

City of Santa Fe, New Mexico

LEGISLATIVE SUMMARY

Bill No. 2015-17

Gender Neutral Restrooms

SPONSOR(S): Mayor Gonzales, Councilor Lindell and Ives

SUMMARY: The proposed bill creates a new Section 7-16 SFCC 1987 to require that single-occupant public or employee restrooms in any commercial facility be gender neutral and identified as such by appropriate signage.

PREPARED BY: Rebecca Seligman, Legislative Liaison Assistant

FISCAL IMPACT: No

DATE: May 6, 2015

ATTACHMENTS: Bill
FIR

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2015-17

3 INTRODUCED BY:

4 Mayor Javier M. Gonzales

5 Councilor Signe Lindell

6 Councilor Peter Ives

7 AN ORDINANCE

8
9
10 CREATING A NEW SECTION 7-16 SFCC 1987 TO REQUIRE THAT SINGLE-OCCUPANT
11 PUBLIC OR EMPLOYEE RESTROOMS IN ANY COMMERCIAL FACILITY BE GENDER
12 NEUTRAL AND IDENTIFIED AS SUCH BY APPROPRIATE SIGNAGE.
13

14
15 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

16 Section 1. A new Section 7-16 SFCC 1987 is ordained to read:

17 7-16 [NEW MATERIAL] SINGLE-OCCUPANT RESTROOMS.

18 7-16.1 [NEW MATERIAL] DEFINITIONS.

19 *Gender neutral signage* means a sign that indicates a restroom without preference to a
20 specific gender.

21 *Private or private use restroom* means plumbing fixtures in residences and apartments,
22 private bathrooms in hotels and hospitals, and restrooms in commercial establishments where the
23 fixtures are intended for the use of a family or an individual and are accessible only from a private
24 room or office.

25 *Single-occupant restroom* means a lockable restroom available for an individual for use with

1 or without assistance.

2 **7-16.2 [NEW MATERIAL] Applicability.**

3 This section applies to single-occupant restrooms within commercial facilities that are not
4 private or private use restrooms. This section is an additional requirement to those already required in
5 the Santa Fe City Code.

6 **7-16.3 [NEW MATERIAL] Signage Required.**

7 A. A single-occupant restroom subject to this Section shall have gender-neutral signage.

8 B. A person with control over a commercial facility with at least one (1) single-occupant
9 restroom shall install and maintain gender-neutral signage for each single-occupant restroom.

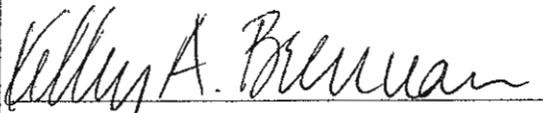
10 **7-16.4 [NEW MATERIAL] Amendment to Section 2902.2 of the International Building
11 Code; Separate Facilities.**

12 **2902.2 Separate facilities.** Where plumbing fixtures are required, separate facilities shall be
13 provided for each sex.

14 **Exceptions:**

- 15 1. Separate facilities shall not be required for *dwelling units* and *sleeping units*.
16 2. Separate facilities shall not be required in structures or tenant spaces with a total
17 *occupant load*, including both employees and customers, of 15 or less.
18 3. Separate facilities shall not be required in mercantile occupancies in which the
19 maximum occupant load is 50 or less.
20 4. Single-occupant public or employee restrooms shall not be restricted to use by a
21 specific sex or gender identity by means of signage, design or installation of fixtures.

22 APPROVED AS TO FORM:

23 
24 _____

25 KELLEY A. BRENNAN, CITY ATTORNEY

M/Legislation/Bills 2015/Gender Neutral Restrooms v.2

City of Santa Fe Fiscal Impact Report (FIR)

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

Section A. General Information

(Check) Bill: X Resolution: _____

(A single FIR may be used for related bills and/or resolutions)

Short Title(s): ORDINANCE CREATING A NEW SECTION 7-16 SFCC 1987 TO REQUIRE THAT SINGLE-OCCUPANT RESTROOMS IN ANY COMMERCIAL FACILITY BE GENDER NEUTRAL AND IDENTIFIED AS SUCH BY APPROPRIATE SIGNAGE.

