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

June 28, 2018

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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
Health Justice

Inquiry and action beyond health care

Collective responsibility for forces that shape health inequities

Collective action optimizing participatory processes

Multi-State Hepatitis A Outbreak
2016-Present

State outbreak confirmed
Local outbreak confirmed
State emergency declaration
Local emergency declaration

<table>
<thead>
<tr>
<th></th>
<th>CA</th>
<th>IN</th>
<th>KY</th>
<th>MI</th>
<th>TN</th>
<th>UT</th>
<th>WV</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>Cases</td>
<td>704</td>
<td>148</td>
<td>761</td>
<td>846</td>
<td>52</td>
<td>259</td>
<td>303</td>
<td>3,073</td>
</tr>
<tr>
<td>Deaths</td>
<td>21</td>
<td>0</td>
<td>6</td>
<td>27</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>55</td>
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</table>

The Network for Public Health Law
Data from HUD, AHAR (2017); CA Dep’t Public Health (on file with author)

Snapshot of Health Inequities
California’s Hepatitis A Emergency 2016–18

- 0.003% of Californians experienced homelessness on a given night (2017 POC), yet . . . .
- 52% of Californians DIAGNOSED with Hepatitis A reported experiencing homelessness
- 61% of Californians HOSPITALIZED with Hepatitis A reported experiencing homelessness
- 71% of Hepatitis A-related DEATHS affected Californians experiencing homelessness
Hepatitis A outbreak disproportionately harming people experiencing homelessness (PEH)

Inadequate Sanitation & Hygiene Access for PEH

Inadequate access to health care

Lack of housing

absence of shared accountability
disinvestment in public infrastructure
discriminatory public & private policies
Existing public toilet facilities face closures, limited hours of operation, and inadequate maintenance.
- 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?
### Homeless Bill of Rights

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

**Crohn’s & Colitis Foundation**

**The Network for Public Health Law**
articulate vision
assess environment
craft recommendations
action plan

participatory processes

Municipal Strategy

Photo via City of Kingston, VIC, AU's Public Toilet Strategy
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
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

Healthy Planning Tools
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.
Connect

Madeline Morcelle, JD, MPH
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Networkforphl.org

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

- 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
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 Brode, 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 Kazowy, Lava Mae
- Elisss Kuykendall, co-founder Skid Row S.P.A.
- Alexander Laurent; Artist / Photographer, Downtown Resident
- Louise M bella “Sinai” [Fren chy], 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 Unrl, Skid Row S.P.A.
- Donl Waldman, SSG Project 180

No Place to Go: An Audit of Public Toilets in Skid Row June 2017
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

- Santa Cruz: 76 cases, 1 death
- Los Angeles: 37 cases, 0 deaths
- San Diego: 590 cases, 20 deaths
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

<table>
<thead>
<tr>
<th>Address</th>
<th>Supervisorial District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rio Hondo River bike path at Slauson Ave.</td>
<td>1</td>
</tr>
<tr>
<td>Lomita Blvd and Vermont Ave., West Carson</td>
<td>2</td>
</tr>
<tr>
<td>LA River next to NE 105 FWY (left bank)</td>
<td>4</td>
</tr>
<tr>
<td>Borders of Longview, East Ave. V-4, 127&lt;sup&gt;th&lt;/sup&gt; St. East, and East Ave. V-4, Pearblossom</td>
<td>5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Description</th>
<th>Monthly Cost</th>
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<tbody>
<tr>
<td>Hygiene Facility</td>
<td>$3,285</td>
</tr>
<tr>
<td>Servicing</td>
<td>$3,308.60</td>
</tr>
<tr>
<td>Security</td>
<td>$18,050.40</td>
</tr>
<tr>
<td>Total Monthly Cost Per Site</td>
<td>$24,644.00</td>
</tr>
</tbody>
</table>
Mobile Shower Pilot

Mobile Shower Fair
Homeless Resources Fair
Time: 11 AM - 3 PM
Date: May 9th

Free Resources:
- Hot Showers
- Meals / Water
- Hygiene Kits
- Clothing
- Vaccinations: Hep A/flu
- DMV Vouchers
- Expungement Clinic
- Local Shelter Information
- Additional County Resources

For more information, please call (323) 351-7018

Whittier Narrows Recreation Area
Area A - Building #21
1201 Loma Avenue, South El Monte, CA 91733

Every Thursday
11 am - 3 pm
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

<table>
<thead>
<tr>
<th>Location</th>
<th>Infrastructure</th>
<th>Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public property</td>
<td></td>
<td>Public right of way</td>
</tr>
<tr>
<td>Private property</td>
<td></td>
<td>Government facility</td>
</tr>
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</table>

Attributed to yovenice.com

Attributed to yelp.com
### Policy Levers

<table>
<thead>
<tr>
<th>Location</th>
<th>Infrastructure</th>
<th>Services</th>
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<tbody>
<tr>
<td>Existing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>New</td>
<td></td>
<td></td>
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<tr>
<td>Mobile</td>
<td></td>
<td></td>
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<tr>
<td>Temporary</td>
<td></td>
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</tbody>
</table>

Attributed to Denver.gov.org
Policy Levers

<table>
<thead>
<tr>
<th>Location</th>
<th>Infrastructure</th>
<th>Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Staffing</td>
<td>• Security</td>
<td>• Maintenance</td>
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</table>

Attributed to SFChronicle.com
# Framework: Developing Interventions

## Public Hygiene Facilities

<table>
<thead>
<tr>
<th></th>
<th>Location</th>
<th>Infrastructure</th>
<th>Services</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Short Term</strong></td>
<td>Parking lot, parks, riverbeds</td>
<td>Trailer, portable toilet, existing facilities</td>
<td>Contracted agencies, government services</td>
</tr>
<tr>
<td><strong>Long Term</strong></td>
<td>Sidewalk parkway, vacant public property</td>
<td>Prefab units, permanent structures (sewer/water)</td>
<td>Partnership with community agencies</td>
</tr>
</tbody>
</table>
How to Use WebEx Q & A

1. Open the Q&A panel
2. Select “All Panelists”
3. Type your question
4. Click “Send”
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