



# 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: Virtual Location Via Zoom

Date: March 18, 2021

Time: 11:00 a.m. to 1:00 p.m.

**To join by PC or mobile device**, click on the link below or copy and paste it into your browser window:

<https://zoom.us/j/93800481375?pwd=c1E2dTRmQnR5aHRuR0J4RHlJRWhBdz09>

and enter Meeting ID: 938 0048 1375

**To join by phone**, dial 1 669 900 6833 and enter Meeting ID 938 0048 1375

**To join by Relay Conference Captioning**, click on the link below:

<https://www.captionedtext.com/client/event.aspx?EventID=4740296&CustomerID=928>

Testimony or comments presented by members of the public during Board meetings shall be limited to three minutes per agenda item. In compliance with the Americans with Disabilities Act, reasonable amount of additional time shall be afforded to persons with a communication disability to present testimony or comments, if needed. Any person who needs additional time to present testimony or comments is encouraged to contact the DCAB office in advance of the meeting. This rule shall be placed at the beginning of all Board meeting agendas.

Members of the public may present comment or testimony during Board meetings on each agenda item. Public comment or testimony, if any, shall be presented on each agenda item before the Board deliberates on the item. After all public comment or testimony is presented, the Board shall deliberate on the agenda item without further comment or testimony from the public unless further public comment or testimony is requested by the Board.

- I. Call to Order
- II. Roll Call
- III. Introductions
- IV. Approval of Meeting Minutes of January 21, 2021
- V. Executive Director's Report
  - Budget
  - Personnel

VI. Committee Reports

- A. Executive Committee (No Report)
- B. Legislative Committee
  - DCAB Legislation - Update
- C. Standing Committee on Communication Access (No Report)
- D. Standing Committee on Facility Access
  - Document Reviews and Database – Update
  - Other Facility Activities from the Plan of Action
- E. Standing Committee on Parking
  - Parking Program Issuance and Statistics – Update
  - Public Education Quality Assurance and Outreach Efforts – Update
  - Implementation of Act 87 (2019) and Hawaii Administrative Rules Title 11, Chapter 219, “Parking for Persons with Disabilities” - Update
  - Other Parking Activities from the Plan of Action
- F. Special Parent Information Network
  - Update of Activities from the Plan of Action

VII. Old Business

- A. ADA Coordination Update

VIII. New Business

- A. United Nations Convention on the Rights of Persons with Disabilities (refer to staff summary)

IX. Open Forum

- X. Announcement of Next Meeting: May 20, 2021

XI. 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 March 15, 2021. If a response is received after March 15, 2021, we will try to obtain the auxiliary aid/service or accommodation, but we cannot guarantee that the request will be fulfilled. Video Remote Interpreting and Relay Conference Captioning will be provided.

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



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## MINUTES

### Disability and Communication Access Board General Meeting

Location: Virtual Location Via Zoom

Date: March 18, 2021

Time: 11:00 a.m. to 1:00 p.m.

**PRESENT:** Nikki Kepo'o, Vice Chairperson; Ron Awa, Violet Horvath, Marie Kimmey, Summer Kozai, Phyllis Meighen, Michael Nojima, Gerald Ohta, Board Members; Kirby Shaw, Kristine Pagano, Bryan Mick, Colin Whited, Susan Rocco, Rodney Kanno, Sue Radcliffe, Kamaile Hopfe, Cindy Omura, Staff

**ABSENT:** Pauline Aughe, Chairperson; Anthony Akamine, Rosanna Daniel-Kanetake, Scott Fleming, Dean Georgiev, Gerald Isobe, Justin Tokioka, Amy Tsuji-Jones, Board Members

**GUESTS:** Peter Fritz; Isabel Ramos, Coordinator for Deaf, Hard of Hearing, Deaf-Blind Services, Division of Vocational Rehabilitation; Donald Sakamoto, Citizens for a Fair ADA Ride; Annette Tashiro, Statewide Independent Living Council

#### SIGN LANGUAGE

**INTERPRETERS:** Mala Arkin and Carie Sarver

- I. Vice Chairperson Nikki Kepo'o called the meeting to order 11:01 a.m.
- II. Roll was called.
- III. Vice Chairperson Nikki Kepo'o read the following statement: "Testimony or comments presented by members of the public during Board meetings shall be limited to three minutes per agenda item. In compliance with the Americans with Disabilities Act, reasonable amount of additional time shall be afforded to persons with a communication disability to present testimony or comments, if needed. Any person who needs additional time to present testimony or comments is encouraged to contact the DCAB office in advance of the meeting. This rule shall be placed at the beginning of all Board meeting agendas. Testimony or comments presented by members of the public during Board meetings shall be limited to three minutes per agenda item. In compliance with the Americans with Disabilities Act, reasonable amount of additional time shall be afforded to persons with a communication disability to present testimony or comments, if needed. Any person who needs additional time to present testimony or comments is encouraged to contact the DCAB office in advance of the meeting. This rule shall be placed at the beginning of all Board meeting agendas."
- IV. Board members, staff, and guests introduced themselves.

