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# Mayor de Blasio Mandates City Facilities Provide Bathroom Access to People Consistent with Gender Identity

March 7, 2016

***Mayor's Executive Order makes New York City a leader in protecting transgender and gender non-confirming individuals from discrimination***

***Executive Order protects the right of every New Yorker to use City single-sex facilities consistent with their gender identity***

**NEW YORK**—Mayor Bill de Blasio today signed an Executive Order requiring City agencies to ensure that employees and members of the public are given access to City single-sex facilities consistent with their gender identity, without being required to show identification, medical documentation, or any other form of proof or verification of gender.

“Every New Yorker should feel safe and welcome in our city – and this starts with our City buildings. Access to bathrooms and other single-sex facilities is a fundamental human right that should not be restricted or denied to anyone. New York City is proud to enforce one of the strongest human rights laws in the country, which protects the rights of transgender and gender non-confirming individuals to live freely and with respect,” said **Mayor Bill de Blasio**.

**Mayor de Blasio** said, “Today’s order makes it clear that New York City fully supports the right of every New Yorker to use the single-sex facility consistent with their gender identity. New York City is the birthplace of the fight for LGBT rights, and we continue to lead in that fight so every New Yorker can live with dignity.”

The Executive Order follows recent legal enforcement guidance issued by the NYC Commission on Human Rights, which clarifies that any employer, housing provider or public accommodation that denies access to bathroom or single sex facilities based on gender identity can be prosecuted for violating the NYC Human Rights Law. Gender identity has been a protected class under the Law since

2002, when it was added to the NYC Human Rights Law following an amendment sponsored by then Council Member Bill de Blasio.

The new Executive Order applies to City-owned buildings, including City agency offices, public parks, pools, playgrounds, certain museums and recreation centers. The Executive Order allows all individuals, including NYC's approximately 25,000 transgender and gender non-conforming individuals, to freely use City single-sex facilities consistent with their gender identity.

In a nationwide survey conducted by the National Center for Transgender Equality and the National Gay and Lesbian Task Force, one in four respondents reported being denied equal treatment or service in government agencies or when interacting with City officials, in retail stores, and in doctor's offices or hospitals. 22 percent reported being denied access to appropriate bathrooms at work, and 26 percent reported being denied access to bathrooms in an educational setting.

With the Mayor's Executive Order, NYC will serve as a model to governments across the country.

The Executive Order requires City agencies to:

- Post the new single-sex facility policy in conspicuous locations for employees and members of the public to see within three months;
- Train managers on the policy within one year and frontline staff within two years;
- Update agency Equal Employment Opportunity (EEO) plans to incorporate training requirements within three months, and
- Report steps taken to comply with today's Executive Order to the Department of Citywide Administrative Services (DCAS) pursuant to EEO reporting requirements.

DCAS has developed a training to assist agencies in meeting the EEO reporting requirement. The Commission is also partnering with The LGBT Community Center to offer educational workshops to City agencies, advocacy organizations, and businesses about how to comply with the City Human Rights Law, best practices, and cultural competency to avoid indirect discrimination.

City agencies must comply with the Mayor's order immediately, or seek an exemption of certain provisions of the Executive Order through a request to the Commission on Human Rights. In those cases, the Office of the Mayor and the Commission will work closely with City agencies to address compliance concerns.

"At this very moment, Americans are bombarded with communications that go against everything New Yorkers stand for – with speeches and commercials coded to incite fear and promote exclusion. That type of attitude doesn't cut it here. New Yorkers know that to safeguard our individual rights, we must stand up for the rights of others – and we will," said **First Lady Chirlane McCray**. "Every day, no matter where they go, transgender and gender non-conforming New Yorkers are burdened with worry, that when they need the certainty of privacy for personal needs, it won't be there for them. Today, we take a step towards equity for those New Yorkers."

"Today, New York City sets an example for cities across the nation," said **Counsel to the Mayor Maya Wiley**. "All city residents must be able to use facilities, no matter their gender identity. By ensuring that a single bathroom can be used by anyone, we make our public spaces equally available to everyone and relieve the stress and exclusion of our transgender friends and neighbors, who would otherwise be forced to deny who they are in the most basic ways. While other cities consider laws that deny this

basic human right, New York City stands with our transgender residents' right to be who they are, free from discrimination. We hope that other cities follow New York City's lead."

