

Introduced	<u>3-1-2021</u>
Public Hearing	<u>3-15-2021</u>
Council Action	<u>4-5-2021</u>
Executive Action	<u>4-6-2021</u>
Effective Date	<u>6-6-2021</u>

County Council of Howard County, Maryland

2021 Legislative Session

Legislative Day No. 5

Bill No. 20 -2021

Introduced by: Christiana Rigby

AN ACT to require that certain single-user restrooms in Howard County be made available to all individuals regardless of gender; requiring that certain single-user restrooms use gender-inclusive signage to identify the restroom; establishing a certain penalty; and generally relating to the availability of single-user restrooms to all individuals regardless of gender.

Introduced and read first time March 1, 2021. Ordered posted and hearing scheduled.

By order *Michelle Harrod*
Theodore Wimberly, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on March 15, 2021.

By order *Michelle Harrod*
Theodore Wimberly, Administrator

This Bill was read the third time on April 5, 2021 and Passed , Passed with amendments , Failed .

By order *Michelle Harrod*
Theodore Wimberly, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 6 day of April, 2021 at 3³⁰ a.m./p.m.

By order *Michelle Harrod*
Theodore Wimberly, Administrator

Approved by the County Executive April 6, 2021

[Signature]
Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the Howard County
2 Code is amended as follows:

3 By adding:

4 Title 14 – Licenses, Permits, and Inspections.

5 Subtitle 12 – Miscellaneous.

6 Section 14.1201. Gender-Inclusive Single-User Restrooms.

7
8 **Title 14 – Licenses, Permits, and Inspections.**

9 **Subtitle 12 – Miscellaneous.**

10
11 **Sec. 14.1201. – GENDER-INCLUSIVE SINGLE-USER RESTROOMS.**

12 (A) *APPLICABILITY.*

13 (1) THIS SECTION APPLIES TO A SINGLE-USER RESTROOM FOR PUBLIC USE WITH AT
14 LEAST ONE WATER CLOSET AND AN OUTER DOOR THAT CAN BE LOCKED BY THE OCCUPANT.

15 (2) THIS SECTION DOES NOT APPLY TO:

16 (i) A PRIVATE RESTROOM IN:

17 1. A RESIDENCE;

18 2. A HOSPITAL; OR

19 3. AN INN, HOTEL, MOTEL, OR OTHER ESTABLISHMENT THAT PROVIDES
20 LODGING TO TRANSIENT GUESTS; OR

21 (ii) A RESTROOM THAT IS ONLY ACCESSIBLE FROM A PRIVATE ROOM OR OFFICE;

22 OR

23 ~~(iii) A RESTROOM IN ANY PORTION OF A BUILDING OWNED OR OCCUPIED BY~~
24 ~~THE COUNTY, IF THE COUNTY IMPLEMENTS A POLICY THAT MEETS THE~~
25 ~~REQUIREMENT OF PARAGRAPH (B) OF THIS SECTION FOR RESTROOMS IN A COUNTY-~~
26 ~~OWNED OR OCCUPIED BUILDING BY DECEMBER 31, 2023.~~

27 (B) *REQUIREMENTS.*

28 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, BEGINNING ON
29 DECEMBER 31, 2023, A PUBLIC SINGLE-USER RESTROOM IN A COMMERCIAL OR INDUSTRIAL
30 ESTABLISHMENT “, ANY PORTION OF A BUILDING OWNED OR OCCUPIED BY THE COUNTY, OR

1 A PLACE OF PUBLIC ACCOMMODATION, AS DEFINED IN SECTION 12.210(B) OF THE COUNTY
2 CODE, MUST SHALL BE:

3 (I) MADE AVAILABLE FOR USE BY INDIVIDUALS OF ANY GENDER; AND

4 (II) IDENTIFIED WITH GENDER-INCLUSIVE SIGNAGE THAT DOES NOT
5 INDICATE A SPECIFIC GENDER, SUCH AS “RESTROOM”, “BATHROOM”, “TOILET”, OR A SYMBOL
6 INDICATING THE RESTROOM’S AVAILABILITY FOR USE BY ANY INDIVIDUAL REGARDLESS OF
7 GENDER.

8 (2) A SINGLE-USER RESTROOM IN A COMMERCIAL OR INDUSTRIAL ESTABLISHMENT
9 “, ANY PORTION OF A BUILDING OWNED OR OCCUPIED BY THE COUNTY, OR A PLACE OF
10 PUBLIC ACCOMMODATION, AS DEFINED IN SECTION 12.210(B) OF THE COUNTY CODE, THAT
11 IS NEW CONSTRUCTION OR A RETROFIT MUST BE:

12 (I) MADE AVAILABLE FOR USE BY INDIVIDUALS OF ANY GENDER; AND

13 (II) IDENTIFIED WITH GENDER-INCLUSIVE SIGNAGE THAT DOES NOT
14 INDICATE A SPECIFIC GENDER, SUCH AS “RESTROOM”, “BATHROOM”, “TOILET”, OR A SYMBOL
15 INDICATING THE RESTROOM’S AVAILABILITY FOR USE BY ANY INDIVIDUAL REGARDLESS OF
16 GENDER.

17
18 (C) *AGENCIES TO ENFORCE.* AN ENFORCEMENT OFFICIAL IN THE DEPARTMENT OF
19 INSPECTIONS, LICENSES, AND PERMITS MAY ENFORCE THE PROVISIONS OF THIS SUBTITLE WITH
20 CIVIL PENALTIES IN ACCORDANCE WITH TITLE 24 OF THIS CODE.

21 (D) *ENFORCEMENT BY CITATION.* (1) A CITATION UNDER THIS SECTION MAY ONLY BE
22 ISSUED AFTER A NOTICE OF VIOLATION IS ISSUED AND A FAILURE TO CORRECT THE VIOLATION
23 WITHIN 30 DAYS OF THE DATE OF THE NOTICE OF VIOLATION.

24 (2) A CITATION ISSUED UNDER THIS SECTION IS A CLASS C VIOLATION AS PROVIDED
25 UNDER TITLE 24 OF THIS CODE.

26 (3) EACH DAY A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

27
28 ***Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland, that this Act***
29 ***shall become effective 61 days after its enactment.***

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2021 Legislative Session

Legislative Day No. 5

Bill No. 20 -2021

Introduced by: Christiana Rigby

AN ACT to require that certain single-user restrooms in Howard County be made available to all individuals regardless of gender; requiring that certain single-user restrooms use gender-inclusive signage to identify the restroom; establishing a certain penalty; and generally relating to the availability of single-user restrooms to all individuals regardless of gender.

Introduced and read first time _____, 2021. Ordered posted and hearing scheduled.

By order _____
Theodore Wimberly, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2021.

By order _____
Theodore Wimberly, Administrator

This Bill was read the third time on _____, 2021 and Passed _____, Passed with amendments _____, Failed _____.

By order _____
Theodore Wimberly, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2021 at ___ a.m./p.m.

By order _____
Theodore Wimberly, Administrator

Approved by the County Executive _____, 2021

Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

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3 By adding:

4 Title 14 – Licenses, Permits, and Inspections.

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6 Section 14.1201. Gender-Inclusive Single-User Restrooms.

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8 **Title 14 – Licenses, Permits, and Inspections.**

9 **Subtitle 12 – Miscellaneous.**

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11 **Sec. 14.1201. – GENDER-INCLUSIVE SINGLE-USER RESTROOMS.**

12 (A) *APPLICABILITY.*

13 (1) THIS SECTION APPLIES TO A SINGLE-USER RESTROOM FOR PUBLIC USE WITH AT
14 LEAST ONE WATER CLOSET AND AN OUTER DOOR THAT CAN BE LOCKED BY THE OCCUPANT.

15 (2) THIS SECTION DOES NOT APPLY TO:

16 (I) A PRIVATE RESTROOM IN:

17 1. A RESIDENCE;

18 2. A HOSPITAL; OR

19 3. AN INN, HOTEL, MOTEL, OR OTHER ESTABLISHMENT THAT PROVIDES
20 LODGING TO TRANSIENT GUESTS;

21 (II) A RESTROOM THAT IS ONLY ACCESSIBLE FROM A PRIVATE ROOM OR OFFICE;

22 OR

23 (III) A RESTROOM IN ANY PORTION OF A BUILDING OWNED OR OCCUPIED BY
24 THE COUNTY, IF THE COUNTY IMPLEMENTS A POLICY THAT MEETS THE
25 REQUIREMENT OF PARAGRAPH (B) OF THIS SECTION FOR RESTROOMS IN A COUNTY-
26 OWNED OR OCCUPIED BUILDING BY DECEMBER 31, 2023.

