RESOLUTION No.

Adopt Administrative Rule 13.03 All-User Restrooms policy (Resolution)

WHEREAS, the City of Portland is committed to removing barriers to a safe and inclusive workplace for employees, to creating spaces which are welcoming to all visitors, and to treating all people with respect and dignity; and

WHEREAS, the City of Portland does not discriminate against people on the basis of their gender, race, religion, sexual orientation, gender identity, gender expression, disability, age, or any other protected status; and

WHEREAS, Human Resources Administrative Rule 2.04 Gender Identity Non-Discrimination prohibits discrimination on the basis of gender identity and gender expression, states that all City employees shall have access to use City bathroom facilities corresponding to their gender identity or gender expression, and that the City will make reasonable efforts to accommodate all employees who use gender-specific City facilities; and

WHEREAS, all users, including but not limited to parents with children, people with personal attendants, and individuals regardless of their gender identity or gender expression, benefit when they have access to restrooms of their choosing, including both gender-specific and all-user restrooms; and

WHEREAS, Resolution #37175 directed all City bureaus to convert single-user gender-specific restrooms into all user restrooms by June 17, 2016; and

WHEREAS, Resolution #37175 directed the Office of Management and Finance (OMF) to develop a policy requiring that all new construction or substantial renovation of City-controlled buildings beginning design on or after March 31, 2016 incorporate an all-user restroom design; and

WHEREAS, OMF developed a draft policy that requires that all Single-Occupant Restrooms in City-controlled buildings be designated as All-User Restrooms, requires all new construction or substantial renovation (over $5 million in value) of City-controlled buildings to incorporate All-User Restroom design, and requires for all renovations over $500,000 in value that the bureau consider the feasibility of incorporating All-User Restrooms; and

WHEREAS, OMF distributed the draft policy for review to the Bureau of Human Resources, the Office of Equity and Human Rights, facility and property managers for all property-managing bureaus, Equity and Inclusion managers, the Office of the City Attorney, the leadership team of the Diverse and Empowered Employees of Portland (DEEP), and to all bureau directors, encouraging broader distribution; and

WHEREAS, the Portland Bureau of Transportation sponsored a lunchtime panel on “Transgender 101 and All-User Restrooms” where this policy was discussed and information shared about how to provide feedback on the policy; and
WHEREAS, OMF has incorporated feedback received during the 15-day notice and comment period and that received following the lunchtime panel into the final draft of the policy ADM 13.03 All-User Restrooms, attached as Exhibit A; and

WHEREAS, Portland Parks & Recreation will be replacing signage for Single-Occupant All-User Restrooms at their facilities and due to the number of restrooms impacted, needs additional time to install the signs; and

WHEREAS, OMF, prior to the Portland Building Reconstruction, will be converting two gender-specific Multi-Occupant Restrooms to All-User Restrooms in order to provide All-User options in the Portland Building for both employees and visitors, and OMF will be gathering input from users to inform All-User Restroom design for the Portland Building Reconstruction project, in accordance with this policy.

NOW, THEREFORE, BE IT RESOLVED, ADM 13.03 All-User Restrooms is adopted as shown in Exhibit A; and

BE IT FURTHER RESOLVED, the Chief Administrative Officer (CAO) shall be responsible for review and update of this policy and the development and implementation of any guidelines and procedures consistent with this policy, and will undertake this responsibility in consultation with those city bureaus and staff identified above; and

BE IT FURTHER RESOLVED, City bureau directors, property managers, and facilities managers shall ensure that their bureaus comply with this policy and associated guidelines and procedures, and work cooperatively with the CAO and OMF staff in carrying out the policy; and

BE IT FURTHER RESOLVED, ADM 13.03 All-User Restrooms is binding city policy; and

BE IT FURTHER RESOLVED, Portland Parks & Recreation is granted an extension to September 1, 2016 for installation of new signage for their Single-Occupant All-User Restrooms.

Adopted by the Council:

Mayor Charlie Hales/Commissioner Nick Fish
Prepared by: Betsy Ames
Date Prepared: May 16, 2016

Mary Hull-Caballero
Auditor of the City of Portland
By
Deputy
ADM 13.03 All-User Restrooms

**Purpose**
The City of Portland is committed to providing a safe and inclusive workplace for all employees, to creating spaces which are welcoming to all visitors, and to treating all people with respect and dignity.

All users, including but not limited to parents with children, people with personal attendants, and individuals regardless of their gender identity or gender expression, benefit when they have access to restrooms of their choosing, including both gender-specific and all-user restrooms.

This policy describes the requirement for designating Single-Occupant Restrooms in City-controlled facilities as All-User Restrooms. The policy also describes the requirements for incorporating All-User Restroom design into all newly constructed or substantially renovated City-controlled facilities in order to provide safe, equitable, healthy and convenient restroom for all users. The policy further directs bureaus to assess the feasibility of providing All-User Restrooms in all City-controlled facilities, including potentially converting existing Multi-Occupant Restrooms into All-User Restrooms.

