

Agencies

<input checked="" type="checkbox"/>	Baltimore City Public School System	<input type="checkbox"/>	Department of Public Works
<input checked="" type="checkbox"/>	Baltimore Development Corporation	<input type="checkbox"/>	Department of Real Estate
<input checked="" type="checkbox"/>	City Solicitor	<input type="checkbox"/>	Department of Recreation and Parks
<input type="checkbox"/>	Comptroller's Office	<input type="checkbox"/>	Department of Transportation
<input checked="" type="checkbox"/>	Department of Audits	<input type="checkbox"/>	Fire Department
<input checked="" type="checkbox"/>	Department of Finance	<input checked="" type="checkbox"/>	Health Department
<input checked="" type="checkbox"/>	Department of General Services	<input type="checkbox"/>	Mayor's Office of Employment Development
<input type="checkbox"/>	Department of Housing and Community Development	<input type="checkbox"/>	Mayor's Office of Human Services
<input checked="" type="checkbox"/>	Department of Human Resources	<input type="checkbox"/>	Mayor's Office of Information Technology
<input type="checkbox"/>	Department of Planning	<input type="checkbox"/>	Office of the Mayor
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	Police Department
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	Other: _____
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	Other: _____
<input type="checkbox"/>	Board of Estimates	<input type="checkbox"/>	Environmental Control Board
<input type="checkbox"/>	Board of Ethics	<input type="checkbox"/>	Fire & Police Employees' Retirement System
<input type="checkbox"/>	Board of Municipal and Zoning Appeals	<input type="checkbox"/>	Labor Commissioner
<input type="checkbox"/>	Comm. for Historical and Architectural Preservation	<input type="checkbox"/>	Parking Authority Board
<input type="checkbox"/>	Commission on Sustainability	<input type="checkbox"/>	Planning Commission
<input type="checkbox"/>	Employees' Retirement System	<input type="checkbox"/>	Wage Commission
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	Other: _____
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	Other: _____

Boards and Commissions

<input type="checkbox"/>	Board of Estimates	<input type="checkbox"/>	Environmental Control Board
<input type="checkbox"/>	Board of Ethics	<input type="checkbox"/>	Fire & Police Employees' Retirement System
<input type="checkbox"/>	Board of Municipal and Zoning Appeals	<input type="checkbox"/>	Labor Commissioner
<input type="checkbox"/>	Comm. for Historical and Architectural Preservation	<input type="checkbox"/>	Parking Authority Board
<input type="checkbox"/>	Commission on Sustainability	<input type="checkbox"/>	Planning Commission
<input type="checkbox"/>	Employees' Retirement System	<input type="checkbox"/>	Wage Commission
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	Other: _____
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	Other: _____

CITY OF BALTIMORE
ORDINANCE **19-265**
Council Bill 19-0385

Introduced by: Councilmember Cohen, Ex Officio President Middleton, Councilmembers
Dorsey, Stokes, Henry, Burnett, Bullock, Sneed, Clarke, Reisinger, Scott
Introduced and read first time: April 29, 2019
Assigned to: Education and Youth Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: May 13, 2019

AN ORDINANCE CONCERNING

Gender-Inclusive Single-User Restrooms

FOR the purpose of requiring that certain single-user restrooms in Baltimore City be made available to all individuals regardless of gender; requiring that certain single-user restrooms use gender-inclusive signage to identify the restroom; defining certain terms; establishing certain penalties; and providing for a special effective date.

BY adding

Article - Health

Section(s) ~~17-101 through 17-106~~, to be under the new title,

"Title 17. Public Restrooms"

Baltimore City Revised Code

(Edition 2000)

Article 15. Licensing and Regulation

Section(s) ~~43-1 through 43-6~~, to be under the new subtitle,

"Title 43. Public Restrooms"

Baltimore City Code

(Edition 2000)

BY repealing and reordaining, with amendments

Article 1 - Mayor, City Council, and Municipal Agencies

Section(s) ~~40-14(c)(7) and 41-14(6)~~ 40-14(e)(2) and 40-14(1)

Baltimore City Code

(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Explanation: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

Council Bill 19-0385

Baltimore City Revised Code

~~Article~~ Health

Article 15. Licensing and Regulation

~~FILE 17~~ SUBTITLE 43. PUBLIC RESTROOMS

§ ~~43-1~~ ~~17-101~~. DEFINITIONS.

(A) *IN GENERAL.*

IN THIS TITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) *GENDER-INCLUSIVE SIGNAGE.*

“GENDER-INCLUSIVE SIGNAGE” MEANS A SIGN IDENTIFYING A RESTROOM THAT DOES NOT INDICATE A SPECIFIC GENDER, SUCH AS “RESTROOM”, “BATHROOM”, “TOILET”, OR A SYMBOL INDICATING THE RESTROOM’S AVAILABILITY FOR USE BY ANY INDIVIDUAL REGARDLESS OF GENDER.

(C) *PLACE OF PUBLIC ACCOMMODATION.*

“PLACE OF PUBLIC ACCOMMODATION” HAS THE MEANING STATED IN STATE GOVERNMENT ARTICLE, § 20-301 {“PLACE OF PUBLIC ACCOMMODATION’ DEFINED”}.

(D) *PUBLIC SINGLE-USER RESTROOM.*

(1) “PUBLIC SINGLE-USER RESTROOM” MEANS A SINGLE-OCCUPANCY RESTROOM FOR PUBLIC USE WITH AT LEAST ONE WATER CLOSET AND WITH AN OUTER DOOR THAT CAN BE LOCKED BY THE OCCUPANT.

(2) “PUBLIC SINGLE-USER RESTROOM DOES NOT INCLUDE:

(I) ANY PRIVATE RESTROOM IN A RESIDENCE, APARTMENT, HOTEL, OR HOSPITAL;
OR

(II) A RESTROOM ONLY ACCESSIBLE FROM A PRIVATE ROOM OR OFFICE.

§ ~~43-2~~ ~~17-102~~. *{Reserved}*

§ ~~43-3~~ ~~17-103~~. REQUIREMENTS FOR SINGLE-USER RESTROOMS.

ANY PUBLIC SINGLE-USER RESTROOM IN A COMMERCIAL OR INDUSTRIAL ESTABLISHMENT, A PLACE OF PUBLIC ACCOMMODATION, OR A CITY-OWNED OR -OCCUPIED BUILDING MUST BE:

(1) MADE AVAILABLE FOR USE BY INDIVIDUALS OF ANY GENDER; AND

Council Bill 19-0385

1 (2) IDENTIFIED WITH GENDER-INCLUSIVE SIGNAGE.

2 § 43-4 17-104. ~~Reserved~~ AGENCIES TO ENFORCE.

3 ENFORCEMENT OF THIS SUBTITLE SHALL BE CONDUCTED BY "CODE ENFORCEMENT OFFICERS"
4 AND "ENFORCEMENT OFFICERS" (AS DEFINED IN CITY CODE ARTICLE 1, § 40(C) AND § 41-
5 1(C), RESPECTIVELY) WHO ARE EMPLOYED BY ANY OF THE FOLLOWING AGENCIES:

6 (1) DEPARTMENT OF HEALTH;

7 (2) DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT;

8 (3) DEPARTMENT OF PUBLIC WORKS;

9 (4) DEPARTMENT OF RECREATION AND PARKS;

10 (5) DEPARTMENT OF TRANSPORTATION;

11 (6) FIRE DEPARTMENT;

12 (7) POLICE DEPARTMENT; AND

13 (8) ANY OTHER AGENCY WITH ONE OR MORE EMPLOYEES WHO ARE IN A "POSITION OF
14 TRUST" AND AUTHORIZED TO SERVE AS A "CODE ENFORCEMENT OFFICER" IN ACCORD
15 WITH CITY CODE ARTICLE 1, § 40-1(C)(3).

16 § 43-5 17-105. ENFORCEMENT BY CITATION.

17 (A) *IN GENERAL.*

18 (1) A CITATION UNDER THIS SECTION MAY ONLY BE ISSUED AFTER THE ISSUANCE OF A
19 WRITTEN WARNING AND A FAILURE TO CORRECT THE VIOLATION WITHIN 30 DAYS OF
20 THE DATE OF THE WARNING.

21 (2) IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT
22 PROCEDURE, THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF:

23 (1) AN ENVIRONMENTAL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 40
24 { "ENVIRONMENTAL CONTROL BOARD" }; OR

25 (2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 { "CIVIL
26 CITATIONS" }.

27 (B) *PROCESS NOT EXCLUSIVE.*

28 THE ISSUANCE OF A CITATION TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE PURSUING
29 ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

Council Bill 19-0385

1 (C) *EACH DAY A SEPARATE OFFENSE.*

2 EACH DAY A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

3 **§ 43-6 17-106. CRIMINAL PENALTIES.**

4 (A) *IN GENERAL.*

5 ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A
6 MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$500 FOR
7 EACH OFFENSE.

