

Date of Hearing: March 29, 2023

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Cecilia Aguiar-Curry, Chair

AB 1297 (Quirk-Silva) – As Introduced February 16, 2023

SUBJECT: Public restrooms.

SUMMARY: Requires specified local governments to complete an inventory of accessible, permanent public restrooms owned and maintained by a local government and requires the local government to provide the inventory to the State Department of Public Health (DPH).

Specifically, **this bill:**

- 1) Defines “local government” as a city, including a charter city, a county, a city and a county, and a special district.
- 2) Defines “special district” as a library district or a park district, as specified.
- 3) Requires each local government to complete an inventory of accessible, permanent public restrooms, including single-occupancy restrooms, owned and maintained, either directly or by contract, by the local government that are available to the general population in its jurisdiction. Local governments shall provide the inventory to DPH not later than July 1, 2024, and quarterly thereafter.
- 4) Specifies that DPH shall compile the information provided by local governments and shall develop and maintain a user-friendly database of the information that is searchable by ZIP code on its public internet website not later than March 1, 2025.
- 5) Requires DPH to update the database quarterly.
- 6) Specifies that the internet website shall contain a notice stating the database does not guarantee the hours of operation or accessibility of a listed restroom.
- 7) Requires DPH to conduct educational outreach to the general public and to homelessness service providers that the searchable database is available on its internet website.
- 8) Finds and declares that this bill, which ensures access to public restrooms, addresses a matter of statewide concern rather than a municipal affair. Therefore, this bill applies to all cities, including charter cities.
- 9) Provides that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made.

FISCAL EFFECT: This bill is keyed fiscal and contains a state mandated local program.

COMMENTS:

- 1) **Bill Summary.** This bill requires cities, counties, and library districts and parks districts to complete an inventory of accessible, permanent public restrooms that are owned and maintained by that local government that are available to the general population in its jurisdiction. The local governments must provide the inventory to DPH by July 1, 2024, and quarterly thereafter. This bill also requires DPH to compile the information provide by the local governments and develop and maintain a user-friendly database that is searchable by ZIP code on its website by March 1, 2025. Lastly, this bill requires DPH to update its database quarterly, the website contain a notice that the database does not guarantee the hours of operation or accessibility of a restroom, and DPH to conduct educational outreach to the general public and to homelessness service providers regarding the searchable database. This bill is sponsored by the author.
- 2) **Author’s Statement.** According to the author, “Every person goes to the restroom, it is a biological human fact. The Centers for Disease Control has consistently advised that frequent hand washing can keep you healthy and prevent the further spread of COVID-19. These days, even knowing where an accessible public restroom is can be challenging for varied reasons, especially if you are: homeless, on the clock at work, or on a day-trip somewhere new. My bill provides the people of California a tool to locate an accessible public restroom by zip code so that we can all have the opportunity to be healthy, wash our hands, help keep our economy moving and to use the restroom with some dignity and respect.”
- 3) **California’s Homelessness Crisis.** California has one of the worst homelessness rates in the nation. According to the October 6, 2022 article “California’s homeless population grew by 22,000 over pandemic” from *Cal Matters*, “The first statewide snapshot of California’s homelessness crisis since the pandemic hit reveals that the number of people without a stable place to call home increased by at least 22,500 over the past three years, to 173,800. That’s based on a CalMatters analysis of the federal government’s point-in-time count, a biennial headcount of people sleeping on the streets and in shelters tallied by California cities and counties earlier this year for the first time since 2019. Homelessness experts mostly attribute the rise to precipitous drops in earnings during the pandemic among Californians already teetering on the edge. They also point to a worsening housing affordability crisis that is decades in the making”

On February 1, 2023, the Public Policy Institute of California (PPIC) wrote that, “Homelessness continues to grow in California: nationally, California has topped the list for the state with the largest homeless population for more than a decade. As of 2022, 30% of all people in the United States experiencing homelessness resided in California, including half of all unsheltered people (115,491 in California; 233,832 in the US)....

“Since 2020, California’s overall homeless population has increased about 6%, compared to just 0.4% in the rest of the country. A 17% increase in the homeless but sheltered population accounts for almost all of California’s change, while the more visible unsheltered population increased 2%. The rest of the country’s unsheltered population grew faster than California’s (4%), while its sheltered population actually shrank (-2%)....

“Pandemic homeless programs have begun to unwind and the substantial federal funding efforts around COVID are expiring; the disappearance of these programs and funds may alter the options available to people experiencing homelessness in California. The state is taking steps to point legislation toward addressing issues around homelessness—including setting up CARE courts for mental health support— while bipartisan pressure is growing to audit how recent funds were spent.”

