

HB 2577

HD2

Measure Title: RELATING TO PUBLIC HOUSING.

Report Title: Public Housing; Smoking Ban; Hawaii Public Housing Authority

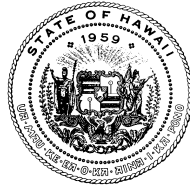
Description: Prohibits smoking anywhere in a public housing project except a designated smoking area as a condition of any agreement for the occupancy or use of premises within a public housing project. Designated smoking areas, if any, must be located not less than 25 feet from any building. Authorizes the Hawaii Public Housing Authority to adopt rules to implement the smoking ban and the designated smoking areas. (HB2577 HD2)

Companion:

Package: None

Current Referral: HMS, JDL

Introducer(s): RHOADS



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

SENATE COMMITTEE ON HUMAN SERVICES

HB2577,HD2, RELATING TO PUBLIC HOUSING

**Testimony of Linda Rosen, M.D., M.P.H.
Director of Health**

**March 18, 2014
1:30pm, Room 016**

1 **Department's Position:** The Department of Health (DOH) supports with suggestions
2 HB2577,HD2 which prohibits smoking in and around public housing under the jurisdiction of
3 the Hawaii Public Housing Authority (HPHA). The DOH agrees with the purpose of this
4 measure and recommends inclusion of language to protect parking lots from becoming default
5 smoking areas.

6 **Fiscal Implications:** None for DOH.

7 **Purpose and Justification:** HB2577,HD2 further amends Chapter 356D, Hawaii Revised
8 Statutes (HRS), to require that designated smoking areas, if any, be no less than 25 feet from any
9 building, instead of not less than 20 feet from any building or common area. Amendments also
10 make HPHA's rulemaking authority permissive rather than mandatory.

11 The DOH acknowledges the HPHA's efforts to ensure added protection from drifting
12 secondhand smoke (SHS) by increasing the distance from buildings where smoking areas may be
13 designated. The Department supports this measure as amended and also encourages the HPHA
14 to consider extending protection to cover individuals getting in and out of cars while in parking
15 lots. Often, parking lots become default smoking areas when properties prohibit smoking on its

1 premises. The DOH respectfully suggests that specific language to exempt parking lots from
2 places where smoking areas may be designated be also added to this statute.

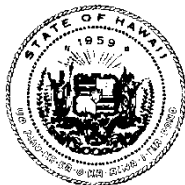
3 The scientific findings and recommendations of the United States Surgeon General
4 regarding the hazards of involuntary exposure to tobacco smoke by nonsmokers disclosed that:
5 1) There is no safe level or amount of exposure to SHS, and breathing even a little amount can be
6 dangerous; 2) Children are more likely to have lung problems, ear infections, and severe asthma
7 from being around tobacco smoke; 3) Breathing SHS is a known cause of sudden infant death
8 syndrome; 4) SHS is a known human carcinogen (cancer-causing agent); and 5) Inhaling SHS
9 causes lung cancer and coronary heart disease in nonsmoking adults.

10 Hawaii's current smoke-free workplace and public places law, Chapter 328J, HRS
11 enacted in 2006, protects the public in enclosed and partially-enclosed areas, but excludes private
12 residences. The federal Housing and Urban Development Authority actively supports and
13 encourages the creation of smoke-free residential public housing properties governed under that
14 authority.

15 The DOH supports this measure to improve the living conditions of the residents of
16 public housing projects and state low-income housing projects and suggests including language
17 to exempt parking lots from becoming designated smoking areas.

18 Thank you for the opportunity to testify.

NEIL ABERCROMBIE
GOVERNOR



HAKIM OUANSAFI
EXECUTIVE DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
HAWAII PUBLIC HOUSING AUTHORITY
1002 NORTH SCHOOL STREET
Honolulu, Hawaii 96817

BARBARA E. ARASHIRO
EXECUTIVE ASSISTANT

Statement of
Hakim Ouansafi
Hawaii Public Housing Authority
Before the

SENATE COMMITTEE ON HUMAN SERVICES

March 18, 2014 1:30 P.M.
Room 016, Hawaii State Capitol

In consideration of

House Bill 2577, House Draft 2
Relating to Public Housing

Honorable Chair Chun Oakland and Members of the Senate Committee on Human Services, thank you for the opportunity to provide you with comments regarding House Bill (H.B.) 2577, House Draft (H.D.) 2, relating to public housing.