8 (B) *EACH DAY A SEPARATE OFFENSE.*

9 EACH DAY A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

10 **Baltimore City Code**

11 **Article 1. Mayor, City Council, and Municipal Agencies**

12 **Subtitle 40. Environmental Control Board**

13 **§ 40-14. Violations to which subtitle applies.**

14 (e) *Provisions and penalties enumerated.*

15 ~~(7) Health Code~~

16 ~~(2) Article 15. Licensing and Regulation~~

17 ~~FILE 17~~ SUBTITLE 43: PUBLIC RESTROOMS

\$100

18 **Subtitle 41. Civil Citations**

19 **§ 41-14. Offenses to which subtitle applies -- Listing.**

20 ~~(6) Health Code~~

21 ~~(1) Article 15. Licensing and Regulation~~

22 ~~FILE 17~~ SUBTITLE 43: PUBLIC RESTROOMS

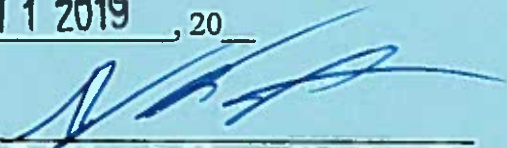
\$100

23 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
24 are not law and may not be considered to have been enacted as a part of this or any prior
25 Ordinance.

26 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 90th day
27 after the date it is enacted.

Council Bill 19-0385

Certified as duly passed this _____ day of JUN 11 2019, 20__




President, Baltimore City Council

Certified as duly delivered to his Honor, the Mayor,
this _____ day of JUN 11 2019, 20__



Chief Clerk

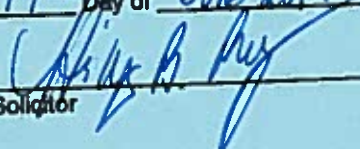
Approved this 15th day of June, 2019



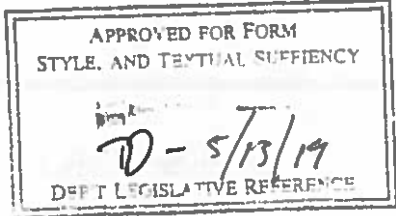
Mayor, Baltimore City

Approved For Form and Legal Sufficiency

This 14th Day of June 2019



Chief Solicitor



AMENDMENTS TO COUNCIL BILL 19-0385
(1st Reader Copy)

By: Education and Youth Committee

Amendment No. 1

On page 1, strike lines 8 through 12, in their entireties, and substitute:

“Article 15. Licensing and Regulation
Section(s) 43-1 through 43-6, to be under the new subtitle,
“Title 43. Public Restrooms”
Baltimore City Code
(Edition 2000)”;

and, on the same page, in line 15, strike “40-14(e)(7)” and “41-14(6)” and substitute “40-14(e)(2)” and “40-14(1)”, respectively.

Amendment No. 2

On page 1, in line 20, strike “Revised”; and, on the same page, in line 21, strike “Article – Health” and substitute “Article 15. Licensing and Regulation”; and, on the same page, in line 22, strike “TITLE 17” and substitute “SUBTITLE 43”.

Amendment No. 3

On page 2, in line 1, line 20, line 21, line 26, and line 27, and, on page 3, in line 10, strike the section designators “§ 17-101”, “§ 17-102”, “§ 17-103”, “§ 17-104”, “§17-105”, and “§ 17-106”, respectively, and substitute “§ 43-1”, “§ 43-2”, “§ 43-3”, “§ 43-4”, “§ 43-5”, and “§ 43-6”, respectively.

ADOPTED

Amendment No. 4

On page 2, in line 26, strike "~~RESERVED~~" and substitute "AGENCIES TO ENFORCE."; and, after line 26, insert:

"ENFORCEMENT OF THIS SUBTITLE SHALL BE CONDUCTED BY "CODE ENFORCEMENT OFFICERS" AND "ENFORCEMENT OFFICERS" (AS DEFINED IN CITY CODE ARTICLE 1, § 40(C) AND § 41-1(C), RESPECTIVELY) WHO ARE EMPLOYED BY ANY OF THE FOLLOWING AGENCIES:

- (1) DEPARTMENT OF HEALTH;
- (2) DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT;
- (3) DEPARTMENT OF PUBLIC WORKS;
- (4) DEPARTMENT OF RECREATION AND PARKS;
- (5) DEPARTMENT OF TRANSPORTATION;
- (6) FIRE DEPARTMENT;
- (7) POLICE DEPARTMENT; AND
- (8) ANY OTHER AGENCY WITH ONE OR MORE EMPLOYEES WHO ARE IN A "POSITION OF TRUST" AND AUTHORIZED TO SERVE AS A "CODE ENFORCEMENT OFFICER" IN ACCORD WITH CITY CODE ARTICLE 1, § 40-1(C)(3)."

Amendment No. 5

On page 2, after line 28, insert:

"(1) A CITATION UNDER THIS SECTION MAY ONLY BE ISSUED AFTER THE ISSUANCE OF A WRITTEN WARNING AND A FAILURE TO CORRECT THE VIOLATION WITHIN 30 DAYS OF THE DATE OF THE WARNING.";

and, on that same page, at the beginning of line 29, insert the paragraph designator "(2)".

Amendment No. 6

On page 3, in line 22 and in line 27, strike “(7) *Health Code*” and “(6) *Health Code*”, respectively, and substitute “(2) Article 15. Licensing and Regulation” and “(1) Article 15. Licensing and Regulation”, respectively; and, on the same page, in lines 23 and 28, in each instance, strike “TITLE 17” and substitute “SUBTITLE 43”.

BALTIMORE CITY COUNCIL EDUCATION AND YOUTH COMMITTEE VOTING RECORD

BILL#: 19-0385

DATE: 5/9/19

TITLE: Gender-Inclusive Single-User Restrooms

MOTION BY: Burnett SECONDED BY: Clarke

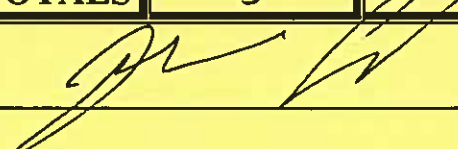
FAVORABLE

FAVORABLE WITH AMENDMENTS

UNFAVORABLE

WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Cohen, Z., Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarke, M., Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bullock, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Burnett, K.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dorsey, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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TOTALS	5	0	0	0

CHAIRPERSON: 

COMMITTEE STAFF: Matthew L. Peters Initials: ZBL MLO

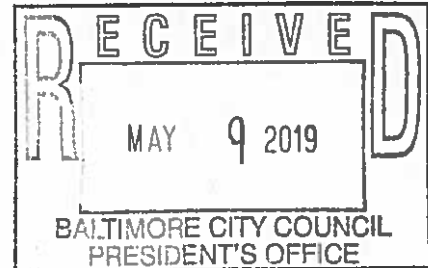
CITY OF BALTIMORE

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

F

F R O M	Name & Title	Letitia Dzirasa, M.D., Commissioner	Health Department AGENCY REPORT	
	Agency Name & Address	Health Department 1001 E. Fayette Street Baltimore, Maryland 21202		
	Subject: Position:	CC #19-0385 FAVORABLE		

To: President and Members
of the City Council
c/o 409 City Hall

May 9, 2019

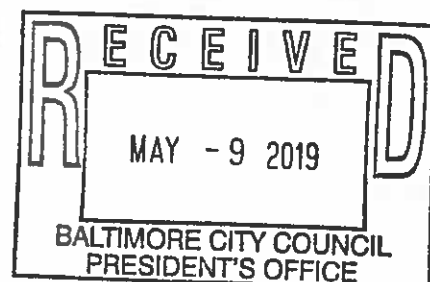
The Baltimore City Health Department (BCHD) is pleased to have the opportunity to review City Council bill #19-0385, entitled "Gender-Inclusive Single-User Restrooms." This legislation will require that any single-stall bathroom be made available to persons of any gender identity and that any associated signage be gender-inclusive.

Maryland greatly expanded protections for transgender individuals under the 2014 Fairness for All Marylanders Act, including the use of locker rooms and other public accommodations. In keeping with the intent of the 2014 Act, Council Bill #19-0385 seeks to reduce the stigma and violence experienced by the transgender community in the public sphere. According to the National Center for Transgender Equality ("NCTE"), there are at least 1.4 million transgender people in the United States. According to a 2015 NCTE survey of 27,715 transgender individuals, 46% of respondents noted having been verbally harassed in the past year. Moreover, 9% of respondents were physically attacked within the same period.


