

RESOLUTION NO.

WHEREAS, the City has declared its commitment to protecting and advancing the rights and dignity of transgender and non-binary members of the Austin community, as evidenced by multiple City proclamations and resolutions; and

WHEREAS, on May 2, 2024, Council adopted Resolution No. 20240502-064, which declares, “It is the policy of the City to support and protect the health, welfare, and safety of individuals who identify or are perceived as LGBTQIA+ ... through the vigorous enforcement of hate crime and anti-discrimination laws and providing other forms of support”; and

WHEREAS, Governor Greg Abbott signed Texas Senate Bill No. 8 (SB 8) into law on September 22, 2025, thereby amending the Texas Government Code to create new regulations concerning private space usage such as bathrooms and locker rooms at public facilities of the State of Texas or its political subdivisions, including the City; and

WHEREAS, pursuant to SB 8 and effective December 4, 2025, Chapter 3002 of the Government Code allows the Texas Attorney General to investigate and bring legal action against any state or local entity, including the City, that fails to “take every reasonable step to ensure an individual whose sex is opposite to the sex designated for a multiple-occupancy private space ... does not enter the private space”; and

WHEREAS, the City does not seek to invade the privacy of any individual or violate their civil rights; and

WHEREAS, the creation of an enforcement program to fulfill SB 8 would impose a tremendous burden on City resources and would create a substantial risk

26 that new enforcement actions would violate reasonable expectations of privacy and
27 the civil rights of individuals in Austin; and

28 **WHEREAS**, under SB 8, the Texas Attorney General could seek fines
29 against the City for non-compliance, including civil penalties of \$25,000 for the
30 first violation and \$125,000 for the second violation or a subsequent violation, as
31 well as injunctive relief, court costs, and attorneys' fees; and

32 **WHEREAS**, the City is continuing its study of how designs at City facilities
33 might need to be changed in order to prevent any possibility of liability under SB
34 8; and

35 **WHEREAS**, the City may need to make capital improvements to its
36 facilities to ensure that transgender and non-binary residents, employees, and
37 visitors may use City facilities without risk to privacy or dignity; **NOW**,

38 **THEREFORE**,

39 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

40 The City Manager shall develop a capital improvement program to remodel
41 City facilities in a way that is both gender inclusive and compliant with Senate Bill
42 8.

43 As part of this program, the City Manager shall consider:

- 44 • prioritization of investments in public-facing City facilities, beginning
45 with City Hall;
- 46 • potential policy changes to ensure that City facilities may be updated
47 to comply with the goals of this resolution; and
- 48 • financial strategies that allow the City to make necessary changes as
49 soon as practicable.

50 The City Manager shall prepare this program and report back to Council
51 with potential options no later than March 20, 2026.

52 **BE IT FURTHER RESOLVED:**

53 The City Manager shall explore what changes to City Code or City
54 regulations might be needed to encourage the provision of acceptable gender
55 inclusive options at local facilities not owned by the City, and shall timely report
56 back to Council to provide potential options for Council action.

57
58 **ADOPTED:** _____, 2025 **ATTEST:** _____

59 Erika Brady
60 City Clerk