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2 Councilmember David Grosso

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4 Councilmember Brianne K. Nadeau

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6 Councilmember Robert C. White, Jr.

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8 Councilmember Elissa Silverman

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10 A BILL

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14 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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19 To establish a working group consisting of the District of Columbia Water and Sewer Authority,
20 the District Department of Transportation, the Department of General Services, the
21 Department of Human Services, the Department of Parks and Recreation, and the
22 Department of Public Works to coordinate installation of at least 10 public restroom
23 facilities in areas of the District with limited access to public restroom facilities, to
24 authorize the creation of a subsidy program for private entities that keep their restrooms
25 open to the public, and to require the Metropolitan Police Department and the Mayor to
26 provide annual public restroom reporting.
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28 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
29 act may be cited as the "Public Restroom Facilities Installation and Promotion Act of 2017".

30 Sec. 2. Definitions.

31 For the purposes of this act, the term

- 32 (1) "ANC" means an Advisory Neighborhood Commission.
- 33 (2) "BID" means a Business Improvement District.
- 34 (3) "DC Water" means the District of Columbia Water and Sewer Authority.
- 35 (4) "DDOT" means the District Department of Transportation.
- 36 (5) "DGS" means the Department of General Services.
- 37 (6) "DHS" means the Department of Human Services.

38 (7) "DPR" means the Department of Parks and Recreation.

39 (8) "DPW" means the Department of Public Works.

40 (9) "Illicit" means prohibited by law.

41 (10) "Nuisance" means likely to discourage the use of public restroom facilities
42 such as breaking mirrors, spraying graffiti, or washing clothes in the sink.

43 (11) "MPD" means the Metropolitan Police Department.

44 (12) "Working group" means the temporary working group created by section
45 3(b) for the sole purposes of site selection and restroom facility model selection.

46 **Sec. 3. Public restroom facilities installation.**

47 (a) Within 120 days of the effective date of this act, DPW shall compile a report on
48 locations with frequent human waste cleanup by the District because of public urination or
49 defecation. DPW may work with the BIDs, Clean Teams, or ANCs to evaluate which locations
50 have the greatest need for alternative methods of dealing with human waste. Upon completion of
51 the report, DPW shall share such report with DC Water, DDOT, DGS, DHS, and DPR.

52 (b) There is established a working group for the purpose of making decisions regarding
53 site selection of and procurement for the installation of public restroom facilities. The working
54 group shall convene within 30 days of the completion of the report required by subsection (a) of
55 this section.

56 (1) The working group shall be composed as follows:

57 (A) One representative from DC Water;

58 (B) One representative from DDOT;

59 (C) One representative from DGS;

60 (D) One representative from DHS;

61 (E) One representative from DPR; and

62 (F) One representative from DPW.

63 (2) The working group shall consider the following criteria in designating
64 appropriate site locations for the installation of public restroom facilities:

65 (A) Locations identified by the report compiled pursuant to subsection (a)
66 of this section as having frequent human waste cleanup needs;

67 (B) Pedestrian traffic in the area;

68 (C) Cost of installation, including connecting to water lines;

69 (D) Ensuring access for people experiencing homelessness;

70 (E) Availability of existing public restroom facilities; and

71 (F) Input from ANCs, BIDs, or other similar community organizations.

72 (3) The working group shall identify design criteria for the public restroom
73 facilities that would:

74 (A) Promote usage;

75 (B) Discourage use of the facilities for illicit or nuisance activities;

76 (C) Minimize total costs, including maintenance;

77 (D) Ensure acceptance by the surrounding community; and

78 (E) Allow advertisement space.

79 (4) The working group shall identify at least 10 locations in the District for
80 installation of public restroom facilities and which agency has jurisdiction over the property at
81 each location. The working group shall notify the ANC for each potential public restroom
82 facility location identified pursuant to this paragraph, and the Mayor shall post signage in the
83 proposed location for a public restroom facility alerting people of the agency's plan to install a

84 public restroom facility. The ANC for each location identified for potential public restroom
85 facilities shall have 60 days to pass a disapproval resolution regarding installation of a public
86 restroom facility.

87 (5) The working group shall devise and implement a strategy to disseminate
88 information to the public regarding locations of public restroom facilities, such as signage or a
89 publicly-available online database.

90 (c) The Mayor shall initiate the procurement of restroom facilities with the design criteria
91 identified pursuant to paragraph (b)(3) of this section and at the sites identified pursuant to
92 paragraph (b)(4) of this section unless the ANC for the location of a proposed public restroom
93 facility passes a disapproval resolution pursuant to paragraph (b)(4) of this section.

94 (d) Nothing in this section shall be construed to change the procurement procedures
95 already required for any agency.

96 Sec. 4. Community Toilet Incentive.

97 (a) The Mayor shall establish a financial incentive program to encourage private
98 establishments to make their restrooms available to the public free of charge. Financial
99 incentives provided under this section shall not exceed 110% of the cost of additional
100 maintenance and cleaning supplies resulting from increased restroom usage due to participation
101 in the program. The Mayor may only subsidize the increase in maintenance and supply costs due
102 to participation in the program and shall require that any private establishment participating in
103 the program provide documentation of that entity's maintenance and supply costs before and
104 after participating in the program.

105 (b)(1) The Mayor shall provide a sign for all participants in the program established in
106 subsection (a) of this section to indicate that their restroom facilities are open to the public free
107 of charge.

108 (2) Each private entity participating in the program established in subsection (a)
109 of this section shall display the sign provided under paragraph (1) of this subsection in a
110 prominent location visible from outside the establishment. Failure to display such signage shall
111 terminate that establishment's eligibility to participate in the financial incentive program.

112 (3) The Mayor shall maintain a database of locations where public restroom
113 facilities are available through the financial incentive program established under subsection (a)
114 of this section and shall make such database available to the public.

115 (c) Participation by private establishments in the program detailed in subsection (a) of
116 this section shall not be mandatory, and no entity seeking to participate in this program shall be
117 required to change its hours of operation.

118 Sec. 5. Reporting.

119 (a)(1) To monitor potential increases in illicit and nuisance activities in or around public
120 restroom facilities, MPD shall report the following to the Council beginning on January 1, 2020,
121 and on an annual basis thereafter:

122 (A) Whether areas near public restroom facilities installed pursuant to
123 section 2 experience an increase in illicit or nuisance activities; and

124 (B) Whether any increase in activities documented under paragraph 1 of
125 this subsection are a direct result of the public restroom facilities attracting illicit or nuisance
126 activities.

127 (2) MPD may close any public restroom facility installed pursuant to this act if it
128 deems that that public restroom facility has become a target for increased illicit or nuisance
129 activities.

130 (b) Beginning on January 1, 2018, and on an annual basis thereafter, the Mayor shall
131 report the cost of and number of participants in the financial incentive program provided
132 pursuant to section 4.

133 Sec. 6. Fiscal impact statement.

134 The Council adopts the fiscal impact statement in the committee report as the fiscal
135 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
136 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

137 Sec. 7. Effective date.

138 This act shall take effect after approval by the Mayor (or in the event of veto by the
139 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
140 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
141 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
142 Columbia Register.