

Health Justice, Homelessness and Sanitation: Confronting a National Public Health Crisis

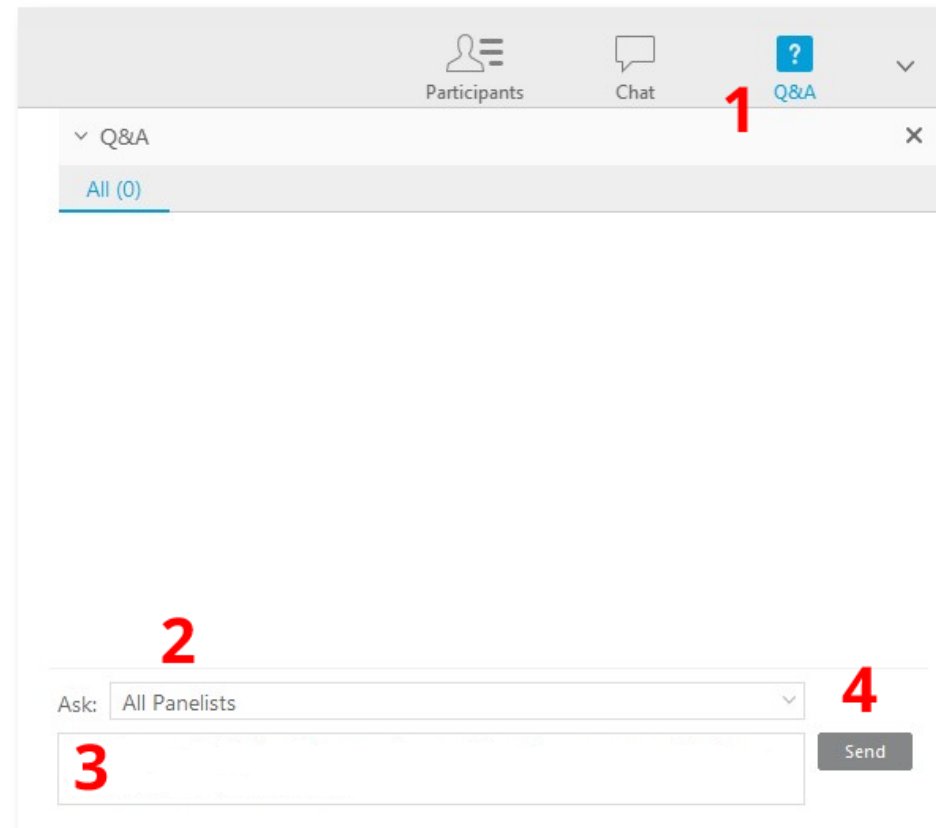
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Moderator



Corey Davis, Deputy Director, Network for Public Health Law – Southeastern Region, Senior Attorney, National Health Law Program

- J.D., Temple University
- M.S.P.H., University of North Carolina Chapel Hill
- Research interests/areas of expertise:
 - Overdose prevention
 - Health equity
 - Alcohol and drug abuse prevention
 - Affordable Care Act and Medicaid

Presenter



Madeline Morcelle, J.D., Staff Attorney, Network for Public Health Law – Western Region

- J.D., Washington and Lee University School of Law
- M.P.H., Harvard T.H. Chan School of Public Health
- Research interests/areas of expertise:
 - Health equity
 - Health reform & population health
 - Medical-Legal Partnership & policy development

Presenter



Greg Spiegel, J.D., Director of Strategic Initiatives,
Inner City Law Center


- J.D., University of Illinois College of Law
- Research interests/areas of expertise:
 - Housing market and housing needs
 - Rent control
 - Policy solutions to homelessness

Presenter



Lauren Dunning, J.D., Liaison to the Board of Supervisors, Los Angeles County Department of Public Health

- J.D., Georgetown University Law Center
- M.P.H., Johns Hopkins Bloomberg School of Public Health
- Research interests/areas of expertise
 - Policy development and implementation for local public health
 - Public-private partnership
 - Food policy



Health Justice, Homelessness & Sanitation **CONFRONTING A NATIONAL PUBLIC HEALTH CRISIS**

