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## A BILL FOR AN ACT

RELATING TO SMOKING.

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

1           SECTION 1. Section 514B-105, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3           "(b) Unless otherwise permitted by the declaration,  
4 bylaws, or this chapter, an association may adopt rules and  
5 regulations that affect the use of or behavior in units that may  
6 be used for residential purposes only to:

7           (1) Prevent any use of a unit which violates the  
8 declaration or bylaws;

9           (2) Regulate any behavior in or occupancy of a unit which  
10 violates the declaration or bylaws or unreasonably  
11 interferes with the use and enjoyment of other units  
12 or the common elements by other unit owners; ~~[or]~~

13           (3) Prohibit smoking by an owner, resident, or guest in  
14 all units, common elements, and limited common  
15 elements as defined in section 514B-3; or

16           ~~[(3)]~~ (4) Restrict the leasing of residential units to the  
17 extent those rules are reasonably designed to meet  
18 underwriting requirements of institutional lenders who



1           regularly lend money secured by first mortgages on  
2           units in condominiums or regularly purchase those  
3           mortgages.

4   Otherwise, the association may not regulate any use of or  
5   behavior in units by means of the rules and regulations."

6           SECTION 2. Chapter 421I, Hawaii Revised Statutes, is  
7   amended by adding a new section to be appropriately designated  
8   and to read as follows:

9           "§421I- Adoption of rules and regulations; prohibition  
10 of smoking permitted. Unless otherwise prohibited by the  
11 articles of incorporation or bylaws, a corporation may adopt  
12 rules to prohibit tenant shareholders, guests, and all other  
13 persons from smoking in dwelling units, common elements, and  
14 limited common elements of the corporation."

15           SECTION 3. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17           SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: Kal Rhoads

JAN 21 2009



**Report Title:**

Smoking; Condominium Property Regimes; Cooperative Housing Corporations; Prohibition by Rule

**Description:**

Allows condominium property regimes and cooperative housing corporations to prohibit smoking pursuant to an adoption of a rule.

