

DISABILITY AND COMMUNICATION ACCESS BOARD

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February 26, 2025

TESTIMONY TO THE SENATE COMMITTEE ON JUDICIARY

Senate Bill 1008 – Relating to Parking

The Disability and Communication Access Board (DCAB) strongly supports Senate Bill 1008 – Relating to Parking. This bill authorizes the counties to adopt ordinances to enforce the accessible parking space requirements for parking spaces reserved for persons with disabilities and electric vehicles.

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 1008 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 1008 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. The enforcement mechanism of Senate Bill 1008 is modeled after that of §291-73, HRS, which authorizes the counties to adopt ordinances

to enforce State law, and §291-71, HRS, regarding the provision of parking spaces serving electric vehicle charging systems at places of public accommodation.

Thank you for considering our position.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "K. Shaw", with a horizontal line extending to the right.

KIRBY L. SHAW
Executive Director

Council Chair
Alice L. Lee

Vice-Chair
Yuki Lei K. Sugimura

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February 24, 2025

TO: The Honorable Karl Rhoads, Chair
Senate Committee on Judiciary

FROM: Alice L. Lee
Council Chair 

SUBJECT: **HEARING OF FEBRUARY 26, 2025; TESTIMONY IN SUPPORT OF
SB1008, RELATING TO PARKING**

I **support** this measure to authorize counties to adopt ordinances to enforce the accessible parking requirements for spaces reserved for people with disabilities and electric vehicles.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I **support** this measure for the following reasons:

1. Many people who rely on accessible- parking spaces find them occupied by unauthorized vehicles. By granting counties the authority to enforce compliance, we can protect the mobility rights of persons with disabilities and ensure these spaces remain available for legitimate users.
2. As Hawai'i moves toward a more sustainable future, designated charging spaces for electric vehicles are essential infrastructure. Unauthorized use of these spaces by non-electric vehicles undermines the State's carbonneutrality goals and discourages EV adoption.
3. Local governments are better positioned to monitor compliance and address violations of parking requirements. Allowing counties to enact and enforce ordinances tailored to their communities will enhance these requirements' effectiveness.

Thank you for your consideration.



**TESTIMONY OF TINA YAMAKI, PRESIDENT
RETAIL MERCHANTS OF HAWAII
FEBRUARY 26, 2025
SB 1008 RELATING TO PARKING**

Aloha, Chair Rhoads, and members of the Senate Committee on Judiciary. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii was founded in 1901 and is a statewide, not for profit trade organization committed to supporting the growth and development of the retail industry in Hawaii. Our membership includes small mom & pop stores, large box stores, resellers, luxury retail, department stores, shopping malls, on-line sellers, local, national, and international retailers, chains, and everyone in between.

While we understand the intent, we **STRONGLY OPPOSE** SB 1008. This measure authorizes the counties to adopt ordinances to enforce the accessible parking space requirements for parking spaces reserved for persons with disabilities and electric vehicles.

According to the Electric Vehicle Association, as of August 2024 the electric passenger vehicles represents 3.3% registered passenger vehicles in the entire state of Hawaii and most of the electric vehicles are on the island of Oahu.

<https://hawaiiev.org/#:~:text=EV%20Adoption%20in%20Hawaii%20%2D%20We're%20over%2035%2C000%20passenger%20EVs!&text=This%20represents%203.3%25%20of%20the,our%2078%2C109%20freight%20vehicle%20fleet.>

While we support new construction that is in the planning phase to potentially have EV charging stations, we do not support mandating them for existing businesses.

On the neighbor islands, the need for charging station is less as many who have EV vehicles have charging stations at their home. Unlike in Honolulu where there is a dense population of condominiums that do not have charging stations in their buildings.

Existing businesses should not be mandated to be the EV charging stations for the county. We believe that the market and customers should be the influencers in business trends and operations and not government mandates. Retailers listen to what their customers want. If there is a significant need, the business will try to oblige. Businesses have put charging stations in those areas where the demand is high. It is our understanding that many of the **EV chargers are not being used very often. It is mainly being used by people looking for a FREE charge, so their personal electric bill is not affected, or they do not want to pay the extra money to install a charging system at their home.**

Mandating EV stalls will be not only be a cost burden to businesses but also increase the price of living in Hawaii. Installation of EV charging stations is extremely expensive and not as simple as one may think. Existing parking facilities infrastructures are not easily wired for electricity and each existing building and facility varies on how stations can be installed. **Engineered plans and permits are needed** due to the infrastructure that will be renovated. If there are signs that are seen from the public street, there is also a need for zoning approval. Regarding installing the chargers, the **asphalt, concrete, landscaping, and other utilities need to be removed and replaced.** If there is not enough power because of the increased use of electronics throughout the stores and shopping malls, **a new transformer is needed** resulting in more engineering plans and permitting. During this time surrounding areas of the parking lot will be closed; traffic will be affected and may discourage people from coming to shop during this time resulting in a loss of revenue. And let us not forget that in some cases the chargers must be set to the side of the stalls if they connect from the rear of the car. This means that the stalls must be 20% wider and one additional stall must be taken away



to accommodate. We must also mention that the **charging stations themselves can be extremely expensive**. Government rebates or tax incentives to help install these chargers are limited.