Madeline Morcelle, JD, MPH

Staff Attorney & Research Scholar

The Network – Western Region Office

Arizona State University – College of Law



The Network
for Public Health Law

Health Justice

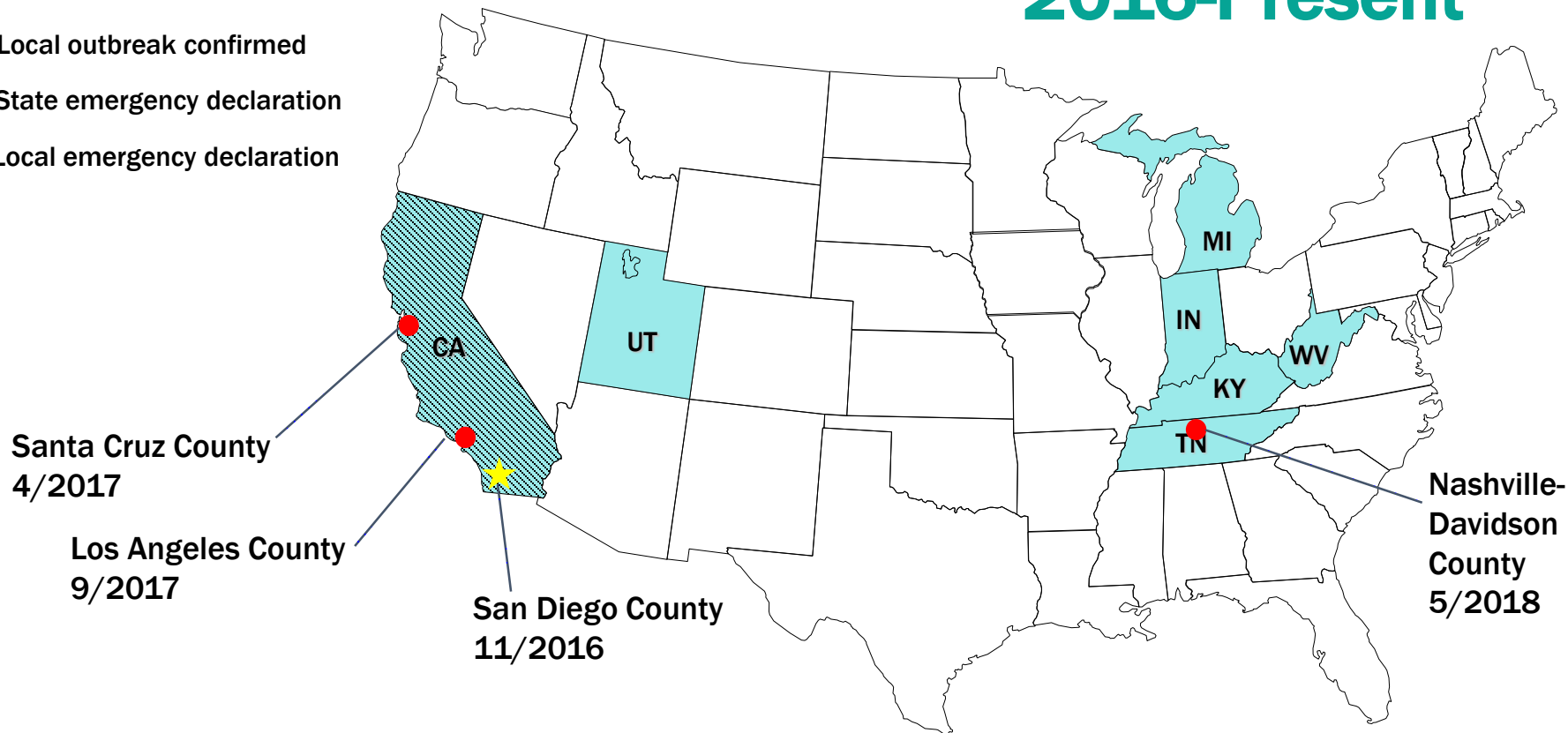


Lindsay F. Wiley, *Health Law as Social Justice*, 24 CORNELL J. LAW & PUB. POL'Y 47–105 (2014).

Multi-State Hepatitis A Outbreak

2016-Present

- State outbreak confirmed
- Local outbreak confirmed
- ▨ State emergency declaration
- ★ Local emergency declaration



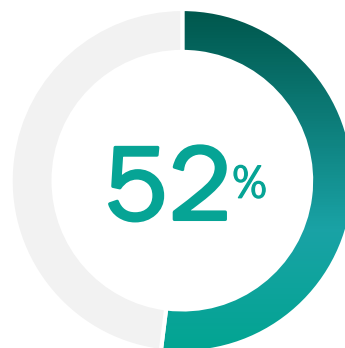
	CA	IN	KY	MI	TN	UT	WV	Total
Cases	704	148	761	846	52	259	303	3,073
Deaths	21	0	6	27	0	0	1	55

Snapshot of Health Inequities

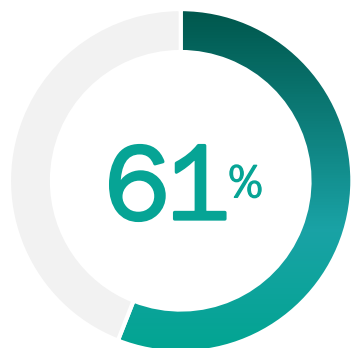
California's Hepatitis A Emergency 2016–18



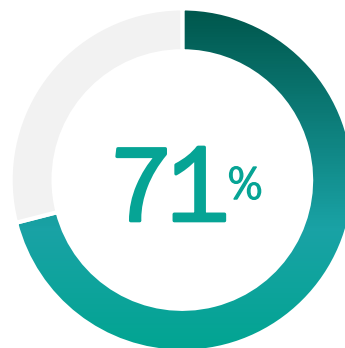
of Californians experienced homelessness on a given night (2017 POC), yet . . .



of Californians **DIAGNOSED** with Hepatitis A reported experiencing homelessness



of Californians **HOSPITALIZED** with Hepatitis A reported experiencing homelessness



of Hepatitis A-related **DEATHS** affected Californians experiencing homelessness

An illustration of an iceberg floating in a blue ocean under a light blue sky with white clouds. The tip of the iceberg is above the water, while the much larger base is submerged. The text is placed on the iceberg: the top part is above water, and the bottom part is below water. The submerged part is divided into several sections, each containing text. The overall image serves as a metaphor for the hidden causes of a health issue.

**Hepatitis A
outbreak
disproportionately
harming people
experiencing
homelessness (PEH)**

**Inadequate Sanitation &
Hygiene Access for PEH**

**Inadequate
access to
health care**

absence of shared
accountability

disinvestment in
public infrastructure

discriminatory public
& private
policies

**Lack of
housing**

A close-up photograph of a green-painted wooden door. A heavy, rusty metal chain is draped across the door, secured by a large, rectangular brass padlock. The door shows signs of wear, with peeling paint and visible wood grain. In the lower right corner, there are two small, rectangular metal plates with keyholes, one of which is partially obscured by the chain.

