

CPC Gender-Neutral Restroom Workshop

Joint effort by the California Building Standards Commission
and the Division of the State Architect

WELCOME

July 19, 2022, 9:00 am – 12:00 pm

www.dgs.ca.gov/BSC/Rulemaking



Joint effort by DSA and BSC

DSA-SS/CC

Public schools K-12
Community Colleges
Enforcement

BSC

State buildings, UC's and CSU's
Enforcement delegated to local jurisdictions



CPC Gender-Neutral Workshop Participants

In one minute or less, please

- Introduce yourself
- Why is this topic of interest to your organization?



Activities to Date

- **October 2021—Present:** BSC & DSA monitor 2024 UPC Proposals
- **Jan/Feb 2022:** GovOps CA Leads as an Employer LGBTQIA+ Subcommittee reaches out to DGS with questions about gender-neutral restrooms in Title 24 (support email provided March 2022)
- **Feb/March 2022:** BSC engages with ICC & IAPMO on gender-neutral restroom standards in model codes
- **April 2022:** BSC & DSA participate in AIA Central Valley’s “We All Gotta Go—Restrooms for All” Webinar
- **May 2022:** DSA Participates in CDE Safe Schools Bathrooms Ad Hoc Committee Meeting #2



California Building Standards Law

Health and Safety Code 18916. Model code

- "Model code" means any building code drafted by private organizations or otherwise, and shall include, but not be limited to, the latest edition of the following:
 - (a) The International Building Code of the International Code Council.
 - (b) The Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials.

...
- See also HSC 17922(a), 18928, 18928.1, [18930\(a\)\(7\)](#), 18938(b), 18938.3



2019/2022 California Plumbing Code

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.



Possible Options for BSC and DSA

1. Adopt 2024 Uniform Plumbing Code during 2024 Triennial Code Cycle
2. Early Adopt 2024 UPC Gender-Neutral Proposals during 2022 Intervening Code Cycle
3. Amend 2022 California Building Code Chapter 29 during 2022 Intervening Code Cycle
4. Copy elements of IBC Section 2902 into CPC during 2022 Intervening Code Cycle
5. Add a pointer to Senate Bill 1194 (Allen, Public restrooms: building standards)



Option 1: Adopt 2024 UPC Gender-Neutral Exception (2024 Cycle)

Adopt 2024 Uniform Plumbing Code during 2024 Triennial Code Cycle: Wait until IAPMO's gender-neutral proposal is adopted in model code, possibly in the 2024 Uniform Plumbing Code (see IAPMO Technical Committee Item #'s 93 & 94). This would fall under CBSC's authority to adopt the model UPC for all occupancies during the 2024 Triennial Cycle, possibly alleviating the need for California amendments. However, the standards would not become **effective statewide until 1/1/26**.

Pros:

- Scope of gender-neutral restroom standards would apply to all occupancies (not just BSC & DSA state buildings, colleges, schools, etc.)
- Adoption of model code without amendment does not trigger DOF Form 399 Economic & Fiscal Impact
- Fewer state amendments in CPC

Cons:

- Standards won't become effective until 1/1/26
- Standards may not contain everything California wants for gender neutral



Option 2: Early Adopt 2024 Uniform Plumbing Code Items 93 & 94

422.0 Minimum Number of Required Fixtures.

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

Exceptions:

- (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) Separate facilities shall not be required where rooms have fixtures designed for use by both sexes and the water closets are installed in privacy compartments. Urinals shall be located in a privacy compartment.



Option 2 continues next slide...



Option 2: Early Adopt 2024 Uniform Plumbing Code Items 93 & 94 (continued)

422.1 Fixture Count. Plumbing fixtures shall be provided for the type of...

422.1.1 Fixture Calculations. The minimum number of fixtures shall be calculated at 50 percent male and 50 percent female based on the total occupant load. Where information submitted indicates a difference in the distribution of the sexes such information shall be used to determine the number of fixtures for each sex. Once the occupancy load and occupancy are determined, Table 422.1 shall be applied to determine the minimum number of plumbing fixtures required. Where applying the fixture ratios in Table 422.1 results in fractional numbers, such numbers shall be rounded to the next whole number. For multiple occupancies, fractional numbers shall be first summed and then rounded to the next whole number. For toilet facilities designed for use by all genders, the minimum number of fixtures shall be the aggregate calculated at 50 percent female and 50 percent male in accordance with Table 422.1. Where all-gender fixtures are provided in addition to separate men's and women's facilities, those fixtures shall be included in determining the number of fixtures provided in an occupancy.



Option 2: Early Adopt 2024 UPC Gender-Neutral Items 93 & 94 (2022 Cycle)

Early Adopt 2024 UPC Gender-Neutral Provisions during 2022 Intervening Code Cycle. BSC/DSA could use what is currently approved as submitted for 2024 UPC Items 93 & 94 for its initial submittal, possibly making last-minute amendments to align with IAPMO decisions that will be made on 9/13/22 and/or 10/14/22 before submitting for internal fiscal/legal review by 10/15/22. If approved, the standards would become **effective 7/1/24**.

