SEATTLE CITY COUNCIL

Legislative Summary

CB 118455

Record No.: CB 118455 **Type:** Ordinance (Ord) 124829 **Status:** Passed

Version: 1 **In Control:** City Clerk

File Created: 06/23/2015

Final Action: 08/14/2015

Title: AN ORDINANCE relating to gender identity and all-gender single-occupant restrooms in Seattle; amending the definition of "gender identity" in Sections 14.04.030, 14.06.020, 14.08.020, and 14.10.020 of the Seattle Municipal Code; amending the definition of "place of public accommodation" in Section 14.06.020 of the Seattle Municipal Code; amending Section 14.06.030 of the Seattle Municipal Code to clarify the right of individuals to use gender-specific facilities consistent with their gender identity; and adding a new Chapter 14.07 to the Seattle Municipal Code providing for all-gender restrooms in City-controlled buildings and places of public accommodation and prescribing enforcement procedures.

Notes:

Sponsors: Harrell

Attachments:

Drafter: Loren Othon

	Date
Filed with City Clerk:	
Mayor's Signature:	
Vetoed by Mayor:	
Veto Overridden:	
Veto Sustained:	

Filing Requirements/Dept Action:

History of Legislative File **Legal Notice Published:** ☐ Yes ☐ No

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	06/24/2015	Mayor's leg transmitted to Council	City Clerk			
	Action Text: The Council Bill (CB) was Mayor's leg transmitted to Council. to the City Clerk						
	Notes:						
1	City Clerk	06/24/2015	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office						
	Notes:						

1	Council President's Office	07/01/2015	sent for review	Public Safety, Civil Rights, and Technology Committee	

Action Text: The Council Bill (CB) was sent for review. to the Public Safety, Civil Rights, and Technology Committee

Notes:

1	Full Council	07/27/2015	referred	Public Safety, Civil Rights, and Technology Committee	

Action Text: The Council Bill (CB) was referred. to the Public Safety, Civil Rights, and Technology Committee

Notes:

1	Public Safety, Civil Rights, and Technology Committee	08/05/2015	pass		Pass

Action Text: The Committee recommends that Full Council pass the Council Bill (CB).

In Favor: 4 Member Bagshaw, Chair Harrell, Licata, Godden

Opposed: 0

1	Full Council	08/10/2015	passed		Pass

Action Text: The Council Bill (CB) was passed by the following vote and the President signed the Bill:

Notes:

In Favor: 8 Councilmember Bagshaw, Council President Burgess, Councilmember Godden, Councilmember Harrell, Councilmember Licata, Councilmember O'Brien, Councilmember Okamoto, Councilmember Sawant

Opposed: 0

1	City Clerk	08/11/2015	submitted for Mayor's signature	Mayor	

Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor

Notes:

1	Mayor	08/14/2015	Signed		

Notes:

1	Mayor	08/14/2015	returned	City Clerk	

Notes:

1	City Clerk	08/14/2015	attested by City Clerk		

Action Text: The Ordinance (Ord) was attested by City Clerk.

Notes:

CITY OF SEATTLE

ORDINANCE 124829

COUNCIL BILL 118455

AN ORDINANCE relating to gender identity and all-gender single-occupant restrooms in Seattle; amending the definition of "gender identity" in Sections 14.04.030, 14.06.020, 14.08.020, and 14.10.020 of the Seattle Municipal Code; amending the definition of "place of public accommodation" in Section 14.06.020 of the Seattle Municipal Code; amending Section 14.06.030 of the Seattle Municipal Code to clarify the right of individuals to use gender-specific facilities consistent with their gender identity; and adding a new Chapter 14.07 to the Seattle Municipal Code providing for all-gender restrooms in City-controlled buildings and places of public accommodation and prescribing enforcement procedures.

