




COALITION FOR A
TOBACCO-FREE HAWAII

To: The Honorable Ryan I. Yamane, Chair, Committee on Health
The Honorable Dee Morikawa, Vice Chair, Committee on Health
Members, House Committee on Health

From: Trisha Y. Nakamura, Policy and Advocacy Director 

Date: February 12, 2011

Hrg: House Committee on Health; February 15, 2011 at 10:00 a.m.

Re: **Comments in Support of the Intent of HB 1494, Relating to Smoking in Condominiums**

Thank you for the opportunity to provide comments in support of the intent of HB1494, which provides an explicit provision in the Condominium Property Act to allow unit owners' associations to adopt rules and bylaws prohibiting smoking by owners, residents, and guests in units, common elements, and limited common elements.

The Coalition for a Tobacco Free Hawaii (Coalition) is the only independent organization in Hawaii whose sole mission is to reduce tobacco use through education, policy and advocacy. The Coalition started a smoke-free homes initiative in 2007 to reduce second-hand smoke exposure in condominiums and apartments. We are improving our smoke-free housing toolkit to help owners voluntarily adopt smoke-free policies in multi-unit dwellings. We are also starting to identify what buildings are smoke-free for our smoke-free homes database that the public will be able to access. We often receive calls from people looking to buy or rent in completely smoke-free buildings; the database will serve as a resource for the community.

The Coalition supports the intent behind the bill: to ensure residents are protected from the dangers of second-hand smoke. The U.S. Surgeon General in 2010 notes that any level of exposure to secondhand smoke is dangerous and can be harmful. Secondhand smoke contains 7,000 identifiable chemicals, 69 of which are known or probable carcinogens. And, The World Health Organization states that "[s]cientific evidence has firmly established that there is no safe level of exposure to second-hand tobacco smoke (SHS), a pollutant that causes serious illness in adults and children. There is also indisputable evidence that implementing 100% smoke-free environments is the only effective way to protect the population from the harmful effects of exposure to SHS."

We note that associations already may adopt rules and regulations to prohibit smoking by owners, residents, and guests in all units, common elements, and limited common elements. The Attorney General's office in 2007 made clear: "a condominium association may regulate smoking in an individual unit or lanai if the association amended its declaration or bylaws to include a smoke-free policy, or if the association found that smoking in an individual unit or lanai unreasonably interfered with the use and enjoyment of other units or the common elements by other unit owners."

We note that this measure will provide clear explicit authority and encourage condos to go smoke-free. The Coalition commends the Legislature for seeking to codify the ability of associations to enact rules that prohibit smoking in units, common elements and limited common elements so that all may be free from second-hand smoke.

Thank you for allowing the Coalition to provide comments in support of HB 1494.

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From: Helene Chung [hchung513@clearwire.net]
Sent: Sunday, February 13, 2011 3:11 PM
To: HLTtestimony
Subject: Testimony on HB 1494 Relating to Smoking in Condominiums

To the House of Representatives
The 26th Legislature
Regular Session of 2011

Dear Sirs/Madams:

I would like to submit this email as a testimony for HB 1494 Relating to Smoking in Condominiums. I am an owner/occupant of a condo unit located in the Salt Lake area of Honolulu, Hawaii. I purchased my unit approximately eleven years ago. My unit is on the 10th floor and there are four units to each floor and there are twelve floors to this building. My unit is situated between two other units, one on each side of my unit. This HB 1494 is very important for condo owners who are non smokers and who have health problems due to breathing in second hand tobacco smoke. It has been confirmed that second hand tobacco smoke is more dangerous to the non smoker and is definitely a health hazard. The unit next door to me is occupied by a smoker. Her father owns the unit, but, his daughter is the occupant of the unit. She has been smoking in her unit since it was purchased in 1999 and at the same time I purchased my unit. I have tried for years to get the condo board members to do something about the second hand tobacco smoke, but, because the condo board members each have personal agendas of their own, my attempts have been unsuccessful. The property manager of this building is also uncooperative. I now have a health issue with my lungs due to the second hand tobacco smoke. I am a non smoker and no one in my family smokes. I have written letters to the board members asking them to consider making this condo totally smoke free, both inside of the units and outside. The board members would not even allow each owner to vote on this important health issue. I also have to consider the fact that the units below me could possibly be rented out to smokers. Three of the four units below me are owned by investors and their main interest is to find a renter in order to meet their mortgage payments and could care less if the renter was a smoker or non smoker. Since this is a condo building and we are stacked on top of each other and the manner in which the windows are placed, creates a situation where the tobacco smoke from other units permeates into my unit. The second hand tobacco smoke permeates into the walls, draperies, furniture, sofa, bedding, carpets, etc. This is and has been a constant health issue for me. I know for a fact that other condo owners who are non smokers are suffering from similar situations like mine. With Hawaii being a high cost of living area and affordable housing is not readily available to people who are on a fixed income and budget, it's not quite that simple to just pick up and move. I am a retiree and living on a fixed budget. I hope that this legislature will take a firm stand against secondhand tobacco smoke because of the health hazards and the constant rise in medical costs. People living in condos need some type of protection against smelling second hand tobacco smoke, especially when we all have to share the same air space in such close proximity. Thank you for allowing me to submit this testimony.

Sincerely,
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