

Date of Hearing: May 12, 2021

ASSEMBLY COMMITTEE ON APPROPRIATIONS
Lorena Gonzalez, Chair
AB 1017 (Quirk-Silva) – As Introduced February 18, 2021

Policy Committee: Local Government

Vote: 7 - 1

Urgency: No

State Mandated Local Program: Yes

Reimbursable: Yes

SUMMARY:

This bill requires each city and county to complete an inventory of public restrooms available to the homeless population to use during the COVID-19 state of emergency and to report their findings to the Office of Emergency Services (OES) by June 1, 2022. The bill requires the report to contain a list and map of public restroom locations and short-term and long-term strategies for ensuring the homeless populations have adequate access to restrooms.

The bill requires OES to compile the information provided by local governments and submit a report to the Legislature. The bill contains a repeal date of January 1, 2024.

FISCAL EFFECT:

- 1) Estimated one-time costs of approximately \$200,000 (GF) to OES to compile the local government findings and prepare a report to the Legislature.
- 2) State-mandated one-time costs to cities and counties, likely in the high hundreds of thousands of dollars (GF) statewide, to inventory public restrooms and create a report to submit to OES. If each of California's 361 non-charter cities and 58 counties spent an average of \$2,000 on this requirement, statewide costs would be \$838,000. These costs are potentially reimbursable by the state, subject to a determination by the Commission on State Mandates.

COMMENTS:

- 1) **Purpose.** This bill seeks to help provide a basic human right to sanitation and to protect against the effects of COVID-19 by increasing the accessibility of public restrooms to persons experiencing homelessness. Due to the COVID-19 lockdown, many public restrooms are no longer available. Barriers to accessing adequate water and sanitation also create public health issues, putting marginalized groups at increased risk of infections and other diseases. According to the author:

Due to the COVID-19 pandemic, and as per the guidelines outlined by the Centers for Disease Control, washing hands can keep you healthy and prevent the spread of COVID from one person to the next. Homeless people are some of our most vulnerable neighbors in our communities across the state; they also deserve the opportunity to be healthy and wash their hands and use the restroom with some dignity and respect as we continue to deal with the COVID crisis.

- 2) **Background.** 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.” The article also found the mere existence of a public restroom does not mean the restroom is appropriately accessible to people experiencing homelessness.

In March 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 hours and those with varying operational hours.

This bill requires each city (non-charter) and county in the state to produce a similar report.

- 3) **Office of Emergency Services.** OES is responsible for addressing natural, technological or manmade disasters and emergencies, and preparing the state to prevent, respond to, quickly recover from and mitigate the effects of both intentional and natural disasters.

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