

**HB 2152**



## DISABILITY AND COMMUNICATION ACCESS BOARD

919 Ala Moana Boulevard, Room 101 • Honolulu, Hawaii 96814  
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March 10, 2010

### TESTIMONY TO THE SENATE COMMITTEE ON HEALTH

#### House Bill 2152, HD1 - Relating to Building Design for Persons with Disabilities

The Disability and Communication Access Board (DCAB) strongly supports House Bill 2152, HD1 to allow DCAB to charge a fee to defray expenses of review of construction plans to ensure compliance with the law. This bill will give DCAB the authority to charge a review/filing fee to keep the review process functioning and provides a revenue stream to offset general funds. This is a revenue-enhancing bill, primarily assessing the cost of the review to the CIP budget. This bill is a companion to Senate Bill 2267 passed earlier by this Committee.

DCAB is required, per §103-50 Hawaii Revised Statutes (HRS), to review all plans and specifications for the construction of state and county buildings, facilities, and sites for compliance with federal accessibility guidelines to ensure access for persons with disabilities and minimize risk/liability for government. Private sector projects not receiving state funds are not covered under §103-50, HRS are not submitted to DCAB for a plan review.

The bill proposes a plan review fee based on the project's estimated construction cost. The proposed fee is comparable to the State of California's access compliance review fee schedule. We have met with various members of the architectural and engineering community to ensure a fair and reasonable fee schedule. The interim fee schedule in Section 3 of the bill would permit the generation of revenue beginning January 1, 2011 until such time as rules are established. With the six-month lead-time, departments will be able to plan to capitalize costs into construction budgets and DCAB would be able to develop an administrative mechanism for the collection of the fee.

DCAB reviewed 1,126 plan reviews in FY 2009 (680 non-duplicative reviews). Based on the number of reviews in FY 2009, the proposed plan review fee schedule is estimated to generate \$490,000 to the general fund and will be sufficient to offset salaries of 5.5 staff.

The passage of this bill will ensure that this compliance function pays for itself.

Thank you for the opportunity to testify on this important measure.

Respectfully submitted,

CHARLES FLEMING  
Chairperson  
Legislative Committee

FRANCINE WAI  
Executive Director

PETER L. FRITZ  
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THE SENATE  
THE TWENTY-FIFTH LEGISLATURE  
REGULAR SESSION OF 2010

COMMITTEE ON HEALTH

Hearing March 10, 2010  
Testimony on H.B. 2152 HD1  
(Relating to Building Design for Persons with Disabilities)

Chair Ige, Vice Chair Green and members of the Committee:

My name is Peter Fritz. I am the current Chairperson of the Disability and Communication Access Board ("DCAB"). I am testifying in my personal capacity in support of H.B. 2152.

The DCAB is required by §103-50 HRS, to review all plans and specifications for the construction of state and county buildings, facilities, and sites to ensure access for persons with disabilities.

Last session, the 5.5 positions budgeted to review plans and designs were deleted from the FY 11 budget with the intent that monies would be generated by fees would pay the expenses of plan review. Unfortunately, the bill that would provide authority to charge for plan review bill did not pass.

This bill will give the DCAB the authority to charge a review/filing fee to keep the review process functioning, provide a revenue stream, and the authority to establish a fee schedule.

Thank you for the opportunity to testify.

Respectfully,

A handwritten signature in black ink, appearing to read "Peter L. Fritz". The signature is stylized and cursive.

Peter L. Fritz

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**From:** Lynn Murakami-Akatsuka [lkakatsu@hawaii.rr.com]  
**Sent:** Monday, March 08, 2010 6:36 PM  
**To:** HTHTestimony  
**Subject:** Testimony for HB 2152, HD1 on 3/10/2010 at 2:45 PM

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Testimony for Committee on Health, 3/10/2010 at 2:45 PM

Conference room: 016  
Testifier position: Strongly support  
Testifier will be present: NO  
Submitted by: Lynn Murakami-Akatsuka  
Organization: Individual  
Address: 45-606 Keole Street; Kaneohe, HI 96744  
E-mail: [lkakatsu@hawaii.rr.com](mailto:lkakatsu@hawaii.rr.com) <<mailto:lkakatsu@hawaii.rr.com>> Submitted on: 3/8/2010

Comments: The purpose of the bill is to allow the Disability and Communication Access Board (DCAB) to charge a fee to defray expenses of review of construction plans to ensure compliance with the law. This bill will give DCAB the authority to charge a reviewing/filing fee to keep the review process functioning and provides a revenue stream to offset general funds. This is a revenue-enhancing bill, primarily assessing the cost of the review to the CIP budget.

DCAB is required by law to review all plans and specifications for the construction of state and county buildings, facilities, and sites to ensure access for persons with disabilities. HB 2152, HD 1 establishes temporary fees until the board adopts permanent fees. I am in *\*strong support\** of this bill. Thank you for the opportunity to testify.

March 8, 2010

Hearing: March 10, 2010, at 2:45 PM in room 016  
Re: HB2152, HD1  
In Favor

To:  
Chair: Senator Ige  
Vice Chair: Senator Green  
Members: Senators Baker, Espero, Nishihara and Hemmings

I strongly support passage of HB2152.

Continuation of review of plans for any public project for compliance with all disability and access regulations by the current board performing this function saves the public entities of Hawaii in the long run, by showing best-faith effort to meet compliance.

Passage of HB1859, another bill that is adding \$1 for Disabled Parking Permits provides funding only through the end of 2010, beginning with the period the board's funding is being eliminated from the budget. Passage of HB2152 provides a method of funding beyond that date.