"Every person deserves the right to use the bathroom safely and free from discrimination," said **Commission on Human Rights Commissioner and Chair Carmelyn P. Malalis**. "Denying them that right is unhealthy, inhumane and unacceptable. The NYC Commission on Human Rights applauds the Mayor's Executive Order today, which should be the gold standard in gender identity protections across every city and state in the country. The Commission will continue to vigorously enforce gender identity and expression protections under the City Human Rights Law, which requires all employers, housing providers and public accommodations to allow individuals to use the bathroom consistent with their gender identity, and looks forward to working with the Mayor's Office, City Council members, and advocates to further strengthen the rights of every New Yorker."

"Every New Yorker deserves the right to use the bathroom in peace, regardless of their gender," said **Executive Director of the Commission on Gender Equity Azadeh Khalili**. "For far too long, transgender and gender non-conforming communities have suffered discrimination and violence for being who they are. Today, however, New York City stands with these communities and sends a clear message that gender discrimination will not be tolerated. I look forward to working with the NYC Commission on Human Rights and other City agencies and advocates to ensure stronger protections for all vulnerable communities."

"Access to safe bathroom facilities is critical for success in employment, health care and housing – all important priorities for our agency," said **Human Resources Administration Commissioner Steven Banks**. "Mayor de Blasio's Executive Order is a significant step in protecting the rights of transgender New Yorkers, and improving the resources for all City agencies to support this already vulnerable community."

"Some in our society are still fighting for the most basic of human rights. The Mayor's Executive Order signifies that the transgender community will be treated with respect and dignity in our municipal facilities," said **Citywide Administrative Services Commissioner Lisette Camilo**. "Additionally, through our Office of Citywide Diversity, we will ensure that New York City is leading by example through training for all of our employees."

**Schools Chancellor Carmen Fariña** said, "This is an important step to ensure that we are creating a safe and supportive environment for transgender and gender non-conforming students and staff. The Mayor's policy supports the preferences that we have heard in our schools and we are working to ensure the facilities in our buildings are inclusive of all genders over the coming months."

"All New Yorkers deserve to be recognized and respected for who they are," said **Children's Services Commissioner Gladys Carrión**. "At ACS, we are committed to promoting services and a workplace that is inclusive and free of discrimination. This Executive Order values the diversity of our great city and supports the health, safety and well-being of all New Yorkers."

"NYC Parks was an early leader in making our accommodations safe and accessible to people of all gender expressions. That's why we are proud to stand with Mayor de Blasio as he announces this important step to block discrimination in public facilities," said **Parks Commissioner Mitchell J. Silver, FACIP**.

"NYC Health + Hospitals is a leader in LGBTQ care and the public health system is fully committed to the principles of equality embodied in the Mayor's Executive Order," said **President and CEO of NYC**

**Health + Hospitals Dr. Ram Raju.** “We will continue to provide quality and affordable care with a positive patient experience to all New Yorkers, regardless of their gender or immigration status.”

Trans-inclusive bathroom policies have encountered opposition in municipalities nationwide. Opponents often inaccurately link inclusive policies to hypothetical scenarios of men falsely presenting themselves as transgender females in order to attack women in bathrooms. Several states such as Missouri, Tennessee, Virginia, Oklahoma and Washington are considering or have introduced bills that target transgender and gender non-conforming people, some by imposing a fine for or criminalizing the act of a transgender person accessing public restrooms. However, law enforcement officials, government employees, and domestic violence experts in 12 states that have laws prohibiting gender identity discrimination in public accommodations have reported zero bathroom attacks. In fact, evidence suggests that transgender people themselves are more likely to be the victims of physical and sexual assaults. In the last month, Charlotte, North Carolina passed local legislation similar to Mayor de Blasio’s Executive Order, and Governor of South Dakota Republican Dennis Daugaard vetoed legislation that would have prevented public school students from accessing the bath room and locker rooms that correlate to their gender identity.

Denying bathroom access to individuals can lead to serious physical injury or illness, according to the Occupational Safety and Health Administration. A 2013 survey by The Williams Institute found that the majority of transgender people surveyed reported adverse health effects from trying to avoid public restroom use, including dehydration, kidney infections, and urinary tract infections. Additionally, 58 percent of people reported that they have avoided going out in public due to a lack of safe public restroom facilities.

