



# DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813  
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • TTY (808) 586-8162

## AGENDA

### Disability and Communication Access Board General Meeting

Location: Kamamalu Building  
1010 Richard Street, Conference Room 111A  
Date: November 15, 2018  
Time: 11:00 a.m. to 1:00 p.m.

- I. Call to Order
- II. Roll Call
- III. Approval of Meeting Minutes of September 20, 2018
- IV. Executive Director's Report
  - Budget
  - Personnel
  - Other Administrative Issues
- V. Old Business
  - A. ADA Coordination Update
  - B. City and County of Honolulu – City Council Ordinance 18-34– Relating to Obstructions on Public Sidewalks and Ordinance 18-35– Relating to Illegal Lodging
  - C. City and County of Honolulu - Rate Commission Recommendation on Handi-Van Fares
  - D. FEMA/DCAB Statewide Emergency Preparedness Workshops 2018 – Update – November 7 and 8, 2018
- VI. New Business
  - A. Hawaiian Humane Society – Pet Friendly Restaurant Initiative and Legislation
  - B. Guidance on the Provision of Auxiliary Aids/Services or Accommodations Due to a Disability at Public Meetings or Events
  - C. City and County of Honolulu – Urban Mobility Working Group

## VII. Committee Reports

- A. Executive Committee (No report)
- B. Legislative Committee (No report)
- C. Standing Committee on Communication Access
  - Hawaii Quality Assurance System – Update
  - Hawaii Administrative Rules, Title 11, Chapter 218, “Communication Access Services for Deaf, Hard of Hearing, and Deaf-Blind”
  - Continuing Education Unit Workshop on Legislative Vocabulary, December 7, 2018
  - Communication Access Card
  - 2019 Legislation on Open Movie Captioning
  - Other Communication Activities from the Plan of Action FY 2018-2019
- D. Standing Committee on Facility Access
  - Document Reviews – Update
  - Interpretive Opinion 2018-03 – Ramps at Doorways
  - Interpretive Opinion 2018-04 – Ramps at Cased Openings
  - Interpretive Opinion 2018-05 – Rear Grab Bar Exception
  - Other Facility Access Activities from the Plan of Action FY 2018-2019
- E. Standing Committee on Parking
  - Parking Program Issuance and Statistics – Update
  - Public Education Quality Assurance and Outreach Efforts – Update
  - 2019 Legislation on Parking
  - Other Parking Activities from the Plan of Action FY 2018-2019
- F. Special Parent Information Network
  - Update of Activities from the Plan of Action 2018-2019

## VIII. Open Forum

IX. Next Meeting: The next meeting is scheduled for January 27, 2019, 1010 Richards Street, Room 118, 11:00 a.m.

## X. Adjournment

Board packets are available for inspection in the DCAB office, and by mail or by email upon request.

If you need an auxiliary aid/service or other accommodation due to a disability, contact Cindy Omura at (808) 586-8121 or [dcab@doh.hawaii.gov](mailto:dcab@doh.hawaii.gov) as soon as possible, preferably by November 9, 2018. If a response is received after November 9, 2018, we will try to obtain the auxiliary aid/service or accommodation, but we cannot guarantee that the request will be fulfilled.

Upon request, this notice is available in alternative formats such as large print, Braille, or electronic copy.



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### STAFF SUMMARY FOR THE DISABILITY AND COMMUNICATION ACCESS BOARD GENERAL MEETING November 15, 2018

City and County of Honolulu - Urban Mobility Working Group

#### SUMMARY:

On October 24, 2018, the City and County of Honolulu's (City) Department of Transportation Services convened the first meeting of its Urban Mobility Working Group. This was spurred by the short-lived Lime dockless scooter program in May and subsequent resolutions and bills introduced at the City Council urging the City Administration to allow new forms of transportation to begin operations. Additionally, the City has been debating the proper role and regulation of transportation network companies such as Uber and Lyft, the current docked bike share system known as Biki, and the possible expansion of bike lanes.

#### ANALYSIS:

While new technologies and modes of transportation are often beneficial to the general public, including people with disabilities, the City must ensure that new infrastructure, programs and services are ADA compliant and do not negatively impact the accessibility of the existing infrastructure. In addition, new infrastructure, programs and services should consider and not restrict the use of other power-driven mobility devices (see ADA definition below) by persons with mobility disabilities. Safety and other concerns that fall outside the scope of the ADA requirements should be properly considered as well.