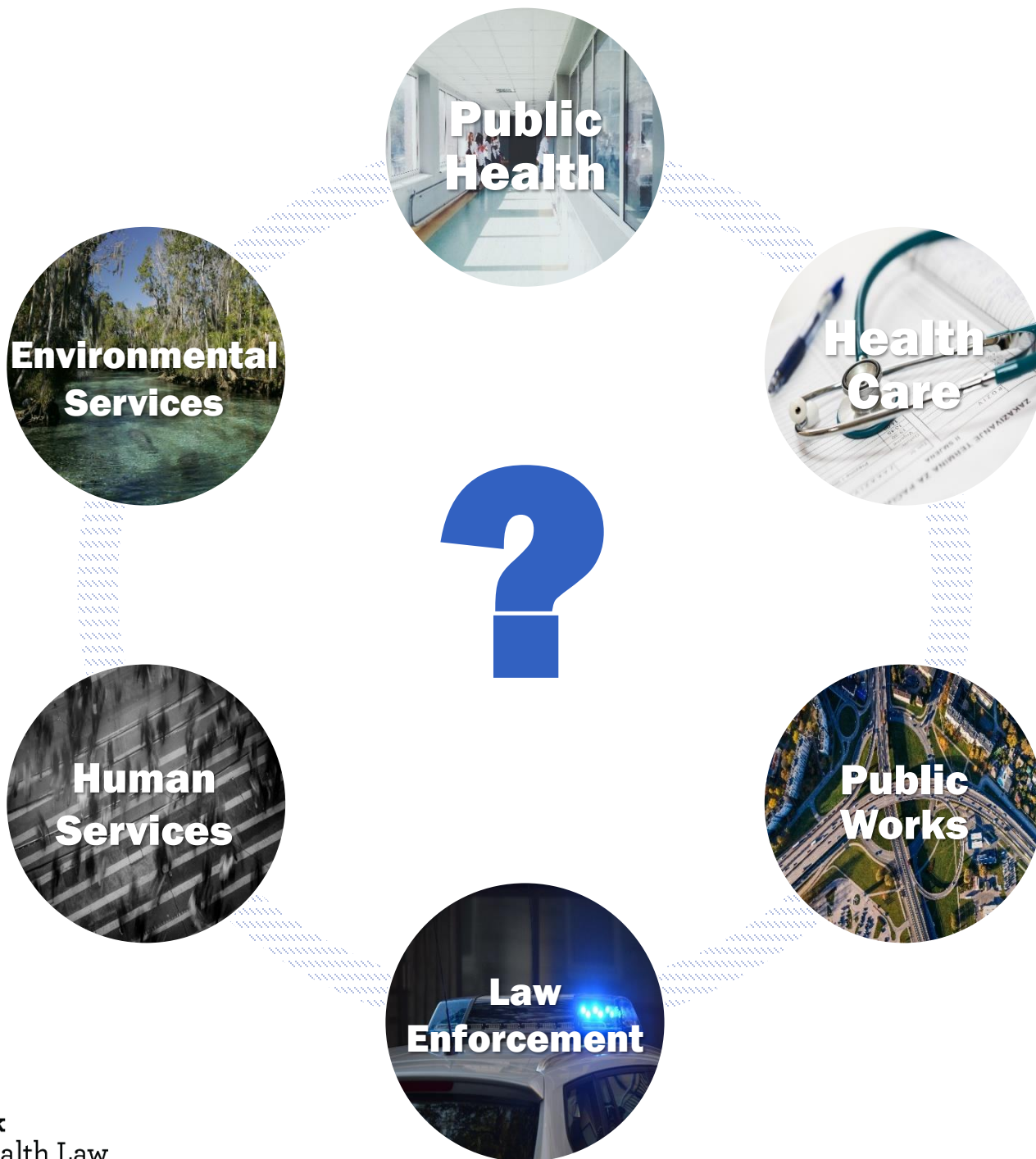
**Existing public toilet
facilities face closures,
limited hours of operation,
and inadequate maintenance**



punitive measures

ameliorative measures

- **State and local laws prohibiting public urination and defecation**
 - Discriminatory
 - Ineffective
 - Expensive
- **Programs designed to deter public urination and defecation**





**How can public health law
and policy advance equitable
sanitation and hygiene
access for people
experiencing homelessness?**

Legal + Policy Solutions for Health Justice

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PUBLIC SANITATION AND HYGIENE
Issue Brief

Health Justice for People Experiencing Homelessness: Confronting the U.S. Public Sanitation and Hygiene Crisis

Introduction

The current multistate outbreak of *hepatitis A*—a viral liver disease associated with insufficient sanitation, hygiene, and clean water—illustrates systemic failures to meet the health needs of people experiencing homelessness (PEH). This issue brief examines the connection between inadequate access to public toilets, hand sinks, showers and laundry facilities and the disproportionate impact of the outbreak on PEH. Based on this assessment, the issue brief provides a menu of legal and policy opportunities to advance equitable access and health justice for PEH.

