

TESTIMONY

BY

DEPUTY COMMISSIONER RACHEL VAN TOSH

NEW YORK CITY

DEPARTMENT OF SMALL BUSINESS SERVICES

BEFORE

THE COMMITTEE ON HOUSING AND BUILDINGS

OF THE

NEW YORK CITY COUNCIL

TUESDAY, JUNE 12, 2018

Good morning **Chair Cornegy** and members of the Committee on Housing and Buildings. My name is Rachel Van Tosh, and I am a Deputy Commissioner at the New York City Department of Small Businesses Services (“SBS”). At SBS, we aim to unlock economic potential and create economic security for all New Yorkers by connecting them to quality jobs, building stronger businesses, and fostering thriving neighborhoods across the five boroughs. Today, I am pleased to join the Department of Buildings (DOB) and the Fire Department (FDNY) to briefly testify on the impact of Intro 836 on businesses.

Small businesses in New York City are an essential part of our communities and SBS helps them start, operate and grow. One way we’re doing this is by reducing the regulatory burden on small businesses. In 2015, following extensive outreach to the business community, Mayor de Blasio and SBS announced **Small Business First**, an interagency initiative to improve the regulatory environment. The goals of the initiative were to provide clear information with coordinated services, help business owners understand and comply with regulations, ensure equal access to services and reduce the burden imposed by complex regulations and fines.

With support from DOB and FDNY, Intro 836 will bring us one step closer to fulfilling these goals. This bill seeks to simplify processes between DOB and FDNY to save business owners time, money, and hassle. It would streamline the filing, review, and approval processes for fire suppression systems, fire alarm systems, and fire protection plans under FDNY. This eliminates the requirement to file with DOB and gives FDNY responsibility over plan review and approval. These process changes would reduce the cost and administrative burden on businesses without compromising

public health and safety. Applicants, the majority of which are businesses, will save an estimated total of eleven million dollars per year and approximately one and a half months in process time. SBS is fully supportive of this legislation and we thank Chair Cornegy for sponsoring it.

Thank you and I am happy to take any questions along with my colleagues from DOB and FDNY.

PATRICK A. WEHLE
ASSISTANT COMMISSIONER FOR EXTERNAL AFFAIRS
NEW YORK CITY DEPARTMENT OF BUILDINGS
HEARING BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON HOUSING & BUILDINGS

June 12, 2018

Good morning, Chair Cornegy and members of the Housing & Buildings Committee. I am Patrick Wehle, Assistant Commissioner for External Affairs at the New York City Department of Buildings (“the Department”). I am pleased to be here to offer testimony on three of the bills before the Committee today, Introductory Numbers 465, 644 and 728.

Introductory Number 465 would require that the Department conduct education and outreach regarding the single-occupant toilet room requirements in the New York City Plumbing Code (“Plumbing Code”). Specifically, the bill would require the Department to create materials concerning the requirement, including examples of acceptable signage. Such materials must be made available in the languages most commonly spoken by limited English proficient individuals and must be linguistically and culturally competent. The Department is also tasked with reporting on the efficacy of its education and outreach annually.

Following the enactment of Local Law 79 of 2016, the Plumbing Code requires that all single-occupant toilet rooms be made available for use by persons of any gender and that they be labeled as such. This requirement improved restroom access for all New Yorkers, regardless of their gender identity.

Information pertaining to this requirement is currently available on the City's website and New Yorkers have the ability to file complaints with 311 related to this requirement. When new requirements like these are added to the Construction Codes, the Department conducts outreach to the construction industry, including through our Buildings News electronic newsletter and Service Updates. The City's Commission on Human Rights ("CCHR") also has a campaign dedicated to restroom use and gender identity.

Given that information on the law and restroom access is readily available and the Department has received very few complaints concerning it, the Department does not believe specific outreach related to this requirement is necessary at this time. The Department encourages New Yorkers to file complaints with the Department if they find that the requirement is not being met or with the CCHR if they are faced with discrimination.

Introductory Number 644 requires Business and Mercantile occupancies to install carbon monoxide detectors when such occupancies are equipped with a fire alarm system. This requirement would apply to the new construction of these occupancies and to certain alterations.

When properly installed and working, carbon monoxide detectors can provide an early warning of the presence of carbon monoxide, allowing sufficient time for occupants to either escape or take appropriate action, before the deadly gas can build up to dangerous levels. As such, the Department supports requiring these detectors in more spaces, as it could improve safety, and we look forward to working with the City Council and other interested stakeholders on this issue.

Introductory Number 728 requires the Department of Finance ("DOF") to create a program to allow for the resolution of certain signage violations. The program would last 180 days and allow respondents to cure violations within 60 days rather than face a penalty. The Department

would be tasked with publicizing the DOF program and developing a separate program to educate the business community about relevant signage regulations. Finally, this legislation would create an interagency task force to explore issues related to signage regulations in the City's Building Code and Zoning Resolution and issue a report to the Mayor and Speaker of the City Council.

