
UNFINISHED BUSINESS

Bill No: SB 1194
Author: Allen (D)
Amended: 8/23/22
Vote: 21

SENATE HOUSING COMMITTEE: 9-0, 4/27/22

AYES: Wiener, Bates, Caballero, Cortese, McGuire, Ochoa Bogh, Skinner, Umberg, Wieckowski

SENATE FLOOR: 37-0, 5/23/22

AYES: Allen, Atkins, Bates, Becker, Borgeas, Bradford, Cortese, Dahle, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, Limón, McGuire, Melendez, Min, Newman, Nielsen, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener, Wilk

NO VOTE RECORDED: Archuleta, Caballero, Hertzberg

ASSEMBLY FLOOR: 70-0, 8/29/22 - See last page for vote

SUBJECT: Public restrooms: building standards

SOURCE: City of Santa Monica
City of West Hollywood
The Translatin@ Coalition

DIGEST: This bill authorizes a local government to require that multiuser public toilet facilities within its jurisdiction be designed, constructed, and identified for use by all genders.

Assembly Amendments make the adoption of an ordinance or resolution a requirement rather than an option, put a sunset on the bill for when these standards take effect in Title 24, and make clarifying changes.

ANALYSIS:

Existing law:

- 1) Establishes the California Building Standards Commission (CBSC) within the Department of General Services.
- 2) Requires the commission to approve and adopt building standards and to codify those standards in the California Building Standards Code (Title 24).
- 3) Requires a public agency, as defined, that serves the public or is open to the public and maintains toilet facilities to make those facilities available to the public free of charge.
- 4) Requires in the California Plumbing Code that separate toilet facilities shall be provided for each sex. For single use toilet facilities, the California Plumbing Code requires that each be identified with signage indicating use by either sex.

This bill:

- 1) Requires a city, county, or city and county that chooses to require new or renovated public toilet facilities within its jurisdiction to be designed, constructed, and identified for use by all genders to do so by adopting an ordinance or resolution.
- 2) Requires signs in compliance with Title 24 to identify the restrooms for use by all genders.
- 3) Requires single-user toilet facilities to comply with the requirements in Title 24.
- 4) Requires lavatories in multiuser toilet facilities to be located in either toilet rooms or grouped in an immediately adjacent common use area accessible to all users.
- 5) Repeals the authorization created by this bill when similar standards adopted by the CBSC take effect.

Background

Title 24 serves as the basis for the design and construction of buildings in the state. California's building codes are published in their entirety every three years; intervening code adoption cycles produce supplement pages halfway (18 months)

into each triennial period. Amendments to California's building standards are subject to a lengthy and transparent public participation process throughout each code adoption cycle. Through this process, relevant state agencies propose amendments to building codes, which the CBSC must then adopt, modify, or reject.

Comments

- 1) *Author's statement.* According to the author, "California has led the nation in ensuring that safe, accessible, gender-neutral restroom facilities are available to visitors of most public places. However, for more proactive cities and counties, existing statutes have limited their authority to explore innovative methods of expanding access and efficiency. Senate Bill 1194 gives local governments the ability to adopt ordinances or resolutions that require the construction of multiple-stall gender-neutral restrooms in places of newly constructed or majorly renovated public accommodation within their jurisdiction. By empowering local governments to set requirements at the local level, SB 1194 will help cities and counties meaningfully build on their commitment to creating safe and accessible environments for transgender and gender non-conforming people as well as people with disabilities and personal caregivers for children and adults."
- 2) *California Plumbing Code.* Title 24 and California Plumbing Code are informed by the Uniform Plumbing Code, which similarly requires that separate toilet facilities shall be provided for each sex. This eliminates the option for jurisdictions to require public restroom facilities in new commercial or public accommodation spaces to be designed to serve all genders. In contrast, the International Plumbing Code, allows for exceptions to this requirement—"Distribution of the sexes is not required where single-user water closets and bathroom room fixtures are provided..."
- 3) *Local government responsibilities and authority.* Except for building occupancies subject to state agency enforcement, local government must enforce Title 24 as published by CBSC. Examples of buildings subject to state enforcement include hospitals, prisons, state government buildings, University of California buildings, California State University buildings, and community college buildings. Most other building types and occupancies are subject to local enforcement.

The majority of local governments adopt the published Title 24 by reference in local ordinances. This is commonly called an adoption ordinance. If a local government does not adopt Title 24 by local ordinance, Title 24 becomes the applicable code by default.

Various state laws authorize local governments to adopt local ordinances that make amendments to the building standards of Title 24. A local ordinance amendment that relates to the implementation or enforcement of a building standard necessitates an express findings that the amendment is reasonably necessary because of local climatic, geological, topographic, or environmental conditions.

To be enforceable, an amendment must be filed with the CBSC. Allowing a jurisdiction to adopt ordinances or resolutions that require the construction of multiple-stall gender-neutral restrooms does not fit into the findings criteria for local climatic, geological, or topographical condition and cannot be enforceable without a proper CBSC filing. Therefore, if a jurisdiction wants to enforce a multi-stall gender neutral restroom requirement, an amendment to Title 24 would be necessary, as proposed in this bill.

- 4) *Broad benefits of gender-neutral restrooms.* Research has shown that transgender and other gender-nonconforming people, including nonbinary, experience violence and harassment when using gender-separated toilet facilities. In order to address these attacks, allowing jurisdictions the ability to require gender-neutral restrooms is important to create more inclusive, equal, and safe environments for everyone. Yet, the benefits of public restroom facilities designed to serve all genders is much broader—reducing average wait times for everyone for restrooms, reducing the number of facilities and cutting costs without increasing wait times, and improving designs and behavioral strategies to overcome resistance.

This bill would provide a cost-effective, beneficial-for-all solution for jurisdictions who want to require inclusive, equal, and safe restrooms through multiple-stall gender-neutral facilities.

Related/Prior Legislation

AB 1732 (Ting, Chapter 818, Statutes of 2016) required all single-user toilet facilities in any business establishment, place of public accommodation, or government agency to be identified as all-gender toilet facilities, as specified.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 8/29/22)

City of Santa Monica (co-source)
City of West Hollywood (co-source)
The Translatin@ Coalition (co-source)
ACLU California Action
City of Beverly Hills
Disability Rights California
Equality California
Mayor Eric Garcetti, City of Los Angeles

OPPOSITION: (Verified 8/29/22)

None received

ASSEMBLY FLOOR: 70-0, 8/29/22

AYES: Aguiar-Curry, Alvarez, Arambula, Bauer-Kahan, Bennett, Berman, Bloom, Boerner Horvath, Mia Bonta, Bryan, Calderon, Carrillo, Cervantes, Chen, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Mike Fong, Fong, Friedman, Gabriel, Cristina Garcia, Eduardo Garcia, Gipson, Gray, Grayson, Haney, Holden, Jones-Sawyer, Kalra, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, McKinnor, Medina, Mullin, Muratsuchi, Nazarian, Nguyen, O'Donnell, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Stone, Ting, Valladares, Villapudua, Ward, Akilah Weber, Wicks, Wilson, Wood, Rendon

NO VOTE RECORDED: Bigelow, Gallagher, Irwin, Kiley, Lackey, Patterson, Seyarto, Smith, Voepel, Waldron

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8/29/22 23:49:58

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