
A BILL FOR AN ACT

RELATING TO HEALTH.

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, 2014, 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, other than a designated smoking area. The
12 authority may designate one or more areas within the housing
13 project where smoking is allowed; provided that the area or
14 areas shall be situated not less than twenty-five feet from any
15 building.

16 (b) Upon learning of any noncompliance with the provision
17 required by subsection (a), the authority shall notify the
18 tenant in writing of the noncompliance. If the tenant cannot be



1 served with notice as required, notice may be given the tenant
2 by posting the notice in a conspicuous place on the dwelling
3 unit.

4 (c) Failure of a tenant or any guest of the tenant to
5 comply with the no smoking provision pursuant to subsection (a)
6 constitutes a ground for termination of the lease, rental
7 agreement, permit, or license, including a month-to-month
8 tenancy, and eviction from the dwelling unit.

9 (d) The authority may adopt rules pursuant to chapter 91
10 to effectuate the purposes of this section."

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

13 "(a) Except as otherwise provided, the authority may
14 terminate any lease, rental agreement, permit, or license
15 covering the use and occupation of any dwelling unit or other
16 premises located within a public housing project and evict from
17 any premises any tenant, licensee, or other occupant for any of
18 the following reasons:

- 19 (1) Failure to pay rent when due;
- 20 (2) Violation of any of the provisions of a lease, rental
21 agreement, permit, or license;
- 22 (3) Violation of any of the rules of the authority;



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

3 (5) The existence of any other circumstances giving rise
4 to an immediate right to possession by the
5 authority[-]; or

6 (6) Smoking anywhere other than within a designated
7 smoking area in the public housing project, including
8 a dwelling unit or other premises located within a
9 public housing project, when smoking is prohibited
10 pursuant to section 356D- ."

11 SECTION 3. This Act does not affect the rights and duties
12 that matured, penalties that were incurred, and proceedings that
13 were begun, before its effective date.

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 Statutory material to be repealed is bracketed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

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



Report Title:

Public Housing; Smoking Prohibited

Description:

Provides that the Hawaii public housing authority shall not enter into or renew any lease, rental agreement, permit, or license unless the lease, rental agreement, permit, or license prohibits smoking in the public housing project. Authorizes the authority to designate smoking areas. Authorizes the eviction of a tenant who violates the smoking prohibition. (HD2)

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