

SAN FRANCISCO MUNICIPAL CODE

Compliance Rules and Regulations Regarding Gender Identity Discrimination

Available online: <http://www.sf-hrc.org/index.aspx?page=29>

San Francisco Administrative Code Chapter 12A, 12B, 12C

San Francisco Police Code Article 33

2. DEFINITION OF GENDER IDENTITY

Chapters 12A, 12B, and 12C of the San Francisco Administrative Code and Article 33 of the San Francisco Police Code define "Gender Identity" as "a person's various individual attributes as they are understood to be masculine and/or feminine." * Gender Identity therefore includes discrimination based upon an individual's self-asserted gender identity and/or gender expression whether or not different from that traditionally associated with the person's actual or perceived sex as assigned at birth.

[*12A.3(a); 12B.1(c); 12C.2; 33]

3. REGULATIONS

It is unlawful to discriminate against a person in employment, housing, or public accommodations, on the basis of that person's actual or perceived gender identity, or to discriminate against a person who associates with persons in this protected category, or to retaliate against any person objecting to, or supporting enforcement of legal protections against gender identity discrimination in employment, housing, and public accommodations

4. EXAMPLES OF UNLAWFUL GENDER IDENTITY DISCRIMINATION

A. EMPLOYMENT: Includes but is not limited to failure to hire, failure to promote, disparate treatment, unlawful termination, verbal and/or physical harassment, deliberate misuse of appropriate forms of address and pronouns, failure to make a reasonable accommodation when requested by the employee, and/or denial of access to bathroom that is appropriate to the employee's gender identity.

B. HOUSING: Includes but is not limited refusal to show, rent, or sell real property that is available for lease or sale, addition of different or additional terms or conditions in a lease, and refusal to provide services or make repairs or improvements for any tenant or lessee, deliberate misuse of appropriate forms of address and pronouns by the landlord or property manager, tolerating harassment by co-tenants, landlords, or property managers.

C. PUBLIC ACCOMMODATIONS: Includes but is not limited to refusal to provide goods or services, disparate treatment, verbal and/or physical harassment, intentional and deliberate misuse of appropriate forms of address and/or pronouns, and/or denial of access to bathroom/restroom that is consistent with and appropriate to the customer's or client's gender identity.

5. GUIDELINES

A. BATHROOMS/RESTROOMS: Individuals have the right to use the bathroom/restroom that is consistent with and appropriate to their gender identity. The Commission wants to ensure that people of all genders have safe bathroom access. Therefore, the Commission strongly urges that all single-use bathrooms be designated gender neutral (unisex) and that all places of public accommodation and

employment provide a gender neutral bathroom option.

B. VERIFICATION OF GENDER: Requiring proof of an individual's gender is prohibited, except in situations where all persons are asked to verify their gender.

F. SEX-SPECIFIC FACILITIES WITH UNAVOIDABLE NUDITY:

- A. All people have an equal and binding right to the access and safe use of those facilities that are segregated by sex. In sex-specific facilities, where nudity in the presence of other people is unavoidable, agencies, businesses, organizations, City contractors, and City departments shall make reasonable accommodations to allow an individual access and use of the facility that is consistent with that individual's gender identity which is publicly and exclusively asserted.
- B. Access and use of a sex-specific facility may not be denied to any individual with an identification that designates the gender they are asserting. If an individual does not voluntarily show identification designating their gender identity, reasonable accommodations shall be made to integrate the individual into the facility that corresponds with the gender identity that the individual publicly and exclusively asserts or intends to assert over a period of time.
- C. The Human Rights Commission recommends that alternative forms of gender identification be accepted, such as a letter from a City department, community-based organization, healthcare provider, or counselor.