**Scope**
This policy applies to City-controlled facilities, including buildings used for offices, workspaces or recreation.

All City bureaus shall comply with the signage and use designation requirements for existing Single-Occupant Restrooms.

Any City bureau constructing new City-controlled facilities or undertaking substantial renovation of a City-controlled facilities must incorporate All-User Restroom design into the construction project.

This policy does not apply to spaces owned or managed by non-City entities. City bureaus should as a routine practice request changes to modify non-City controlled facilities which they occupy to provide All-User Restrooms, subject to lease or other property agreements. The policy does not apply to projects that the City supports through loans, grants, and/or other financial benefit.

**Definitions**
“All-User Restroom” is a restroom that may be used by any person, regardless of gender identity or gender expression. Generally, All-User Restrooms built or altered after 1991 are also accessible under the ADA requirements that were in place at the time of construction. Non-ADA accessible Single-Occupant Restrooms may be designated as “All-User Restrooms”.

“City-controlled” is used to describe buildings and facilities that are generally both owned by and operated by the City of Portland, and for
which all facility management, design, and maintenance decisions are made by the City.

“Single-Occupant Restroom” is used to describe a fully enclosed, lockable restroom with one toilet, designed for use by one individual at a time. A Single-Occupant Restroom may be used by an individual with the assistance of or in the company of another individual (for example, a personal attendant, parent or child). A Single-Occupant Restroom may include a urinal in addition to a toilet.

“Multi-Occupant Restroom” is used to describe a restroom with two or more toilet fixtures within the enclosed space with toilets that are separated from each other by partitions into one or more separate stalls for privacy.

“Restroom Bank” is used to describe a suite of restrooms located in close proximity that are designed to meet plumbing code requirements for the occupancy of a defined space. A Restroom Bank may include one or more Single-Occupant Restrooms, one or more Multi-Occupant Restrooms, or a combination of both. Restrooms located on the same floor that together are designed to meet the needs of all occupants of that floor, even if separated by other rooms, are considered part of the same Restroom Bank (for example, the two Multi-Occupant Restrooms on each floor of City Hall would together be considered one Restroom Bank).

“Toilet fixture” is used to describe either a toilet or urinal.

### Requirements for Single-Occupant Restrooms

All Single-Occupant Restrooms in City-controlled facilities must be open to any user, regardless of gender identity or gender expression.

All gender-specific Single-Occupant Restrooms must be converted to All-User Restrooms and must be identified with appropriate signage. New signs must include a graphic representation of a toilet, a symbol of accessibility (if applicable), and the term “Restroom” or “All-User Restroom” in print and braille code as illustrated in the attached.

Existing gender-neutral signage, graphic representations and wording may be retained if acquired and affixed prior to May 1, 2016. These may include: “All-Gender Restroom”, “Gender-Neutral Restroom”, “Unisex Restroom”, “Family Restroom” and terms not referencing any specific-gender, such as “Toilet” and “WC”. Images on such signs must either include both female and male figures, a combination of male and female, or no gender-specific figures.

Signage must be posted in a public and visible location to indicate the availability and location of the facility’s All-User Restroom(s).

Single-Occupant Restrooms in City-controlled facilities that are access-controlled and are not occupied by City employees nor visited by the public (for example, at a pump station), are not required to meet the signage requirements of this section.

### Requirements for New Construction

All new construction of City-controlled facilities must incorporate All-User Restrooms into the design of and construction of the facilities that include restrooms.
### Requirements for Renovation

At least ten percent (10%) of available toilet fixtures must be in All-User Restrooms, with at least one All-User Restroom per Restroom Bank.

Bureaus initiating renovation projects of City-controlled facilities with hard construction cost estimates at or above $500,000 are required to consider the feasibility of incorporating All-User Restrooms either through creation of new restrooms or conversion of existing restrooms into All-User Restrooms.

In considering feasibility, the project bureau should assess availability of existing All-User Restrooms, project scope and whether it includes creation of new Restrooms or any wall partitions or plumbing changes impacting the existing Restroom Bank(s), structural conditions, changes in occupancy, code requirements, whether the project is focused primarily on interior improvements to occupied spaces or focused on exterior improvements (e.g. roof replacements), employee or customer requests, and project purpose.

Bureaus should consult with the City Attorney’s Office prior to making a final decision. If not incorporating All-User Restrooms into the project, the Bureau Director should document the rationale for that decision.

Bureaus initiating substantial renovation projects which involve significant modifications to or replacement of wall partitions, systems and fixtures and exceed $5 million in hard construction costs are required to meet the new construction standards, unless granted an exemption, in writing. Exemptions to this requirement must be approved by the Commissioner-in-Charge of the bureau or office, following consultation with the City Attorney’s office and documentation of rationale by the Bureau Director.

### Conversion of Existing Multi-Occupant Restrooms

Bureaus shall work together to assess the feasibility of providing All-User Restrooms in all City-controlled facilities, including the option of converting a portion of the existing inventory of Multi-Occupant gender-specific restrooms to All-User Restrooms. If not undertaking a renovation project, bureaus are not required to convert existing Multi-Occupant Restrooms or create new All-User Restrooms in existing spaces prior to Council approval of an implementation plan and revision of this section of the policy to describe requirements for such conversions.