*Other power-driven mobility device* means any mobility device powered by batteries, fuel, or other engines—whether or not designed primarily for use by individuals with mobility disabilities—that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair... 28 CFR 35.104

#### STAFF RECOMMENDATION:

Staff recommends that DCAB authorize staff to participate in the Urban Mobility Working Group and provide input consistent with the analysis set forth above. Any specific proposals made by the Working Group that are not covered here shall be brought to the Board for consideration.



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### MINUTES

#### Disability and Communication Access Board General Meeting

Location: Kamamalu Building  
1010 Richard Street, Conference Room 111A  
Date: November 15, 2018  
Time: 11:00 a.m. to 1:00 p.m.

**PRESENT:** Bill Bow, Chairperson; Anthony Akamine, Ron Awa, Rosanna Daniel-Kanetake, Scott Fleming, Dean Georgiev, Nikki Kepo'o, Marie Kimmey, Phyllis Meighen, Justin Tokioka, Bryant Yabui, Board Members; Francine Wai, Debbie Jackson, Kristine Pagano, Kirby Shaw, Duane Buote, Bryan Mick, Colin Whited, Staff

**ABSENT:** Monty Anderson-Nitahara, Pauline Aughe, Violet Horvath, Summer Kozai, Misella Tomita, Amy Tsuji-Jones, Board Members

**GUESTS:** Peter Fritz, Stephanie Kendrick, Hawaiian Humane Society

#### SIGN LANGUAGE

**INTERPRETERS:** Mala Arkin and Michele Morris

#### COMPUTER ASSISTED

**NOTETAKER:** Sam Lee

- I. The meeting was called to order at 11:10 a.m. by Chairperson Bill Bow.
  - II. Minutes of the September 20, 2018 meeting were approved as circulated (M/S/P Kepo'o/Kimmey).
- NOTE:** The agenda was taken out of order to bring item V. New Business, A. Hawaiian Humane Society – Pet Friendly Restaurant Initiative and Legislation to the top of the agenda to accommodate a guest speaker from the Hawaiian Humane Society.

#### IV. New Business

##### A. Hawaiian Humane Society – Pet Friendly Restaurant Initiative and Legislation

Board Chairperson Bill Bow introduced Stephanie Kendrick of the Hawaiian Humane Society to explain the proposed legislation of the Society to increase pet friendly dining by allowing restaurant owners to admit pets. The Humane Society is approaching DCAB because they wish to hear any concerns from the disability community regarding the impact on service animals. Stephanie Kendrick explained that the bill is about pet friendly policies but may end up for only dogs. She indicated that they have spoken with Hawaii Fido who would like a separate area for the pet dogs to protect service animals. Bryant Yabui indicated that the

last section is misrepresentation of a service animal appears to be irrelevant and confusing to this legislation since the bill speaks to any animal. Dean Georgiev asked if there was a limit on the number of pets in the proposed legislation and Stephanie Kendrick stated no. Nikki Kepo'o expressed concern for kids with autism or others with fears of dogs or high anxiety. Stephanie Kendrick indicated that the proposed legislation gives the establishment complete authority to forbid interaction and to ask someone to leave. Chairperson Bill Bow asked if the Department of Health (DOH) had a position and Stephanie Kendrick indicated that the Sanitation Division had reservations relating to health and safety but that the Director of Health Was amendable to outdoor seating areas. Guest Peter Fritz asked if the Hawaiian Humane Society had compared the other nine states that seemed to limit to outdoor areas and/or a separate entrance or how they handled their rules, noting that those states had rules for their pet friendly restaurants. Stephanie Kendrick indicated that they have tried to take the best of those states laws and policies as applicable to Hawaii and proposed leaving anything other than health and safety issues, which the DOH regulates, up to the discretion of the restaurant's management. Guest Peter Fritz indicated that rules are promulgated and posted by the establishment are important to provide guidance to those who visit. Bryant Yabui indicated that a card of required pet behavior would be helpful. There is no specified date to take effect, nor are there proposed rules by the State. There is no limitation on breed in the law. Ron Awa indicated a personal support for the concept. Staff indicated that there are guidelines for service animal behavior and that pets, if allowed, should be held to the same behavior standard. Staff asked if the Hawaiian Humane Society had approached disability groups other than Hawaii Fido; Stephanie Kendrick stated no, although she welcomed any contacts. No action was taken by the Board.

After the presentation, the Board continued with the agenda.