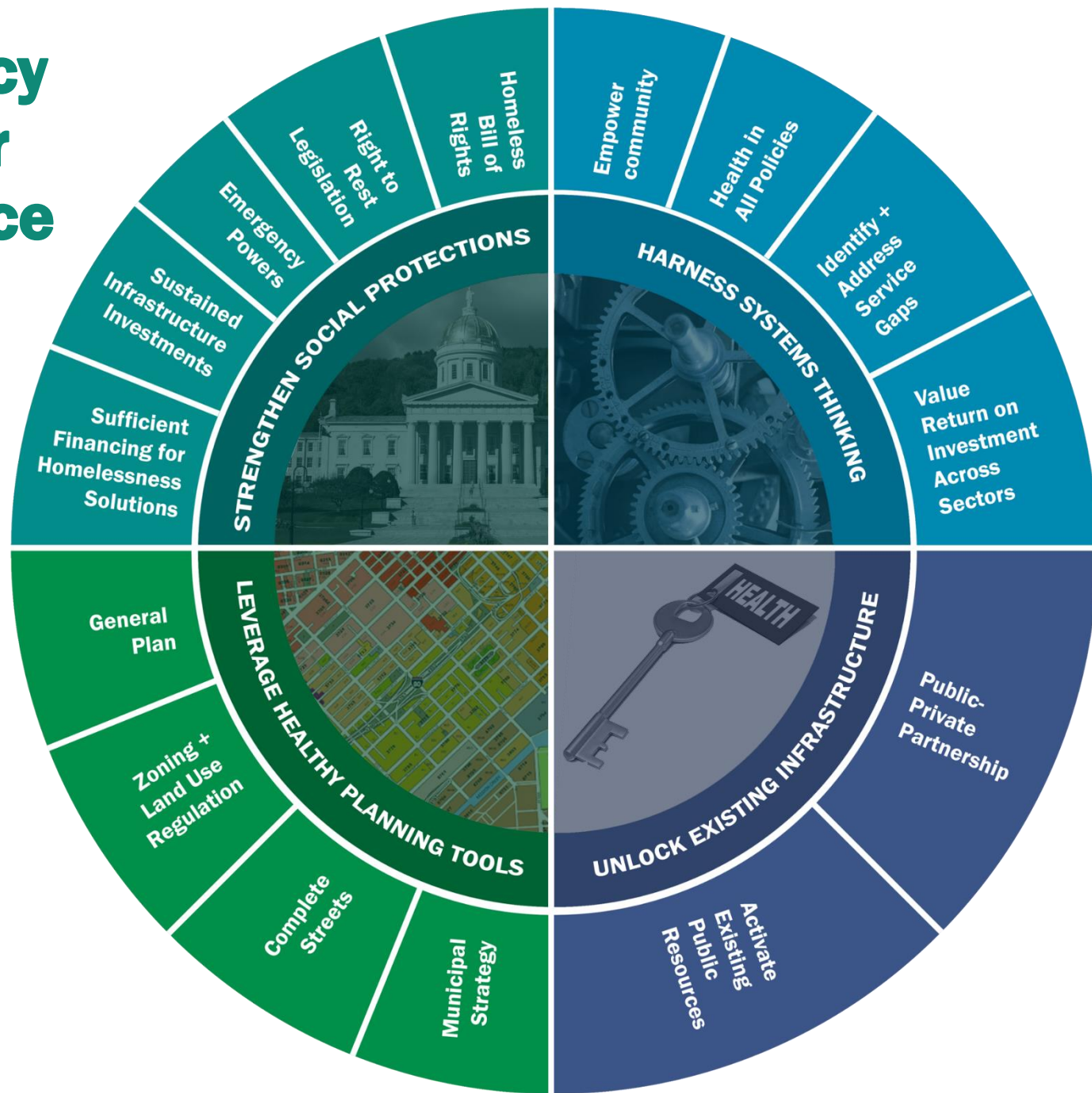
An Escalating Public Health Crisis

The U.S. is grappling with its worst multistate *hepatitis A* outbreak since the federal government approved a vaccine in 2010. The outbreak is an important wake-up call to confront a long-neglected population health crisis. In communities nationwide, safe, adequate and accessible public toilet, handwashing, shower and laundry facilities are scarce or altogether absent. The shortages are monumental and disproportionately affect PEH, especially the one in three without shelter on any given night. For example, in 2017, Los Angeles's J. A. Skid Row neighborhood had only nine public toilets *available* for every 1,771 individuals sheltered overnight. 80 miles short of the United Nations High Commission for Refugees sanitation standard for long-term refugee camps (125 toilets available, many were out of order or inaccessible to people with disabilities). *Similar shortages* exist throughout the U.S.

Snapshot: Health Inequities California's *hepatitis A* Emergency 2016-19*

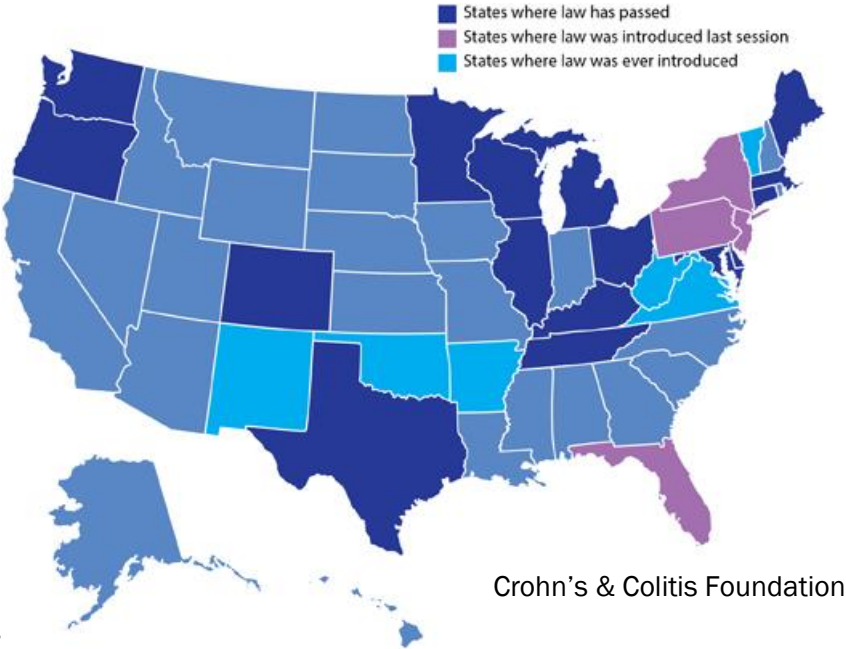
- 0.000% of Californians experienced homelessness on a single night in 2017, yet...
- 52% of Californians **DIAGNOSED** with *hepatitis A* were experiencing homelessness
- 61% of Californians **HOSPITALIZED** with *hepatitis A* were experiencing homelessness
- 71% of Californians who **DIED** from *hepatitis A* were experiencing homelessness

*Page 1 June 2019



Strengthen Social Protections

Restroom Access Legislation



Homeless Bill of Rights

PROTECTIONS	CT	IL	PR	RI	Traverse, MI
Move Freely in Public					
Equal Protection					
Protection from Employment Discrimination					
Right to Vote					
Emergency Medical Services					
Protection of Personal Information					
Privacy					
Access to Housing Resources					
Shelter, Food, Sanitation, Medical Care, and Clothing					
Protection from Law Enforcement					