WHEREAS, the City of Seattle has a long history of addressing the human and civil rights of people with disabilities, families, and lesbian, gay, bisexual, and transgender and gender nonconforming communities; and

WHEREAS, all-gender restrooms are toileting facilities, either single room or with multiple stalls, which are designated for use by any person or persons, regardless of sex or gender identity; and

WHEREAS, all-gender facilities create a safe space for employees and community members to use the restroom, and benefit a variety of people including individuals who require the help of a differently gendered caregiver, parents with children, and transgender and gender nonconforming individuals; and

WHEREAS, transgender and gender nonconforming people frequently are excluded from using facilities that conform to their gender identity, and use of gender-segregated restrooms can create unnecessary risk for transgender and gender nonconforming people; and

WHEREAS, studies have shown that these health and safety risks faced by transgender and gender nonconforming individuals impact people of color disproportionately; and

WHEREAS, transgender women and transgender people of color are more likely to be turned away or experience harassment and assault in shelters and the National Transgender Discrimination Survey, conducted in 2008, reported that almost one in three transgender people seeking refuge in homeless shelters were turned away, while 55 percent were harassed, 25 percent were physically assaulted, and 22 percent were sexually assaulted in the shelters they were allowed into, and 42 percent of transgender shelter-seekers were forced to live as the wrong gender in order to be allowed to stay; and

WHEREAS, the City of Seattle is committed to race and social justice and a key piece of that work is ensuring City policies and programs advance equity in employment, housing and health; and

WHEREAS, Resolution 31224, adopted on June 21, 2010, expresses the City Council's commitment to full equal rights for all Seattle residents and City employees regardless of sexual orientation or gender identity and authorizes City Departments to work with the Seattle Office for Civil Rights and the Seattle Lesbian Gay Bisexual and Transgender (LGBT) Commission as they assess the needs of Seattle's LGBT community and propose community and City strategies for meeting those needs; and

WHEREAS, the City recognizes that all persons and groups of people should have access to restrooms and other gender-specific facilities, regardless of sex, gender identity, ability, or parental status; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Chapter 14.07 is added to Title 14 of the Seattle Municipal Code as follows:

Chapter 14.07 ALL-GENDER SINGLE-OCCUPANT RESTROOMS REQUIREMENTS

14.07.010 Definitions

"Agency" means the Seattle Office for Civil Rights.

"All-gender restroom" means toileting facilities, either single room or with multiple stalls, which are designated for use by any person or persons, regardless of sex or gender identity.

"Appropriate signage" means signage that indicates that single-occupant restrooms are not restricted to a single gender. Examples include, but are not limited to, signs with the words "washroom," "restroom," "all-gender restroom," "gender-neutral restroom," or "unisex," or that use images to indicate that restrooms are accessible to all genders.

"City" means the City of Seattle.

"Covered entity" means any place of public accommodation in Seattle.

"Director" means the Director of the Seattle Office for Civil Rights.

"Gender identity" means a person's gender-related identity, appearance, or expression, whether or not traditionally associated with one's biological sex or one's sex at birth, and including a person's attitudes, preferences, beliefs, and practices pertaining thereto.

"Place of public accommodation" means any place, licensed or unlicensed, where the public gathers, congregates, or assembles for amusement, recreation or public purposes, or any place, store, or other establishment that supplies goods or services with or without charge to the general public. "Place of public accommodation" includes, but is not limited to, the following types of services or facilities: hotels, or other establishments which provide

lodging to transient guests; restaurants, cafeterias, lunchrooms, lunch counters, soda fountains or other facilities principally engaged in selling or offering for sale food for consumption upon or off the premises; public restrooms; public elevators; motion picture houses, theatres, concert halls, sport arenas, stadiums, or other places of exhibition or entertainment; bowling alleys, pool halls, arcades, and amusement parks; retail establishments; transportation carriers; barber shops and beauty shops; bars or taverns or other facilities engaged in selling or offering for sale alcoholic beverages for consumption upon the premises; and public burial facilities.

"Respondent" means any person who is alleged or found to have committed a violation of regulations established in this Chapter 14.07.

"Single-occupant restroom" means any toileting facility that is designed for use by one person at a time.

14.07.020 Single-occupant restrooms in City facilities

All existing and newly-built single-occupant restrooms in City facilities shall not be restricted to a specific sex or gender identity and shall use appropriate signage to indicate such facilities are designated for use by any person, regardless of sex or gender identity.

14.07.030 Requirements for single-occupant restrooms in places of public accommodation

A. Single-occupant restrooms shall not be restricted to a specific sex or gender identity and shall use appropriate signage to indicate such facilities are designated for use by any person, regardless of sex or gender identity.

