

1 **DRAFT Committee Print**
2 **B22-0223, Public Restroom Facilities Installation and Promotion Act of 2018**
3 **Committee on Health**
4 **November 28, 2018**
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7 A BILL
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11 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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15 To establish a working group consisting of the District of Columbia Water and Sewer Authority,
16 the District Department of Transportation, the Department of General Services, the
17 Department of Human Services, the Department of Parks and Recreation, the Office of
18 the Deputy Mayor for Planning and Economic Development, the Metropolitan Police
19 Department, the Department of Health, and the Department of Public Works to review
20 the feasibility of installing public restroom facilities in underserved areas of the District;
21 to direct the Mayor to establish a public restroom facilities pilot program and install one
22 public restroom facility in a high need location in the District; and to authorize the
23 creation of a Community Restroom Incentive Pilot Program that would provide financial
24 incentives to places of public accommodations in a selected Business Improvement
25 District who open their restrooms to the public.
26

27 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
28 act may be cited as the “Public Restroom Facilities Installation and Promotion Act of 2018”.

29 Sec. 2. Establishment of working group and Public Restroom Facility Pilot Program.

30 (a) For the purposes of this section, the term “public restroom facility” means a restroom
31 maintained by the District and accessible to the public free of charge.

32 (b) Within 45 days after the effective date of this act, the Mayor shall solicit
33 recommendations from BID corporations, as that term is defined in section 3(4) of the Business
34 Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official
35 Code § 2-1215.02(4)), Clean Teams, and Advisory Neighborhood Commissions (“ANCs”) on
36 locations in the District in need of a public restroom facility.

37 (c) Within 180 days after the effective date of this act, the Mayor shall transmit to the
38 Council, the District of Columbia Water and Sewer Authority (“DC Water”), the District
39 Department of Transportation (“DDOT”), the Department of General Services (“DGS”), the
40 Department of Human Services (“DHS”), the Office of the Deputy Mayor for Planning and
41 Economic Development (“DMPED”), the Metropolitan Police Department (“MPD”), the
42 Department of Public Works (“DPW”), the Department of Health (“DOH”), and the Department
43 of Parks and Recreation (“DPR”) a report that includes:

44 (1) A list of sites in the District where, during the preceding fiscal year, the Mayor
45 received 10 or more reports of human urine or feces, resulting in the dispatch of staff to the area;
46 and

47 (2) A summary of the recommendations provided under subsection (b) of this
48 section.

49 (d) Within 30 days after the transmittal of the report required by subsection (c) of this
50 section, the Mayor shall establish a working group to assess the need for public restroom
51 facilities.

52 (1) The working group shall be composed of the following individuals:

53 (A) The Director of each of the following District agencies, or the
54 Director’s designee:

55 (i) DC Water;

56 (ii) DDOT;

57 (iii) DGS;

58 (iv) DHS;

59 (v) DMPED;

- 60 (vi) DPR;
- 61 (vii) MPD;
- 62 (viii) DOH; and
- 63 (ix) DPW; and

64 (B) Five members, appointed by the Mayor, as follows:

65 (i) Two representatives from non-profits incorporated in the
66 District with a focus on issues affecting individuals experiencing homelessness;

67 (ii) One representative from a non-profit incorporated in the
68 District with a focus on issues affecting seniors;

69 (iii) One representative from a non-profit incorporated in the
70 District with a focus on public health; and

71 (iv) One individual with expertise in urban planning.

72 (2) Within 30 days after the establishment of the working group, the working
73 group shall hold its first meeting. Thereafter, the working group shall meet monthly until the date
74 that the working group transmits its recommendations to the Council and the Mayor under
75 paragraph (3) of this subsection.

76 (3) Within 150 days after the working group's first meeting, the working group
77 shall transmit recommendations to the Council and the Mayor, which shall include:

78 (A) The number and type of public restroom facilities, if any, that would
79 best serve the District's needs; and

80 (B) Two sites in the District that the working group recommends as pilot
81 locations for the installation of public restroom facilities.

82 (4) The working group shall consider the following criteria when recommending
83 the 2 sites under paragraph (3)(C) of this subsection:

84 (A) Whether the site was identified in the report compiled pursuant to
85 subsection (c) of this section;

86 (B) Pedestrian traffic in the site's surrounding area;

87 (C) The cost of installing, maintaining, policing, and repairing the public
88 restroom facility;

89 (D) The effect that the installation of a public restroom facility at the site
90 would have on nearby residential and commercial spaces;

91 (E) Proximity of the site to services for the homeless;

92 (F) Increased availability of restrooms available to the public as a result of
93 the Community Restroom Incentive Pilot Program established under section 3;

94 (G) The availability of existing restrooms available to the public near the
95 site;

96 (H) Input from ANCs, BIDs, or other similar community organizations;

97 (I) The ability of the homeless to access the site;

98 (J) Proximity of the site to MPD facilities or personnel; and

99 (K) The potential use of the site for criminal activity.

100 (5) Within 30 days after receipt of the working group's recommendations, the
101 Mayor shall:

102 (A) Publish online the working group's recommendations and information
103 on how members of the public may submit comments regarding the installation of a public
104 restroom facility at the sites recommended by the working group;

105 (B) Transmit the working group’s recommendations to the ANCs in which
106 the sites recommended under subsection (d)(3)(C) of this section are located and solicit a
107 resolution from those ANCs in favor of or in opposition to installing a public restroom facility at
108 the sites; and

109 (C) Post conspicuous signs nearby the sites recommended for a public
110 restroom facility under subsection (d)(3)(C) of this section, which shall include:

111 (i) Notice of the working group’s recommendation to install a
112 public restroom facility at the site;

113 (ii) Directions on how to access a digital copy of the working
114 group’s recommendations; and

115 (iii) Information on how members of the public may submit
116 comments regarding the installation of a public restroom facility at the site.

