



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony COMMENTING on HB2571
RELATING TO ACCESSIBLE HOUSING.**

REP. LISA MARTEN, CHAIR
HOUSE COMMITTEE ON HUMAN SERVICES

Hearing Date: January 30, 2024

Room Number: 329

- 1 **Fiscal Implications:** Undetermined general fund appropriation.
- 2 **Department Testimony:** The Department of Health (DOH) supports the intent of HB2571 but
- 3 defers to the Disabilities and Communications Access Board (DCAB) for subject-matter
- 4 expertise.
- 5 Kupuna and disable persons in communities that are grandfathered in to laws requiring
- 6 accessibility accommodations may be unable to afford upgrades such as ramps and handrails for
- 7 their homes. This is not only an inconvenience but may also contribute to falls and injuries from
- 8 falls.
- 9 Should the Legislature implement a multifamily housing accessibility modifications grant
- 10 program, DOH recommends establishing it within DCAB, which is the agency that reviews
- 11 building plans for disability access.
- 12 Thank you for the opportunity to testify.



STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
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January 31, 2024

The Honorable Representative Luke A. Evslin, Chair
House Committee on Housing
The Thirty-First Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Dear Representative Luke A. Evslin, and Committee members:

SUBJECT: HB2571 RELATING TO ACCESSIBLE HOUSING.

The Hawaii State Council on Developmental Disabilities **SUPPORTS HB2571**, which Establishes the multifamily housing accessibility modifications grant program to facilitate the installation of accessibility modifications in certain properties. Appropriates moneys. Declares that the appropriation exceeds the state general fund expenditure ceiling for 2024-2025.

Fostering accessible housing is essential for individuals with developmental disabilities. This legislative initiative aligns with our commitment to promoting inclusive and supportive living environments. The Council acknowledges the significance of Aging in Place practices in facilitating independence and well-being for individuals with developmental disabilities. Accessible housing plays a crucial role in allowing individuals to age comfortably within their familiar living spaces, ensuring they can maintain their connections to the community.

By fostering environments that support Aging in Place practices, this HB2571 contributes to the overall well-being of individuals with developmental disabilities, allowing them to remain active and engaged members of their communities.

Thank you for the opportunity to submit testimony in **support of HB2571**.

Sincerely,

Daintry Bartoldus
Executive Administrator



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2024**

ON THE FOLLOWING MEASURE:

H.B. NO. 2571, RELATING TO ACCESSIBLE HOUSING.

BEFORE THE:

HOUSE COMMITTEE ON HOUSING

DATE: Wednesday, January 31, 2024 **TIME:** 10:00 a.m.

LOCATION: State Capitol, Room 312 and Videoconference

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Michelle L. Agsalda, Deputy Attorney General

Chair Evslin and Members of the Committee:

The Department of the Attorney General provides the following comments regarding this bill.

The bill: (1) establishes within the Department of Health a multifamily housing accessibility modifications grant program to assist eligible property owners in meeting the costs of installing or constructing, or both, accessibility modifications in multifamily housing accommodations that are exempt from the requirements of section 515-3(a)(10), Hawaii Revised Statutes (HRS); and (2) appropriates funds for the implementation of the multifamily housing accessibility modifications grant program.

The bill provides an appropriation of public money, on page 4, lines 8 to 14, to implement the multifamily housing accessibility modifications grant program. Article VII, section 4, of the Constitution of the State of Hawaii provides that, "[n]o grant of public money or property shall be made except pursuant to standards provided by law." This bill does not include standards by which the Department of Health is to distribute the funds to program recipients. We therefore recommend that this bill be amended to insert sufficient standards for the Department of Health to distribute the funds appropriated in this bill as grants to private property owners. Examples of existing statutes that provide standards for agencies to expend funds are part II of chapter 9, and sections 10-17, 210D-11, and 383-128, HRS. Additionally, we have attached draft

standards to this testimony as a sample to work from and we are happy to work with the Committee to develop more specific standards.

Thank you for the opportunity to provide comments.