### III. Executive Director's Report

Francine Wai reported that meetings on the Department of Budget and Finance (B&F) decision on the budget requests are being held this week. Depending upon the recommendations from B&F, rebuttals will be the week of November 19, 2018; with final decisions expected the week after Thanksgiving. All of our budget requests passed the Department of Health (DOH) but are pending review by B&F. As a recap, she indicated that there are three monetary requests pending: extension of a Facility Access Specialist position, creation of a new position relating to Information Technology and Communication Access, and creation of a new position relating to emergency preparedness for persons with disabilities. The fourth request is a realignment of object codes and is a housekeeping measure with no monetary impact. Guest Peter Fritz asked if the budget sheets are being made public and Francine Wai responded that the papers are working documents; the budget will be made public when final decisions are made and released as part of the Executive Budget.

There are no personnel action changes.

Francine Wai reported that the Annual Report for the Parking Program is completed and is posted on the DCAB's web site under the Home Page and the Parking page. Members were notified by email with the update. She also mentioned that the first quarter staff Office Update was mailed to all members.

Francine Wai also reported that two staff, Kirby Shaw and David Poe, attended the annual Pacific ADA Symposium in Los Angeles in September 2018. Their reports will be circulated to all Board members again.

#### IV. Old Business

##### A. ADA Coordination Update

Members were referred to the ADA Coordination Update mailed to all members. Guest Peter Fritz noted that the Update reflected staff participation in the Office of Enterprise Technology Services (ETS) training on SITEIMPROVE to test web sites for accessibility and asked if DCAB had plans to take over the training. Francine Wai indicated that staff attended the training among the many other agencies participating, and has no plans to take over the training.

##### B. City and County of Honolulu – City Council Ordinance 18-34– Relating to Obstructions on Public Sidewalks and Ordinance 18-35– Relating to Illegal Lodging

Bryan Mick provided a verbal update on these two issues that have now become a City Ordinances. Ordinance 18-34 (Bill 51) – This bans anyone from causing an obstruction on a public sidewalk that interferes, impedes, or prevents the full, free, and obstructed passage of pedestrians upon public sidewalks or interferes with the normal flow of pedestrian traffic upon a sidewalk during the hours of 6:00 a.m. – 10:00 p.m. This would impact both homeless people and people who erect kiosks. Ordinance 18-35 (Bill 52) makes it illegal for someone to lodge (sleep, to come to rest, and refuse to vacate when requested) on a public sidewalk or public place. It requires that before an officer issues a citation or arrest they confirm shelter space is available, offer transportation to the person to the shelter, and requests the person to vacate the public space. Both these bills require that the City and County of Honolulu's Office of Housing and the Department of Community Services submit a comprehensive written report to the City Council outlining the administration's plan and action steps taken to expedite deployment of homeless services and housing solutions in each of the nine Council districts. Once the Council accepts the report the ordinances go into effect. The Council recently declined to accept what the administration had offered and asked for the report to be revised. Bryant Yabui noted that he objected to the times list for illegal lodging on the street because the streets should be clear at all times, not just certain hours, because people need to use the sidewalks at all hours.

##### C. City and County of Honolulu - Rate Commission Recommendation on Handi-Van Fares

Bryan Mick provided a verbal update on the Rate Commission and Handi-Van fares. The Rate Commission's recommendations of a twenty-five cent raise to \$2.25 and the creation of a low income rate of \$1.00 per ride for riders who receive Supplemental Security Income (SSI) has been formally proposed in Bill 77; DCAB submitted testimony in support of this bill. It passed its first reading yesterday and now heads to committee. The bill has an effective date of January 1, 2019, but that will likely be pushed to a later date before final adoption. The Rate Commission continues to meet and is gathering information to help form its recommendations for the following fiscal year. One of its main focus is trying to

gather more information on rail to try and figure out how that will fit into the public transportation system's rate structure.

D. FEMA/DCAB Statewide Emergency Preparedness Workshops 2018 – Update

Debbie Jackson provided a verbal update on the two Federal Emergency Management Agency (FEMA) roundtable discussions on the Big Island and Maui that were cancelled in August due to Hurricane Lane. Roxann Crawford, FEMA Region IX Disability Integration Specialist, rescheduled the roundtables for November 7 and 8, 2018. Six units were presented on people with disabilities in emergencies and were well received on both islands by the twenty attendees at each site. The groups were diverse including people with various types of disabilities and representatives from service providing agencies, county first responders, as well as emergency management staff. Excellent feedback was provided by each group, specific to the needs of each county. The turnout was better than the Oahu and Kauai sessions because the islands were not in the midst of an imminent hurricane that diverted staff.