The issue of harassment is especially pronounced in places of public accommodation, where 31% of respondents reported having experienced some form of mistreatment. It was noted in the NCTE survey that within the prior year, "respondents reported being verbally harassed (12%), physically attacked (1%), or sexually assaulted (1%) when accessing a restroom." With respect to public restrooms, stigma plays an important role as the NCTE survey makes mention that "more than half (59%) of respondents avoided using a public restroom in the past year because they were afraid of confrontations or other problems they might experience."

Out of consideration for the mental and physical health, as well as the equitable treatment, of transgender individuals, BCHD strongly urges a **favorable report** on Council Bill #19-0385.

F



Handwritten signature

FROM	NAME & TITLE	Robert Cename. Chief	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432. City Hall (410) 396-4941		
	SUBJECT	City Council Bill #19-0385-Gender Inclusive Single-User Restrooms		

DATE:

TO

The Honorable President and
Members of the City Council
Room 400, City Hall

April 25, 2019

We are responding to City Council Bill 19-0385-Gender Inclusive Single User-Restrooms, the purpose of which is to require that certain single-user restrooms in Baltimore City be made available to individuals regardless of gender; requiring that certain single-user restrooms use gender-inclusive signage to identify the restroom; defining certain terms; establishing certain penalties; and providing for a special effective date.

Analysis

City Council Bill 19-0385 requires that any public, single user restroom in a commercial or industrial establishment, or a place of public accommodation, or a City owned or occupied building must be made available for use by individuals of any gender and identified with gender inclusive signage. The bill defines a public single-user restroom as a single-occupancy restroom for public use with at least one water closet and with an outer door that can be locked by the occupant. The definition does not include any private restroom in a residence, apartment, hotel, or hospital or any restroom that is only accessible from a private room or office.

The bill establishes a number of enforcement measures, which include environmental and civil citations (in the amount of \$100 each). The bill considers each day of violation a separate offense worthy of its own citation. The bill also states that the issuance of a citation does not preclude pursuance of any other civil or criminal remedies authorized by law. Finally, the bill establishes violations of the provisions therein as misdemeanors, punishable by a \$500 fine that is also treated as a separate offense for each day of noncompliance.

Financial Impact

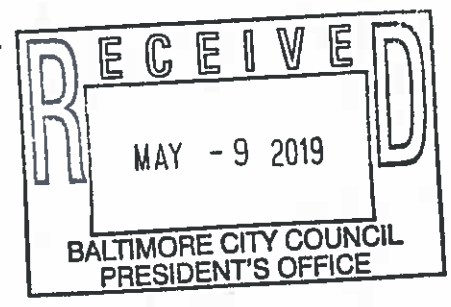
According to the Department of General Services, all public, single user restrooms in City buildings are gender neutral. The bill requires the City use gender inclusive signage, which is estimated to result in minimal replacements costs. Additionally, the bill also implements fines, which could result in revenue for the City.


Conclusion

The Department of Finance does not object to City Council 19-0385.

cc: Henry Raymond
Jeffrey Amoros

Does not object



FROM	NAME & TITLE	Steve Sharkey, Director <i>SS</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of General Services, 200 Holliday Street, Rm 800		
	SUBJECT	SUPPORT – City Council Bill #19-0385-Gender Inclusive Single-User Restrooms		

TO

DATE:

The Honorable President and
Members of the City Council
Room 400, City Hall

May 7, 2019

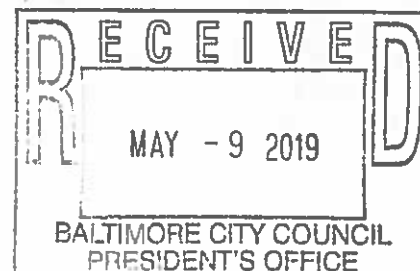
The Department of General Services has reviewed City Council Bill 19-0385-Gender Inclusive Single User Restrooms, the purpose of which is to require that certain single-user restrooms in Baltimore City be made available to individuals regardless of gender; requiring that certain single-user restrooms use gender-inclusive signage to identify the restroom; defining certain terms; establishing certain penalties; and providing for a special effective date. Upon review, the department **supports CCB 19-0385**.

City Council Bill 19-0385 requires that any public, single user restroom in a commercial or industrial establishment, or a place of public accommodation, or a City owned or occupied building must be made available for use by individuals of any gender and identified with gender inclusive signage. The bill defines a public single-user restroom as a single-occupancy restroom for public use with at least one water closet and with an outer door that can be locked by the occupant. The definition does not include any private restroom in a residence, apartment, hotel, or hospital or any restroom that is only accessible from a private room or office.

DGS has taken proactive steps to ensure that all single-use restrooms owned and occupied by the City of Baltimore are gender-inclusive. This includes posted signage which is gender-inclusive.

The department has examined the impacts of CCB 19-0385 and **DGS supports CCB 19-0385** and its efforts to create a more friendly and safe working environment for City employees and residents.

cc: Jeffrey Amoros



F

BALTIMORE CITY PUBLIC SCHOOLS

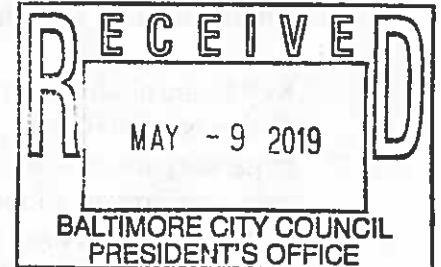
Bernard C. "Jack" Young
Mayor, City of Baltimore

Cheryl A. Casciani
Chair, Baltimore City Board of
School Commissioners

Dr. Sonja Brookins Santelises
Chief Executive Officer

Letter of Information
**Baltimore City Council Bill 19-0385 –
Gender-Inclusive Single-User Restrooms**

May 9, 2019



As drafted, Council Bill 19-0385 seeks to require that certain single-user restrooms in Baltimore City be made available to all individuals regardless of gender and that gender-inclusive signage be used to identify the restrooms. Baltimore City Public Schools (City Schools) appreciates the opportunity to provide background regarding the district's recent efforts in this area and hopes this information will be helpful in informing the Council's discussion of this legislative proposal.

City Schools is committed to maintaining an inclusive environment, where all students feel welcome and safe to participate in every aspect of academic life. In furtherance of this commitment, in April 2019, the Baltimore City Board of School Commissioners, unanimously passed the JBB – Sex-based Discrimination (Student) policy, which includes specific language relating to facilities accessibility to all students, but more importantly, includes specific language relating to transgender students.

Specifically, the policy states: *Students shall have access to facilities that correspond with their gender identities. These include restrooms, locker rooms and changing facilities. Any student who is uncomfortable using a gender-segregated facility will be provided a safe, non-stigmatizing alternative, which can include, but is not limited to: privacy curtains, partitions, use of a private office or restroom, or a separate changing schedule. Under no circumstances can any student be required or directed to use a private restroom.*

A recent study conducted by the Human Rights Campaign involving trans and gender-expansive students between the ages of 13 and 17 from all 50 states and the District of Columbia found that 51% of trans youth can never use the restrooms or locker rooms that match their gender identity; 58% indicated they cannot use the restroom that best reflects their gender because they do not feel safe using them, and; 65% identified that they do not use the bathroom at school. (HRC 2018 LGBTQ Youth Report).

Relevant to City Schools' steps towards strengthening inclusive behaviors within all schools is the term, *non-stigmatizing*. Recognizing the challenges encountered whenever there is change to existing policy, or even more, when there is a paradigmatic shift in social norms, the policy does permit for a student's request to use a single-user restroom. This allowance is afforded to any student who has indicated a discomfort in using a gender-segregated lavatory. By their very

Comments

nature, single use(*r*) bathrooms are gender inclusive (*neutral*). The reasoning being that regardless of how an individual identifies, there is little need to proffer a reason other than discomfort when requesting their use. Moving forward, schools will offer the use of a single-user bathroom to any student who makes the request regardless of whether they are cis-gender or non-gender conforming. At no time is it expected that a student would have to offer any other reason to gain access to a single-user toilet. Also, at no time can a student be required or directed to use a private restroom. If the student prefers to use the facility corresponding to their gender identity, then those students will be ensured access to that facility.

Key to the alternative of using a gender-segregated facility must be that it be non-stigmatizing. The most effective way to minimize any stigmatization that could develop from a person requesting use of a single-user bathroom is, first, to ensure it is clear that use of that facility is a choice offered to all individuals and that individuals also have access to utilizing the restroom corresponding to their gender identity. Second, it is important to provide the single-use facility with signage on its door that does not make it stand out or appear as an anomalous space dedicated to only a certain few. The simplest way this can and should be accomplished is by posting signage that is gender-neutral. In other words, applying signage that simply reads, "Restroom," "Toilet," or "Water Closet," ensures there is no question as to the purpose and use of the facility, nor does it raise concern of whom is permitted its use. Simply, a single-user water closet with a locking door is available to any individual who finds themselves in need of availing themselves of a lavatory.

