



Legislation Details (With Text)

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**Attachments:** 1. Summary of Int. No. 2447, 2. Int. No. 2447, 3. November 10, 2021 - Stated Meeting Agenda with Links to Files, 4. Hearing Transcript - Stated Meeting 11-10-21, 5. Minutes of the Stated Meeting - November 10, 2021

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Int. No. 2447

By Council Members Dromm and Louis

A Local Law to amend the New York city plumbing code and the New York city building code, in relation to gender-neutral multiple-occupant toilet rooms

Be it enacted by the Council as follows:

Section 1. Section PC 202 of the New York city plumbing code is amended by adding a new definition of “MULTIPLE-OCCUPANT TOILET ROOM” in alphabetical order to read as follows:

**MULTIPLE-OCCUPANT TOILET ROOM.** A toilet room with a configuration of multiple fixtures, whether directly available in such room or solely accessible through such room, to facilitate the simultaneous use of such toilet room by two or more persons.

§ 2. The definition of “SINGLE-OCCUPANT TOILET ROOM” in section PC 202 of the New York city plumbing code, as amended by local law number 79 for the year 2016, is amended to read as follows:

**SINGLE-OCCUPANT TOILET ROOM.** [A toilet room with no more than one water closet and no more than one urinal.] An enclosed space defined by walls and having a securable door that does not

contain fixtures in excess of one water closet, one urinal, and one lavatory which is intended to be used by a single individual independently or an individual requiring assistance.

[Exception: A toilet room with one urinal and a door to such room that is not securable from within.]

§ 3. Table 403.1 of the New York city plumbing code is amended to read as follows:

**TABLE 403.1**  
**MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES<sup>a</sup>**

(See Sections 403.2 and 403.3)

N O.	CLASSIFICATIO N	OCCUPANC Y <sup>i</sup>	DESCRIPTION	WATER CLOSETS (URINALS & SECTION 403.1)		LAVATORIES		BATH TUBS/ SHOW ERS	DRINKIN G FOUNTAI N (SEE SECTION 410.1) <sup>e,f</sup>	OTHER
				[MAL E]	[FEM E]	[MAL E]	[FEMA E]			
1	Assembly	A-1 <sup>d</sup>	Theaters and other buildings for the performing arts and motion pictures	1 per [70] 54 for the first [210] 220 and 1 per [125] 210 for the remainder exceeding [210] 220	[1 per 210 and per 65 the remainder exceed [210] 210]	1 per 200		-	1 per 500	1 service sink
		A-2 <sup>d</sup>	Nightclubs, bars <sup>g</sup> , taverns, dance halls and buildings for similar purposes	1 per [55] 55 <sup>i</sup>	[1 per 75]	1 per 75		-	1 per 500	1 service sink
			Restaurants <sup>h</sup> , banquet halls and food courts	1 per 75	[1 per 200]	1 per 200		-	1 per 500	1 service sink
		A-3 <sup>d</sup>	Auditoriums without permanent seating, art galleries, exhibition halls, museums, lecture halls, libraries, arcades and gymnasiums	1 per [70] 54 for the first [210] 220 and 1 per [125] 210 for the remainder exceeding [210] 220	[1 per 210 and per 65 the remainder exceed [210] 210]	1 per 200		-	1 per 500	1 service sink
			Passenger terminals and transportation facilities	1 per 500	[1 per 750]	1 per 750		-	1 per 1,000	1 service sink

			Places of worship and other religious services	1 per [150]	[1 per 50]	1 per 200	-	1 per 1,000	1 service sink
		A-4	Coliseums, arenas, skating rinks, pools and tennis courts for indoor sporting events and activities	1 per [75] for the first 1,500 and 1 per [1280] for the remainder exceeding 1,500	[1 per 50] for the first 1,500 and 1 per [1280] for the remainder exceeding 1,500	1 per 200	[1 per 100]	1 per 1,000	1 service sink
		A-5	Stadiums, amusement parks, bleachers and grandstands for outdoor sporting events and activities	1 per [75] for the first 1,500 and 1 per [1280] for the remainder exceeding 1,500	[1 per 50] for the first 1,520 and 1 per [1280] for the remainder exceeding 1,520	1 per 200	[1 per 100]	1 per 1,000	1 service sink
2	Business	B <sup>k</sup>	Buildings for the transaction of business, professional services, other services including merchandise, office buildings, banks, light industrial and similar uses	No. of persons No. of [for each sex] fixtures 1-20 1-20 21-45 21-45 46-70 46-70 71-100 71-100 4 101-140 5 141-190 6 1 fixture for each additional persons	No. of persons [for each sex] fixtures 1-25 1-25 26-50 26-50 75 75 3 75 4 116-160 fixture for each additional 60 persons	-	-	1 per 100	1 service sink
3	Educational	E	Educational facilities	1 per 50	1 per 50	-	-	1 per 100	1 service sink
4	Factory and industrial	F-1 and F-2	Structures in which occupants are engaged in work fabricating, assembly or processing of products or materials	1 per 100	1 per 100	(see Section 411)	-	1 per 400	1 service sink
5	Institutional	I-1 <sup>m</sup>	Residential care	1 per 10	1 per 10	1 per 8	-	1 per 100	1 service sink
		I-2	Hospital ambulatory nursing home patients	1 per room <sup>c</sup>	1 per room <sup>c</sup>	1 per 15	-	1 per 100	1 service sink per floor
			Employees, other than residential care <sup>b</sup>	1 per 25	1 per 35	-	-	1 per 100	-
			Visitors, other than residential care	1 per 75	1 per 100	-	-	1 per 500	-
		I-3	Prisons <sup>b</sup>	1 per cell	1 per cell	1 per 15	-	1 per 100	1 service sink
			Reformatories, detention centers, and correctional centers <sup>b</sup>	1 per 15	1 per 15	1 per 15	-	1 per 100	1 service sink

