

January 15, 2020
Department Small & Local Business Development Oversight Hearing

Written Testimony Submitted by
Marcia Bernbaum, Mentor & Advisor, People for Fairness Coalition (PFFC)
Downtown DC Public Restroom Initiative

Committee on Business & Economic Development Chair McDuffie, members of the Committee on Business & Economic Development, Department of Small & Local Business Development Director Whitfield,

My name is Marcia Bernbaum. I serve as Mentor & Advisor to the People for Fairness Coalition (PFFC) [Downtown DC Public Restroom Initiative](#). I am providing a written submission of my testimony in lieu of testifying at the January 15 Oversight Hearing given that I am still house bound recovering from hip replacement surgery.

This testimony has two purposes:

1. Express our gratitude to the DC Council and the Administration for heeding our call for making more clean, safe public restrooms available in needed areas of the Nation's Capital by passing Law 22-280, Public Restroom Facilities Installation & Promotion Act of 2018 , which in April of 2019 became Law ([22-280](#)) and making funds available in DC's 2020 budget to carry out two pilots..
2. Indicate that we stand ready to assist the Department of Small & Local Business Development as it poises to implement one of the two pilots: providing incentives to businesses to open their restrooms to the public.

Background

Five years ago, in the Fall of 2014, PFFC, concerned that our Nation's Capital lacks access to clean, safe public restrooms, launched our Downtown DC Public Restroom Initiative. Our goal is clean, safe public restrooms for everyone in needed areas of DC. To accomplish this goal we adopted a three-prong strategy: (1) raise consciousness of the need for clean, safe public restrooms in needed areas of DC, (2) educate on why they are need and who benefits; and (3) advocate for the DC government to expand access to clean, safe public restroom in the District.

To bring credibility to our initiative we adopted a research-based approach. We started in the Fall of 2014 by carrying out a study designed to assess the [feasibility of DC's having clean, safe public restrooms](#) based on successful experiences elsewhere. In 2015, with follow ups in 2016 and 2017, we carried out an [inventory of restrooms available to the public](#) in five areas of DC that have a high level of pedestrian traffic and a significant presence of individuals experiencing homelessness.

Our research documented that, unlike European and Asian capitals which recognize that ready access to clean, safe public restrooms are key for personal and public health, downtown DC has very few clean, safe restrooms open to the public and no signs to tell you where they are. Our feasibility study confirmed that there are viable options available to the District should it decide to expand access to clean, safe cost-effective public restrooms.

Having identified two models that we believe may be particularly appropriate for DC, in 2018 and 2019 we carried two additional studies in order to identify lessons learned and take aways for Washington DC should one or both models be adopted. Our [2018 study focused on the Community Toilet Scheme](#), which is relevant to this testimony. Our [2019 study focused on the Portland Loo](#). As we acquired further information we incorporated this information into testimonies and presentations that we presented to DC Council Members, ANCs, BIDs, churches, advocacy and service delivery organizations.

As a result of our outreach 11 ANCs sent resolutions to the DC Council supporting Bill 22-0223 and more clean, safe public restrooms in DC. Three BIDs also provided their support for clean, safe public restrooms. Some twenty additional entities also endorsed our Initiative. Over 2,000 individuals signed petitions requesting that the DC government install more clean, safe public restrooms in needed areas.

Our initial research in 2014 and 2015 inspired and guided the contents of Bill 22-0223, Public Restroom Facilities Installation & Promotion Act which was introduced in April of 2017 by Council Members Nadeau, Grosso, Silverman, and Robert White. Bill 22-223 was passed unanimously by the DC Council in December of 2018 and became Law 22-280 in April of 2019.

[Law 22-280](#) calls for the formation of an Interagency Working Group, with participation from four non-profit organizations, to assess the feasibility of, and if considered feasible, recommending two public restroom pilots. \$400,000 was included in DC's 2020 budget to carry out the pilots: (1) two standalone public restrooms available 24/7; and (2) a program, to be carried out by a BID, to provide incentives to businesses to open their restrooms to the public. As I believe you are aware, the latter is to be carried out by the Department of Small & Local Business Development with \$66,000 included in its 2020 budget.