The intended fee schedule and any that may replace it is minimal in impact, yet starts the method of allocating the support for the board's actions according to the effort and time required for a project. It is understood that the generated fee will be billed and payable by the consultant submitting the plans for review at the time of review or completion of the review.

If this bill were to not be approved, we would find ourselves relying on the efforts of independent reviewers, with unknown expertise, supervision and validation of their efforts, and probably at a higher cost to the state, counties and cities for the fees.

I thank you for your support for this bill.

Lance Bateman

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March 8, 2010

Email: [HTHTestimony@Capitol.hawaii.gov](mailto:HTHTestimony@Capitol.hawaii.gov)

Subject: **HB 2152, HD1 Relating to Building Design for Persons with Disabilities**  
**Hearing Schedule:** Wednesday March 10, 2010 at 2:45 PM

Dear Sirs,

I have been a resident of Hawaii for the past 25 years. A licensed architect, I am a Past President of both the American Institute of Architects (AIA) Maui Chapter and the AIA Hawaii State Council. For the past eight years I served as a member of the DCAB Board of Directors.

I am writing in support of HB 2152, HD1 which will allow the Disability and Communication Access Board to charge a fee to defray expenses of review of construction plans to ensure compliance with law. This legislation will establish temporary fees until the Board adopts permanent fees.

DCAB is a well run department and in my opinion the loss of DCAB through lack of funding would be a setback for the State and the entire community of the disabled here in Hawaii. I urge you to do whatever you can to support the continued presence of DCAB at this time by allowing it to charge and establish fees for its plan review services.

Sincerely,

Marie Kimmey AIA

TO: Senate Committee on Health  
Wednesday, Mar. 10, 2010 at 2:45 p.m.  
Conference Room 016

FROM: Kirby L. Shaw  
425 Ena Road, #706-A  
Honolulu, HI 96815  
k.shaw@hawaii.rr.com  
944-0828

SUBJ: HB 2152, HD1 - RELATING TO BUILDING DESIGN FOR  
PERSONS WITH DIISABILITIES

Sen. David Y. Ige, Chair, Committee on Health  
Sen. Josh Green, M.D., Vice Chair, Committee on Health  
Members of the Senate Committee on Health  
Kirby L. Shaw – Individual with a mobility disability  
Wednesday, March 10, 2010

Support for HB 2152, HD1 - Relating to Building Design for Persons with Disabilities

Dear Members of the Health Committee,

I am an individual with a disability who uses a power wheelchair. Gaining access to public buildings and facilities is important to me because I would not otherwise participate alongside my fellow citizens in conducting business with the State and counties. For me and others similarly situated, 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. In addition, accessibility for persons with vision and hearing disabilities involves a host of other features without which public buildings and facilities would not be accessible or safe. Therefore, it is tremendously important for the State to have an agency (1) that is competent in its understanding of the accessibility design requirements of the Americans with Disabilities Act and the Fair Housing Amendments Act, (2) that consistently applies the standards when conducting plan reviews, and (3) that provides continuity with regard to expertise and institutional memory for the purpose of providing technical consultation to design professionals. Fortunately, we have such an agency – the Disability and Communication Access Board (DCAB).

**I am writing to express strong support for HB 2152, HD1 - Relating to Building Design for Persons with Disabilities.** The bill is important because it will require DCAB to charge reasonable fees based on a logical scale to cover the costs of plan reviews. This is significant because it will remove the DCAB unit responsible for plan reviews from the uncertainties of the budgeting process and allow DCAB to provide the uninterrupted competence, consistency, and continuity 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.

Therefore, **I urge the committee to support this bill.** Thank you for considering my testimony. Please contact me by mail, e-mail, or phone if you have any questions. Mahalo nui.

Sincerely,

/s/  
KIRBY L. SHAW

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**From:** Janna\_Mihara/FacilDev/HIDOE@notes.k12.hi.us  
**Sent:** Tuesday, March 09, 2010 7:16 AM  
**To:** HTHTestimony  
**Subject:** HB 2152, HD1 Relating to Building Design for Persons with Disabilities: TESTIMONY

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**HB 2152, HD1 Relating to Building Design for Persons with Disabilities:** Public hearing scheduled for Wednesday, March 10, 2010 at 2:45 pm in the State Capitol Conference Room 016.

My name is Janna Mihara and I am a licensed architect with the Department of Education (DOE). I am providing testimony in support of **HB 2152, HD1 Relating to Building Design for Persons with Disabilities**. The DOE relies heavily on the services provided by the Disabilities and Communications Access Board to insure that our schools are accessible and I believe the fees being proposed are reasonable and fair.

Thank you for the opportunity to provide testimony.

Janna Mihara



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**From:** Stephen Grogan [Stephen.Grogan@co.maui.hi.us]  
**Sent:** Wednesday, March 10, 2010 8:55 AM  
**To:** HTHTestimony  
**Subject:** Public Hearing for HB 2152, HD1 Relating To Building Design For Persons With Disabilities

To whom it may concern,

Please oppose any more financial burden on the budget from this unnecessary and Redundant new bill.

Architects already design in compliance with the ADA regulations.

Plus, adding more elements of time, cost and bureaucracy will further discourage construction in an already suffering economy.

Legislators only "talk" about the importance of education.

Rather than closing schools, you should be closing wasteful, redundant, anti-business functions like DCAB.

Instead, you lay off teachers then bloat the bureaucracy.

Who do you suppose pays for all your fees? Not the evil developer, but one way or the other it's the little guy; the same one who pays your salary.

Stop it.

Steve

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County of Maui.

IT Security measures will reject attachments

larger than 12 MB, and will block or quarantine

high-risk file types in attachments.