Pros:

- Standards would become effective 7/1/24, 18 months before 2024 UPC adoption
- Fewer state amendments in CPC

Cons:

- Scope of gender-neutral standards would only apply to BSC & DSA occupancies (state buildings, colleges, schools, etc.)
- Standards are CA amendments that would trigger DOF Form 399 economic & fiscal impact



Options 3 & 4: 2021 IBC Chapter 29 (not adopted by California)

[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. Separate facilities shall not be required to be designated by sex where single-user toilets rooms are provided in accordance with Section 2902.1.2.
6. Separate facilities shall not be required where rooms having both water closets and lavatory fixtures are designed for use by both sexes and privacy for water closets are installed in accordance with Section 405.3.4 of the *International Plumbing Code*. Urinals shall be located in an area visually separated from the remainder of the facility or each urinal that is provided shall be located in a stall.



Option 3: 2022 California Building Code Chapter 29

Amend 2022 California Building Code Chapter 29: CBC Chapter 29 contains gender-neutral restroom exceptions to the separate facilities requirement. While California does not adopt Chapter 29 of the CBC in favor of the California Plumbing Code (per [Building Standards Law](#)), BSC/DSA could consider only adopting and amending those sections that pertain to gender neutral restrooms and add a pointer to them in CPC Section 422.2. If approved, standards would become **effective 7/1/24**.

Pros:

- Standards would become effective 7/1/24, 18 months before 2024 UPC adoption

Cons:

- Scope of standards would only apply to BSC & DSA occupancies (state buildings, colleges, schools, etc.)
- Standards are CA amendments that would trigger DOF Form 399 economic & fiscal impact
- Because CA does not adopt IBC Chapter 29, may cause confusion with regulated community
- May require additional amendment/repeal when 2024 UPC model code is adopted



Option 4: 2022 International Building Code Chapter 29

Copy Elements of IBC Section 2902 into CPC: BSC/DSA could consider bringing ICC language pertaining to gender neutral facilities from IBC Chapter 29 into the CPC unamended, with ICC's permission. This may be problematic as the language contains references to other sections of Chapter 29 not adopted by California. If approved, standards would become **effective 7/1/24**.

Pros:

- Standards would become effective 7/1/24, 18 months before 2024 UPC adoption

Cons:

- Scope of standards would only apply to BSC & DSA occupancies (state buildings, colleges, schools, etc.)
- Standards are CA amendments that would trigger DOF Form 399 economic & fiscal impact
- Because CA does not adopt IBC Chapter 29, may cause confusion to regulated community
- May require further amendment/repeal when 2024 UPC is adopted



Option 5: 2022 Proposed Legislation: SB 1194

[SB 1194](#) (Allen) Public restrooms: building standards

Would authorize a city, county, or city and county to require, by ordinance or resolution, that public restrooms constructed within its jurisdiction comply with specified requirements instead of complying with the plumbing standards set forth in the California Building Standards Code. This bill would, except as specified, authorize public toilet facilities to be designed to serve all genders, as specified. The bill would give a city, county, or city and county discretion to exclude certain occupancies from the bill's requirements.



Option 5: SB 1194 (Allen, Public restrooms: building standards)

Senate Bill 1194 (Allen, Public restrooms: building standards): If [SB 1194](#) chapters, BSC could add a simple pointer to the recently enacted law (likely a new BSC exception to CPC Section 422.2 Separate Facilities). The law would become **effective 1/1/23**, but BSC's pointer to the law would not be printed in the CPC and available to the public until 1/1/24 (not really an issue as we could also do an info bulletin if necessary). **NOTE:** this law would exist separately from any standards adopted by BSC/DSA, which could include the pointer to the statute as well.

Pros:

- Law would become effective 1/1/23, much sooner than 2022 Intervening Supplement (7/1/24)
- Scope of standards adopted via ordinance by local AHJs could apply to all occupancies
- Pointer to existing law would not trigger DOF Form 399 Economic & Fiscal Impact Assessment

Cons:

- If BSC/DSA only add a pointer to the law, building standards would only exist in statute, not Title 24



Accessibility of Public Restrooms

Any gender-neutral restroom proposal put forth by BSC and DSA would need to meet—and possibly necessitate additional—accessibility standards in Chapter 11B of the California Building Code.



Resources

- [AIA Central Valley “We All Gotta Go—Restrooms for All” Presentation](#)
- [IAPMO 2024 Uniform Plumbing Code Proposals](#)
- [2021 International Building Code Chapter 29](#)
- [Senate Bill 1194 \(2022\)](#)



Action Items/Homework

Sign up for listserv on Contact Us page to receive meeting notices

- BSC [BSC Contact \(dgs.ca.gov/bsc/contact\)](https://dgs.ca.gov/bsc/contact)
- DSA [California Department of General Services \(govdelivery.com\)](https://govdelivery.com)

Email BSC and DSA with CPC code change recommendations (Express Terms Language, Rationale, Cost/Benefit Analysis, etc.)

- CBSC@DGS.CA.GOV
- ERIC.DRIEVER@DGS.CA.GOV

BSC and DSA will accept additional documentation/feedback until 8/1/22 and will solicit feedback on draft ET late summer/early fall 2022