Sponsor(s): Mayor Gonzales, Couucilors Lindell and Ives

Reviewing Department(s): City Attorney / Land Use

Person Completing FIR: Rebecca Seligman / Lisa Martinez Date: April 2, 2015 Phone: 955-6501 / 955-6617

Reviewed by City Attorney:  Date: 4/21/15
(Signature)

Reviewed by Finance Director:  Date: 4-21-2015
(Signature)

Section B. Summary

Briefly explain the purpose and major provisions of the bill/resolution.

The purpose of this ordinance is to create a new section 7-16 SFCC 1987 to require that single-stall restrooms in any commercial facility be gender neutral and identified as such by appropriate signage.

Section C. Fiscal Impact

Note: Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)*

1. Projected Expenditures:

- a. Indicate Fiscal Year(s) affected -- usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
- b. Indicate: "A" if current budget and level of staffing will absorb the costs
"N" if new, additional, or increased budget or staffing will be required
- c. Indicate: "R" -- if recurring annual costs
"NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
- d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
- e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

X Check here if no fiscal impact

Column #:	1	2	3	4	5	6	7	8
Expenditure Classification	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected	

Personnel*	\$ _____	_____	_____	\$ _____	_____	_____	_____
Fringe**	\$ _____	_____	_____	\$ _____	_____	_____	_____
Capital Outlay	\$ _____	_____	_____	\$ _____	_____	_____	_____
Land/ Building	\$ _____	_____	_____	\$ _____	_____	_____	_____
Professional Services	\$ _____	_____	_____	\$ _____	_____	_____	_____
All Other Operating Costs	\$ _____	_____	_____	\$ _____	_____	_____	_____
Total:				\$ _____			

* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. **For fringe benefits contact the Finance Dept.

2. Revenue Sources:

- a. To indicate new revenues and/or
- b. Required for costs for which new expenditure budget is proposed above in item 1.

Column #:	1	2	3	4	5	6
Type of Revenue	FY _____	"R" Costs Recurring or "NR" Non-recurring	FY _____	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected	

_____	\$ _____	_____	\$ _____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____
Total:	\$ _____		\$ _____		

3. Expenditure/Revenue Narrative:

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

None

Section D. General Narrative

1. Conflicts: Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

None staff is aware of

2. Consequences of Not Enacting This Bill/Resolution:

Are there consequences of not enacting this bill/resolution? If so, describe.

If the ordinance is not enacted, the creation of a new Section 7-16 SFCC 1987 to require that single-occupant restrooms in any commercial facility be gender neutral and identified as such by appropriate signage would not exist.

3. Technical Issues:

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

N/A

4. Community Impact:

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

Creation of the code would make it clear to the public, through signage, that single occupant restrooms are gender neutral.

Form adopted: 01/12/05; revised 8/24/05; revised 4/17/08

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, APRIL 27, 2015**

ITEM 13

REQUEST FOR APPROVAL OF AN ORDINANCE CREATING A NEW SECTION 7-16 SFCC 1987 TO REQUIRE THAT SINGLE-OCCUPANT PUBLIC OR EMPLOYEE RESTROOMS IN ANY COMMERCIAL FACILITY BE GENDER NEUTRAL AND IDENTIFIED AS SUCH BY APPROPRIATE SIGNAGE (MAYOR GONZALES, COUNCILORS LINDELL AND IVES) (GREG SMITH)

PUBLIC WORKS COMMITTEE ACTION: Approved

FUNDING SOURCE:

SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP:

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON TRUJILLO	X		
COUNCILOR BUSHEE	X		
COUNCILOR DIMAS		X	
COUNCILOR DOMINGUEZ	X		
COUNCILOR RIVERA		X	

17. REQUEST FOR APPROVAL OF A RESOLUTION ACCEPTING THE "MAYORS CHALLENGE FOR SAFER PEOPLE, SAFER STREETS" AND DIRECTING STAFF TO EXPLORE THE RESOURCES AND PROGRAMS TO PROMOTE SAFE STREETS FOR PEDESTRIANS AND BICYCLISTS (COUNCILOR BUSHEE) (MELISSA MCDONALD)

