



# MEMORANDUM

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## LEGISLATIVE REFERENCE BUREAU

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**To:** Jessica Langill  
**From:** Luke Knapp, Legislative Fiscal Analyst  
**Date:** January 2, 2019  
**Subject:** Gender Neutral Restrooms

Recently, you asked the Legislative Reference Bureau for a report regarding gender-neutral restroom policy in cities across the country, and the corresponding costs and challenges to such policies. At the end of this memo is a chart that gives an overview of a number of municipal gender-neutral restroom policies, the scope of those policies, and the legislative means by which they were passed.

Legislation related to gender-neutral restroom availability began gaining momentum following North Carolina's infamous "Public Facilities Privacy & Security Act", colloquially known as the bathroom bill. This piece of legislation required that transgender individuals use the public restrooms that aligned with their biological sex. After this law was passed in 2016, many cities began exploring policies in response to the bill that offered support for the transgender community and their right to freely use the bathroom that aligns with their gender identity.

Updating bathroom requirements to effectively accommodate users is not an unprecedented notion. For decades, there have been laws across the country that make bathrooms in public spaces more accessible, from requiring larger stalls and lower sinks for people who use wheel chairs, to requiring changing stations for families with young children. A 2015 National School Climate Survey showed that nearly two thirds of transgender students avoid school bathrooms because of feeling unsafe or uncomfortable. In the same study, over half of transgender students reported that they were required to use the bathroom of their legal sex rather than the one they felt most comfortable using – an illegal requirement under Title IX.

In response to reports of open bathroom discrimination against the transgender community, numerous cities have pursued a legislative response regarding access and availability of restrooms for all individuals. The most common legislative response is a city council ordinance which mandates that single-occupant restrooms in public buildings and spaces be labelled, in some way, as gender-neutral. These forms of legislation, simply requiring signage on public restrooms, may seem small in measure; however, they are ostensibly significant for the transgender community. As noted above, the fear and insecurity transgender individuals feel when required to use a specific restroom is significant enough that often times these individuals report refraining from using public restrooms altogether. The cost of making single-stall

restrooms gender-neutral is often minimal, with just the cost of creating a sign; however most cities elect to upgrade locks and security as well. An Oregon school converted 6 single-occupant restrooms into gender-neutral restrooms with signage and new locks for \$500. By comparison, a new bathroom altogether, according to Alejandro Ortiz, the founding architect of Ortiz Architects of Los Angeles, could range between \$20,000 up to \$50,000.

Below are examples of either peer cities that have pursued legislative action in regard to restroom access, or cities that have done significantly more than the commonly used legislation of requiring single-stall restrooms to be identified as gender-neutral.

### Minneapolis

Transgender bathroom access was first introduced in Minneapolis in 2014, when the Minneapolis Transgender Issues Work Group argued that a law that required businesses to label restrooms as either male or female was antiquated. At that time, the City Council introduced an ordinance that changed this requirement, allowing businesses to have gender-neutral restrooms. In 2017, the City Council went a step further, investing \$17,000 for the creation of 62 all-gender facilities in 44 municipal buildings, including department offices, police and fire stations, public works facilities and parking garages. The \$17,000 allocated for the project covers new locks, signage, and security upgrades. The City also committed to exploring multi-stall, all-gender restrooms and changing rooms during construction of new buildings or when others are being remodeled. This allocation of funds by Minneapolis expressed a significant commitment from the City, whereas many other municipalities pursue less financially-significant approaches by simply requiring access to already existing single-occupant stalls.

### Orlando

In 2017, Orlando Mayor Buddy Dyer announced that Orlando's City Hall would begin the necessary steps to have all-user restrooms in the building – becoming the first government building in Florida to do so. The city chose to use the verbiage “all-user” instead of gender-neutral with the intention of welcoming users with disabilities as well. The multi-stall restroom is located on the second floor of City Hall, with doors on the stalls reaching all the way down to the floor. City officials said that the process of creating the restroom included input from numerous organizations and groups to make sure it was as welcoming as a restroom possibly can be.

### Jersey City

In Jersey City, Mayor Fulop took a somewhat unique approach in his executive order by ordering that *every* restroom in a building owned by the City must bear a sign that reads “Gender diversity is welcomed here; please use the restroom that best fits your gender identity or expression.” This action is notably different from other cities as it affects every single restroom, regardless of gender use, in a municipal building. The executive order goes on to direct the Director of Public Works to modify bathroom facilities to assure the privacy of individual users with updated locks in each stall, and allow other

facilities to be converted to single-user toilet facilities and be identified as gender-neutral.

**Conclusion**

The chart below shows other cities that have made commitments to provide more accessible restrooms for the transgender community:

<b>City</b>	<b>Date Passed</b>	<b>Single or Multi Occupancy Requirements</b>	<b>Legislative Means</b>	<b>Municipal Buildings or City-wide</b>
Austin, TX	March, 2017	Single occupancy	City Council resolution	City-wide
Jersey City, NJ	March, 2017	Multi Occupancy	Mayoral Executive Order	Municipal Buildings
Hoboken, NJ	April, 2018	Single occupancy	City Council ordinance	City-wide
New York City, NY	June, 2016	Single occupancy	City Council ordinance	City-wide
Washington D.C.	June, 2018	Single occupancy		City-wide
Philadelphia, PA	January, 2016	Single occupancy	City Council ordinance	City-wide
Seattle, WA	May, 2016	Single occupancy	City Council ordinance	City-wide
San Francisco, CA	September, 2016	Single occupancy	City Council ordinance	City-wide
Minneapolis, MN	May, 2017	Single occupancy	City Council ordinance	Municipal buildings
Denver, CO	December, 2016	Single occupancy	City Council ordinance	City-wide
Orlando, FL	August, 2018	Single occupancy	Mayoral Executive Order	City Hall
Berkeley, CA	2015	Single occupancy	City Council ordinance	City-wide