California’s Human Rights Crisis

A WEBINAR ON INADEQUATE ACCESS TO WATER & SANITATION BY HOMELESS RESIDENTS

FEBRUARY 15, 2019
Webinar Moderator:
Sandra Lupien, MPP

Climate & Environmental Policy & Communications Strategist
Independent Consultant for EJCW
Lead co-author of “Basic & Urgent: Realizing the Human Right to Water & Sanitation for Californians Experiencing Homelessness.”

Sandra.lupien@gmail.com
510-681-3171
Webinar Host:
Environmental Justice Coalition for Water

Cori Ring-Martinez
Sacramento Program Coordinator
cori@ejcw.org
www.ejcw.org
The Report

Case Studies in Oakland, Berkeley, and Sacramento

Interviews with staff to elected officials, planners, service providers, people experiencing homelessness

Literature review

Promising practices from other states and regions

Analysis of Barriers/Opportunities

Recommendations

Report Link
**Water is a Human Right**

**International:**
*United Nations Committee on Economic, Social, and Cultural Rights*: “[t]he water supply for each person must be sufficient and continuous for personal and domestic uses. These uses ordinarily include drinking, personal sanitation, washing of clothes, food preparation, personal and household hygiene.”

**California:**
*Assembly Bill 685*: “…every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.”

But, CA has, “no minimum standards for access to water and sanitation and there is no enforcement mechanism to incentivize jurisdictions to comply”
Daryel Dunston, MPA

Deputy Division Manager of Community Housing Services, City of Oakland Department of Human Services
Gale Filter, JD, MPP

Photojournalist & Documentarian

Volunteer with Mercy Pedalers

Retired environmental prosecutor at CalEPA’s Department of Toxic Substances Control
Madeline Morcelle, JD, MPH

Staff Attorney at Mississippi Center for Justice

Author: Health Justice for People Experiencing Homelessness: Confronting the U.S. Public Sanitation and Hygiene Crisis, for The Network for Public Health Law.
James Lee Clark  
“Faygo”  
Social justice, homelessness,  
and public commons activist  
and advocate  
Homeless resident of  
Sacramento
California’s Human Rights Crisis

A WEBINAR ON INADEQUATE ACCESS TO WATER & SANITATION BY HOMELESS RESIDENTS

FEBRUARY 15, 2019
Access to Drinking Water by Californians Experiencing Homelessness (CEH)

Sources:
Various: See citations on p. 11 of “Basic and Urgent: Realizing the Human Right to Water and Sanitation for Californians Experiencing Homelessness.”

2017 Unsheltered Residents by City (from Annual Point-in-Time Count):
Berkeley: 664
Oakland: 1902
Sacramento: 2052

<table>
<thead>
<tr>
<th>City</th>
<th># of Fountains</th>
<th>State of Repair/Cleanliness</th>
<th>Accessibility</th>
<th>Location of Fountains</th>
</tr>
</thead>
<tbody>
<tr>
<td>Berkeley</td>
<td>60 (^{71})</td>
<td>33% unclean (trash or debris in the fountain) (^{72})</td>
<td>Usable with water bottle (^{73}) &lt;1/2; ADA-compliant (^{74}) ~1/3; Time: Many only during certain hours</td>
<td>Primarily in recreation areas in Berkeley Hills or Marina; Only 5 in S. Berkeley, 3 in W. Berkeley, 1-2 Downtown. (^{74})</td>
</tr>
<tr>
<td>Oakland</td>
<td>40 (^{75})</td>
<td>Unknown</td>
<td>Unknown</td>
<td>Mostly in recreation areas in Oakland Hills; Only 1 in Downtown/West Oakland where 54% of homeless people rest or camp. (^{76})</td>
</tr>
<tr>
<td>Sacramento</td>
<td>171 (^{77})</td>
<td>40% broken, leaking or clogged (^{78})</td>
<td>Unknown</td>
<td>None in Midtown or Downtown where many homeless people rest or camp.</td>
</tr>
</tbody>
</table>
### Table 4: Public Toilets in Berkeley, Oakland & Sacramento

