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## A BILL FOR AN ACT

RELATING TO PUBLIC HOUSING.

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

1           SECTION 1. The Centers for Disease Control and Prevention,  
2 the lead federal agency for comprehensive tobacco control, cites  
3 tobacco use as the single most preventable cause of disease,  
4 disability, and death in the United States. According to the  
5 Centers for Disease Control and Prevention, each year, an  
6 estimated 443,000 people die prematurely from smoking or  
7 exposure to secondhand smoke, and another 8,600,000 people live  
8 with a serious illness caused by smoking.

9           In response to the risks posed to nonsmokers by secondhand  
10 smoke, indoor smoking bans are being adopted nationwide. In a  
11 memorandum dated July 17, 2009, recognizing that secondhand  
12 smoke can migrate between units in multifamily housing, the  
13 United States Department of Housing and Urban Development  
14 encouraged public housing authorities to implement non-smoking  
15 policies in some or all of their public housing units.

16           Some public housing authorities have established smoke-free  
17 buildings, while others have continued to allow current  
18 residents who smoke to continue to do so, but only in designated



1 areas and only until lease renewal or a date established by the  
2 public housing authority. Other public housing authorities  
3 prohibit smoking for new residents. The legislature finds that  
4 according to the Smoke-Free Environmental Law Project of the  
5 Center for Social Gerontology, an anti-smoking group funded by  
6 the Michigan department of health, there are at least two  
7 hundred twenty-one public housing authorities and housing  
8 commissions across the county that have implemented non-smoking  
9 policies, including authorities in Alaska, California, Colorado,  
10 Maine, Michigan, New York, and Texas.

11 The purpose of this Act is to prohibit smoking in all  
12 public housing projects as defined in section 356-1, Hawaii  
13 Revised Statutes, and state low-income housing projects as  
14 defined in section 356D-51, Hawaii Revised Statutes.

15 SECTION 2. Chapter 356D, Hawaii Revised Statutes, is  
16 amended by adding a new section to part I to be appropriately  
17 designated and to read as follows:

18 "§356D- Smoking prohibited. (a) Smoking shall be  
19 prohibited in all public housing projects as defined in section  
20 356D-1 and state low-income housing projects as defined in  
21 section 356D-51.



1        (b) Any person who violates this section shall be fined  
2        \$100 for each violation; provided that a third violation of this  
3        section by a tenant, licensee, or occupant of a public housing  
4        project or state low-income housing project shall result in  
5        eviction of the tenant, licensee, or occupant from the public  
6        housing project or state low-income housing project. All fines  
7        collected pursuant to this subsection shall be deposited into  
8        the public housing revolving fund or the state low-income  
9        housing revolving fund pursuant to the requirements of sections  
10       356D-28 and 356D-45, respectively.

11       (c) The authority shall specify the requirements and  
12       penalties of this section on all leases, rental agreements,  
13       permits, and licenses covering the use and occupation of any  
14       dwelling unit or other premises located within a public housing  
15       project or state low-income public housing project.

16       (d) The process for evicting a tenant, licensee, or  
17       occupant from a public housing project or state low-income  
18       housing project for a violation of this section shall be as  
19       provided in section 356D-92."

20       SECTION 3. Section 356D-28, Hawaii Revised Statutes, is  
21       amended to read as follows:



1           " [†]§356D-28[†]   **Public housing revolving fund; housing**  
2 **project bond special funds.** (a) There is established the  
3 public housing revolving fund to be administered by the  
4 authority. Notwithstanding section 36-21, the proceeds in the  
5 fund shall be used for long-term and other special financings of  
6 the authority and for necessary expenses in administering this  
7 chapter.

8           (b) All moneys received and collected by the authority,  
9 not otherwise pledged, obligated, or required by law to be  
10 placed in any other special fund, shall be deposited into the  
11 public housing revolving fund.

12           (c) A separate special fund shall be established for each  
13 public housing project or projects financed from the proceeds of  
14 bonds secured under the trust indenture. Each fund shall be  
15 designated "housing project bond special fund" and shall bear  
16 any additional designation as the authority deems appropriate to  
17 properly identify the fund.

18           (d) Notwithstanding any other law to the contrary, all  
19 revenues, income, and receipts derived from a public housing  
20 project or projects financed from the proceeds of bonds or  
21 pledged to the payment of principal of and interest and premium  
22 on bonds, shall be paid into the housing project bond special



1 fund established for the public housing project or projects and  
2 applied as provided in the proceedings authorizing the issuance  
3 of bonds.

4 (e) There is established within the public housing  
5 revolving fund a separate account, to be known as the public  
6 housing vocational training account, into which all fines from  
7 penalties collected from tenants, licensees, or occupants of  
8 public housing pursuant to section 356D- (b) shall be  
9 deposited. The moneys in this account shall be used for the  
10 purpose of providing vocational training to residents of public  
11 housing projects."

12 SECTION 4. Section 356D-45, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 " **[+]~~§~~356D-45~~[+]~~ State low-income housing revolving fund.**

15 (a) There is established a revolving fund to be known as the  
16 state low-income housing revolving fund. Notwithstanding any  
17 law to the contrary, moneys received by the authority under or  
18 pursuant to this subpart, including refunds, reimbursements,  
19 rentals, fees, and charges received from tenants, shall be  
20 deposited in the state low-income housing revolving fund.

21 (b) There is established within the state low-income  
22 housing revolving fund a separate account, to be known as the



1 state low-income housing vocational training account, into which  
2 all fines from penalties collected from tenants, licensees, or  
3 occupants of state low-income housing pursuant to section  
4 356D- (b) shall be deposited. The moneys in this account shall  
5 be used for the purpose of providing vocational training to  
6 residents of state low-income housing projects.

7 (c) Except as otherwise provided in this chapter, the  
8 state low-income housing revolving fund may be expended by the  
9 authority for any and all of the purposes of this subpart,  
10 including without prejudice to the generality of the foregoing,  
11 the expenses of management, operation, and maintenance of state  
12 low-income housing projects, including but not limited to:

13 (1) The cost of insurance, a proportionate share of the  
14 administrative expenses of the authority, and the cost  
15 of repairs, equipment, and improvement;

16 (2) The acquisition, clearance, and improvement of  
17 property;

18 (3) The construction and reconstruction of building sites;

19 (4) The construction, reconstruction, repair, remodeling,  
20 extension, equipment, and furnishing of any state low-  
21 income housing project;

22 (5) Administration and other expenses;



- 1 (6) The payment of rentals; and
- 2 (7) The development and administration of any state low-
- 3 income housing project."

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

6 SECTION 6. This Act shall take effect on July 1, 2012.

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INTRODUCED BY: *Linda T. R. Cabanilla*

*[Handwritten signatures]*

JAN 24 2012

# H.B. NO. 2629

**Report Title:**

Smoking Prohibition; Public Housing Projects; State Low-Income Housing Projects

**Description:**

Prohibits smoking in federal and state low-income housing projects. Establishes a \$100 fine for each violation of the smoking prohibition. Specifies that a third violation of the smoking prohibition by a tenant, licensee, or occupant of the housing project shall result in eviction. Creates separate accounts under the public housing revolving fund and state low-income revolving fund, into which fines from public housing smoking violations are to be deposited. Effective July 1, 2012.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