In closing, the recent actions taken by the Board of School Commissioners demonstrate City Schools' ongoing commitment to providing inclusive facilities and ensuring the safety and wellness of all students. Please note the district's newly adopted Sex-based Discrimination policy went into effect immediately upon passage on April 9, 2019. We appreciate the City Council's attention to this matter and will be pleased to provide additional information should it be needed.

For additional information, please contact City Schools Government Affairs:

Melissa Broome
Director of Policy and Legislative Affairs
MCBroome@bcps.k12.md.us
(443) 525-3038

Dawana Sterrette
Director of Legislative and Government Affairs
DSterrette@bcps.k12.md.us
(443) 250-0190

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Minutes - Final

Education and Youth Committee

Thursday, May 9, 2019

5:00 PM

Du Burns Council Chamber, 4th floor, City Hall

19-0385

CHARM TV 25

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

Present 5 - Member Zeke Cohen, Member Mary Pat Clarke, Member John T. Bullock, Member Kristerfer Burnett, and Member Ryan Dorsey

ITEMS SCHEDULED FOR PUBLIC HEARING

19-0385

Gender-Inclusive Single-User Restrooms

For the purpose of requiring that certain single-user restrooms in Baltimore City be made available to all individuals regardless of gender; requiring that certain single-user restrooms use gender-inclusive signage to identify the restroom; defining certain terms; establishing certain penalties; and providing for a special effective date.

Sponsors: Zeke Cohen, Sharon Green Middleton, Ryan Dorsey, Robert Stokes, Sr., Bill Henry, Kristerfer Burnett, John T. Bullock, Shannon Sneed, Mary Pat Clarke, Brandon M. Scott, Edward Reisinger

A motion was made by Member Burnett, seconded by Member Clarke, that this Ordinance be Recommended Favorably with Amendment. The motion carried by the following vote:

Yes: 5 - Member Cohen, Member Clarke, Member Bullock, Member Burnett, and Member Dorsey

ADJOURNMENT



HEARING NOTES

Bill: 19-0385

Gender-Inclusive Single-User Restrooms

Committee: Education and Youth
Chaired By: Councilmember Zeke Cohen

Hearing Date: May 9, 2019
Time: 5:05 PM - 6:20 PM
Location: Clarence "Du" Burns Chamber
Total Attendance: ~45
Committee Members in Attendance:
Zeke Cohen Mary Pat Clarke Kristerfer Burnett
Ryan Dorsey John Bullock

Bill Synopsis in the file? yes no n/a
Attendance sheet in the file? yes no n/a
Agency reports read? yes no n/a
Hearing televised or audio-digitally recorded? yes no n/a
Certification of advertising/posting notices in the file? yes no n/a
Evidence of notification to property owners? yes no n/a
Final vote taken at this hearing? yes no n/a
Motioned by: **Councilmember Burnett**
Seconded by: **Councilmember Clarke**
Final Vote: **Favorable as Amended**

Major Speakers

(This is not an attendance record.)

D'Paul Nibber, Health Department
Jabari Lyles, Mayor's Office
Darnell Ingram, Office of Civil Rights and Wage Enforcement
Elena DiPietro, Law Department

Major Issues Discussed

1. Chairman Cohen opened the proceedings, introduced the Committee members in attendance, and explained the purpose of the bill.
2. Students and staff of Baltimore City schools testified about the importance of gender-inclusive restrooms based on their personal experiences, and how similar policies have been successful in their schools.
3. Agency representatives confirmed the recommendations in their written reports.
4. Jabari Lyles, the Mayor's LGBTQ Affairs Liaison testified about the importance of the bill.
5. Members of the public testified in favor of the bill. Individuals spoke about the connection between restroom access and basic human dignity; described feelings of anxiety and fear related to having to use gender-specific restrooms, as well as instances of harassment; noted that the bill places a minimal burden on businesses but will be very important for transgender and gender non-conforming people; and explained how gender-inclusive restrooms can make customers feel more welcome and safe in business establishments. In addition, members of the public noted that gender-inclusive restrooms will reduce the disparities in wait times that often occur with gender-specific restrooms.
6. A representative of the Maryland Retailers Association noted that they are comfortable with the bill, but would like it to provide for a warning and time to correct any violations prior to citations. The representative also noted that some businesses use the term "family" on signs for single-user restrooms, and that is not one of the examples provided in the bill of gender-inclusive signage.
7. Chairman Cohen explained his proposed amendments to the bill.

Further Study

Was further study requested?

Yes No

If yes, describe.

Committee Vote

Z. Cohen: Yea
M. Clarke: Yea
J. Bullock: Yea
K. Burnett: Yea
R. Dorsey: Yea

Matthew Peters

Matthew L. Peters, Committee Staff

Date: May 9, 2019

cc: Bill File
OCS Chrono File

**AMENDMENTS TO COUNCIL BILL 19-0385
(1st Reader Copy)**

By: Councilmember Cohen
{To be offered to the Education and Youth Committee}

Amendment No. 1

On page 1, strike lines 8 through 12, in their entireties, and substitute:

“Article 15. Licensing and Regulation
Section(s) 43-1 through 43-6, to be under the new subtitle,
“Title 43. Public Restrooms”
Baltimore City Code
(Edition 2000)”;

and, on the same page, in line 15, strike “40-14(e)(7)” and “41-14(6)” and substitute
“40-14(e)(2)” and “40-14(1)”, respectively.

Amendment No. 2

On page 1, in line 20, strike “Revised”; and, on the same page, in line 21, strike “Article –
Health” and substitute “Article 15. Licensing and Regulation”; and, on the same page, in
line 22, strike “TITLE 17” and substitute “SUBTITLE 43”.

Amendment No. 3

On page 2, in line 1, line 20, line 21, line 26, and line 27, and, on page 3, in line 10, strike the
section designators “§ 17-101”, “§ 17-102”, “§ 17-103”, “§ 17-104”, “§17-105”, and “§ 17-
106”, respectively, and substitute “§ 43-1”, “§ 43-2”, “§ 43-3”, “§ 43-4”, “§ 43-5”, and “§
43-6”, respectively.

Amendment No. 4

On page 2, in line 26, strike “~~RESERVED~~” and substitute “AGENCIES TO ENFORCE.”; and, after line 26, insert:

“ENFORCEMENT OF THIS SUBTITLE SHALL BE CONDUCTED BY “CODE ENFORCEMENT OFFICERS” AND “ENFORCEMENT OFFICERS” (AS DEFINED IN CITY CODE ARTICLE 1, § 40(C) AND § 41-1(C), RESPECTIVELY) WHO ARE EMPLOYED BY ANY OF THE FOLLOWING AGENCIES:

- (1) DEPARTMENT OF HEALTH;
- (2) DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT;
- (3) DEPARTMENT OF PUBLIC WORKS;
- (4) DEPARTMENT OF RECREATION AND PARKS;
- (5) DEPARTMENT OF TRANSPORTATION;
- (6) FIRE DEPARTMENT;
- (7) POLICE DEPARTMENT; AND
- (8) ANY OTHER AGENCY WITH ONE OR MORE EMPLOYEES WHO ARE IN A “POSITION OF TRUST” AND AUTHORIZED TO SERVE AS A “CODE ENFORCEMENT OFFICER” IN ACCORD WITH CITY CODE ARTICLE 1, § 40-1(C)(3).”

Amendment No. 5

On page 2, after line 28, insert:

“(1) A CITATION UNDER THIS SECTION MAY ONLY BE ISSUED AFTER THE ISSUANCE OF A WRITTEN WARNING AND A FAILURE TO CORRECT THE VIOLATION WITHIN 30 DAYS OF THE DATE OF THE WARNING.”;

and, on that same page, at the beginning of line 29, insert the paragraph designator “(2)”.

Amendment No. 6

On page 3, in line 22 and in line 27, strike “(7) *Health Code*” and “(6) *Health Code*”, respectively, and substitute “(2) *Article 15. Licensing and Regulation*” and “(1) *Article 15. Licensing and Regulation*”, respectively; and, on the same page, in lines 23 and 28, in each instance, strike “TITLE 17” and substitute “SUBTITLE 43”.



