

City of Milwaukee Equal Rights Commission Resolution on Inclusive Restrooms 2019

This resolution affirms the City of Milwaukee's commitment to and plan for enabling the creation of restrooms and other facilities (e.g., locker rooms and changing rooms) in city buildings and in other places of public accommodation that are inclusive and are not designated for use by any specific sex and/or gender.

Whereas, The City of Milwaukee Equal Rights Commission recognizes that a “vibrant, livable, successful and productive city is made possible by the talents, contributions, and well-being of its diverse residents” (*Milwaukee Ord., Ch. 109-1*); and

Whereas, It is the policy of the City of Milwaukee “that the equal rights of all those who live and work in the city are ensured, and that equal rights and equal opportunities within the context of the larger commercial and social fabric of the Milwaukee community are promoted” (*Milwaukee Ord., Ch. 109-1*); and that “the city shall endeavor to eliminate all discrimination that may occur in the city” (*Milwaukee Ord., Ch. 109-1(3)*); and

Whereas, The City of Milwaukee strives to enhance the health, well-being, and quality of life of residents and visitors by maintaining an environment in the City free from discrimination and by effectuating the City's commitment to diversity and inclusion; and

Whereas, The practice of designating restrooms in public facilities and in places of public accommodation open to the public as specific to any sex or gender limits participation in public life for many residents of and visitors to the City of Milwaukee, including, but not limited to, transgender and non-binary individuals; gender non-conforming individuals; individuals who use adaptive equipment; individuals who rely on assistance from a companion; parents of, guardians of, and those accompanied by children; and families; and

Whereas, The City of Milwaukee's Equal Rights Ordinance, Chapter 109, prohibits discrimination in places of public accommodation against individuals based on, among other characteristics, sex, gender identity, gender expression, sexual orientation, disability, marital status, and familial status, or an individual's affiliation or perceived affiliation with any of these categories; and

Whereas, Research has documented the effect of individuals' functional limitations on using public restrooms, finding that 53% of individuals using wheelchairs have limitations in toileting, and that 38% of individuals using wheelchairs require assistance when toileting (*Mobility Device Use in the United States Report, Disability Statistics Center Institute for Health and Aging, University of California, San Francisco (2000)*); and

Whereas, Research has established the prevalence of discrimination, harassment, physical attacks, and sexual assaults against transgender, non-binary and gender non-conforming individuals, or those perceived as such, both in places of public accommodation as well as in restrooms segregated by sex or gender (*The Report of the 2015 U.S. Transgender Survey, National Center for Transgender Equality (2016)*); and

Whereas, Research has documented the deterrent effect of such treatment, in that 62% of transgender residents in Wisconsin (59% nationwide) report avoiding using public restrooms over the course of one

year (*Wisconsin State Report, The Report of the 2015 U.S. Transgender Survey, National Center for Transgender Equality (2016)*); and

Whereas, Research has identified negative health outcomes of not using a restroom when necessary, including, but not limited to, “holding it”; experiencing physical and/or sexual assault; developing medical conditions such as urinary tract infection, kidney infection and other kidney-related conditions (*The Report of the 2015 U.S. Transgender Survey, National Center for Transgender Equality (2016)*); and

Whereas, Research has established that 33% of transgender individuals living in Wisconsin have avoided eating or drinking in order to minimize their need to use a public restroom and 8% of transgender individuals nationwide have developed medical conditions as a result of not using a public restroom when necessary (*Wisconsin State Report, The Report of the 2015 U.S. Transgender Survey, National Center for Transgender Equality (2016)*); and

Whereas, More than 200 states and municipalities in the United States, along with numerous private sector enterprises, have adopted legislation or policies enabling the creation of inclusive restrooms; and

Whereas, The City of Milwaukee is committed to maintaining its 2018 accomplishment of achieving a score of 100 on the Human Rights Campaign’s Municipal Equality Index – an evaluation recognizing municipalities with legislation providing inclusive restrooms in public facilities and in places of public accommodation; now, therefore, be it

Resolved, By the Equal Rights Commission of the City of Milwaukee, that in order to achieve its equity vision, the Commission is committed to enabling the creation of inclusive restrooms in properties owned and operated by the City, in other Milwaukee municipal entities, and in all places of public accommodation throughout the City of Milwaukee; and, be it

Further Resolved, That the Equal Right Commission requests the Mayor of the City of Milwaukee to direct the City’s Department of Administration to work with all City departments to develop policies and procedures for enabling creation of inclusive restrooms in properties owned and operated by the City and in other Milwaukee municipal entities, and to seek and act on all existing and future opportunities to create inclusive restrooms therein.