

LEGISLATIVE DIGEST

[Emergency Ordinance - Restroom and Hand Washing Facilities for Unsheltered People]

Reenactment of emergency ordinance (Ordinance No. 77-20, as first reenacted by Ordinance No.131-20) to limit the spread of COVID-19 by requiring the City, through service agreements with third parties, to provide, staff, and maintain restrooms equipped with toilets and hand washing facilities, at a ratio of one restroom per 50 unsheltered people, concentrated in areas with the greatest need, located within 1,000 feet of any encampment, and for select “pit stop” restrooms, open 24 hours per day; waive the requirement under Charter, Section 9.118, that the Board of Supervisors approve the service agreements for restrooms equipped with toilets and hand washing facilities; and affirming the Planning Department’s determination under the California Environmental Quality Act.

Existing Law

An emergency ordinance (Ordinance No. 77-20, as first reenacted by Ordinance No.131-20) required the City to procure, through service agreements, restroom units equipped with both a toilet and a hand washing facility, at a ratio of one restroom unit per 50 unsheltered individuals. Such restroom units shall be concentrated in areas with the greatest need, and located within 1,000 feet of any encampment. The hours of operation for all existing and new “pit stop” restrooms shall be 24 hours per day seven days per week, except at the following locations: corner of Market Street and Church Street; corner of Haight Street and Buena Vista Avenue; corner of 16th Street and Capp Street; corner of 18th Street and Mission Street; Washington Square Park on Union Street near Stockton Street; and adjacent to the Great Highway near the Beach Chalet, by no later than three weeks after the effective date of Ordinance 77-20.

If an adequate supply of such units is not available to meet the required 1:50 ratio, the City shall procure alternative toilet units sufficient to meet the required ratio, and must accompany them with a corresponding hand washing station.

The requirements of Charter Section 9.118, regarding Board of Supervisors approval of the service agreements authorized by this emergency ordinance, are waived.

The Department of Public Works is authorized to develop rules and regulations in order to implement and administer the ordinance.

Amendments to Current Law

The proposed emergency ordinance reenacts Ordinance No. 77-20, as first reenacted by Ordinance No.131-20, with the result that it does not terminate on September 29, 2020, rather is extended for an additional 60 days.

Background Information

The emergency ordinance, and the reenactments of that emergency ordinance, address the present high risk of COVID-19 spread through lack of adequate sanitation and hygiene facilities for unsheltered individuals. On March 22, 2020, the Centers for Disease Control (CDC) issued Interim Guidance: “Responding to Coronavirus Disease 2019 COVID-19 among People Experiencing Unsheltered Homeless,” which was updated on May 13, 2020, and specifically provides that one method of preventing the spread of COVID-19 among those who are unsheltered is to “[e]nsure nearby restroom facilities have functional water taps, are stocked with hand hygiene materials (soap, drying materials) and bath tissue, and remain open to people experiencing homelessness 24 hours per day. If toilets or handwashing facilities are not available nearby, assist with providing access to portable latrines with handwashing facilities for encampments of more than 10 people.”

The CDC guidance recommending the provision of restrooms is clear. But thousands of unsheltered people are unable to maintain proper personal hygiene and to comply with the social distancing requirements to wash their hands frequently and thoroughly. The lack of restrooms equipped with a toilet and hand washing facility that enable unhoused people to maintain personal hygiene and to frequently and thoroughly wash their hands, poses a severe and imminent threat to the health, safety, and well-being of themselves and others.

The United Nations High Commissioner for Refugees Emergency Handbook establishes standards for the ratio of toilets to individuals at one toilet for 50 people in an emergency. This ratio corresponds to the standards set by Sphere, an international humanitarian organization that provides disaster relief response guidance. To meet the needs of San Francisco’s approximately 5,180 unsheltered individuals at a ratio one restroom for 50 unsheltered persons, the City needs approximately 65 additional restrooms.

The prevalence of underlying health conditions among people experiencing homelessness increases their vulnerability to COVID-19 infection, and therefore increases the likelihood that COVID-19 will spread rapidly through the homeless community. This makes it especially important that unsheltered individuals have access to free, public restrooms with hand washing facilities.

Having a sufficient number of restrooms equipped with hand washing facilities will allow people experiencing homelessness to maintain proper personal hygiene and to frequently and thoroughly wash their hands, and will help slow community spread of COVID-19.

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