



HAWAI‘I CIVIL RIGHTS COMMISSION

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

Tuesday, March 1, 2022, 1:00 p.m.
Via Videoconference
Conference Room 329

To: The Honorable Aaron Ling Johanson, Chair
The Honorable Lisa Kitagawa, Vice Chair
Members of the House Committee on Consumer Protection and Commerce

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

Re: H.B. No. 1817

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. 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 comments on H.B. No. 1817.

The measure requires shopping centers having 15 or more retail tenants to have no less than one publicly available restroom.

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 public restroom requirement for shopping centers.

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, construct, or reconstruct facilities that do not meet the public restroom requirement, if those new requirements are placed in HRS chapter 489.

In light of this statutory limitation, the HCRC offers this comment, suggesting that this new requirement should not be placed in HRS chapter 489.

HB-1817

Submitted on: 2/28/2022 12:32:35 PM

Testimony for CPC on 3/1/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Robin Wurtzel - HCRC	Hawai`i Civil Rights Commission	Comments	Yes

Comments:

Hawaii Civil Rights Commission has submitted testimony. I will be attending the hearing to testify on behalf of the agency. Thank you.

HB-1817

Submitted on: 2/27/2022 4:56:50 PM

Testimony for CPC on 3/1/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lisa Smith	Individual	Support	No

Comments:

I support HB1817 as I was shocked to learned many shopping centers do not have a public restroom. An exemple is at Kam shopping center where no public restrooms exist, although a number of people shop at that center.

We hope this measure can change policy to allow at least a restroom at a public area such as shopping centers.

HB-1817

Submitted on: 2/27/2022 5:13:33 PM

Testimony for CPC on 3/1/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Alan Garcia	Individual	Support	No

Comments:

I support HB1817 because public shopping centers with at least 15 businesses should have at least one restroom at their center.

It is interesting that many strip malls and shopping centers do not have a restroom for the public and the people shopping at that center.

HB-1817

Submitted on: 2/27/2022 7:05:44 PM

Testimony for CPC on 3/1/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jasmine Ramos	Individual	Support	No

Comments:

I support this bill, because it should be policy to have a restroom available for any public accommodation/business center with at least 15 or more retailers/businesses.

Thank you for holding a hearing on this issue.

Charles St. Sure
2499 Kapiolani Boulevard
Honolulu, Hawaii 96826

Committee on Consumer Protection & Commerce
Hearing on Tuesday, March 1, 2022
1:00 PM
Conference Room 329

Aloha Chair Johanson, Vice Chair Kitagawa and members of the committee

In Strong Support of HB 1817

It may be hard to believe, but I know of at least one large shopping center that does not provide any restrooms to any of their shoppers. I also know of several people who have complained about the situation to me including an 80 year old grandmother who has frequent urges and another who was disabled.

This bill does not necessarily require that new restrooms be built – just that customers have access to one. It also doesn't require that there be separate units for men and women. Although I cannot be certain, I assume that all large shopping centers have restrooms for employees somewhere on site, normally in back areas. I know of several shopping centers where a key or a code is provided to shoppers for restrooms in these back areas.

While it may seem on the surface that this bill is unnecessary, there are times when lawmakers need to establish minimum guidelines to protect the public from bad actors.