

Honolulu, Hawaii
FEB 07 , 2020

RE: H.B. No. 2141
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Human Services & Homelessness, to which was referred H.B. No. 2141 entitled:

"A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS,"

begs leave to report as follows:

The purpose of this measure is to increase the number of parking spaces at commercial places of public accommodation, including retail malls and shopping centers, beyond the number required by Title III of the Americans with Disabilities Act of 1990, as amended.

Your Committee received testimony in support of this measure from the Disability and Communication Access Board and two individuals. Your Committee received testimony in opposition to this measure from the Retail Merchants of Hawaii.

Your Committee finds that the minimum number of accessible parking spaces is currently regulated by the 2010 Americans with Disabilities Act Accessibility Guidelines. For parking lots with 500 or less total parking spaces, the formula is not a percentage. Rather, the guidelines provide brackets based on total lot size and the minimum number of accessible spaces for each bracket. This measure requires that beginning January 1, 2021, retail malls, shopping centers or malls, and other commercial places of



public accommodation must provide a minimum of six percent of their parking spaces for persons with disabilities.

At its public hearing, your Committee contemplated how the six percent requirement for parking for persons with disabilities under this measure will apply in different circumstances and environments. Members of your committee expressed concerns that application of the six percent requirement may not take into account different considerations and situations, such as a rural versus an urban setting, a shopping center versus a medical or hospital facility, and public accommodations in each of the counties.

Upon consideration, your Committee has amended this measure by:

- (1) Removing language that would have increased the number of parking spaces beyond that required by Title III of the Americans with Disabilities Act of 1990, as amended;
- (2) Requiring the Department of Health to:
 - (A) Convene a working group to examine the issues surrounding increasing the number of accessible parking stalls in the State based on various cost versus need factors; and
 - (B) Submit a report to the Legislature no later than twenty days prior to the convening of the Regular Session of 2021;
- (3) Changing its effective date to December 31, 2059, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services & Homelessness that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2141, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2141, H.D. 1, and be referred to your Committees on Consumer Protection & Commerce and Judiciary.



Respectfully submitted on
behalf of the members of the
Committee on Human Services &
Homelessness,



JOY A. SAN BUENAVENTURA, Chair



Record of Votes of the Committee on Human Services & Homelessness

Bill/Resolution No.: HB 2141	Committee Referral: HSH, CPC/JUD, FIN	Date: 2/5/2020		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HSH Members	Ayes	Ayes (WR)	Nays	Excused
1. SAN BUENAVENTURA, Joy A. (C)	✓			
2. NAKAMURA, Nadine K. (VC)	✓			
3. BELATTI, Della Au	✓			
4. KOBAYASHI, Bertrand	/			
5. MIZUNO, John M.	/			
6. SAY, Calvin K.Y.	/			
7. TOKIOKA, James Kunane	/			
8. WARD, Gene	/			
TOTAL (8)	8			
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: <u><i>Nadine K. Parker</i></u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				