			Employees <sup>b</sup>	1 per 25	1 per 35	-	1 per 100	-
		I-4	Adult day care and Childcare	1 per 15	1 per 15	1 per 15	1 per 100	1 service sink
6	Mercantile	M	Retail stores, service stations, shops, salesrooms, markets and shopping centers	1 per 500	1 per 750	-	1 per 1,000	1 service sink
7	Residential	R-1 <sup>m</sup>	Hotels, motels, boarding houses (transient)	1 per guestroom	1 per guestroom	1 per guestroom	-	1 service sink
		R-1 <sup>m</sup>	Dormitories, fraternities, sororities and boarding houses (not transient)	1 per 10	1 per 10	1 per 8	1 per 100	1 service sink
		R-2 <sup>m</sup>	Apartment house	1 per dwelling unit	1 per dwelling unit	1 per dwelling unit	-	1 kitchen sink per dwelling unit; 1 automatic clothes washer connection per 20 dwelling units
		R-3	One- and two-family dwellings	1 per dwelling unit	1 per dwelling unit	1 per dwelling unit	-	1 kitchen sink per dwelling unit; 1 automatic clothes washer connection per dwelling unit
		R-3 <sup>m</sup>	Congregate living facilities with 16 or fewer persons	1 per 10	1 per 10	1 per 8	1 per 100	1 service sink
8	Storage	S-1 and S-2	Structures for the storage of goods, warehouses, storehouse and freight depots. Low and moderate hazard	1 per 100	1 per 100	See Section 411	1 per 1,000	1 service sink

- a. The fixtures shown are based on one fixture being the minimum required for the number of persons indicated. Any fraction of the number of persons requires an additional fixture. The number of occupants shall be determined by the *New York City Building Code*.
  - b. Toilet facilities for employees shall be separate from facilities for inmates or patients
  - c. A single-occupant toilet room with one water closet and one lavatory serving not more than two adjacent patient sleeping units shall be permitted where such room is provided with direct access from each patient sleeping unit and with provisions for privacy.
  - d. The occupant load for seasonal outdoor seating and entertainment areas shall be included when determining the minimum number of facilities required.
  - e. The minimum number of required drinking foundations shall comply with table 403.1 and Chapter 11 of the *New York City Building Code*.
  - f. Drinking fountains are not required for an occupant load of 15 or fewer.
  - g. For the purposes of this table only, "Bar" shall mean a business establishment or a portion of a nonprofit entity devoted primarily to the selling and serving of alcoholic beverages for consumption by the public, guests, patrons, or members on the premises and in which the serving of food is only incidental.
  - h. The total number of occupants for a single establishment comprising of a restaurant with an accessory bar shall be considered as a restaurant for the purposes of determining the minimum number of plumbing fixtures.
  - i. As per the *New York City Building Code*.
  - j. The requirements for the number of water closets for a total occupancy of 150 persons or fewer shall not apply to bars except that, subject to the requirements of [Section] Sections 403.2 and 403.2.1, there shall be [at least one water closet for men and at least one water closet for women or] at least two [single-occupant toilet rooms] water closets.
  - k. The number of fixtures for building or nonaccessory tenant space used for assembly purposes by fewer than 75 persons and classified as Group B occupancy in accordance with Section 303.1, Exception 2 of the *New York City Building Code* shall be permitted to be calculated in accordance with the requirements for Assembly occupancies.
  - m. In addition to the requirements of Table 403.1, residential occupancies I-1, R-1, R-2, and R-3 shall provide fixtures in compliance with the requirements of Section 614 for emergency drinking water access.
- § 4. Section 403.1.1 of the New York city plumbing code is amended to read as follows:

**§ 403.1.1 Fixture calculations.** [Where separate fixture ratios are provided to male and female individually in Table 403.1, the total occupant load shall first be divided in half before the corresponding

fixture ratio is applied individually to each sex. Where a single fixture ratio is provided to the total occupant load in Table 403.1, such ratio shall be applied to the total occupant load including both male and female before dividing the resulting number of fixtures equally between male and female.] Fractional numbers resulting from applying the fixture ratios of Table 403.1 shall be rounded up to the next whole number. For calculations involving multiple occupancies, such fractional numbers for each occupancy shall first be summed and then rounded up to the next whole number. Fixture calculations in Group B office occupancies shall utilize the total occupant load on a given floor to determine the number of fixtures required for that floor.

