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**SENATE COMMITTEE ON HOUSING**  
**Senator Scott Wiener, Chair**  
**2021 - 2022 Regular**

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<b>Bill No:</b>	SB 1194	<b>Hearing Date:</b>	4/27/2022
<b>Author:</b>	Allen		
<b>Version:</b>	4/19/2022 Amended		
<b>Urgency:</b>	No	<b>Fiscal:</b>	No
<b>Consultant:</b>	Mehgie Tabar		

**SUBJECT:** Public restrooms: building standards

**DIGEST:** This bill allows a city, county, or city and county to require public restroom facilities to be designed to serve all genders, as specified.

**ANALYSIS:**

*Existing law:*

- 1) Establishes the California Building Standards Commission (CBSC) within the Department of General Services.
- 2) Requires the commission to approve and adopt building standards and to codify those standards in the California Building Standards Code (Title 24).
- 3) Requires a public agency, as defined, that serves the public or is open to the public and maintains toilet facilities to make those facilities available to the public free of charge.
- 4) Requires in the California Plumbing Code that separate toilet facilities shall be provided for each sex. For single use toilet facilities, the California Plumbing Code requires that each be identified with signage indicating use by either sex.

**This bill:**

- 1) Authorizes a city, county, or city and county to require, by ordinance or resolution, public restroom facilities within its jurisdiction to be designed and constructed with single-user toilet compartments and identified for use by all genders.
- 2) Requires public restroom facilities to be designed to serve all genders and meet all of the following requirements:

- a) Location along open circulation paths that maintain privacy and allow for high visibility.
  - b) Water closets designed as single-user compartments, for use by one occupant at a time or for family or assisted use.
  - c) Water closets enclosed on all sides by walls or partitions from the floor to ceiling.
  - d) Urinals located in either in an area visually separate from the remainder of the facility or in individual compartments.
  - e) Lavatories located in either the same compartment or grouped in an immediately adjacent common use area accessible to all users.
  - f) Adequate light and ventilation within each compartment and each area of the facility.
  - g) Signage identifying the toilet facilities and compartments for use by all genders.
- 3) Requires that all single-use toilet facilities comply with Title 24.
  - 4) Provides that adoption or resolution of single-use toilet facilities shall not be construed with requiring or authorizing a reduction in:
    - a) The total number of plumbing fixtures under Title 24.
    - b) The number of toilet facilities accessible to persons with disabilities require under the Title 24 or federal Americans with Disability Act.
  - 5) Authorizes a city, county, or city and county to exclude certain occupancies from the requirements in this bill.

**COMMENTS:**

- 1) *Author's statement.* According to the author, "California has led the nation in ensuring that safe, accessible, gender-neutral restroom facilities are available to visitors of most public places. However, for more proactive cities and counties, existing statutes have limited their authority to explore innovative methods of expanding access and efficiency. Senate Bill 1194 gives local governments the

ability to adopt ordinances or resolutions that require the construction of multiple-stall gender-neutral restrooms in places of newly constructed or majorly renovated public accommodation within their jurisdiction. By empowering local governments to set requirements at the local level, SB 1194 will help cities and counties meaningfully build on their commitment to creating safe and accessible environments for transgender and gender non-conforming people as well as people with disabilities and personal caregivers for children and adults.”

- 2) *Building codes in statute.* Title 24 serves as the basis for the design and construction of buildings in the state. California’s building codes are published in their entirety every three years; intervening code adoption cycles produce supplement pages halfway (18 months) into each triennial period. Amendments to California’s building standards are subject to a lengthy and transparent public participation process throughout each code adoption cycle. Through this process, relevant state agencies propose amendments to building codes, which the CBSC must then adopt, modify, or reject.
- 3) *California Plumbing Code.* Title 24 and California Plumbing Code are informed by the Uniform Plumbing Code, which similarly requires that separate toilet facilities shall be provided for each sex. This eliminates the option for jurisdictions to require public restroom facilities in new commercial or public accommodation spaces to be designed to serve all genders. In contrast, the International Plumbing Code, allows for exceptions to this requirement—“Distribution of the sexes is not required where single-user water closets and bathroom room fixtures are provided...”
- 4) *Local government responsibilities and authority.* Except for building occupancies subject to state agency enforcement, local government must enforce Title 24 as published by CBSC. Examples of buildings subject to state enforcement include hospitals, prisons, state government buildings, University of California buildings, California State University buildings, and community college buildings. Most other building types and occupancies are subject to local enforcement.

The majority of local governments adopt the published Title 24 by reference in local ordinances. This is commonly called an adoption ordinance. If a local government does not adopt Title 24 by local ordinance, Title 24 becomes the applicable code by default.

Various state laws authorize local governments to adopt local ordinances that make amendments to the building standards of Title 24. A local ordinance

amendment that relates to the implementation or enforcement of a building standard necessitates an express findings that the amendment is reasonably necessary because of local climatic, geological, topographic, or environmental conditions.

To be enforceable, an amendment must be filed with the CBSC. Allowing a jurisdiction to adopt ordinances or resolutions that require the construction of multiple-stall gender-neutral restrooms does not fit into the findings criteria for local climatic, geological, or topographical condition and cannot be enforceable without a proper CBSC filing. Therefore, if a jurisdiction wants to enforce a multi-stall gender neutral restroom requirement, an amendment to Title 24 would be necessary, as proposed in this bill.

- 5) *Broad benefits of gender-neutral restrooms.* Research has shown that transgender and other gender-nonconforming people, including nonbinary, experience violence and harassment when using gender-separated toilet facilities.<sup>1</sup> In order to address these attacks, allowing jurisdictions the ability to require gender-neutral restrooms is important to create more inclusive, equal, and safe environments for everyone. Yet, the benefits of public restroom facilities designed to serve all genders is much broader—reducing average wait times for everyone for restrooms, reducing the number of facilities and cutting costs without increasing wait times, and improving designs and behavioral strategies to overcome resistance.<sup>2</sup>

This bill would provide a cost-effective, beneficial-for-all solution for jurisdictions who want to require inclusive, equal, and safe restrooms through multiple-stall gender-neutral facilities.

#### **RELATED LEGISLATION:**

**AB 1732 (Ting, Chapter 818, Statutes of 2016)** — required all single-user toilet facilities in any business establishment, place of public accommodation, or government agency to be identified as all-gender toilet facilities, as specified.

**FISCAL EFFECT:** Appropriation: No    Fiscal Com.: No    Local: No

**POSITIONS:** (Communicated to the committee before noon on Thursday, April 21, 2022.)

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<sup>1</sup> Luc Bovens and Alexandru Marcoci. *The gender-neutral bathroom: A new frame and some nudges.* (Behavioural Public Policy, July 2020). <https://doi.org/10.1017/bpp.2020.23>

<sup>2</sup> Ibid.

**SUPPORT:**

City of West Hollywood (Co-sponsor)  
The TransLatin@ Coalition (Co-sponsor)

**OPPOSITION:**

None received.

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