

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Consumer and Regulatory Affairs

Department of Consumer and Regulatory Affairs (DCRA)
Administrative Issuance System

DCRA Bulletin No. 5-02AC-11

SUBJECT: Temporary Enforcement Policy of Construction Codes regarding Gender Specific Signage for Single-Occupancy Bathrooms

EFFECTIVE DATE: February 24, 2011

EXPIRATION OR REPLACEMENT: Until adoption of amended Construction Codes

PURPOSE AND AUTHORITY:

The purpose of this Administrative Issuance is to outline the agency's temporary policy for enforcement of Construction Codes regarding gender specific signage for single- occupancy bathrooms. The policy is issued under the authority of the Agency Director.

SCOPE:

The Department of the Consumer and Regulatory Affairs (DCRA) Temporary Policy for Enforcement of Construction Codes applicable to gender specific signage for single-occupancy bathrooms applies to all employees who have a role in determining compliance with District of Columbia Construction Codes.

PROVISIONS:

There currently exists a conflict of laws between The Human Rights Act of 1977 and portions of 12A District of Columbia Municipal Regulations. The Human Rights Act of 1977 was amended on March 6, 2006 to add "gender identity or expression" to the list of categories protected from illegal discrimination. Pursuant to the enforcing regulations for The Human Rights Act of 1977, single-occupancy restrooms must have gender-neutral signs. The existing Construction Codes require gender specific signs on bathrooms. There is a pending proposal to amend relevant portions of 12A DCMR that will align the Construction Codes with The Human Rights Act of 1977. The amended Construction Codes are scheduled to be adopted in law in 2011. To resolve the conflict temporarily until the Construction Code is amended, DCRA staff will adhere to the requirements of The Human Rights Act of 1977 and not enforce relevant portions of 12A DCMR regarding gender specific signage for single-occupancy bathrooms. Accordingly, DCRA employees who have a role in determining compliance with District of Columbia Construction Codes are to refrain from enforcing in either permit approval or inspections existing Construction Code provisions regarding gender specific signage for single-occupancy bathrooms.

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Each manager or supervisor is responsible for ensuring that employees abide by the terms of this policy, and that a copy of this policy is posted in an open and conspicuous location(s) in the workplace. A final determination that an employee has violated this policy shall be made by the DCRA Executive Staff Member responsible for the employee's work unit. This Temporary Enforcement Policy of Construction Codes regarding Gender Specific Signage for Single-Occupancy Bathrooms is not intended to be an employment contract and is subject to change at any time. Clarification and additional information is available from the Chief Building Official.

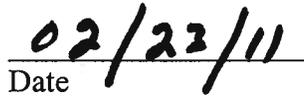
Repeat failure to adhere to this policy will result in disciplinary action.

EFFECTIVE DATE:

This Temporary Enforcement Policy of Construction Codes regarding Gender Specific Signage for Single-Occupancy Bathrooms shall become effective upon issuance.

For additional information or clarification, please contact Jed Ross, Acting Deputy Director at (202) 442-4352.


Director


Date