<table>
<thead>
<tr>
<th>City</th>
<th># of Toilets</th>
<th>State of Repair/Cleanliness</th>
<th>Accessibility</th>
<th>Location of Toilets</th>
</tr>
</thead>
<tbody>
<tr>
<td>Berkeley</td>
<td>~30(^{105})</td>
<td>Likely to be unclean/improperly maintained(^{106})</td>
<td>Only 10 available on a 24/7 basis(^{107})</td>
<td>Primarily in recreation areas in Berkeley Hills and North Berkeley/UC Berkeley.</td>
</tr>
<tr>
<td>Oakland</td>
<td>~30(^{108})</td>
<td>Unknown</td>
<td>Specifics unknown; all are closed at night(^{109})</td>
<td>BART Stations, some urban parks and recreation areas. (Some geographic accessibility for unsheltered populations.)(^{110})</td>
</tr>
<tr>
<td>Sacramento</td>
<td>83(^{111})</td>
<td>~20% in poor state of repair at any given time(^{112})</td>
<td>28 - open 24/7 55 - hours vary (^{113})</td>
<td>Few Downtown or in the City's River District, where homeless residents sleep and rest(^{114, 115})</td>
</tr>
</tbody>
</table>

#### Sources:

Various: See citations on p. 15 of “Basic and Urgent: Realizing the Human Right to Water and Sanitation for Californians Experiencing Homelessness.”

2017 Unsheltered Residents by City (from Annual Point-in-Time Count):

<table>
<thead>
<tr>
<th>City</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Berkeley</td>
<td>664</td>
</tr>
<tr>
<td>Oakland</td>
<td>1902</td>
</tr>
<tr>
<td>Sacramento</td>
<td>2052</td>
</tr>
</tbody>
</table>

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Access to Toilets Water by Californians Experiencing Homelessness (CEH)

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"Basic and Urgent: Realizing the Human Right to Water and Sanitation for Californians Experiencing Homelessness."

2017 Unsheltered Residents by City (from Annual Point-in-Time Count):

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<td>1902</td>
</tr>
<tr>
<td>Sacramento</td>
<td>2052</td>
</tr>
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</table>

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• **During overnight hours** (9:00 pm to 6:00 a.m.), there are only nine public toilets available for 1,777 unsheltered homeless people on Skid Row, and these toilets are largely inaccessible. Even counting these nine public toilets, **Skid Row is short of the United Nations sanitation standard by 80 toilets.**

• **During daytime hours** (6:00 am to 9:00 pm), when shelters release many of their overnight occupants onto the street, the unsheltered population swells. During these hours, **Skid Row is short of the United Nations sanitation standard by 164 public toilets.**

Many Unsheltered Californians face worse access to water and toilets than is required by international standards for refugee camps.

United Nations Human Right Council (UNHCR) Standards

“Sphere” Standards for Humanitarian Assistance:
- 15 liters (~4 gallons) of water/person/day
- 500 meters (~1/3 mile) to nearest water source
- 30 minutes max wait time

Standards for Planned Refugee Camps
- 20 liters (~5.25 gallons) of water/person/day
- 200 meters (~1/12 mile) to nearest water source
- 1 shower per every 50 persons
- 1 toilet per every 20 persons
- No one should live less than 50 meters (~3/100 mile) from a toilet

Sources:
Various: See citations on p. 7 & 8 of “Basic and Urgent: Realizing the Human Right to Water and Sanitation for Californians Experiencing Homelessness.”
California: 

4th highest income inequality in U.S.

Sources:
2012-2016 American Community Survey, U.S. Census Bureau and Zippia
California:

2nd fastest income inequality growth rate in U.S.

Sources:
2012-2016 American Community Survey, U.S. Census Bureau and Zippia
Rents keep increasing and households are “rent burdened”

Source: Table pulled from Ballotpedia’s analysis of California Proposition 10 on the November 2018 ballot; data sourced from U.S. Department of Housing & Urban Development

