



DISABILITY AND COMMUNICATION ACCESS BOARD

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February 23, 2010

TESTIMONY TO THE SENATE COMMITTEE ON WAYS AND MEANS

Senate Bill 2267, Senate Draft 1 - Relating to Building Design for Persons with Disabilities

The Disability and Communication Access Board (DCAB) strongly supports Senate Bill 2267, Senate Draft 1 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.

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

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Subject: Testimony for SB2267 on 2/23/2010 10:05:00 AM
Date: Friday, February 19, 2010 10:34:55 AM

Testimony for WAM 2/23/2010 10:05:00 AM SB2267

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Comments:

As a person who uses a wheelchair, I'm well aware of the problems that are experienced by disabled folks when buildings are not built to meet ADA standards and are not barrier free.

There's nothing like attending a long meeting or event and then finding that you can't get your wheelchair into the bathroom stall, to take the edge off your day.

Currently it is the responsibility of the Disability and Communication Board to review state, county and city building plans to make sure they are constructed or remodeled in compliance with Federal Access standards.

However, the positions responsible for plan checking have been removed from the DCAB budget by the legislature, even though the State is required by Federal Law to ensure ADA and Section 504 accessibility. This bill would allow DCAB to charge agencies for the review of plans, thus continuing to fund the plan check positions.

If the bill is not enacted into law, DCAB cannot maintain the necessary staff, plans will no longer be reviewed for access and it is inevitable that errors and omissions will be made and these mistakes will be preserved in steel and cement.

In many instances, this will be the case for up to eighty or one hundred years, depending on the life of the building.

As a result, not only will access be denied to many disabled people, but also costs resulting from litigation and required remodeling can be expected to plague the State of Hawaii for decades to come.

I therefore urge the passage of SB 2267 .