Zeke Cohen
Councilmember, 1st District
Chair, Education & Youth Committee

City Hall • Baltimore, MD 21202 • 410-396-4821 • ZEKE.COHEN@BALTIMORECITY.GOV

Education and Youth Committee
Bill Number: 19-0385

Gender-Inclusive Single-User Restrooms

- 5:00 Welcome and Introductions – Councilmember Zeke Cohen (5 minutes)
- 5:05 Framing of the Hearing – Testimony from Students and Teachers (8 minutes)
- 5:13 Report from Law Department (5 minutes)
- 5:18 Report from Human Resource Department (5 minutes)
- 5:23 Report from General Services Department (5 minutes)
- 5:28 Report from Finance Department (5 minutes)
- 5:33 Report from Health Department (5 minutes)
- 5:38 Report from Office of Civil Rights and Wage Enforcement (5 minutes)
- 5:43 Mayor’s LGBTQ Liaison (5 minutes)
- 5:48 Public Comment: Part I (12 minutes)
- 6:00 Committee Consideration of Bill 19-0385 & Vote (10 minutes)
- 6:10 Public Comment: Part II (TBD)

Chair, Education & Youth Committee, Baltimore City Council

Gender-Inclusive Single-Stall Restrooms

WHY?

Get the facts on the new legislation recently introduced by Councilmember Zeke Cohen, First District, in collaboration with Baltimore City LGBTQ Affairs

A few months ago, the City Council passed a resolution in support of a City Schools policy that enacted protections for transgender and non-binary students.

- That policy, Policy JBB, was passed by the Board of School Commissioners in April.
- When introducing the resolution, Councilmember Cohen said the city would not ask City Schools to do something that it wasn't prepared to do itself.
- This bill, making single-occupancy restrooms in the City of Baltimore clearly gender-inclusive, is one step towards fulfilling the commitment of making our city more inclusive of all.

It's about inclusivity and access to public accommodation.

- We know there are members of our community, including our trans and non-binary neighbors, who may not feel comfortable using a restroom with a "male" or "female" label.
- As a city, we should strive to create public accommodations that are accessible and inclusive for our whole community.
- Clear, gender-inclusive signage is one way to ensure equal access to public facilities. Examples of gender-inclusive signage include: All Gender, Gender-Inclusive, Gender-Neutral, and Restroom.

Public accommodations discrimination on the basis of gender identity is already illegal.

- The Fairness for All Marylanders Act (FAMA), passed at the state level in 2014, already prohibits gender-based discrimination in public accommodations. This includes single-occupancy restrooms. FAMA did not require changes to restroom signage, however.
- This bill brings single-occupancy restroom signage in line with anti-discrimination measures already on the books in Maryland.
- It also normalizes the idea that all members of the Baltimore community—regardless of their gender identity—can use any publicly-accessible, single-occupancy restroom.

It brings Baltimore in line with other cities.

- Washington, D.C. passed the country's first law requiring gender-neutral signage for single-stall restrooms across the District in 2006.
- Philadelphia's City Council passed the "Gender Neutral Bathroom Law" in 2016, which required gender-inclusive signage for single-occupancy restrooms citywide.
- These cities rely on tips from the public, via the municipal 311 system and social media hashtags, to do outreach and assist businesses in complying with the law.

It makes more restrooms available to the community as a whole.

- Gender-inclusive, single-occupancy restrooms benefit many people, including nursing mothers, parents with children of a different gender, people who depend on caretakers or assistants, and people who need a private, quiet place to pray.

Why are we focusing on this when there are other concerns, especially around crime and public safety?

- Access to bathrooms can be a safety issue for members of our community who are transgender, genderqueer, and non-binary. Members of these communities face harassment, intimidation, and even violence when attempting to access public accommodations.
- Bringing posted signage outside of single-occupancy restrooms in line with anti-discrimination measures already on the books is one way to remove ambiguity around who can use public accommodations in the City of Baltimore.
- At its core, this policy is about moving the City of Baltimore forward.

Who should I contact if I have more questions?

- Feel free to e-mail Jabari Lyles, LGBTQ Affairs Liaison in the Office of the Mayor at baltcitylgbtq@gmail.com.



**GREATER BALTIMORE DEMOCRATIC SOCIALISTS OF AMERICA TESTIMONY ON
GENDER-INCLUSIVE RESTROOMS IN BALTIMORE CITY**

Dear City Councilmembers,

Democratic Socialists of America (DSA) is a 50,000-member strong political organization, formed in 1982¹, that seeks to end the exploitative and oppressive grip capitalism holds over humanity by allowing the economy and society to be democratically controlled². Our driving goal as democratic socialists is to ensure people, primarily the working class, are valued, as the most integral catalysts of society, rather than profit margins or the whims of corporate elites.

Since January 2017, the Greater Baltimore (GBDSA) chapter has organized around numerous issues in Baltimore, such as equity in mass transit, labor and workers' rights, Medicare for All, racial justice, canvassed for electoral candidates, and most recently, stood in solidarity with the Hopkins Coalition Against ICE and Students Against Private police. As socialists, *"we reject [an] economic order based on private profit, alienated labor, gross inequalities of wealth and power, discrimination based on race, sex, sexual orientation, gender expression, disability status, age, religion, and national origin, and brutality and violence in defense of the status quo."*³ In keeping with these values, we firmly support the introduction of City Council legislation making single-occupancy restrooms gender-neutral in Baltimore City to safeguard the human dignity of our transgender and non-binary comrades.

The Fairness for All Marylanders Act (FAMA), enacted in 2014, made discrimination in any public space, including restrooms, illegal. However, it did not stipulate that signage be created to indicate this change. **City Council Bill 19-0385** would explicitly require posted signs to be featured outside of public restrooms, affirming protections for transgender people already existing in Maryland law. Contrary to assertions of opponents, doing so would not increase safety risks for restroom patrons. According to a recent UCLA School of Law study, there is no measurable correlation between gender neutral bathrooms and escalations of criminal activity.⁴ Such views are fear-based and reflect archaic conceptions of heteronormative gender norms.

¹ "A History of Democratic Socialists of America 1971-2017." www.dsausa.org, Democratic Socialists of America, www.dsausa.org/about-us/history/.

² "What Is Democratic Socialism?" www.dsausa.org, Democratic Socialists of America, www.dsausa.org/about-us/what-is-democratic-socialism/.

³ "DSA Constitution & Bylaws." www.dsausa.org, Democratic Socialists of America, www.dsausa.org/about-us/constitution/.

⁴ Hasenbush, A., Flores, A.R. & Herman, J.L. Sex Res Soc Policy (2019) 16: 70. <https://doi.org/10.1007/s13178-018-0335-z>



Nearly 60% of transgender people avoid using public restrooms for fear of harassment or violence⁵. This fear is not allayed by protection from members of the Baltimore Police Department, who frequently engage in debasing and discriminatory conduct of transgender residents, most notably Black trans women⁶. Violence has often been experienced as a response by transgender people using restrooms that correspond to their gender identity⁷. This is a matter of life and death for trans and non-binary Baltimoreans.



Endorsing legislation in Baltimore City to visibly designate public restrooms as gender neutral spaces safeguards the human rights of transgender and non-binary people. Doing so not only protects our trans and non-binary comrades but also normalizes them as valued, talented, cherished members of the human family and our communities. The Greater Baltimore Democratic Socialists of America urges a vote in the affirmative on **City Council Bill 19-0385**.

Respectfully submitted,

Greater Baltimore Democratic Socialists of America

⁵ Trotta, Daniel. "U.S. Transgender People Harassed in Public Restrooms: Landmark Survey." *www.reuters.com*, Reuters, 8 Dec. 2016, www.reuters.com/article/us-usa-lgbt-survey/u-s-transgender-people-harassed-in-public-restrooms-landmark-survey-idUSKBN13X0BK.

⁶ Soderberg, Brandon. "DOJ Report Confirms Harassment the Baltimore Transgender Community Has Talked about for Years." *www.citypaper.com*, City Paper, 11 Aug. 2016, www.citypaper.com/blogs/the-news-hole/bcpnews-doj-report-confirms-harassment-the-trans-community-of-baltimore-has-been-talking-about-for-years-20160811-story.html.

⁷ Siegel, Andrea F. "Teen Gets Five Years for Attack on Transgender Woman at McDonald's." *www.baltimoresun.com*, The Baltimore Sun, 13 Sept. 2011, www.baltimoresun.com/news/maryland/baltimore-county/bs-md-co-mcdonalds-sentencing-20110913-story.html.