Installing the EV charging systems is very costly and businesses are not able to absorb the cost. Each stall could cost upwards of \$50k - \$100K. As a result, the cost will be passed on to the retailer via a Common Area Maintenance charge and then the retailer will pass it on to the customers in the form of higher priced goods and services. Thus, contributing more to the excessive cost of living in Hawaii.

Federal ADA laws already mandate specific requirements for accessible parking spaces, including the calculation of the number of stalls and the provision of van-accessible spaces. It is our understanding that federal ADA laws require the number of accessible parking spaces to be calculated separately for each parking structure and **1 of every 6 ADA parking spaces must be ADA van accessible**. Noting that ADA stalls are wider than the average compact stall and the parking access aisle will take up additional parking space. These requirements are essential for promoting accessibility and inclusivity. Furthermore, **many retailers and shopping centers already exceed the minimum requirements for ADA stalls**, demonstrating a commitment to inclusivity and customer satisfaction.

The government should offer tax incentives or subsidies like other counties around the nation to encourage new businesses to open stand-alone alternative energy charging facilities that offer customers a comfort station like a coffee shop or convenience store while their cars are being charged. In other states and cities, public EV charging stations are subsidized. California alone has invested more than \$223 million in funding for publicly available Level 2 and DC fast chargers throughout their state. Earlier this month The California Energy Commission (CEC) approved a \$1.9 billion plan to expedite the rollout of statewide electric vehicle (EV) charging networks and hydrogen refueling stations.

We keep hearing complaints about how expensive it is to live in Hawaii – skyrocketing food cost, exorbitant prices of goods and services, excessive cost of homes. We must understand that **imposing government mandates on businesses not only increases operating costs but also contributes to the overall higher cost of living in Hawaii**. Who will ultimately pay for these EV stalls at retail locations and shopping malls? The cost to implement this mandate would be passed on to the mall tenants in the form of higher rent or a Common Area Maintenance Charge (CAM), who intern would pass the cost on to the customer. It will be everyone as the cost will be passed on to our kupuna, keiki, family friends and neighbors – the consumer - when they purchase food, clothing, school supplies, healthcare products, electronics and more.

Mahalo again for this opportunity to testify.



February 26, 2025

Representative David Tarnas, Chair
Representative Mahina Poepoe, Vice Chair
Committee on Judiciary and Hawaiian Affairs

RE: **HB 1008 HD1 - Relating to Historic Preservation Reviews of
State Affordable Housing Projects**
Hearing date: February 26, 2025 at 2:00 PM

Aloha Chair Tarnas, Vice Chair Lamo Poepoe and members of the committee,

Mahalo for the opportunity to submit testimony on behalf of NAIOP Hawaii in **SUPPORT** on **HB 1008 HD1**. NAIOP Hawaii is the local chapter of the nation's leading organization for office, industrial, retail, residential and mixed-use real estate. NAIOP Hawaii has over 200 members in the State including local developers, owners, investors, asset managers, lenders and other professionals.

HB 1008 HD1 is intended to promote more timely reviews of projects by requiring the Department of Land and Natural Resources to determine the effect of any proposed State affordable housing project within ninety days of a request for determination. Moreover, the measure sets forth the historic review requirements based on the project area's known historic, cultural, and archaeological resources.

Delays in the historic review process have been a persistent barrier to the timely development of housing in Hawaii, leading to increased project costs and prolonged housing shortages. HB1008 HD1 establishes clear and efficient guidelines for historic preservation reviews while maintaining protections for significant cultural and archaeological sites. By setting reasonable timelines and risk-based review criteria, this measure will provide much-needed certainty for developers and agencies working to deliver housing for local families.

This bill ensures that housing projects move forward without unnecessary bureaucratic delays while upholding Hawaii's commitment to historic and cultural preservation. We urge the committee to pass HB1008 HD1 to support faster, more cost-effective housing development for our communities. Ultimately, the measure addresses a critical issue in the development of more

Representative David Tarnas, Chair
Representative Mahina Poepoe, Vice Chair
Committee on Judiciary and Hawaiian Affairs
February 26, 2025
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affordable housing and critical infrastructure for Hawaii residents. NAIOP appreciates the Legislature's commitment to collaborating on this issue and look forward to working together.

Mahalo for your consideration,

A handwritten signature in black ink, appearing to read 'Reyn Tanaka', with a stylized flourish at the end.