Committee Review:

Bicycle & Trails Advisory Commission (Approved)	04/15/15
Public Safety Committee (Scheduled)	04/21/15
Finance Committee (Scheduled)	05/04/15
Council (Scheduled)	05/13/15

CONSENT AGENDA DISCUSSION

11. REQUEST FOR APPROVAL TO TRANSFER AND BUDGET \$50,000 IN 2012 CIP BOND FUNDS ALLOCATED TO TRANSIT FROM FUND 5400 TO FUND 5409 (KEN SMITHSON)

Committee Review:

Finance Committee (Scheduled)	05/04/15
Council (Scheduled)	05/13/15

Councilor Dominguez asked if this was to create a new fund to house the bus pass rebate money in.

Mr. Smithson said no. Santa Fé Trails has expended those funds for the rebate program and the CIP Bond Fund from 2012 was to be designated for that (5409). So this will just transfer it into the correct line item so we can expend it.

Councilor Dominguez concluded that it is \$50,000 from the 2012 CIP to use for the bus pass rebate program.

Mr. Smithson agreed. It replaces the funds Santa Fé Trails expended already from its own funds so now they can use those funds for capital expenditures.

Councilor Dominguez moved to approve the request. Councilor Rivera seconded the motion and it passed by unanimous voice vote.

13. REQUEST FOR APPROVAL OF AN ORDINANCE CREATING A NEW SECTION 7-16 SFCC 1987 TO REQUIRE THAT SINGLE-OCCUPANT PUBLIC OR EMPLOYEE RESTROOMS IN ANY COMMERCIAL FACILITY BE GENDER NEUTRAL AND IDENTIFIED AS SUCH BY APPROPRIATE SIGNAGE (MAYOR GONZALES, COUNCILORS LINDELL AND IVES) (GREG SMITH)

Committee Review:

Finance Committee (Scheduled)	05/04/15
Council (Request to publish)	05/13/15
Council (Public hearing)	06/10/15

Councilor Bushee didn't have an issue with it but wanted to add that the City needs a public bathroom on the Plaza and asked for an amendment to add such a resolution to this ordinance.

Councilor Bushee moved to approve the request with that amendment.

She noted that the Council has talked about this need for years and needs to explore the alternatives.

Chair Trujillo thought the City could not put a public restroom there.

Councilor Bushee said she meant somewhere nearby.

Councilor Dominguez seconded the motion.

Councilor Rivera pointed out that there has not been much discussion on this. We regulate businesses so much. Businesses already are doing this as they can and they can make the decision on their own. He didn't think the City should dictate this and it should be based on their space. It should be left up to them.

Mayor Gonzales stated that this is an important policy for Santa Fé and important for cities all across our country when you want to assure that everyone feels safe. It is hard to imagine a policy where gender neutral rest rooms that already exist cannot be provided to people who are transgendered. Unless you know a person from the transgender community you don't understand the fear factor for them in going into restrooms when they must identify themselves differently that what is on the door. For multiple stalls, they will stay gendered. On every plane there are gender neutral restrooms. This policy would be limited to those that have a single toilet, one sink and one door and mean that the business would only need to put up an appropriate sign. That's all. The need to walk into a restroom labeled with one gender is a challenge. A parent with a child may have that same problem. Just from a practical standpoint it allows public access to them.

Mayor Gonzales said he brought this forward because he believes there are people who don't feel equal before the law and need a place to go to the restroom in a safe way. The Chamber of Commerce is not opposed to this. And we would want our Land Use Department to provide for a period of time to phase in. They should give the businesses time to work it through. Certainly the businesses he talked with understand that putting up a sign is minimal and no inconvenience.

Chair Trujillo commented that when the Mayor first brought it up, a lot of people called him. He didn't understand that it excluded multi stall rest rooms. Now he understood. But the City is putting the cost of the sign on the businesses. And he was previously concerned that they would have to build a gender neutral bathroom.

Mayor Gonzales said that isn't the case with this ordinance.

Councilor Rivera asked about businesses that would prefer to stay the way they are. He asked if they could explore that option.

