



City Council Staff Report

DATE: July 6, 2016

LEGISLATION

SUBJECT: AN ORDINANCE OF CITY OF PALM SPRINGS, CALIFORNIA, ADDING ARTICLE IX TO CHAPTER 8.04 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO ALL-GENDER RESTROOMS IN BUSINESSES AND PUBLIC ACCOMODATIONS.

FROM: David Ready, City Manager

BY: Douglas Holland, City Attorney

SUMMARY

This Ordinance requires all single-occupancy restrooms within businesses and places of public accommodation to be available to all persons regardless of gender. Existing single-occupancy restrooms cannot be restricted to persons of a specific sex or gender identity and shall be signed accordingly by October 1, 2016. Any new business or place of public accommodation that opens after the effective date of the ordinance with single-occupancy restrooms will also be required to comply with the all-gender requirement of this Ordinance.

RECOMMENDATION:

Waive text and introduce for first reading an Ordinance of the City Council "AN ORDINANCE OF CITY OF PALM SPRINGS, CALIFORNIA, ADDING ARTICLE IX TO CHAPTER 8.04 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO ALL-GENDER RESTROOMS IN BUSINESSES AND PUBLIC ACCOMODATIONS."

ENVIRONMENTAL ASSESSMENT:

Staff has reviewed the proposed amendment to the Palm Springs Municipal Code and determined that the proposed ordinance may have a significant adverse effect on the environment. Therefore, consideration and approval of the ordinance is not subject to the California Environmental Quality Act (CEQA), and no further study is needed. (Refer to 15061(b)(3) of the CEQA Guidelines.)


ITEM NO. 36

FISCAL IMPACT:

No significant change to City revenue or expenditures is expected as a result of adopting the proposed ordinance.



Douglas Holland, City Attorney



David Ready, City Manager

C: Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF CITY OF PALM SPRINGS, CALIFORNIA,
ADDING ARTICLE IX TO CHAPTER 8.04 OF THE PALM
SPRINGS MUNICIPAL CODE, RELATING TO ALL-GENDER
RESTROOMS IN BUSINESSES AND PUBLIC
ACCOMODATIONS.

City Attorney's Summary

*This Ordinance requires that access to all single-occupancy
restrooms in businesses and places of public accommodation shall
not be restricted to persons of a specific sex or gender identity*

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS ORDAINS:

Section 1. Article IX is added to Chapter 8.04 of the Palm Springs Municipal Code to read:

ARTICLE IX. ALL-GENDER RESTROOMS

8.04.900 Findings.

(a) The creation of all-gender toilet facilities through this Chapter will not affect anyone's right to use facilities consistent with their gender identity. While some transgender or gender nonconforming people may choose to use all-gender facilities, no one can be required to use an all-gender toilet facility because of their identity or appearance.

(b) Transgender and gender-nonconforming people frequently experience harassment in toilet facilities. Required use of gender-specific toilet facilities can create unnecessary risk that leads to transgender and gender-nonconforming people being denied access, being verbally harassed, or physically assaulted in these facilities. These experiences, in turn, impact one's education, employment, health, and participation in public life. This is especially true for transgender women of color, who experience the highest rates of discrimination. To address this ongoing discrimination and harassment, it is essential to provide more all-gender toilet facilities.

(c) All-gender toilet facilities also benefit the entire community. They provide universal access for families with small children, people with disabilities who rely upon personal care assistance from an attendant or family member, and seniors who require assistance or supervision.

(d) In order to be inclusive of all gender identities, this Article uses the term "all-gender" toilet facilities rather than "unisex" or "gender-neutral" toilet facilities.

8.04.901. Requirement.

(a) No later than October 1, 2016, all single-occupancy restrooms in businesses and places of public accommodation in operation on the effective date of this Article shall be all-gender, meaning that access shall not be restricted to persons of a specific sex or gender identity, and any existing gender-specific room identification signage on each such single-occupancy restroom shall be removed and replaced with signage for all genders that complies with either Title 24 of the California Code of Regulations or the Federal Americans with Disabilities Act.

(b) Any business or place of public accommodation that commences operation after the effective date of this Article shall provide the required room identification signage and make each single-user toilet facility available for use by persons of any sex or gender identity immediately upon opening to the public.

(c) Nothing in this Article shall be construed as requiring or authorizing (1) a reduction in the number of toilet facilities that are required by Title 24 of the California Code of Regulations or (2) a reduction in the number of toilet facilities accessible to persons with disabilities that are otherwise required under either Title 24 of the California Code of Regulations or the Federal Americans with Disabilities Act.

Section 2. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.