



Legislation Text

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191168
ORIGINAL

Ald. Kovac, Bauman, and Johnson

Resolution relating to the establishment of a gender-inclusive restroom policy for City buildings. This resolution expresses the City's commitment to creating gender-inclusive restrooms and other facilities, such as locker rooms and changing rooms, in properties owned or operated by the City. It further directs the Department of Administration to work with the Department of Public Works to develop policies and procedures for creating gender-inclusive restrooms and other facilities, such as locker rooms and changing rooms, in all properties owned or operated by the City. Whereas, The City of Milwaukee recognizes that a "vibrant, livable, successful and productive city is made possible by the talents, contributions, and well-being of its diverse residents," as stated in s. 109-1-1 of the Code; and

Whereas, It is the policy of the City "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," as stated in s. 109-1-1 of the Code; and

Whereas, Section 109-1-3 of the Code commits that "the city shall endeavor to eliminate all discrimination that may occur in the city"; and

Whereas, The City strives to enhance the health, well-being, and quality of life for 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, 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 companions; parents, guardians, or others accompanying children; and families; and

Whereas, Chapter 109, the City's Equal Rights Ordinance, 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; 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; 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; 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; and developing medical conditions such as urinary tract infection, kidney infection, and other kidney-related conditions; and

Whereas, Research has established that 33% of transgender individuals living in Wisconsin have avoided eating or drinking to minimize their need to use public restrooms and 8% of transgender individuals nationwide have developed medical conditions as a result of not using public restrooms when necessary; and

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

Whereas, The City 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 Common Council of the City of Milwaukee, that the City expresses its commitment to creating gender-inclusive restrooms and other facilities, such as locker rooms and changing rooms, in properties owned or operated by the City; and, be it

Further Resolved, That the City urges other municipalities and entities that control places of public accommodation throughout the city and surrounding areas to create gender-inclusive restrooms and other facilities, such as locker rooms and changing rooms; and, be it

Further Resolved, That the Department of Administration and the Department of Public Works are directed to work together to develop policies and procedures to create gender-inclusive restrooms and other facilities, such as locker rooms and changing rooms, in properties owned or operated by the City and to continue implementing gender-inclusive facilities in future properties owned or operated by the City.

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Tea B. Norfolk
11/12/2019