Business signs and their installation must comply with requirements in the City's Building Code and Zoning Resolution. The regulations in the Building Code address permitting and structural issues and the regulations in the Zoning Resolution address issues including surface area, projection, height and illumination. These regulations exist to protect people from dangerous and illegally installed signs and to reduce visual clutter.

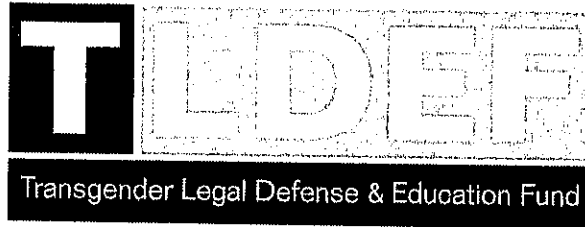
Enforcement of signage regulations is entirely complaint based. The Department received 1,167 complaints in 2016 and 1,000 complaints in 2017. As a result of these complaints, the Department conducted 883 inspections in 2016 and 837 inspections in 2017. These inspections resulted in the issuance of nearly 1,000 OATH/ECB violations over a two year period.

The City Council passed a series of moratoriums on the imposition of penalties for signage violations in the early 2000s, the last of which ended in 2006. The City was also tasked with conducting outreach to businesses to educate them about signage regulations and about any amendments made by the City to existing regulations as part of that effort. It is the Department's understanding that the Department of City Planning submitted a report to the City Council with recommendations for amending the Zoning Resolution and that such recommendations were not implemented.

The program provided for in Intro. 728 to allow for the resolution of signage violations is problematic. The City is particularly concerned with the requirement that refunds be processed for violations that were correctly issued, as this is not commonplace, nor appropriate. It should also be noted that as required by Local Law 45 of 2016, DOF already administered an amnesty program, which ended in 2016, and which allowed for the mitigation of penalties for many violations issued by various agencies, including signage violations. Running a comparable program for a subset of signage violations would be a costly endeavor with potentially limited response.

Building off the report previously provided by the Department of City Planning, the Department would welcome the opportunity to discuss signage regulations further with the City Council and its partner agencies.

Thank you for your attention and the opportunity to testify before you today. I welcome any questions you may have.



Testimony before the New York City Council,

Committee on Housing on Buildings

Concerning Introduction 0465-2018

June 12, 2018

Good morning. Chairman Cornegy, Council Member Dromm, and Members of the Committee on Housing and Buildings, thank you for convening today's hearing. My name is Dolph Goldenburg, and I am the Interim Executive Director of Transgender Legal Defense & Education Fund ("TLDEF"). I am here to provide testimony on behalf of our organization in support of Introduction 465, which would amend Title 28 of the New York City Administrative Code by directing the Department of Buildings to establish and implement an education and outreach program to increase awareness of, and facilitate compliance with, the crucially important legislation enacted in 2016 as Local Law 79. That legislation amended the New York City Administrative, Plumbing, and Building Codes by requiring all single-occupant toilet rooms to be gender-neutral – in other words, to be usable by individuals of any sex or gender – and requiring them to be designated as such with appropriate signage, thereby conforming those Codes to the anti-discrimination provisions of the New York City Human Rights Law.

TLDEF is committed to ending discrimination against transgender people (including gender non-conforming and non-binary), and to achieving equality for them through impact litigation and

education. In furtherance of that goal, our then-Staff Attorney Ethan Rice testified before this Committee in favor of Local Law 79 in January 2016 and explained in great detail the necessity and importance of that legislation in making it possible for transgender New Yorkers to perform the most basic of functions – using a bathroom – without fear of harassment or the threat of violence. In the previous five years alone, TLDEF had received nearly 200 complaints from transgender and gender non-conforming individuals who had been harassed, attacked, and/or denied entry when attempting to use public restrooms, including not only multi-person restrooms but even single-occupant restrooms, to the extent they bore signs purportedly limiting their usage to one sex and someone decided that a transgender or gender non-conforming person was attempting to use the “wrong” single-occupant restroom. (A copy of our previous testimony in support of Local Law 79 is submitted herewith as an Appendix).

The enactment of Local Law 79 was a crucial step towards protecting the rights of transgender and gender non-conforming individuals to use single-occupant restrooms (whether located in restaurants, stores, other public accommodations, or office buildings) in peace and safety.

However, based on our own observations, and reports by others, both general awareness of the new requirements on the part of owners¹ of affected premises, and compliance with those requirements, have been minimal at best. Although Local Law 79 required by its terms that by no later than January 1, 2017, all single-occupant toilet rooms were to be “made available for use

¹ N.Y.C. Administrative Code § 28-101.5 defines “Owner” as “Any person, agent, firm, partnership, corporation or other legal entity having a legal or equitable interest in, or control of the premises.”

by persons of any sex,” and were required to be designated accordingly by “a legible sign . . . for all sexes” (see New York City Plumbing Code §§ 403.2.1, 403.4) – and also expressly authorized the Commissioners of Buildings, Health and Mental Hygiene, and Consumer Affairs to take all actions necessary for the implementation of these requirements, including the promulgation of rules -- we have seen very little evidence of the required gender-neutral signage, and, indeed, have observed many single-occupancy restrooms that still bear signs purporting to limit their usage to a single sex. Nor are we aware of the promulgation of any rules explaining the new requirements or setting out standards for signage that would qualify as “a legible sign . . . for all sexes.” In addition, although the 311 service is, of course, theoretically available for reporting non-compliance, we are not aware of any steps taken to enforce Local Law 79 upon the receipt of such reports. Nor does non-compliance with Local Law 79 appear on the drop-down menu of complaints on the online version of 311.

As one example of the general non-compliance we have observed, two single-occupant toilet rooms on TLDEF’s floor in its own office building still bore the designations “M” and “F” as late as the fall of 2017. After repeated notifications to TLDEF’s landlord, the “M” and “F” designations were finally removed about six months ago. However, months later – more than two years after Local Law 79 was enacted – those signs have still not been replaced by the required gender-neutral signage. Instead, the doors remain completely unmarked with any signage at all. The fact that TLDEF, an organization whose entire purpose for existing is to further the rights of trans people, has had this difficulty in persuading its landlord to comply with Local Law 79, does not bode well for the general situation throughout the City. (Obviously,

TLDEF could put up gender-neutral signage on those doors itself. But we would then assume responsibility for a common space shared by multiple tenants on our floor.)

In our opinion, the vast majority of New York City business owners and commercial landlords whose establishments still have “male” or “female” single-occupant restrooms do not mean any harm and are not being malicious in failing to comply with Local Law 79. Most, we believe, are simply unaware of the new law, and of the practical and psychological effects that sex-specific single-occupant bathrooms can have for transgender and gender non-conforming individuals.

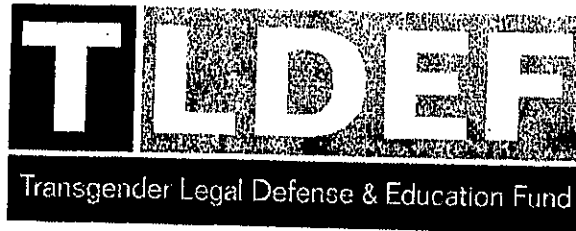
Moreover, even if they wish to comply, there is, so far as TLDEF is aware, no form of approved signage (or even a description of compliant signage) available anywhere on the Department of Buildings’ website, or anywhere else on NYC.gov. Any owner who does a Google search for gender-neutral bathroom signage will find hundreds of examples but would have no way of knowing whether or not any signage they purchase would be deemed compliant with Local Law 79.

Furthermore, although we applaud the advertising campaign undertaken by the New York City Commission on Human Rights to make transgender and gender non-conforming persons aware of their rights under the Human Rights Law to use the restrooms consistent with their gender identity, so far as we know there has been no equivalent campaign undertaken by the Department of Buildings, or any other agency, directed at owners to make them aware of their obligations towards transgender persons – whether under Local Law 79 or in general.

Accordingly, Introduction 465 is sorely needed in order to increase awareness of, and facilitate compliance with, Local Law 79 – both in requiring the development of “samples of acceptable signage” to be made available to owners on the Department’s website (see proposed § 28-103.32(1)), and in requiring “[l]inguistically and culturally competent outreach tailored to owners required to comply with the single-occupant toilet room requirements and the related posting and signage requirements.”

Although TLDEF offers no recommendation as to the particular form of gender-neutral signage that should be deemed acceptable for owners to install, we strongly urge that representatives of the transgender community be consulted in developing such standards, and that – as a general principle – the focus of any symbols included in acceptable signage should be on what the restroom is for, rather than on who should use it. To that end, a simple symbol for a toilet is more informative than, and preferable to, the traditional male/female stick figures side-by-side (i.e., one in pants and the other in a skirt or dress) – symbols which themselves promote outmoded gender stereotypes and could be considered exclusionary to non-binary people.

In conclusion, TLDEF believes that Introduction 465 is a common-sense, necessary follow-up to Local Law 79, and strongly advocates its enactment. This legislation – like Local Law 79 – demonstrates the Council’s continuing commitment to protect basic human rights, and its continuing sensitivity to the needs of a highly-marginalized population. We hope that the Council will work swiftly to bring this legislation to a vote, and to work with the Administration to sign it into law. If TLDEF can be of service in the course of this process, we will be happy to assist. Thank you again for the opportunity to offer testimony today.