V. New Business

B. Guidance on the Provision of Auxiliary Aids/Services or Accommodations Due to a Disability at Public Meetings or Events

Francine Wai referred members to the attached Guidance that was sent to all Board members. The Guidance provides information to departments and agencies on wording to use when posting an agenda, notice, or other event. Guest Peter Fritz's concern was enforcement and noncompliance, especially with agencies that continue to post inaccessible documents on the State's main calendar (he mentioned the Department of Land and Natural Resources) or link to inaccessible documents created by other departments. He suggested that DCAB could do more in terms of monitoring agendas as well as contacting the Deputy Attorney General of those departments when noncompliance persists even after speaking with the department's ADA Coordinator.

C. City and County of Honolulu – Urban Mobility Working Group

Francine Wai referred members to the Staff Summary that was sent to all Board members. Bryan Mick provided a verbal update. The Board approved a staff recommendation to authorize staff to participate in the Working Group and provide input consistent with staff's analysis. Staff indicated that the purpose of the recommendation was to ensure that staff is able to participate and present any of the Board's position on mobility devices to ensure consistency with the ADA and to seek maximum accessibility (M/S/P Meighen/Kimmey).

VI. Committee Reports

A. Executive Committee (No report)

B. Legislative Committee (No report)

C. Standing Committee on Communication Access

Chairperson Nikki Kepo'o reported that the Committee did not meet due to lack of quorum, although there are staff activities to report on.

Regarding the Hawaii Quality Assurance System (HQAS), there are currently twenty-eight interpreters enrolled in the HQAS Continuing Education Unit (CEU) Program. There are no interpreters on a Continuing Education Unit extension. DCAB administered two HQAS tests, and we are currently awaiting the results of those tests. DCAB has also tentatively scheduled three HQAS tests to be offered in January 2019.

Regarding the Hawaii Administrative Rules, Title 11, Chapter 218, "Communication Access Services for Deaf, Hard of Hearing, and Deaf-Blind" at the last meeting, it was reported that the proposed communication access rules, draft memorandum, and draft Small Business Impact Statement were sent to the Deputy Attorney General (AG) on August 15, 2018 for approval to proceed with rulemaking. DCAB has not yet received a response from the AG's office.

DCAB is planning to host another CEU workshop on vocabulary of the legislative and budget process, which was previously offered on January 13, 2018. DCAB is scheduling this workshop for the second week of December, prior to the convening of the State Legislature in January 2019. Staff is currently exploring ways for neighbor island interpreters to participate remotely.

Nikki Kepo'o reported that approximately two thousand DCAB Communication Access cards have been sent to various locations statewide. A full list of pick-up locations is posted on DCAB's web site. An American Sign Language (ASL) video about the card is also posted on DCAB's web site. So far, the card has gotten great feedback and it was recently featured on KITV's "Aging Well."

Finally, the Open Movie Captioning bill was accepted by DOH and sent to the Governor's Office for approval to be included in the Administration's Package. While DCAB has not yet received confirmation, we do not anticipate any issues as the bill is the same as the one included in the Governor's Package last session.

Guest Peter Fritz indicated that Senator Glenn Wakai has a pilot project on telecommunications for neighbor island access to select hearings but that no one is using the service. He suggested checking on access for a person who is deaf/hard of hearing.

D. Standing Committee on Facility Access

Chairperson Marie Kimmey reported that the Facility Access Unit (FAU) reviewed ninety-nine projects from October 1 to November 14, 2018 of which fifty were new submittals. Fees collected were on track for the year. On November 8, 2018 and November 14, 2018 the FAU has started with the first training unit of the new basic training series and has set dates for the second training unit in January. The training is free and FAU was able to accommodate thirty-nine attendees in the first training unit. The FAU will look at adding outer island training sessions for next year. The Facility Access Conference is set for May 9, 2019. The completion of the new facility access database as well as the addition of the new Facility Access

Specialist position and associated office modifications are planned for the third quarter of fiscal year 2018-2019.

The Committee finalized three Interpretive Opinions. Interpretive Opinion 2018-03 was approved to clarify the use of ramps at doorways. The clarification will ensure all of the ramp provisions are followed when a ramp is allowed to be used at a doorway. Interpretive Opinion 2018-04 was approved to clarify the use of ramps at cased openings. The clarification will ensure all of the ramp provisions are followed when a ramp is allowed to be used at a cased opening. Interpretive Opinion 2018-05 was approved to clarify the use of the rear grab bar exception when plumbing code requirements create a conflict between the children's grab bar mounting height and the toilet flush mechanism.

