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MOTION

ARTS, PARKS, AND RIVER

In May 2016, the Obama Administration issued a federal executive directive that all public schools districts in the country must allow transgender students to use the bathroom or restroom that matches their gender identity. The purpose was to ensure that transgender students enjoy a supportive and nondiscriminatory school environment. The City of Los Angeles should review its existing laws and regulations that may explicitly or inadvertently dissuade a transgendered person from using the public bathroom of their gender identity. California has some of the most progressive laws already in place that expanded the rights to fair housing and employment for gender expression and gender identity under the Gender Nondiscrimination Act of 2012.

Our local regulations should be analyzed and updated for consistency with state law and the Obama Administration's Directive. The Los Angeles Municipal Code (LAMC) 63.44 has been amended many times and may not reflect current law, which leaves the City vulnerable to allegations of discrimination. LAMC section 63.44 allows the City to enforce fair access to public property. One provision, 63.44(f), is not in compliance with state law, and states "No person over eight (8) years or age shall enter or use any restroom in a park designated for persons of the other sex." Given the most recently passed legislation at the State to protect the transgendered community's access to use the public bathroom of their gender identity, the City Attorney should analyze and update the LAMC 63.44 as soon as possible to ensure our compliance applicable law.

Laws that are unclear can compromise robust enforcement by our prosecutors when violations occur. Without that clarity, we risk the detrimental effect of sending mixed messages to the transgendered and non-gender conforming community. There is a need for the City Attorney to analyze the current code and report to Council with recommendations to update, modernize and amend it to comply with established state law and to bolster our ability to fairly enforce the law.

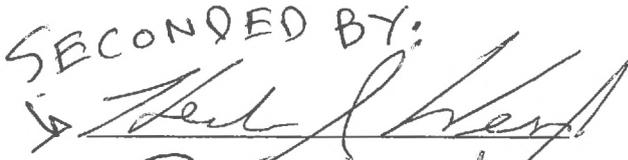
I THEREFORE MOVE that the City Attorney be requested to report, in 60 days, with recommendations on the necessary steps to update, reorganize, and modernize LAMC 63.44 to achieve compliance with State law relative to extending the protections of gender identity and gender expression laws to public bathroom use.

PRESENTED BY:


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