The Hawaii Public Housing Authority (HPHA) offers the following comments and amendments for this measure, which will prohibit the HPHA from entering into new leases or renewing leases unless the agreement prohibits the tenant and any guest from smoking anywhere in the housing project, including in the dwelling unit. This bill further provides that failure to comply with this no-smoking requirement is grounds for termination of the lease and eviction from the unit, upon following the requisite notice provisions.

For the past year and a half, the HPHA has been working with stakeholders on revising the relevant administrative rules, and a public hearing was held on February 28, 2014 to gather comments on the proposed administrative rule changes. This effort incorporated the input from tenants, the U.S. Department of Housing and Urban Development (HUD), the Hawaii State Department of Health, the Coalition for a Tobacco Free Hawaii, and the Attorney General's office to ensure compliance with all relevant regulations. Highlights of the proposed administrative rules allow the HPHA to designate smoking areas, evict tenants on the 4th violation (includes their guests), and provides for reasonable accommodations.

The HPHA would like to offer the following amendments:

Section 1, Page 1, Line 11 – unit of the tenant, other than a designated smoking area **[1]**, **if any are located on the public housing project as defined in 356D-1, or state low-income housing project, as defined in section 356D-51.**

Section 1, Page 2, Line 1 – served with notice as required, notice may be given **to** the tenant...

The HPHA appreciates the opportunity to provide the Senate Committee on Human Services with the agency's comments regarding H.B. 2577, H.D. 2. We thank you very much for your dedicated support.



To: The Honorable Suzanne Chun Oakland, Chair, Committee on Human Services
The Honorable Josh Green, Vice Chair, Committee on Human Services
Members, Senate Committee on Human Services
From: Tiffany Gourley, Policy & Advocacy Director
Date: March 17, 2014
Hrg: House Committee on Human Services, Tues. March 18, 2014 at 1:30 pm in rm. 016
Re: **Support and comments for 2577 HD 2, Relating to Public Housing**

Thank you for the opportunity to offer testimony in **support of the intent and comments** for HB 2577 HD 2 which prohibits smoking in and around public housing or State low-income housing projects as defined in Section 356D.

The Coalition for a Tobacco Free Hawaii (Coalition) is a program of the Hawaii Public Health Institute working to reduce tobacco use through education, policy and advocacy. The Coalition consists of over 100 member organizations and 2,000 advocates that work to create a healthy Hawaii through comprehensive tobacco prevention and control efforts. The Coalition also supports the public through its Smoke-Free Homes Initiative, designed to create smoke-free apartments and condos through voluntary policy adoption.

The Coalition recommends adding a definition for “common area.”

For clarity, the Coalition recommends including the definition for “common area” from SB 651.

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

The Coalition recommends amending to prohibit designated smoking areas in parking lots.

For public health reasons, the Coalition recommends amending the proposed language in subsection (b) to prohibit designated smoking areas (DSAs) in parking lots. DSAs create a concentrated area of smoke. The majority of residents are required to walk through the parking lot to enter and exit the property. DSAs should be prohibited in parking lots to protect the majority of residents from being subjected to this high concentration of smoke. Consequently, this also protects persons smoking in DSAs from vehicular traffic.

The Coalition recommends amending HB 2577 to allow for a three-strike policy before eviction.

The Coalition recommends the following language:

SECTION 1, subsection (c):

(c) A third violation by failure of a tenant or any guest of the tenant to comply with the no smoking provision pursuant to subsection (a) constitutes a ground for termination of the lease,



rental agreement, permit, or license, including a month-to-month tenancy, and eviction from the dwelling unit.