V. The approval of draft January 21, 2021 meeting minutes was deferred as there was no quorum.

VI. Executive Director's Report

Kirby Shaw reported on the DCAB budget. He said its looking better than it did a couple weeks ago because of the \$1.6B Hawaii is to receive in federal funds. Programs that were on the chopping block were spared, and layoffs and furloughs are off the table. Vice Chairperson Nikki Kepo'o asked if there was still a twenty percent reduction in the DCAB's budget as discussed at the last meeting. Kristine Pagano responded we still have a twenty percent reduction in the general fund; the special and other funds are stable. Staff will know more on the budget as the legislative session progresses.

Governor Ige approved filling the DCAB Office Assistant position. The job vacancy announcement will be posted in the newspaper on two Sundays, March 21, 2021 and March 28, 2021. The announcement will also be posted on the DCAB website. Deadline for applications is April 2, 2021.

A question was raised about the Communication Access Specialist position. Staff responded the position is being abolished. Once the economy recovers, DCAB may be able to request the position be reinstated. Kirby Shaw spoke on DCAB's testimony submitted on a resolution calling for a working group to determine what can be done during times of natural disasters, and during pandemics to ensure persons with communication disabilities are included. The DCAB Executive Director or designee would sit on the working group. Vice Chairperson Nikki Kepo'o volunteered, if DCAB needs someone to sit on the working group.

Discussion ensued on the vacant Communication Access Specialist position. It was a matter of bad timing (e.g., economy) as vacant positions were cut, and there was also a reduction in force.

VII. Committee Reports

A. Executive Committee

The Committee did not meet, and no report was given.

B. Legislative Committee

Committee member Violet Horvath reported for Chairperson Rosanna Daniel-Kanetake on DCAB activities during this legislative session. The Committee last met on February 12, 2021. She provided an update on measures that DCAB testified on during this legislative session, which was included in the meeting packet. She noted that HB 738/SB 534 Relating to the Electronic Transmission of Ballots, HB 503/SB 661 Relating to Board Meetings, and HB 839/SB 539 Relating to Hearing Aids are dead for this session. Companion bills to HB 603, HB 607, HB 838, HB 840, HB 880, SB 1095, SB 1140, and SB 1141 are still alive and have crossed over to the opposite chamber. Staff continues to testify on measures in accordance with the DCAB Legislative Position Statements and positions taken by the Committee.

Guest Peter Fritz commented on SB 1034 and SB 538 and how both bills would affect the disability community.

Kirby Shaw reported at its last meeting that Committee adopted the time limit rule and the public participation rule.

C. Standing Committee on Communication Access

The Committee did not meet, and no report was given.

D. Standing Committee on Facility Access

Committee Chairperson Marie Kimmey reported that the Facility Access Unit (FAU) reviewed one hundred ninety three projects from January 1 to March 11, 2021 of which seventy four were new submittals. The FAU collected \$100,829 in fees during that same period of time.

She said that the virtual 2021 Disability Access Conference will be held on May 27 and 28, 2021 from 8:30 a.m. – 11:30 a.m. (Hawaii Standard Time) each day. The AIA Honolulu is hosting the conference and all fees collected are going toward their administrative and overhead costs for organizing the conference. The registration fees are \$30 for government employees and AIA members, and \$60 for all other attendees. William Botten and Juliet Shultz from the U.S. Access Board will be conducting presentations on the following topics: Accessible Sidewalks, Shared Use Paths, and Street Crossings; Accessible Transportation Facilities; Accessible Recreation Facilities; and Accessible Assembly Areas.

The Committee passed the proposed amendment to Interpretive Opinion DCAB 2012-01 Electric Vehicle (EV) Charging Station. To help avoid confusion for accessible parking users, the primary changes to the interpretive opinion include prohibiting the installation of reserved accessible parking signage from Hawaii Administrative Rules (HAR), Section 11-219-14 and the addition of recommended signage.

She reported that provisions in HB 1298 and HB 1299 which would have eliminated the DCAB special fund and transferred the funds to the general fund have been taken out of the two bills. DCAB is monitoring the bills as they progress through the Legislature to help ensure the DCAB special fund and the operations of the FAU are not negatively affected by the bills.

She announced the next virtual Committee meeting is scheduled for May 13, 2021 at 10:30 a.m.

E. Standing Committee on Parking

Committee Chairperson Summer Kozai reported that the Committee met on March 11, 2021. Governor Ige did not continue the suspension of the parking placards expiration dates. As of February 14, 2021, the expiration dates are in effect.