B. Entities covered by this Chapter 14.07 shall have 180 days from the effective date of the ordinance introduced as Council Bill _____ to comply by replacing existing signs on the

exterior of single-occupant restrooms restricting use to a single gender with signs indicating that they are for use by all genders.

14.07.040 Enforcement

A. Powers and duties

1. The Agency shall investigate alleged violations of this Chapter 14.07 and shall have such powers and duties in the performance of these functions as are defined in this Chapter 14.07 and otherwise necessary and proper in the performance of the same and provided for by law.

2. The Director is authorized and directed to promulgate rules to enforce this Chapter 14.07.

B. Reporting and investigation of violations. The Agency may investigate any violations of this Chapter 14.07. Individual reporting of a violation of this Chapter 14.07 should include a statement of the date, location, and entity or entities responsible for such violation.

C. Advisory Letter and Notice of Violation

1. If, after 180 days from the effective date of the ordinance introduced as Council Bill _____, it is determined that a covered entity is not in compliance with the requirements set out in this Chapter 14.07, the Director shall, by service of an advisory letter by first-class mail or electronic mail, notify the respondent of the violation and advise of the opportunity for voluntary compliance by replacing existing restroom signage with appropriate signage. The respondent shall update restroom signage within 30 days of the date of the advisory letter.

2. If the respondent refuses to comply within 30 days of the date of the advisory letter, the Director may issue a notice of violation. This notice of violation will include a requirement to pay a civil penalty of $125. All or part of this civil penalty may be waived by the Director if proof of compliance with this Chapter 14.07 is submitted to the Agency within 15 days of the date of the notice of violation. Proof of compliance shall be determined by Director's rule. Failure to comply within 15 days of the date of the notice of violation shall be considered a subsequent violation. Subsequent violations shall result in a civil penalty of $300.

D. Appeal Period and Failure to Respond. A respondent may appeal the civil penalty by requesting a contested hearing before the Hearing Examiner in writing within 15 days of the date of the notice of violation. If the respondent fails to timely appeal the civil penalty, the civil penalty shall be final and enforceable. When the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until 5 p.m. on the next business day.

E. Appeal Procedure and Failure to Appear

1. Contested hearings shall be conducted pursuant to the procedures for hearing contested cases contained in Section 3.02.090 and the rules adopted by the Hearing Examiner for hearing contested cases. The Director shall have the burden of proof by a preponderance of the evidence before the Hearing Examiner. Failure to appear for a requested hearing will result in an order being entered finding that the respondent cited committed the violation stated in the Director's notice of violation. For good cause shown and upon terms the Hearing Examiner deems just, the Hearing Examiner may set aside an order entered upon a failure to appear.

2. In all contested cases, the Hearing Examiner shall enter an order affirming, modifying, or reversing the civil penalty.

3. If a respondent fails to comply with any final penalty issued by the Director or the Hearing Examiner, the Director may refer the matter to the City Attorney for the filing of a civil action in superior court, the Seattle Municipal Court, or any other court of competent jurisdiction to enforce such penalty.

Section 2. Subsection 14.04.030.M of the Seattle Municipal Code, which section was last amended by Ordinance 123527, is amended as follows:

14.04.030 Definitions.

M. "Gender identity" means a person's gender-related identity, appearance, or expression, ((~~or physical characteristics,~~)) whether or not traditionally associated with one's biological sex or one's sex at birth, ((~~including, transsexual, transvestite, and transgendered,~~)) and ((~~including~~)) includes a person's attitudes, preferences, beliefs, and practices pertaining thereto.

Section 3. Section 14.06.020 of the Seattle Municipal Code, which section was last amended by Ordinance 123863, is amended as follows:

14.06.020 Definitions.

N. "Gender identity" means a person's gender-related identity, appearance, or expression, ((~~or physical characteristics,~~)) whether or not traditionally associated with one's biological sex or one's sex at birth, ((~~including, transsexual, transvestite, and transgendered,~~)) and ((~~including~~)) includes a person's attitudes, preferences, beliefs, and practices pertaining thereto.