SECTION 2, subsection (a):

(a)(6): ~~Smoking anywhere other than a designated smoking area in the public housing project, including a dwelling unit or other premises located within a public housing project, when smoking is prohibited pursuant to section 356D—.~~ Upon a third violation of section 356D- ; provided that a violation of any of these terms by a non-resident, a guest who is visiting a resident, or by any member of the resident’s household, shall be deemed a violation by the resident.

The U.S. Department of Housing and Urban Development encourages Public Housing Authorities to implement non-smoking policies.¹

During the 2012 session, a law was passed to prohibit smoking in public housing. The Governor vetoed the bill allowing the Hawaii Public Housing Authority (HPHA) a chance to implement an administrative policy. Since then, the Coalition and Department of Health have been working with the HPHA to develop a policy and assist with education and outreach to ensure a successful outcome. However more than eighteen months after the veto, we still do not have an official policy in place.

Secondhand smoke has killed 2.5 million Americans and should be eliminated.

Secondhand smoke is dangerous; the 50th Anniversary U.S. Surgeon General Report released on January 17, 2014 states that any level of exposure to secondhand smoke is dangerous and can be harmful and over 2.5 million people have died from secondhand smoke.² The International Agency for Research on Cancer and the U.S. Environmental Protection Agency both note that environmental tobacco smoke (or secondhand smoke) is carcinogenic to humans. Secondhand smoke contains 7,000 identifiable chemicals, 69 of which are known or probable carcinogens.

Thank you for the opportunity to testify on this matter.

A handwritten signature in black ink, appearing to read "Tiffany L. Gourley". The signature is fluid and cursive, with a large loop at the end.

Tiffany L. Gourley, esq.
Policy and Advocacy Director

¹U.S. Department of Housing and Urban Development (2009). “Non-Smoking Policies in Public Housing” Notice. <http://www.hud.gov/offices/pih/publications/notices/09/pih2009-21.pdf>

² U.S. Department of Health and Human Services. (2014). “The Health Consequences of Smoking – 50 Years of Progress: A Report of the Surgeon General.” Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health.

For Hearing Date: Tuesday, March 18, 2014, 1:30 p.m., Conference Room 016

Testimony Submitted By: Daria A. Fand

Honolulu, Hawaii

To: Senate Committee on Human Services

The Honorable Senator Chun Oakland, Chair

The Honorable Senator Josh Green, Vice Chair

Members of the Senate Committee on Human Services

Subject: HB2577 HD2, RELATING TO PUBLIC HOUSING

Position: Support, with Amendments

Honorable Committee Members:

Thank you for hearing this important measure which will protect Hawaii's most vulnerable populations from the inescapable condition of involuntary secondhand smoke (SHS) exposure. This measure stands to finally uphold the same protections citizens in other public places have in existing Hawaii smoke-free laws.

It's important to bear in mind that this measure is not a "strong-arming" device for the current Hawaii Public Housing Authority (HPHA) administration, but rather an assurance of accountability of HPHA to its residents — their quality of life and public health protection, for all time. While the current HPHA administration may be well-intentioned in their current plans and internal rules, who is to know how crucial policy components may degenerate with new Directors and staff in the future? That is a very plausible scenario. Therefore, the letter of the law ought to spell out essential and widely-accepted protocol basics to a sound, reputable no-smoking policy. As they say, "the devil is in the details" — in this case, "details" being the difference between success and failure, thus, need for statutory protection.

Accordingly I have submitted a DRAFT BILL PROPOSAL FOR HB2577 HD2 SD1, WITH MY AMENDMENTS IN RED TEXT, for ease of comparison — PLEASE SEE ATTACHED. PLEASE NOTE THAT THESE AMENDMENTS TO HD2577'S CURRENT DRAFT INSERT THE NEARLY IDENTICAL LANGUAGE APPROVED IN SB651 SD2, a bill on the same topic, heard in this Committee and approved by Chair Senator Chun Oakland. HB2577's current draft lacks refined definitions, terminology, and due process for violations, so SB651 SD2's language is superior.

Summary of amendments in draft bill contained:

Section 1: All subsections, as indicated

Section 2, subsection (a) (5): Defines lease termination due process clearly

Effective Date: Amend to "90 days after its approval", strike "effective upon approval",

to allow HPHA extra time for infrastructural changes, such as Designated Smoking Area (DSA) assignment and No-smoking signage (HPHA may be ready sooner, but better safe than sorry!)

As someone who has fought for my life due to SHS, and this legislation for over 2 years, I must emphasize that passing this measure should be the priority. So while you must consider HPHA's objections to any of these provisions, equally weigh that against the fate of residents in the future if these are not adopted into statute. Everything I'm recommending is endorsed by national experts and published by HUD as standard protocol, not just for multi-unit housing in general, but specifically public housing (none of which is wealthy). These very tools have been successfully implemented on hundreds of other public housing properties elsewhere. **[Please see my accompanying documentation of authoritative sources, SUPPORTING DESIGNATED SMOKING AREAS (DSA's) AND NO-SMOKING SIGNAGE.]**

More specifically, referencing my draft bill (with additions to language appearing in SB651 SD2):

SECTION 1 (b):

-- **Properly equip designated smoking areas where they exist: proposed subsections (1) and (2)**, respectively, mandate needed identifying signage for DSA's and litter-preventive receptacles at their locations. HPHA has resisted this language, even though they have agreed with the concept of DSA's, where necessary. We must ask: if they're serious about establishing these areas on campuses where warranted, why would they try to evade such common-sense and responsible measures? This is standard operating practice for Mainland Public Housing Authorities who have gone smoke-free; these amenities can be modest and relatively economical. HPHA has mentioned fears of vandalism, but what alternatives do they have in mind for their DSA's, to identify them and keep them clean?

-- **General note about DSA's:** as DSA's are noted by experts to significantly increase compliance, especially when the policy is new, do not add restrictive, overly-prescriptive language about where to locate such sites on a property (such as "not in a parking lot.") With all due respect to agencies concerned about the concentration of SHS in parking lots (and vehicular traffic, which is not an issue if sensibly placed), there is nothing inherently better about one location or another, and in fact, parking lot areas may be ideal locations because they are the furthest away from buildings, which would minimize drifting smoke into dwellings (the priority!) In some cases, prohibiting DSA's in certain areas may preclude some properties from having them altogether. It all depends on property layout, so DSA placement should be handled on a case-by-case project basis, with resident and management input. No one-size-fits-all!

SECTION 1 (c):

-- THE IMPORTANCE OF "NO-SMOKING" SIGNAGE AS VISUAL REMINDERS TO RESIDENTS CAN'T BE OVERESTIMATED AS A TOOL FOR COMPLIANCE. As Serena Chen, Regional Advocacy Director with the American Lung

Association in California states, "Signage is the first line of defense." **Also, public housing should enjoy an equivalent standard of existing "No-smoking" HRS language for smoke-free public places, stated as follows:**

§328J-9 Signs. Clearly legible signs that include the words "Smoking Prohibited by Law" with letters of not less than one inch in height or the international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it, shall be clearly and conspicuously posted in and at the entrance to every place open to the public and place of employment where smoking is prohibited by this chapter by the owner, manager, or other person in control of that place.

My draft adapts the above HRS language for purposes of this bill, achieving statutory consistency and parity, as follows:

"Clearly legible signs that include the words "Smoking Prohibited by Law" with letters of not less than one inch in height or the international "Non Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it, shall be posted **in or at any main entryway or face of each individual building** on the property
..."

Please note that the text in bold above does not mandate a prodigious number of signs everywhere — but just at major point(s) of entry on or in a given building. This is quite reasonable, given that without visible reminders of the policy, it is "out of sight, out of mind", leading to more violations, which lead to more cost, manpower, and drain on staff. So this reasonable cost burden — largely shouldered by DOH — is an extremely modest, minimal investment inviting big returns, again, as strongly advised by all smoke-free policy educators. While HPHA has resisted, maybe they can agree that this very modest language will benefit the long-term viability of the policy, and create an environment more equipped to sustain the change. So it is in their best interests as well.