#### E. Standing Committee on Parking

Bryant Yabui reported for Chairperson Pauline Aughe. Although the Standing Committee did not meet, he reported on the following updates on parking activities. For the first quarter of fiscal year 2019, there were 7,204 placards and 404 special license plates issued. Of the placards, 1,720 were temporary and 5,484 were long term. Of the long-term placards, 2,583 were renewals issued by DCAB. The renewal rate was sixty percent.

DCAB ran a public service announcement (PSA) regarding the proper use of accessible parking stalls in the four county newspapers. A similar PSA has been printed and delivered for display on the City and County of Honolulu's buses. We expect the City to install them soon, pending available space. The City waived the associated fees, so the only expense to DCAB was for the design and printing of the PSA. Bryan Mick showed and described the poster.

DCAB's two parking bills that did not pass the 2018 session will be combined and reintroduced as a single bill. The bill will (1) restrict the free parking exemption to persons who are both licensed to drive AND not able to reach or operate a parking meter because of a physical disability; (2) clarify that law enforcement officers may confiscate disability parking permits that are fraudulently made or altered, expired, invalid, offered for sale or purchased; and (3) reword the definition of "person with a disability" to remove gray areas that cause physicians and advanced practice registered nurses to improperly certify applicants. Staff has already started meeting with key legislators to try and secure their support for the bill. Guest Peter Fritz commented that any confiscation procedure must have due process.

For the placard death retrieval effort, DCAB mailed 7,564 letters to the estates of deceased permittees to request the return of the placards. This was accomplished with the help of Goodwill Industries' clients who volunteered and stuffed 3,000 envelopes in one day. The return statistics, which are essentially final numbers, are: 1,465 (19%) were undeliverable letters, 514 (7%) responded without a placard (lost or thrown out), 2,378 (31%) returned the placards, and 3,207 (42%) did not respond. The 31% rate is a very good response rate given the fact that many addresses were obsolete and that the death records match had not been done in over three years. Staff plans another match in early 2019. Bryant Yabui asked if DOH could mail out a notice to return the placard when they mail the death certificates since we are a part of the DOH. Staff responded that DOH receives many requests to update records (i.e., voter records, jury duty records, workers comp payments, unemployment payments, disability pay, etc.)

and does notify recipients of anything that they must do to stop benefits in any program. They don't treat ours differently, as it is up to the program to follow up.

F. Special Parent Information Network

Phyllis Meighen reported on SPIN activities from the Plan of Action. A written report is attached to the minutes.

VII. Open Forum

Guest Peter Fritz provided comment from the Deaf Blind Task Force meeting. A bill to remove the general excise tax from the purchase of durable medical equipment and assistive technology is being proposed and he hopes for DCAB's support at the Legislature. Another bill is to amend Hawaii Revised Statutes, Chapter 92 to provide options for equal access to notices of public meetings and instructions on how to request accommodations due to a disability.

VIII. Next Meeting: The next meeting is scheduled for January 17, 2019, 1010 Richards Street, Room 118, 11:00 a.m. Bill Bow noted that the agenda incorrectly listed January 27, 2019 instead of January 17, 2019.

IX. The meeting was adjourned at 12:48 p.m.

NOTE: All votes were unanimous unless otherwise noted.

Respectfully submitted,



FRANCINE WAI



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Disability and Communication Access Board General Meeting  
November 15, 2018

## ADA Coordination Report

Since the last meeting on September 20, 2018, ADA activities of all DCAB staff included:

1. Provided technical assistance (TA) to one hundred eighty-five (185) callers for September and October 2018 on issues related to the ADA. Key departments/agencies were: Hawaii Health Systems Corporation (HHSC), Judiciary, Office of Enterprise Technology Services (ETS), State Senate; Departments of Accounting and General Services (DAGS)—Aloha Stadium, Agriculture (DoAg), Budget and Finance (B&F), Education (DOE)—Libraries, Health (DOH), Human Resources Development (DHRD), Land and Natural Resources (DLNR), Labor and Industrial Relations (DLIR), Public Safety (PSD), University of Hawaii (UH)—Community Colleges, University of Hawaii at Manoa (UHM), UH—Center on Disability Studies Media Center, UH-Hilo; City and County of Honolulu and Counties of Hawaii and Kauai. Examples of significant TA to the following State and County ADA Coordinators were:

### Department/Agency

### Issue and TA provided

Health

A meeting notice did not include wording on how a participant with a disability could ask for an auxiliary aid or service due to a disability if the person wanted to attend the meeting. What is the appropriate wording to include?

*All meetings open to the public should include wording about who to call or contact and by when to request an auxiliary aid or service to attend the meeting. Sample wording provided.*

Accounting and General Services-Aloha Stadium

Requested information about their seating plan and if it met ADA requirements. The field seating for people who use wheelchairs had a ramp that was too steep, so they will have staff there to assist customers up and down the ramp. Also, they are providing twenty (20) portable restrooms, and will one (1) accessible portable restroom be enough for customers?

