

FEB 06 2013

A BILL FOR AN ACT

RELATING TO SMOKING.

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

1 SECTION 1. Chapter 421I, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§421I- Adoption of rules; prohibition of smoking
5 permitted. Unless otherwise prohibited by the articles of
6 incorporation or bylaws, a corporation may adopt rules to
7 prohibit tenant shareholders, guests, and all other persons from
8 smoking in dwelling units, common elements, or limited common
9 elements of the corporation if a majority of tenant shareholders
10 in the corporation has approved such a smoking prohibition."

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

13 "(b) Unless otherwise permitted by the declaration,
14 bylaws, or this chapter, an association may adopt rules [~~and~~
15 ~~regulations~~] that affect the use of or behavior in units that
16 may be used for residential purposes only to:

17 (1) Prevent any use of a unit [~~which~~] that violates the
18 declaration or bylaws;



- 1 (2) Regulate any behavior in or occupancy of a unit
2 ~~[which]~~ that violates the declaration or bylaws or
3 unreasonably interferes with the use and enjoyment of
4 other units or the common elements by other unit
5 owners; ~~[or]~~
- 6 (3) Prohibit smoking by an owner, resident, or guest in
7 all units, common elements, or limited common elements
8 as defined in section 514B-3 provided that a majority
9 of owners in the association has approved such a
10 smoking prohibition; or
- 11 ~~[(3)]~~ (4) Restrict the leasing of residential units to the
12 extent those rules are reasonably designed to meet
13 underwriting requirements of institutional lenders who
14 regularly lend money secured by first mortgages on
15 units in condominiums or regularly purchase those
16 mortgages.

17 Otherwise, the association may not regulate any use of or
18 behavior in units by means of the rules ~~[and regulations]~~."

19 SECTION 3. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

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

22



Report Title:

Smoking; Condominiums; Cooperative Housing Corporations;
Prohibition by Rule

Description:

Allows condominium associations and cooperative housing corporations to adopt rules to prohibit smoking in units, common elements, or limited common elements if a majority of the tenant shareholders or owners approved the smoking prohibition. (SD1)