In December 2015, the Commission on Human Rights issued bold, new legal enforcement guidance making transparent what constitutes a violation of gender identity protections under the City Human Rights Law, including denying transgender and gender non-conforming individuals the right to use the bathroom. Other violations of gender identity protections under the Law include intentionally failing to use an individual’s preferred name or pronoun, failing to provide health care benefits that cover gender-affirming care or failing to provide reasonable accommodations for individuals undergoing gender transition, and enforcing dress codes, uniforms, and grooming standards that impose different requirements based on sex or gender.

If a member of the public believes they have been discriminated against on the basis of gender or gender identity at work, in housing, or in a public accommodation, they should call 311 and ask for the Commission on Human Rights where they can discuss their situation and set up a meeting with a Commission attorney. Individuals also have the opportunity to go to court and file a claim under the New York City Human Rights Law. For more information, please visit [nyc.gov/humanrights](http://nyc.gov/humanrights).

“All New Yorkers, no matter their gender identity or expression, should be treated with the dignity and respect they deserve. Today, Mayor de Blasio has taken an important step toward equal protection and equal justice for New York’s transgender community,” said **Comptroller Scott M. Stringer**.

**Brooklyn Borough President Eric Adams** said, “Brooklyn is a place of inclusion, and our City facilities need to reflect our inclusive spirit and support the needs of every person, regardless of their gender identity. I am proud that Brooklyn Borough Hall – the People’s House – and government buildings throughout the five boroughs will set a new standard for equal bathroom access in public spaces across America.”

“All New Yorkers should have access to the bathrooms, locker rooms, and other single-sex facilities they feel are most appropriate to them without the risk of shaming, baseless policing, or an unjustified invasion of their privacy,” said **Manhattan Borough President Gale A. Brewer**. “I applaud the Mayor for prioritizing dignity and equality for all New Yorkers with this Executive Order.”

**State Senator Brad Hoylman** said, “Everyone deserves to be treated with respect and dignity, including in something as basic as using a public restroom. It's outrageous and unacceptable that nearly 70 percent of transgender people say they've experienced verbal harassment involving gender-segregated bathrooms and nearly 10 percent have reported physical assault. Thanks to Mayor de Blasio and his Executive Order, our city will be a more hospitable, humane and safe place for all New Yorkers.”

“Access to public accommodations should be a basic right for all New Yorkers,” said **GENDA Sponsor State Senator Daniel Squadron**. “I thank the Mayor for this important step to ensuring fairness for transgender New Yorkers. I will continue to push for passage of the Gender Expression Non-Discrimination Act on the state level, along with Senator Hoylman, Assembly Member Gottfried, and colleagues.”

“Transgender New Yorkers use public restrooms all the time, and the only time there's a problem is when they are harassed by security personnel or others who should know better,” said **Assembly Member Richard N. Gottfried, sponsor of the GENDA bill in the Assembly**. “Mayor de Blasio's Executive Order is common-sense fairness and justice.”

“For too long, the transgender community has faced discrimination in access to basic services. Allowing access to appropriate bathrooms based on gender identity is an important step towards equality. I thank Mayor de Blasio for taking this important step towards allowing the transgender community to feel safe at work,” said **Assembly Member Deborah J. Glick**.

**City Council Majority Leader Jimmy van Bramer** said, “New York City has been a beacon of equality for the LGBT community, and today's Executive Order is no exception. This is an important step to make our city more inclusive and welcoming to trans and gender non-conforming New Yorkers. I look forward to working with Mayor de Blasio and my colleagues on the City Council to continue the momentum and ensure our city remains a model for inclusion.”

“The movement for LGBT rights has seen significant progress in recent years, yet transgender Americans continue to suffer daily discrimination,” said **Council Member Corey Johnson**. “Although New York has had strong protections on the books against discrimination since 2002, transgender New Yorkers are routinely denied access single-sex facilities such as bathrooms and lockers rooms. By establishing a clear and unequivocal policy regarding access to single-sex facilities, combined with new training requirements, Mayor de Blasio's Executive Order is a powerful step forward. I want to thank Mayor de Blasio, First Lady McCray and NYC Human Rights Commissioner Carmelyn Malalis for their leadership on this important issue of civil rights.”

“I applaud Mayor de Blasio on signing this Executive Order to require City agencies to be culturally sensitive to the needs of LGBTQ and gender non-conforming individuals in New York City. With this Executive Order, managers will be trained on policies that allow individuals to use bathrooms and locker rooms that are consistent with their gender identity expression without needing to show identification or any type of proof of their gender. An Executive Order such as this sends a message to LGBTQ New Yorkers that our needs are important and this City will do everything in its power to protect us,” said **Council Member Rosie Mendez, Chair of the LGBT Caucus**.

