



DISABILITY AND COMMUNICATION ACCESS BOARD

919 Ala Moana Boulevard, Room 101 • Honolulu, Hawaii 96814
Ph. (808) 586-8121 (V/TDD) • Fax (808) 586-8129

February 29, 2012

TESTIMONY TO THE HOUSE COMMITTEE ON FINANCE

House Bill 2553, HD1 – Relating to Building Design for Persons with Disabilities

The Disability and Communication Access Board (DCAB) strongly supports House Bill 2553, HD1 Relating to Building Design for Persons with Disabilities. This bill will permit our office to assess a review fee for the service of conducting a plan review to ensure that buildings, facilities, and sites meet the requirements of §103-50, Hawaii Revised Statutes (HRS). Fees would be deposited into an existing special fund.

DCAB is the State agency responsible for the overall coordination and administration of §103-50, HRS. This review process ensures that government buildings, facilities, and sites meet the design requirements of the Americans with Disabilities Act and the Federal Fair Housing Act for access to persons with disabilities. A DCAB review is the State's best risk management strategy to avoid design and construction errors that will result in legal costs and reconstruction to remedy noncompliance with the proposed emphasis on infusing \$300-\$500 million into the public works industry to kick start the economy, ensuring access will be even more critical.

The program currently is one hundred percent (100%) general funded and operates with 5.5 staff. This bill will shift the cost of the program from the general fund to the costs of design and construction. As with any other cost related to construction, this is the most appropriate method to pay for building design, construction, and compliance costs. A reasonable fee schedule would generate revenues sufficient to pay for the salaries of the staff conducting the reviews as well as operating costs as currently configured.

We have recommended changes to HD1 as follows:

- Replace the wording on page 4, line 10 to page 5, line 14 with:

(e) The disability and communication access board shall charge a review fee for services rendered. The review fee shall be twenty-five hundredths of one percent (0.25%) for the first \$3,000,000 of the estimated construction cost plus fifteen hundredths of one percent (0.15%) of the excess of the estimated construction cost over \$3,000,000, except as follows:

- (1) the minimum review fee for plans and specifications subject to accessibility guidelines under this section shall be \$200;*
- (2) the maximum review fee for plans and specifications subject to accessibility guidelines under this section shall be \$20,000;*
- (3) there shall be a \$50 fee for projects for which the plans and specifications do not reflect any elements subject to accessibility guidelines under this section; and*
- (4) there shall be a \$3,000 maximum review fee charged at the discretion of the disability and communication access board for infrastructure projects and projects managed by private non-profit entities.*

This wording takes into account the suggestions of the City and County of Honolulu for a percentage-base fee rather than one based upon step movements.

- Replace the definition of "Infrastructure" on page 6, lines 2 to 4 with:

"Infrastructure" includes, but is not limited to, water, drainage, sewer, waste disposal and waste treatment systems, roads, and street lighting. Projects with significant work to accessible elements and spaces are not infrastructure projects.

- Delete Section 3:

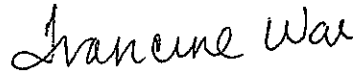
The content of Section 3 is covered in Senate Bill 2813. Senate Bill 2813 provides broader language to enable our Special Fund to accept funds from various fees as well as to expend funds for several programs.

Our projected annual revenue with this fee schedule is \$640,000. Our projected annual expenses under the special fund would be \$509,788, assuming no workload or major program changes.

Thank you for the opportunity to provide testimony.

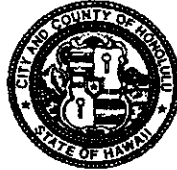
Respectfully submitted,


BARBARA FISCHLOWITZ-LEONG
Chairperson


FRANCINE WAI
Executive Director

DEPARTMENT OF DESIGN AND CONSTRUCTION
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 11TH FLOOR
HONOLULU, HAWAII 96813
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PETER B. CARLISLE
MAYOR

LORI M.K. KAHIKINA, P.E.
DIRECTOR

CHRIS TAKASHIGE, P.E.
DEPUTY DIRECTOR

February 28, 2012

The Honorable Marcus R. Oshiro, Chair
and Members
House Committee on Finance
State Capitol
Honolulu, Hawaii 96813

Dear Chair Oshiro and Members:

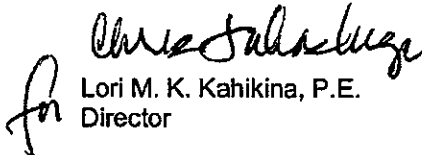
Subject: House Bill No. 2553 HD1 Relating to Building Design for Persons with Disabilities

The Department of Design and Construction (DDC) respectfully recommends revisions to SB2553 HD1 to improve the fairness of the proposed Disability Communication Access Board (DCAB) fee structure. We have several concerns regarding the proposed fee structure, presented in Section 2 of the bill.