* * *

U. "Place of public accommodation" means any place, licensed or unlicensed, where the public gathers, congregates, or assembles for amusement, recreation or public purposes, or any place, store, or other establishment which supplies goods or services with or without charge to the general public. "Place of public accommodation" includes, but is not limited to, the following types of services or facilities: hotels, or other establishments which provide lodging to transient guests; restaurants, cafeterias, lunchrooms, lunch counters, soda fountains ((~~, public washrooms, public elevators,~~)) or other facilities principally engaged in selling or offering for sale food for consumption upon or off the premises; public restrooms; public elevators; motion picture houses, theatres, concert halls, sport arenas, stadiums or other places of exhibition or entertainment; bowling alleys, pool halls, arcades and amusement parks; retail establishments; transportation carriers; barber shops and beauty shops; bars or taverns or other facilities engaged in selling or offering for sale alcoholic beverages for consumption upon the premises; and public burial facilities.

* * *

Section 4. Subsection 14.08.020.P of the Seattle Municipal Code, which section was last amended by Ordinance 123527, is amended as follows:

14.08.020 Definitions.

P. "Gender identity" means a person's gender-related identity, appearance, or expression, ((~~or physical characteristics,~~)) whether or not traditionally associated with one's biological sex or one's sex at birth, ((~~including, transsexual, transvestite, and transgendered,~~)) and ((~~including~~)) includes a person's attitudes, preferences, beliefs, and practices pertaining thereto.

Section 5. Section 14.10.020 of the Seattle Municipal Code, which section was last amended by Ordinance 123527, is amended as follows:

14.10.020 Definitions.

* * *

"Gender identity" means a person's gender-related identity, appearance, or expression, ((~~or physical characteristics,~~)) whether or not traditionally associated with one's biological sex or one's sex at birth, ((~~including, transsexual, transvestite, and transgendered,~~)) and ((~~including~~)) includes a person's attitudes, preferences, beliefs, and practices pertaining thereto.

* * *

Section 6. Subsection 14.06.030.B, which section was last amended by Ordinance 123863, is amended as follows:

14.06.030 Unfair practices.

B. It is an unfair practice for any person to discriminate in a place of public accommodation by:

1. Requiring, directly or indirectly, any person to pay a larger sum than the usual uniform rates; or

2. Refusing or withholding admission, patronage, custom, presence, frequenting, dwelling, staying, or lodging; or

3. Denying, directly or indirectly, the full enjoyment of any available goods, services, accommodations, facilities, privileges or advantages; or

4. Printing, circulating, issuing, displaying, posting, mailing or otherwise causing, directly or indirectly, to be published a statement, advertisement or sign which

indicates directly or indirectly that the full enjoyment of the goods, services, facilities, privileges, advantages, and accommodations will be refused, withheld, denied or in some manner limited or restricted or that an individual's patronage of or presence at a place of public accommodation is objectionable, unwelcome, unacceptable or undesirable; or

5. Harassing, intimidating, or otherwise abusing any person or person's friends or associates because of race, color, creed, religion, ancestry, national origin, age, sex, marital status, parental status, sexual orientation, gender identity, political ideology, honorably discharged veteran or military status, participation in a Section 8 program, the presence of any disability, the use of a trained dog guide or service animal by a disabled person, or a mother breastfeeding her child with the purpose or effect of denying to such person the rights granted in this chapter; or

6. Harassing, intimidating, retaliating, or obstructing a person in any manner because such person complied with or proposed to comply with this chapter or any order issued under this chapter, or filed a charge or complaint, testified, or assisted in any investigation, proceeding or hearing under this chapter; or

7. Coercing, intimidating, threatening or otherwise interfering with any person in the exercise or enjoyment of or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected under this chapter; or

8. Applying any economic sanctions or denying membership privileges because of compliance with this chapter; or

9. Aiding, abetting, inciting, compelling or coercing the doing of any act defined in this chapter to be an unfair practice; or

10. Attempting to commit any act defined in this chapter to be an unfair practice ((~~.~~)) ; or

11. Denying, directly or indirectly, an individual's right to use gender-specific restrooms and other gender-specific facilities in places of public accommodation including but not limited to dressing rooms, locker rooms, homeless shelters, and group homes that are consistent with the individual's gender identity or expression.

Section 7. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 10th day of August, 2015, and signed by me in open session in authentication of its passage this 10th day of August, 2015.