“Nobody should face discrimination based on gender identity or expression. Requiring proof of gender to use the bathroom is a ridiculous practice and is not consistent with New York City values,” said **Council Member James Vacca**. “I applaud Mayor de Blasio for using his executive authority to eliminate any requirement for such proof in City buildings.”

“This executive order sends a loud and clear message that discrimination against transgender and gender non-conforming people is not acceptable in New York City,” said **Council Member Daniel Dromm**. “As a Council Member representing a large transgender community in Queens, I applaud Mayor de Blasio for issuing this order which will do much to combat the marginalization of transgender people. I am pleased that our city is headed in the right direction and will continue to work with my colleagues to enhance protections for all transgender and non-confirming individuals who call NYC home.”

“For me as a transgender woman, this initiative is a grand achievement,” said **Make the Road New York LGBTQ Justice Organizer Bianey Garcia**. “For years we’ve endured verbal and physical aggression for wanting to use gender affirming bathrooms – a basic need that should be available to all. The City has propelled our movement forward with this courageous example to provide Trans and gender nonconforming people with the opportunity to be secure in themselves and feel safe and without fear of violence or harassment! We’re elated for this victory! Thank you for your support!”

“No one should have to face fear, intimidation, or harassment when simply trying to use the bathroom. New York City is once again leading by example, making sure that every person can go to the restroom with dignity and peace. GLAAD applauds Mayor de Blasio's ongoing commitment to protecting LGBT New Yorkers, which is raising the bar for inclusion in cities across the nation,” said **Sarah Kate Ellis, President and CEO of GLAAD**.

“All New Yorkers should be treated with dignity in our City’s public spaces,” said **New York Civil Liberties Union Executive Director Donna Lieberman**. “The Mayor’s Executive Order takes concrete steps towards reducing the harassment that transgender New Yorkers face on a daily basis.”

“As someone who knows firsthand the anxiety associated with something as simple as using a public restroom, I applauded Mayor de Blasio for signing this Executive Order,” said **Executive Director of Destination Tomorrow Sean Coleman**. “This Executive Order will ensure that no transgender New Yorker will ever suffer through the pain of waiting to use a safe facility. Thank you Mayor de Blasio for being a true friend and ally to the transgender community.”

“This Executive Order provides peace of mind to the transgender community, knowing they will be treated with respect and dignity any time they enter one of New York City’s government buildings,” said **Transgender Health Care Coordinator of Apicha Community Health Center Cecilia Gentili**. “With this action, the Mayor sends a strong message regarding the importance of addressing the long-overlooked needs of the transgender community. We applaud and thank Mayor de Blasio for this much-needed mandate.”

“Today’s Executive Order is a win for the LGBT community and for all New Yorkers,” said **Executive Director of The Lesbian, Gay, Bisexual & Transgender Community Center Glenda Testone**. “We thank Mayor de Blasio for clarifying this protection and for making New York City a leader in the fight for transgender rights. Transgender and gender non-conforming people just want to use the bathroom like everyone else, and today’s order will allow them to do so safely and without discrimination. The order is perfectly in line with the work we do every day at The Center to create equality for all transgender community members and ensure a more welcoming city for all.”

“Across the nation, legislation is being advanced that would strip transgender and gender non-conforming people of their freedom to be who they are, and their right to use public facilities like restrooms, in peace and safety,” **said Executive Director of the New York City Anti-Violence Project Beverly Tillery**. “That is why we applaud Mayor Bill de Blasio’s Executive Order today, which ensures that City facilities provide bathroom access to all people that is consistent with their gender identity. This is an important step towards assuring the safety and dignity of New York’s transgender and gender non-conforming community members and making all of the spaces in our city safe and assessable for all.”

“Transgender people face tremendous discrimination and harassment when trying to use bathrooms and other single-sex facilities that match who they are as men and women,” said- **Executive Director, Transgender Legal Defense & Education Fund Michael Silverman**. “That discrimination happens in workplaces and public spaces, and limits the entire community’s ability to participate in society. We applaud Mayor de Blasio for taking action to ensure that transgender people can access bathrooms and other sex-segregated facilities run by the city. This Executive Order stands in sharp contrast to the wave of anti-transgender legislation sweeping the nation. It sets New York City apart as a model of fairness for our country. We hope others will follow this lead.”

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