I hope this Committee will deeply and thoughtfully consider the amendments that I've recommended herein, reflecting SB651 SD2, and placing needed extra safeguards into law, improving on the precision in HB2577 HD2.

Thank you for your regard of my well-researched testimony as a devoted community advocate.

**DRAFT PROPOSAL
SUBMITTED BY: DARIA FAND**

HOUSE OF REPRESENTATIVES
TWENTY-SEVENTH LEGISLATURE, 2014
STATE OF HAWAII

H.B. NO. 2577
H.D.2
S.D. 1

A BILL FOR AN ACT

RELATING TO PUBLIC HOUSING.

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

SECTION 1. Chapter 356D, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

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

- (1) Each individual housing unit;**
- (2) All common areas;**
- (3) Community facilities; and**
- (4) Twenty feet from each individual building of the public housing project, and from any entrance, exit, window, and ventilation intake that serves an enclosed or partially enclosed area.**

(b) Notwithstanding subsection (a), the authority may designate one or more permissible smoking areas at least twenty feet away from any residential or other building, or any greater distance away as may ensure that the secondhand smoke does not infiltrate any dwelling unit.

(1) The authority shall place and maintain clearly visible identifying signage at the locations of any designated smoking areas where they exist.

(2) The authority shall place and maintain receptacles for the disposal of cigarette litter at the locations of any designated smoking areas where they exist.

(c) The authority shall place and maintain "No smoking" signage at all entrances and exits of the property. Clearly legible signs that include the words "Smoking Prohibited by Law" with letters of not less than one inch in height or the international "Non Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it, shall be posted in or at any main entryway or face of each individual building on the property, and at any other appropriate location. The authority may display additional "No smoking" signage at residential and community facilities at their entrances and exits, offices, and

in or at enclosed, partially enclosed, or open common areas for the purpose of conspicuous notice.

~~[(e)](d)~~ Failure of a tenant or any guest of the tenant to comply with the no smoking provision pursuant to subsection (a) constitutes a ground for termination of the lease, rental agreement, permit, or license, including a month-to-month tenancy, and eviction from the dwelling unit.

~~[(d)](e)~~ The authority may adopt rules pursuant to chapter 91 to effectuate the purposes of this section.^[u]

(f) For purposes of this section:

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

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

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

"(a) Except as otherwise provided, the authority may terminate any lease, rental agreement, permit, or license covering the use and occupation of any dwelling unit or other

premises located within a public housing project and evict from any premises any tenant, licensee, or other occupant for any of the following reasons:

- (1) Failure to pay rent when due;
- (2) Violation of any of the provisions of a lease, rental agreement, permit, or license;
- (3) Violation of any of the rules of the authority;
- (4) Failure to maintain the dwelling unit in a clean, sanitary, and habitable condition; ~~[or]~~
- (5) Upon a third violation of section 356D- ; provided that a violation of any of these terms by a non-resident, a guest who is visiting a resident, or by any member of the resident's household, shall be deemed a violation by the resident; or

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

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

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

SECTION 5. This Act shall take effect ~~[upon]~~ 90 days after its approval.

INTRODUCED BY:

COMMENTARY IN SUPPORT OF DESIGNATED SMOKING AREAS IN PUBLIC HOUSING

Excerpts from "Request for Information on Adopting Smoke-Free Policies in PHAs and Multifamily Housing", HUD call for testimony, 2013

(from Providence Housing Authority, the National Center for Healthy Housing, and ChangeLab Solutions).

Consensus:

Establish AT LEAST a 25-foot smoke-free buffer around buildings (25 feet being the minimally-effective distance)

- **Custom approach designated areas: do not apply a one-size-fits-all policy**
(standards for office buildings should not apply, since they have more limited entrances/windows)
- **Unilateral application of distance standard or expectation that residents go off-premises in a campus-wide ban can increase the likelihood that residents will smoke in their units**

Matthew Moore, JD, MPH, Staff Attorney, ChangeLab Solutions; specializing in legal issues involving tobacco product use, exposure to secondhand smoke, and in particular, multi-unit housing (telephone consultation):

-- As we know, there are PHAs that DO NOT have designated smoking areas; HOWEVER these are usually in rural areas with very small properties/populations; for instance, if you have a small property in a small town where there's a park across the street, you don't need to make a smoking area on-campus; however, within urban areas and greater density of smokers, the designated areas become more critical to compliance with the policy

-- The more smokers on a property, the more important it is to have a designated area

-- Designated areas are especially important when a policy is first being implemented, to help transition residents

Anne Pearson, JD, MA, Vice President of Programs, managing ChangeLab Solutions' tobacco control program (<http://www.regulations.gov/#!documentDetail;D=HUD-2012-0103-0096>):

From page 3, "i. *Where smoking Is prohibited*":

Research shows that levels of SHS exposure outdoors can reach levels attained indoors

depending on the direction and amount of wind, and the number and proximity of smokers. [footnote] To escape SHS exposure in outdoor places, a person may have to move nearly 25 feet away from the source of the smoke — about the width of a two-lane road. [footnote] Therefore, outdoor smoke-free "buffer zones" should extend at least 25 feet from any doorway, window, or opening into an enclosed area where smoking is prohibited, *as well as* any unenclosed area primarily used by children or improved to facilitate physical activity (*e.g.*, playgrounds, tennis courts, swimming pools, school campuses). [footnote] Buffer zone perimeters should be clearly marked, with conspicuous signage, to help prevent confusion and ensure consistent enforcement.

From page 3-4, "iii. *Designated Smoking Areas and Additional Support*":

Recognizing that residents of subsidized housing have fewer housing choices due to limited income, we recommend providing a designated smoking area on the premises to facilitate compliance with the smoke-free policy and reduce housing instability. **In our work with communities throughout California, landlords and property managers have consistently noted that providing designated smoking areas is instrumental in their efforts to seek compliance with smoke-free policies from tenants who smoke. [emphasis mine]**

Any designated smoking area should be located beyond the buffer zone described above, far enough away from any windows or doors that individuals in nonsmoking areas will not be exposed to the drifting smoke. Outdoor designated smoking areas must also be accessible to persons with disabilities. [footnote]

Melissa Sanzaro, Special Projects Officer, Providence Housing Authority
(<http://www.regulations.gov/#!documentDetail;D=HUD-2012-0103-0012>)

Establishing Designated Smoking Areas was a key element in the implementation of the ~~Smoke~~ policy. While we encouraged smokers to seek help quitting with our smoking cessation program, it would seek help. For this reason having a main goal of having a Smoke F imperative to fulfill the danger of second hand smoke. expose non-smokers to the

Jane Malone, Policy Director, National Center for Healthy Housing [in conjunction with Rebecca Morley, Executive Director, former policy analyst for HUD]
(<http://www.regulations.gov/#!documentDetail;D=HUD-2012-0103-0100>)

Smoke-free policies that prohibit smoking inside the rental units and common areas should factor in alternatives for smokers who may not quit smoking in cars par bans could exempt

PHA. Policies can permit from a door, window or other warrant a custom approach rather than that have been devised for office buildings with entrances. likelihood that residents PHA complex has multiple the designation of areas somewhat to expecting a smoker to walk off-campus to authority (PHA) instituted a broad smoking ban on all property including all common areas, yards and parking lots. This broad ban may have had the unintended consequence of increasing exposure to secondhand smoke within the

opening. The layout of dwellin
- applying formulae (e.g. 25 feet)
a very limited number of
n in relation to application of a distance
near the buildings should be
smoke. A w ester
owned by the PHA ,
apartment The following a

Jo had a small baby, and didn't want to hold the baby while she smoked, and didn't want to be the baby alone in the apartment while she walked far away to have a cigarette. just outside her apartment child and didn't affect any of the other neighbors. After the policy, Jo would sometimes smoke inside her apartment, since caught. A child-advocacy worker in her community about children's health after the smoking ban was implemented, because many parent/residents were much more likely to smoke inside their units and the ban.