Pilot business incentives program

Our 2018 study of the Community Toilet Scheme (CTS), the basis for the proposed business incentive program pilot, focuses on experiences in 4 boroughs in England that successfully participated in the scheme. Given its success, the Community Toilet Scheme has now spread to boroughs throughout England. It has also been adopted in Germany and Australia,.

Among our key findings:

- In order participate in the CTS businesses, spaced out over neighborhoods with high levels of pedestrian traffic, volunteer to sign a contract with the Borough which two key specifications: (1) that the business post a decal on their window or door indicating that their restroom(s) are available to the public during their operating hours; (2) commitment that restroom access will be denied only under exceptional circumstances.
- Businesses are free to withdraw from their contract with the boroughs and boroughs supporting the program have the right to terminate a contract with a participating business if the business is found to not be meeting its obligations under the contract.

In return, business receive an financial incentive to participate in the program. Their names appear on a website and/or app (giving visibility to their willingness to participate in a program that promotes the public good). A number of participating businesses have found that doing this is “good business” as individuals coming in to use their restroom(s) often make a purchase.

An overview of the business incentives pilot to be carried out in DC under Law 22-280 and key takeaways from the CTS study as they apply to DC are available in Attachments 1 and 2.

Role of DSLBD in implementing the business incentive pilot

Law 22-280 specifies that within one year of its effective date, October 1, 2020, the Mayor is to solicit a BID to carry out the business incentives pilot. Responsibility for overseeing the implementation of the business incentives pilot rests with the Department of Small & Local Business Development with the inclusion of \$66,000 in its budget for this purpose. Beyond that there are few specifics as to how precisely this will be done.

In the early Fall of 2019, following a meeting at DSLBD that Council Member Nadeau had with yourself and Mr. Dorsey, I received an email from Mr. Dorsey asking to meet with us to learn more about what is expected of DSLBD under Law 22-280.

Prior to our meeting I sent Mr. Dorsey the 2018 Community Toilet Scheme study. When we met Mr. Dorsey asked several excellent questions which we were happy to answer. At that meeting we agreed that for DC, and indeed for the US, this is uncharted territory. We agreed to keep in touch as the time comes for DSLBD to take an active role in overseeing the implementation of this pilot.

Director Whitfield, we appreciate the interest that DSLBD has in ensuring that the provisions of Law 22-280 as they apply to DSLBD are carried out in a timely fashion. As implementation of this pilot approaches we are at your service and that of your staff to assist in any way that we can.

Attachment 1

BUSINESS INCENTIVES PILOT UNDER LAW 22-280 PUBLIC RESTROOM FACILITIES INSTALLATION & PROMOTION ACT OF 2018

How it works:

- Participating businesses sign contract opening their restroom to the public; access to be denied only under exceptional circumstances.
- Businesses must display special decal in their window indicating their restroom is open to the public.
- To be piloted by one BID (Business Improvement District).
- Department of Small & Local Business Development responsible for implementing pilot.

Benefits to participating businesses:

- Businesses receive financial incentive to open restroom to public during operating hours.
- Users may decide to make purchase after using restroom
- Business shows civic awareness

Next steps:

- Pilot will be closely monitored
- If successful it will be expanded to other DC locations

Patterned on **Community Toilet Scheme**: which originated in, and is now available throughout, England.

For more information visit: [Community Toilet Scheme, City of London](#)



Attachment 2

Takeaways for DC from experiences in England implementing the Community Toilet Scheme

- The Community Toilet Scheme is a low cost, low maintenance way of rapidly expanding restroom availability in areas of DC that have high levels of pedestrian traffic.
- The CTS is appropriate for areas where there is a great deal of pedestrian traffic during the day/hours the businesses are open.
- In areas with high levels of pedestrian traffic late at night¹ the DC government should consider installing clean, safe stand-alone public restrooms that open 24/7.
- There is no need to reinvent the wheel: models, including contract wording and decals, are available for the DC government agency assigned to implement a program similar to the CTS.
- The DC government, emulating cities in England, Germany, and Australia (as well as perhaps other countries) should post on its website an interactive guide to restrooms available to the public. DC may want to, as the City of London has, develop its own restroom app.

¹ For example where there are bars, pubs, and restaurants with liquor licenses open way past midnight; a large number of people experiencing homelessness sleeping in parks/along sidewalks.