27 (B) *REQUIREMENTS.*

28 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, BEGINNING ON
29 DECEMBER 31, 2023, A PUBLIC SINGLE-USER RESTROOM IN A COMMERCIAL OR INDUSTRIAL

1 ESTABLISHMENT OR A PLACE OF PUBLIC ACCOMMODATION, AS DEFINED IN SECTION
2 12.210(B) OF THE COUNTY CODE, MUST BE:

3 (I) MADE AVAILABLE FOR USE BY INDIVIDUALS OF ANY GENDER; AND

4 (II) IDENTIFIED WITH GENDER-INCLUSIVE SIGNAGE THAT DOES NOT
5 INDICATE A SPECIFIC GENDER, SUCH AS "RESTROOM", "BATHROOM", "TOILET", OR A SYMBOL
6 INDICATING THE RESTROOM'S AVAILABILITY FOR USE BY ANY INDIVIDUAL REGARDLESS OF
7 GENDER.

8 (2) A SINGLE-USER RESTROOM IN A COMMERCIAL OR INDUSTRIAL ESTABLISHMENT
9 OR A PLACE OF PUBLIC ACCOMMODATION, AS DEFINED IN SECTION 12.210(B) OF THE
10 COUNTY CODE, THAT IS NEW CONSTRUCTION OR A RETROFIT MUST BE:

11 (I) MADE AVAILABLE FOR USE BY INDIVIDUALS OF ANY GENDER; AND

12 (II) IDENTIFIED WITH GENDER-INCLUSIVE SIGNAGE THAT DOES NOT
13 INDICATE A SPECIFIC GENDER, SUCH AS "RESTROOM", "BATHROOM", "TOILET", OR A SYMBOL
14 INDICATING THE RESTROOM'S AVAILABILITY FOR USE BY ANY INDIVIDUAL REGARDLESS OF
15 GENDER.

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17 (C) *AGENCIES TO ENFORCE.* AN ENFORCEMENT OFFICIAL IN THE DEPARTMENT OF
18 INSPECTIONS, LICENSES, AND PERMITS MAY ENFORCE THE PROVISIONS OF THIS SUBTITLE WITH
19 CIVIL PENALTIES IN ACCORDANCE WITH TITLE 24 OF THIS CODE.

20 (D) *ENFORCEMENT BY CITATION.* (1) A CITATION UNDER THIS SECTION MAY ONLY BE
21 ISSUED AFTER A NOTICE OF VIOLATION IS ISSUED AND A FAILURE TO CORRECT THE VIOLATION
22 WITHIN 30 DAYS OF THE DATE OF THE NOTICE OF VIOLATION.

23 (2) A CITATION ISSUED UNDER THIS SECTION IS A CLASS C VIOLATION AS PROVIDED
24 UNDER TITLE 24 OF THIS CODE.

25 (3) EACH DAY A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

26
27 ***Section 2. And Be It Further Enacted*** by the County Council of Howard County, Maryland, that this Act
28 shall become effective 61 days after its enactment.

Amendment No. 2 to Council Bill No. 20-2021

BY: Christiana Rigby

Legislative Day 6

Date: April 5, 2021

Amendment No. 2

(This amendment makes a technical by changing “must” to “shall”. The amendment also clarifies that if the County does not implement a policy that meets the single-user restroom requirements, the bill requirements apply to a restroom in a portion of a building owned or occupied by the County.)

1 On page 1, in line 26, after “2023.”, insert “HOWEVER, IF THE COUNTY DOES NOT IMPLEMENT
2 A POLICY THAT MEETS THE REQUIREMENTS OF PARAGRAPH (B) OF THIS SECTION, THEN THIS
3 SECTION APPLIES TO A RESTROOM IN A PORTION OF A BUILDING OWNED OR OCCUPIED BY
4 THE COUNTY.”.

5 On page 2, in line 2, strike “MUST” and substitute “SHALL”.

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on April 6, 2021.

Michelle Harrod
Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2021.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2021.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2021.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2021.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2021.

Michelle Harrod, Administrator to the County Council