



DISABILITY AND COMMUNICATION ACCESS BOARD

919 Ala Moana Boulevard, Room 101 • Honolulu, Hawaii 96814
Ph. (808) 586-8121 (V/TDD) • Fax (808) 586-8129

February 13, 2012

TESTIMONY TO THE HOUSE COMMITTEE ON WATER, LAND, AND OCEAN RESOURCES

House Bill 2553 – Relating to Building Design for Persons with Disabilities

The Disability and Communication Access Board (DCAB) strongly supports House Bill 2553 Relating to Building Design for Persons with Disabilities. This bill will permit our office to assess a review fee for the service of conducting a plan review to ensure that buildings, facilities, and sites meet the requirements of §103-50, Hawaii Revised Statutes. Fees would be deposited into an existing special fund.

DCAB is the State agency responsible for the overall coordination and administration of §103-50, Hawaii Revised Statutes. This review process ensures that government buildings, facilities, and sites meet the design requirements of the Americans with Disabilities Act and the Federal Fair Housing Act for access to persons with disabilities. The DCAB review of the State's best risk management strategy to avoid design and construction errors that will result in costly legal costs and reconstruction to remedy noncompliance with the proposed emphasis on infusing \$300-\$500 million into the public works industry to kick start the economy, ensuring access will be even more critical.


The program currently is one hundred percent (100%) general funded and operates with 5.5 staff. This bill will shift the cost of the program from the general fund to the costs of design and construction. As with any other cost related to construction, this is the most appropriate method to pay for building design, construction, and compliance costs. A reasonable fee schedule would generate revenues sufficient to pay for the salaries of the staff conducting the reviews as well as operating costs as currently configured.


One projected annual revenue is \$628,960-\$707,580. Our projected annual expenses under the special fund is \$509,788, assuming no workload or major program changes.

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.

Thank you for the opportunity to provide comment.

Respectfully submitted,


BARBARA FISCHLOWITZ-LEONG
Chairperson


FRANCINE WAI
Executive Director

DEPARTMENT OF DESIGN AND CONSTRUCTION
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 11TH FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 766-8480 • Fax: (808) 768-4587
Web site: www.honolulu.gov



PETER B. CARLISLE
MAYOR

LORI M.K. KAHIKINA, P.E.
DIRECTOR

CHRIS TAKASHIGE, P.E.
DEPUTY DIRECTOR

February 10, 2012

The Honorable Jerry L. Chang, Chair
and Members
House Committee on Water, Land and Ocean Resources
State Capitol
Honolulu, Hawaii 96813

Dear Chair Chang and Members:

Subject: House Bill No. 2553 Relating to Building Design for Persons with Disabilities

The Department of Design and Construction (DDC) respectfully recommends revisions to SB2553 to improve the fairness of the proposed Disability Communication Access Board (DCAB) fee structure. The proposed fee structure, presented in Section 2 of the bill, should be revised as follows:

1. As proposed, the fee structure would unfairly burden small projects. For example, a project with an estimated construction cost of \$100,001 would pay a \$1,000 fee, which represents approximately 1 percent of the estimated construction cost. In contrast, a \$50,000,000 project would pay \$14,000, which represents less than 0.03 percent of the estimated construction cost.

The proposed fee structure would be fairer if it was based upon a base fee plus a flat rate percentage of the estimated construction cost. For example, a base fee of \$50 plus 0.20 percent of the estimated construction cost would be more equitable than the proposed fee structure. This fee structure could include a maximum fee to be applied to large projects, but it would still be fairer to small projects. A \$100,001 project would pay \$250, or 0.25 percent of the estimated construction cost. A \$50,000,000 project would pay \$100,050, or 0.20 percent of the estimated construction cost, unless the fee was capped at a maximum of say, \$20,000 per project.

The Honorable Jerry L. Chang, Chair
and Members
February 10, 2012
Page 2

2. The proposed \$3,000 maximum fee for infrastructure projects and non-profit entities is a beneficial and practical limitation; however, the term "infrastructure projects" should be better defined to avoid uncertainty and confusion. "Infrastructure projects" would likely include all utility, wastewater, roadway, and storm drainage projects, but it is unclear whether the term would also include improvements to parks, schools, and other publicly owned sports and cultural venues. Our position is that all government-funded capital improvements should be included in the definition of "infrastructure projects."

Thank you for the opportunity to testify.

Very truly yours,


Lori M. K. Kahikina, P.E.
Director

MK/WB:lm

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 11, 2012 4:26 PM
To: WLOtestimony
Cc: Tlenzer@hawaii.rr.com
Subject: Testimony for HB2553 on 2/13/2012 9:00:00 AM

Testimony for WLO 2/13/2012 9:00:00 AM HB2553

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: Anthony Lenzer, Ph.D
Organization: Policy Advisory Board for Elder Affairs
E-mail: Tlenzer@hawaii.rr.com
Submitted on: 2/11/2012

Comments:

I am testifying on behalf of the Policy Advisory Board for Elder Affairs (PABEA), the body which advises the Executive Office on Aging (EOA), and serves as an advocate for Hawaii's Kupuna. My testimony reflects the views of PABEA, and not of EOA.