My name is ***Steve Plunk**, and I am the **Director of Restorative Practices at Hampstead Hill Academy**, a public charter school in SW Baltimore. I am also the founding advisor of our school's Gay Straight Alliance. Growing up gay in the Midwest during the 80's, I fully understand the struggle for acceptance that many in the transgendered community face, but one of the things I never had to do was hide who I was or advocate for myself just to use a bathroom. And honestly, I had never given it much thought. It took members of my own GSA to bring awareness to this problem in our own school. I would like to present testimony written by middle school students and staff members at my school that detail their struggles and triumphs:

From 8th Grade English Teacher Amy Kosmer: "It used to drive me crazy to have to wait to use the 'Women's' bathroom when the 'Men's' bathroom right next door was available. After teaching for 3 1/2 hours, I need to be able to alleviate my bladder and just go in the next available bathroom without waiting. Making all single stall bathrooms gender neutral would be so much more efficient. I know that it has been a welcomed change at my school. "

From Drama Teacher Kelly Durkin: "My name is Kelly Durkin, and I teach Pre/K through 8th grade Drama to 820 incredible students at Hampstead Hill Academy here in Baltimore. I have ALWAYS found it odd that in our homes we share bathrooms with people of the opposite sex, but then in public we are forced to sort ourselves by male and female. What is the point? Single-occupant gendered restrooms are sexist. The line is always long for the women's room and the changing table is

always in there as well. Luckily, our SOCIETY has become slightly less sexist than its infrastructure. Women, including me, will often use whatever room is available, rather than wait for the one marked “women”. Parents bring their small children-both male and female-into whatever restroom they are using. Caregivers for opposite-sex disabled people use whatever restroom suits them. And fathers like my husband change diapers wherever they have to change diapers. It seems very obvious to me that Baltimore’s public spaces need to get with the times and stop discriminating by sex.

Maybe you’re thinking, “Okay, Kelly, if you’re already peeing wherever you want, why do we need this bill?” I mean, it would be great not to feel like a rebel for using an empty restroom that also happens to be labeled “Men”. But while this bill would make my life easier, it would literally mean the WORLD to the people in the transgender and non-binary communities. No more would they have to pause and think about which restroom it would be SAFEST for them to use. No more would they have to consider which restroom made them feel more or less like their authentic selves. No more would they have to wonder what other people were thinking about the bathroom they chose to use. Not everyone falls perfectly into the categories of “men” and “women”, and gender neutral restrooms would significantly reduce the stigma faced by non-binary and transgender folks. I imagine restaurant and business owners don’t wish for any of their customers to feel stigmatized by their facilities. With this bill, we can all be just people, using a bathroom, the same as we do at home.

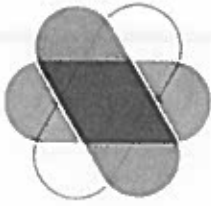
So you have a bill before you that will do literally no harm, improve every citizen’s life, make Baltimore’s public spaces safer and less sexist, and show the transgender and non-binary communities that Baltimore

has their backs. The national culture is shifting to favor gender neutral restrooms, and Baltimore has an opportunity to be a leader. Don't flush our chance away. 😊 "

From 7th Grade Student Hannah: "Ever since the gender neutral bathrooms have been implemented, I have felt safer in my community and more welcomed. The bathrooms have made people think about what type of pronouns they use when not only referring to me, but many other people as well. It would also make other people feel safe and welcomed in their community, to know they are accepted. Implementing something as small as gender neutral bathrooms is a powerful thing. It makes people think about who they are instead of what they are, and accept who they are as well."

***From 8th Grade Student Reanna:** "My name is Reanna and I am an 8th grader at Hampstead Hill Academy. I am also a proud member of our Open Doors Rainbow Alliance. Our club advocated for gender neutral single stall bathrooms because providing access to a bathroom that matches one's gender is important for the safety and success of all students. School is a place where people come to learn, so it's important that we create that space where kids feel safe and included, regardless of their gender identity. If we have a gender non-binary student, they now have the option to use the bathroom in private without fear of harassment. It seems like a little step, but it's a huge leap to others in the fight for equality and inclusion. As someone as struggles with their own gender identity, the school's decision to implement single gender stalls made me feel a lot more comfortable and welcomed. I urge you to do the same for all the citizens of Baltimore.

*Will be present at the hearing



Trans Healthcare Maryland

because you shouldn't have to know more than your doctor.

SUPPORT 19-0385
May 8, 2019

Testimony for 19-0385

Trans Healthcare MD enthusiastically supports Baltimore City's Gender Inclusive Single Stall Restroom Bill, 19-0385. This bill equitizes bathroom access for all Baltimore City residents city wide and has been primarily championed in community by The Baltimore Transgender Alliance and their community partners. Baltimore's trans and intersex communities face specific challenges when accessing basic bodily needs such as restrooms, healthcare, housing, and personal safety when moving about in public, and this bill lowers that barrier of access. Gender non-conformity has existed since the beginning of time, and due to the violence of colonial systems, has caused some trans persons to experience violence at higher rates, specifically Black and Brown nonbinary and gender expansive trans persons. Black persons face an almost 3x higher risk of abuse in places of public accommodations than white persons according to the 2015 US Trans Survey ([2015 US Transgender Survey](#)).

Nonbinary, gender non-conforming, gender expansive, and intersex persons who do not have a binary gender or binary gender presentation (female or male) are forced to choose a non-affirming (and potentially dangerous) restroom, or to incur health problems like urinary tract infections as a result of being precluded from using the restroom in public. Being perceived as entering the "wrong" bathroom can be dangerous, increasing the likelihood of violence and reinforces the minority stress disproportionately incurred by Baltimore's trans communities.

Creating an inclusive and safe environment for the many business opportunities that strengthen Baltimore's economy, such as conferences, tourism, and attracting top tier tech entrepreneurs, is essential to the city's economic development. When speaking to the Downtown Partnership of Baltimore, Mayor Bernard C. "Jack" Young said, "I believe Baltimore's better days are ahead of us." This bill is crucial to ensuring Baltimore can compete for business with the nearby cities that have already codified law on this matter. Baltimore has a chance to join nearby cities that are forward thinking in their policies to equitize bathroom access. Those cities include Washington DC which codified this in 2006, and Philadelphia, PA in 2016.

Equitizing access to bathrooms means those who need assistance from caretakers will not face scrutiny for going into the "wrong" restroom. Access to changing facilities for babies should be available to all persons, so persons of all genders and gender expressions caring for a child can change their baby. This can include trans men who are fathers and caretakers, gay men (transgender or cisgender) who are parents, and grandparents of any gender who care for a baby. No parent or caretaker should be changing a baby on the floor because changing tables are only available in women's restrooms.

Trans Healthcare MD asks that you support Bill 19-0385. This crucial piece of legislation will benefit many current and future residents, and those who travel to the city of Baltimore.

BALTIMORE CITY PUBLIC SCHOOLS

Bernard C. "Jack" Young
Mayor, City of Baltimore

Cheryl A. Casciani
Chair, Baltimore City Board of
School Commissioners

Dr. Sonja Brookins Santelises
Chief Executive Officer

Letter of Information Baltimore City Council Bill 19-0385 – Gender-Inclusive Single-User Restrooms

May 9, 2019

As drafted, Council Bill 19-0385 seeks to require that certain single-user restrooms in Baltimore City be made available to all individuals regardless of gender and that gender-inclusive signage be used to identify the restrooms. Baltimore City Public Schools (City Schools) appreciates the opportunity to provide background regarding the district's recent efforts in this area and hopes this information will be helpful in informing the Council's discussion of this legislative proposal.

City Schools is committed to maintaining an inclusive environment, where all students feel welcome and safe to participate in every aspect of academic life. In furtherance of this commitment, in April 2019, the Baltimore City Board of School Commissioners, unanimously passed the JBB – Sex-based Discrimination (Student) policy, which includes specific language relating to facilities accessibility to all students, but more importantly, includes specific language relating to transgender students.

Specifically, the policy states: *Students shall have access to facilities that correspond with their gender identities. These include restrooms, locker rooms and changing facilities. Any student who is uncomfortable using a gender-segregated facility will be provided a safe, non-stigmatizing alternative, which can include, but is not limited to: privacy curtains, partitions, use of a private office or restroom, or a separate changing schedule. Under no circumstances can any student be required or directed to use a private restroom.*

A recent study conducted by the Human Rights Campaign involving trans and gender-expansive students between the ages of 13 and 17 from all 50 states and the District of Columbia found that 51% of trans youth can never use the restrooms or locker rooms that match their gender identity; 58% indicated they cannot use the restroom that best reflects their gender because they do not feel safe using them, and; 65% identified that they do not use the bathroom at school. (HRC 2018 LGBTQ Youth Report).

Relevant to City Schools' steps towards strengthening inclusive behaviors within all schools is the term, *non-stigmatizing*. Recognizing the challenges encountered whenever there is change to existing policy, or even more, when there is a paradigmatic shift in social norms, the policy does permit for a student's request to use a single-user restroom. This allowance is afforded to any student who has indicated a discomfort in using a gender-segregated lavatory. By their very

nature, single use(*r*) bathrooms are gender inclusive (*neutral*). The reasoning being that regardless of how an individual identifies, there is little need to proffer a reason other than discomfort when requesting their use. Moving forward, schools will offer the use of a single-user bathroom to any student who makes the request regardless of whether they are cis-gender or non-gender conforming. At no time is it expected that a student would have to offer any other reason to gain access to a single-user toilet. Also, at no time can a student be required or directed to use a private restroom. If the student prefers to use the facility corresponding to their gender identity, then those students will be ensured access to that facility.

Key to the alternative of using a gender-segregated facility must be that it be non-stigmatizing. The most effective way to minimize any stigmatization that could develop from a person requesting use of a single-user bathroom is, first, to ensure it is clear that use of that facility is a choice offered to all individuals and that individuals also have access to utilizing the restroom corresponding to their gender identity. Second, it is important to provide the single-use facility with signage on its door that does not make it stand out or appear as an anomalous space dedicated to only a certain few. The simplest way this can and should be accomplished is by posting signage that is gender-neutral. In other words, applying signage that simply reads, "Restroom," "Toilet," or "Water Closet," ensures there is no question as to the purpose and use of the facility, nor does it raise concern of whom is permitted its use. Simply, a single-user water closet with a locking door is available to any individual who finds themselves in need of availing themselves of a lavatory.

In closing, the recent actions taken by the Board of School Commissioners demonstrate City Schools' ongoing commitment to providing inclusive facilities and ensuring the safety and wellness of all students. Please note the district's newly adopted Sex-based Discrimination policy went into effect immediately upon passage on April 9, 2019. We appreciate the City Council's attention to this matter and will be pleased to provide additional information should it be needed.

For additional information, please contact City Schools Government Affairs:

Melissa Broome
Director of Policy and Legislative Affairs
MCBroome@bcps.k12.md.us
(443) 525-3038

Dawana Sterrette
Director of Legislative and Government Affairs
DSterrette@bcps.k12.md.us
(443) 250-0190

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Agenda - Final

Education and Youth Committee

Thursday, May 9, 2019

5:00 PM

Du Burns Council Chamber, 4th floor, City Hall

19-0385
CHARM TV 25

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEMS SCHEDULED FOR PUBLIC HEARING

19-0385

Gender-Inclusive Single-User Restrooms

For the purpose of requiring that certain single-user restrooms in Baltimore City be made available to all individuals regardless of gender; requiring that certain single-user restrooms use gender-inclusive signage to identify the restroom; defining certain terms; establishing certain penalties; and providing for a special effective date.

Sponsors:

Zeke Cohen, Sharon Green Middleton, Ryan Dorsey, Robert Stokes, Sr., Bill Henry, Kristerfer Burnett, John T. Bullock, Shannon Sneed, Mary Pat Clarke, Brandon M. Scott, Edward Reisinger

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC

CITY OF BALTIMORE

CATHY RINE L. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

BILL SYNOPSIS

Committee: Education and Youth

Bill 19-0385

Gender-Inclusive Single-User Restrooms

Sponsor: Councilmember Cohen, et al
Introduced: April 29, 2019

Purpose:

For the purpose of requiring that certain single-user restrooms in Baltimore City be made available to all individuals regardless of gender; requiring that certain single-user restrooms use gender-inclusive signage to identify the restroom; defining certain terms; establishing certain penalties; and providing for a special effective date.

Effective: 90th day after the date it is enacted.

Hearing Date/Time/Location: May 9, 2019/5:00 p.m./Clarence "Du" Burns Chamber.

AGENCY REPORTS

Baltimore City Public School System	
Department of Human Resources	
Department of Finance	
Department of General Services	
Department of Health	
City Solicitor	



ANALYSIS

Current Law

Article VII, §§ 54–56 of the Baltimore City Charter establish the Department of Health, with certain powers and duties.

The Baltimore City Health Code establishes various legal requirements and restrictions in order to protect public health, safety, and welfare, and authorizes the Department of Health to enforce those requirements and restrictions.

State Government Article, § 20-301 defines “place of public accommodation” for the purpose of prohibiting discrimination.

Bill Summary

The bill adds a new Title 17 to the Health Code of Baltimore City, requiring that any public single-user restroom in a commercial or industrial establishment, a place of public accommodation, or a City-owned or -occupied building must be (1) made available for use by individuals of any gender; and (2) identified with gender-inclusive signage.

The bill defines public single-user restroom as a single-occupancy restroom for public use with at least one water closet and with an outer door that can be locked by the occupant. The definition excludes any private restroom in a residence, apartment, hotel, or hospital, and any restroom only accessible from a private room or office. Gender-inclusive signage is defined as a sign identifying a restroom that does not indicate a specific gender.

The bill provides for enforcement by environmental or civil citations, in addition to any other civil or criminal remedy. Any person who violates any provision of the new Title 17 is also guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$500 for each offense. Each day that a violation continues is a separate offense.

The bill also amends Article 1, Subtitles 40 and 41 of the Baltimore City Code to include violations of Title 17 in the lists of violations within the jurisdiction of the Environmental Control Board and subject to civil citations. The enumerated penalty for a violation of Title 17 is a \$100 fine.

ADDITIONAL INFORMATION

Fiscal Note: None

Information Source(s): Baltimore City Charter, Baltimore City Code, Maryland Code, Bill 19-0385.

Matthew Peters

Analysis by:

Matthew L. Peters

Direct Inquiries to: (410) 396-1268

Analysis Date:

May 6, 2019



CITY OF BALTIMORE

CITY COUNCIL HEARING ATTENDANCE RECORD

Committee: Education and Youth Chairperson: Zeke Cohen
 Date: May 9, 2019 Time: 5:00 PM Place: Clarence "Du" Burns Chambers
 Subject: Ordinance - Gender-Inclusive Single-User Restrooms CC Bill Number: 19-0385

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE



FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	TESTIFY	FOR	AGAINST	YES	NO
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Alex	Main		RPEMS	21230	alex.main872@gmail.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Bryson	KEENS		POWERS SOUTH LLC	21231	Bryson@PowersSouthBaltimore.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Jabari	Lyles		City Hall	21201	jabari.lyles@baltimorecity.gov	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Dave	Heilker		Millers Ct. (Howard St)	21205	Dave@baltimorecity.gov	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Taylor	Stewart		BEE	21218	taylor.stewart@educationalequity.org	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Emily	SULLIVAN		WYPR	21218	esullivan@wypr.org	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Jacquelyn	Jones		Sugar, 1001 W 36th St	21211	jacob@sugartwoshop.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Akil	PATTERSON		N. Calhoun Ave	21234	Akil@CommunityAdvocates.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
SHAWN	BRACKETT		GRMD	21230	SHAWNBRACKETT@BRACKETT.COM	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Daniel	TUGGERS		CC Bill F	21202		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

(* NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730; FAX: 410-396-8483.



CITY OF BALTIMORE

CITY COUNCIL HEARING ATTENDANCE RECORD

Committee: Education and Youth

Chairperson: Zeke Cohen

Date: May 9, 2019

Time: 5:00 PM

Place: Clarence "Du" Burns Chambers

Subject: Ordinance - Gender-Inclusive Single-User Restrooms

CC Bill Number: 19-0385

PLEASE PRINT

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FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	WHAT IS YOUR POSITION ON THIS BILL?		(*) LOBBYIST: ARE YOU REGISTERED IN THE CITY	
						FOR	AGAINST	YES	NO
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ava	Pipitone		Host Home Benefit Co.		ava@ava.pip.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Monica	Sture		Dining Light Inn Manorcard Mill	21201	monicastures@gmail.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Aloise	Madden		LGBO Commission LGBO Commission	21218	aloise@licensingboard.kelz.us mh.pobp@gmail.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(*) NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730; FAX: 410-396-8483.



**CITY OF BALTIMORE
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Committee: Education and Youth

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FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	TESTIFY	FOR	AGAINST	YES	NO	WHAT IS YOUR POSITION ON THIS BILL?	LOBBYIST: ARE YOU REGISTERED IN THE CITY?
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Sharon	Alkalady		951 Fall St #6083	21231	sharonalkalady@gmail.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
<i>Sharon</i>	<i>NATHAN</i>		<i>SUSPENDED BREWING CO.</i>	<i>21230</i>	<i>Nathan.vare@gmail.com</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
<i>Carley</i>	<i>Tails</i>					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
<i>Sarah</i>	<i>Grayson</i>					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>

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**CITY OF BALTIMORE
COUNCIL BILL 19-0385
(First Reader)**

Introduced by: Councilmember Cohen, Ex Officio President Middleton, Councilmembers
Dorsey, Stokes, Henry, Burnett, Bullock, Sneed, Clarke, Reisinger, Scott

Introduced and read first time: April 29, 2019

Assigned to: Education and Youth Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Department of
General Services, Health Department, Baltimore City Public School System, Department of
Human Resources

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Gender-Inclusive Single-User Restrooms**

3 FOR the purpose of requiring that certain single-user restrooms in Baltimore City be made
4 available to all individuals regardless of gender; requiring that certain single-user restrooms
5 use gender-inclusive signage to identify the restroom; defining certain terms; establishing
6 certain penalties; and providing for a special effective date.

