



STATE OF WASHINGTON

STATE BUILDING CODE COUNCIL

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THIS IS A DRAFT

Purpose of Document: To address an amendment to WAC 51-50-2900 (2902.2)

Requested Action: Review and edit this document or propose an alternate strategy

Due Date: July 13, 2018

June 29, 2018 - Richard Brown

Background: On June 20th the TAG requested Jyoti and staff revisit WAC 51-50-2900 (2902.2). L.K. Langley with Western Washington University agreed to help.

WAC 51-50-2900 Revision Options

Chapter 29—Plumbing systems.

Option 1: Strike existing 2015 amendment and go with 2018 language.

~~**Amendment: 2902.2 Separate facilities.** Where plumbing fixtures are required, separate facilities shall be provided for each sex.~~

~~**EXCEPTIONS:**~~

- ~~1. Separate facilities shall not be required for dwelling units and sleeping units~~
- ~~2. Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of 15 or less~~
- ~~3. Separate facilities shall not be required in mercantile occupancies in which the maximum occupant load is 100 or less~~
- ~~4. Separate facilities shall not be required in spaces primarily used for drinking or dining with a total occupant load, including both employees and customers, of 30 or fewer~~

2018 IBC Language (Red-Lined Version):

[P] 2902.2 Separate facilities.

Where plumbing fixtures are required, separate facilities shall be provided for each sex.

Exceptions:

1. Separate facilities shall not be required for *dwelling units* and *sleeping units*.
2. Separate facilities shall not be required in structures or tenant spaces with a total *occupant load*, including both employees and customers, of 15 or fewer.

[Type here]

3. Separate facilities shall not be required in mercantile occupancies in which the maximum occupant load is 100 or ~~less~~ fewer.

4. Separate facilities shall not be required in business occupancies in which the maximum occupant load is 25 or fewer. .

Rational for proposed change: To address Option 2

Gender-segregated facilities.

(1) **Facility use.** All covered entities shall allow individuals the use of gender-segregated facilities, such as restrooms, locker rooms, dressing rooms, and homeless or emergency shelters, that are consistent with that individual's gender expression or gender identity.

In such facilities where undressing in the presence of others occurs, covered entities shall allow access to and use of a facility consistent with that individual's gender expression or gender identity.

(2) **Cannot require use inconsistent with gender expression or gender identity.** A covered entity shall not request or require an individual to use a gender-segregated facility that is inconsistent with that individual's gender expression or gender identity, or request or require an individual to use a separate or gender-neutral facility.

(a) If another person expresses concern or discomfort about a person who uses a facility that is consistent with the person's gender expression or gender identity, the person expressing discomfort should be directed to a separate or gender-neutral facility, if available.

(b) Any action taken against a person who is using a restroom or other gender-segregated facility, such as removing a person, should be taken due to that person's actions or behavior while in the facility, and must be unrelated to gender expression or gender identity. The same standards of conduct and behavior must be consistently applied to all facility users, regardless of gender expression or gender identity.

(3) Provision of options encouraged. Whenever feasible, covered entities are encouraged to provide options for privacy, such as single-use gender-neutral bathrooms or private changing areas, that are available to any individual desiring privacy.

To address this, some institutions are migrating to non-gendered full height restrooms as well as to be sensitive to non-gender issues.

Option 2: Allow (not mandate) all gender option in lieu of mandating segregating genders. (Allow all or nothing option.)

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2. Separate facilities shall not be required in structures or tenant spaces with a total *occupant load*, including both employees and customers, of 15 or fewer.
3. Separate facilities shall not be required in mercantile occupancies in which the maximum occupant load is 100 or fewer.
4. Separate facilities shall not be required in business occupancies in which the maximum occupant load is 25 or fewer. .

[Type here]

5. Separate facilities shall not be required as long as there is not a reduction in fixtures required for separate facilities. Use full height toilet partitions around water closets and urinals in multiple occupant restrooms. Except ADA stalls.

Option 3: Allow a portion of all gender fixtures to count toward the required number of fixtures. (Must provide some segregated facilities)

[P] 2902.2 Separate facilities.

Where plumbing fixtures are required, separate facilities shall be provided for each sex.

Exceptions:

1. Separate facilities shall not be required for *dwelling units* and *sleeping units*.
2. Separate facilities shall not be required in structures or tenant spaces with a total *occupant load*, including both employees and customers, of 15 or fewer.
3. Separate facilities shall not be required in mercantile occupancies in which the maximum occupant load is 100 or fewer.
4. Separate facilities shall not be required in business occupancies in which the maximum occupant load is 25 or fewer.
5. All gender facility fixtures can count toward the required number of fixtures but not more than **50 percent**. Use full height toilet partitions around water closets and urinals in multiple occupant restrooms. Except ADA stalls. Separate gender facilities must be provided. **{The percentage chosen should be discussed.}**