**Testimony before the New York City Council
Committee on Housing and Buildings
Concerning Introduction 0871-2015
January 14, 2016**

Good afternoon. My name is Ethan Rice and I am a Staff Attorney at Transgender Legal Defense and Education Fund. I will be providing testimony on behalf of our organization in support of Introduction 871 – legislation that would require single-occupant bathrooms to be usable by persons of any sex. Thank you Chairman Williams for your attention to this important piece of legislation, and thank you Council Member Dromm for your leadership in protecting the rights and dignity of transgender and gender non-conforming people.

Transgender Legal Defense and Education Fund (TLDEF) provides a comprehensive in-house legal program that brings test-case litigation with wide impact in all areas of transgender civil rights. While many victories have been won in enacting legislation that protects the rights of lesbian, gay, bisexual, and transgender individuals, many hurdles remain, especially for transgender and gender non-conforming New Yorkers. A 2011 study found that 74% of transgender New Yorkers surveyed faced discrimination in the workplace. Nineteen percent have a household income of \$10,000 or less – almost five times the poverty rate of the general population. Only 52% had employer-based health insurance, compared to 59% of the general U.S. population. 53% reported being verbally harassed or disrespected in a place of public accommodation or service. From fighting employment discrimination to ensuring equal access to health care, TLDEF works tirelessly for transgender equal rights and to reverse a culture of discrimination that has been tolerated for far too long.

Introduction 871 is sorely needed to legalize the ability of transgender and gender non-conforming New Yorkers to perform the most basic of functions – using a bathroom without fear of harassment or the threat of violence. Since 2010, TLDEF has fielded 196 calls from transgender and gender non-conforming individuals that have been harassed, attacked, or denied entry when attempting to use a public restroom, with many other instances having gone unreported. These reports have ranged from inappropriate

comments, an inability to access a facility, to physical attacks. It is of the utmost importance that transgender and gender non-conforming people have the right to access the restrooms that correspond with their gender. For some individuals a restroom open to all genders is the space that can meet that need. For others having the choice to access a restroom that is open to all genders provides safety and assuages fears that come with accessing sex-segregated facilities for many transgender individuals.

The New York City Commission on Human Rights has recently set forth legal enforcement guidance on discrimination on the basis of gender identity or expression that includes a requirement that covered entities make clear that any single occupancy restroom is open to all genders; however, without amendments to the New York city building code and administrative code, transgender and gender non-conforming New Yorkers may not be able to receive the justice warranted if they are subjected to discrimination in using single occupancy restrooms.

Following the EEOC's 2015 decision that restricting transgender individuals from accessing single sex restroom facilities consistent with who they are is sex discrimination in violation of Title VII, the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) published a best practices guide to restroom access for transgender employees. This guide also urges that as part of best practices single occupancy unisex restrooms be available for transgender employees to use, if they choose to do so. Passage of Introduction 871 is necessary to ensure that the progress being made in these areas is codified and enforced in New York City.

In 2014, Transgender Legal Defense and Education Fund was in search of new office space. While searching for real estate in New York City can be a daunting task for anyone, our search was further complicated simply by the need to find a space where our employees and clients could use the restroom facilities without fear. Once we moved to our new space, we had to change the signage ourselves on two single occupant restrooms before any neighbors moved on to the newly-built floor to make clear they were accessible to anyone, regardless of sex. If TLDEF, an organization of attorneys and legally savvy professionals can face difficulties in finding appropriate bathroom facilities, imagine what the average transgender New Yorker must face when needing use a restroom.

Last year TLDEF received a call from a cafeteria employee who began her transition after being employed with her company for some time. After her transition she began to use the women's locker room. Two weeks later she entered the facility to find a sign hung that read, "Get out of here, you man!" During that same year, TLDEF received a call from a gender non-binary individual who does not identify as being male or female who was facing difficulty using appropriate facilities at their local gym. While the gym's management was able to assign office space for the person to change clothing, bathroom facilities remained inaccessible due to gender designations.

In late 2012, DNAinfo.com reported an incident where a transgender woman was slashed with a straight razor on her face and body after attempting to use the women's restroom

in a fast food restaurant located on West 3rd Street in Manhattan. The same woman reported being stopped by a security guard from entering a hospital bathroom while visiting a friend. Surely, we as a city can pass legislation designed to stop needless violence and blatant harassment.

In conclusion, Transgender Legal Defense and Education Fund believes that Introduction 871 is common-sense legislation. It shows a commitment to protect basic human rights and shows the right level of sensitivity to the needs of a population that is all too often marginalized. With 26 co-sponsors, representing all five boroughs of New York City, we hope the Council will work swiftly to bring this legislation to a vote and work with the Administration to sign it into law. If TLDEF can be of service through the process, we will be happy to assist. Thank you again for the opportunity to offer testimony today.