<table>
<thead>
<tr>
<th>City</th>
<th>County</th>
<th>Population</th>
<th>2016 median rent</th>
<th>2010 median rent</th>
<th>2010–2016 increase</th>
<th>30%+ of income on rent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Los Angeles</td>
<td>Los Angeles</td>
<td>3,999,759</td>
<td>$1,241</td>
<td>$1,077</td>
<td>15.23%</td>
<td>61.20%</td>
</tr>
<tr>
<td>San Diego</td>
<td>San Diego</td>
<td>1,419,516</td>
<td>$1,427</td>
<td>$1,259</td>
<td>13.34%</td>
<td>54.30%</td>
</tr>
<tr>
<td>San Jose</td>
<td>Santa Clara</td>
<td>1,035,317</td>
<td>$1,689</td>
<td>$1,339</td>
<td>26.14%</td>
<td>53.30%</td>
</tr>
<tr>
<td>San Francisco</td>
<td>San Francisco</td>
<td>884,363</td>
<td>$1,632</td>
<td>$1,328</td>
<td>22.89%</td>
<td>42.60%</td>
</tr>
<tr>
<td>Fresno</td>
<td>Fresno</td>
<td>527,438</td>
<td>$901</td>
<td>$832</td>
<td>8.29%</td>
<td>61.50%</td>
</tr>
<tr>
<td>Sacramento</td>
<td>Sacramento</td>
<td>501,901</td>
<td>$1,057</td>
<td>$959</td>
<td>10.22%</td>
<td>53.90%</td>
</tr>
<tr>
<td>Long Beach</td>
<td>Los Angeles</td>
<td>469,450</td>
<td>$1,150</td>
<td>$1,033</td>
<td>11.33%</td>
<td>55.20%</td>
</tr>
<tr>
<td>Oakland</td>
<td>Alameda</td>
<td>425,195</td>
<td>$1,189</td>
<td>$1,000</td>
<td>18.90%</td>
<td>54.10%</td>
</tr>
<tr>
<td>Bakersfield</td>
<td>Kern</td>
<td>380,874</td>
<td>$1,005</td>
<td>$906</td>
<td>10.93%</td>
<td>53.10%</td>
</tr>
<tr>
<td>Anaheim</td>
<td>Orange</td>
<td>352,497</td>
<td>$1,402</td>
<td>$1,262</td>
<td>11.09%</td>
<td>62.10%</td>
</tr>
<tr>
<td>Santa Ana</td>
<td>Orange</td>
<td>334,136</td>
<td>$1,354</td>
<td>$1,231</td>
<td>9.99%</td>
<td>64.80%</td>
</tr>
<tr>
<td>Riverside</td>
<td>Riverside</td>
<td>327,728</td>
<td>$1,194</td>
<td>$1,092</td>
<td>9.34%</td>
<td>60.00%</td>
</tr>
<tr>
<td>Stockton</td>
<td>San Joaquin</td>
<td>310,496</td>
<td>$967</td>
<td>$917</td>
<td>5.45%</td>
<td>60.60%</td>
</tr>
<tr>
<td>Irvine</td>
<td>Orange</td>
<td>277,453</td>
<td>$1,997</td>
<td>$1,788</td>
<td>11.69%</td>
<td>52.80%</td>
</tr>
<tr>
<td>Chula Vista</td>
<td>San Diego</td>
<td>270,471</td>
<td>$1,351</td>
<td>$1,201</td>
<td>12.49%</td>
<td>61.40%</td>
</tr>
</tbody>
</table>
Demand for Affordable Housing Overwhelms Supply

Key:
VLI=“Very-low income:” households earning 31-50% Area Median Income
ELI=“Extremely Low Income:” households earning 30% or less AMI

Sources:
California Department of Housing and Community Development Annual Progress Report Permit Table Summary, June 1, 2018
2017 Annual Point-In-Time Counts for Berkeley, Oakland, and Sacramento

<table>
<thead>
<tr>
<th>City</th>
<th># of Unsheltered Residents</th>
<th>Planning Timeline</th>
<th># VLI/ELI Units Required</th>
<th># VLI/ELI Units Permitted as of June 1, 2018</th>
<th>% VLI/ELI Units Permitted as of June 1, 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Berkeley</td>
<td>664 (^1)</td>
<td>1/31/2015 to 1/31/2023</td>
<td>532</td>
<td>85</td>
<td>16%</td>
</tr>
<tr>
<td>Oakland</td>
<td>1902 (^2)</td>
<td>1/31/2015 to 1/31/2023</td>
<td>2059</td>
<td>371</td>
<td>18%</td>
</tr>
<tr>
<td>Sacramento</td>
<td>1111 (^2)</td>
<td>10/31/2013 to 10/31/2020</td>
<td>3149</td>
<td>197</td>
<td>6.3%</td>
</tr>
</tbody>
</table>

\(^{1}\) Source: California Department of Housing and Community Development Annual Progress Report Permit Table Summary, June 1, 2018

\(^{2}\) Source: 2017 Annual Point-In-Time Counts for Berkeley, Oakland, and Sacramento
“[Cities] are completely overwhelmed with the number of people living on the streets, and we all can’t just sit around waiting for housing to be built. Even if it were being built in any kind of timely way, which it’s not, we wouldn’t catch up and so we have to do something in the meantime [to provide for the basic needs of unsheltered persons].”