- 4) **California Department of Public Health.** DPH’s mission, according to their website, is to advance the health and well-being of California’s diverse people and communities. Their responsibilities are comprehensive and include infectious disease control and prevention, food safety, environmental health, laboratory services, patient safety, emergency preparedness, chronic disease prevention and health promotion, family health, health equity and vital records and statistics.
- 5) **Barriers and Solutions.** An article published in the North Carolina Law review in January of 2020 (Ron S. Hochbaum, *Bathrooms as a Homeless Rights Issue*, 98 N.C. L. REV. 205 (2020)) asserts that “one of the many barriers to accessibility of public bathrooms for homeless individuals includes the fact that cities do not adequately publicize their availability, often failing to provide a centralized list of bathrooms they maintain.” It also found that cities don’t provide enough public bathrooms for homeless individuals for two reasons. “First, the public bathrooms are not intended to serve the homeless community alone. Rather, they are designed to serve the public at large. Second...the presence or availability of a bathroom does not reflect whether the bathroom is accessible to homeless individuals.

The report noted that the mere existence of a public restroom does not necessarily mean that the restroom is appropriately accessible to people experiencing homelessness and that it is important to consider barriers for homeless individuals, including:

- a) Not being open twenty-four hours per day and seven days a week.
- b) Closing during particular seasons.
- c) Not being clean and sanitary or providing an ability to wash one’s hands.
- d) Not being strategically located.
- e) Being located in an area where anti-homeless laws are enforced.
- f) Being hard to find due to an absence of signage.
- g) Having physical security on site.
- h) Being located in a building that requires identification to enter.
- i) Requiring a fee for entry or being located in a facility that requires the same.

The article reports that 98% of Los Angeles's 264 bathrooms have restricted hours. In San Jose 43% of bathrooms are located in buildings or facilities that required a fee or membership for entry. In 87% of San Francisco's public bathrooms, the hours are restricted. In San Diego, until recently, almost all of the city's public bathrooms closed at night. "Before the city's recent hepatitis A outbreak, the city maintained only two 24-hour public bathrooms. After the outbreak, it began leaving many of its public bathrooms open all day and started installing new ones. As of September 15, 2017, the city was keeping sixty-eight bathrooms open twenty-four hours per day."

- 6) **Restroom Inventories.** In March of 2018, staff at the City of Sacramento produced a report evaluating the public's access to restrooms and developing a plan to improve access. Staff was requested to identify the current inventory of public restrooms and the service gaps. The report provided an inventory and map of all existing restrooms open to the public in the City, the location of planned new restrooms, and short and long-term recommendations to improve public restroom access. It identified restrooms open 24/7 and those with varying operational hours.

In March 2022, the Project for Sanitation Justice, supported by San Diego State University, published a report *Public Restrooms in San Diego County: A Regional Assessment* and proclaimed that San Diego County has insufficient public restroom facilities based on its population's needs, and that the lack of adequate sanitation had repeatedly been linked to infectious disease outbreaks in the region. The report mapped the locations of the public restrooms, and found that 49% of the county's census tracts lack public restroom facilities. The report also estimated that at night, there is a ratio of one available restroom for every 383 unsheltered people in downtown San Diego.

- 7) **Previous Legislation.** AB 1017 (Quirk-Silva) of 2021 would have created the Right to Restrooms Act of 2021 to require the inventory of public restrooms available to the homeless populations by local governments to be reported to the Office of Emergency Services. This bill was held in the Senate Appropriations Committee.

AB 1883 (Quirk-Silva) of 2022 was almost identical to this bill and was held in the Senate Appropriations Committee.

- 8) **Arguments in Support.** According to the National Association of Social Workers, California Chapter, "As a social work association, our members have a mandate to help people meet their basic needs. Our Code of Ethics also recognizes the dignity and worth of every person. This bill is fundamental to our mandate as professional social workers and is consistent with our Code of Ethics.

"Taking a moment to practice good hygiene is an individual step, which people can practice regularly to help keep their local communities and economies moving. Public restroom data is rarely published for public knowledge and this bill allows the state to take a step forward, with empirical data, towards a modern notion of better defining what accessibility to a public restroom looks like for all people in the state, regardless of housing or income status."

- 9) **Arguments in Opposition.** None on file.

REGISTERED SUPPORT / OPPOSITION:

Support

National Association of Social Workers, California Chapter

Opposition

None on file

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