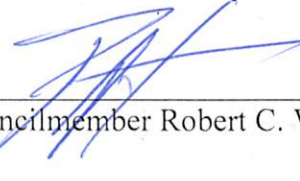




Councilmember Charles Allen



Councilmember Brianne K. Nadeau



Councilmember Robert C. White, Jr.

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Construction Codes Approval and Amendments Act of 1986 to require Diaper-Changing Accommodations be available for use by all genders in DC owned or occupied building that includes at least one toilet facility that is open to the public; and to require Diaper-Changing Accommodations be available for use by all genders in newly constructed or substantially renovated business establishments and places of public accommodation that include at least one toilet facility that is open to the public.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Equal Access to Changing Tables Amendment Act of 2019”.

Sec. 2. The Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1401 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 6-1401) is amended as follows:

(1) A new paragraph (1A) is added to read as follows:

“(1A) “Business establishment” means any entity, however organized, which furnishes goods or services to the general public. An otherwise qualifying establishment which has membership requirements is considered to furnish services to the general public if its

37 membership requirements consist only of payment of fees or consist of requirements under
38 which a substantial portion of the residents of the District could qualify.”.

39 (2) A new paragraph (6A) is added to read as follows:

40 “(6A) “Diaper-changing accommodation” means a safe, sanitary, and convenient
41 baby diaper-changing station, or similar amenity, including work surfaces, stations, decks, and
42 tables in toilet facilities.”.

43 (5) A new paragraph (11A) is added to read as follows:

44 “(11A) “Substantially renovated” shall mean the construction, alteration, or repair
45 of toilet facilities where the work requires a permit and the construction cost is \$10,000 or
46 more.”.

47 (b) A new section 10d is added to read as follows:

48 “Sec. 10d. Diaper-changing accommodations.

49 “(a) All new and existing District-owned, District instrumentality-owned, and District
50 occupied buildings that includes at least one toilet facility that is open to the public shall provide
51 on each floor level that includes a toilet facility available for use by the public:

52 “(1) At least one diaper-changing accommodation that is available for use by
53 women and at least one that is available for use by men;

54 “(2) At least one diaper-changing accommodation that is available for use in a
55 gender-neutral toilet facility; or

56 “(3) At least one diaper-changing accommodation in a private room, space, or
57 area that is available for use by all genders.

58 “(b) All newly constructed or substantially renovated business establishments and places
59 of public accommodation, as defined in section 102(24) of the Human Rights Act of 1977,

60 effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(24)), that include
61 at least one toilet facility that is open to the public shall provide on each floor level that includes
62 a toilet facility available for use by the public:

63 “(1) At least one diaper-changing accommodation that is available for use by
64 women and at least one that is available for use by men;

65 “(2) At least one diaper-changing accommodation that is available for use in a
66 gender-neutral toilet facility; or

67 “(3) At least one diaper-changing accommodation in a private room, space, or
68 area that is available for use by all genders.

69 “(c) Each public building shall provide signage at or near its entrance indicating the
70 location of the diaper-changing accommodations.

71 “(d) Notwithstanding subsections (a) and (b) of this section, a diaper-changing
72 accommodation shall not be required if:

73 “(1) The Director of the Department of Consumer and Regulatory Affairs, or his
74 or designee, in consultation with the Office of Disability Rights, determines that installation of a
75 diaper-changing accommodation will not comply with District or federal laws relating to access
76 to persons with disabilities; or

77 “(2) The Director of the Department of Consumer and Regulatory Affairs, or his
78 or designee, determines that installation of a diaper-changing accommodation is infeasible due to
79 spatial or structural limitations.

80 “(e) Nothing in this section shall be construed as requiring or authorizing:

81 “(1) A reduction in the number of toilet facilities that are required by the
82 Construction Codes as defined in section 2(2) of the Construction Codes Approval and

83 Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-
84 1401(2)); or

85 “(2) A reduction in the number of toilet facilities accessible to persons with
86 disabilities that are otherwise required under either the Construction Codes as defined in section
87 2(2) of the Construction Codes Approval and Amendments Act of 1986, effective March 21,
88 1987 (D.C. Law 6-216; D.C. Official Code § 6-1401(2)), or the federal Americans with
89 Disabilities Act.

90 (f) The Mayor, in consultation with the Construction Codes Coordinating Board or its
91 successor, shall propose regulations implementing this section no later than 180 days after
92 adoption of this section, through amendment of the Construction Codes section 2(2) of the
93 Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C.
94 Law 6-216; D.C. Official Code § 6-1401(2)), and such regulations shall be included in
95 subsequent editions of the Construction Codes as necessary to effectuate the intent of this
96 provision.”.

97 Sec. 3. Fiscal impact statement.

98 The Council adopts the fiscal impact statement in the committee report as the fiscal
99 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
100 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

101 Sec. 4. Effective date.

102 This act shall take effect following approval by the Mayor (or in the event of veto by the
103 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
104 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

105 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
106 Columbia Register.