-- Lara Tannenbaum, City of Oakland Housing & Human Services

Source: Basic & Urgent: Realizing the Human Right to Water & Sanitation for Californians Experiencing Homelessness
Gale Filter, JD, MPP

Photojournalist & Documentarian

Volunteer with Mercy Pedalers

Retired environmental prosecutor at CalEPA’s Department of Toxic Substances Control
Homeless in Sacramento: Cruel & Unusual Punishment
Facts

--Over half of Loaves & Fishes’ guests are aged 50 or older

--A staggering 63% of Loaves & Fishes’ guests are sleeping outside without shelter.

--Fifty-three percent (53%) of Loaves & Fishes’ guests reported psychiatric disabilities such as schizophrenia, bipolar disorder, severe anxiety or major depression.
Madeline Morcelle, JD, MPH
Staff Attorney at Mississippi Center for Justice

Author: Health Justice for People Experiencing Homelessness: Confronting the U.S. Public Sanitation and Hygiene Crisis, for The Network for Public Health Law.
Advancing the Human Right to Sanitation Through Public Health Law & Policy

Madeline Morcelle, JD, MPH
Staff Attorney, Mississippi Center for Justice
mmorcelle@mscenterforjustice.org / @mtmorcelle

February 15, 2019
California’s Hepatitis A Emergency: 2016–18

- 52% of Californians diagnosed with Hepatitis A reported experiencing homelessness.
- 61% of Californians hospitalized with Hepatitis A reported experiencing homelessness.
- 0.003% of Californians experienced homelessness on a given night (2017 POC), yet . . .
- 71% of Hepatitis A-related deaths affected Californians experiencing homelessness.

Email from Sarah New, Epidemiologist, CA Department of Public Health, to Madeline Morcelle (April 17, 2018, 10:36 MT) (on file with author).
California’s Hepatitis A Emergency

- inequitable health care access
- divestment from public sanitation and hygiene services
- affordable housing crisis
- lack of coordination and shared accountability across government sectors
- criminalization of homelessness
Public Health Law

Public health pursues high levels of health for all, consistent with social justice. Public health law consists of government’s legal powers and duties to assure the conditions for people to be healthy, and limits on government’s power to constrain individual rights.


Adapted from Wendy E. Parmet, Lauren A. Smith, Meredith A. Benedict, Poverty, Health and Law Readings and Cases for Medical-Legal Partnerships 23 (Elizabeth Tobin Tyler et al. eds., 2011)
Public Health Law & Policy Solutions

Available at www.networkforphl.org
Health in All Policies

- Public Health
- Health Care
- Public Works
- Environmental Services
- Law Enforcement
- Human Services
Municipal Public Toilet Strategies

Example: Greater Bendigo, VIC, AU

Restroom Access Legislation

- States where law has passed
- States where law was introduced last session
- States where law was ever introduced

[Map showing states colored differently to represent the status of restrooms access legislation]
Daryel Dunston, MPA

Deputy Division Manager of Community Housing Services, City of Oakland Department of Human Services
Inherent tension between short-term and long-term interventions

Direct Outreach Services / Temporary Shelter Options

vs.

Affordable Housing Development

“With regard to the unsheltered population, policy positions will continue to be debated - however, access to water is not debatable. Any proposed policy alternative or policy recommendation, whose aim is to mitigate the negative impact of unstable housing, must at a minimum, include a provision to guarantee access to potable water.” - Daryel R. Dunston
Homeless Shelters

Approximately 250 people

Access to drinking water, showers, toilets, and laundry services
Community Cabins Program

Approximately 120 people

Access to drinking water, showers, toilets, and laundry services
Transitional Housing Program

Approximately 230 people
Access to drinking water, showers, toilets, and laundry services
Direct Services to Encampments

Throughout Oakland

• Cases of drinking water provided by outreach services
• 20-30 portable toilets
• 15-20 mobile wash stations
Mobile Shower Services

Lava Mae has partnered with the City to provide mobile showers at three designated locations, twice per week.

An exploration of expanding mobile shower and mobile laundry services is underway.
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