7 BY adding

8 Article - Health

9 Section(s) 17-101 through 17-106, to be under the new title,

10 "Title 17. Public Restrooms"

11 Baltimore City Revised Code

12 (Edition 2000)

13 BY repealing and reordaining, with amendments

14 Article 1 - Mayor, City Council, and Municipal Agencies

15 Section(s) 40-14(e)(7) and 41-14(6)

16 Baltimore City Code

17 (Edition 2000)

18 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the**
19 **Laws of Baltimore City read as follows:**

20 **Baltimore City Revised Code**

21 **Article – Health**

22 **TITLE 17. PUBLIC RESTROOMS**
23

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 19-0385

1 § 17-101. DEFINITIONS.

2 (A) *IN GENERAL.*

3 IN THIS TITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

4 (B) *GENDER-INCLUSIVE SIGNAGE.*

5 "GENDER-INCLUSIVE SIGNAGE" MEANS A SIGN IDENTIFYING A RESTROOM THAT DOES NOT
6 INDICATE A SPECIFIC GENDER, SUCH AS "RESTROOM," "BATHROOM," "TOILET," OR A
7 SYMBOL INDICATING THE RESTROOM'S AVAILABILITY FOR USE BY ANY INDIVIDUAL
8 REGARDLESS OF GENDER.

9 (C) *PLACE OF PUBLIC ACCOMMODATION.*

10 "PLACE OF PUBLIC ACCOMMODATION" HAS THE MEANING STATED IN STATE GOVERNMENT
11 ARTICLE, § 20-301 {"PLACE OF PUBLIC ACCOMMODATION' DEFINED"}.

12 (D) *PUBLIC SINGLE-USER RESTROOM.*

13 (1) "PUBLIC SINGLE-USER RESTROOM" MEANS A SINGLE-OCCUPANCY RESTROOM FOR
14 PUBLIC USE WITH AT LEAST ONE WATER CLOSET AND WITH AN OUTER DOOR THAT CAN
15 BE LOCKED BY THE OCCUPANT.

16 (2) "PUBLIC SINGLE-USER RESTROOM" DOES NOT INCLUDE:

17 (I) ANY PRIVATE RESTROOM IN A RESIDENCE, APARTMENT, HOTEL, OR HOSPITAL;
18 OR

19 (II) A RESTROOM ONLY ACCESSIBLE FROM A PRIVATE ROOM OR OFFICE.

20 § 17-102. {RESERVED}

21 § 17-103. REQUIREMENTS FOR SINGLE-USER RESTROOMS.

22 ANY PUBLIC SINGLE-USER RESTROOM IN A COMMERCIAL OR INDUSTRIAL ESTABLISHMENT, A
23 PLACE OF PUBLIC ACCOMMODATION, OR A CITY-OWNED OR -OCCUPIED BUILDING MUST BE:

24 (1) MADE AVAILABLE FOR USE BY INDIVIDUALS OF ANY GENDER; AND

25 (2) IDENTIFIED WITH GENDER-INCLUSIVE SIGNAGE.

26 § 17-104. {RESERVED}

27 § 17-105. ENFORCEMENT BY CITATION.

28 (A) *IN GENERAL.*

29 IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE,
30 THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF:

Council Bill 19-0385

(1) AN ENVIRONMENTAL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 40 {"ENVIRONMENTAL CONTROL BOARD"}; OR

(2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.

(B) PROCESS NOT EXCLUSIVE.

THE ISSUANCE OF A CITATION TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

(C) EACH DAY A SEPARATE OFFENSE.

EACH DAY A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

§ 17-106. CRIMINAL PENALTIES.

(A) IN GENERAL.

ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$500 FOR EACH OFFENSE.

(B) EACH DAY A SEPARATE OFFENSE.

EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

Baltimore City Code

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

§ 40-14. Violations to which subtitle applies.

(e) Provisions and penalties enumerated.

(7) Health Code

TITLE 17: PUBLIC RESTROOMS \$100

Subtitle 41. Civil Citations

§ 41-14. Offenses to which subtitle applies – Listing.

(6) Health Code

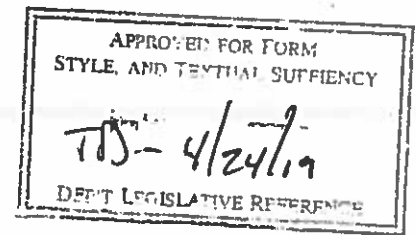
TITLE 17: PUBLIC RESTROOMS \$100

Council Bill 19-0385

1 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
2 are not law and may not be considered to have been enacted as a part of this or any prior
3 Ordinance.

4 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 90th day
5 after the date it is enacted.

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____



Introduced by: Councilmember Cohen

A BILL ENTITLED

AN ORDINANCE concerning

Gender-Inclusive Single-User Restrooms

FOR the purpose of requiring that certain single-user restrooms in Baltimore City be made available to all individuals regardless of gender; requiring that certain single-user restrooms use gender-inclusive signage to identify the restroom; defining certain terms; establishing certain penalties; and providing for a special effective date.

BY adding

Article - Health

Section(s) 17-101 through 17-106, to be under the new title,
"Title 17. Public Restrooms"

Baltimore City Revised Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 1 - Mayor, City Council, and Municipal Agencies

Section(s) 40-14(e)(7) and 41-14(6)

Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

**EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.**

*** WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.**

Baltimore City Revised Code

Article – Health

TITLE 17. PUBLIC RESTROOMS

§ 17-101. DEFINITIONS.

(A) *IN GENERAL.*

IN THIS TITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) *GENDER-INCLUSIVE SIGNAGE.*

“GENDER-INCLUSIVE SIGNAGE” MEANS A SIGN IDENTIFYING A RESTROOM THAT DOES NOT INDICATE A SPECIFIC GENDER, SUCH AS “RESTROOM,” “BATHROOM,” “TOILET,” OR A SYMBOL INDICATING THE RESTROOM’S AVAILABILITY FOR USE BY ANY INDIVIDUAL REGARDLESS OF GENDER.

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“PLACE OF PUBLIC ACCOMMODATION” HAS THE MEANING STATED IN STATE GOVERNMENT ARTICLE, § 20-301 {“PLACE OF PUBLIC ACCOMMODATION” DEFINED”}.

(D) *PUBLIC SINGLE-USER RESTROOM.*

(1) “PUBLIC SINGLE-USER RESTROOM” MEANS A SINGLE-OCCUPANCY RESTROOM FOR PUBLIC USE WITH AT LEAST ONE WATER CLOSET AND WITH AN OUTER DOOR THAT CAN BE LOCKED BY THE OCCUPANT.

(2) “PUBLIC SINGLE-USER RESTROOM” DOES NOT INCLUDE:

(I) ANY PRIVATE RESTROOM IN A RESIDENCE, APARTMENT, HOTEL, OR HOSPITAL;
OR

(II) A RESTROOM ONLY ACCESSIBLE FROM A PRIVATE ROOM OR OFFICE.

§ 17-102. {RESERVED}

§ 17-103. REQUIREMENTS FOR SINGLE-USER RESTROOMS.

ANY PUBLIC SINGLE-USER RESTROOM IN A COMMERCIAL OR INDUSTRIAL ESTABLISHMENT, A PLACE OF PUBLIC ACCOMMODATION, OR A CITY-OWNED OR -OCCUPIED BUILDING MUST BE:

(1) MADE AVAILABLE FOR USE BY INDIVIDUALS OF ANY GENDER; AND

(2) IDENTIFIED WITH GENDER-INCLUSIVE SIGNAGE.

§ 17-104. {RESERVED}

§ 17-105. ENFORCEMENT BY CITATION.

(A) *IN GENERAL.*

IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE, THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF:

- (1) AN ENVIRONMENTAL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 40 {"ENVIRONMENTAL CONTROL BOARD"}; OR
- (2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.

(B) *PROCESS NOT EXCLUSIVE.*

THE ISSUANCE OF A CITATION TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

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§ 40-14. Violations to which subtitle applies.

(e) *Provisions and penalties enumerated.*

(7) *Health Code*

TITLE 17: PUBLIC RESTROOMS

\$100

Subtitle 41. Civil Citations

§ 41-14. Offenses to which subtitle applies – Listing.

(6) *Health Code*

TITLE 17: PUBLIC RESTROOMS

\$100

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 90th day after the date it is enacted.

ACTION BY THE CITY COUNCIL

APR 29 2019

FIRST READING (INTRODUCTION) _____ 20 _____

PUBLIC HEARING HELD ON May 9, 2019 _____ 20 _____

COMMITTEE REPORT AS OF May 13, 2019 _____ 20 _____

_____ FAVORABLE _____ UNFAVORABLE FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION

Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

MAY 13 2019

Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING _____ JUN 11 2019 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20 _____

WITHDRAWAL _____ 20 _____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

President

Chief Clerk