



# AIA North Carolina

## AIA North Carolina Position on HB 2

May 2, 2016

### Inclusion & Repeal

The American Institute of Architects reminds its members - and informs the public - that we have had a long-standing policy of supporting the promotion of human and civil rights, the universal respect for human dignity, and the unbiased treatment of all persons in employment, civic, and business transactions. Further, we support the full integration of rights for the LGBT community into our non-discrimination laws at all levels of government and recognize the right of any individual to self identify their own gender with the belief that everyone has the right to live, work and play in a built environment that is safe and secure, which includes our restrooms.

As such, the AIA has joined the growing chorus of citizens and entities calling for the repeal of HB 2 and asks that our legislators engage in further dialogue to legislate a more equitable solution that takes into account the needs of all persons in our state.

### A Process Circumvented

Some have questioned why the AIA has taken a stance on HB 2 since the organization traditionally has not weighed in on matters that are normally deemed "social" in nature. To be clear, HB 2 was framed for the public by both political sides following the rapid adoption of the law. The usual process that all represented industries employ in legislative analysis and education of their constituencies was circumvented in the process of creating HB 2.

However, a detailed analysis of the bill reveals that the most controversial issues regarding bathroom access was written and codified in the state statutes regarding construction of schools and public accommodations, Chapters 115C and 143 of the

General Statutes. These new statutes will supersede regulation already contained in the North Carolina Plumbing Code under 403.2. Because these two new statutes overlay a discriminatory policy (the marginalization of transgender individuals through the definition of biological sex) with design and construction rules, the AIA believes it appropriate to voice its opinion.

Anytime a piece of legislation is filed affecting our public design and construction statutes, the AIA engages in an analysis and formulates a position.

As expected, many of our members are reporting confusion from building owners about their obligations in providing restrooms. This is precisely an area where the design community should have a voice and influence in the process of crafting rules about providing these facilities to the public.

### Behavior vs. Gender

The stated intent by our legislative leaders of these new bathroom statutes is for the protection of our state citizens from individuals who would exploit new transgender policies through inappropriate behavior. Our laws regarding the provision of built accommodations, whether codified in statute or the building code, have not, nor should they be used, to define public behavior. We have clearly defined statutes under Chapter 14 of the General Statutes where behavior in public restrooms should be discussed and codified. This was not contemplated in HB 2 and should be part of the discussion in how to remedy the controversy created by the measure.

Had the General Assembly allowed for HB 2 to proceed through a normal legislative process rather than written in secret, and rushed through passage in 12 hours, the points we've outlined above would

have come out in the course of our traditional lobbying activity. We would love to engage our political leaders in discussions on how to resolve this issue, but it takes a willingness to have a conversation for this to occur. Thus far, our legislative elected officials have made it clear - they have no interest in talking to anyone about modifications to HB2. Even so, we will continue attempts to work with General Assembly leadership to find a solution to this issue that respects the human rights of all of our citizens.

### **The Economics of Political Instability**

Concerning the relocation of the SAR conference from Wilmington to Savannah. While AIA's diversity and inclusionary policies helped guide our position, a big part of our concern for the region is economic in nature. Should HB 2 remain intact, we have been made aware of many architects, exhibitors, and speakers that will stay away in protest of the law, or even be prohibited by their organizations from coming to North Carolina. A significant reduction in attendees would have a negative effect on the services we provide our membership in the South Atlantic Region.

That trend has already begun, and we have confirmed reports that other conferences and events in North Carolina have had diminished participation and revenue as a result. In fact, one of our keynote speakers is a public employee in Georgia and their leaders have banned public employee travel to North Carolina.

For these reasons the SAR Board of Directors believes it prudent to protect the AIA's investment in the Regional conference and made the decision to move it out of North Carolina.

### **A New Paradigm**

A component of this debate, public restrooms, is part of a broader issue that has long vexed building owners in providing these facilities. Unfortunately,

much of the dialogue to date has missed many important points about our ability to accommodate everyone's need for personal relief and dignity in public lavatories. Had public safety been the full intention of this law, the issue could have been more appropriately addressed through the process of modifying the building code.

The design and construction community has been at the forefront in dealing with the issue of restroom parity for decades. Providing the appropriate number of gender specific restrooms during the fight for women's equality was challenged by special interests, as was providing accessibility for the disabled and the dismantling of segregated facilities following the Jim Crow era. As viewed today, the idea of "separate but equal" is abhorrent. So we have to ask if today's building codes are just as antiquated? And, is there a new paradigm for public restrooms to consider?

Under our State's Building Code it's the role of architects, engineers and public minded citizens working with public code officials to determine how to achieve these levels of safety. Exploring alternatives to current codes is the best first step in supporting equality and safety for all our citizens.

### **Designing Solutions**

We understand the passion that exists on both sides of this issue but we ask the architectural community to look beyond the rhetoric from both sides and try to understand the underlying concerns created for our industry from HB 2.

The AIA is committed to designing solutions and working through the government processes to ensure we can provide true equal access to public restroom facilities for all. And it is also our commitment to press for open discussion, which includes addressing the needs of everyone as we make our laws.

*AIA North Carolina is a state chapter of the American Institute of Architects and represents over 2,200 architects at local and state levels. AIA NC members work with allied organizations and business leaders, civil servants, and volunteers to advance the best interests of the profession and the public, proving that good design makes a difference in American communities. Find more information online at [www.aianc.org](http://www.aianc.org).*