



# HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

March 23, 2021  
3:45 p.m.  
Room 225 via Videoconference

To: The Honorable Joy A. San Buenaventura, Chair  
The Honorable Les Ihara, Jr., Vice Chair  
Members of the Senate Committee on Human Services

The Honorable Sharon Y. Moriwaki, Chair  
The Honorable Donovan M. Dela Cruz, Vice Chair  
Members of the Senate Committee on Government Operations

From: Liann Ebesugawa, Chair  
and Commissioners of the Hawai‘i Civil Rights Commission

Re: S.C.R. No. 7 / S.R. No. 5

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services (on the basis of disability). The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

**The HCRC supports S.C.R. No. 7 and S.R. No. 5**, which, if adopted, would require the Disability and Communication Access Board, in collaboration with the Office of Enterprise Technology, to convene a Working Group on Accessible Government Documents

Pursuant to the Americans with Disabilities Act, all documents posted on the internet by any government agency must be accessible. However, technology sometimes moves more quickly than many of its users, and not all documents posted are actually accessible. As a proposed member of the working group, the HCRC supports S.C.R. No. 7 and S.R. No. 5 and looks forward to working with the expert groups charged with helping the State of Hawai‘i create solutions for accessibility.

NATIONAL FEDERATION OF THE BLIND OF HAWAII

Testimony Before The Committees on Human Services (HMS) and Government Operations (GOV)

Hawaii State Senate

Thirty-First Legislature, Regular Session of 2021

March 23, 2021, 3:45 PM, hearing on SCR7, SR5

Good afternoon committee chairs, vice chairs, and members. I am James Gashel, testifying for the National Federation of the Blind of Hawaii (NFBH), strongly supporting SCR 7, SR 5.

This resolution requests establishment of a working group on accessible government documents. The resolution clearly presents the problem we hope will be addressed, and we ask for your enthusiastic support.

Our support comes from our lived experience, struggling to access government information that is often not readable with any technology other than a standard computer screen. Imagine knowing that information is available but being denied access to the same documents readily available to others. When this happens, and it happens almost daily, the feeling you get is just like having a door slammed and locked shut in front of you, with a big sign saying, "people who are blind, keep out."

This is the daily life experience of most members of the NFB of Hawaii when we attempt to access and use important information distributed by state agencies. Nonetheless, all agencies have the legal obligation to produce information in formats accessible to and usable by people with disabilities.

People who are blind vote and pay taxes. Just like everyone else, people who are blind need to make pandemic related appointments both for testing and vaccination. However, not all documents used in these activities are accessible and usable if you cannot see them on a computer screen. Some are, but many are not. Try scheduling a vaccination appointment when your screen reader, the best one available, cannot access so cannot speak the appointment times available. This barrier to getting appointment times was caused by improper web design; far too typical, and a barrier I personally encountered. Lack of access, as in this instance, could have serious, even life-threatening consequences.

To be clear, the failure of government agencies to produce all their documents in alternate accessible formats is often an innocent oversight, but the result is still to deny access based on disability. This resolution says clearly to our state agencies that the legislature expects a better result.

Finally, three quick points on terminology:

First, we ask that the report on this resolution reflect the understanding that the term “documents,” as used in this resolution should be understood to refer to websites, web pages, apps, and other platforms government agencies may use to communicate with employees, applicants for employment, and the public. Our point is that government documents are often electronic and are far less often words on paper. Therefore, we want to be sure the working group’s scope is broad enough to include documents in electronic form as well as documents on paper.

Second, in subparagraphs (11) and (12) in the third resolve clause, where potential working group members are specified, we suggest that the references to advocacy organizations: "for" the blind or deaf should be changed to: "of" the blind or deaf. This will better ensure appointment "of" people who are blind and people who are deaf to participate in the working group.

Third, in the final resolve clause, in the list of individuals and organizations to receive copies of this resolution, please correct the reference to “National Federation for the Blind & Hawaii Chapter” (which may be confusing as to state and national) to “National Federation of the Blind of Hawaii” (which is the correct name of our organization).

Mahalo for your kind attention and consideration of this resolution.

**SR-5**

Submitted on: 3/22/2021 10:23:54 AM

Testimony for HMS on 3/23/2021 3:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Douglas Moises	Individual	Support	No

Comments:

I am in support of this bill

Jaclyn Leilani Borsa  
Testimony Before the Committees on Human Services (HMS) and Government Operations  
(GOV)  
Hawaii State Senate  
Thirty-First Legislature, Regular Session of 2021  
March 23, 2021, 3:45 PM, hearing on SCR7, SR5

Good afternoon committee chairs, vice chairs, and committee members. My name is, Jaclyn Leilani Borsa, I am a blind woman residing at 91-031 Parish Drive, Ewa Beach, HI 96706. I am a member of The National Federation of the Blind of Hawaii.

I am in strong support SCR7, SR5 and ask that you pass the measure.

I strongly support the testimony submitted by The National Federation of the Blind of Hawaii and ask that you take our testimony into serious consideration.

Mahalo for your commitment to blind people of Hawaii and your consideration of my testimony supporting SCR7, SR5.

**SR-5**

Submitted on: 3/22/2021 12:45:07 PM

Testimony for HMS on 3/23/2021 3:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joel Cho	Individual	Comments	No

Comments:

Aloha Chair, Vice Chair, and Committee,

As an essential worker at a busy airport, it is very important to me to have unrestricted access to the most current and up to date documents and information concerning all things COVID in order to follow necessary guidelines and keep my employees and our visitors as safe as possible.

Please pass this resolution so that technology that is already available can be used to make all State Government documents accessible for all of us all of the time.

Brandon G. Young

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31<sup>st</sup> Session of the State Legislature of the State of Hawaii

Senate Committee on Education and Governmental Operations

Testimony for SR 5 and SCR 7 on Tuesday, March 23, 2021 at 3:45 P.M.

March 22, 2021

Dear Chairs and Vice-Chairs,

My name is Brandon Young, and I am a member of the National Federation of the Blind of Hawaii. I am testifying in support of SR 5 and SCR 7 dealing with accessible documents under the Disabilities and Communications Access Board. I am submitting testimony in concurrence to the testimony that was submitted by James Gashel on behalf of the National Federation of the Blind of Hawaii. Like Jim, I would agree with the three amendments that he proposed in his testimony. It would be better if the blind were referred to as the blind and not people for the blind. I am in support of this resolution and would wish that you would pass it along. I face inaccessible documents dealing with the state and federal government on a daily basis. This resolution would help in this matter. I also feel that most blind people deal with inaccessible websites on a daily basis. This resolution would help in reducing this discomfort to myself and many other blind people here in Hawaii. Thank you for your time in holding this hearing and reviewing my testimony. Have a wonderful day.