

## **Ability & Access Committee Meeting**

January 25, 2021

6:00pm-7:25pm

Minutes submitted by Chairperson Cindy VandenBosch

### **I. NYC Restrooms 4 All proposal and discussion on public restroom access**

- A. Maeve Flaherty, Founder and President of NYC Restrooms 4 All delivered a presentation with a proposal for a public-private model to increase public restroom access for New Yorkers:
  1. Please review attached slideshow presentation
  2. There is a need for more public restrooms. According to the presenter, there are approximately 1,100 public bathrooms in NYC. New Yorkers have a real dependency on private businesses for their restrooms. During the pandemic many of these restrooms are closed for health and safety reasons.
  3. A lack of public restrooms results in issues that include:
    - a) Health and sanitation issues such as public urination and a lack of access to hand-washing facilities
    - b) Equity issues, as the private businesses we rely on for their restroom facilities often are concentrated in wealthier parts of the city
  4. This lack of access to public restrooms affects a wide range of people, including but not limited to:
    - a) Parents with small children
    - b) Pregnant and menstruating people
    - c) People who are homeless
    - d) Older adults
    - e) People who are incontinent (10-36% of the population)
    - f) Tourists
  5. NYC Restrooms 4 All proposes a public-private bathroom partnership whereby the city government pays small local businesses to open their bathrooms to the public for free and advertise those restrooms with stickers on their windows and doors. It rapidly increases availability of public bathrooms.
  6. One of the problems we've had with increasing public restrooms has been infrastructure investment. Mayor Bloomberg championed the public restrooms issue. His administration purchased 15 automated public toilets (APT) and the city has still not installed five of them. The issues with these toilets is the land that is needed to install them, access to sewer pipelines, and the bureaucracy that must be navigated across agencies to have them installed.
  7. Successful public bathroom models in other parts of the world:
    - a) Nette Toilette (Germany/Switzerland/Austria): A private business that is paid by the government to facilitate and organize

management of public toilets. The city of Bremen, for example, is saving on government funding for operating and maintaining public bathrooms.

b) City of London (much like a borough): Pays local businesses to open bathrooms. Run by the city government. No private involvement outside of the participating businesses. There is a 90% retention rate of small businesses. They receive a monthly flat fee.

8. NYC Restrooms 4 All is currently presenting to community boards, city council representatives, and is requesting a letter of support from CB7.

## **B. Comments and Questions from the board and attendees**

1. Can you please provide background about this project?

a) Maeve Flaherty was a student at Columbia and couldn't find a restroom one day and, as a result, decided to write a policy piece on public restroom access. She submitted the article to a national journal and it was published, which led to a research fellowship at the Roosevelt Institute to work on this project. When she started researching public restroom access and availability, she got acquainted with public restroom advocates across the country, including PHLUSH, the largest national advocacy group based out of Portland, Oregon; FLUSH, led by Kim Walsh, a professor at Columbia University. There are also poop art organizations. There is a vibrant community of people advocating for public restrooms.

b) This is a student-led effort collaborating with other student groups across the city. This fall, NYC Restrooms 4 All was selected as UN Millenium Fellows, which has helped the students learn how to run a campaign.

2. What is your long-term goal? Why do you want a letter of support?

a) The long-term goal is to get funding in the city budget for at least a pilot program to test out this approach and see how it goes.

3. Do you know how our homeless, drug, and public safety issues compare to some of the other cities that were mentioned as comparison cases?

Cynthia Gonzalez raises concerns about issues with people who are homeless and drug users using the public restrooms because they don't have anywhere to go. Providing infrastructure is one thing but then how do you ensure safety with this program? And what support would be provided to the small businesses who would have to police the bathrooms?

a) The Nette Toilette system is in 210 cities and provides data on this issue.

b) With this model, the small business does take on the responsibility of having to deal with these issues by calling the police. A lot of businesses already take on this burden, and they'd get money for

participating in the program. It's a temporary commitment. You can sign on for 2-3 months and then stop participating.

4. During the pandemic, most small businesses are delivery or takeout only. How do we handle this right now?
  - a) This model will not go before the city council for at least a year. What we need in a pandemic is different than when we're not in a pandemic. In terms of testing this, we anticipate it would not be occurring during the pandemic. It would be piloted at some point in the future.
5. In these European cities, are they rolling this out in the glitzier districts versus other less touristy areas? Sunset Park isn't the same as the Financial District and Midtown Manhattan. Cynthia's concern about policing the restrooms would likely be a significant concern to local businesses here. Do the funds cover maintenance expenses? Some of the plumbing issues could cost thousands of dollars to remediate.
  - a) Each individual town and city pays a market rate to the businesses. This isn't a perfect system. There's no perfect public restroom system. It's a matter of testing this out.
  - b) The flat fee in these other models includes the maintenance costs. These models have not been public about these types of issues, according to her group's research.
  - c) A suggestion was made by Nicholas Azadian to figure out what the Parks Department budget is for maintaining new infrastructure and maintaining it, and positioning the reallocation of resources for something like this. That would be one way to address the financial impact of this with a city that is short of cash.
6. Shelters have bathrooms and people who are homeless are permitted to use those restrooms. There are also mobile showers that provide public showers and restrooms for people who are homeless. With bicycling, businesses are happy to have you use their bathroom as long as you mask up.
7. ADA-compliant restrooms - Karen Rolnick noted that most of the bathrooms within businesses are not wheelchair-accessible. Is there something built into this system, such as a tiered system that rewards businesses that are wheelchair-accessible, possibly a financial incentive with higher monthly payments to small businesses? This could be a benefit to vendors in the way that selling lottery tickets is a benefit, similar to a person who might pick up a candy bar on their way out. Gladys Bruno expressed a similar concern about making sure restrooms were ADA compliant.
  - a) Maeve acknowledged how important it is for restrooms to be ADA-compliant and accessible to all. At the same time, for people who are incontinent or have other disabilities where they have to frequently use the restroom, there's also an accessibility issue at