President _____ of the City Council

Approved by me this 14th day of August, 2015.

Edward B. Murray, Mayor

Filed by me this 14th day of August, 2015.

Monica Martinez Simmons, City Clerk

(Seal)

STATE OF WASHINGTON -- KING COUNTY

--ss.

327873 No.

CITY OF SEATTLE,CLERKS OFFICE

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:124826-834 TITLE ONLY

was published on

08/26/15

The amount of the fee charged for the foregoing publication is the sum of $166.32 which amount has been paid in full.

MELISSA M. DOWD
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
1-31-19

Subscribed and sworn to before me on

08/26/2015

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on August 10, 2015, and published below by title only, will be mailed upon request, or can be accessed at http://clerk.seattle.gov. For information on upcoming meetings of the Seattle City Council, please visit http://www.seattle.gov/council/calendar. Contact: Office of the City Clerk at (206) 684-8344.

Ordinance 124826

AN ORDINANCE authorizing the Mayor to execute an Interlocal Agreement between the City of Seattle, Washington, and the North Highline Fire District that outlines the terms and conditions of payments to the North Highline Fire District to mitigate the financial impacts associated with the City of Seattle's annexation of the Duwamish Annexation Area.

Ordinance 124827

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Ordinance 124828

AN ORDINANCE related to the Seattle Preschool Program; approving a Comprehensive Evaluation Strategy as required by Resolution 31527.

Ordinance 124829

AN ORDINANCE relating to gender identity and all-gender single-occupant restrooms in Seattle; amending the definition of "gender identity" in Sections 14.04.030, 14.06.020, 14.08.020, and 14.10.020 of the Seattle Municipal Code; amending the definition of "place of public accommodation" in Section 14.06.020 of the Seattle Municipal Code; amending Section 14.06.030 of the Seattle Municipal Code to clarify the right of individuals to use gender-specific facilities consistent with their gender identity; and adding a new Chapter 14.07 to the Seattle Municipal Code providing for all-gender restrooms in City-controlled buildings and places of public accommodation and prescribing enforcement procedures.

Ordinance 124830

AN ORDINANCE relating to the coordination of regional green business programs; authorizing the Directors of the Office of Economic Development, Seattle Public Utilities, and the Office of Sustainability and Environment, and the General Manager and Chief Executive Officer of the City Light Department, or their respective designees, to execute a memorandum of agreement between The City of Seattle, King County, by its Department of Natural Resources and Parks, the City of Bellevue, the City of Kirkland, Snohomish County, Puget Sound Energy, and Public Utility District No. 1 of Snohomish County, Washington to establish a regional green business program that coordinates and provides information about environmental sustainability services offered by all parties to the memorandum of agreement; authorizing the Director of the Office of Economic Development to accept funds under the memorandum of agreement, and appropriating and authorizing the disbursement of such funds in support of the regional green business program; increasing appropriations in the 2015 Adopted Budget for The City of Seattle's Office of Economic Development; and ratifying and confirming prior acts, all by a 3/4 vote of the City Council.

Ordinance 124831

AN ORDINANCE relating to the sale of City real property for residential development; authorizing the sale of the site located at 6th Avenue and Yesler Way to Stream Real Estate, LLC; authorizing the Director of Housing to execute, deliver, and administer the contract for sale of land, deed, and related documents; authorizing other actions related to the disposition and use of the property; and ratifying and confirming certain prior acts.

Ordinance 124832

AN ORDINANCE relating to the ground lease between The City of Seattle and Experience Music Project authorized under Ordinance 118336; authorizing the Seattle Center Director to execute a second amendment to the ground lease.

Ordinance 124833

AN ORDINANCE related to imposing a tax on engaging in the business of making retail sales of firearms and ammunition; amending Sections 5.30.010, 5.30.060, 5.55.010, 5.55.040, 5.55.060, 5.55.150, 5.55.165, 5.55.220, and 5.55.230 of the Seattle Municipal Code; and adding a new Chapter 5.50 to the Seattle Municipal Code.

Ordinance 124834

AN ORDINANCE requiring the reporting of lost and stolen firearms; and creating a new Chapter 10.78 of the Seattle Municipal Code.