

Issue brief

AIA MA Priority Level

This is a High Priority bill

The Ask

Ask your legislator to support these bills

For more information

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HB 3019/SB 1978 – An Act establishing gender-neutral bathrooms

Sponsors: Rep. Mindy Domb and Sen. Joanne Comerford

Purpose

These bills would direct the Board of State Examiners of Plumbers and Gas Fitters to promulgate regulations to allow for gender neutral bathrooms to be designated or installed in any use group regardless of whether the work being performed is new construction or a renovation.

Comments

In late 2018, Rep. Domb and Sen. Comerford participated in an AIA MA Freshman Breakfast in Amherst, where discussions began about the development and promulgation of construction codes in Massachusetts.

The state has long aimed to replace its “homegrown” construction codes with national model codes. Presently, out of the 14 construction codes used in the Commonwealth, all have fully transitioned to national standards, leaving the MAAB and the Plumbing Board with homegrown regulations.

While the Plumbing Board has taken positive steps to address gender-neutral toilets, with a recent Listening Session garnering unanimous support for their inclusion, over 20% of variance requests still revolve around projects seeking approval for gender-neutral facilities. This suggests that gender-neutral facility inclusion has not yet achieved a standard “as of right” status within the code.

The plumbing code does allow for installing all-gender toilet rooms – referred to as gender-neutral or unisex in the code – but imposes stringent requirements that place a disproportionate financial burden on building owners. These requirements result in more extensive and costlier construction and maintenance conditions.

Additionally, the code limits the use of toilet facilities to single-user facilities, potentially outing users who wish to keep their gender identity private. A more inclusive legislative approach and subsequent code revisions will ensure equal access and experience for all genders, allowing building owners and architects to develop inclusive toilet facilities without significant financial disparities or privacy concerns.

