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A BILL
22-223

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA



To establish a working group consisting of the District of Columbia Water and Sewer Authority, the District Department of Transportation, the Department of General Services, the Department of Human Services, the Department of Parks and Recreation, the Office of the Deputy Mayor for Planning and Economic Development, the Metropolitan Police Department, the Department of Health, and the Department of Public Works to review the feasibility of installing public restroom facilities in underserved areas of the District; to direct the Mayor to establish a public restroom facilities pilot program and install one public restroom facility in a high need location in the District; and to authorize the creation of a Community Restroom Incentive Pilot Program that would provide financial incentives to places of public accommodations in a selected Business Improvement District who open their restrooms to the public.

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

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

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

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

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

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

41 (2) A summary of the recommendations provided under subsection (b) of this
42 section.

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

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

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

49 (i) DC Water;

50 (ii) DDOT;

51 (iii) DGS;

- 52 (iv) DHS;
- 53 (v) DMPED;
- 54 (vi) DPR;
- 55 (vii) MPD;
- 56 (viii) DOH and
- 57 (ix) DPW; and

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

59 (i) 2 representatives from non-profits incorporated in the District
60 with a focus on issues affecting individuals experiencing homelessness;

61 (ii) 1 representative from a non-profit incorporated in the District
62 with a focus on issues affecting seniors;

63 (iii) 1 representative from a non-profit incorporated in the District
64 with a focus on public health; and

65 (iv) 1 individual with expertise in urban planning.

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

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

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72 (B) The number and type of public restroom facilities, if any, that would
73 best serve the District's needs; and

74 (C) Two sites in the District that the working group recommends as pilot
75 locations for the installation of public restroom facilities.

76 (4) The working group shall consider the following criteria when recommending
77 the two sites under paragraph (3)(C) of this subsection:

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

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

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

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

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

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

88 (G) The availability of existing restrooms available to the public near the
89 site;

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

91 (I) Access to people experiencing homelessness;

92 (J) Proximity to existing MPD presence; and

93 (K) Discourage use of the facilities for illicit or nuisance activities.

94 (5) Within 30 days after receipt of the working group's recommendations, the

95 Mayor shall:

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

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

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

105 (i) Notice of the working group's recommendation to install a
106 public restroom facility at the site;

107 (ii) Directions on how to access a digital copy of the working
108 group's recommendations; and

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

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

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

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

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

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

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

131 Sec. 3. Community Restroom Incentive Pilot Program.

132 (a) There is established the Community Restroom Incentive Pilot Program (“Pilot
133 Program”), to be administered and enforced by the Mayor, to provide funding, pursuant to rules

134 issued by the Mayor, to participants that make their restrooms available free of charge to any
135 person, regardless of whether the person patronizes the place of public accommodation.

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

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

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

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

149 (4) A participant that fails to comply with paragraph (2) of this subsection within
150 30 days after receiving a warning under paragraph (3) of this subsection shall be deemed
151 ineligible to participate in the program during the following fiscal year and shall return a portion
152 of the funds received under the Pilot Program, as determined by rules issued by the Mayor.

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

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

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

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

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

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

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

165 (g) Beginning 2 years after the effective date of this act, and on an annual basis thereafter,
166 the Metropolitan Police Department ("MPD") shall provide a report to the Council that includes
167 the following:

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

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

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

177 (i) Within 180 days after the effective date of this act, the Mayor, pursuant to Title I of
178 the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat.
179 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this
180 section.

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

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

185 (2) "Participant" means a place of public accommodation located within the BID
186 selected by the Mayor under subsection (b) of this section that is participating in the Pilot
187 Program.

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

191 Sec. 4. Applicability.

192 (a) This act shall apply upon the date of inclusion of its fiscal effect in an approved
193 budget and financial plan.

194 (b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in
195 an approved budget and financial plan, and provide notice to the Budget Director of the Council
196 of the certification.

197 (c)(1) The Budget Director shall cause the notice of the certification to be published in
198 the District of Columbia Register.

199 (2) The date of publication of the notice of the certification shall not affect the
200 applicability of this act.

201 Sec. 54. Fiscal impact statement.

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

205 Sec. 65. Effective date.

206 This act shall take effect following approval by the Mayor (or in event of veto by the
207 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
208 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
209 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
210 Columbia Register.