### Related Policies

**HRAR 2.04 Gender Identity Non-Discrimination** prohibits discrimination on the basis of gender identity and gender expressions and addresses the City’s requirements to make reasonable efforts to accommodate all employees who use gender-specific City facilities. The $500,000 threshold noted above in Requirements for Renovation does not apply or otherwise limit bureaus’ responsibilities under HRAR 2.04 to consider requests for All-User Restrooms and/or for physical alterations to existing restroom facilities. Similarly, a bureau may choose to initiate changes to existing gender-specific restrooms or creation of new All-User Restrooms even with no requests from employees and/or no other planned renovations.

### Responsibilities

The Chief Administrative Officer (CAO) is responsible for review and update of this policy and the development and implementation of any...
guidelines and procedures consistent with this policy, and will undertake this responsibility in consultation with affected City bureaus.

City bureau directors, property managers, and facilities managers shall ensure that their bureaus comply with this policy and associated guidelines and procedures, and will work cooperatively with the CAO and Office of Management and Finance staff in carrying out this policy.

Resolution ###, approved DATE, 2016.

Resolution 37175, approved December 17, 2015, directed the conversion of any gender-specific Single-Occupant Restrooms to All-User Restrooms and directed the development of a policy for new construction and renovation.
The following pages include a number of All-User Restroom sign examples for illustrative purposes. Actual signage may vary, in terms of color, size, materials, spacing, proportions, and font, all of which may be modified.

Last Updated: May 16, 2016
All-User Single-Occupant Restroom Signs
Signs may vary depending on accessibility and fixtures.
Other Potential Signs
Additional signage may be necessary based on the facility.

- Baby Changing Table
- Baby Changing Table
- Shower
- Shower
IMPACT STATEMENT

Legislation title: Adopt ADM 13.03 All User Restrooms policy. (Resolution)
Contact name: Betsy Ames, Office of Management and Finance (OMF)
Contact phone: 823-4269
Presenter name: Betsy Ames

Purpose of proposed legislation and background information:
Resolution #37175, passed in December 2015, directed OMF to develop a policy requiring all new construction or substantial renovations to incorporate All-User Restroom design. Because facilities and property management functions are distributed among many bureaus, the City Attorney advised that the policy needed to be adopted by City Council. The policy was drafted to include the requirements for new construction and substantial renovation, as well as the direction included in Resolution #37175 to convert existing gender-specific Single-Occupant Restrooms to All-User Restrooms.

Financial and budgetary impacts:
Adoption of the policy will not result in any substantial impact on budgets; bureaus with facilities and property management functions will absorb the cost of new signage as required by the original resolution. Projects involving new construction or substantial renovations will cover costs for incorporating All-User Restroom design into project budgets for architectural and design services. Longer term impacts of incorporating All-User Restrooms into all City-controlled facilities will be assessed as part of the feasibility study called for in Resolution #37175 which will be completed in FY 2016-17.

Community impacts and community involvement:
Resolution #37175 was developed by Commissioner Fish’s office in collaboration with a broad range of community advocates. The review and development of the proposed policy built on the previous work.

The draft policy was discussed with and shared for review and comment by groups and individuals including, but not limited to: City facility and property managers, City bureau directors, Equity and Inclusion managers, the Office of the City Attorney, the leadership team of the Diverse and Empowered Employees, Bureau of Human Resources and Office of Equity and Human Rights representatives. All were encouraged to forward to additional interested parties. Individual employees with direct interest in the policy and its application also provided input.

In addition, OMF participated in the “Transgender 101 and All-User Restrooms” lunchtime panel sponsored by the Bureau of Transportation and filmed by DEEP for posting on the City’s website on May 6, sharing information about the policy and how to provide feedback. Representatives of a number of LGBTQ supportive organizations and advocates, as well as City employees and contractors, attended and were able to ask questions of panelists.

The draft policy was modified in response to feedback, including: further clarification of several defined terms; strengthening language regarding requesting changes to non-City-controlled facilities that are occupied by City employees; clarification on not requiring signage for access-
controlled facilities that are only used by employees; and clarification of CAO and bureau responsibilities.

Feedback also informed the Resolution itself, including: an extension of the timeline for Parks & Recreation to comply with the signage requirement, in recognition that they will be re-signing all of their Single-Occupant Restrooms, even those that already have “gender-neutral” signage; and inclusion of more specific language regarding OMF’s intent to convert two gender-specific Multi-Occupant Restrooms to All-User and that OMF will be considering feedback from having these in place in advance as the Portland Building Reconstruction Project moves into the design phase.

As noted in the policy, in Resolution #37175 and in this resolution, all users, including but not limited to parents with children, people with personal attendants, and individuals regardless of their gender identity or gender expression, benefit when they have access to restrooms of their choosing.
Budgetary Impact Worksheet

Does this action change appropriations?

☐ YES: Please complete the information below.
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