1. A proposed component of the fee represented as a percentage of the estimated construction cost is blank, and would apparently be charged in addition to the step fees tabulated in the bill. These are substantial fees that will increase the cost of City capital improvement projects to taxpayers.
2. The proposed step fees would unfairly burden small projects. For example, a project with an estimated construction cost of \$100,001 would pay a \$1,000 fee, in addition to the percentage currently indicated as a blank. This step component of the proposed fee represents approximately 1 percent of the estimated construction cost. In contrast, a \$50,000,000 project would pay \$14,000, in addition to the percentage currently indicated as a blank. This step component of the proposed fee represents less than 0.03 percent of the estimated construction cost.
3. The proposed \$3,000 maximum fee for infrastructure projects and non-profit entities is a beneficial and practical limitation. "Infrastructure," as defined in the bill, would include water, drainage, sewer, waste disposal and waste treatment systems, roads, and street lighting that connect to a State or county project. Our position is that all government-funded capital improvements should be included in the definition of "infrastructure" projects.

Thank you for the opportunity to testify.

Very truly yours,


Lori M. K. Kahikina, P.E.
Director

1065 Ahua Street
Honolulu, HI 96819
Phone: 808-833-1681 FAX: 839-4167
Email: info@gcahawaii.org
Website: www.gcahawaii.org



GCA of Hawaii

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

Quality People. Quality Projects.

Uploaded via capitol website

February 29, 2012

TO: HONORABLE REPRESENTATIVES MARCUS OSHIRO, CHAIR, MARILYN B. LEE, VICE CHAIR AND MEMBERS OF THE HOUSE COMMITTEE ON FINANCE

SUBJECT: H.B. 2553, HD1 RELATING TO BUILDING DESIGN FOR PERSONS WITH DISABILITIES. Requires the Disability and Communication Access Board (DCAB) to charge fees to defray expenses of reviewing construction plans to ensure compliance with law, establishes a fee schedule to be effective January 1, 2013, and requires the fees to be deposited into the DCAB special fund. (HB2553 HD1)

HEARING

DATE: Wednesday, February 29, 2012
TIME: 1:30 P.M.
PLACE: Conference Room 308

Dear Chair Oshiro, Vice Chair M. Lee and Members of the Committee:

The General Contractors Association (GCA) is an organization comprised of over six hundred (600) general contractors, subcontractors, and construction related firms. The GCA was established in 1932 and is celebrating its 80th anniversary this year; GCA remains the largest construction association in the State of Hawaii. GCA **opposes** H.B. 2553, HD1 Relating to Building Design for Persons with Disabilities.

The Disability and Communications Access Board (DCAB) is mandated to review all plans for state and county projects for compliance with the Americans with Disabilities Act (ADA) where public access is required or allowed. The purpose of this bill is to require DCAB to charge a fee for the review, similar to other fees that are charged for permits, as part of the design and construction process. The current version of the bill also changes the fee schedule to include a fee constituting an unspecified percentage of the estimated construction cost as well as a flat-rate fee based on estimated construction cost; additionally, it creates a DCAB special fund to cover costs of administering the program for the state credentialing of interpreters and the construction plans and specifications review fee.

The fee schedule proposed in this bill range from \$50 to \$6,000 depending on construction cost, with a \$3,000 maximum charge for infrastructure projects and non-profit projects at the discretion of the DCAB board. It would not be prudent to burden the private sector with inadvertent costs during this slow economic period. The adoption of this measure will result increased costs for the construction industry and additional delays where a review is required.

General contractors usually hire design and legal consultants to assure compliance with all applicable Federal, State and County laws. We believe that these consultants provide the necessary expertise and experience to prevent any needless delays in the review and permitting process. We believe that giving the DCAB the ability to charge fees for their services would duplicate the fees contractors pay to the design and legal professionals for their work to comply with ADA requirements.

The GCA opposes the passage of this measure and requests that this bill be held.

Thank you for the opportunity to present testimony on this measure.



NEXT DESIGN

Testimony of
Michael S. Okamoto
Principal, Next Design LLC

Before the
House Committee Finance
Wednesday, February 29, 2012 at 1:30 P.M.

In Consideration of
House Bill 2553, HD 1
Relating to Building Design for Persons with Disabilities

Aloha Chair Oshiro, Vice Chair Lee and Members of the Committee:

Thank you for the opportunity to testify in favor of House Bill 2553, HD 1, which proposes to establish an accessible building design special fund for the Disability and Communication Access board, and also enables the Disability and Communication Access Board to charge a fee for the review of projects as required by Section 103-50 of the Hawaii Revised Statutes.