Municipal Strategy

articulate
vision

assess
environment

craft
recommendations

action plan

participatory processes

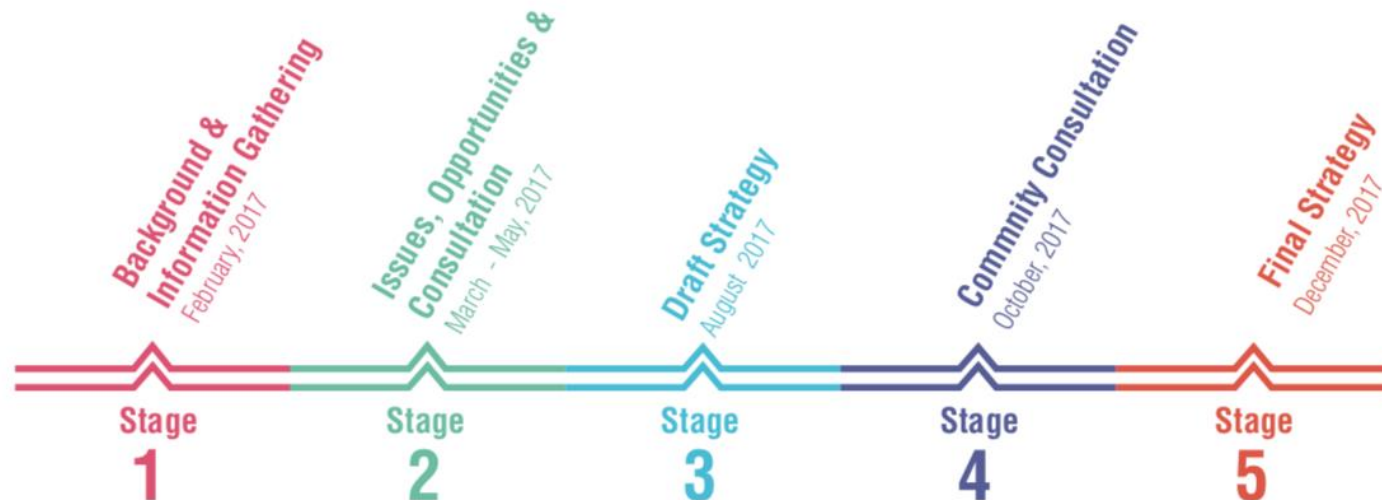
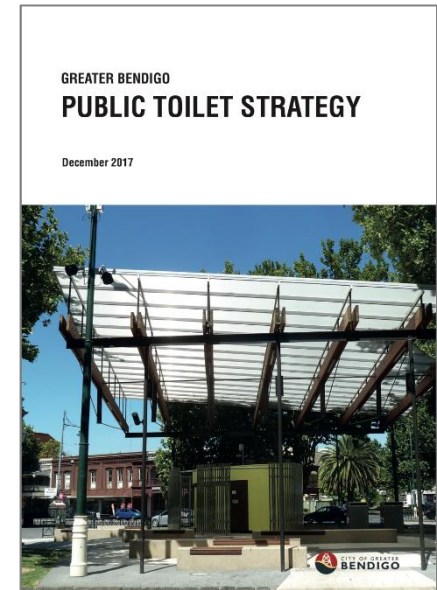


Greater Bendigo, VIC, AU

Public Toilet Strategy

December 2017

- Vision and objectives for public toilets
- Design and placement principles
- Public toilet toolkit
- 10-year implementation plan





Healthy Planning Tools

**General
Plan**

**Sanitation and hygiene
objectives to guide local
planning and
development**

**Zoning
Ordinances**

**Require or incentivize
development of
sanitation and
hygiene
infrastructure**

**Complete
Streets**

**Prioritize sanitation and
hygiene facilities as key
amenities for
pedestrians and public
transit**



Public-Private Partnership

- 200+ municipalities in Germany and Switzerland pay businesses €30–100 (\$33–110) per month to open their toilets to the public
- Bremen, Germany spends €150,000 (\$165,000)/year
- Equivalent exclusively city-run system would cost ~€1.1 million (\$1.2 million) /year.

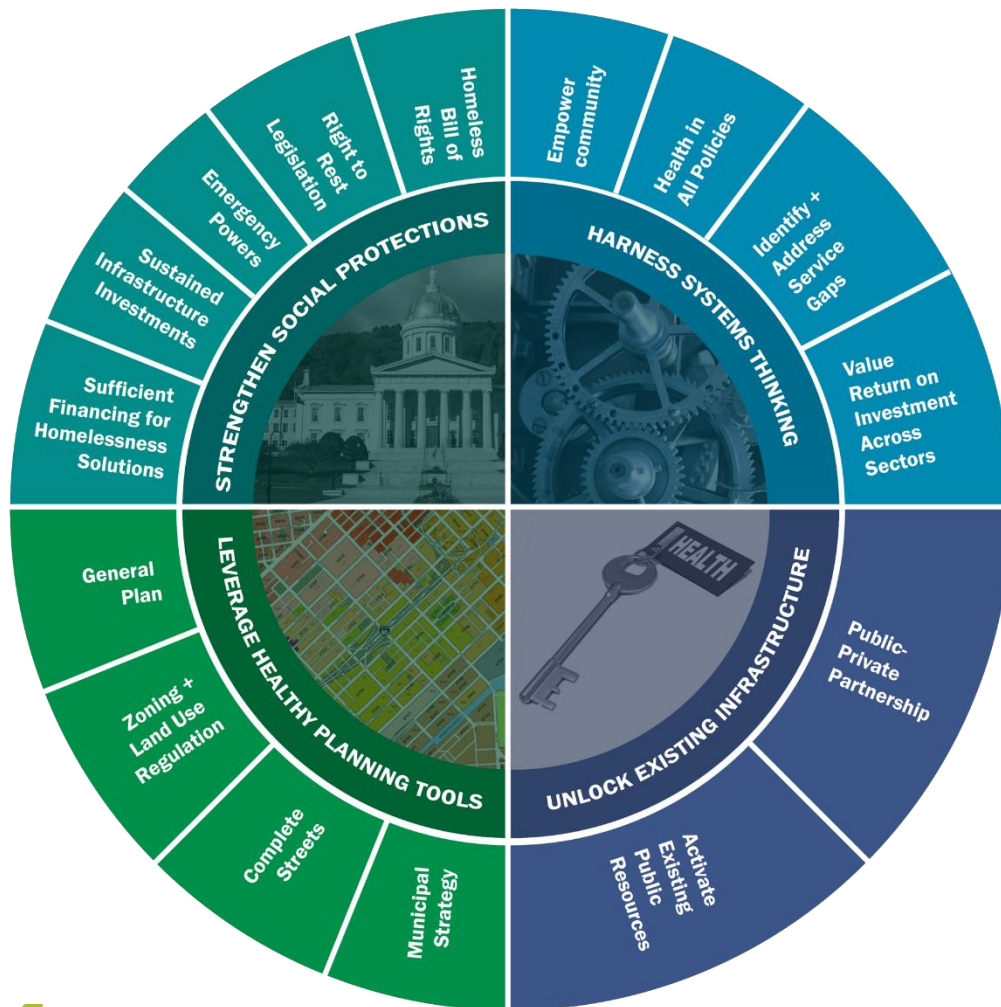


Von Lenia Maier and Julia Jacob, “Nette Toilette”: 7 Gastronomiebetriebe machen mit, BADISCHE ZEITUNG

