

# SB 2594

Measure Title:	RELATING TO HOUSING.
Report Title:	Publicly Funded Residential Housing; Visitability Standards
Description:	Requires that construction and renovation of publicly funded residential housing incorporate housing visitability standards.
Companion:	<a href="#">HB1919</a>
Package:	Kupuna Caucus
Current Referral:	HOU/PSM, WAM
Introducer(s):	IHARA, KIM, NISHIHARA, RUDERMAN, S. Chang, Espero, Gabbard, Harimoto, L. Thielen



**STATE OF HAWAII**

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM  
HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION  
677 QUEEN STREET, SUITE 300  
Honolulu, Hawaii 96813  
FAX: (808) 587-0600

IN REPLY REFER TO:

Statement of  
**Craig K. Hirai**  
Hawaii Housing Finance and Development Corporation  
Before the

**SENATE COMMITTEE ON HOUSING  
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND  
MILITARY AFFAIRS**

February 6, 2018 at 2:45 p.m.  
State Capitol, Room 225

In consideration of  
**S.B. 2594**  
**RELATING TO HOUSING.**

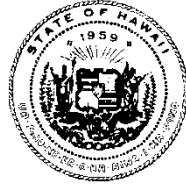
HHFDC supports the intent of S.B. 2594, which requires publicly funded residential housing to incorporate housing visitability standards. This bill is consistent with findings of the State of Hawaii Analysis of Impediments to Fair Housing Choice with a Focus on People with Disabilities dated November 2016.

The Analysis of Impediments was funded by a consortium of eight State and County housing agencies including the HHFDC. The consortium decided to focus the Analysis of Impediments on people with disabilities because most fair housing complaints submitted in Hawaii come from this protected class. The focus on people with disabilities enables a more in-depth exploration of the particular impediments that members of this protected class tend to face.

The basic values that have come to guide legislation and policy are that housing for people with disabilities should be affordable, meet their disability-related needs (particularly regarding physical accessibility), and integrated into the community to foster social inclusion. Therefore, we support the intent of legislation like S.B. 2594.

Thank you for the opportunity to testify.

DAVID Y. IGE  
GOVERNOR



HAKIM OUANSAFI  
EXECUTIVE DIRECTOR

BARBARA E. ARASHIRO  
EXECUTIVE ASSISTANT

**STATE OF HAWAII**  
HAWAII PUBLIC HOUSING AUTHORITY  
1002 NORTH SCHOOL STREET  
POST OFFICE BOX 17907  
HONOLULU, HAWAII 96817

Statement of  
**Hakim Ouansafi**  
Hawaii Public Housing Authority  
Before the

**SENATE COMMITTEE ON HOUSING  
AND  
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS**

**Tuesday, February 6, 2018  
2:45 PM - Room 225, Hawaii State Capitol**

In consideration of  
**SB 2594**  
**RELATING TO HOUSING**

Honorable Chair Espero, Honorable Chair Nishihara, and Members of the Senate Committees on Housing, and Public Safety, Intergovernmental, and Military Affairs, thank you for the opportunity to provide testimony concerning Senate Bill (SB) 2594, relating to housing.

The Hawaii Public Housing Authority (HPHA) **supports the intent, with amendments,** of SB 2594, which requires that all renovation or construction of publicly funded residential housing incorporate housing visitability standards, and **provides the following comments.**

The HPHA respectfully suggests the bill be amended to require compliance for new HPHA construction only, and allow an exemption for technical infeasible structural modifications or fundamental alterations to the nature of its programs, wherever sites that pose topographical or other challenges, would impose an undue financial burden.

As written, visitability standard modifications would be triggered upon the use of public funds to fix a unit. If a large-scale fix to a roof, for example, was required for the health and safety of the tenants, all units within the building and the property would then require full modification. As many of our buildings exceed 60 years of age and require large structural fixes, application to all renovations would have the unintended consequence of many units becoming and remaining vacant until the HPHA had available funds to complete the entire project. The bill would also apply to the turn-over of units. Application of this requirement to all renovated units will necessitate the procurement for design and construction, which could take many months to complete. Applicability to only new construction will allow for visitability standard modifications to be built into the design from the offset.

Many HPHA properties are built on hillsides, and the ability to conform to the visitability standards will be extremely difficult in many cases. Federal rules currently allow for our Agency to comply with ADA standards by building additional accessible units on more accommodating properties when technical infeasible structural modifications or fundamental alterations would cause an undue financial and administrative burden on the operation of the housing project. As an example, modifying the following 4 properties alone (out 85 HPHA properties): Palolo, Kalihi Valley Homes, Puahala Homes, and Hale Laulima, which possess specific topographical challenges due to their locations, will require

approximately \$150 million to be compliant with this bill. Tenants would also need to be transferred due to water being turned off during construction of the new bathroom facilities. Allowing for compliance to the regulations up to the maximum extent feasible, with the above stated exemptions, would better assist in complying with these requirements.