play. Reducing the supply only to ADA-compliant restrooms would restrict the overall supply of bathroom options in the city. A model that incentivizes and encourages ADA compliance helps strike that balance and improve accessible restrooms. It is a thorny issue because how can the government pay a small business for a public restroom that is not ADA compliant. This is something the process will address, and the tiered bathroom idea could be a way to do that.

- b) This model is adaptable. If it doesn't work, it can be changed. There are no significant long-term infrastructure investments, for example. The goal with a pilot would be to try different neighborhoods and different businesses, and learn and work out the kinks.
8. David Estrada provided additional context for the pay-as-you-go portable toilets. There was discussion at CB7 about installing one on PPSW near 15th Street. The absurdity of the conversation was intense and the cost was high. It was very bureaucratic. In the 38th city council district, there was a \$2M bathroom that was installed in Red Hook. It is frustrating that the city has such difficulty installing public restrooms. He also noted that there was a person who passed away in the restroom of Sunset Park Bagel, indicating that there are real concerns that small business owners have about issues mentioned earlier. He works for the business improvement district, and there's a counterintuitive idea. Part of the difficulty that comes up with public restrooms are their scarcity. If it's not a problem, some of the things we perceive now as deep problems tend to sort themselves out. He hopes something like this comes up and that we need to reimagine how we use public space collectively and sometimes that needs to be done in partnership with private entities. This is good for business, for tourism and visitors and families. There are higher order issues, but he supports this pilot.
9. Support for already existing public restrooms - Cindy VandenBosch noted that she did not want to see funds for maintaining our existing public restroom infrastructure to be affected by this project.
10. Need for greater accountability for public restrooms in privately owned public spaces - Cindy VandenBosch also noted her frustration with the fact that there is very little enforcement of public restrooms that are located inside privately owned public spaces, which are required to be accessible and open to the public but are often not, and are quite frequently not maintained properly.
11. City investment in accessible public restrooms - If public funds are going to support this project, it is important that wheelchair-accessible restrooms are a high priority. As an incentive, perhaps this program could be used to implement city funding to small businesses to help reconfigure

their restrooms or regrade sidewalks so that the businesses can have accessible restrooms. can be accessible. It's a complex issue.

- a) NYC Restrooms 4 All agrees with the points mentioned regarding existing public restroom infrastructure, and hopes this project will help contribute to improving both current and future public restrooms for New Yorkers.
  - b) Construction expenses for new public restrooms are out of control and perhaps some of that funding could be redirected with this project in mind.
12. Megan asked about how the cleaning of restrooms would be supported, both for staffing and supplies
- a) The flat fee per month is used by the small business owner to cover cleaning expenses
  - b) These businesses see an increase in foot traffic, which can be a good thing, but in other cities, they haven't seen bathroom costs skyrocket
13. Are there security features in the bathrooms? Who is responsible if something happens to someone?
- a) The police
14. Gerald wondered if NYC Restrooms 4 All has approached businesses about the program, whether chain restaurants, mom and pop restaurants, or other types of businesses?
- a) Not yet
  - b) In other countries, chains have not typically participated. It's typically used to support local businesses and drive foot traffic to them.
  - c) Their group will take suggestions to gather feedback from restaurants
15. Where would they want to test out this pilot project?
- a) It will not be in Manhattan below 125th Street. They would start in neighborhoods where there aren't a lot of chain restaurants. Ideally, they'd like to try a few clusters versus trying it out in one neighborhood. It's pretty far beyond where they're at now.
  - b) Businesses would opt into the program and it would likely be facilitated through government outreach wherever the pilot program would be.
  - c) Jeremy Laufer noted that the city would set parameters. Today we're just talking about a general concept to try out.
16. Julio Peña named the issue of enforcement and that he wouldn't want any pilot program shouldn't cause an undue burden to small businesses, whether in licensing or credentials.

#### C. MOTION FOR LETTER OF SUPPORT

1. Pat Ruiz motioned for a letter of support for piloting the NYC Restrooms 4 All concept, with assurances in place that any pilot project would make

ADA-compliant restrooms a priority, would not provide an undue burden to small businesses, including but not limited to legal, security, and financial burdens, and would not pull financial resources from the maintenance budget that is needed for already existing public restroom facilities. David Estrada seconded.