For the first two months of the third quarter for this fiscal year, there were approximately 3,000 placards and 100 special license plates issued. Of the placards, approximately 800 were temporary and 2,100 were long term. Of the long term placards, about 800 were renewals issued by DCAB. The renewal rate was sixty seven percent.

She provided an update of survey responses from permittees regarding their experiences in finding and using accessible parking spaces. DCAB received over 2,600 responses. The webpage that allows the public to submit photos of a placard being misused received three submissions. One allowed staff to provide an educational letter to the permittees, the other two were forwarded to County police departments for possible follow up.

DCAB staff presented to the Small Business Regulatory Review Board, and with their approval, a hearing on the amendments to DCAB's parking administrative rules has been scheduled for April 8, 2021.

A crosscheck was performed and approximately 5,500 records were flagged and letters were sent to the estates of permittees. Approximately 2,000 placards were returned with a return rate of thirty six percent, three hundred families responded the placard was discarded, and seven hundred sixty letters were undeliverable.

Staff started the procurement process for the disabled paid parking exemption permit and is finalizing the new multi-use application form. The proposed bill to add a \$1.00 to the motor vehicle registration did not receive a hearing. Staff is currently exploring if a related bill can be amended to include its language.

She reported that staff met with various State and County parking enforcement agencies to discuss the new parking placard and other issues. Several agencies raised the issue of parking spaces that have dual signage – one requiring an electric vehicle and another requiring a disability parking permit.

She also reported that the Memorandums of Agreement (MOA) with the Counties have been mailed. The signed MOA with the County of Hawaii was returned to DCAB.

Guest Donald Sakamoto inquired about the status of a Honolulu City Council bill on license plates issued to persons with disabilities. When an individual with a disability who is issued a special license plate sells the vehicle, the plates should be returned to the Division of Motor Vehicles and new plates issued. Bryan Mick clarified that the bill was for all vehicle transactions, not only for the special license plates. He said that periodic cross checks are done with DOH Vital Records Branch to identify deceased permittees, and that the last cross check identified fifty special license plates. DCAB asked the Counties to follow up regarding the individual's qualifications on using the special license plates. Kirby Shaw said that under HAR, Chapter 11-219, it is required that when a vehicle is sold or transferred that the special license plates be returned to the issuing County.

F. Special Parent Information Network

Board member Phyllis Meighen reported that the Special Parent Information Network (SPIN) staff participated in the virtual Pac Rim Conference. A strand called "Revisiting the SPIN Conference" with the airing of three pre-recorded workshops from SPIN's October 27th "SPIN 2020: Home Edition" virtual conference followed by live Question and Answer sessions with the original presenters. The partnership helped to make more people aware of SPIN and the conference website. SPIN was also acknowledged as a partner of the State Council on Developmental Disabilities in assisting with its March 4, 2021 first ever ZOOM Day at the Capitol organized around the theme "Treat All People with Equal Rights." SPIN staff acted as facilitators in meetings with legislators. Amanda Kaahanui presented a workshop on family-school partnerships and communication to Department of Education's (DOE) Central District special education teachers earlier this month, and she has been requested to repeat her presentation for a Honolulu District school in the near future. She is also partnering with the Special Needs Section on researching evidence-based practices and creating infographics for new guidelines on serving students who are deaf, hard of hearing, or have deaf-blindness. SPIN staff have been active on three advisory committees for federally funded projects in Hawaii. Both the Hawaii Statewide Family Engagement Center (FEC) and the Jobs Now Partnership Project are housed with the Center on Disability Studies. Susan Rocco presented to FEC advisors on SPIN's activities related to the promotion of family-school partnerships. She also sits on an advisory group to the Hawaii Act Early/COVID-19 Response Team focused on improving developmental screening of young children at risk for disabilities.

Vice Chairperson Nikki Kepo'o updated Board members and staff on a family and the issues they have encountered in the IEP process.

Board member Marie Kimmey asked if SPIN will be holding a conference later in the year. Susan Rocco said SPIN is planning a virtual conference in October. SPIN is also planning Saturday "bite-size" workshops in April, May, and June recognizing transition.

Board member Violet Horvath suggested that when planning a future conference to consider a hybrid meeting in person and/or virtual.

VII. Old Business

A. ADA Coordination Update

Colin Whited reported since the last DCAB General meeting, staff provided technical assistance to one hundred fourteen callers on issues related to the ADA. DCAB hosted five webinars related to ADA issues sponsored by the National ADA Network and the U.S. Access Board. Staff maintained current information on the ADA Coordinators secured website and on DCAB's website to ensure that current lists of State and County ADA Coordinators are available.

Transitioning to a virtual world has created many different communication access problems. Captioning is one of the most common issues that agencies have faced as a lot of agencies are still using auto-created captions. Colin Whited said that captioning benefits everyone, not just individuals with disabilities.

Colin Whited said staff receives questions mostly on captioning, how to make meetings accessible to the public; inclusion of sign language interpreters in Zoom meetings; service and assistance animals; and whether people can be allowed to enter a building without a mask.

