



STEVEN M. FULOP
MAYOR OF JERSEY CITY

**CITY OF JERSEY CITY
OFFICE OF THE MAYOR**

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STEVEN M. FULOP
MAYOR OF JERSEY CITY

E.O. 2017-005
Res. 17-196

March 23, 2017

**EXECUTIVE ORDER OF THE MAYOR
OF THE CITY OF JERSEY CITY
ESTABLISHING GENDER NEUTRALITY IN ALL MUNICIPAL BATHROOM FACILITIES
OWNED OR MAINTAINED BY THE CITY OF JERSEY CITY**

Whereas, in 2014, the Justice Department issued an opinion that the Civil Rights Act of 1964 applies to claims of discrimination based on gender identity;

Whereas, in his 2015 State of the Union address, President Barack Obama condemned discrimination against women, religious minorities and people who are lesbian, gay, bisexual or transgender;

Whereas, in May 2016, the Justice and Education Departments issued guidelines that under Title IX of the Education Amendments of 1972 schools receiving federal money may not discriminate based on a student's transgender status and that the department would treat a student's gender identity as the student's sex for purpose of enforcing Title IX;

Whereas, despite the rescission of this policy by the Trump administration, the Jersey City Board of Education has continued to adhere to the 2016 guidelines within the Jersey City school system;

Whereas, many cities including Austin, Texas; Berkeley California; Philadelphia, Pennsylvania; Santa Fe, New Mexico and Seattle, Washington have passed laws extending these protections to all of their facilities and requiring all bathrooms to be single-user all-gender bathrooms;

Whereas, California became the first state to require that all single-toilet facilities to be gender neutral;

Whereas, as Mayor of the City of Jersey City, I am responsible, pursuant to New Jersey Statute 40:69A-40(f), for the "care and custody of all municipal property" and am therefore authorized to issue the following executive order prohibiting discrimination in the use of bathroom facilities maintained by the City of Jersey City in any of its buildings:

For the foregoing reasons and pursuant to the authority vested in the Mayor of the City of Jersey City by law, I issue the following Executive Order:

- (1) All bathroom facilities in any place of public accommodation maintained by the City of Jersey City shall bear the a sign, which shall be viewable to any user at the entrance of the facility and legible to all users containing substantially the following words: "Gender diversity is welcomed here; please use the restroom that best fits your gender identity or expression";
- (2) On or before April 1, 2017, the Director of Public Works shall modify all such bathroom facilities to assure the privacy of individual users, which at a minimum shall include a locking mechanism controlled by the user in each bathroom stall;
- (3) In the alternative, such bathroom facilities may be converted to single-user toilet facilities and be identified as gender-neutral by appropriate signage and designated for use by no more than one occupant at a time or for family of assisted use;
- (4) For the purpose of this section "single-user facility" means a toilet facility with no more than one water closet and one urinal with a locking mechanism controlled by the user.

All city agencies and employees shall fully cooperate with this Executive Order.

Any other Executive Orders inconsistent with the provisions of this Order are hereby rescinded.

This Executive Order shall be kept on file in the Offices of the City Clerk and Business Administrator. It will also be made available to the public upon request.

This Order shall take effect immediately.

Very truly yours,



STEVEN M. FULOP
MAYOR

cc: Robert Kakoleski, Acting Business Administrator
Robert Byrne, City Clerk
Jeremy Farrell, Corporation Counsel
All Department Directors