At the House Committee on Water & Land hearing, the following amendments were announced with this measure's companion bill, and the HPHA would like to request those amendments to be added to this measure as well:

Page 3 - 15 = change shall to a may.

Page 3 – line 16 = Provided however that the applicability of this act does not:

- (1) cause undue financial or administrative burden on the operation and renovations of the housing project; and
- (2) exceeds the ADA requirements; and
- (3) does not result in an increase of vacant units; and
- (4) gives preference to the tenants with approved reasonable accommodations when a unit becomes available.

The HPHA appreciates the opportunity to provide the Senate Committees on Housing, and Public Safety, Intergovernmental, and Military Affairs with the HPHA's comments regarding SB 2594. We thank you very much for your dedicated support.



**STATE OF HAWAII**  
STATE COUNCIL  
ON DEVELOPMENTAL DISABILITIES  
1010 RICHARDS STREET, Room 122  
HONOLULU, HAWAII 96813  
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543

February 6, 2018

The Honorable Senator Will Espero, Chair  
Senate Committee on Housing  
and  
The Honorable Senator Clarence K. Nishihara, Chair  
Senate Committee on Public Safety, Intergovernmental,  
and Military Affairs  
Twenty-Ninth Legislature  
State Capitol  
State of Hawaii  
Honolulu, Hawaii 96813

Dear Senator Espero, Senator Nishihara and Members of the Committee:

SUBJECT: SB 2594 - Relating to Housing

The State Council on Developmental Disabilities **SUPPORTS SB 2594**. The bill requires that construction and renovation of publicly funded residential housing incorporate housing visitability standards.

Hawaii's Center on Disability Studies (CDS) completed a report in November 2016 entitled *Analysis of Impediments to Fair Housing Choice with a Focus on People with Disabilities*. It is available at: <http://www.cds.hawaii.edu/sites/default/files/imce/downloads/projects/Fair-Housing-Project-Report.pdf>. This report provides background information on visitable housing.

As outlined by CDS, the report explains that Hawai'i's people with mobility impairments tend to face a substantial impediment, namely the lack of housing that is both affordable and accessible for wheelchair users. A major report recommendation is therefore that all new housing in Hawaii meet at least the lowest level of accessibility according to international and U.S. building code standards, labeled Type C. Type C housing is also known as "visitable" because it enables people with mobility challenges to visit their friends and neighbors, thereby reducing their social isolation.

In January 2014, the Centers for Medicare and Medicaid Services (CMS) <https://medquest.hawaii.gov/content/dam/formsanddocuments/resources/member-resources/my-choice-my-way/HCBSFinalRuleSummary.pdf> issued new regulations, termed the Final Rule, that require home and community-based services to be provided in community settings. The purpose of the rules is to ensure these people not only live in the community, but have the opportunities to access the benefits of community life. This includes; having a home that is visitable.

The **passaging of SB 2594** will require the construction of visitable housing which will support the State's compliance with CMS' Final Rule. Providing freedom and support to individuals with disabilities to control their own schedules and activities, including being able to visit others and have visitors of their choosing at any time.

Thank you for the opportunity to submit testimony **supporting SB 2594**.

Sincerely,

A handwritten signature in blue ink that reads "Daintry Bartoldus". The signature is written in a cursive, flowing style.

Daintry Bartoldus  
Executive Administrator



# UNIVERSITY OF HAWAII SYSTEM

## Legislative Testimony

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Testimony Presented Before the  
Senate Committees on Housing, and  
Public Safety, Intergovernmental, and Military Affairs  
February 6, 2018 at 2:45 PM

By

David W. Leake, Ph.D., M.P.H.  
Specialist, College of Education, Center on Disability Studies  
Patricia Morrissey, Ph.D.  
Director, Center on Disability Studies, College of Education  
Nathan Murata, Ph.D., Dean  
College of Education  
And  
Michael Bruno, Ph.D.  
Interim Vice Chancellor for Academic Affairs  
University of Hawai'i at Mānoa

### SB 2594 – RELATING TO HOUSING

Chairs Espero and Nishihara, Vice Chairs Harimoto and Wakai, and members of the committees:

Mahalo for the opportunity to testify today in support of SB 2594. My name is David Leake and I am here representing the Center on Disability Studies (CDS), College of Education, University of Hawai'i at Mānoa.