As in the past, PABEA strongly supports HB 2553. This Bill would create a fee schedule for the reviews of plans which DCAB does for various public construction projects to assure compliance with ADA standards and requirements. I am aware that, in recent years, DCAB has done approximately 900 such reviews per year, at no charge to the entities requesting this service. This is a critically important service. If DCAB did not do such a plan review prior to construction, and the projects were later found not to be in compliance with ADA requirements, costly rebuilding would often be necessary.

To conduct such reviews a substantial amount of time and effort is required, At present, DCAB staff who do the reviews are compensated out of General Funds. This Bill proposes to create a fee schedule, with fees going into a special DCAB fund to cover the costs of the reviews. This would help reduce General Fund expenditures, a desirable goal, given the State's economic problems.

PABEA requests your support of HB 2553, and I thank you for the opportunity to testify.

BIA-HAWAII
BUILDING INDUSTRY ASSOCIATION

Testimony to the House Committees on Water, Land, & Ocean Resources and
Hawaiian Affairs
February 13, 2012
9:00 a.m.
Capitol, Room 325

RE: HB2553, "Relating to Building Design for Persons with Disabilities"

Dear Chairs Chang and Hanohano, Vice-Chairs Har and Lee, and Members of the Committees:

My name is Gladys Quinto Marrone, Government Relations Director for the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii.

BIA-Hawaii **opposes** HB756, HD2 "Relating to Building Design for Persons with Disabilities." With all due respect to the Disability and Communications Access Board (DCAB) and their proposed mandate to review all plans for state and county projects for compliance with the Americans with Disabilities Act (ADA), the building community will face increases in the cost of their projects and can anticipate delays. This may be the start of any number of additional fees that will be charged for governmental services.

Many of our members hire design and legal consultants to assure compliance with all applicable Federal, State, and County laws. One of our members has said that in most instances, their consultants retain ADA consultants to assure compliance for their design. We believe that these consultants provide the expertise and experience to prevent any needless delays in the review and permitting process. To our understanding, there is only one code, the Federal ADA Code, with which to comply. This is why we believe that the fee schedule proposed by DCAB is unwarranted. We believe that giving the DCAB the ability to charge fees for their services and the magnitude of the fees would be duplicative of the fees our contractors pay to the design and legal professionals for their work to comply with ADA requirements.

If it is the will of this Legislature to move this bill forward, we would request that it be amended to insert **a time limit for automatic approval if a decision isn't made within 30 days and that there be standards of performance included in the bill.** While we understand that this bill is designed to generate funds to pay for the staffing of the DCAB and to offset general fund expenditures, in the end, it is the contractor who must pay additional funds for this effort.

Therefore, we cannot support HB 2553 "Relating to Building Design for Persons with Disabilities."

Thank you for the opportunity to share with you our views.

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 12, 2012 11:23 AM
To: WLOtestimony
Cc: framoda@yahoo.com
Subject: Testimony for HB2553 on 2/13/2012 9:00:00 AM

Testimony for WLO 2/13/2012 9:00:00 AM HB2553

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: Ramoda Anand
Organization: Individual
E-mail: framoda@yahoo.com
Submitted on: 2/12/2012

Comments:

This bill is not perfect but I humbly ask for its approval. I have been doing this for ten years now (advocacy for ADA). I think this bill would really help the process of making the state and county more compliant with ADA. Thank you and Aloha Ramoda.

KimmeY Unabia Architects, Ltd.
37 Kuapapa Place
Kihei HI 96753
Tel: (808) 874-9015
Fax: (808) 875-1078
Email: kua-maui@hawaii.rr.com

February 11, 2012

Subject: **House Bill 2553 / Relating to Building Design for Persons with Disabilities:**

Committee on Water, Land & Ocean Resources

Dear Committee Member,

I am a licensed architect and have been a resident of Maui for the past 28 years. I am a Past President of both the American Institute of Architects (AIA) Maui Chapter and the AIA Hawaii State Council. I also served as a member of the State Disability and Communication Access Board (DCAB) Board of Directors for a period eight years..

I am writing in support of HB 2553. This legislation will allow DCAB to charge a fee to defray the expenses for reviewing construction plans for State construction projects. This will ensure compliance with the American with Disabilities Act Accessibility Guidelines (ADA 2010 Standards and the Fair Housing Accessibility Guidelines in State of Hawaii buildings. In turn it will provide peace of mind for the design and construction industries as well as the State of Hawaii.

As an architect I have found the comments and assistance from DCAB in their review of proposed projects has been invaluable. I feel that the this service is definitely worth adding the cost of a fee to our projects.