*The ramp should be accessible, but if due to space constraints it cannot be then providing aid to customers would be necessary. Facility Access Unit provided information that there is no good portable restroom offered in the state. Mainland consultant stated that seating needed to be disbursed and not set up in the back of the field. Doing so implies that seating is not available in other sections of the field. Will offer assistance in providing accessible seating for a later concert via a virtual tour of the Stadium.*

Accounting and General  
Services-Aloha Stadium

A customer from a neighbor island is planning to come for a concert. The customer has a large emotional support animal. How should the Stadium address the situation?

*An emotional support animal does not meet the definition of a service animal under the ADA. The Stadium does not have to permit the individual with a disability to bring the animal to the concert if the two (2) questions the DOJ allows is not responded to correctly. If the animal is trained to do work or perform a task for the individual, it may be allowed. It must either sit under the chair of the person or beside the person and not block entrance or exit of other customers to their seats.*

2. Hosted five (5) webinars related to ADA issues:
  - Three webinars sponsored by the National ADA Network on:
    - “Online Video Accessibility”
    - “The Right to Vote: Access for People with Disabilities”
    - “Inclusive Disaster Preparedness, Response, and Recovery – Getting it Right National Legislation”
  - Two webinars sponsored by the U.S. Access Board on:
    - “Accessible Polling Places”
    - “Accessible Exterior Routes and Surfaces”
3. Provided technical assistance to the following agencies or departments on reasonable accommodations for employees with disabilities: State Senate, DOH, DLNR, UHM, UH–Community Colleges; and the City and County of Honolulu, County of Hawaii.
4. Staffed one (1) State ADA Coordinators Orientation and one (1) State ADA Coordinators regular meeting and one (1) County ADA Coordinators meeting.
5. Conducted four (4) ADA trainings: “ADA Title II and How to Recognize a Service Animal” to McCully-Moiliili Library staff, “Effective Communication in Medical Settings” for Ohana Health Plan staff, “Service Animals and the Implications of Act 217, SLH 2018” to the Queen’s Hospital staff, and “Basic ADA Accessibility Guidelines” for state employees.
6. Met with ETS to discuss assessments of state web sites for accessibility. Participated in two (2) trainings sponsored by ETS related to SiteImprove (software that will assist web site developers to address issues to improve accessibility) and “How to Assess and Create Accessible PDF Documents” for a web site.
7. Met with the DoAg Animal Quarantine Station’s staff to discuss revisions to their administrative rules on quarantine as it impacts service animals.
8. Developed Guidance on Provision of Auxiliary Aids/Services or Accommodations Due to a Disability at Public Meetings or Events and posted guidance on the DCAB web site. Announcement about the guidance was emailed to all State ADA Coordinators to inform their departments/agencies.
9. Maintained current information on the ADA Coordinators secured web site and DCAB’s web site by ensuring current lists of State and County ADA Coordinators were available.

Any questions regarding ADA Coordination activities should be directed to Debbie Jackson at (808) 586-8121 or [debbra.jackson@doh.hawaii.gov](mailto:debbra.jackson@doh.hawaii.gov).

Join the party!

# Bring pet-friendly dining to Hawaii

## Support local restaurants

The Hawaiian Humane Society supports changing state law to give Hawaii restaurant owners the option to adopt pet-friendly policies.

In recognition of human-animal bond and the status of pets as family members, many Hawaii businesses are implementing pet-friendly

policies to better serve the needs of their customers.

Restaurant owners, however, are at a disadvantage. State administrative rules prohibit the presence of pet animals, even in outdoor seating areas adjacent to restaurants.

We will be supporting a bill in January that will give restaurants a choice.

It's time for a change.



## Pets are family

Nine states and many local governments across the mainland have passed laws allowing restaurant owners to welcome patrons to dine with their pets. There is no evidence that public health has been compromised as a result of these laws.

## How you can help

Passing this bill will require enthusiastic support from pet lovers, restaurant owners and the community at large. To sign the petition in favor of this measure, or to add the logo of your business or organization in support of creating a more pet-friendly community, visit [HawaiianHumane.org](http://HawaiianHumane.org).



To help legalize pet-friendly dining in Hawaii visit [HawaiianHumane.org](http://HawaiianHumane.org).

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

In recognition of human-animal bond and the status of pets as family members, many Hawaii businesses are implementing pet-friendly policies to better serve the needs of their customers.

