

IMPACT STATEMENT

Legislation title: Adopt ADM 13.03 All User Restrooms policy. (Resolution)
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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.
☒ **NO:** Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

All User Restrooms at the City of Portland

Having more restroom options benefits everyone. All-User Restrooms provide a safe, comfortable option for:

- People of all gender identities and expressions, including transgender and gender non-conforming people
- Parents and others providing childcare with children of a different gender
- People who need assistance from a caregiver or attendant

Council Resolution #37175

Council passed a resolution in December which:

- Affirmed the City's commitment 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"
- Directed all bureaus to create an inventory of all existing gender-specific restrooms
- Called for conversion of all gender-specific single-occupant restrooms to "All-User Restrooms" within six months
- Directed OMF to develop a policy for incorporating All-User Restroom design into all new construction and substantial renovation of City facilities
- Directed OMF and bureaus to work together to assess the feasibility of providing All-User Restrooms in all City facilities and to develop an implementation plan for Council consideration in a year.

Inventory and conversion of Single-Occupant Restrooms

Bureaus have been conducting the inventory and converting their gender-specific, single-occupant restrooms into All-User Restrooms.

- Many of the single-occupant restrooms have long been "gender-neutral" or "uni-sex", often marked as just plain "restrooms".
- There are over 850 restrooms in City controlled facilities, with almost 600 single-occupant restrooms. Portland Fire and Rescue and Portland Parks have the largest number of single occupant restrooms.
- Parks & Recreation has almost 300 Single-Occupant Restrooms. They are planning on re-signing all of their single-occupant restrooms, including replacing signage on restrooms that already have gender-neutral or family restroom signs.

ADM 13.03 All-User Restroom Policy

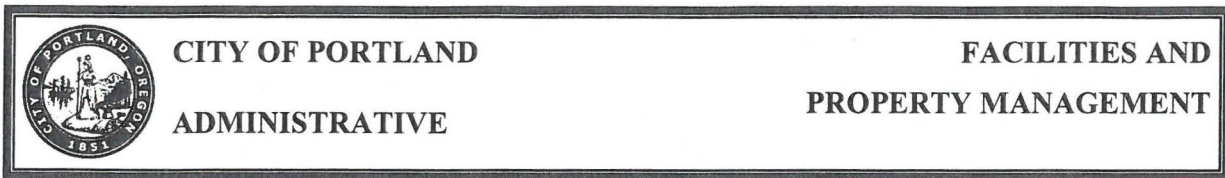
OMF developed a draft policy, and has solicited input and feedback from property and facility managers, equity and inclusion managers, HR, OEHR, and employees. City Council will be considering the All-User Restroom Policy on June 1.

ADM 13.03 All-User Restrooms includes:

- A number of definitions, including clarifying that the policy applies to “City-controlled” buildings – those that are both owned and occupied by the City for which we make all facility related decisions.
- A requirement for new construction to incorporate All-User Restroom design, with a requirement that at least 10% of toilet fixtures be included in All-User Restrooms, with at least one available per “Restroom Bank” (our definition of the set of bathrooms that meet the requirements for a defined occupancy per the plumbing code).
- Language capturing the Council direction to have all Single-Occupant Restrooms be All-User, including direction on the appropriate signage to use going forward.
- Rather than having the signage represent “who” might be using the restroom, we’ve chosen to have them represent “what” is behind the door – a toilet. And, we’re calling them “All-User Restrooms”.
- We’re not requiring all restrooms that are currently designated as “Gender-Neutral” or have “female” and “male” graphics to replace existing signs, but over time we hope most will.
- The policy also mentions the ongoing work to assess the feasibility of providing All-User Restrooms in all City facilities.

Portland Building – Trial of Multi-Occupant All-User Restrooms

- The Portland Building currently has just one Single-Occupant All User-Restroom. It is within the Facilities Dispatch workspace behind a gate and is not readily accessible to other bureaus’ employees or the general public.
- There is a need for a readily accessible All-User Restroom option for both visitors and employees in the building.
- With the Portland Building reconstruction, we have an opportunity to incorporate thoughtful approaches to providing All-User Restrooms throughout the building.
- In the meantime, BIBS Facilities Division will be converting a set of gender-specific restrooms to Multi-Occupant All-User Restrooms to provide options in the building for people who want a non-gendered restroom. These will be on the second floor and will include replacing the existing partitions with more private partitions. Signage will explain that they are “All-User Restrooms” and will provide information about the location of gender-specific restrooms.
- On the first floor, the partitions will be replaced to provide more privacy for those gender-specific restrooms and information will be provided about the location of the two “All-User Restrooms” on the second floor.
- For both, we will be asking users to provide feedback on the design and their experiences to help inform the Portland Building Reconstruction project.
- These changes won’t be happening until July, based on lead time for acquiring the partitions.



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.

EXHIBIT A

**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

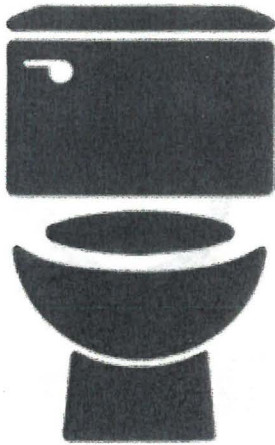
guidelines and procedures consistent with this policy, and will undertake this responsibility in consultation with affected City bureaus.

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.

History

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.



13.03.01 All-User Restroom Sign Examples

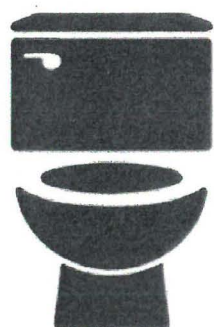
Administrative Rule Guidance for ADM 13.03

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.



Restroom



Restroom



All-User Restroom



**All-User Single-Occupant
Restroom**



Additional signage may be necessary based on the facility.

