

CITY OF BALTIMORE

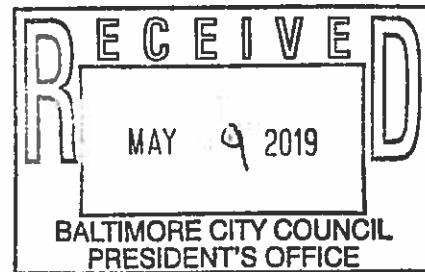
BERNARD C. "JACK" YOUNG
Mayor



DEPARTMENT OF LAW
ANDRE M. DAVIS, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

May 8, 2019

The Honorable President and Members
of the Baltimore City Council
Attn: Natawna B. Austin, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202



Re: City Council Bill 19-0385 – Gender Inclusive Bathrooms

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 19-0385 for form and legal sufficiency. The bill would require that certain single-user restrooms in Baltimore City be made available to all individuals regardless of gender and that certain single-user restrooms use gender-inclusive signage to identify the restroom; define certain terms; establish certain penalties; and provide for a special effective date.

To combat the problem of discrimination, the City may require that these restrooms be accessible to all individuals regardless of gender. City Charter, Art. II § 47. The penalties imposed are within the Charter limits.

The Law Department recommends deleting the related provision in Article 4, § 1-1 (f)(3)(v)(A) which excludes from the definition of discrimination providing separate bathrooms based on biological sex, as this is superseded by state and federal law recognizing that gender-based exclusions from facilities may violate Title IX as well as other federal and state laws.

The Law Department, therefore, approves City Council Bill 19-0385 for form and legal sufficiency.

A handwritten signature in black ink, appearing to read "Ashlea H. Brown".

Sincerely,

Ashlea H. Brown
Assistant Solicitor

A handwritten mark, possibly a stylized "P" or a checkmark, in black ink.