Over the past year or so, my colleague Patricia Morrissey, Director of CDS, and I have been working with many others in the informal Hawai'i Visitable Housing Coalition to incorporate simple visitability standards into residential renovation and construction. At the county level, these efforts led to adoption of a visitable housing resolution by the Honolulu City Council, and work on similar resolutions is underway on the Big Island and Maui. SB 2594 and the companion Senate bill, HB 1919, were developed over the past half year in collaboration with the Kupuna Caucus.

The proposed visitability standards allow wheelchair users to easily go in a home through a no-step entrance, navigate hallways, access a bathroom and bedroom, turn on the lights, plug in electronics, and benefit from a smoke detector that makes both sound and light warning signals.

We recognize that the State Legislature is a critical partner in promoting the use of visitability standards statewide. By requiring that these standards be included in residential housing developed or financed with public funds, as proposed in SB 2594, we will bring about a substantial increase in visitable spaces and accessible homes for wheelchair users.

Visitable housing and its rationale is presented in much more detail in a report that was compiled by CDS to meet the State of Hawaii's responsibility to regularly inform the U.S. Department of Housing and Urban Development (HUD) about the "impediments to fair housing choice" it has identified and to provide a plan for reducing those impediments. CDS was engaged to conduct the study because the state and county jurisdictions with HUD funding decided to focus on impediments faced by people with disabilities, since "disability" has come to replace "race" and "religion" as the most common bases for complaints alleging housing discrimination. Our report was submitted in November 2016 and is entitled Analysis of Impediments to Fair Housing Choice with a Focus on People with Disabilities. It is available at:

<http://www.cds.hawaii.edu/sites/default/files/imce/downloads/projects/Fair-Housing-Project-Report.pdf>

The report explains that Hawaii's people with mobility impairments tend to face a substantial impediment, namely the lack of housing that is both affordable and accessible for wheelchair users. A major report recommendation is therefore that all new housing in Hawai'i meet at least the lowest level of accessibility according to international and U.S. building code standards, labeled Type C. Type C housing is also known as "visitable" because it enables people with mobility challenges to visit their friends and neighbors, thereby reducing their social isolation.

It is notable that over the lifetime of new homes, it is estimated that over two-thirds will be inhabited by at least one person with mobility challenges. In addition, even those of us fortunate to be fully mobile are likely to appreciate living in a visitable home without steps to the entrance because, for example, we are trying to enter with a baby stroller or are temporarily on crutches due to an injury.

A likely argument against SB 2594 might be that it would substantially increase construction costs, but actual on-the-ground experience indicates otherwise. Regarding a 2002 Pima County, Arizona ordinance requiring all new homes to be visitable (even privately financed ones), the county's Chief Building Official reported eight years and about 22,000 visitable homes later that:

"While these requirements were at first resisted by builders based on the fact that they would require costly changes to conventional design and construction practices, it became evident that with appropriate planning, the construction could result in no additional cost. Indeed, the jurisdiction no longer receives builder complaints regarding the ordinance and the ordinance has been so well incorporated into the building safety plan review and inspection processes that there is no additional cost to the County to enforce its requirements."

As outlined in our report, both seniors and people with disabilities tend to be over-represented among Hawaii's low-income residents who have great difficulty finding housing they can afford. This is especially so for wheelchair users because the most



affordable housing tends to be in older walk-up apartment buildings in towns and in homes raised on stilts in rural areas.

Affordable housing is typically built with some form of public support, so the visitability requirement of SB 2594 will be of tremendous benefit to people with mobility impairments. Beneficiaries are likely to include some of the wheelchair users we might see in our neighborhoods who are homeless, thereby addressing Governor Ige's priority to provide more housing for the homeless.

States that already have laws mandating the inclusion of certain visitability standards in housing built with public support include Georgia, Kansas, Michigan, Minnesota, Ohio, Oregon, and Texas.

In our view, SB 2594 is transformational legislation. It is not just legislation that will benefit wheelchair users. It is not just legislation that will foster more social inclusion. It is legislation that will reinforce Hawaiian cultural traditions, by promoting multigenerational living and supporting seniors to age-in-place in natural environments that contribute to independence while avoiding placement in institutions.

Finally, the Center on Disability Studies stands ready to work with the Legislature to study the impact of SB 2594 on residents with disabilities and the formerly homeless who reside in publicly financed housing that is visitable.

**SB-2594**

Submitted on: 2/5/2018 1:05:09 PM

Testimony for HOU on 2/6/2018 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	OCC Legislative Priorities	Support	No

Comments: