

JAN 24 2013

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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. 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-           Lease, rental agreement; smoking prohibition.

5           (a) Effective July 1, 2013, the authority shall not enter into  
6 or renew any lease, rental agreement, permit, or license,  
7 including a month-to-month tenancy, unless the lease, rental  
8 agreement, permit, or license contains a provision that  
9 prohibits the tenant or any guest of the tenant from smoking  
10 anywhere in the public housing project, including the dwelling  
11 unit of the tenant.

12           (b) Upon learning of any noncompliance with the provision  
13 required by subsection (a), the authority shall notify the  
14 tenant in writing of the noncompliance. If the tenant cannot be  
15 served with notice as required, notice may be given the tenant  
16 by posting the same in a conspicuous place on the dwelling unit.

17           (c) Failure to comply with the provision required by  
18 subsection (a) constitutes a ground for termination of the



1 lease, rental agreement, permit, or license, including a month-  
2 to-month tenancy, and eviction from the dwelling unit when  
3 smoking is prohibited pursuant to section 356D- ."

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

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

- 12 (1) Failure to pay rent when due;
- 13 (2) Violation of any of the provisions of a lease, rental  
14 agreement, permit, or license;
- 15 (3) Violation of any of the rules of the authority;
- 16 (4) Failure to maintain the dwelling unit in a clean,  
17 sanitary, and habitable condition; [~~or~~]
- 18 (5) The existence of any other circumstances giving rise  
19 to an immediate right to possession by the  
20 authority[~~-~~]; or
- 21 (6) Smoking anywhere in the public housing project,  
22 including a dwelling unit or other premises located



1           within a public housing project when smoking is  
2           prohibited pursuant to section 356D- ."

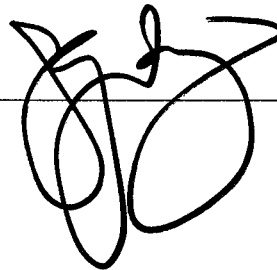
3           SECTION 3. This Act does not affect rights and duties that  
4 matured, penalties that were incurred, and proceedings that were  
5 begun before its effective date.

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

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

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INTRODUCED BY: \_\_\_\_\_

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# S.B. NO. 942

**Report Title:**

Public Housing; Smoking; Ban

**Description:**

Prohibits smoking anywhere in a public housing project.

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

