violation of this Chapter 14.07
13 should include a statement of the date, location, and entity or entities responsible for such
14 violation.

15 C. Advisory Letter and Notice of Violation

16 1. If, after 180 days from the effective date of the ordinance introduced as
17 Council Bill _____, it is determined that a covered entity is not in compliance with the
18 requirements set out in this Chapter 14.07, the Director shall, by service of an advisory letter
19 by first-class mail or electronic mail, notify the respondent of the violation and advise of the
20 opportunity for voluntary compliance by replacing existing restroom signage with
21 appropriate signage. The respondent shall update restroom signage within 30 days of the date
22 of the advisory letter.

1 2. If the respondent refuses to comply within 30 days of the date of the
2 advisory letter, the Director may issue a notice of violation. This notice of violation will
3 include a requirement to pay a civil penalty of \$125. All or part of this civil penalty may be
4 waived by the Director if proof of compliance with this Chapter 14.07 is submitted to the
5 Agency within 15 days of the date of the notice of violation. Proof of compliance shall be
6 determined by Director's rule. Failure to comply within 15 days of the date of the notice of
7 violation shall be considered a subsequent violation. Subsequent violations shall result in a
8 civil penalty of \$300.

9 D. Appeal Period and Failure to Respond. A respondent may appeal the civil penalty
10 by requesting a contested hearing before the Hearing Examiner in writing within 15 days of
11 the date of the notice of violation. If the respondent fails to timely appeal the civil penalty,
12 the civil penalty shall be final and enforceable. When the last day of the appeal period so
13 computed is a Saturday, Sunday, or federal or City holiday, the period shall run until 5 p.m.
14 on the next business day.

15 E. Appeal Procedure and Failure to Appear

16 1. Contested hearings shall be conducted pursuant to the procedures for
17 hearing contested cases contained in Section 3.02.090 and the rules adopted by the Hearing
18 Examiner for hearing contested cases. The Director shall have the burden of proof by a
19 preponderance of the evidence before the Hearing Examiner. Failure to appear for a
20 requested hearing will result in an order being entered finding that the respondent cited
21 committed the violation stated in the Director's notice of violation. For good cause shown
22 and upon terms the Hearing Examiner deems just, the Hearing Examiner may set aside an
23 order entered upon a failure to appear.

1 U. "Place of public accommodation" means any place, licensed or unlicensed, where the
2 public gathers, congregates, or assembles for amusement, recreation or public purposes, or any
3 place, store, or other establishment which supplies goods or services with or without charge to
4 the general public. "Place of public accommodation" includes, but is not limited to, the following
5 types of services or facilities: hotels, or other establishments which provide lodging to transient
6 guests; restaurants, cafeterias, lunchrooms, lunch counters, soda fountains (~~(, public washrooms,~~
7 ~~public elevators,)) or other facilities principally engaged in selling or offering for sale food for
8 consumption upon or off the premises; public restrooms; public elevators; motion picture houses,
9 theatres, concert halls, sport arenas, stadiums or other places of exhibition or entertainment;
10 bowling alleys, pool halls, arcades and amusement parks; retail establishments; transportation
11 carriers; barber shops and beauty shops; bars or taverns or other facilities engaged in selling or
12 offering for sale alcoholic beverages for consumption upon the premises; and public burial
13 facilities.~~

14 * * *

15 Section 4. Subsection 14.08.020.P of the Seattle Municipal Code, which section was
16 last amended by Ordinance 123527, is amended as follows:

17 **14.08.020 Definitions.**

18 P. "Gender identity" means a person's gender-related identity, appearance, or
19 expression, ((or physical characteristics,)) whether or not traditionally associated with one's
20 biological sex or one's sex at birth, ~~((including, transsexual, transvestite, and transgendered,))~~
21 and ~~((including))~~ includes a person's attitudes, preferences, beliefs, and practices pertaining
22 thereto.

1 Section 5. Section 14.10.020 of the Seattle Municipal Code, which section was last
2 amended by Ordinance 123527, is amended as follows:

3 **14.10.020 Definitions.**

4 * * *

5 “Gender identity” means a person’s gender-related identity, appearance, or
6 expression, ((or physical characteristics,)) whether or not traditionally associated with one’s
7 biological sex or one’s sex at birth, ((including, transsexual, transvestite, and transgendered,))
8 and ((including)) includes a person’s attitudes, preferences, beliefs, and practices pertaining
9 thereto.

10 * * *

11 Section 6. Subsection 14.06.030.B, which section was last amended by Ordinance
12 123863, is amended as follows:

13 **14.06.030 Unfair practices.**

14 B. It is an unfair practice for any person to discriminate in a place of public
15 accommodation by:

16 1. Requiring, directly or indirectly, any person to pay a larger sum than the
17 usual uniform rates; or

18 2. Refusing or withholding admission, patronage, custom, presence,
19 frequenting, dwelling, staying, or lodging; or

20 3. Denying, directly or indirectly, the full enjoyment of any available goods,
21 services, accommodations, facilities, privileges or advantages; or

22 4. Printing, circulating, issuing, displaying, posting, mailing or otherwise
23 causing, directly or indirectly, to be published a statement, advertisement or sign which

1 indicates directly or indirectly that the full enjoyment of the goods, services, facilities,
2 privileges, advantages, and accommodations will be refused, withheld, denied or in some
3 manner limited or restricted or that an individual's patronage of or presence at a place of
4 public accommodation is objectionable, unwelcome, unacceptable or undesirable; or

5 5. Harassing, intimidating, or otherwise abusing any person or person's friends
6 or associates because of race, color, creed, religion, ancestry, national origin, age, sex, marital
7 status, parental status, sexual orientation, gender identity, political ideology, honorably
8 discharged veteran or military status, participation in a Section 8 program, the presence of any
9 disability, the use of a trained dog guide or service animal by a disabled person, or a mother
10 breastfeeding her child with the purpose or effect of denying to such person the rights granted
11 in this chapter; or

12 6. Harassing, intimidating, retaliating, or obstructing a person in any manner
13 because such person complied with or proposed to comply with this chapter or any order
14 issued under this chapter, or filed a charge or complaint, testified, or assisted in any
15 investigation, proceeding or hearing under this chapter; or

16 7. Coercing, intimidating, threatening or otherwise interfering with any person
17 in the exercise or enjoyment of or on account of his or her having aided or encouraged any
18 other person in the exercise or enjoyment of any right granted or protected under this chapter;
19 or

20 8. Applying any economic sanctions or denying membership privileges because
21 of compliance with this chapter; or

22 9. Aiding, abetting, inciting, compelling or coercing the doing of any act
23 defined in this chapter to be an unfair practice; or

1 10. Attempting to commit any act defined in this chapter to be an unfair
2 practice ((-)) ; or

3 11. Denying, directly or indirectly, an individual's right to use gender-specific
4 restrooms and other gender-specific facilities in places of public accommodation including but
5 not limited to dressing rooms, locker rooms, homeless shelters, and group homes that are
6 consistent with the individual's gender identity or expression.

7

DRAFT

1 Section 7. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the ____ day of _____, 2015, and
5 signed by me in open session in authentication of its passage this
6 ____ day of _____, 2015.

7
8 _____
9 President _____ of the City Council

10
11 Approved by me this ____ day of _____, 2015.

12
13 _____
14 Edward B. Murray, Mayor

15
16 Filed by me this ____ day of _____, 2015.

17
18 _____
19 Monica Martinez Simmons, City Clerk

20 (Seal)

21