

AN ACT

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 two public restroom facilities in high-need locations in the District; and to establish the Community Restroom Incentive Pilot Program to provide financial incentives to places of public accommodations in a selected Business Improvement District that 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. Definitions.

For the purposes of this act, the term:

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

(2) “Participant” means a place of public accommodation located within the BID selected by the Mayor under section 4(b) that is participating in the Community Restroom Incentive Pilot Program.

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

(4) “Public restroom facility” means a restroom maintained by the District and accessible to the public free of charge.

Sec. 3. Establishment of working group and public restroom facility pilot.

(a) Within 45 days after the applicability 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

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Code § 2-1215.02(4)), Clean Team grantees, as that term is used in section 2a of An Act Providing for the removal of snow and ice from the paved sidewalks of the District of Columbia, approved September 16, 1922 (D.C. Law 21-265; D.C. Official Code § 9-602.01), and Advisory Neighborhood Commissions (“ANCs”) on locations in the District that are in need of a public restroom facility.

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

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

(2) A summary of the recommendations provided under subsection (a) of this section.

(c)(1) Within 30 days after the transmittal of the report required by subsection (b) of this section, the Mayor shall establish a working group to assess the need for public restroom facilities.

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

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

- (i) DC Water;
- (ii) DDOT;
- (iii) DGS;
- (iv) DHS;
- (v) DMPED;
- (vi) DPR;
- (vii) MPD;
- (viii) DOH; and
- (ix) DPW; and

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

(i) Two representatives from nonprofits incorporated in the District with a focus on issues affecting individuals experiencing homelessness;

(ii) One representative from a nonprofit incorporated in the District with a focus on issues affecting seniors;

(iii) One representative from a nonprofit incorporated in the District with a focus on public health; and

(iv) One individual with expertise in urban planning.

(3) Within 30 days after the establishment of the working group, the working group shall hold its first meeting. Thereafter, the working group shall meet monthly until the date

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that the working group transmits its recommendations to the Council and the Mayor under paragraph (4) of this subsection.

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

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

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

(5) The working group shall consider the following criteria when recommending the 2 sites under paragraph (4)(B) of this subsection:

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

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

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

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

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

(F) Increased availability of restrooms available to the public as a result of the Community Restroom Incentive Pilot Program established under section 4;

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

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

(I) The ability of individuals experiencing homelessness to access the site;

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

(K) The potential use of the site for criminal or nuisance activities.

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

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

(B) Transmit the working group's recommendations to the ANCs in which the sites recommended under subsection (c)(4)(B) of this section are located and solicit a resolution from those ANCs in favor of, or in opposition to, installing a public restroom facility at the sites; and

(C) Post conspicuous signs nearby the sites recommended for a public restroom facility under subsection (c)(4)(B) of this section, which shall include:

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

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

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

(d) Within 180 days after the working group transmits its recommendations under subsection (c)(4) of this section, the Mayor shall install a public restroom facility at the sites identified by the working group.

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

(1) The number and type of police reports filed with MPD regarding activities at or within 250 feet of the public restroom facilities installed pursuant to subsection (d) of this section during the preceding year; and

(2) A report on the number of police reports filed with MPD, including the nature of the alleged crime, that resulted in an arrest at or within 250 feet of the public restroom facilities following the installation of the public restroom facilities.

(f) Within one year after the installation of the public restroom facilities pursuant to subsection (d) of this section, and on an annual basis thereafter, the Mayor shall report to the Council the actual annual costs of installing, maintaining, policing, and repairing the public restroom facilities installed pursuant to subsection (d) of this section, and any other public restroom facilities that the Mayor installs.

(g) Within one year after the opening of the public restroom facilities under subsection (e) of this section, the Mayor shall transmit recommendations to the Council regarding whether the District should install additional public restroom facilities.

Sec. 4. Community Restroom Incentive Pilot Program.

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

(b) Within one year after the applicability date of this act, the Mayor shall select one BID as the location to administer the Pilot Program. To participate in the Pilot Program, a place of public accommodation within the BID selected pursuant to this subsection may apply pursuant to rules issued by the Mayor. A BID shall be ineligible to participate in the Pilot Program if one of the sites recommended under section 3(d)(4)(B) falls within its geographic boundary.

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

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

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

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

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

- (1) Return any funds received under the Pilot Program during that fiscal year; and
- (2) Be ineligible to participate in the Pilot Program during the following fiscal

year.

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

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

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

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

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

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

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

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

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

Sec. 5. Applicability.

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

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

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

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

Sec. 6. Fiscal impact statement.

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

Sec. 7. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia