



ORDINANCE NO. 28563

1 BY REQUEST OF COUNCIL MEMBERS HUNTER, THOMS, AND USHKA

2 AN ORDINANCE relating to human rights; amending Chapter 1.29 of the Tacoma
3 Municipal Code ("TMC") by the addition thereto of a new Section 1.29.180,
4 "Labeling of single-occupant public restrooms," requiring gender-neutral
5 labeling of existing or new single-occupancy restrooms in places of public
6 accommodation, facilities of the City, and facilities of taxing authorities
7 located within the City; and declaring an effective date.

8 WHEREAS, pursuant to Ordinance No. 25352, passed on April 23, 2002,
9 the City amended Chapter 1.29 of the Tacoma Municipal Code ("TMC") to
10 include certain protections against discrimination based on gender identity,
11 including, among other protections, in public accommodations, and

12 WHEREAS, pursuant to Resolution No. 39019, adopted on
13 September 30, 2014, the City implemented the Equity and Empowerment
14 Initiative to support human rights and opportunities for all persons within the City
15 to achieve their full potential, which would include ensuring full access for
16 transgender and gender non-conforming individuals to governmental services
17 and facilities in the City, and

18 WHEREAS transgender and non-binary individuals face violence,
19 discrimination, and lack of access to public accommodations and governmental
20 facilities, including public restrooms, at rates far exceeding other members of
21 the community, and

22 WHEREAS anti-transgender organizations in Washington State have
23 actively sought to restrict, via referendum, an individual's right to access public
24 restrooms based on her, his, or their gender identity, and to require transgender
25
26



and non-binary individuals to use public restrooms corresponding to gender
1 assignment at birth, and

2 WHEREAS the City has an obligation and duty to protect the rights and
3 dignity of all its residents, and to oppose institutional and systematic bigotry
4 towards transgender and non-binary individuals, and
5

6 WHEREAS the Human Rights Commission, in collaboration with Pride at
7 Work, is requesting an amendment to the TMC to establish a gender-inclusive
8 restroom requirement for single-occupancy restrooms in places of public
9 accommodation, facilities of the City, and facilities of taxing authorities located
10 within the City, and
11

12 WHEREAS staff presented the proposed amendments to the Community
13 Vitality and Safety Committee at its November 8, 2018 meeting, and the
14 Committee approved the proposed amendments for City Council consideration,
15 and
16

17 WHEREAS the proposed amendments align with the City's Equity and
18 Empowerment Initiative and TMC Chapter 1.29, which prohibits discrimination
19 based on gender identity; Now, Therefore,
20
21
22
23
24
25
26



BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TACOMA:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

That Chapter 1.29 of the Tacoma Municipal Code is hereby amended by the addition thereto of a new Section 1.29.180, "Labeling of single-occupant public restrooms," as set forth in attached Exhibit "A."

Section 2. That this ordinance shall become effective on June 1, 2019.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



EXHIBIT "A"

**CHAPTER 1.29
HUMAN RIGHTS COMMISSION**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Sections:

- 1.29.010 Findings.
- 1.29.020 Creation of a Human Rights Commission.
- 1.29.030 Commission Responsibilities of the Office of Equity and Human Rights.
- 1.29.040 Definitions.
- 1.29.050 Unlawful discriminatory employment practices.
- 1.29.060 Additional unlawful discriminatory practices.
- 1.29.070 Liberal construction.
- 1.29.080 Severability.
- 1.29.090 Savings clause.
- 1.29.100 Unlawful discriminatory housing practices.
- 1.29.110 Discrimination in residential real estate-related transactions.
- 1.29.120 Prohibition against discrimination because of disability.
- 1.29.130 Housing for older persons.
- 1.29.140 Interference, coercion or intimidation.
- 1.29.150 Adjustment and settlement of complaints.
- 1.29.160 Election for civil action in lieu of hearing for housing cases.
- 1.29.170 Enforcement of fair housing provisions by private persons.
- 1.29.180 Labeling of single-occupant public restrooms.

* * *

1.29.180 Labeling of single-occupant public restrooms.

A. Definitions.

"Gender identity" means an individual's gender-related identity, appearance, and/or expression, whether or not traditionally associated with such individual's gender assignment at birth, and may include such individual's attitudes, preferences, beliefs, and/or practices pertaining thereto.

"Place of public accommodation," as defined by Tacoma Municipal Code ("TMC") 1.29.040, means any establishment which caters or offers its services, facilities, or goods to the general public.

"Single-occupant public restroom" means any toileting facility that is designed for use and can be used only by a single individual at a time and/or by a single individual assisted by another individual, located in a facility of the City, a facility of a taxing district located in Tacoma, or a place of public accommodations in the City as defined by TMC 1.29.040.

"Taxing District," as defined by Washington Administrative Code 458-19-005(y), means the state and any county, city, town, port district, school district, road district, metropolitan park district, regional transit authority, water-sewer district, and/or other municipal corporation having the power or legal authority to impose burdens upon property within the district on an ad valorem basis, for the purpose of obtaining revenue for public purposes, as distinguished from municipal corporations authorized to impose burdens, or for which burdens may be imposed for public purposes, on property in proportion to the increase in benefits received.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

B. Requirements for single-occupant public restrooms. Single-occupant restrooms shall not be restricted to a specific sex or gender identity and shall use appropriate signage to indicate such restrooms are designated for use by any person, regardless of sex or gender identity. Entities covered by this ordinance shall replace existing restrictive-gender-use signage for single-occupant public restrooms with signage indicating that such restrooms can be used by any person, regardless of sex or gender identity. Examples of appropriate signage would include “washroom,” “restroom,” “all-gender restroom,” “gender-neutral restroom,” or “unisex,” and/or that images or symbols to indicating that the all single-occupant restrooms are designated for use by any person, regardless of sex or gender identity.

C. Enforcement. The requirements of this subsection shall be enforced and violations penalized pursuant to Chapter 1.82 TMC.