New York City Anti-Violence Project

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Lynda Nguyen
Senior Manager, Community Organizing and
Public Advocacy
l Nguyen@avp.org

Good morning, Chair Cornegy and thank you to the whole Housing and Buildings Committee for hearing my testimony today, and thank you to Council member Dromm for sponsoring Intro 465, which if passed would require the Department of Buildings to conduct education and outreach supporting trans and gender non-conforming (TGNC) people's access to single occupant restrooms. My name is Lynda Nguyen and I work at the New York City Anti-Violence Project, a crisis organization that serves New York's lesbian, gay, bisexual, transgender, queer (LGBTQ) and HIV-affected communities through direct services and advocacy. In my role, I support our outreach programs, policy initiatives, and coalition work. I am here today to speak to the committee about how New York City can protect our TGNC community with Intro 465. In December 2015, the Office of the Mayor announced Gender Identity/Gender Expressions Legal Enforcement Guidance from the New York City Commission on Human Rights, and this bill, Intro 465, will help us move closer to fulfilling its mandate and meeting the needs of TGNC New Yorkers.

Single-occupant bathrooms are necessary reinforcements of a basic human right. TGNC people are assaulted, face harassment, and encounter hostility just for using the bathroom. In one instance, a colleague of mine was followed into the women's restroom by an individual. The pursuant proceeded to harass my colleague; they misgendered them, attempted to deny them access to the women's restroom, and repeatedly banged on the bathroom stall door until my colleague left. This same colleague has also been beaten and verbally assaulted for just trying to use the bathroom. Hostile acts like these happen every day, even though New York City legally ensures access to bathrooms for TGNC people. Sometimes building staff are bigoted, but often they are confused about what rights TGNC people have in our city. Education and outreach programming is one small step that will help reinforce the provision for single-occupant bathrooms and protect New York City's TGNC community.

Intro 465 offers our community the opportunity to live in a safe(r) New York City. A place where no one has to question whether it's worth the risk to use the bathroom, or whether it's safe enough to go to the bathroom alone. New York City's LGBTQ community deserves the opportunity to practice basic human rights. The provision of education and outreach programming is a necessary ask that needs to happen now.

I respectfully ask the City Council support Intro 465 to ensure that New York City can become a safer place where our LGBTQ and HIV-affected communities can thrive.



Testimony of Cathren Cohen, Law Fellow, Lambda Legal

**Before the New York City Council Committee on Housing and Buildings
In Support of Proposed Int. No. 465**

June 12, 2018 at 10:00 am

Good morning. My name is Cathren Cohen, and I am a Law Fellow at Lambda Legal. I would like to thank the Committee on Housing and Buildings for the opportunity to testify before you today in support of Intro 465.

Founded in 1973, Lambda Legal is the oldest and largest national legal organization whose mission is to achieve full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people, and those with HIV through impact litigation, education, and public policy work.

I am here today to urge you to enact Intro 465. Intro 465 would be an amendment to New York City's administrative code, which already requires single-occupant toilet rooms to be available for use by people of all genders.¹ This amendment would establish and implement an education and outreach program to increase awareness of the law. Increased awareness is known to increase compliance.

In June of 2016, the New York City Council passed Local Law 79, which made it the law in New York City for every single-stall restroom to be all-gendered.² This law was passed 47 to

¹ See 2016 N.Y.C. Local Law No. 79.

² *Id.*

2.³ It was passed by such a large margin because the New York City Council acknowledged and continues to acknowledge the challenges and rights of gender non-conforming individuals.⁴

Transgender and gender non-conforming people across the country report high levels of harassment.⁵ Physical violence, verbal and sexual assault, and workplace harassment are just some of the daily realities faced by members of our community whose gender expressions are met too often with hostility instead of understanding.⁶

In 2015, the National Center for Transgender Equality conducted the largest survey of trans people in the United States.⁷ The survey documented the consequences of our society's deeply-rooted prejudices. It outlined the pervasive mistreatment and violence against trans people as well as the systematic loss of opportunities that gender non-conforming people experience on a daily basis.

Of the 27,715 respondents, 1,779 were New York residents.⁸ Specifically with regard to restrooms, 11% of the New York respondents reported being verbally harassed when accessing a restroom in 2014.⁹ 58% of the New York respondents reported that they had avoided using a

³ See *New York City Adopts Gender-Neutral Bathrooms*, CBSNEWS (June 28, 2016), <https://www.cbsnews.com/news/new-york-city-adopts-gender-neutral-bathrooms/>.

