



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Rm. 118 • Honolulu, Hawai'i 96813
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NOTICE OF MEETING

Disability and Communication Access Board

Legislative Committee Meeting

January 24, 2024

12:00 p.m. – 2:00 p.m.

AGENDA

The Disability and Communication Access Board will be meeting remotely using interactive conference technology. The public is welcome to participate as follows.

Public In-Person Meeting Location

Kamamalu Building
1010 Richards Street, Room 118
Honolulu, HI 96813

Participate Virtually via Zoom

Click on the link below or copy and paste it into your browser window:

<https://us02web.zoom.us/j/81039397748?pwd=UkJlZE5wSzVKRG9haVlBaitzMGZtdz09>

and enter Meeting ID: 810 3939 7748

To join by phone

Dial 1 669 444 917 and enter Meeting ID: 810 3939 7748 Passcode: LEG

Public Testimony

Testimony or comments presented by members of the public during Legislative Committee meetings shall be limited to two minutes per agenda item. In compliance with the Americans with Disabilities Act, a 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 Legislative Committee meeting agendas.

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

Written Testimony -To ensure the public as well as its Board members receive such testimony in a timely manner, written testimony should be submitted 24 hours prior to the scheduled

meeting date and time. Any written testimony submitted after such time cannot be guaranteed to be distributed in time for the meeting. Written testimony may be submitted by one of the methods listed below:

- By email to: dcab@doh.hawaii.gov
- By U.S. Postal Mail:
Kirby Shaw, Disability and Communication Access Board, 1010 Richards Street, Room 118, Honolulu, HI 96813
- By facsimile to: (808) 586-8129

AGENDA

- I. Call to Order
Review Remote Meeting Procedures
 - This meeting is being recorded.
 - A quorum of Committee members is required to be visible on screen.
 - Raise hand to speak unless called upon.
 - Identify yourself before speaking.
- II. Introductions
- III. Statement from Public and Written Testimonies Submitted
- IV. Approval of Legislative Committee Meeting Minutes of December 19, 2023
- V. DCAB Legislative Positions Relating to 32nd Legislature, 2024 Bills

Parking

- Oppose legislation to revert to "free meter parking" for all permit holders.
- Support legislation to increase the minimum number of parking spaces for persons with disabilities or study the issue.
- Support legislation to improve enforcement, provided that law enforcement is able to implement the provisions.
- Oppose legislation to issue disability parking permits to people solely on the basis of vision loss, pregnancy, age, developmental disability, behavioral, or other non-mobility related condition.
- Oppose legislation to issue disability parking permits to agencies or transportation companies.
- Support legislation to authorize the counties to enforce design requirements for accessible parking.

Non-discrimination Against Persons with Disabilities/Civil Rights

- Support legislation for the provision of reasonable modification of policies, practices and procedures in state government programs and services to provide for equal access for persons with disabilities (this could impact many different programs).
- Oppose legislation for separate identification cards for people with disabilities in addition to a driver's license or a state identification card.
- Provide comments on the provision of state government services to ensure that the needs of persons with disabilities are taken into consideration without supporting or opposing the underlying service.

- Provide comments on the process of voting to ensure that the needs of persons with disabilities are taken into consideration.
- Support legislation that requires the House and Senate to permit remote testimony, via telephone, at public hearings.

Communication Access

- Support legislation to maintain or increase captioning provisions in movie theaters.
- Support efforts to include increased access to on-line state information (to include, but not be limited to website accessibility, social media platforms, and digital information provided through kiosks or other similar means) with funding for implementation.

Service and Other Animals

- Support state legislation to clarify state law to be consistent with federal law, but not to exceed federal law in areas such as certification or licensure.
- Support the interest of individuals with service animals (dogs) when considering legislation to eliminate discriminatory inquiries or practices when entering places of public accommodation.
- Oppose expansion of service animal legislation to assistance animals or other emotional support animals in settings other than housing already required under federal and state law.

Building Code, Design, and Facility Access

- Support legislation to increase building accessibility for persons with disabilities that exceed federal guidelines for entities covered by Titles II and III of the ADA.
- Oppose legislation that would require DCAB to perform tasks that DCAB staff have no expertise.
- Support legislation to increase building accessibility for persons with disabilities that exceed federal guidelines for entities covered by the Fair Housing Act (example, require elevators, require a percentage of units be on ground floor).

Community Based Services and Employment

- Support legislation to increase reimbursement for hearing aids.
- Support legislation to require the Department of Human Services (DHS) to establish a Medicaid buy-in program for workers with disabilities.

Transportation and Mobility

- Support legislation following the "DCAB Guiding Principles on the Mobility and Safety of Pedestrians with Disabilities" and "DCAB Guiding Principles on Public Transit Fixed Route Bus and Paratransit Services."

Emergency Preparedness

- Support legislation to ensure the inclusion of persons with disabilities in emergency preparedness efforts, including planning, exercises, notifications, emergency sheltering, and mitigation and recovery efforts.

Administration

- Support legislation consistent with facilitating the operation of DCAB as a Board or Commission.
- Oppose legislation that would change the status of the DCAB Special Fund.

Other

- Support legislation to provide a tax credit or deduction or to exempt or reduce general excise tax on the sale of mobility enhancing equipment or durable medical equipment, hearing aids, prosthetic devices, and prescription drugs sold pursuant to a licensed practicing physician's prescription when the basis for the acquisition of the item is due to a person's disability.
- Support legislation that includes a representative from DCAB on a task force if the bill or resolution includes a position above and only if there is adequate staffing to attend and participate in meetings. Oppose the legislation if the criteria above are not met.

VI. Bills and Resolutions

A. Non-Discrimination

[SB 2003](#) – Relating to Law Enforcement. Requires police commissions to ensure that all full-time police officers receive crisis intervention training relating to interaction with persons with mental disabilities.

[SB 2005](#) – Relating to Mental Health. Requires the Department of Corrections and Rehabilitation to construct a mental health facility for inmates and detainees in their custody who exhibit signs of mental illness, pose a danger of physical harm to themselves or others, or request treatment and meet certain admittance criteria.

[SB 2013](#) – Relating to Health Care Fees of Detainees and Committed Persons. Prohibits the assessment of fees upon inmates for medical, dental, or mental health services or treatment that is provided within a public correctional institution in the State.

B. Communication Access

C. Service and Other Animals

[HB 1580](#) – Relating to Animal Cruelty. Amends the penalty for causing injury or death to a service animal from a felony Class C to a Class B, and for intentional interference with the use of a service animal from a misdemeanor to a felony Class C.

D. Building Code, Design, and Facility Access

[SB 140 SD1](#) – Relating to the Housing Shortage. Requires the Office of Planning and Sustainable Development to identify and analyze existing and projected housing needs and identify adequate sites for housing sufficient to meet housing demands for all income levels each year.

[SB 2015](#) – Relating to Housing. Designates projects that are owned by the State, any county, or any organization obliged to use all financial surplus generated by

the project to construct more housing or rehabilitate or manage housing as the highest priority for receiving funds from the State Rental Housing Revolving Fund.

[SB 2021](#) – Relating to Important Housing Lands. Directs the Hawaii public housing authority to conduct a study identifying state owned lands within one-half mile of any rail transit station for the purpose of construction of 100,000 housing units.

[SB 2025](#) – Relating to Housing Development. Eliminates certain restrictions for any project on state property located within one-half mile of any rail station.

[SB 2062](#) – Relating to County Housing Powers. Expands the housing powers of the counties to include the planning, development, construction, financing, and providing of housing projects, including low- and moderate-income housing and mixed-use developments.

[SB 2063](#) – Relating to Housing. Requires any government agency that exercises its authority to develop low- or moderate-income housing projects to process any low- or moderate-income housing project that meets the development requirements of chapter 201H, Hawaii Revised Statutes, and applicable administrative rules.

[SB 2064](#) – Relating to the Hawaii Housing Finance and Development Corporation. Authorizes the Corporation the right of first refusal for the development of property for all development on state lands, excluding the Stadium Development District and lands under the Hawaii Public Housing Authority and Department of Hawaiian Home Land, that are within county-designated transit-oriented development zones, or within a one-half mile radius of a proposed or existing transit station if the county has not designated transit-oriented development zones.

[SB 2068](#) – Relating to Housing. Appropriates funds to the Hawaii Public Housing Authority for the rehabilitation, remodeling, renovation, and repair of housing units without regard to civil service law.

[SB 2077](#)- Relating to the Dwelling Unit Revolving Fund. Establishes an Interim Construction Subaccount within the Dwelling Unit Revolving Fund to be used for the interim financing of new construction projects under section 201H-43, HRS, prioritizing projects located on state or county-owned lands in counties with a population of less than five hundred thousand; provided that, for units in for-sale projects, the units shall be made available only to Hawaii residents who are owner-occupants and own no other real property.

E. Community Based Services and Employment

[SB 163 SD 1](#) – Relating to Health. Appropriates funds to be expended by the Executive Office on Aging for an Alzheimer’s Disease and Related Dementias Public Health Campaign.

[SB 168](#) – Relating to State Licensed Care Facilities. Requires the Department of Health to post on its website an easily understandable, searchable, and sortable list of all state-licensed care facilities including information on their licenses and inspections. Requires that the list be updated within five days of any change in its information.

[SB 2023](#) – Relating to Access to Treatment for Terminally Ill Patients. Allows a terminally ill patient to receive investigational drugs and biological products that have not received final approval from the United States Food and Drug Administration.

[SB 2046](#) – Relating to Family Leave. Provides that eligible public and private sector employees in the State of Hawaii are provided with up to 16 weeks per calendar year of paid family leave to take care of a newborn child, for a serious health condition, absence due to domestic abuse or stalking of the employee or a family member, or to take care of a sick family member. Establishes an insurance fund.

[SB 2047](#) – Relating to Paid Sick Leave. Requires certain employers to provide a minimum amount of paid sick leave to employees to care for themselves or a family member who is ill and supplemental paid sick leave to employees under certain public health emergency conditions.

[SB 2049](#) – Relating to Psychologists. Creates a multi-phase five year pilot project to allow qualified psychologists to prescribe psychotropic medications for the treatment of mental illness to patients under the psychologists care at a federally qualified health center.

[SB 2051](#) – Relating to Disability Health Disparity. Appropriates funds to the state council on development disabilities to study the health disparities experienced by individuals with intellectual or developmental disabilities in the State.

[SB 2059](#) – Relating to Accessibility. Requires a retail establishment with an employee toilet facility to allow a customer suffering from an eligible medical condition to use that restroom during normal business hours, under certain conditions. Exempts a retail establishment and employees from civil liability.

F. Transportation and Mobility

G. Administration

[HB 545/SB 1196 SD1 HD1](#) – Relating to Boards and Commissions. Clarifies that the authorization for board and commission holdover members to continue in office until a successor is nominated and appointed, but not beyond the end of the second regular legislative session following the expiration of the member's term of office, takes precedence over all conflicting statutes concerning holdover members.

H. Other

[HB 326/SB 50](#) – Relating to Plastic Straws. Prohibits the distribution, sale, and provision of plastic straws, except for those who request single-use plastic straws for medical reasons.

[HB 1053 HD1/SB 1351 SD2 HD2](#) – Relating to Infant and Early Childhood Mental Health. Establishes the infant and early childhood mental health program within the department of health to provide and coordinate mental health services for children from birth up to age five. Appropriates funds for the establishment of the program, including for an unspecified number of permanent full-time equivalent (FTE) positions.

[HB 1524](#) – Relating to School Zones. Prohibits loitering at schools and public property within 200 feet of a school. Prohibits obstructing a building, walkway, public passage, road, highway, sidewalk, or structure of a school or a public property within 200 feet of a school. Includes an exemption for any person having a medical emergency or any person who, as a result of a disability, is utilizing a wheelchair or other, similar wheeled chair device to move about within two hundred feet from a school.

[SB 108](#) – Relating to Instructional Materials. Adopts the National Instructional Materials Accessibility Standard for use by the Department of Education in preparation of instructional materials for eligible students. Defines "eligible student" in accordance with the Individuals with Disabilities Education Act and the Copyright Act. Requires the Department of Education to obtain instructional materials in accessible formats whenever available from the publisher or the National Instructional Materials Access Center when materials are not available from the publisher in the appropriate, accessible format needed by an eligible student. Requires instructional materials to be sufficient for grade level progress by eligible students. Requires the Department of Education to provide assistive technology devices and services for eligible students. Repeals requirements for publishers to provide computer diskettes conforming to American Standard Code for Information Interchange.

- VII. Open Forum: Public comment on issues not on the agenda for consideration for the Board's agenda at the next meeting.
- VIII. Next Meeting
- IX. Adjournment

If you need an auxiliary aid/service or other accommodation due to disability, contact Scott Castor at (808) 586-8121 or email dcab@doh.hawaii.gov as soon as possible. Requests made as early as possible have a greater likelihood of being fulfilled. Upon request, this notice is available in alternate/accessible formats.

The agenda and meeting materials for this meeting are also available for inspection at DCAB's office located at 1010 Richards Street, Room 118, Honolulu, Hawaii 96813 and on DCAB's website at: <https://health.hawaii.gov/dcab/dcab-agendas-and-minutes/>.