

ASSEMBLY THIRD READING

AB 1017 (Quirk-Silva)

As Amended May 24, 2021

Majority vote

SUMMARY

Creates the Right to Restrooms Act of 2021 and requires local governments and state agencies to inventory public restrooms owned and maintained by the government or agency.

Major Provisions

Requires each local government and state agency to complete an inventory of public restrooms owned and maintained by the government or agency, directly or by contract, that are available to the general population in its jurisdiction.

Requires local governments and state agencies to provide their findings to the State Department of Public Health (CDPH) not later than July 1, 2022. The report shall include all of the following:

- 1) A map of the locations of public restrooms available for use by the jurisdiction's general population;
- 2) A list of the inventory of public restrooms available for use by the jurisdiction's general population, which shall include the hours of operation, basic maintenance practices, security presence, and any applicable use fee for each public restroom included in the inventory;
- 3) Short-term strategies for ensuring general and homeless populations have adequate access to restrooms during a state of emergency; and,
- 4) Long-term strategies for ensuring general and homeless populations have adequate access to restrooms.

Requires a local government to make its inventory available to agencies and service providers that work directly with homeless populations within the local government's jurisdiction. State agencies must make their inventories available to agencies and service providers that work directly with homeless populations within the state.

Requires local governments and state agencies to make the restroom data in their inventories available to the public on their internet websites, and to disseminate and make available the data in user friendly formats, as specified.

Requires CDPH to compile the information provided by local governments and submit a report of the information to the Legislature no later than March 1, 2023, in compliance with existing law governing the submission of reports to the Legislature.

Defines "local government" for the purposes of this bill to mean a city, including a charter city, a county, a city and county, and a special district.

Provides a sunset date of January 1, 2024.

COMMENTS

Based on the 2020 point in time count, California has the largest homeless population in the nation with 161,548 people experiencing homelessness on any given night. Nearly 114,000 of these people are unsheltered, meaning they are living outdoors and not in temporary shelters.

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.

According to the Author

As we continue to navigate through the COVID-19 pandemic, homeless people remain some of our most vulnerable neighbors in our communities across the state. They also deserve the opportunity to be healthy, wash their hands and use the restroom with some dignity and respect as we build back from the public health crisis.

Arguments in Support

The National Association of Social Workers, CA Chapter, writes, "This bill will help the state better understand through empirical data the options that our homeless friends and neighbors have to wash their hands and where they can use the restroom; something that we all do, regardless of housing status.

"The Centers for Disease Control recommends we all wash our hands to help combat and stop the spread of COVID-19 during the pandemic; amongst other health measures such as physical / social distancing and the wearing of face masks to stop droplets from entering the air which can be passed on to other people. However, due to the lockdown closures of businesses and public buildings it has been impossible for our homeless community to follow this crucial recommendation and help stop the spread of COVID-19. We urge the Committee on Local Government to pass Assembly Bill 1017."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According the Assembly Appropriations Committee:

- 1) Estimated one-time costs of approximately \$200,000 (General Fund (GF)) to CDPH to compile the local government and state agency findings and prepare a report to the Legislature by March 1, 2023.

- 2) Estimated costs to state agencies of an unknown, but likely significant, amount (GF) to inventory public restrooms, create a report to submit to CDPH and make the information publically available.
- 3) State-mandated one-time costs to local governments, likely in the low millions of dollars (GF) statewide, to inventory public restrooms, create a report to submit to CDPH and make the information publically available. If each of California's 482 cities and 58 counties spent an average of \$2,000 on this requirement, statewide costs would be \$1 million. These costs are potentially reimbursable by the state, subject to a determination by the Commission on State Mandates.

VOTES**ASM LOCAL GOVERNMENT: 7-1-0**

YES: Aguiar-Curry, Lackey, Bloom, Boerner Horvath, Ramos, Luz Rivas, Robert Rivas

NO: Voepel

ASM APPROPRIATIONS: 12-3-1

YES: Lorena Gonzalez, Calderon, Carrillo, Chau, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, Akilah Weber, Holden, Luz Rivas

NO: Bigelow, Megan Dahle, Davies

ABS, ABST OR NV: Fong

UPDATED

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