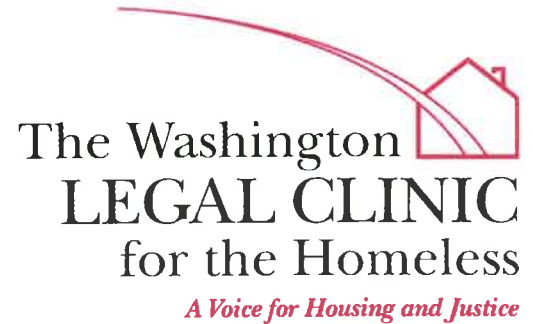


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Testimony before the DC Council Committee on Transportation and the Environment
Public Hearing on B22-223
The Public Restroom Facilities Installation and Promotion Act of 2017

January 10, 2018

Good morning, Councilmember Cheh and members of the Committee. My name is Patricia Mullahy Fugere, and I am the executive director of the Washington Legal Clinic for the Homeless. Established in 1987, the Legal Clinic is a not-for-profit organization dedicated to ending homelessness and expanding the supply of affordable housing through both legal representation and policy advocacy.

We believe that housing is a human right and that the government has a corresponding duty to respect, protect, and fulfill that right.

We believe also in the human right to clean water and sanitation. People who live their lives in public spaces because private spaces are simply unaffordable or unavailable to them, are unable to enjoy that human right when no public space for toileting and washing up is available. While we certainly believe that the ultimate solution to such a challenge is to ensure that all DC residents have decent and appropriate housing that is affordable to them, an *interim* solution is to ensure that public restrooms be made available in convenient locations around the District.

In 2002, the United Nations Committee on Economic, Social and Cultural Rights acknowledged that "the human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realization of other human rights." While the United States abstained from voting on the UN's 2010 resolution implementing that human right to water and sanitation, the legislation before this committee provides an opportunity for the District of Columbia government to step up and fill the void left by our federal government. DC has taken pride in doing just that, on a range of issues. The Council and the Mayor have chosen to honor the dignity of immigrants and to protect our environment when the federal government has failed to do so. We urge you to do so again with regard to the human right to water and sanitation, by passing Bill 22-0223 and ensuring that *every* District resident, especially those who live in public spaces, has the dignity of being able to attend to very personal needs in a private and appropriate way.



The Legal Clinic also believes strongly in the human right to participation. As the UN Special Rapporteur on Human Rights and Extreme Poverty has noted, "Participation is an affirmation of the right of every individual and group to take part in the conduct of public affairs, but also a part of the solution to poverty and social exclusion. Anti-poverty and development policies are more likely to be effective, sustainable, inclusive and equitable if they are the result of participatory processes. That the Public Restroom Initiative came out of the People for Fairness Coalition, that the recommendations originally were developed by people who have experienced homelessness first-hand and who were thus made to endure the indignity of having no access to restrooms when needed, is very important to us at the Legal Clinic, and I hope very important to the Council as well.

We also recommend that the Council take a step beyond the bill's current provisions to decriminalize public urination and defecation for those residents who have no private space for their toileting needs.

Being a Human Rights City, as this Council has declared DC to be, has to mean something. If you are not yet ready to ensure that every resident of the District of Columbia has a place to call home, at the very least, please honor the human right to water and sanitation and ensure that all of your constituents have the dignity of an appropriate space to tend to their most personal of needs.

Thank you for your time and consideration.