Guest Donald Sakamoto stated that software to assist individuals who are blind and who do not have the technology to testify at the Legislature was not purchased by the State in the Zoom packet.

## VIII. New Business

### A. United Nations Convention on the Rights of Persons with Disabilities

Bryan Mick referred to the staff summary sent with the agenda. He said the Convention on the Rights of Persons with Disabilities (CRPD) is an international treaty modeled in part on the Americans with Disabilities Act (ADA), which was adopted by the United Nations (U.N.) General Assembly in 2006 and has since been ratified by 182 nations. The treaty requires no changes in U.S. law, it cannot serve as a basis for a lawsuit in U.S. courts. It provided for the formation of the Committee on the Rights of Persons with Disabilities and requires the signatories to the CRPD to submit a report every four years outlining the legislative, judicial, policy and other measures they have taken to implement the rights affirmed in the Convention. The treaty contains the following eight guiding principles: (1) respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons; (2) non-discrimination; (3) full and effective participation and inclusion in society; (4) respect for difference and acceptance of persons with disabilities as part of human diversity and humanity; (5) equality of opportunity; (6) accessibility; (7) equality between men and women; and (8) respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities. The objections raised to ratifying the CRPD in the U.S. Senate were primarily on notions that it eroded national sovereignty. Staff recommends that DCAB submit a letter to Hawaii's U.S. Senators Schatz and Hirono to request that they urge the Senate Foreign Relations Commission to pass the resolution of ratification out of committee and send it to the full Senate for a vote. Since there was no quorum, a vote could not be taken. Board members asked if more information can be gathered in the interim.

Discussion ensued after guest Peter Fritz questioned the legality of DCAB's authority to comment on international matters, pointing to Hawaii Revised Statutes, Chapter 348F which does not authorize DCAB to advocate for matters that do not affect persons with disabilities in Hawaii. Kirby Shaw will ask the Deputy Attorney General assigned to DCAB for a response.

IX. Open Forum

Board member Violet Horvath inquired about universal design and DCAB's stance on this, as the population ages and more people become disabled. DCAB can be part of the education process to inform the Legislature and County Councils on accessible design. Vice Chairperson Nikki Kepo'o suggested the inclusion in DCAB's Plan of Action for next year holding workshops with state agencies that affect universal design.

Guest Donald Sakamoto stated that he asked Mayor Rick Blangiardi to reactivate the Mayor's Committee for Persons with Disabilities so people with disabilities will have input to the Mayor.

X. Vice Chairperson Nikki Kepo'o announced the next General meeting is scheduled for May 20, 2021 at 11:00 a.m.

XI. The meeting adjourned at 12:54 p.m.

Respectfully submitted,



CINDY Y. OMURA

**2021 Hawaii State Legislature  
Measures DCAB Has Testified On  
(as of March 11, 2021)**

**Non-discrimination Against Persons with Disabilities/Civil Rights**

**HB 838/SB 538 – Relating to the Hawaii Civil Rights Commission**

**Description:** Clarifies the meaning of "program or activity receiving state financial assistance". Excludes cases within the scope of the Individuals with Disabilities Education Act from the jurisdiction of the Hawaii Civil Rights Commission.

**HB 838 House Referrals:** LAT, JHA, FIN

**SB 538 Senate Referrals:** HMS, JDC

**SB 538 House Referrals:** LAT, JHA, FIN

**DCAB Position:** Support

**Current Status:** HB 838 HD1 passed out of LAT and JHA, with amendments, but was not heard by FIN in time. SB 538 passed out of HMS and JDC, unamended, and crossed over to the House, where it has been referred to LAT, JHA, and FIN.

**SB 548 – Relating to Elections by Mail**

**Description:** Makes amendments to elections laws to clarify the administration of elections by mail. Renames districts as precincts. Extends voter registration deadlines. Requires additional voter service centers on election day. Requires a minimum number of precincts in each representative district and on each inhabited island. Establishes voters with special needs advisory committees at the state and county levels to ensure equal and independent access to vote registration, casting of ballots, and all other office of elections services. Requires the Department of Public Safety to inform individuals on parole or probation of their right to vote and provide them with information on how to register and vote. Requires the Office of Elections and the county clerks to make a determination, as soon as practicable, of the optimal number and placement of voter service centers.

**Senate Referrals:** JDC

**House Referrals:** JHA, FIN

**DCAB Position:** Original Draft – Support and Offer Comments (comment on proposed repeal of election day as a state holiday); SD1 – Support

**Current Status:** SB 548 passed out of JDC with amendments, including the establishment of voters with special needs advisory committees at the state and county level, and deletion of language that removed election days as state holidays. SB 548 SD1 crossed over to the House and has been scheduled for a hearing by JHA on March 12, 2021.

### **HB 738/SB 534 – Relating to Electronic Transmission of Ballots**

**Description:** Provides that a voter with special needs shall be provided a means of electronic authentication of an electronic transmission of replacement ballot that does not include the voter's handwritten signature or a waiver of secrecy.

**HB 738 House Referrals:** HHH, JHA, FIN

**SB 534 Senate Referrals:** HMS, JDC

**DCAB Position:** Support

**Current Status:** HB 738 did not receive a hearing in the House. SB 534 was heard by HMS and the measure was passed with amendments, including removing the provisions that made the voter's handwritten signature or a waiver of secrecy not required for purposes of electronic authentication and changing the effective date to May 1, 2029, to encourage further discussion. SB 534 SD1 was not heard by JDC.

### **HB 941/SB 1095 – Relating to the Use of Electronic Filing by the PUC**

**Description:** Allows the Public Utilities Commission to use electronic filing processes and similar practices.

**HB 941 House Referrals:** CPC, FIN

**HB 941 HD1 Senate Referrals:** CPN, WAM

**SB 1095 Senate Referrals:** HMS, JDC

**DCAB Position:** Comment (ensure accessibility of the proposed program)

**Current Status:** HB 941 was heard by CPC and the measure was passed with amendments, changing the effective date to January 1, 2050, to encourage further discussion. HB 941 HD1 then passed out of FIN unamended and crossed over to the Senate, where it has been referred to CPN and WAM. SB 1095 did not receive a hearing in the Senate.

## **SB 135 – Relating to Telecommunication**

**Description:** Requires the Office of Enterprise Technology Services (ETS) to establish a working group and conduct a study to identify state office buildings that can provide equitable telecommunication access to allow residents of the counties of Hawaii, Kauai, and Maui, and rural areas of the city and county of Honolulu, including residents with disabilities, to participate remotely in legislative hearings

**Senate Referrals:** GVO, WAM

**SB 135 SD2 House Referrals:** HET, JHA, FIN

**DCAB Position:** Original Draft – Comment (ensure that the identified buildings and programs are equally accessible to the full spectrum of persons with disabilities); SD1 – Support

**Current Status:** SB 135 passed out of GVO with amendments requiring that the buildings identified by this measure are equally accessible to persons with disabilities. SB 135 SD1 passed out of WAM with amendments, including requiring ETS to establish a working group to study this issue and make recommendations and changing the effective date to July 1, 2050, to facilitate further discussion. SB 135 SD2 crossed over to the House and has been referred to HET, JHA, and FIN.

## **HB 880/SB 1034 – Relating to Sunshine Law Boards**

**Description:** Expands board and public participation by giving boards the option, in conjunction with in-person meetings, to use interactive conference technology to remotely conduct public meetings under the Sunshine Law, even when no emergency has been declared by government authorities. Authorizes boards to exclude the public from nonpublic locations, such as homes, where board members are physically present when remote board meetings are held by interactive conference technology, with members of the public given the option to participate either remotely or at an in-person public location. Establishes requirements for the conduct of remote meeting. Requires remote meetings held by interactive conference technology to recess for a maximum prescribed period when audiovisual communication cannot be maintained by the board (not due to a member of the public's inability to maintain such communication) and allows the meeting to be reconvened even if only audio communication can be reestablished. Establishes a new notice requirement to provide the board's contact information for the submission of written testimony by electronic or postal mail, which also applies to remote meeting agendas. Amends existing option to hold in-person meetings at multiple public meeting sites connected by interactive conference technology to require termination of meeting only if audio communication is lost and cannot be reestablished within twenty minutes and the board had not provided reasonable notice of how the meeting would be

continued. Allows for additional courtesy sites open to the public for both remote and in-person meetings held by interactive conference technology.

**HB 880 House Referrals:** PDP, JHA

**SB 1034 Senate Referrals:** HMS, JDC

**SB 1034 SD1 House Referrals:** PDP, JHA

**DCAB Position:** Support

**Current Status:** HB 880 did not receive a hearing in the House. SB 1034 was heard by JDC and the measure was passed with amendments, including numerous revisions to ensure equal access for individuals with disabilities and changing the effective date to May 6, 2137, to encourage further discussion. SB 1034 SD1 crossed over to the House and has been referred to PDP and JHA.

## **HB 503/SB 661 – Relating to Board Meetings**

**Description:** Allows boards to use interactive conference technology to remotely conduct public meetings under the Sunshine Law in conjunction with in-person meetings, even when no emergency has been declared by government authorities. Authorizes boards to exclude the public from nonpublic locations, such as homes, where board members are physically present when remote board meetings are held by interactive conference technology. Establishes requirements for the conduct of remote meetings. Establishes a new notice requirement to provide the board's contact information for the submission of written testimony by electronic or postal mail. Amends existing option to hold in-person meetings at multiple public meeting sites connected by interactive conference technology to require termination of meeting only if audio communication is lost and cannot be reestablished within an hour and the board had not provided reasonable notice of how the meeting would be continued. Allows for additional courtesy sites open to the public for both remote and in-person meetings held by interactive conference technology. Allows for contact tracing and social distancing during states of emergency caused by contagious diseases.