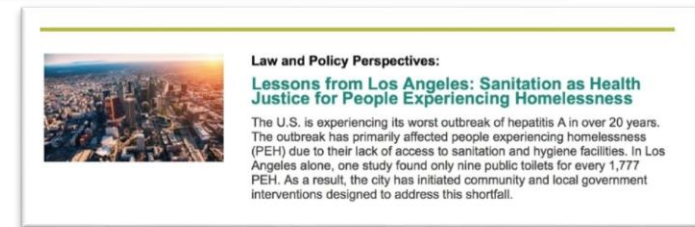
Connect

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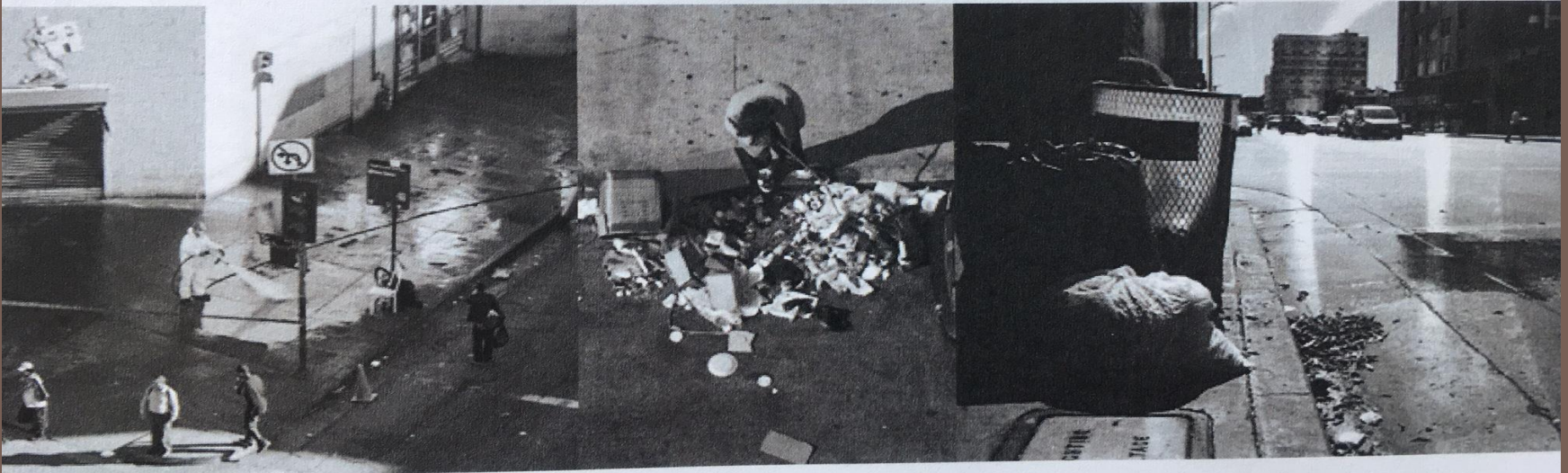


Acknowledgements

- **Walter Johnson**, JD Candidate and Legal Researcher at ASU Law and with the Network—Western Region Office
- **Lauren Dunning**, LA County DPH
- **Greg Spiegel**, Inner City Law Center
- **Lindsay Wiley**, American University – Washington College of Law

No Place to Go

An Audit of the Public Toilet Crisis in Skid Row



Greg Spiegel, J.D., Director of Strategic Initiatives,
Inner City Law Center

What is Skid Row?

50 blocks (ish)

0.5 sq. miles

10,000+ people

Majority African American

4,485 homeless people

- 1,939 unsheltered
 - 395 in makeshift shelters
 - 686 in tents
 - 808 on street



Quick Skid Row Chronology

- 1890's - 1970's: Industrial, transient, last resort housing. Redlined.
- 1975: Containment Policy
- 1980's: South LA factories close, jobs disappear, crack arrives (and War on Drugs), homelessness explodes.
- 1989: Preserve disappearing SROs.
- 2000: Big Business searches for cheaper rent
- 2003-06: Arrests for sleeping on sidewalk
- 2005-07: Hospital patient dumping
- 2006-11: Zero Tolerance Policing
- 2007-18: Permanent Supportive Housing projects
- 2013-15: Property Seizures
- 2016 -18: Outreach, services and housing. Police "Reset"

Following in footsteps...

- L.A. County Dept. of Public Health's Jacqueline Taylor
 - ▣ "Request of City of Los Angeles to address public health issues in the Skid Row area of downtown Los Angeles" (May 21, 2012)
- Los Angeles Community Action Network
 - ▣ "The Dirty Divide: A Call for Public Health Equity" (2013)

Step 1. Building Trust

- Principles for Collaboration
 - ▣ Only price of participation
 - ▣ Develop collaboratively
 - ▣ Revisit, as needed
- Membership committee tasked with increasing accessibility
- Lots of chances for input and feedback
- Emphasize local voices
- Dramatize problem, not homelessness
- Most important: It's all about the toilets.

Adopt Principles

No Place to Go's Operating Guidelines

In order to participate in the No Place to Go campaign, you have to be willing and able to comply with the following Guidelines:

How are we going to make decisions? We will...

- Stay Curious and be open to new ideas
- Strive to reach agreements that are based on mutual understanding, and transcend personal interest

How are we going to resolve conflict? We will....

- Use a consensus model, and strive for 2/3 of the group to agree before making a decision
- Offer alternatives if we cannot agree on an idea/issue
- If personal conflicts or issues arise and are not resolved within one minute, it will be tabled and referred to a voluntary mediation process that Jason Robison will facilitate for the conflicting parties. Personal issues include things that aren't on the agenda and conflict with other people not over agenda items.
- When communicating strong feelings, use "I" statements such as "I feel angry" rather than "you" statements such as "you make me angry."

How are we going to conduct meetings? We will....

- Leave meetings with a summary of accomplishments, decisions made, and action items
- Stay focused on the scope of the committee and the agenda/purpose of each meeting
- Take time to ensure that everyone is up to speed before shifting gears or making decisions
- We will not use the meeting, emails or group communication to raise personal issues. The meetings and communication need to focus on substance so that we can adequately address the items on the agenda and make progress on increasing access to public toilets in Skid Row.
- Participation is voluntary. Anyone can volunteer for any role. However, for strategic or tactical reasons, it may make sense to have a limited number of people in a role or specific people in a role. The lead on any particular project or team makes the final call on participation in a role.

How are we going to communicate? We will....

- Practice "yes...and" vs. "yes...but"
- Not monopolize discussions
- Speak at a conversational volume
- Refrain from disparaging remarks
- Listen to others and respect everyone's opinions
- Avoid labels, and use people-first or person-centered language.
- Use plain language - that is, language that is accessible to all, including avoiding acronyms
- Create a welcoming environment in which it is safe to tell stories and express emotions

If anyone is unable or unwilling to comply with these Guidelines...

The person will work with Jason, and/or others as appropriate, to resolve any disputes or figure out how to comply. If there is still no compliance, the person will be free to work separately from No Place to Go.

September 14, 2017

Share Credit

Audit of Public Toilets on Skid Row

The "Audit of Public Toilets on Skid Row" is a project of the Los Angeles Central Providers Collaborative, Skid Row residents and partners. The Los Angeles Central Providers Collaborative is a group of Skid Row services, shelter and housing providers that include over 25 nonprofit, government, community organizations and residents.

The Skid Row Public Toilet Audit Team is...

- Eric Ares, Los Angeles Community Action Network
- Patricia Bacalao, Lorcan O'Herlihy Architects
- Stephany Campos, Homeless Health Care Los Angeles
- Eric Dean, Skid Row resident/activist
- Ian Dickenson, Lorcan O'Herlihy Architects
- Ashle Fauvre, Skid Row S.P.A.
- Tom Grode, co-founder Skid Row S.P.A.
- Steve Johnson, LA Mission
- Gina Jones, Los Angeles Christian Health Centers
- Rachel Kassenbrock, Downtown Women's Center
- Kevin Michael Key, United Coalition East Prevention Project
- Jasmine Kozowy, Lava Mae
- Elissa Kuykendall, co-founder Skid Row S.P.A.
- Alexander Laurent, Artist / Photographer, Downtown Resident
- Louise Mbella "Sinai" [Frenchy], Community Organizer Advocate and Former Downtown Women's Action Coalition Co-Chair/Secretary.
- Katherine McNenny, co-founder of Industrial District Green
- Charles Porter, United Coalition East Prevention Project
- Jason Robison, SHARE!
- Candace Leos, Midnight Mission
- Suzette Shaw, Skid Row resident / poet who writes, talks & advocates Skid Row From A Woman's Perspective
- Sara Short, The Peoples' Concern
- Greg Spiegel, Inner City Law Center
- Michael Unton, Skid Row S.P.A.
- Dorit Waldman, SSG Project 180

Step 2. Auditing

- Asset Mapping
 - ▣ Builds camaraderie
 - ▣ Inspires action
- Compiling Data
 - ▣ Framing is key
 - Compelling legal standard
 - Compelling visual presentation
- Sensitivity to the audited
 - ▣ Consumer
 - ▣ Provider

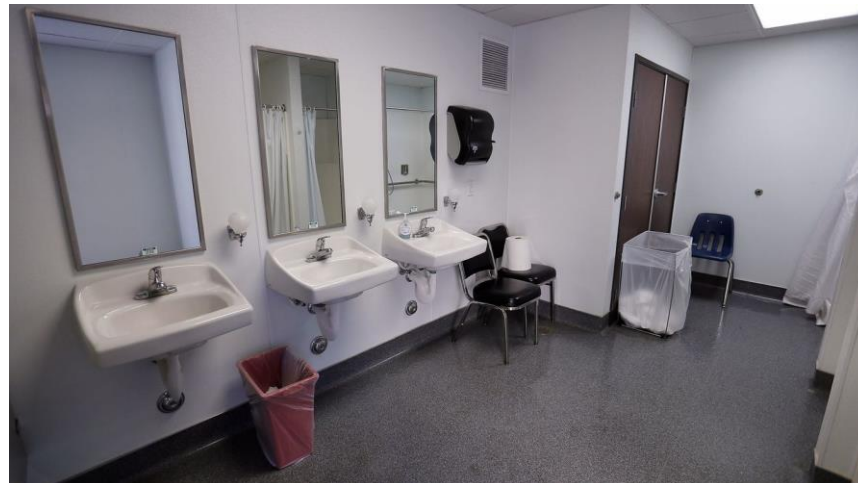
Step 3. Drafting Report

- Compelling...
 - Look
 - Narrative
 - Conclusion
 - Solutions
 - Call to Action

Step 4. Advocating for Change

- Media Strategy
- Targets
 - ▣ Meetings
 - ▣ Asset Mapping and Evaluation
- Not about controlling the issue; it's about more toilets
 - ▣ Let others take credit, solve problem
 - ▣ Refresh Spot comes to Skid Row

Skid Row Refresh Spot





Public Hygiene Facilities: Identifying Policy Levers & Developing Interventions

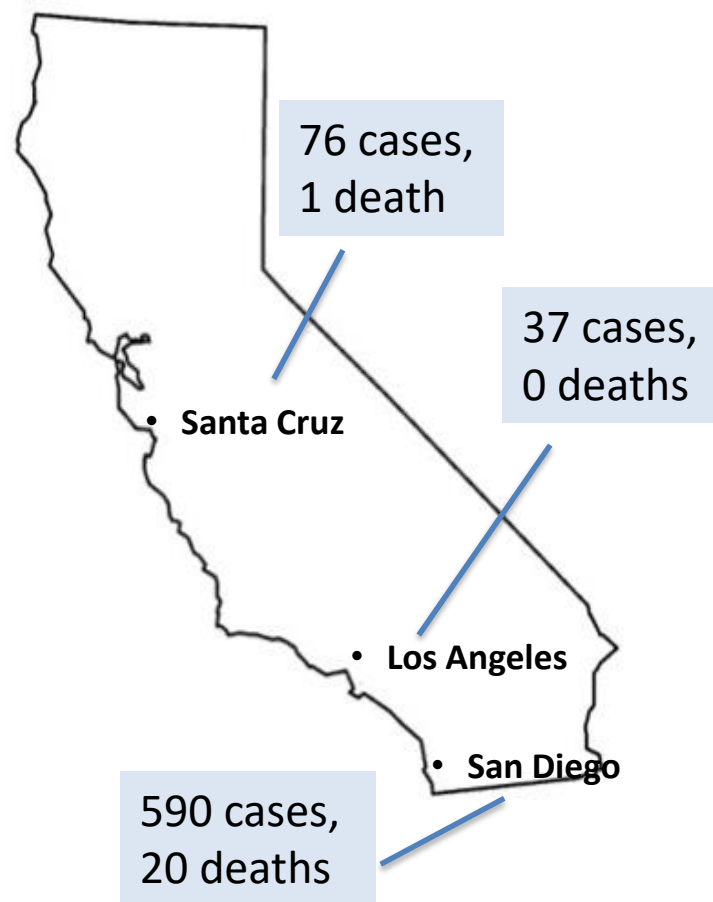
Lauren Dunning, JD, MPH
Los Angeles County
Department of Public Health