Reyn Tanaka, President
NAIOP Hawaii

SB-1008

Submitted on: 2/24/2025 10:11:40 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------|--------------|--------------------|------------------------|
| Laurence Ward | Individual | Support | Written Testimony Only |

Comments:

I am the care taker of my 33 year old daughter with cerebral palsy, quadriplegic, non-verbal. I drive her in a wheelchair accessible modified van. On many occasions where there are handycap parking places, there is not enough room on the passenger side where the wheelchair loading ramp comes out and I have to park over to the left into another space or stripped area in order to get my daughter out without hitting the vehicle in the next parking space to the right. There needs to be a consensus for loading space both for side loading and end loading wheelchair vehicles.

SB-1008

Submitted on: 2/24/2025 11:02:57 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------|--------------|--------------------|---------------------------|
| Banner Fanene | Individual | Support | Written Testimony Only |

Comments:

Aloha -

I am disabled and have been using my Placard for Handicapped Parking for several years. My physical disability is chronic, and medically my physical health will not improve over time... if anything, it will get worse. I recently celebrated my 64th birthday.

I support SB1008 and ask that you please pass this legislation.

Mahalo

SB-1008

Submitted on: 2/24/2025 1:07:13 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|--------------------|--------------|--------------------|------------------------|
| Lawrence E Bigelow | Individual | Support | Written Testimony Only |

Comments:

Aloha, i am wirring in reguard to SB1008. As a resident of the North Shore. A spinal patient that uses a service dog. I really can't park in a normal space. As I have to get my dog in and out of my car.

I have watched as we have been loosing handicaped parking availablyty.

For a example, I use Turtle Bay Resort frequently. While I often loose out to parking to get to the beach. Because it is now a shared handicapped, and E vehicle space.

Or at Lei Leis restaurant. Where they had 4 handicapped spaces in the golf coarse parking. Some time back, they put in, what seems to be a electrical vault. Taking up 2 Of the 4 spaces. Or 50% of the Handicapped parking.

A possible solution, might be to check your records with what was actually required and actually remains available. Then, some form of enforcement for illegal use. A sign is of no use without some form of enforcement.

Thank you for your time.

Respectfully

Lawrence Bigelow

LATE

SB-1008

Submitted on: 2/25/2025 10:32:19 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|----------------|--------------|--------------------|---------------------------|
| Denise Wigmore | Individual | Support | Written Testimony Only |

Comments:

I support this bill. Time after time, I witness able bodied individuals utilizing handicapped parking stalls. Since there is no enforcement, they believe it's ok to park there while they run into shop or restaurant.

in some cases, I believe there isn't sufficient designated stalls available, ie. Costco.

LATE

SB-1008

Submitted on: 2/25/2025 6:56:55 PM

Testimony for JDC on 2/26/2025 9:40:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|-----------------------|--------------|--------------------|------------------------|
| CHU LAN SHUBERT-KWOCK | Individual | Support | Written Testimony Only |

Comments:

I request providing more handicapped parking but with strict enforcement by authorities. Abuse of handicapped parking stalls is really bad - borrowing family members placard is common. Illegal handicapped parking is not enforced.

Authoritied should have separate enforcement officers to monitor and cite offenders and have such vehicles towed.

LATE

Regarding SB1008
Robin Shannon
5897 Ahakea St
Kapaa, HI 96746

I have a seriously injured back and am disabled. I can't stand for lengths of time or walk far. And I need the space to fully open my car door to be able to get into my car. I have a disabled placard because of it.

I have never seen a ticket given to someone taking up a disabled spot or the car having a ticket on it that is not supposed to be there.

Then there are a lot of places that don't have disabled spots marked that did or could have one. For example a small shopping center had a disabled spot, repainted without it. I said something to the cashiers repeatedly. They would only say there are spots at the end still marked which was 200-250 feet away instead of the near the entrance. After 1-2 years they finally repainted the disabled parking spot in front. Another place that easily could have marked spots and doesn't. I arrive up to 30 minutes early to make sure I get a spot near the entrance at the end of a row so I can get in and out of my car and not walk far. Someone still parked within two feet of my car once and I had to wait for them to come back out. I said good because I couldn't get into my car and she said I was only going to be a few minutes. I told her I parked on the end purposely so I could get in and out of my car and she just got in her car and took off. I honestly think a "normal" person would have had issues getting into their car she had parked so close. Once I parked at the county buildings parking lot to come out to a truck parked in the access aisle and not being able to get into my car. Another time there was no access aisle next to the disabled spot and someone literally parked within inches of my car on the drivers side. I got a youth walking through the parking lot to get into my car from the passenger side and crawl across to the driver's side so they could pull the car out so I could get in. At a larger building that houses medical throughout, only has 2 spots for disabled parking near the front entrance where the elevators also are. They have over 50 plus spots and 2 handicap spots. And delivery drivers park there too.

It would be nice if disabled parking was actually enforced. Then it would be nice to make places that could have disabled spots actually have disabled spots.