



## ORDINANCE NO.

1 BY REQUEST OF

2 AN ORDINANCE establishing a gender-inclusive restroom requirement for  
3 single-occupancy restrooms in places of public accommodation, facilities  
4 of the City, and facilities of taxing authorities located within the City,  
5 known as public restrooms, by amending Chapter xx of the Tacoma  
6 Municipal Code by amending Section yy to align with the City's Equity  
and Empowerment Initiative and Chapter 1.29, which prohibits  
discrimination based on gender identity.

7  
8 WHEREAS transgender and gender non-conforming individuals face  
9 violence, discrimination, and lack of access to public accommodations and  
10 governmental facilities, including public restrooms, at rates far exceeding other  
11 members of the Tacoma community, and

12  
13 WHEREAS the federal government has subjected and may further  
14 subject transgender and gender non-conforming individuals to more violence,  
15 discrimination, and lack of access by severely restricting such individuals from  
16 military service; excluding such individuals from certain federal protections and  
17 rights in schools, prisons, and homeless shelters; and potentially excluding  
18 such individuals from certain federal protections and rights under Title IX and  
19 other federal laws and regulations, and

20  
21 WHEREAS anti-transgender organizations in Washington State,  
22 including via Initiative 1515 in 2016, have actively sought to deny an individual's  
23 right to access public restrooms based on her, his, or their gender identity, and  
24 to require transgender and gender non-conforming individuals to use public  
25 restrooms corresponding to gender assignment at birth, and  
26



1 WHEREAS the City has an obligation and duty to oppose institutional  
2 and systematic bigotry towards transgender and gender non-conforming  
3 individuals, and

4 WHEREAS, pursuant to Ordinance No. 18301, passed on May 31, 1967, the  
5 City established the Tacoma Human Rights Commission, codified as Chapter 1.29  
6 of the Tacoma Municipal Code, to study and investigate problems of prejudice,  
7 bigotry, and discrimination, and to encourage and coordinate the implementation of  
8 programs consistent with the needs and rights of all residents of the City of  
9 Tacoma, and

10 WHEREAS, pursuant to Ordinance 25352, passed on April 23, 2002, the  
11 City amended Chapter 1.29 to include certain protections against discrimination  
12 based on gender identity including, among other protections, in public  
13 accommodations,

14 WHEREAS, pursuant to Resolution No. 39019, adopted on September 30,  
15 2014, the City implemented the Equity and Empowerment Initiative to support,  
16 among several goals, human rights and opportunities for all persons within the City  
17 to achieve their full potential, which would include ensuring full access for  
18 transgender and gender non-conforming individuals to governmental services and  
19 facilities in the City; Now, Therefore,  
20  
21

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

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24 Section 1. That Chapter xx of the Tacoma Municipal Code is hereby  
25 amended as set forth in attached Exhibit "A."  
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Passed \_\_\_\_\_

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\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney





## EXHIBIT A

### Access to Single-Occupant Public Restrooms

#### \_\_\_\_ Requirements for single-occupant public restrooms

- A. Single-occupant restrooms in places of public accommodations, facilities of the City, and facilities of taxing districts located in Tacoma 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.
- B. Entities covered by this ordinance shall have 180 days from its effective date to comply by replacing 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.

#### \_\_\_\_ Individual Rights

An individual shall have the right to use a single-occupant public restroom that conforms to her, his, or their sex or gender identity.

#### \_\_\_\_ Enforcement. [to be determined]

#### \_\_\_\_ 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 Chapter 1.29.040, Tacoma Municipal Code, means any establishment which caters or offers its services, facilities, or goods to the general public.

"Public Restroom" means any single-occupant restroom 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 Chapter 1.29.040.

"Single-occupant 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.

"Taxing District," as defined by WAC 458-19-005 (y), Washington Administrative Code, 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.