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Int. No. 621

By Council Members Clarke, DeBlasio, Provenzano, Boyland, Foster, James, Lopez, Reyna, Barron, Brewer, Comrie, Jackson, Koppell, Liu, Martinez, Quinn, Reed, Rivera, Sanders, Vallone, Weprin and Gerson

A Local Law to amend the administrative code of the city of New York, in relation to equal access to bathroom facilities.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. Every woman can recall a situation when she has waited in a long line to use the bathroom, while there was no line for a neighboring men’s restroom. According to studies by Dr. Sandra Rawls on patterns of behavior in the use of bathrooms, it frequently takes women twice as long to use the bathroom as it does men. Under the City’s Building Code, however, places of assembly must provide equal numbers of women’s and men’s water closets. This ignores the reality of the different bathroom usage times of men and women.

The 2003 International Building Code requires approximately twice as many water closets for women

as for men in arenas, auditoriums, drinking places, meeting halls, motion picture theatres, public dance halls, stadiums, and theatres. Numerous jurisdictions, including California, Minnesota, Pennsylvania, Tennessee, Texas, and Washington, have enacted restroom equity laws. Moreover, before being amended, the Building Code Reference Standards Table 16-5 on minimum number of water closets had required more water closets for women than for men.

The Council finds that the absence of sufficient women’s bathrooms in many places of public assembly, and the resultant lines for women’s bathrooms, is one of the most blatant, demeaning, and visible forms of gender discrimination in our society. Accordingly, the Council finds it reasonable and necessary to require that arenas, auditoriums, drinking places, meeting halls, motion picture theatres, public dance halls, stadiums, and theatres provide sufficient women’s bathroom facilities.

§ 2. This local law shall be known as the “Restroom Equity Bill of New York.”

§ 3. Subdivision 1 of Section 27-901 of the administrative code of the city of New York is amended to read as follows:

(l) Required plumbing fixtures. Every dwelling unit in buildings classified in occupancy groups J-2 and J-3 shall have at least one water closet, one lavatory, one kitchen-type sink, and one bathtub or shower. All other buildings shall be equipped with the number and types of plumbing fixtures required by reference standard RS-16[.]; provided, however, that the minimum required number of water closets in any arena, auditorium, drinking place, meeting hall, motion picture theatre, public dance hall, stadium, or theatre shall be in accordance with article eight of this subchapter.

§ 4. Subchapter 16 of chapter one of title 27 of the administrative code of the city of New York is amended by adding a new article eight to read as follows:

ARTICLE 8

MINIMUM NUMBER OF WATER CLOSETS IN CERTAIN PLACES OF PUBLIC ASSEMBLY

§ 27-922.1 Applicability.

§ 27-922.2 Minimum requirements.

§ 27-922.1 Applicability. a. The provisions of this article shall apply to any arena, auditorium, drinking place, meeting hall, motion picture theatre, public dance hall, stadium, or theatre in the following buildings or spaces:

(1) New buildings or spaces;

(2) Existing buildings or spaces that are altered where the cost of making alterations in any twelve-month period shall exceed thirty percent of the value of the building or space; and

(3) Existing buildings or spaces that are altered where the alteration of the building or space results in a change in the occupancy group classification of the building or space under the provisions of subchapter three of this chapter.

b. By January 1, 2005, any arena, auditorium, drinking place, meeting hall, motion picture theatre, public dance hall, stadium, or theatre not subject to section 27-922.2 shall re-designate existing bathrooms for the use by persons of one sex to the other if doing so would produce a ratio of water closets designated for the use of women and men that more closely approximates the ratio of women's to men's water closets required under section 27-922.2.

c. The cost of making alterations and the value of the building or space shall be determined in accordance with section 27-119 of this chapter.

§ 27-922.2 Minimum requirements. a. The number of water closets required for any arena, auditorium, drinking place, meeting hall, motion picture theatre, public dance hall, stadium, or theatre shall be as listed in Table 1.

TABLE 1

<u>Number of Persons</u>	<u>Number of Water Closets for Men</u>	<u>Number of Water Closets for Women</u>
<u>1-150</u>	<u>1</u>	<u>2</u>
<u>151-300</u>	<u>2</u>	<u>4</u>
<u>301-450</u>	<u>3</u>	<u>6</u>

For occupancy by more than 450 persons, there shall be one water closet for men and two water closets for women for each additional 300 persons. The population used to determine the number of water closets required shall be based on the number of people to occupy the space; provided, however, that in no case shall the population be deemed less than that determined by allowing one hundred and twenty-five square feet of floor area per person.

b. Urinals may be provided in bathrooms in lieu of water closets but the number shall not exceed fifty percent of the required number of water closets.

§ 5. This local law shall take effect 90 days after its enactment; except that the commissioner of buildings shall take all actions necessary, including the promulgation of rules, to implement this local law on or before the date upon which it shall take effect.

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