
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 in
5 units permitted. Unless otherwise prohibited by the articles of
6 incorporation or bylaws, a corporation may adopt rules to
7 prohibit smoking in units; provided that no such rule shall
8 become effective sooner than one hundred eighty days after a
9 majority of tenant shareholders in the corporation has approved
10 the prohibition."

11 SECTION 2. Chapter 514A, Hawaii Revised Statutes, is
12 amended by adding a new section to part V, to be appropriately
13 designated and to read as follows:

14 "§514A- Adoption of rules; prohibition of smoking in
15 apartments permitted. Unless otherwise permitted by the
16 declaration, bylaws, or this chapter, an association of
17 apartment owners may adopt rules to prohibit smoking in
18 apartments; provided that no such rule shall become effective



1 sooner than one hundred eighty days after the board and a
2 majority of apartment owners has approved the prohibition."

3 SECTION 3. Section 514B-105, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

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

- 9 (1) Prevent any use of a unit [~~which~~] that violates the
10 declaration or bylaws;
- 11 (2) Regulate any behavior in or occupancy of a unit
12 [~~which~~] that violates the declaration or bylaws or
13 unreasonably interferes with the use and enjoyment of
14 other units or the common elements by other unit
15 owners; [~~or~~]
- 16 (3) Prohibit smoking in units; provided that no such rule
17 shall become effective sooner than one hundred eighty
18 days after the board and a majority of unit owners has
19 approved the prohibition; or
- 20 [+3+] (4) Restrict the leasing of residential units to the
21 extent those rules are reasonably designed to meet
22 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 4. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act shall take effect on July 1, 2050.

9



Report Title:

Smoking; Condominiums; Cooperative Housing Corporations;
Prohibition by Rule

Description:

Allows cooperative housing corporations, associations of apartment owners, and condominium associations to adopt rules to prohibit smoking in units or apartments if a majority of the tenant shareholders or owners approved the smoking prohibition; provided that no such rule shall take effect until one hundred eighty days after the prohibition is approved. Effective 07/01/2050. (SD2)

