



January 28, 2023

PRINCIPALS

John Francis Torti, FAIA, FCNU
Thomas M. Gallas, CPA
Lawrence V. Antoine, FAIA, AICP
Robert S. Wallach, AIA
Daniel Ashtary, AIA
Charles G. Coleman, III, RA
Sherief Elfar, AIA
Neal I. Payton, FAIA
Erik J. Aulestia, AICP
Troy E. McGhee, AICP
Brian E. O'Looney, AIA
Sarah Alexander, AIA
Scott A. Welch, AIA
Micheal D. Rollison
Stephanie Farrell, AIA
Greyson H. Goon
Jonathan A. Johnson, AIA
F. Nesli Dogrusoz, CDT
William Fears
Diane M. McCloskey, CPA
Jeremy Sharp, AIA

DIRECTOR SHAREHOLDERS

Felix C. Deloatch
Carlos Guzman, AIA
Omer Mushahwar
Gilbert Rocca, RA

EMERITUS

Sylvia S. Munero
Bruce D. Kennett, AIA
Cheryl A. O'Neill, AICP

The Honorable William C. Smith
The Honorable Brian Feldman
Senate Judicial Proceedings Comm
Senate Education, Environment,
and Energy Committee
2nd Floor, Senate Office Building

The Honorable Joseline A Peña-Melnyk
The Honorable CT Wilson
Health & Government Operations/
Economic Matters Committee
House Office Building

Re: Favorable with Amendments - 2023 HB0040//SB0084 - Places of Public Accommodation and Public Buildings - Gender-Inclusive Signage

Dear Chairman Smith and Members of the Judicial Proceedings Committee, Chairman Feldman and the Members of the Education, Environment and Energy Committee, Chairman Peña-Melnyk and the Health and Government Operations Committee, and Chairman Wilson and the Economic Matters Committee.

I am in support of the equity goals of HB40/SB84 and, want to propose an amendment to help the bill more easily comply with current building/plumbing codes.

My concern is that local code officials may begin to interpret a 'requirement' for additional restroom facilities because the fixture counts required in the adopted 2018 International Plumbing Code would no longer be met as fixtures are switched from gender-defined to gender neutral facilities. The state adopted model building codes [IBC, IPC, etc.] have very specific requirements for a minimum number of gender-defined and separated facilities, and if facilities are no longer specifically designated, some code officials may interpret a need for more facilities to meet the minimum requirements. Essentially, for the purpose of building codes, it would be helpful to all building owners if gender inclusive restrooms can count for the minimum counts of either/both genders, to avoid triggering a perceived requirement for additional unnecessary restroom facilities. This would override specific provisions of the adopted International Plumbing Code, namely gender based fixture counts in "403.1 Minimum Number of Fixtures", and specific requirements in section "403.2 Separate Facilities" for separate facilities.

Conceptual Amendment to HB40//SB84 - Places of Public Accommodation and Public Buildings - Gender-Inclusive Signage:

"The facilities within single-occupancy public restrooms, while being marked with gender-inclusive signage, can be counted by the building owner toward the Minimum Number of Required Plumbing Fixtures for either the male or female genders, as required under the adopted International Plumbing Code. No code

Architects of a better world.

TortiGallas.com

or other public official shall require additional gendered/gender-inclusive restroom facilities to be built, to meet Minimum Fixture Calculations or for any other reason, due to the redesignation of facilities; further all new or existing restroom fixtures and facilities marked with gender-inclusive signage shall be allowed to be allocated toward the Minimum Number of Required Plumbing Fixtures for either the male or female genders under the adopted International Plumbing Code, as determined by the needs of the building owner.

The language within the current adopted building codes is unfortunately vague and unclear regarding the assignment of gender-neutral restrooms, necessitating the request for this amendment. You may find that you further need to override the requirements for Separate Facilities under section 403.2 of the International Plumbing Code, in order to not require additional facilities to meet required Plumbing Code minimums. Again, I am in support of the intent behind this bill, and with the amendment above, or something similar, would strongly support its passage in Maryland. However, in its current form it could be detrimental to all commercial and civic building owners, increasing the risk for the imposition of unnecessary costs to all non-residential construction.

I would be happy to answer any questions, or please feel free to contact Sushant Sidh (Sushant.sidh@capitol-strategies.com) or myself (information below) with any questions.

Sincerely,



Brian O'Looney, AIA, LEED AP BD+C
Principal
Torti Gallas and Partners
Home Address: 325 Tschiffely Square Road
Gaithersburg, MD 20878

Enclosure: Section 403 Minimum Plumbing Facilities, Adopted 2018 International Plumbing Code