**HB 503 House Referrals:** PDP, JHA, FIN

**SB 661 Senate Referrals:** GVO, JDC

**DCAB Position:** Support

**Current Status:** HB 503 was heard by PDP and passed with amendments, including revisions to ensure equal access for individuals with disabilities and changing the effective date to July 1, 2050, to encourage further discussion. HB 503 HD1 was not heard by JHA or FIN. SB 661 was heard by GVO and the measure was passed with amendments to change the effective date to December 31, 2050, to encourage further discussion. SB 661 SD1 was not heard by JDC.

## **Communication Access**

### **HB 840/SB 537 – Relating to American Sign Language**

**Description:** Recognizes American Sign Language as a fully developed, autonomous, natural language with its own grammar, syntax, vocabulary, and cultural heritage.

**HB 840 House Referrals:** CAI, JHA, CPC

**SB 537 Senate Referrals:** HMS, JDC

**SB 537 House Referrals:** CAI, JHA, CPC

**DCAB Position:** Support

**Current Status:** HB 840 was heard by CAI and the measure was passed with amendments, changing the effective date to July 1, 2065, to encourage further discussion. HB 840 HD1 was not heard by JHA or CPC. SB 537 passed out of HMS and JDC, unamended, and crossed over to the House, where it has been referred to CAI, JHA, and CPC.

### **HB 986/SB 1140 – Relating to Newborn Hearing Screening**

**Description:** Amends the newborn hearing screening statute to mandate reporting of diagnostic audiologic evaluation results to improve hearing follow-up of infants. Updates definitions and terminology.

**HB 986 Referrals:** HHH, FIN

**HB 986 Senate Referrals:** HTH, JDC/WAM

**SB 1140 Senate Referrals:** HTH, JDC

**DCAB Position:** Support

**Current Status:** HB 986 passed out of HHH with amendments, including an effective date of July 1, 2060 to encourage discussion. HB 986 HD1 then passed out of FIN, unamended, and crossed over to the Senate, where it has been referred to HTH and JDC/WAM. SB 1140 passed out of HTH with amendments but was not heard by JDC in time.

## **HB 987/SB 1141 – Relating to Hearing and Vision Program**

**Description:** Amends the hearing and vision program statute to increase the early identification of children with hearing or vision loss, by establishing consistent protocols for hearing and vision screening and follow-up, screener training, and data collection for quality improvement.

**HB 987 Referrals:** HHH, FIN

**HB 987 Senate Referrals:** HTH, JDC/WAM

**SB 1141 Senate Referrals:** HTH, JDC

**DCAB Position:** Support

**Current Status:** HB 987 passed out of HHH with amendments, including an effective date of July 1, 2060 to encourage discussion. HB 987 HD1 then passed out of FIN, unamended, and crossed over to the Senate, where it has been referred to HTH and JDC/WAM. SB 1141 passed out of HTH with amendments but was not heard by JDC in time.

## **HB 839/SB 539 – Relating to Hearing Aids**

**Description:** Requires health insurance policies and contracts issued after 12/31/21 to provide coverage for the cost of hearing aids at a minimum of \$1,500 per hearing aid for each hearing-impaired ear every thirty-six months in their base plans. Exempts mandatory health care coverage from impact assessment report.

**HB 839 House Referrals:** HHH, CPC, FIN

**SB 539 Senate Referrals:** HTH, CPN

**DCAB Position:** Support

**Current Status:** HB 839 was heard by HHH and the measure was deferred. HB 987 HD1 then passed out of FIN unamended and will cross over to the Senate. SB 539 did not receive a hearing in the Senate.

## **Service and Other Animals**

### **HB 381/SB 280 – Relating to Fair Housing Reasonable Accommodations**

**Description:** Codifies the administrative rule definition of "assistance animal". Clarifies the type of verification an individual may provide to substantiate a reasonable accommodation request for a specific assistance animal. Specifies

that possession of a vest or other distinguishing animal garment, tag, or registration document commonly purchased online and purporting to identify an animal as a service animal or assistance animal does not constitute valid verification of a disability-related need for an assistance animal.

**HB 381 House Referrals:** HHH, JHA

**HB 381 HD2 Senate Referrals:** HMS, JDC

**SB 280 Senate Referrals:** HMS, JDC

**SB 280 House Referrals:** HHH, JHA

**DCAB Position:** Comment (ensure consistency with federal law)

**Current Status:** HB 381 was heard by HHH and the measure was passed with amendments, changing the effective date to July 1, 2060, to encourage further discussion. HB 381 HD1 then passed out of JHA, with amendments to the types of verification that may be provided to establish the disability-related need for a specific assistance animal as a reasonable accommodation pursuant to guidance issued by the United States Department of Housing and Urban Development. HB 381 HD2 crossed over to the Senate and has been referred to HMS and JDC. SB 280 passed out HMS and JDC, unamended, and crossed over to the House, where it has been referred to HHH and JHA.