117 (e) Within 180 days after the working group transmits its recommendations under
118 subsection (d)(3) of this section, the Mayor shall install a public restroom facility at the sites
119 identified by the working group.

120 (f) Beginning a year after the installation of the public restroom facilities pursuant to
121 subsection (e) of this section, and on an annual basis thereafter, MPD shall transmit a report to
122 the Council that includes the following:

123 (1) The number and type of police reports filed with MPD regarding activities at
124 or within 2 blocks of the public restroom facilities installed pursuant to subsection (e) of this
125 section during the preceding year; and

126 (2) A report on the number of police reports filed with MPD, including the nature
127 of the alleged crime, that resulted in an arrest at or within 2 blocks of the public restroom
128 facilities following the installation of the public restroom facilities.

129 (g) Within a year after the installation of the public restroom facilities pursuant to
130 subsection (e) of this section, and on an annual basis thereafter, the Mayor shall report to the
131 Council the actual annual costs of installing, maintaining, policing, and repairing the public
132 restroom facilities installed pursuant to subsection (e) of this section, and any other public
133 restroom facilities that the Mayor installs.

134 (h) Within a year after the opening of the public restroom facilities under subsection (d)
135 of this section, the Mayor shall transmit recommendations to the Council regarding whether the
136 District should install additional public restroom facilities.

137 Sec. 3. Community Restroom Incentive Pilot Program.

138 (a) There is established the Community Restroom Incentive Pilot Program (“Pilot
139 Program”), to be administered and enforced by the Mayor, to provide funding, pursuant to rules
140 issued by the Mayor, to participants that make their restrooms available free of charge to any
141 person, regardless of whether the person patronizes the place of public accommodation.

142 (b) Within 1 year after the effective date of this act, the Mayor shall select one BID as the
143 location to administer the Pilot Program. To participate in the Pilot Program, a place of public
144 accommodation within the BID selected pursuant to this subsection may apply pursuant to rules
145 issued by the Mayor. A BID shall be ineligible to participate in the Pilot Program if one of the
146 sites recommended under section 2(d)(3)(C) falls within its geographic boundary.

147 (c)(1) The Mayor shall create and distribute a sign to each participant that indicates that
148 any person may use the place of public accommodation's restroom facilities free of charge,
149 regardless of whether the person patronizes the place of public accommodation.

150 (2) Within 30 days after receiving a sign pursuant to paragraph (1) of this
151 subsection, each participant shall display the sign in a prominent location that is visible from the
152 street or sidewalk.

153 (3) The Mayor shall provide a warning to a participant that fails to comply with
154 paragraph (2) of this subsection.

155 (4) A participant that fails to comply with paragraph (2) of this subsection within
156 30 days after receiving a warning under paragraph (3) of this subsection shall be deemed
157 ineligible to participate in the program during the following fiscal year and shall return a portion
158 of the funds received under the Pilot Program, as determined by rules issued by the Mayor.

159 (d) Except as provided in subsection (e) of this section, where it is determined, after
160 investigation by the Mayor, that a participant has denied a person access to the participant's
161 restroom facility, the participant shall:

162 (1) Return any funds received under the Pilot Program during that fiscal year; and

163 (2) Be ineligible to participate in the program during the following fiscal year,
164 except as provided in subsection (e) of this section.

165 (e) Nothing in this section shall be construed to:

166 (1) Require a participant to change its hours of operation or permit individuals to
167 use its restroom facilities outside of its stated hours of operation; or

168 (2) Preclude a participant from denying entry to an individual who is violating
169 District law, posing a health risk, or posing a threat of harm to themselves or others.

170 (f) The Mayor shall maintain a list of participants on the District website.

171 (g) Beginning 2 years after the effective date of this act, and on an annual basis thereafter,
172 the Metropolitan Police Department (“MPD”) shall provide a report to the Council that includes
173 the following:

174 (1) The number of police reports filed with MPD, including the nature of the
175 alleged crime, during the preceding year that resulted in an arrest in the BID selected pursuant to
176 subsection (b) of this section; and

177 (2) An analysis of whether there was an increase in the number of police reports
178 filed with MPD during the preceding year that resulted in an arrest in the BID selected pursuant
179 to subsection (b) of this section.

180 (h) Within 2 years after the effective date of this act, and on an annual basis thereafter,
181 the Mayor shall report to the Council the actual annual costs of the Pilot Program and the number
182 of participants.

183 (i) Within 180 days after the effective date of this act, the Mayor, pursuant to Title I of
184 the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat.
185 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this
186 section.

187 (j) For the purposes of this section, the term:

188 (1) “BID” shall have the same meaning as provided in section 3(7) of the
189 Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C.
190 Official Code § 2-1215.02(7)).

191 (2) “Participant” means a place of public accommodation located within the BID
192 selected by the Mayor under subsection (b) of this section that is participating in the Pilot
193 Program.

194 (3) “Places of public accommodation” shall have the same meaning as provided in
195 section 102(24) of the Human Rights Act of 1997, effective December 13, 1977 (D.C. Law 2-38;
196 D.C. Official Code § 2-1401.02(24)).

197 Sec. 4. Fiscal impact statement.

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

201 Sec. 5. Effective date.

202 This act shall take effect following approval by the Mayor (or in event of veto by the
203 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
204 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
205 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
206 Columbia Register.