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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-       Prohibition on smoking in and around public  
5 housing; designated smoking areas. (a) Smoking shall be  
6 prohibited in any public housing project, elder or elderly  
7 household, as defined in section 356D-1, or state low-income  
8 housing project, as defined in section 356D-51, within:

- 9           (1) Each individual housing unit;  
10          (2) All common areas;  
11          (3) Community facilities; and  
12          (4) Twenty feet from each individual building of the  
13             public housing project or state low-income housing  
14             project, and from any entrance, exit, window, and  
15             ventilation intake that serves an enclosed or  
16             partially enclosed area.

17          (b) Notwithstanding subsection (a), the authority may  
18 designate one or more permissible smoking areas at least twenty



1 feet away from any residential or other building, or any greater  
2 distance away as may ensure that the secondhand smoke does not  
3 infiltrate any dwelling unit.

4 (c) The authority shall place and maintain "No smoking"  
5 signage at all entrances and exits of the property, and at any  
6 other appropriate location. The authority may display  
7 additional "No smoking" signage at residential and community  
8 facilities at their entrances and exits, offices, and in or at  
9 enclosed, partially enclosed, or open common areas where  
10 conspicuous notice is deemed necessary or appropriate by the  
11 authority.

12 (d) For purposes of this section:

13 "Common areas" means roofs, halls, sidewalks, corridors,  
14 lobbies, stairs, stairways, fire escapes, entrances and exits of  
15 the building or buildings, basements, yards, gardens,  
16 recreational facilities, parking areas, storage spaces, and  
17 other parts of the project or household normally in common use  
18 or other areas designated by the authority.

19 "Smoking" means inhaling, exhaling, burning, or carrying  
20 any lighted or heated tobacco product or plant product intended  
21 for inhalation in any manner or in any form."



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

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

9 (1) Failure to pay rent when due;

10 (2) Violation of any of the provisions of a lease, rental  
11 agreement, permit, or license;

12 (3) Violation of any of the rules of the authority;

13 (4) Failure to maintain the dwelling unit in a clean,  
14 sanitary, and habitable condition; ~~[or]~~

15 (5) Upon a third violation of section 356D- ; provided  
16 that a violation of any of these terms by a non-  
17 resident, a guest who is visiting a resident, or by  
18 any member of the resident's household shall be deemed  
19 a violation by the resident; or

20 ~~[(5)]~~ (6) The existence of any other circumstances giving  
21 rise to an immediate right to possession by the  
22 authority."



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

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

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



**Report Title:**

Public Housing; Smoking Prohibited; Hawaii Public Housing Authority; State Low-income Housing; Elder or Elderly Households

**Description:**

Prohibits smoking in and around public housing projects and state low-income housing projects under the jurisdiction of the Hawaii public housing authority and in and around elder or elderly households. Authorizes the authority to terminate a lease, rental agreement, permit, or license, or evict from the premises any tenant, licensee, or other occupant upon a third violation of the smoking prohibition. (SD1)

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