## **Community Based Services and Employment**

### **HB 603/SB 793 – Relating to the Minimum Wage**

**Description:** Repeals the exemption of persons with disabilities from minimum wage requirements. Effective 1/1/2022.

**HB 603 House Referrals:** LAT, FIN

**SB 793 Senate Referrals:** LCA/HMS, WAM

**SB 793 SD1 House Referrals:** LAT, FIN

**DCAB Position:** Support

**Current Status:** HB 603 did not receive a hearing in the House. SB 793 was heard by LCA/HMS and the measure was passed with technical, non-substantive amendments for the purposes of clarity and consistency. SB 793 SD1 was passed by WAM, unamended, and crossed over to the House, where it has been referred to LAT and FIN.

## HCR 32/HR 25

**Measure Title:** Urging the Department of Education to develop and implement a program to recruit and employ qualified blind persons to serve as orientation and mobility instructors and in other positions as teachers of visually impaired students.

**House Referrals:** EDN, FIN

**Senate Referrals:** TBD

**DCAB Position:** Support

**Current Status:** HCR 32/HR has been scheduled for a hearing by EDN on March 11, 2021.

## Building Code, Design, and Facility Access

### HB 607/SB 1 – Relating to Housing

**Description:** Establishes the ALOHA homes program to develop low-cost homes on state-owned and county-owned land in urban redevelopment sites to be sold in leasehold by the Hawaii Housing Finance and Development Corporation (HHFDC) to qualified residents. Exempts certain land from the definition of public lands. Requires HHFDC to gain legislative approval before disposing of certain lands. Provides for the disposition of lands acquired by HHFDC but no longer needed for the ALOHA homes program. Appropriates moneys.

**HB 607 House Referrals:** HSG/WAL, JHA, FIN

**SB 1 Senate Referrals:** HOU, WAM

**SB 1 SD2 House Referrals:** HSG, WAL, JHA, FIN

**DCAB Position:** Comment (Recommend wording to ensure compliance with all applicable federal laws and regulations).

**Current Status:** HB 607 did not receive a hearing in the House. SB 1 was heard by HOU and the measure was passed with amendments. SB 1 SD1 was heard by WAM and passed with amendments, including changing the effective date to July 1, 2050, to facilitate further discussion on the measure. SB 1 SD2 crossed over to the House and was referred to HSG, WAL, JHA, and FIN.

## Administration

### **HB 1298 – Relating to State Funds**

**Description:** Transfers to the general fund the excess balances of various non-general funds from various state departments and agencies.

**House Referrals:** FIN

**HB 1298 HD1 Senate Referrals:** WAM

**DCAB Position:** Support intent and offer comments (without the special fund, DCAB cannot support the Disabled Persons Parking Program and there is no alternative source of funding)

**Current Status:** HB 1298 passed out of FIN with amendments, including lapsing only the amounts to the general fund for various non-general funds that are either inactive or have been determined by each state department to be in excess of the requirements of the funds. HB 1298 HD1 crossed over to the Senate and was referred to WAM.

### **HB 1299 – Relating to Non-General Funds**

**Description:** Transfers to the general fund the excess balances of various non-general funds from various state departments and agencies.

**House Referrals:** FIN

**HB 1299 HD1 Senate Referrals:** TBD

**DCAB Position:** Support intent and offer comments (without the special fund, DCAB is not able to cover the costs of 7.8 FTE staff positions within FAU, support the Disabled Persons Parking Program, and support other aspects of DCAB's overall operations)

**Current Status:** HB 1299 passed out of FIN with amendments, including deletion of funds that did not meet the criteria for repeal or abolishment established by the Committee. HB 1299 HD1 crossed over to the Senate and was referred to WAM.



## DISABILITY AND COMMUNICATION ACCESS BOARD

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### DISABILITY AND COMMUNICATION ACCESS BOARD

#### General Meeting

March 18, 2021

#### ADA Coordination Report

Since the last meeting on January 21, 2021, ADA activities of all DCAB staff included:

1. Provided technical assistance (TA) to one hundred fourteen (114) callers on issues related to the ADA. Key departments/agencies included: Office of the Governor, Budget and Finance, Judiciary, Hawaii State Senate, Hawaii State House of Representatives, Hawaii Civil Rights Commission, Health, Human Services, Office of Elections, Office of Language Access, University of Hawaii, County of Hawaii, City and County of Honolulu, County of Kauai, and the County of Maui.
2. Hosted five (5) webinars related to ADA issues:
  - Three (3) webinars sponsored by the National ADA Network on:
    - “New Rules: Service Animals and the Air Carriers Access Act (ACAA)”
    - “Spotlight on the ADA Title II Action Guide for State and Local Governments and the ADA Checklist for Existing Facilities”
    - “Spotlight on Health Care Access: ADA, Disability and COVID-19 Resources”
  - Two (2) webinars sponsored by the U.S. Access Board on:
    - “Vertical Access”
    - “Medical Care and Long Term Care Facilities”
3. Maintained current information on the ADA Coordinators secured website and DCAB’s website by ensuring that current lists of State and County ADA Coordinators were available.