- before the enactment of a smoke
- door to smoke the smoke away from her
she knew she was
became very concerned
children were m o

SUPPORT OF NO-SMOKING SIGNAGE IN SMOKE-FREE POLICIES

Information provided by: Serena Chen, Regional Advocacy Director,
American Lung Association in California

“Signage is the first line of defense when it comes to newly implemented rules around smoking. Non-smokers can point to it. Takes time for new requirements to sink in.”

“One of the most common complaints I get is about lack of signage. It all begins with signage and informing all parties. Next is consistent enforcement.”

“[Place a] Big sign front main entrance of each complex. Smaller bumper sticker-sized signs on other entryways/exits to buildings.”

“It’s not hard. How (much) time will managers need to spend following up on complaints? That costs money too.”

“If there were no stop signs at intersections would everyone be just expected to stop and follow the 4-way rule?
If no one ever got a ticket for running a red light, would there be more accidents?”

“In the beginning of any new smoking restrictions, clear large signs are needed to remind folks that it’s no longer ok and those people in charge need to be vigilant about reminding folks.”

“It’s important to have clear signage informing visitors and residents of the NO SMOKING rules. Otherwise people will assume its ok to smoke. It would be wise to post signage wherever smokers currently congregate and expect to need to replace signs that are vandalized or torn down. Perhaps there should be a fine for damaging HA [Housing Authority] property. Of course, they need to be caught.”

“I have worked on dozens of smokefree laws throughout the Bay Area

and the cities that have the best compliance also have clear signage, removal of ash receptacles where smoking is not allowed, inclusion of “smoke-eater” type receptacles in smoking allowed areas, and the full cooperation of code and law enforcement staff who consistently issue warnings and reminders about smoke-free areas.”

Picture of a “smoke-eater” receptacle for cigarette refuse (cost: about \$20-\$26/unit):



For Hearing Date: Tuesday, March 18, 2014, 1:30 p.m., Conference Room 016

Testimony Submitted By: Hannah L. Hedrick, PhD

Fern Forest Subdivision, Hawaii County

To: Senate Committee on Human Services

The Honorable Senator Chun Oakland, Chair
The Honorable Senator Josh Green, Vice Chair
Members of the Senate Committee on Human Services

Subject: HB2577 HD2, RELATING TO PUBLIC HOUSING

Position: Support, with Amendments

Honorable Committee Members:

Thank you for your efforts this session to develop legislation to reduce the involuntary exposure of public housing residents to secondhand smoke (SHS). Having worked during the past decade on progressive legislation for the County of Hawaii, I am grateful for your leadership in adopting language in adequate detail to extend protection to this neglected population in our State's responsibilities for the health and safety of all residents.

Toward that desired end, I strongly urge you to pass the document with amendments provided to you by committed community advocate Daria Fand. A proactive public housing resident, Daria has communicated with and provided documentation to HPHA administrators and to legislators for nearly three years. Please consider the results of Daria's extensive research into national standards related to smoke-free multi-unit housing in general and to public housing in particular.

Hawaii has an opportunity to enact landmark legislation creating statewide smoke-free public housing. Please do whatever is necessary to develop the best possible law and implementation process to serve as a model.

As I've stated in testimony related to previous bills, I believe the following points are essential to ensure ongoing accountability by current and future HPHA administrations:

1. HPHA should be prohibited from allowing exceptions, for any reason, for residents to smoke in their units.
2. Residents should be consulted about the creation of designated smoking areas (as indicated in the January 31, 2013, announcement to residents), which should be clearly identified and properly equipped, where they exist; no possible location, such as parking lots, should be removed from consideration.
3. Smoke-free signage throughout the facility should meet nationally-recognized standards in content and placement, as in the Hawaii statutory language related to signage in other smoke-free public places.

Note: Experience with smoke-free public housing policies and legislation has resulted in widespread recognition that appropriate signage is essential to successful implementation.

4. The process for reporting smoke-free violations leading to lease termination should be a "3-strikes" policy, which is standard in other smoke-free leases.

Thank you again for your careful consideration of this issue, which has a greater impact on public housing residents than any other threat to their health and safety.