**D. AMENDMENT**

1. Cynthia Gonzalez proposed an amendment to include language about undue burden on small businesses with respect to insurance costs and liability
2. Gladys Bruno proposed an amendment that would include security burdens for small businesses
3. Both amendments were accepted as friendly amendments. The letter will express general support bearing in mind that the following issues need to be addressed through the process, including maintaining financial support for existing public restroom facilities, enforcement measures and accountability for already existing public restrooms that are in privately owned public spaces, incentivizing and prioritizing ADA-compliant restroom facilities, and ensuring that the pilot program does not cause undue burdens on small businesses that include insurance-related, financial, legal, security, or maintenance costs.

**E. VOTE: The motion passed unanimously**

**II. Discuss Ability & Access committee priorities for the year**

**A. Issues around special education and supporting those families**

1. Karen Rolnick wants to be sure that children with developmental disabilities are receiving the support they need.
2. David Estrada mentioned that there are two IEP schools in our area and there are a lot of students with special needs

**B. Paths of travel and accessibility in public spaces and on streets**

1. Space on sidewalks
  - a) Commercial strips in Sunset Park are crowded and accessibility of our sidewalks is important. David Estrada indicated that there is an 8 foot clearance in the city that is standard on sidewalks and in public spaces. There is a basic ethic and standard for allowing enough room on sidewalks for people to pass safely from a public health and safety lens, he would like to support this committee making observations and coming back with recommendations to share about spacing with regard to accessibility.
  - b) Cindy VandenBosch noted that including people with disabilities in this process would be key.
2. Curb cuts - Update needed for the district
  - a) Gladys Bruno asked whether there will be ramps on every corner in the neighborhood.

- b) David Estrada provided context - The Dept. of Transportation (DOT) says that they want to do every corner in the city, but they are prioritizing corners where there has been a complaint or incident. They use private contractors to do this work. There was recently one installed in the 50s. They're getting to ones that have floated to the top of the priority list, but they propose that all corners will have the textured ramps. It is an imperfect answer.
  - c) Jeremy Laufer noted that the contractors sometimes work haphazardly skipping corners. Sometimes they miss one. If they do, call the CB7 and they'll get in touch with DOT. If you see contractors abandon work sites or saw horses, which are trip hazards and barriers to paths of travel, report those to the community board office.
  - d) If we arbitrarily make a complaint, how would one go about doing that to facilitate the repair or reconstruction of a curb sooner? David Estrada said that you would want to pick spots with troubled conditions, such as broken water grates or broken curbs, and it's not hard to find that in the neighborhood. He said these issues would qualify as legitimate complaints via 311.
  - e) The committee will ask DOT to come in and give an update on the Curb Cut program
3. Snow removal
- a) Gladys Bruno asked about snow removal and concerns related to paths of travel for people with disabilities. During the last snowstorm, Bruno noticed that someone took snow off the corners where the ramps were located so that there was a path from the corner, which was very helpful to use wheelchairs.
  - b) The Sanitation Department does have staff that do snow removal when there is a snowstorm and the BID also does some snow removal, but business owners are mostly responsible for their own sidewalks. David Estrada raised the issue of vacant storefronts, and how clearing snow is becoming more of a problem for those stretches of sidewalk. The building owner is ultimately responsible, although many building owners are elderly or don't live nearby. That becomes a tough question when there's an empty storefront because that probably also means they are in financial distress.
  - c) When there is a significant snow laborer, board staff member Natasha Cordero mentioned that the Dept. of Sanitation does hire temporary snow laborers and they concentrate on specific areas.

C. Housing - Host a joint meeting with the housing committee on accessible affordable housing in the district

1. MIH and affordable housing but we haven't taken a look at accessible housing, we'd like to take a deeper dive with the housing committee to understand what's available to people with disabilities, and how that connects with the priorities we make for rezoning requests as a board.
2. Melissa del Valle Ortiz mentioned that Section 8 Housing in Sunset Park recently received money to go through renovations, which mandated accessibility features, including a ramp, making improvements to ramps, installing a lift, improving the elevator, moving tenants to accessible units as required. Some of the measures they took could be applied to Voucher Section 8 and rent stabilized units.
3. GoSection8.com is a website that lets people know which units landlords have registered and are pre-qualified to accept a voucher. Previous to the Congresswoman's input, they didn't specify whether a unit was accessible. This is on a national platform. That's also coming down the pipeline. They can go to this website to now see where persons with disabilities can use their voucher and what that might show is that there are currently no accessible units available. A lot of veterans already have this concern as well.
4. Project Open House is a program through the Mayor's Office for People with Disabilities that provides funding for adapting existing housing to the needs of people with disabilities.

D. Communication access for people with disabilities during the pandemic

1. Continued challenge of communication access for people with hearing loss, both in the real world due to masks and online, where captions and ASL are not always provided
2. At this time, there isn't a specific issue to address, but this is something we will continue to monitor, especially ensuring that public meetings have communication access.