



LEGAL ADVOCACY UNIT

2111 "J" Street, #406
Sacramento, CA 95816

Tel: (916) 504-5894

Fax: (916) 504-5801

TTY: (800) 719-5798

Intake Line: (800)

776-5746

[www.disabilityrig](http://www.disabilityrightsca.org)

htsca.org

June 30, 2023

Sent via e-Comment form: dgs.ca.gov/BSC/e-comments

Sent via email: CBSC@dgs.ca.gov

Re: Public Comments for 2022 California Plumbing Code (DSA-SS-5/22)

Proposed Agency Language

ITEM 2

Chapter 4 PLUMBING FIXTURES AND FIXTURE FITTINGS, Section 422.2 Separate Facilities.

...

422.2 Separate Facilities. Separate toilet facilities shall be provided for each sex.

Exceptions *[Not adopted for OSHPD 1, 2, 3, 4, & 5]:*

- (1) Residential installations.
- (2) In occupancies with a total occupant load of 10 or less, including customers and employees, one toilet facility, designed for use by no more than one person at a time, shall be permitted for use by both sexes.
- (3) In business and mercantile occupancies with a total occupant load of 50 or less including customers and employees, one toilet facility, designed for use by no more than one person at a time, shall be permitted for use by both sexes.
- (4) *[DSA-SS] Separate facilities shall not be required where rooms have*

fixtures designed for use by all genders and the water closets are installed in privacy compartments. Urinals, when installed, shall be located in a privacy compartment or separate private area. ~~Privacy compartments shall be provided with full height walls or full height pre-manufactured panel systems with continuous brackets at abutting panels. Each compartment shall be provided with either a full height door with head jamb casing or a floor to ceiling door. Pre-manufactured panel system doors shall be provided with continuous hinges. All~~ [Begin double underline] Each [End double underline] compartment doors shall be lockable from the inside of the compartment, with a door locking device that is readily distinguishable as locked from the outside of the compartment. [Begin Double underline] Privacy compartments and doors which are not full height or floor to ceiling may be permitted by the enforcing agency. [end double underline]

DRC Public Comment:

We strongly support the proposed code and commend the Agency on their responsive changes to DRC's previous comment letters, as well as previous discussions with disability advocates and the transgender, gender-variant, and intersex (TGI) community. The change to provide further flexibility in the code to account for persons with disabilities who may need additional turning space in urinals. Further, it takes into consideration that LGBTQIA+ community members may also be disabled. The CDPH estimates 220,000 individuals in CA are TGI,¹ and according to the Williams and MAP surveys, current estimates of LGBTQ+ Californians to be around 1,859,000 individuals.² Of the TGI population, 60% are estimated to be disabled, and it is estimated 34.5% or around 565,455 lesbian, gay, and bisexual individuals are disabled.³ These estimated rates are much higher than the general percentage of persons with disabilities in California, thus the changes will positively affect a large percentage of the community.⁴ Further, this code as a whole will benefit all

¹

https://www.cdph.ca.gov/Programs/CID/DOA/Pages/OA_Transgender_Community_Health_in_California.aspx

² https://www.lgbtmap.org/equality_maps/profile_state/CA

³ <https://www.lgbtmap.org/file/LGBT-People-With-Disabilities.pdf>

⁴ <https://www.uclahealth.org/news/survey-provides-insight-into-demographics-and-health-of-californias-transgender-adults>

Californians.

Permission of privacy compartments and doors which are not floor to ceiling serves to ensure all individuals, including those who are disabled, can use the facilities provided and consistent with the original meaning of the statute to provide all-gender restrooms. Thank you for your response to the community.

We recommend Item 2, section 422.2(2) and section 422.2(3) include a substitution of the language “both sexes” to “all genders,” to ensure the language uniform with state statutory language. This modification to use the phrase “all genders” reflects the current statutory language of “all-gender toilet facilities” originally proposed under AB 1732 in 2016, and codified in 2017 under Health & Safety Code Section 118600 *et seq.* The change will also create consistent language throughout the section. See HSC subsections 118600(a-d), 18930(a)(1), 18930(a)(2), 18930(a)(3), and 18930(a)(4).

Contractors should remember to follow the applicable California Building Code in tandem with the Plumbing, Electrical, Mechanical & Energy codes for full accessibility standards.

Best Regards,

Kendra J. Muller
Staff Attorney
Civil Rights Practice Group

Dara Schur
Senior Counsel
Civil Rights Practice Group