POSSIBLE STANDARDS FOR THE GRANTS IN THIS BILL

I. DEFINITIONS

Definitions. As used in [this part/this section/section 515-], unless the context clearly requires otherwise:

"Grant" means an award of state funds to a specified recipient to assist with meeting the costs of installing and constructing, or both, accessibility modifications in multifamily housing accommodations that are exempt from the requirements of section 515-3(a)(10).

"Recipient" means a property owner receiving a grant.

II. APPLICATIONS

Applications for grants. Requests for grants shall be submitted to the department of health in accordance with the administrative rules adopted by the department of health to administer the grant program. Each request shall at a minimum state:

- (1) The name of the property owner requesting grant funds;
- (2) The reasons for accessibility modifications and description with estimated costs; and
- (3) Proof of all sources of income for applicant and all others living in the household.

III. STANDARDS

Qualifying standards for grant funds. A property owner applying for a grant shall meet the following standards; specifically, the applicant shall provide proof that the applicant:

- (1) Has United States citizenship or permanent United States resident alien status;
- (2) Is in compliance with other federal, state, or county statutes, rules, or ordinances, necessary to perform

the accessibility modifications for which a grant is awarded;

- (3) Complies with all applicable federal and state laws prohibiting discrimination against any person on the basis of race, color, national origin, religion, creed, sex, age, sexual orientation, or disability;
- (4) Agrees not to use state funds for entertainment or lobbying activities;
- (5) Allows the state agency to which funds for the grant were appropriated for expenditure, legislative committees and their staff, and the auditor full access to their records, reports, files, and other related documents and information for purposes of monitoring, measuring the effectiveness, and ensuring the proper expenditure of the grant;
- (6) Satisfies any other standards that may be required by the source of funding; and
- (7) Meets all other standards prescribed in rules adopted by the department to implement the grants.

IV. REVIEW OF APPLICATION

Required review of requests for grant funds. (a) Every request for grant funds shall be reviewed in accordance with this section.

(b) Every request for a grant shall be submitted to the department of health on an application form provided by the department. Each application shall at a minimum contain the information required by [section/subsection].

(c) The department of health shall review each request to determine whether the applicant is eligible to receive grant funds.

(d) The department of health shall make a final decision on each request.

(e) The department of health shall inform each grant applicant of the disposition of the application's request.

(f) The appeal process in the department's rules shall be available for any applicant who is denied a request for grant funds.

V. CONTRACTS

Contracts. The department of health shall not release the public funds approved for a grant unless a contract is entered into between the department and the recipient of the grant. The department of health shall develop and determine, in consultation with and subject to the review and approval of the attorney general, the specific contract form to be used.

VI. ALLOTMENT

Allotment. Appropriations for grants to be made under this Act shall be subject to the allotment system generally applicable to all appropriations made by the legislature.

VII. MONITORING AND EVALUATION

Monitoring and evaluation. (a) Every grant contract shall be monitored by the department of health to ensure compliance with this [section].

(b) Every grant contract shall be evaluated annually to determine whether the grant attained the intended results in the manner contemplated.

(c) The department of health shall develop procedures and adopt rules under chapter 91 for monitoring and evaluating grant contracts.

VIII. DUTY TO DISCLOSE AND PENALTY

Continued eligibility. Any recipient of a grant who withholds or omits any material fact or deliberately

misrepresents facts to the department of health shall be in violation of this part. In addition to any other penalties provided by law, any recipient found by the department of health to have violated this part or the terms of its contract shall be prohibited from applying for any department grants for a period of one year from the date of termination.

HB-2571

Submitted on: 1/31/2024 8:50:12 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Daphne Barbee-Wooten	Individual	Support	Written Testimony Only

Comments:

Please pass this bill. Although there are Fair Housing laws, we need greater oversight and enforcement to ensure the elderly and disabled can keep or obtain housing. I recall the horror of seeing disabled tenant having to navigate several stairways in an apartment because the single elevator did not work for months. This bill will ensure that there are requirements to make housing accessible.

Thank you.

Daphne Barbee-Wooten