The Legislature finds that restauranteurs, however, are at a disadvantage. State administrative rules prohibit the presence of pet animals in restaurants.

The Legislature finds that some pet owners attempt to circumvent those rules by misrepresenting pets as service animals, which is a violation of state law.

The Legislature finds that allowing restauranteurs the option to welcome dogs gives businesses the freedom to better serve their customers and gives dog-owning patrons options for dining out where their dogs are welcome.

The Legislature finds that this change offers an opportunity for businesses that choose to adopt such policies to increase revenues and broaden their customer base.

The Legislature further finds that reasonable safeguards prevent any risk to public health that might result from adopting such a policy. A study published in 2013 in the Journal of Environmental Health found no reported health incidents associated with allowing pets in restaurants and recommended following normal safety, sanitation and hygiene practices to minimize any threat to human health.

Nine states have passed laws allowing restaurant owners to adopt dog-friendly policies in order to better serve their customers and in recognition of the growing bond between pets and their owners.

Section 1: A restaurant, at its sole discretion, may develop and implement a dog-friendly policy, subject to any restrictions the restaurant chooses to establish, as well as the following criteria:

(1) The owner of a restaurant choosing to adopt a dog-friendly policy:

(a) May determine the location and the amount of space designated for patrons accompanied by dogs;

(b) Shall prohibit food-service employees from having direct contact with dogs while on duty. Any food-service employee who does have such prohibited direct contact must wash his or her hands as required by law;

(c) Shall place on permanent display a written notice of the policy of the restaurant allowing dogs;

(2) A patron accompanied by a dog at a restaurant with a dog-friendly policy:

Nov. 2, 2018

(a) Shall keep the dog in a carrier or on a leash at all times with the patron at the table at which the patron is seated;

(b) Shall keep the dog from interacting with other patrons or dogs in the restaurant, except by invitation;

(c) Shall keep the dog off of any restaurant furniture or equipment;

(d) Shall be responsible for cleaning any surface contaminated by dog excrement or other bodily fluids; and

(e) Shall not leave the dog unattended at any time in the restaurant.

Section 2: Notwithstanding its pet policy, any restaurant may ask that any animal be removed from its premises if, as defined by the Code of Federal Regulations, Title 28, Section 35.136:

(1) The animal is out of control and the animal's handler does not take effective control of it; or

(2) the animal is not housebroken.

Section 3: Patrons misrepresenting dogs as service animals to gain admittance to a restaurant are subject to civil penalty under Act 217, Session Laws of Hawaii 2018.



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### Guidance on the Provision of Auxiliary Aids/Services or Accommodations Due to a Disability at Public Meetings or Events

#### Legal Requirement

Title II of the Americans with Disabilities Act, 28 C.F.R. §35.106, states, in part:

*§35.106 Notice. A public entity shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of this part and its applicability to the services, programs, or activities of the public entity, and make such information available to them in such manner as the head of the entity finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.*

#### Guidance

With respect to a noticed event, a public entity can meet the above requirement by indicating on an agenda, flyer, registration form, etc., that a person with a disability may request an auxiliary aid/service (i.e., sign language interpreter, captioner, computer assisted notetaker) or other accommodation in order to participate in its program, service or activity. An event may be a meeting required to be open to the public pursuant to Hawaii Revised Statutes, Chapter 91, the Sunshine Law, or it may be an event such as a community meeting, conference, or workshop that may or may not have a registration requirement. While the specifics of the event may vary, the general principles are the same and notices shall take into account the following considerations:

1. Wording on how to request an auxiliary aid/service or other accommodation because of a disability should be placed directly on the document, flyer, or other form, and should not require an 'extra step' that requires the reader to find instructions elsewhere via a link or other research.
2. Any deadline date listed for requesting an auxiliary aid/service or other accommodation for an open event is only a "reply by date" because the public entity shall continue to try to meet any request up to the scheduled time of the event. A public entity may (1) indicate a "reply by date" and state that requests made as early as possible have a greater likelihood of being fulfilled; or (2) add a phrase stating that requests made after a "reply by date" cannot be assured. In some cases, due to the limited number of communication access providers, a requested auxiliary aid/service or accommodation may not be obtained for the event even if a request is made prior to the "reply by date."

