

JAN 25 2012

A BILL FOR AN ACT

RELATING TO BUILDING DESIGN FOR PERSONS WITH DISABILITIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Hawaii law requires that all plans and
2 specifications for the construction of public buildings,
3 facilities, and sites be prepared so that the buildings,
4 facilities, and sites are accessible to and usable by persons
5 with disabilities. Section 103-50, Hawaii Revised Statutes,
6 requires that buildings, facilities, and sites conform to the
7 Americans with Disabilities Act Accessibility Guidelines and the
8 Federal Fair Housing Amendments Act of 1988, which establish the
9 design standard for accessibility to persons with disabilities.

10 The legislature established a mechanism for the review of
11 all plans and specifications for state and county buildings,
12 facilities, and sites or buildings, facilities, and sites funded
13 with state or county funds by the disability and communication
14 access board to ensure that design and construction plans would
15 be corrected prior to the construction of the building,
16 facility, or site. The disability and communication access
17 board reviews an average of nine hundred to one thousand plans

1 each year. The review process has been heretofore offered to
2 the architectural and design community at no charge.

3 The legislature finds that compliance with the statutory
4 design requirements to ensure accessibility is neither
5 consistent nor uniformly understood in the architectural,
6 engineering, and design community. The legislature further
7 finds that the review process by the disability and
8 communication access board is a valuable service that should be
9 continued. The review process ensures appropriate access to
10 people with disabilities by uncovering design flaws that are
11 corrected prior to construction, which prevents costly
12 litigation and retrofits.

13 The legislature believes that the fees required to be
14 charged under this Act by the disability and communication
15 access board should be incorporated into the capitalization
16 costs of the projects. A reasonable fee schedule would generate
17 revenues sufficient to pay for the salaries of the staff
18 conducting the reviews after July 1, 2013. The review process
19 will remain general funded until June 30, 2013. The fees
20 provide a mechanism to defray a portion or all of the costs of
21 the review process.

1 The purpose of this Act is to require the disability and
2 communication access board to charge a fee for the review,
3 similar to other fees that are charged for permits, as part of
4 the design and construction process.

5 SECTION 2. Section 103-50, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§103-50 Building design to consider needs of persons with**
8 **disabilities.** (a) Notwithstanding any other law to the
9 contrary, all plans and specifications for the construction of
10 public buildings, facilities, and sites shall be prepared so
11 that the buildings, facilities, and sites are accessible to and
12 usable by persons with disabilities. The buildings, facilities,
13 and sites shall conform to the Americans with Disabilities Act
14 Accessibility Guidelines, Title 36 Code of Federal Regulations
15 Part 1191, and the requirements of the Federal Fair Housing
16 Amendments Act of 1988, as established in Title 24 Code of
17 Federal Regulations Part 100, Subpart D, as adopted and amended
18 by the disability and communication access board under chapter
19 348F.

20 (b) All state and county agencies subject to this section
21 shall seek advice and recommendations from the disability and

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1 communication access board on any construction plans prior to
2 commencing with construction.

3 (c) The disability and communication access board shall
4 adopt rules pursuant to chapter 91 for the design of buildings,
5 facilities, and sites, by or on behalf of the State and counties
6 to effectuate the purposes of this section, except that the
7 board, without regard to chapter 91, instead, may adopt federal
8 amendments to the Americans with Disabilities Act Accessibility
9 Guidelines, Title 36 Code of Federal Regulations Part 1191.

10 (d) The disability and communication access board may
11 approve a [~~site specific~~] site-specific alternate design when an
12 alternate design provides equal or greater access.

13 (e) The disability and communication access board shall
14 charge a review fee for services rendered. The review fees
15 shall be based on estimated construction costs as follows:

<u>Estimated Construction Costs</u>	<u>Fees</u>
(1) <u>Plans and specifications not subject</u> <u>to accessibility guidelines</u> <u>under this section</u>	<u>\$50</u>
(2) <u>Up to \$ 50,000</u>	<u>\$200</u>
(3) <u>\$50,001 to \$100,000</u>	<u>\$400</u>

1	<u>(4) \$100,001 to \$500,000</u>	<u>\$1,000</u>
2	<u>(5) \$500,001 to \$1,000,000</u>	<u>\$2,000</u>
3	<u>(6) \$1,000,001 to \$2,500,000</u>	<u>\$3,000</u>
4	<u>(7) \$2,500,001 to \$5,000,000</u>	<u>\$4,000</u>
5	<u>(8) \$5,000,001 to \$10,000,000</u>	<u>\$5,000</u>
6	<u>(9) More than \$10,000,000</u>	<u>\$6,000 + \$1,000</u>
7		<u>for each</u>
8		<u>additional</u>
9		<u>\$5,000,000 or</u>
10		<u>portion thereof.</u>

11 In addition, there shall be a \$3,000 maximum plan review
 12 fee charged at the discretion of the disability and
 13 communication access board for infrastructure projects and
 14 projects managed by private non-profit entities.

15 (f) All monies collected as review fees shall be deposited
 16 into the disability and communication access board special fund
 17 established under section 348F-7.

18 (g) The disability and communication access board shall
 19 report to the legislature annually regarding the revenues
 20 collected under this section. The report shall include a

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Report Title:

Persons with Disabilities; Disability and Communication Access Board; Fees

Description:

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.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Health

TITLE: A BILL FOR AN ACT RELATING TO BUILDING DESIGN FOR PERSONS WITH DISABILITIES.

PURPOSE: The purpose of this bill is to permit the Disability and Communication Access Board (DCAB) to charge a fee for the blueprint review process, similar to other fees that are charged for permits, as part of the design and construction process, and deposits fees collected into the DCAB Special Fund.

MEANS: Amend section 103-50, Hawaii Revised Statutes.

JUSTIFICATION: The Disability and Communication Access Board reviews an average of nine hundred to one thousand plans each year, offered to the architectural and design community at no charge, to help buildings, facilities, and sites conform to the Americans with Disabilities Act Accessibility Guidelines and the Federal Fair Housing Amendments Act of 1988. A reasonable fee schedule would generate revenues sufficient to pay for the salaries of the staff conducting the reviews.

Impact on the public: The public benefit is the freeing up of general funds otherwise obligated to fund the review process, converting into more of a self-sustaining activity. Fees for the review would be rolled up into the total cost of planning and construction for the project.

Impact on the department and other agencies: None.

GENERAL FUND: Should the bill pass in 2012, the DCAB General Fund will be reduced in the subsequent biennium by approximately \$327,000.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HTH 520.

OTHER AFFECTED AGENCIES: Departments with CIP projects.

EFFECTIVE DATE: January 1, 2013.