[**Exception:** The total occupant load shall not be required to be divided in half where approved statistical data indicates a distribution of the sexes of other than 50 percent of each sex.]

§ 5. Section 403.1.2 of the New York city plumbing code is REPEALED and a new section 403.1.2 is added to read as follows:

**§ 403.1.2 Additional fixtures.** Fixtures provided in addition to those required pursuant to Table 403.1 for any occupancy listed therein shall be available for use by persons of any sex in accordance with section 403.2 or section 403.2.1 of the plumbing code, or section 1109.2.1 of the building code, as applicable.

§ 6. Section 403.1.3 of the New York city plumbing code, as added by local law number 79 for the year 2016, is REPEALED.

§ 7. Section 403.2 of the New York city plumbing code is REPEALED and a new section 403.2 is added to read as follows:

**§ 403.2 Multiple-occupant toilet rooms.** All water closets and urinals in multiple-occupant toilet rooms shall be enclosed within single-occupant toilet rooms and available for use by persons of any sex.

**Exception:** Where egress from a multiple-occupant toilet room is through a room permissibly restricted by sex.

§ 8. Section 403.4 of the New York city plumbing code, as amended by local law number 79 for the year 2016, is amended to read as follows:

**§ 403.4 Signage.** Required public facilities shall be designated by a legible sign for each sex where separate facilities are permissible or, for a single-occupant toilet room or applicable multiple-occupant toilet room, for all sexes. Signs shall be readily visible and located near the entrance to each toilet facility. [Existing single-occupant toilet rooms shall comply with this requirement by January 1, 2017.]

§ 9. Section 405.3.2 of the New York city plumbing code, as added by local law number 99 for the year 2005, is amended to read as follows:

**§ 405.3.2 Public lavatories.** In employee and public single-occupant toilet rooms, the required lavatory shall be located in the same room as the required water closet. In employee and public multiple-occupant

toilet rooms, the required lavatories shall be located either (i) in each single-occupant toilet room within such multiple-occupant toilet room as required pursuant to section 403.2 or (ii) in a location equally accessible to all persons within such multiple-occupant toilet room.

§ 10. Section 419.2 of the New York city plumbing code, as added by local law number 99 for the year 2005, is amended to read as follows:

**§ 419.2 Substitution for water closets.** In each bathroom or toilet room, urinals shall not be substituted for more than [50 percent] one-third of the required water closets. In a multiple-occupant toilet room, a urinal shall not be substituted for a water closet unless such multiple-occupant toilet room contains three or more single-occupant toilet rooms.

§ 11. Section 1109.2.1 of the New York city building code is amended to read as follows:

**§ 1109.2.1 Family or assisted-use toilet and bathing rooms.** In assembly and mercantile occupancies, an accessible family or assisted-use toilet room shall be provided where an aggregate of six or more [male and female] water closets is required. In buildings of mixed occupancy, only those water closets required for the assembly or mercantile occupancy shall be used to determine the family or assisted-use toilet room requirement. In recreational facilities where separate-sex bathing rooms are provided, an accessible family or assisted-use bathing room shall be provided. Fixtures located within family or assisted-use toilet and bathing rooms required by this section are permitted to be included in the number of fixtures required by the *New York City Plumbing Code* [for either the male or female occupants].

**Exception:** Where each separate-sex bathing room has only one shower or bathtub fixture, a family or assisted-use bathing room is not required.

§ 12. Section 1109.2.2 of the New York city building code is amended to read as follows:

**§ 1109.2.2 Water closet compartment.** Where water closet compartments are provided in a multiple-occupant toilet room or bathing room, at least one wheelchair-accessible compartment shall be provided. Where the combined total water closet compartments and urinals provided in a multiple-occupant toilet room or bathing room is six or more, at least one ambulatory-accessible water closet compartment shall be provided in addition to the wheelchair-accessible compartment. Wheelchair-accessible and ambulatory-accessible compartments shall comply with ICC A117.1 including Section 604.9 (Wheelchair Accessible Compartments) and 604.10 (Ambulatory Accessible Compartments).

§ 13. Item 4 of section 1110.2 of the New York city building code, as amended by local law number 79 for the year 2016, is amended to read as follows:

4. At each separate-sex toilet and bathing room and inaccessible single-occupant or multiple-occupant toilet room indicating the location of the nearest accessible family or assisted-use toilet or bathing room where provided in accordance with Section 1109.2.1.

§ 14. This local law takes effect one year after it becomes law, except that the commissioner of buildings, the commissioner of health and mental hygiene and the commissioner of consumer affairs may take

all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

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