⁴ See *Mayor de Blasio Signs Legislation Requiring Single-Occupant Bathrooms to be Usable by Persons of Any Gender*, NYC.GOV (June 28, 2016), <http://www1.nyc.gov/office-of-the-mayor/news/568-16/mayor-de-blasio-signs-legislation-requiring-single-occupant-bathrooms-be-usable-persons-of> (describing Council Members' specific references to the needs of transgender and gender non-conforming individuals in reference to the restroom legislation).

⁵ See Sandy E. James, Jody L. Herman, Susan Rankin, Mara Keisling, Lisa Mottet, and Ma'ayan Anafi, *Executive Summary of the Report of the 2015 U.S. Transgender Survey*, NAT'L CENTER FOR TRANSGENDER EQUALITY (2016), <https://transequality.org/sites/default/files/docs/usts/USTS-Executive-Summary-Dec17.pdf>.

⁶ *Id.*

⁷ *Id.*

⁸ NAT'L CENTER FOR TRANSGENDER EQUALITY, *2015 U.S. Transgender Survey: New York State Report* (2017), <http://www.transequality.org/sites/default/files/USTS%20NY%20State%20Report%20%281017%29.pdf>.

⁹ *Id.*

public restroom in the previous year because they were afraid and 28% reported that they limited the amount they ate or drank to avoid having to use the restroom.¹⁰

These statistics are alarming. They confirm a reality in which our society's commitment to the gender binary has real life consequences. Of the national respondents, 40% reported attempting suicide in their lifetimes, almost nine times that of the rest of the U.S. population.¹¹ It is vital to note that the adversities that trans people face are only compounded for people of color, for people living in poverty, and for people living with disabilities or HIV.¹²

Providing accessible all-gender restrooms is crucial for the safety of our community. Although the New York City Council acknowledged this need and the ease with which single occupancy restrooms could be marked for use by all genders, there remains a lack of compliance. A reason for this is the absence of an education and outreach provision in the original law. As a result, many people are simply unaware of the current law.

In January 2018, the New York City Department of Education started its own initiative to designate single-stall student restrooms in all their schools, acknowledging the value of having school facilities that align with student's gender identities.¹³ Along with the physical changes, the Department of Education provided "detailed guidance, including an in-depth frequently asked questions document on privacy and safety protocols, student access and appropriate terminology for describing the restroom to students, staff, and families."¹⁴ They provided this

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ See *Chancellor Fariña Announces Single-Stall Student Restrooms Initiative*, SCHOOLS.NYC.GOV (May 2, 2017), <http://schools.nyc.gov/Offices/mediarelations/NewsandSpeeches/2016-2017/Farina+Announces+Single+Stall+Student+Restrooms+Initiative.htm>.

¹⁴ *Id.*

guidance because they knew that educating students, staff, and families was integral to the success of the initiative. They knew that people needed to know about the initiative in order for it to be implemented.

The current Local Law 79 helps combat the pernicious harassment that we know transgender and gender non-conforming people face. Having such a law, which requires every single-stall restroom to be all-gender but lacks an enforceable structure or a provision to inform people about the law, diminishes the positive impact that the Council hoped to have in the lives of trans and gender non-conforming people.

The impact of having all-gender restrooms on people who feel more comfortable in non-gendered restrooms is profound. According to a 2016 psychological study of transgender and gender non-conforming people, denial of access to restrooms had a significant relationship to suicidality, even after controlling for interpersonal victimization.¹⁵ Providing safe access to restrooms shifts this correlation away from suicide. Providing safe access to restrooms positively affects the mental health, physical health, and overall lives of trans and gender non-conforming people. It helps them in their workplaces, in public spaces, and in their everyday lives. Intro 465 is a step in the right direction for transgender people, gender non-conforming people, people who require assistance in restrooms, parents with children, and people with disabilities, just to name a few. Just like the original law, this amendment aligns with the Council's work towards equity and human dignity for all New Yorkers.

¹⁵ See Kristie L. Seelman, *Transgender Adults' Access to College Bathrooms and Housing and the Relationship to Suicidality*, 63 J. OF HOMOSEXUALITY 1378 (2016).

By enacting Intro 465, more establishments will be aware of the current law and therefore more people will feel comfortable and safe going about their daily lives in our city.

For all these reasons, I urge you again to pass Intro 465. Please do not hesitate to contact me should you have any questions or need additional information. Thank you.

Respectfully submitted,

Lambda Legal

Cathren Cohen
Law Fellow
ccohen@lambdalegal.org

Mateo Guerrero-Tabares

June 12, 2018

Good afternoon members on the Committee of Housing and Buildings. Today I am here to testify about the importance of requiring the department of buildings to conduct education and outreach regarding single-occupant toilet room requirements. My name is Mateo Guerrero, and I am the Popular Education Coordinator at Make the Road NY.

