

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

ANDRE M. DAVIS, City Solicitor  
101 City Hall  
Baltimore, Maryland 21202

October 5, 2018

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 18-0232 – Diaper Changing Amenity

President and City Council Members:

The Law Department has reviewed City Council Bill 18-0232 for form and legal sufficiency. The bill would amend Building Code to require that certain buildings and occupancies to provide diaper changing amenities accessible to both male and female occupants. The Law Department has been advised that substantial amendments are being offered to this bill. This report will focus on the bill with the proposed amendments.

The bill as amended requires all new and renovated public buildings to incorporate a diaper changing amenity in its public bathrooms or appropriate private, sanitary space accessible to both men and women. The bill provides for certain exemptions including if the building official determines it is not feasible. "Public building" is defined broadly to include not only buildings owned or occupied by the City but also Assembly Group A buildings which include places where people gather for civic, social or religious functions; recreation or food and drink consumption or awaiting transportation; Business Group B including buildings used for office, professional or service-type transactions and Merchant Group M including buildings used for the display and sale of merchandise. In order to be subject to this law, such buildings must already have at least one public bathroom.

It is important to note that installation of diaper changing amenities is covered in the Americans with Disabilities Act (ADA). The ADA has substantial requirements to ensure a safe changing station and changing tables that do not obstruct the required width of an accessible route to the facilities in the bathroom. Federal law regarding diaper changing amenities provides that "subject to reasonable accommodations that may be made for individuals in accordance with the ADA" restrooms in public buildings shall be equipped with baby changing facilities. See 40 USC Sec. 3314 et seq. (2016) It would be worthwhile to include in the bill a reference to the requirements of the ADA. (See attached suggested amendment.)

Accordingly, the Law Department approves the bill for form and legal sufficiency

Sincerely,

*Elena Di Pietro*

Elena R. DiPietro  
Division Chief

cc: Andre Davis, City Solicitor  
Karen Stokes, Director, Mayor's Office of Government Relations  
Kyron Banks, Mayor's Legislative Liaison  
Ashlea Brown, Assistant Solicitor  
Hilary Ruley, Chief Solicitor  
Victor Tervalo, Chief Solicitor

**SUGGESTED AMENDMENT TO CITY COOUNCIL BILL18-0232**

**Section 19-102(b) -All diaper changing amenities shall comply with the requirements of Baltimore City Building, Fire and Related Codes and with any applicable State and federal laws regarding the installation of diaper changing amenities including the ADA.**