



STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
1010 RICHARDS STREET, Room 122
HONOLULU, HAWAII 96813
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543
March 15, 2023

The Honorable Representative Au Belatti, Chair
House Committee on Health and Homelessness
The Thirty-Second Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Dear Representative Belatti and Committee Members:

SUBJECT: SB384 SD1 RELATING TO ACCESS FOR DISABLED PERSON.

The Hawaii State Council on Developmental Disabilities **SUPPORTS SB384 SD1**, which authorizes each county to adopt ordinances to enforce the design, construction and signage requirements of the federal Americans with Disabilities Act of 1990, as amended; part III of chapter 291, Hawai'i Revised Statutes; and any administrative rules adopted under that part, including the establishment of penalties for failure to comply with the ordinance. Clarifies that an official appointed by a county may enter private property to enforce violations of the ordinances adopted by the county.

Designated accessible parking spaces enable people with mobility limitations, health conditions, or other challenges to have safe access to buildings and services in the community. Not only are these spaces needed to help many reach day-to-day businesses and services, but well-designed accessible parking spaces also provide accommodations that promote independence and active participation in the community. Safe and equitable access to parking can make the difference for someone when choosing to leave their home, work, or even where to live. Individuals with Intellectual/Developmental Disabilities (I/DD) may rely on accessible parking spaces to participate in the community and ensure independence. This measure ensures that their access is protected and enforced.

Thank you for the opportunity to submit testimony in **support of SB384 SD1**.

Sincerely,

Daintry Bartoldus
Executive Administrator



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813
Ph. (808) 586-8121 (V) • TTY (808) 586-8162 • Fax (808) 586-8129

March 15, 2023

TESTIMONY TO THE HOUSE COMMITTEE ON HEALTH AND HOMELESSNESS

Senate Bill 384 SD1 – Relating to Access for Disabled Persons

The Disability and Communication Access Board (DCAB) strongly supports Senate Bill 384 SD1 – Relating to Access for Disabled Persons.

DCAB administers the statewide program on parking for persons with disabilities, which includes among other things, the issuance of disability parking permits through memorandums of agreement with the four counties. More than 100,000 Hawaii residents have an active disability parking permit.

DCAB often receives complaints from disability parking permittees about places of public accommodation that fail to comply with the federal Americans with Disabilities Act (ADA) and/or the State requirements for providing parking spaces reserved for persons with disabilities, including their number, location, design and signage.

Section 291-58, Hawaii Revised Statutes (HRS), provides a penalty of \$250 to \$500 per day for private entities that fail to comply with the ADA and State design, construction and signage requirements. Under §291-58, HRS, a private entity in violation for an entire year could face a penalty of between \$91,250 and \$182,500, which is excessive.

Section 291-58, HRS, has been in effect since July 1, 2002, but it has not been enforced. A likely explanation for non-enforcement is that this section does not designate a government authority to impose or collect a penalty for noncompliance.

Senate Bill 384 SD1 resolves the non-enforcement problem by authorizing, but not mandating, the counties to adopt ordinances to enforce the ADA and State requirements for the provision of reserved parking spaces for persons with disabilities, including their number, location, design and signage, and to establish penalties for violations. Senate Bill 384 SD1 provides that an official appointed by a county may enter places of public accommodation to enforce the adopted ordinances. The counties are uniquely suited to enforce those requirements because they already inspect places of public accommodation for compliance with the building code and various other physical requirements.

Therefore, enforcing the ordinances adopted by the counties pursuant to this measure would be well within their purview. In fact, the enforcement mechanism of Senate Bill 384 SD1 is modeled after that of §291-73, HRS, which authorizes the counties to adopt ordinances to enforce State law, §291-71, HRS, regarding the provision of parking spaces serving electric vehicle charging systems at places of public accommodation.

Thank you for the opportunity to provide testimony.

Respectfully submitted,


KIRBY L. SHAW
Executive Director

SB-384-SD-1

Submitted on: 3/10/2023 7:19:19 PM

Testimony for HLT on 3/15/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Louis Erteschik	Hawaii Disability Rights Center	Support	Written Testimony Only

Comments:

Based on the premise of this bill- that it would strengthen enforcement of requirements to have sufficient accessible parking spaces in accordance with the law, that is certainly a good thing. Accessible parking is obviously crucial to people with disabilities in order for them to have full integration into the day to day life in the community

SB-384-SD-1

Submitted on: 3/11/2023 6:12:13 PM

Testimony for HLT on 3/15/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kendrick Farm	Individual	Support	Written Testimony Only

Comments:

The intent of this bill is sound, please pass this bill out of committee.

Mahalo,

Ken Farm