



**TO:** Elizabeth Pauli, City Manager  
**FROM:** Diane Powers, Director, Office of Equity and Human Rights  
**COPY:** City Council and City Clerk  
**SUBJECT:** Ordinance – Amending TMC 1.29 to Require New or Existing Gender Neutral Labeling of Single-Occupancy Public Restrooms – November 27, 2018  
**DATE:** November 9, 2018

**SUMMARY:**

Ordinance to amend Tacoma Municipal Code, Chapter 1.29 – Human Rights Commission, to add a new section requiring that new or existing public single-occupancy restrooms be gender neutral labeled effective June 1, 2019.

**COUNCIL SPONSORS:**

Council Members Hunter, Thoms, and Ushka

**STRATEGIC POLICY PRIORITY:**

The proposed code amendment would align with the following City Council Strategic Priorities:

- Strengthen and support a safe city with healthy residents.
- Ensure all Tacoma residents are valued and have access to resources to meet their needs.

In addition, this proposed amendment aligns with the City’s Equity and Empowerment Initiative and Tacoma Municipal Code Chapter 1.29, which prohibits discrimination based on gender identity.

**BACKGROUND:**

Pursuant to Ordinance 25352, passed on April 23, 2002, the City amended Chapter 1.29 to include certain protections against discrimination based on gender identity including, among other protections, in public accommodations. Pursuant to Resolution No. 39019, adopted on September 30, 2014, the City implemented the Equity and Empowerment Initiative to support, among several goals, human rights and opportunities for all persons within the City to achieve their full potential, which would include ensuring full access for transgender and gender non-conforming individuals to governmental services and facilities in the City.

Pride at Work, which represents LGBTQ union members and allies has identified that bathroom access is a constant worry for transgender and non-binary people: 59% of transgender people avoided using a public restroom in the past year because they were afraid of confrontations. Access to bathrooms promotes health and safety. Having gender neutral single-occupancy restrooms allows transgender and non-binary people to have more options for restroom facilities without the fear of being verbally harassed while accessing a restroom. Bainbridge Island already has put a similar code in place (attached).

The Human Rights Commission, in collaboration with Pride at Work, is requesting that the City Council consider an ordinance that would require that single-occupancy public restrooms get gender neutral/inclusive labeling so that transgender and non-binary people would have more access to restrooms. The Office of Equity and Human Rights staff forwarded this request to the Community



Vitality and Safety Committee at their November 8, 2018 meeting. The Committee adopted a motion to forward the code amendment to the full City Council for consideration.

**ISSUE:**

Transgender and non-binary people have to worry about where they are going to use the restroom on a daily basis. 59% of respondents to the National Center for Transgender Equality's 2015 US Transgender Survey avoided using a public restroom in the last year, and nearly one third (32%) limited the amount they ate and drank to do so, which can create other health problems. One in ten respondents reported that someone denied them access to a restroom in the past year, while 12% reported being verbally harassed while accessing a restroom.

**ALTERNATIVES:**

The City Council could choose to accept, reject or modify the proposed ordinance.

**RECOMMENDATION:**

Recommendation to amend Chapter 1.29 of the Tacoma Municipal Code to add a new section requiring gender neutral labeling of existing or new single-occupancy restrooms to ensure transgender and non-binary people have access to a restroom on a daily basis without fear of verbal harassment or denied access. This amendment would further the City's efforts to prevent discrimination based on gender identity. The recommended effective date includes time for outreach and education efforts.

**FISCAL IMPACT:**

Public Works Facilities expects a minimal fiscal impact since it would involve purchasing and installing gender neutral signs on existing or new single-occupancy restrooms in City facilities. Enforcement outside of City facilities could be enforced through the Human Rights Commission's discrimination complaint process.