

DAVID Y. IGE  
GOVERNOR OF  
HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
SUZANNE D. CASE  
Chairperson**

**Before the Senate Committee on  
JUDICIARY**

**Thursday, February 20, 2020  
9:15 AM  
State Capitol, Conference Room 016**

**In consideration of  
SENATE BILL 3151  
RELATING TO EQUAL ACCESS TO PUBLIC CONVENIENCES**

Senate Bill 3151 proposes to require that restrooms and toilet facilities of public amusement facilities constructed, renovated, retrofitted, or installed after January 1, 2021 have 2 female-use toilets for each male-use toilet or urinal. **The Department of Land and Natural Resources (Department) offers comments on this measure.**

- The Department is concerned about the intent between a retrofit versus a replacement of the toilet, sink, faucet, or lighting. For example, would the replacement of a vandalized toilet, creating the opportunity to retrofit, then trigger the mandate to install additional toilets?
- The Department would need to request additional CIP monies for the added stalls that would require additional space and required standards such as ADA code and building permits. There are currently three restroom projects that are in design and would be impacted by this measure.
- The Department also must take into consideration the location areas of these restrooms. The upgrade of additional stalls may not be possible at some state park units due to finite areas to build or expand the current facilities to meet the new requirements.

Thank you for the opportunity to comment on this measure.

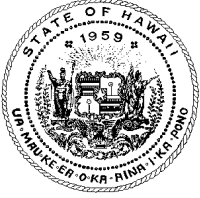
**SUZANNE D. CASE**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**ROBERT K. MASUDA**  
FIRST DEPUTY

**M. KALEO MANUEL**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
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ENGINEERING  
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HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**LATE**



# **HAWAI‘I CIVIL RIGHTS COMMISSION**

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 · FAX: 586-8655 · TDD: 568-8692

February 20, 2020  
Rm. 016, 9:15 a.m.

To: The Honorable Karl Rhoads, Chair  
The Honorable Jarrett Keohokalole, Vice Chair  
Members of the House Committee on Judiciary

From: Liann Ebesugawa, Chair  
and Commissioners of the Hawai‘i Civil Rights Commission

Re: S.B. No. 3151

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services (on the basis of disability). The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

### **The HCRC offers comment on S.B. No. 3151**

S.B. No. 3151, if enacted, will amend HRS chapter 489, part I, by adding a new section, to require that any pair of separate-gender restrooms or toilet facilities of any public amusement facility constructed, renovated, retrofitted, or installed after January 1, 2021, shall have 2 female-use toilets for each male-use toilet or urinal.

The HCRC has enforcement jurisdiction over complaints of discrimination in places of public accommodation under HRS chapter 489, part I. With the placement of the proposed new statutory section in chapter 489, part I, the HCRC would be assigned enforcement jurisdiction over the statutory new-construction restroom/toilet/urinal requirement.

**However, the relief available for failure to comply with the statutory requirement will be limited by the § 489-2 definition of “place of public accommodation,” which expressly states: “No place of public accommodation defined in this section shall be requested to reconstruct any facility or part thereof to comply with this chapter.” This statutory limitation precludes the remedy of an order to alter newly constructed or renovated facilities that do not meet the restroom/toilet requirements, if those new requirements are placed in HRS chapter 489.**