



**TESTIMONY OF DANA SUSSMAN**  
**Special Counsel to the Office of the Chairperson**  
**New York City Commission on Human Rights**  
**Before the Committee on Housing and Buildings**  
**January 14, 2016**

BILL DE BLASIO  
Mayor

CARMELYN P. MALALIS  
Commissioner/Chair

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**Int. No. 871 – A**  
**A Local Law To Amend the New York City Plumbing Code, New York City**  
**Building Code and Administrative Code of the City of New York, in Relation to**  
**Gender-Neutral Single-Occupant Bathrooms**

Good afternoon, Chair Williams, Council Member Dromm, and members of the Committee on Housing and Buildings, and thank you for convening today’s hearing on Intro. No. 871. I am Dana Sussman, Special Counsel to the Commissioner and Chair at the New York City Commission on Human Rights. The Commission does not regularly appear before this Committee, but is happy to testify here today with our partners at DOB, as this bill aligns with the work the Commission is doing to make the City a more inclusive place for transgender and gender non-conforming people.

Intro. 871 amends the New York City plumbing and construction codes to require that all single-occupant bathrooms are available to individuals of any sex or gender, and further amends the plumbing and building codes to ensure that bathroom signage requirements are consistent with this new requirement.

Protections against discrimination on the basis of gender identity and expression have existed in the New York City Human Rights Law since 2002. A few weeks ago, in December 2015, the Commission published its Legal Enforcement Guidance on Discrimination on the Basis of Gender Identity or Expression to provide clear guidance to business owners, employers, housing providers, and members of the public on what exactly is considered discrimination on the basis of gender identity and expression under the City Human Rights Law, and how such discrimination works to marginalize transgender and gender non-conforming people. The Legal Enforcement Guidance specifically articulates violations of the City Human Rights Law, which include: denying someone access to the single-sex facility, such as a bathroom or locker room, or program that aligns with their gender identity; refusing to use someone’s preferred name or pronoun; requiring dress codes or uniforms, or applying grooming or appearance standards, that impose different requirements for individuals based on sex or gender; or forcing a transgender or gender non-conforming individual to use a single-occupant facility. It is our goal in creating the guidance to provide needed transparency and clarity to New Yorkers on their rights and obligations under the City Human Rights Law.

Consistent with our guidance, the Commission strongly supports efforts to make access to bathrooms safer and easier for transgender and gender non-conforming New Yorkers. Access to bathrooms for transgender and gender non-conforming people is a fundamental health and safety issue, and requiring single-occupant facilities to be gender-neutral will eliminate additional barriers transgender and gender non-conforming New Yorkers face when accessing bathrooms. Transgender individuals frequently face harassment, intimidation, and violence when they attempt



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to access a bathroom associated with their gender identity or gender expression. The availability of single-occupant bathrooms for all members of the public minimizes any likelihood of such unwarranted scrutiny. Also, requiring single-occupant bathrooms to be designated as gender-neutral obviates the need for gender non-conforming, gender-queer, and/or non-binary individuals to choose facilities that may not align with their gender identity and/or gender expression. This goal aligns well with the work the Administration has been doing to ensure that all New Yorkers, including transgender and gender non-conforming New Yorkers, have safe and equal access to bathrooms. As further evidence of this Administration's commitment to issues of gender equity and transgender equality, in June of 2015, the Mayor announced creation of the Commission on Gender Equity, with the goal of leveraging every power of city government to expand and increase opportunity for all New Yorkers – regardless of sex, gender, or sexual orientation – and build a city that is safe and free of discrimination. This bill is consistent with that commitment to taking a thoughtful, progressive approach to gender issues in New York City.

We thank Council Member Dromm for introducing this important piece of legislation and Chair Williams and members of the Committee for holding this hearing. We look forward to working with the Council and our partners in the Administration to further our shared goal of dignity and respect for all.

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Thank you for convening today's hearing. We are thankful for DOB's support today, as we partner to answer questions you may have.