As a member of the design community for the past fifteen years, I have seen the benefit of the Disability and Communication Access Board - Facility Access Unit reviews and opinions since its inception. Projects by architects and engineers are designed to comply with the 2010 ADA Standards for Accessible Design; however, these are minimum guidelines and are subject to some interpretation of its guidelines. The Facility Access Unit plays a key role to ensure maximum compliance with the 2010 ADA Standards for Accessible Design for all public projects in the State of Hawaii. The Facility Access Unit also maintains a strong and consistent dialog with the United States Access Board and United States Department of Justice in order to forward opinions and seek clarifications on the 2010 ADA Standards for Accessible Design.

As the Disability and Communication Access Board - Facility Access Unit is currently funded through general budget of the Disability and Communication Access Board; it is subject to the challenges of the department's annual budget. House Bill 2553, HD 1 proposes that funding for the Disability and Communication Access Board - Facility Access Unit come from separate fees which are assessed based upon the estimated construction cost of a project. This will afford the department greater flexibility so that they may adapt to the increasing or decreasing construction climate.

I apologize for not being able to testify in person, but I ask that you pass House Bill 2553, HD 1.

TO: House Committee on Finance
Wednesday, Feb. 29, 2012 at 1:30 p.m.
Conference Room 308

FROM: Kirby L. Shaw
425 Ena Road, #706-A
Honolulu, HI 96815

kirby@hawaiiantelcom.net
944-0828

SUBJ: HB 2553, HD1 - RELATING TO BUILDING DESIGN FOR
PERSONS WITH DISABILITIES

Rep. Marcus R. Oshiro, Chair
Rep. Marilyn B. Lee, Vice Chair
Members of the House Committee on Finance
Kirby L. Shaw - Disability Parking Permittee
Wednesday, February 29, 2012

**RE: Support for HB 2553, HD1 - Relating to Building Design for
Persons with Disabilities**

Dear Members of the Committee on Finance

I have a physical disability that requires use of a power wheelchair. Accessibility to public buildings and facilities is important to me because it allows me to do business with the State and counties. For persons with physical disabilities, accessibility involves sidewalks, curb ramps at intersections, building entrance and interior space ingress and egress, hardware on doors, restroom stalls, lavatories, transaction counters, and parking. Accessibility for persons with vision and hearing disabilities involves many other features without which public buildings and facilities would not be navigable or safe.

To ensure the accessibility of public buildings and facilities, it is necessary to have a State agency (1) that has an expert understanding of the accessibility design requirements of the Americans with Disabilities Act and the Fair Housing Act, (2) that consistently applies the design requirements in required construction plan reviews, and (3) that provides competent technical consultation for design professionals. That agency is the Disability and Communication Access Board (DCAB).

I strongly support HB 2553, HD1. The bill is important because it requires DCAB to charge reasonable fees to cover the costs of construction plan reviews. In addition, the bill removes the DCAB unit responsible for plan reviews from the uncertainties of the budgeting process and allows the uninterrupted expertise, consistency, and competence noted above. Lastly, public buildings and facilities will be accessible to persons with disabilities into the future because the Legislature recognized the significance of the measure.

For the reasons stated above, **I ask the committee to support HB 2553, HD1.** Thank you for considering my testimony. Please contact me if you have any questions. Mahalo nui.

Sincerely,

/s/
KIRBY L. SHAW

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 28, 2012 1:01 PM
To: FINTestimony
Cc: kahuna00@hawaiiantel.net
Subject: Testimony for HB2553 on 2/29/2012 1:30:00 PM

Testimony for FIN 2/29/2012 1:30:00 PM HB2553

Conference room: 308
Testifier position: Support
Testifier will be present: No
Submitted by: charles W. Fleming
Organization: Individual
E-mail: kahuna00@hawaiiantel.net
Submitted on: 2/28/2012

Comments:

As a wheelchair user I am very much in support of this bill.

In order for me to function within the community I must be assured of access to public buildings and recreational facilities. Disabled folks, like other citizens, must use public offices, such as tax offices, DMV, licensing bureaus, meeting facilities, etc. Access is also necessary to carryout the duties of citizenship such as voting and jury duty. This bill provides a mechanism to fund DCAB to review building plans to make sure Federal access standards are met. My home state, California, has had such a mechanism in place for years with the Office of the State Architect. This eliminates the vulnerability of this federally mandated review process to the whim of budget vagaries. Please pass it out of committee. Mahalo whim of budget

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 28, 2012 11:54 AM
To: FINTestimony
Cc: gznaka@hawaii.rr.com
Subject: Testimony for HB2553 on 2/29/2012 1:30:00 PM

Testimony for FIN 2/29/2012 1:30:00 PM HB2553

Conference room: 308
Testifier position: Support
Testifier will be present: No
Submitted by: Glenn Nakamura
Organization: Individual
E-mail: gznaka@hawaii.rr.com
Submitted on: 2/28/2012

Comments: