
A BILL FOR AN ACT

RELATING TO PUBLIC HOUSING.

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

1 SECTION 1. Chapter 356D, Hawaii Revised Statutes, is
2 amended by adding a new section to part I to be appropriately
3 designated and to read as follows:
4 "§356D- Smoking in and around public housing projects;
5 designated smoking areas. (a) The authority shall designate no
6 more than fifty per cent of the units in public housing projects
7 as smoking units. All smoking units on the same floor shall be
8 contiguous and smoke from these rooms shall not infiltrate into
9 areas where smoking is prohibited under this section. The
10 status of units as smoking or nonsmoking may not be changed,
11 except to add additional nonsmoking units.
12 (b) The authority shall designate one or more permissible
13 smoking areas not less than twenty feet from any residential
14 building or community facility of a public housing project.
15 (c) Smoking shall be prohibited in any public housing
16 project as defined in section 356D-1, or state low-income
17 housing project as defined in section 356D-51, within:

- 1 (1) Individual housing units not designated as smoking
- 2 units pursuant to subsection (a);
- 3 (2) Hallways;
- 4 (3) Enclosed or partially enclosed common areas; and
- 5 (4) Twenty feet from any residential building or community
- 6 facility of the public housing project.

7 (d) A person who smokes in an area where smoking is
8 prohibited by this section shall be guilty of a violation, and:

- 9 (1) Upon a first violation, shall be fined not more than
- 10 \$50;
- 11 (2) Upon a second violation, shall be fined not more than
- 12 \$100; and
- 13 (3) Upon a third violation, shall be subject to eviction
- 14 pursuant to section 356D-92.

15 (e) For purposes of this section:

16 "Common areas" means those portions of the land, building,
17 and all appurtenances and easements that are available for use
18 by all tenants of the public housing project or as designated by
19 the authority as a common area.

20 "Smoking" means inhaling or exhaling the fumes of tobacco
21 or any other plant material, or burning or carrying any lighted
22 smoking equipment for tobacco or any other plant material."

1 SECTION 2. Section 356D-92, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Except as otherwise provided, the authority may
4 terminate any lease, rental agreement, permit, or license
5 covering the use and occupation of any dwelling unit or other
6 premises located within a public housing project and evict from
7 any premises any tenant, licensee, or other occupant for any of
8 the following reasons:

9 (1) Failure to pay rent when due;

10 (2) Violation of any of the provisions of a lease, rental
11 agreement, permit, or license;

12 (3) Violation of any of the rules of the authority;

13 (4) Failure to maintain the dwelling unit in a clean,
14 sanitary, and habitable condition; ~~[or]~~

15 (5) Upon a third violation of section 356D- ; provided
16 that a violation by a non-resident who is visiting a
17 resident shall be deemed a violation by the resident
18 only if the resident is within twenty feet of the
19 visitor at the time of the violation; or

20 ~~[-(5)]~~ (6) The existence of any other circumstances giving
21 rise to an immediate right to possession by the
22 authority."

1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun, before its effective date.

4 SECTION 4. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 5. This Act shall take effect upon its approval.

Report Title:

Public Housing; Smoking Prohibited

Description:

Requires the Hawaii public housing authority to designate no more than fifty per cent of the units in public housing projects as smoking units; requires designation of smoking areas; prohibits smoking in and around public housing projects except in smoking units and designated smoking areas; establishes penalties. (SD1)