I am here today because I deeply believe that communities should be able to use a bathroom without having to make a political statement. I am a transgender man, and ever since I started identifying as Mateo, it was extremely difficult accessing different public spaces in particular bathrooms. Before starting my Hormone Replacement Therapy I was constantly being kicked out of the men's bathrooms, being called names while in the bathroom, and even when it was a single-occupant room that was marked for either gender, I was being asked from people around me to leave the bathroom, leave the premises, or they would try to call a manager to let them know that I was using the "wrong bathroom."

Then after I started "passing," *which is when people can't tell if you're trans or not*, the interactions that I had going to the bathroom were no longer violent experiences, but have been concerning for my health. There are men's bathrooms that are impossible to use for me as a trans person, for example the public bathrooms at Tompkins Square Park, where there are no doors in the male restrooms. It's a health concern because other people wouldn't let me use the women's restroom regarding the circumstances, which means that I wouldn't allow my body to relieve itself, and then at the same time it is a safety concern because if I do decide to use the males room another guy could see that I am using the restroom and potentially face harassment because my genitals don't match those of a cisgender male. Therefore, for the past two years those have been my experiences with bathrooms, not being able to use them because male restrooms don't have doors regardless of being public or private spaces.

Last weekend however, I did have a really dehumanizing bathroom experience again, and this was at a single-occupant toilet room. I was at a bar downtown with some of my friends, and when I tried to use the males bathroom the toilet was all thrown up, and in order for me to use the bathroom I have to sit down, I don't have the equipment to pee standing up. So I decided to go into the bathroom marked as woman. There was a line, and I was making the line to the restroom, when one of the woman started saying that I shouldn't go into the women's bathroom if I'm a man. I told her that I couldn't use the other restroom, that I really needed to pee, and that I am transgender. At that point she started screaming at me, about my fake man clothes, making unnecessary comments about my genitals, about personal sex life asking me if I hadn't brought a strap on to the bathroom. It was extremely dehumanizing and unnecessary. Once the bathroom was empty I went inside, and I was ok because she had left the hallway. However, she she came back and continued screaming loudly about how I don't get to have it "both ways." It was really scary because I feared that she was going to punch me, she was up in my face really intimidating. Other people in the line told her that it was ok, but she was very altered. Again, this happened to me in single-occupant bathroom.

It is important that we educate business owners about the policy of single-occupant restrooms to be gender neutral, going to the bathroom shouldn't be a political statement, we should be free to pee at least. The city needs to be more proactive into ensuring the safety of trans people not only on single-occupant rooms, but also increasing the educational materials to end the physical and verbal transphobic aggressions that happen in any bathrooms.

Thank you.



Comments on Int. No. 644: A Local Law to amend the administrative code of the city of New York, in relation to requiring carbon monoxide detectors in commercial spaces, and on Int. No. 836 A Local Law to amend the administrative code of the city of New York, in relation to approval processes for alternative automatic fire extinguishing systems, fire alarm systems, emergency alarm systems, fire department in-building auxiliary radio communication systems and fire protection plans.

The Building Owners and Managers Association of Greater New York (“BOMA/NY”) represents more than 750 owners, property managers, and building professionals who either own or manage 400 million square feet of commercial space in NYC, and it is an association within BOMA International, a federation of 90 US associations and 19 international affiliates that own and operate approximately 10.5 billion square feet of office space in the United States.

Int. No. 644:

This bill would extend the current requirements for CO detectors to include all commercial and mercantile spaces with equipment that can produce CO. BOMA/NY appreciates the need to remove the risk of harm to those who could potentially be exposed to CO, but we have some concerns about the proposed bill as written and as it will be applied, based on current practices under the existing law.

It seems that under existing code, CO alarms would need to be added for new construction and for certain significant large-scale rebuilds, changes in use groups, and expansions. However, currently the law applies to places of assembly in commercial buildings, and the FDNY requires installation of CO detectors even when there are only minor alterations under consideration. The proposed bill should clarify the exact circumstances where detectors must be installed. If the law indeed would apply to minor changes such as buildouts for new tenants, it will impact costs of those buildouts that need to be taken into consideration.

Related to the above point, current practices include requiring CO detectors for spaces within one floor of CO-producing equipment at the time of a buildout. This could impact many mercantile and commercial spaces moving in at ground level, which may be one floor above the boiler room. It is not clear that such a requirement would be necessary, as there may be little risk. This would also trigger the need to add an alarm to the boiler room, adding more costs.

Similarly, under existing practices, FDNY requires adding CO detectors if you work on or modify your alarm system even in minor ways. If such a practice is applied to entire commercial buildings, it could add significant costs to relatively minor projects.

Currently, FDNY requires CO alarms that automatically shut down the relevant equipment. They also prefer alarms that send a separate signal for CO detection than for other emergencies, such as a fire. Requirements such as these may be impractical or unnecessary in commercial buildings or may require some buildings to upgrade alarm systems to comply with the separate signal mandate, again adding costs.

BOMA/NY feels that these and other details are important to work out prior to the passage of the bill and not during rulemaking, so that everyone knows exactly what is being enacted and required. Furthermore,

as the three-year update of the various codes is currently underway and will be completed soon, that process would be a perfect vehicle for working out the details of requiring CO detectors in commercial and mercantile spaces, and we strongly advise that the City take that approach. The code modification process places expert City employees from relevant agencies together with local technical expertise and experience in the field together to solve complex code issues.

Int. No. 836:

This proposed bill would move permitting and inspection of certain fire systems from being joint DOB and FDNY to being just under FDNY's jurisdiction. The aim of the bill is to accelerate permitting and to save businesses money by needing only one permit and only one permit process. In general, BOMA/NY supports efforts such as these that can improve the efficiency of the permit process without impairing safety. We do, however, have some concerns with the bill as proposed.

BOMA/NY would like to see the fees and the procedures that would be used spelled out in detail prior to the Council passing this bill. In addition, any protocols between DOB and FDNY that might be needed should be spelled out in advance.

In order for this effort to save time and money, it is critical that FDNY has the resources it needs to quickly approve work, conduct inspections, and, as needed, recommend amendments and reinspect. Currently FDNY is understaffed for these types of activities. For example, fire alarm system inspections take 2-3 weeks to schedule, and amendments take an additional 2-3 weeks. This lack of resources would be compounded if there is thought of removing or reducing self-certification as it is currently allowed.

Related to the above, FDNY is currently looking to update their permitting and submitting system to make it electronic, ala DOB NOW. It may well make sense to wait for such a system to be in place before tasking FDNY with significant new permitting and inspecting responsibilities.

BOMA/NY appreciates the opportunity to comment on these proposed bills and would be happy to work with the City moving forward to help work out important details that would strengthen the legislation.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Rachel Van Tosh

Address: _____

I represent: Dept. Small Business Services

Address: 110 William St NY NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6/12

(PLEASE PRINT)

Name: Chief Edward Ferriter

Address: 9 Metrotech Center

I represent: FDNY

Address: 9 Metrotech center

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 465,644,7²⁸ Res. No. _____

in favor in opposition

Date: 6/12/18

(PLEASE PRINT)

Name: Patrick Wehle

Address: Assistant Commissioner

I represent: NYC DOB

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 728 Res. No. _____
 in favor in opposition

Date: 6-12-18

(PLEASE PRINT)

Name: CHIEF SAMSAIR

Address: 3140 FULTON ST., BROOKLYN N.Y. 11208

I represent: ROTI ON THE RUN

Address: 3140 FULTON ST.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. ~~5836~~
 in favor in opposition 0465

Date: 06/12/18

(PLEASE PRINT)

Name: Mateo Guerrero-Tabares

Address: 98-02 57th ave Corona NY

I represent: Make the Road and TGNC Solutions Coalition

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 465 Res. No. _____
 in favor in opposition

Date: 6/12/18

(PLEASE PRINT)

Name: LYNDA NGUYEN

Address: 2027 PACIFIC ST #7B BROOKLYN NY 11233

I represent: NYC AIP

Address: 116 NASSAU ST 3RD FLOOR NY NY 10038

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 7

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: CHANDRA HARAN

Address: 3350 FULTON ST BKM

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

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in favor in opposition

Date: 6/12/18

(PLEASE PRINT)

Name: Cathren Cohen

Address: 301 E. 21st St, Apt 6E, NY, NY 10010

I represent: Lambda Legal

Address: 120 Wall Street, Floor 19, NY, NY 10011

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0465-2017 Res. No. _____

in favor in opposition

Date: 6-12-17

(PLEASE PRINT)

Name: Dolph W Goldenburg

Address: 20 W 20th St # 705 NY NY 10011

I represent: Transgender Legal Defense Fund

Address: 20 W 20th St # 705 NY NY 10011

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THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: 6/12/18

(PLEASE PRINT)

Name: Lowell Herschberger

Address: 108 Jerome St., Bk, NY 11207

I represent: Cypress Hills LDC

Address: 625 Jamaica Ave., Bk, NY 11208

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THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: JUAN DIAZ

Address: 2887 FULTON ST Brooklyn

I represent: Cypress Hill

Address: _____

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 728 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: JAVARES Julia

Address: 234 CLOYDLAND ST BROOKLYN

I represent: MERCHANT

Address: _____

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: CONSTANTINO (GUS) SIRAKIS

Address: 280 BROADWAY

I represent: DOB

Address: _____

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