3. Any “reply by date” should take into consideration the date that the notice is made available to the public at large. For example, if an agenda is posted six days prior to the meeting pursuant to Chapter 91, then a “reply by date” to request an auxiliary aid/service or other accommodation should not require six days advance notice. Or, for example, if a conference program is posted a month in advance, then a “reply by date” for requests can be set to allow the public entity more time to fulfill the request.
4. If an event has a registration deadline for all participants, such as a conference or workshop, with or without a registration form, then the deadline for requesting an auxiliary aid/service or an accommodation can be firm and can coincide with the deadline for registering for the event itself.
5. If an auxiliary aid/service or accommodation will be provided without the need for a request, the notice should indicate so (i.e., an American Sign Language interpreter will be present).

It is also a given that any agenda and all supporting documents linked to the agenda should be prepared in an accessible format readable by a person with screen-reader software, including the inclusion of alt text (alternative text) behind images.

### **Sample Language**

*If you need an auxiliary aid/service or other accommodation due to a disability, contact [Name] at [phone number and email address] as soon as possible, preferably by [reply date]. If a response is received after [reply date], we will try to obtain the auxiliary aid/service or accommodation, but we cannot guarantee that the request will be fulfilled.*

*Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.*

Or, if no reply date is provided:

*If you need an auxiliary aid/service or other accommodation due to a disability, contact [Name] at [phone number and email address] as soon as possible. Requests made as early as possible will allow adequate time to fulfill your request.*

*Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.*



## DISABILITY AND COMMUNICATION ACCESS BOARD

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### STAFF SUMMARY FOR THE DISABILITY AND COMMUNICATION ACCESS BOARD GENERAL MEETING November 15, 2018

City and County of Honolulu - Urban Mobility Working Group

#### SUMMARY:

On October 24, 2018, the City and County of Honolulu's (City) Department of Transportation Services convened the first meeting of its Urban Mobility Working Group. This was spurred by the short-lived Lime dockless scooter program in May and subsequent resolutions and bills introduced at the City Council urging the City Administration to allow new forms of transportation to begin operations. Additionally, the City has been debating the proper role and regulation of transportation network companies such as Uber and Lyft, the current docked bike share system known as Biki, and the possible expansion of bike lanes.

#### ANALYSIS:

While new technologies and modes of transportation are often beneficial to the general public, including people with disabilities, the City must ensure that new infrastructure, programs and services are ADA compliant and do not negatively impact the accessibility of the existing infrastructure. In addition, new infrastructure, programs and services should consider and not restrict the use of other power-driven mobility devices (see ADA definition below) by persons with mobility disabilities. Safety and other concerns that fall outside the scope of the ADA requirements should be properly considered as well.

*Other power-driven mobility device* means any mobility device powered by batteries, fuel, or other engines—whether or not designed primarily for use by individuals with mobility disabilities—that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair... 28 CFR 35.104

#### STAFF RECOMMENDATION:

Staff recommends that DCAB authorize staff to participate in the Urban Mobility Working Group and provide input consistent with the analysis set forth above. Any specific proposals made by the Working Group that are not covered here shall be brought to the Board for consideration.

## **SPIN Report for November 2018**

### **Footsteps to Transition Fair**

SPIN and seven other agencies plan year round for the annual transition fair targeted for middle and high schoolers with disabilities and their families. This year's fair took place on October 20<sup>th</sup> at Radford High School with forty vendors, a welcome by Deputy Superintendent Phyllis Unebasami, a student panel and several hundred participants. Next year's fair in mid-October will move to Leeward District.

### **Jobs Now Partnership Family Training**

SPIN Specialist Amanda Kaahanui was asked to co-present two workshops on the IEP and Transition Planning for families identified by the Jobs Now Partnership grant, led by the Center on Disabilities Studies along with the Department of Education, the Developmental Disabilities Division and Vocational Rehab. The grant focus is to assist families with teens who are Intellectually/Developmentally Disabled increase their access to competitive integrated employment. The first parent workshop took place on November 3<sup>rd</sup> and covered basic Individualized Education Program (IEP) planning components. A follow-up workshop on November 10<sup>th</sup> will more specifically outline transition planning activities within the IEP aimed at preparing students for post high-school environments.

### **Family Training for Nursing Students**

SPIN partners with the UH Community Colleges nursing programs (KCC and LCC) to sensitize nursing students to the needs of medically fragile children and offer guidance on how to offer support to their families. In the latest training, Amanda joined three other mothers to present to nursing students at KCC on October 21<sup>st</sup>.

### **Finalizing the SPIN Conference Date**

After mixed messages from the UH Campus Center about available dates for the 2019 SPIN Conference amidst plans to begin renovations on the Center, SPIN has pinned down the date of April 13<sup>th</sup>. Save the Date flyers have been widely circulated and information regarding registration and airfare scholarships have been posted on SPIN's website.