Any questions regarding ADA Coordination activities should be directed to Colin Whited at (808) 586-8121 or [colin.whited@doh.hawaii.gov](mailto:colin.whited@doh.hawaii.gov).



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### STAFF SUMMARY FOR THE DISABILITY AND COMMUNICATION ACCESS BOARD GENERAL MEETING March 18, 2021

TOPIC: United Nations Convention on the Rights of Persons with Disabilities (CRPD)

SUMMARY:

The Convention on the Rights of Persons with Disabilities (CRPD) is an international treaty modeled in part on the Americans with Disabilities Act (ADA). It was adopted by the United Nations (U.N.) general assembly in 2006 and has since been ratified by 182 nations. President Obama signed the treaty in 2009, but the United States (U.S.) Constitution requires Senate consent via adoption of a resolution of ratification using a 2/3's vote. In 2012 the resolution failed to receive 67 votes with a final tally of 61-38 and was returned to the Senate's Foreign Relations Committee (SFRC). All of the votes in opposition were from Republican senators with 8 Republican senators voting in support. In 2014, the SFRC passed the resolution out of committee again, but as the Senate did not bring it to the floor it automatically returned to the SFRC at the conclusion of the 113<sup>th</sup> Congress.

ANALYSIS:

The treaty requires no changes in U.S. law nor can it serve as a basis for a lawsuit in U.S. courts. It provided for the formation of the Committee on the Rights of Persons with Disabilities and requires the signatories to the CRPD to submit a report every four years outlining the legislative, judicial, policy and other measures they have taken to implement the rights affirmed in the Convention. The Committee examines each report and addresses its concerns and recommendations to the signatory in the form of "concluding observations." The treaty contains eight guiding principles (1) respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons; (2) non-discrimination; (3) full and effective participation and inclusion in society; (4) respect for difference and acceptance of persons with disabilities as part of human diversity and humanity; (5) equality of opportunity; (6) accessibility; (7) equality between men and women; and (8) respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities. The objections raised to ratifying the CRPD in the U.S. Senate were primarily on notions that it eroded national sovereignty.

STAFF RECOMMENDATION:

Staff recommends that DCAB submit a letter to Hawaii's U.S. Senators Schatz and Hirono to request that they urge the SFRC to pass the resolution of ratification out of committee and send it to the full Senate for a vote. Senator Schatz is a member of the SFRC.

## **SPIN Report March 2021**

### **SPIN Contribution to the Pac Rim Conference**

The Center on Disability Studies (CDS) held its first virtual Pac Rim Conference on March 1st and 2nd with Amanda and Susan and hundreds of other individuals from around the globe in attendance. A Pre-Conference on February 27th included a strand called "Revisiting the SPIN Conference" with the airing of three pre-recorded workshops from SPIN's October 27th **SPIN 2020: Home Edition** virtual conference followed by live Question and Answer sessions with the original presenters. The partnership helped to make more people aware of SPIN and our conference website.

### **Day at the Capitol**

SPIN was also acknowledged as a partner of the State Council on Developmental Disabilities in assisting with its March 4th first ever ZOOM Day at the Capitol organized around the theme "Treat All People with Equal Rights." Both Amanda and Susan acted as facilitators in meetings with legislators. A number of dignitaries, including DCAB's Executive Director Kirby Shaw, gave encouragements to Hawaii's self-advocates during the opening session.

### **Workshops and Resource Materials for Educators**

Amanda presented a workshop on family-school partnerships and communication to Central District special education teachers earlier this month, and she has been requested to repeat her presentation for a Honolulu District school in the near future. She is also partnering with the Special Needs Section on researching evidence-based practices and creating infographics for new guidelines on serving students who are deaf, hard of hearing, or have deaf-blindness.

### **SPIN Participation in Grant Activities**

SPIN staff have been active on three advisory committees for federally funded projects in Hawaii. Both the Hawai'i Statewide Family Engagement Center (FEC) and the Jobs Now Partnership Project are housed with the Center on Disability Studies. Susan recently made a presentation to FEC advisors on SPIN's activities related to the promotion of family-school partnerships. Susan also sits on an advisory group to the Hawaii Act Early/COVID-19 Response Team focused on improving developmental screening of young children at risk for disabilities.