



**STATE OF HAWAII**  
STATE COUNCIL  
ON DEVELOPMENTAL DISABILITIES  
1010 RICHARDS STREET, Room 122  
HONOLULU, HAWAII 96813  
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March 21, 2023

The Honorable Representative David A. Tarnas, Chair  
House Committee on Judiciary & Hawaiian Affairs  
The Thirty-Second Legislature  
State Capitol  
State of Hawai'i  
Honolulu, Hawai'i 96813

Dear Representative Tarnas and Committee Members:

SUBJECT: SB384 SD1 HD1 RELATING TO ACCESS FOR DISABLED PERSONS.

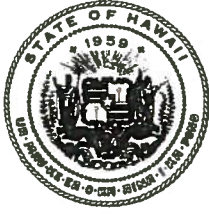
The Hawaii State Council on Developmental Disabilities **SUPPORTS SB384 SD1 HD1**, which authorizes each county to adopt ordinances to enforce the design, construction, and signage requirements for the provision of accessible parking spaces, including the establishment of penalties for failure to comply with the ordinance. Authorizes officials appointed by a county to enter the property of places of public accommodation to enforce violations of the county ordinances.

Designated accessible parking spaces enable people with mobility limitations, health conditions, or other challenges to have safe access to buildings and services in the community. Not only are these spaces needed to help many reach day-to-day businesses and services, but well-designed accessible parking spaces also provide accommodations that promote independence and active participation in the community. Safe and equitable access to parking can make the difference for someone when choosing to leave their home, work, or even where to live. Individuals with Intellectual/Developmental Disabilities (I/DD) may rely on accessible parking spaces to participate in the community and ensure independence. This measure ensures that their access is protected and enforced.

Thank you for the opportunity to submit testimony in **support of SB384 SD1 HD1**.

Sincerely,

Daintry Bartoldus  
Executive Administrator



## DISABILITY AND COMMUNICATION ACCESS BOARD

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March 21, 2023

### TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

#### Senate Bill 384 SD1 HD1 – Relating to Access for Disabled Persons

The Disability and Communication Access Board (DCAB) strongly supports Senate Bill 384 SD1 HD1 – Relating to Access for Disabled Persons.

DCAB administers the statewide program on parking for persons with disabilities, which includes among other things, the issuance of disability parking permits through memorandums of agreement with the four counties. More than 100,000 Hawaii residents have an active disability parking permit.

DCAB often receives complaints from disability parking permittees about places of public accommodation that fail to comply with the federal Americans with Disabilities Act (ADA) and/or the State requirements for providing parking spaces reserved for persons with disabilities, including their number, location, design and signage.

Section 291-58, Hawaii Revised Statutes (HRS), provides a penalty of \$250 to \$500 per day for private entities that fail to comply with the ADA and State design, construction and signage requirements. Under §291-58, HRS, a private entity in violation for an entire year could face a penalty of between \$91,250 and \$182,500, which is excessive.

Section 291-58, HRS, has been in effect since July 1, 2002, but it has not been enforced. A likely explanation for non-enforcement is that this section does not designate a government authority to impose or collect a penalty for noncompliance.

Senate Bill 384 SD1 HD1 resolves the non-enforcement problem by authorizing, but not mandating, the counties to adopt ordinances to enforce the ADA and State requirements for the provision of reserved parking spaces for persons with disabilities, including their number, location, design and signage, and to establish penalties for violations. Senate Bill 384 SD1 HD1 provides that an official appointed by a county may enter places of public accommodation to enforce the adopted ordinances. The counties are uniquely suited to enforce those requirements because they already inspect places of public accommodation for compliance with the building code and various other physical requirements.

Therefore, enforcing the ordinances adopted by the counties pursuant to this measure would be well within their purview. In fact, the enforcement mechanism of Senate Bill 384 SD1 HD1 is modeled after that of §291-73, HRS, which authorizes the counties to adopt ordinances to enforce State law, §291-71, HRS, regarding the provision of parking spaces serving electric vehicle charging systems at places of public accommodation.

Thank you for the opportunity to provide testimony.

Respectfully submitted,

KIRBY L. SHAW  
Executive Director

**SB-384-HD-1**

Submitted on: 3/17/2023 6:19:30 PM

Testimony for JHA on 3/21/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Louis Erteschik	Hawaii Disability Rights Center	Support	Written Testimony Only

Comments:

Based on the premise of this bill- that it would strengthen enforcement of requirements to have sufficient accessible parking spaces in accordance with the law, that is certainly a good thing. Accessible parking is obviously crucial to people with disabilities in order for them to have full integration into the day to day life in the community.

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**SB-384-HD-1**

Submitted on: 3/20/2023 9:06:56 AM

Testimony for JHA on 3/21/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kaili Swan	Individual	Support	Remotely Via Zoom

Comments:

i am in strong support in SB 384 beacuse people with disability need extra advailabe parking spaces if they need to park closer to the fecility please pass this SB 384 thank you

**SB-384-HD-1**

Submitted on: 3/21/2023 9:55:10 AM

Testimony for JHA on 3/21/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Melba Amaral	Individual	Support	Written Testimony Only

Comments:

Aloha.

As an individual with a disability, I have noticed that there is a limited amount of available parkings for individuals like myself. I am often dropped off closer to the facility if there is no handicapped parking available, often the stalls are already occupied, and I find that either the 1 or 2 stalls that are available that are already occupied. I cannot speak for others that have mobility issues though the common denominator that we share aside from our health conditions / circumstances is this limited access for parking.

Mahalo