Sincerely,

Marie KimmeY AIA ME

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 11, 2012 3:38 PM
To: WLOtestimony
Cc: lkakatsu@hawaii.rr.com
Subject: Testimony for HB2553 on 2/13/2012 9:00:00 AM

Testimony for WLO 2/13/2012 9:00:00 AM HB2553

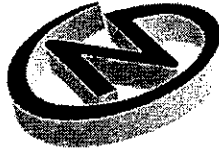
Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: Lynn Murakami-Akatsuka
Organization: Individual
E-mail: lkakatsu@hawaii.rr.com
Submitted on: 2/11/2012

Comments:

The purpose of this bill will give the Disability and Communication Access Board (DCAB) the authority to charge a fee to defray expenses of reviewing construction plans to ensure compliance with the ADA Accessibility Guidelines and Fair Housing Accessibility Guidelines.

DCAB provides a valuable service in its review of plans to assure compliance with the accessibility guidelines and laws. This bill will enable DCAB to defray expenses of reviewing construction plans to ensure compliance. The fee schedule has been revised from last year and agreeable to groups that rely on DCAB's review expertise.

I strongly support HB 2553. Thank you for the opportunity to testify.



NEXT DESIGN

Testimony of
Michael S. Okamoto
Principal, Next Design LLC

Before the
House Committee on Water, Land, and Ocean Resources
Monday, February 13, 2012 at 9:00 A.M.

In Consideration of
House Bill 2553
Relating to Building Design for Persons with Disabilities

Aloha Chair Chang, Vice Chair Har and Members of the Committee:

Thank you for the opportunity to testify in favor of House Bill 2553, which proposes to establish an accessible building design special fund for the Disability and Communication Access board, and also enables the Disability and Communication Access Board to charge a fee for the review of projects as required by Section 103-50 of the Hawaii Revised Statutes.

As a member of the design community for the past fifteen years, I have seen the benefit of the Disability and Communication Access Board - Facility Access Unit reviews and opinions since its inception. Projects by architects and engineers are designed to comply with the 2010 ADA Standards for Accessible Design; however, these are minimum guidelines and are subject to some interpretation of its guidelines. The Facility Access Unit plays a key role to ensure maximum compliance with the 2010 ADA Standards for Accessible Design for all public projects in the State of Hawaii. The Facility Access Unit also maintains a strong and consistent dialog with the United States Access Board and United States Department of Justice in order to forward opinions and seek clarifications on the 2010 ADA Standards for Accessible Design.

As the Disability and Communication Access Board - Facility Access Unit is currently funded through general budget of the Disability and Communication Access Board; it is subject to the challenges of the department's annual budget. House Bill 2553 proposes that funding for the Disability and Communication Access Board - Facility Access Unit come from separate fees which are assessed based upon the estimated construction cost of a project. This will afford the department greater flexibility so that they may adapt to the increasing or decreasing construction climate.

I apologize for not being able to testify in person, but I ask that you pass House Bill 2553.

TO: House Committee on Water, Land & Ocean Resources
Monday, Feb. 13, 2012 at 9:00 a.m.
Conference Room 325

FROM: Kirby L. Shaw
425 Ena Road, #706-A
Honolulu, HI 96815

kirby@hawaiiantelcom.net
944-0828

SUBJ: HB 2553 - RELATING TO BUILDING DESIGN FOR PERSONS WITH
DISABILITIES

Rep. Jerry L. Chang, Chair
Rep. Sharon E. Har, Vice Chair
Members of the House Committee on Water, Land & Ocean Resources
Kirby L. Shaw – Disability Parking Permittee
Monday, February 13, 2012

Support for HB 2553 - Relating to Building Design for Persons with Disabilities

Dear Members of the Committee on Water, Land & Ocean Resources

I have a physical disability that requires use of a power wheelchair. Accessibility to public buildings and facilities is important to me because it allows me to do business with the State and counties. For persons with physical disabilities, 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. Accessibility for persons with vision and hearing disabilities involves many other features without which public buildings and facilities would not be navigable or safe.

To ensure the accessibility of public buildings and facilities, it is necessary to have a State agency (1) that has an expert understanding of the accessibility design requirements of the Americans with Disabilities Act and the Fair Housing Act, (2) that consistently applies the design requirements in required construction plan reviews, and (3) that provides competent technical consultation for design professionals. That agency is the Disability and Communication Access Board (DCAB).

I am writing to express strong support for HB 2553. The bill is important because it requires DCAB to charge reasonable fees to cover the costs of construction plan reviews. In addition, the bill removes the DCAB unit responsible for plan reviews from the uncertainties of the budgeting process and allows the uninterrupted expertise, consistency, and competence 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.

For the reasons stated above, **I ask the committee to support this bill.** Thank you for considering my testimony. Please contact me if you have any questions. Mahalo nui.

Sincerely,

/s/
KIRBY L. SHAW