



TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII
February 5, 2020
Re: HB 2141 Relating to Parking for Disabled Persons

Good morning Chairperson San Buenaventura and members of the House Committee on Human Services and Homelessness. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii (RMH) is a statewide not-for-profit trade organization committed to supporting the retail industry and business in general in Hawaii. The retail industry is one of the largest employers in the state, employing 25% of the labor force.

Retail Merchants of Hawaii is opposed to HB 2141 Relating to Parking for the Disabled Persons, as we have some major concerns. This measure requires private businesses selling goods and services to the public, including retail malls and shopping centers, to provide a minimum of 6% of its parking spaces for persons with disabilities as well as imposes a penalty for failure to comply by January 1, 2021

Retailers are already complying with the required number of ADA stalls. The market and customers are the influencers in business trends and operations. As a result, many shopping centers already go beyond the minimum number ADA stalls that are required by law. When it comes time for the parking lot to be repaved and or restriped, retailers and shopping malls may include additional ADA stall if they see a need in the customers that they serve.

Like all parking for retail and in shopping malls, ADA stalls are also first come first serve. Not all the ADA stalls may be available next to that favorite store at the mall. **What we are seeing at some locations is abuse of ADA placards by being "borrowed" by friends and family members to get parking closer to the entrance of the mall.** Currently there is no on going enforcement that we are aware of ensuring that the person parking in the ADA stalls are the actual ADA card holding person.

It is our understanding that federal ADA laws require the number of accessible parking spaces to be calculated separately for each parking structure and **1 of every 6 ADA parking spaces must be ADA van accessible.** Noting that ADA stalls are wider than the average compact stall and the parking access aisle will take up additional parking space. Parking for many small businesses are already tight with limited number of parking stalls. Small businesses will be impacted the hardest when having to re-stripe the parking lot as well as adding additional signage.

For many businesses, restriping the parking lot and adding more signage would come at high expense especially if it mandated to be done in such a short time frame. **Who will ultimately pay for the increase in ADA stalls at retail locations and shopping malls?** It will be everyone as the cost will be passed on to our kupuna, keiki, family friends and neighbors - the consumer - when they purchase food, clothing, school supplies, healthcare products, electronics and more. The cost to implement this mandate would be passed on to the mall tenants in the form of higher rent or a Common Area Maintenance Charge (CAM), who intern would pass the cost on to the customer.

Government mandates like this does drive up the cost of doing business that in turn drives up the cost of living in Hawaii. We urge you not to impose another government mandate on business and ask that you hold this measure.

Mahalo for this opportunity to testify.

HB-2141

Submitted on: 2/3/2020 11:29:14 PM

Testimony for HSH on 2/5/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Azuma Chrupalyk	Individual	Support	No

Comments:



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February 5, 2020

TESTIMONY TO THE HOUSE COMMITTEE ON HUMAN SERVICES AND HOMELESSNESS

House Bill 2141 - Relating to Parking for Disabled Persons

The Disability and Communication Access Board (DCAB) administers the statewide program on parking for persons with disabilities. DCAB **SUPPORTS** House Bill 2141.

This bill mandates that private businesses selling goods and services to the public, including retail malls and shopping centers, must provide a minimum of six percent of its parking spaces for persons with disabilities. Lack of available accessible parking spaces is a consistent complaint that DCAB receives from those with disability parking permits. Currently, the minimum number of accessible parking spaces is regulated by the 2010 Americans with Disabilities Act Accessibility Guidelines (ADAAG). For parking lots with 500 or less total parking spaces, the formula is not a percentage. Rather, the ADAAG provides brackets based on total lot size and the minimum number of accessible spaces for each bracket. Therefore, the actual percentage of accessible spaces varies, and for smaller lots the percentage is higher than six percent. In those cases, the ADAAG requirements would supersede a state requirement that six percent of the parking spaces be accessible.

DCAB suggests substituting the following text for §291-58 (b):

“(b) Beginning January 1, 2021, a commercial place of public accommodation shall be required to provide additional accessible parking spaces beyond the number required under the Americans with Disabilities Act Accessibility Guidelines (ADAAG) using the following formula: for parking lots with 26 or more parking spaces, one additional accessible parking space shall be required beyond the ADAAG requirements, for parking lots with 51 or more parking spaces, two additional accessible parking spaces shall be required beyond the ADAAG requirements, for parking lots with 76 or more parking spaces, three additional accessible parking spaces shall be required beyond the ADAAG requirements, for parking lots with 101 or more parking spaces, four additional accessible parking spaces shall be required beyond the ADAAG requirements, for parking lots with 151 or more parking spaces, five additional accessible parking spaces shall be required beyond the ADAAG requirements, for parking lots with 201 or more parking spaces, six additional accessible parking spaces shall be required beyond the ADAAG requirements, for parking lots with 301 or more parking spaces, seven additional accessible parking spaces shall be required beyond the ADAAG requirements, for parking lots with 401 or more parking spaces, eight additional accessible parking spaces shall be required beyond the ADAAG

requirements, for parking lots with 501 or more parking spaces, nine additional accessible parking spaces shall be required beyond the ADAAG requirements, for parking lots with 1,001 or more parking spaces, ten additional accessible parking spaces shall be required beyond the ADAAG requirements.” This formula ensures that only parking lots with 26 or more total parking spaces would be required to create additional accessible parking spaces beyond those required under the ADAAG.

Thank you for the opportunity to provide testimony.

Respectfully submitted,



KIRBY L. SHAW
Executive Director

HB-2141

Submitted on: 2/4/2020 3:36:13 PM

Testimony for HSH on 2/5/2020 9:00:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Caroline Cadirao	Individual	Support	No

Comments:

I strongly support this measure to increase accessible parking spaces at retail malls and shopping centers for individuals with disabilities and the aged.

Mahalo.

Caroline Cadirao (individual)