



Lori Droste
Councilmember, District 8

CONSENT CALENDAR
January 24, 2017

TO: Honorable Mayor and Members of the City Council
FROM: Councilmember Lori Droste
SUBJECT: Berkeley BABIES Initiative

RECOMMENDATION

Request that the City Manager create a provision and enforcement mechanism to ensure that all publically-accessible City buildings install and maintain at least one baby diaper-changing accommodation that is accessible in both men and women's restrooms or a single diaper-changing accommodation that is accessible to all genders. In addition, request that the City Manager provide recommendations to mandate all businesses to provide changing stations in either women's and men's restrooms or gender-neutral restrooms.

BACKGROUND

In October, President Obama signed a bill entitled Bathrooms Accessible for Babies in Every Situation (BABIES) Act. This bill mandated that federal buildings open to the public have diaper-changing stations in women's and men's bathrooms alike. Since the City of Berkeley has always led the country in passing legislation that is family-friendly and gender inclusive, this legislation would expand on the BABIES Act by requiring City buildings and businesses offering changing tables in women's restrooms provide opportunities them in other restrooms too.

FISCAL IMPACTS

Staff time to develop the ordinance and enforcement provisions.
Costs for purchasing changing tables.

ENVIRONMENTAL SUSTAINABILITY

No adverse effects

CONTACT PERSON

Lori Droste, City Councilmember, District 8, 510-981-7180

Attachment
1: BABIES Act text

Public Law No: 114-235 (10/07/2016)

Public Law 114-235
114th Congress

An Act

To amend title 40, United States Code, to require restrooms in public buildings to be equipped with baby changing facilities. <<NOTE: Oct. 7, 2016 - [H.R. 5147]>>

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, <<NOTE: Bathrooms Accessible in Every Situation Act.>> SECTION 1. <<NOTE: 40 USC 101 note.>> SHORT TITLE.

This Act may be cited as the ``Bathrooms Accessible in Every Situation Act'' or ``BABIES Act''.
SEC. 2. BABY CHANGING FACILITIES IN RESTROOMS IN PUBLIC BUILDINGS.

(a) In General.--Chapter 33 of title 40, United States Code, is amended--

(1) by redesignating sections 3314, 3315, and 3316 as sections 3315, 3316, and 3317, respectively; and

(2) by inserting after section 3313 the following new section:

``Sec. 3314. <<NOTE: 40 USC 3314.>> Baby changing facilities in restrooms

``(a) <<NOTE: Determination.>> Additional Requirement for the Construction, Alteration, and Acquisition of Public Buildings.--Except as provided in subsection (b) and subject to any reasonable accommodations that may be made for individuals in accordance with the Americans with Disabilities Act (42 U.S.C. 12101 et seq.) restrooms in a public building shall be equipped with baby changing facilities that the Administrator determines are physically safe, sanitary, and appropriate.

``(b) Exceptions.--The requirement under subsection (a) shall not apply--

``(1) to a restroom in a public building that is not available or accessible for public use;

``(2) to a restroom in a public building that contains clear and conspicuous signage indicating where a restroom with a baby changing table is located on the same floor of such public building;

``(3) if new construction would be required to install a baby changing facility in the public building and the cost of such construction is unfeasible; or

``(4) to a building not subject to an alteration as set forth in section 3307.

``(c) Definitions.--In this section:

``(1) Baby changing facility.--The term `baby changing facility' means a table or other device suitable for changing the diaper of a child age 3 or under.

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``(2) Pubic building.--The term `public building' means a public building as defined in section 3301 and controlled by the Public Building Service of the General Services Administration.".

(b) Clerical Amendment.--The analysis for such chapter <<NOTE: 40 USC 3301 prec.>> is amended by striking the items relating to sections 3314, 3315, and 3316 and inserting the following:

``3314. Baby changing facilities in restrooms.

``3315. Delegation.

``3316. Report to Congress.

``3317. Certain authority not affected.".

(c) <<NOTE: Effective date. 40 USC 3314 note.>> Applicability.--The requirement under section 3314(a) of title 40, United States Code, shall apply in the case of a public building constructed, altered, or acquired by the Administrator of General Services on or after the date that is 1 year after the date of the enactment of this Act, beginning on that date.

Approved October 7, 2016.

LEGISLATIVE HISTORY--H.R. 5147: