



Policy Type: Board

Category: Facilities

Policy Name: Restroom Access – Board Policy 3.62

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3.62 RESTROOM ACCESS (Adopted 3-14-17)

Policy Summary

In accordance with the County's Policy Against Discrimination, Harassment, and Retaliation, the County of Santa Clara seeks to ensure that every visitor to County facilities has meaningful access to County programs, services, and facilities. To further this goal, the County shall strive to provide adequate and necessary access to restroom facilities to all members of the public visiting County facilities as well as to all employees.

The Board of Supervisors recognizes that transgender and gender-nonconforming persons may experience harassment in public restrooms, or in restrooms at their places of work. Required use of gender-specific restrooms can create unnecessary risks of transgender and gender-nonconforming individuals being denied access, verbally harassed, or physically assaulted in these facilities. These experiences, in turn, may deter participation in public life, and may discourage those individuals from seeking resources and services.

The Board recognizes that the provision of all-inclusive restrooms reduces these risks, and also benefits the wider community. All-inclusive restrooms provide universal access for families with children, people with disabilities



who rely upon personal care assistance from an attendant or family member, and seniors who require assistance or supervision.

All-inclusive restrooms become essential to individuals in the process of transitioning and for those whose gender identity is non-binary. The mission for the County of Santa Clara includes, "to plan for the needs of a dynamic community, provide quality services, and promote a healthy, safe and prosperous community for all." As such, the County takes measures to ensure inclusion, promote diversity, and strive toward equity for our community relevant to race, color, sex, religion, gender, sexual orientation, ability, and all of the protected classes in the State of California.

Within the constraints of the California Building Standards Code, it is the policy of the Board of Supervisors that:

- (A) Individuals shall have the right to use gender-specific restrooms at County facilities that are consistent with and appropriate to their gender identity, regardless of their sex assigned at birth, anatomy, medical history, appearance, or the sex indicated on their identification.
- (B) Individuals shall not be required to provide medical or legal documentation of their gender to have access to gender-specific restrooms at County facilities, except in situations where all persons are asked to verify their gender.
- (C) For construction of new County-owned buildings where restrooms are provided, the County must include at least one all-inclusive restroom in the building, and it must be accessible to both members of the public and County employees. For purposes of this policy, "County-owned" includes buildings designed and/or built by third parties that are to become property of the County upon completion. This requirement will apply only to the construction of County-owned buildings beginning design on or after the date of adoption of this policy.



- (D) When extensive renovations are made to either restrooms or one or more of the floors of an existing County-owned building that does not already contain an all-inclusive restroom, the project shall include an all-inclusive restroom. For the purposes of this policy, “extensive renovations” is defined as when the construction cost for the renovation exceeds 50% of the replacement cost of the area being renovated. This requirement will apply only to renovation of County-owned buildings beginning design on or after the date of adoption of this policy.
- (E) All-gender signage and wayfinding notices in County facilities shall comply with the all-gender restroom signage standard that incorporates universal symbols and be posted in public locations. All single-user restrooms shall be identified as all-gender restrooms by signage and be designated for use by no more than one occupant at a time or for family or assisted use.
- (F) In instances where hardship may preclude full compliance with these guidelines, a waiver from this policy may be approved by the County Executive or designee. For example, if it is determined to be physically impracticable to provide an all-inclusive restroom in a County building, the County may elect to provide an all-inclusive restroom in a nearby building. For purposes of this policy, “nearby” is defined as a building within two minutes of pedestrian travel between building entrances.

The Board of Supervisors delegates to the County Executive the responsibility to implement this policy.

Related Policies

- Design Standard for All-Inclusive Restrooms in New Construction of County-Owned Facilities
<https://saecommon.sccgov.org/countypolicy/Design-Standard-for-All-Inclusive-Restrooms.pdf>



Related Forms and Information

None.

Revision History

Date	Changes Made
3/14/2017	Policy Adopted. View legislative file.