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CONFIDENTIAL ATTORNEY CLIENT PRIVILEGED MEMORANDUM

DATE: August 22, 2016

TO: Hotel Association of New York City, Inc.
Labor Relations Members
General Managers, Human Resources Directors and Controllers

FROM: Kane Kessler, P.C.
[Labor and Employment Practice Group](#)

RE: NYC Law Makes Single-Occupancy Restrooms Gender Neutral

We have received a number of questions regarding the new law Mayor DeBlasio signed into effect with respect to gender-neutral restrooms and, therefore, address it here.

On June 28, 2016, Mayor DeBlasio signed into law the requirement that as of January 1, 2017, New York City businesses with public facilities that contain single-occupancy restrooms must allow access to such restrooms to persons of any gender. The law does not require physical alteration of any single-occupancy restroom but requires that businesses post signs that are readily visible near the entrance to each restroom stating that the restroom is accessible for people of all genders, gender identities, and gender expressions.

A single-occupant restroom is defined under the law as “a toilet room with no more than one water closet and no more than one urinal”, with an exception being a “toilet room with one urinal and door to such room that is not securable from within.”

Businesses around the City are beginning to implement the signage required under the new law. While the compliance date is January 1 of next year, we recommend that businesses come into compliance as soon as is feasible to avoid any potential claims of discrimination. This is so because, as we reported earlier this year, NYC has already issued Guidance that broadens the scope of what may constitute discrimination, sexual harassment and/or retaliation with respect to gender identity and gender expression.

If you have any questions, please do not hesitate to contact [David R. Rothfeld](#), [Robert L. Sacks](#), [Lois M. Traub](#), [Alexander Soric](#), [Michael C. Lydak](#), [Jaelyn Ruocco](#) or [Jennifer Schmalz](#).

cc: Joseph E. Spinnato, President
Vijay Dandapani, Chairman