Mayor Gonzales said they couldn't. The City Ordinance would say a business that has a bathroom for single individuals to use would be gender neutral. The sign wouldn't say transgendered. It is just a family bathroom and just for bathrooms with single toilet and sink.

Councilor Rivera said he had daughters and the Mayor does too. Sometimes you have to put a daughter in a men's restroom but some of the men's rooms are gross. And businesses may want to maintain that separation. Those were his concerns. If it is a locked room with a private stall, it doesn't matter.

Mayor Gonzales appreciated that and what Chair Trujillo mentioned. His Mom was concerned with what he proposed also.

The public automatically assumes every rest room in Santa Fé is a transgendered rest room. He agreed we don't want children going into a restroom for the other gender. But every airplane and doctor's office has but one. He didn't want to under-emphasize the needs of people in our population to be recognized and feel safe.

Councilor Bushee thought the City should offer to provide the signs. But with the Plaza issue, she would like to have a public restroom available. She would like to consider an order to pay for the signs. Every cosmopolitan city is going this way. She also wanted them to have diaper changing stations in rest rooms. With gender neutral restrooms, they will have to be cleaner. She didn't see it as a big hardship, especially if we come forward with family restroom signs.

Councilor Dimas said he was not even sure why this issue is before the Council. He didn't know why the City needed an ordinance to do this. He was confused about it. He knew businesses were not going to contest this. He questioned if there was a commercial business that wouldn't allow transgender people in their restrooms. As far as he knew, He'd never seen one that discriminated.

Mayor Gonzales understood and it was the way he felt when he first met with transgender community. But they think about it on a daily basis and could cause even more confusion for them. At a time when they are trying to address their orientation or who they are, this would not be a handicap. For them. It is hard to understand but it is real

Councilor Bushee moved to approve the request with her amendment. Councilor Dominguez seconded the motion.

The roll call vote resulted in a 2-2 tie with Councilor Dominguez and Councilor Bushee voting in favor and Councilor Dimas and Councilor Rivera voting no. Chair Trujillo vote yes to break the tie and the motion passed by a vote of 3-2.

~~15. REQUEST FOR APPROVAL OF A RESOLUTION REPEALING RESOLUTION NO. 2007-22 REGARDING THE PARKS AND OPEN SPACE ADVISORY COMMISSION; REPEALING RESOLUTION NO. 1998-28 REGARDING THE GCCC ADVISORY COMMISSION; REPEALING RESOLUTION NO. 1999-88 REGARDING THE MARTY SANCHEZ GOLF COURSE ADVISORY COMMITTEE; REPEALING RESOLUTION NO. 2009-130 REGARDING THE MUNICIPAL TREE BOARD AND ESTABLISHING A NEW PARKS AND RECREATION ADVISORY COMMISSION (MAYOR GONZALES) (ROBERT CARTER)~~

Committee Review:

Finance Committee (Scheduled)

05/04/15

ACTION SHEET
CITY COUNCIL COMMITTEE MEETING OF 05/27/15
ITEM FROM FINANCE COMMITTEE MEETING OF 05/18/15

ISSUE:

17. Request for Approval of an Ordinance Creating a New Section 7-16 SFCC 1987 to Require that Single-Occupant Public or Employee Restrooms in any Commercial Facility be Gender Neutral and Identified as Such by Appropriate Signage. (Mayor Gonzales, Councilors Lindell and Ives) (Lisa Martinez)

Committee Review:

Public Works Committee (approved)	04/27/15
City Council (request to publish)	05/13/15
City Council (public hearing)	06/10/15

Fiscal Impact – No

FINANCE COMMITTEE ACTION: APPROVED AS DISCUSSION ITEM

FUNDING SOURCE:

SPECIAL CONDITIONS OR AMENDMENTS

STAFF FOLLOW-UP:

VOTE	FOR	AGAINST	ABSTAIN
COUNCILOR TRUJILLO	X		
COUNCILOR RIVERA		X	
COUNCILOR LINDELL	X		
COUNCILOR MAESTAS	X		
CHAIRPERSON DOMINGUEZ			

4-13-15