Los Angeles County: Summary

- 2017 Hepatitis A Outbreak in California
 - Cases in San Diego, Santa Cruz, Monterey, Los Angeles, and other Counties
 - Los Angeles County: 37 total cases, 0 deaths
- At-risk populations
 - People experiencing homelessness
 - Recreational drug users
 - MSM

CASES BY REGION



Los Angeles County: Response

- Vaccinated at-risk populations: Administered or distributed **36,135 vaccines**
- Conducted educational outreach: **502 events**
- Coordinated with partners to increase access to public hygiene facilities (PHF)

Protect yourself
from Hepatitis A.
LEARN MORE



Assessment and Placement of Facilities

- Assessed homeless encampments in both unincorporated areas and cities
 - Identified locations of greatest immediate need and feasibility for PHF placement
- Deployed mobile toilet/hand washing facilities
- Worked with existing organizations to pilot access to mobile shower facilities

Placement and Costs of Facilities

Address	Supervisory District
Rio Hondo River bike path at Slauson Ave.	1
Lomita Blvd and Vermont Ave., West Carson	2
LA River next to NE 105 FWY (left bank)	4
Borders of Longview, East Ave. V-4, 127 th St. East, and East Ave. V-4, Pearblossom	5

Description	Monthly Cost
Hygiene Facility	\$3,285
Servicing	\$3,308.60
Security	\$18,050.40
Total Monthly Cost Per Site	\$24,644.00

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Policy Development and Implementation

- **Approach**
 - Health in All Policies
- **Timeline**
 - Short Term
 - Long Term
- **Levers**
 - Location
 - Infrastructure
 - Services





Approach: Health in All Policies

- Infuses considerations of health equity into the design, implementation, and evaluation of policies across sectors
- Promotes cross-sector accountability for health, especially when rooted in law



Timeline

- **Short Term**
 - Address a specific problem
 - Provide a bridge
- **Long Term**
 - Incorporate into ongoing planning processes and operations

Policy Levers

Location

Infrastructure

Services

- Public property
- Private property

- Public right of way
- Government facility



Attributed to yovenice.com



Attributed to yelp.com

Policy Levers

Location

Infrastructure

Services

- Existing
- Mobile
- New
- Temporary



Attributed to Denvergov.org

Policy Levers

Location

Infrastructure

Services

- Staffing
- Security
- Maintenance



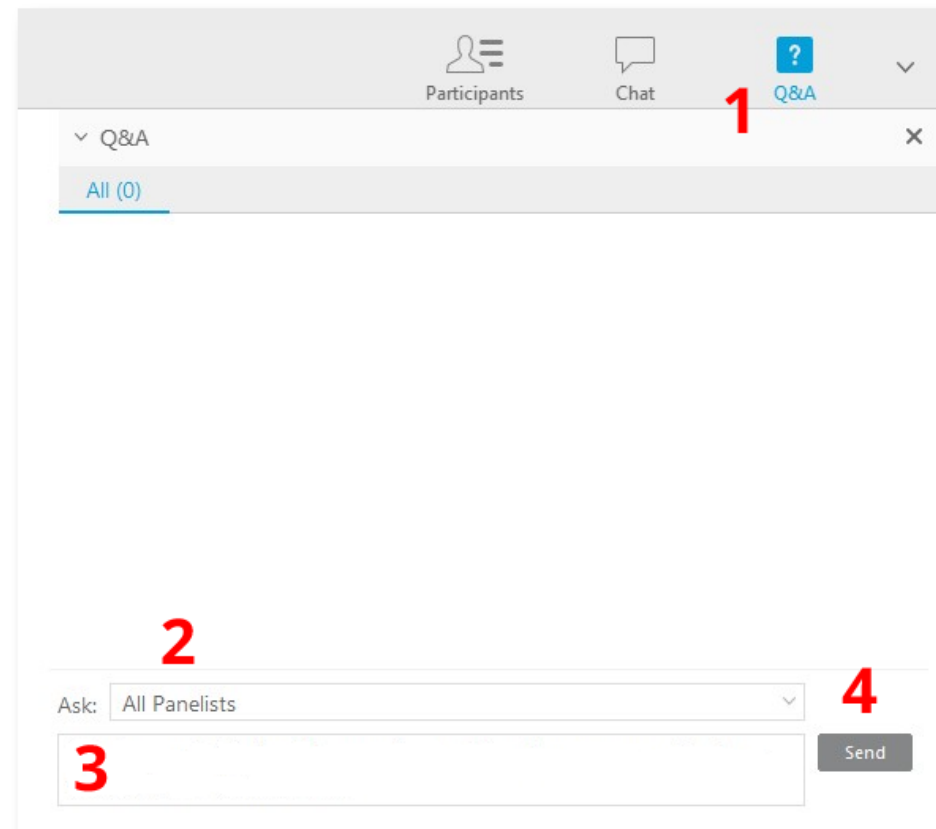
Attributed to SFChronicle.com

Framework: Developing Interventions

Health in All Policies			
Public Hygiene Facilities	Location	Infrastructure	Services
Short Term	Parking lot, parks, riverbeds	Trailer, portable toilet, existing facilities	Contracted agencies, government services
Long Term	Sidewalk parkway, vacant public property	Prefab units, permanent structures (sewer/water)	Partnership with community agencies

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