

SB 651

Measure Title:	RELATING TO HEALTH.
Report Title:	Public Housing; Smoking Prohibited
Description:	Prohibits smoking in and around public housing projects under the jurisdiction of the Hawaii public housing authority.
Companion:	
Package:	None
Current Referral:	HMS, JDL
Introducer(s):	GREEN, CHUN OAKLAND, RUDERMAN, Nishihara, Shimabukuro



To: The Honorable Suzanne Chun Oakland, Chair, Committee on Human Services
The Honorable Josh Green, Vice Chair, Committee on Human Services
Members, House Committee on Human Services
From: Tiffany Gourley, Policy & Advocacy Director
Date: February 10, 2014
Hrg: House Committee on Human Services; Tues., February 11, 2014 at 1:45 p.m. in Rm 016
Re: **Support with recommendations for SB 651, Relating to Health**

Thank you for the opportunity to offer testimony in support with recommendations of the intent of SB 651, which prohibits smoking in and around public housing under the jurisdiction of the Hawaii public housing authority (HPHA).

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 supports the intent of SB 651.

All families deserve to live free of second-hand smoke. The only way to ensure this is to prohibit smoking in units. The U.S. Department of Housing and Urban Development (HUD) states that “PHAs are permitted and strongly encouraged to implement a non-smoking policy at their discretion, subject to state and local law.”¹ 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

Furthermore, although there have been eviction cases due to smoking violations, they have been rare. The goal is not to punish residents but to encourage residents to have a healthier home free from the dangers of secondhand smoke and to protect all residents.

The Coalition defers to its testimony in support of SB 651 SD 1.

The Coalition prefers the language in proposed SB 651 SD 1, which will clarify the smoking prohibitions under section 356D-1, Hawaii Revised Statutes; prohibits smoking within twenty feet from a public housing project; and holds residents accountable for their guests.

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.



The Coalition recommends amending subsection (b) to allow HPHA discretion on designated smoking areas.

To allow for greater discretion and provide more leniency regarding designated smoking areas, the Coalition recommends amending subsection (b) to read as follows:

(b) Notwithstanding subsection (a), the authority may designate one or more permissible smoking areas not less than twenty feet from any residential building or community facility and not within a parking lot.

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, stylized loop at the end.

Tiffany L. Gourley, esq.
Policy and Advocacy Director

For Hearing Date: Monday, February 11, 2014, 1:45 p.m., Conference Room 016

Testimony Submitted By: Daria A. Fand

Honolulu, Hawaii

To: Senate Committee on Human Services

The Honorable Senator Suzanne Chun Oakland, Chair

The Honorable Senator Josh Green, Vice Chair

Members of the Senate Committee on Human Services

Subject: SB651 and SB651 SD1 Proposed, RELATING TO HEALTH

Position: Support, with Amendments

Honorable Committee Members:

Thank you for allowing me to comment on this measure, SB651 and its proposed draft, SD1. I am a public housing resident, advocate, and community leader of 15 years who has suffered extensive debilitation for 3 years from the impact of secondhand smoke (SHS) on my health and quality of life, as it has worsened an existing disability particularly susceptible to the toxic air contamination which is SHS. Having a life-and-death situation on my hands has propelled me to extensive research, including consultations with national experts, on the most sound and efficacious public housing no-smoking policy. I hope that this Committee and Chair will consider my tenure as a seasoned, informed public housing resident with community-based working experience, along with the weight of my scholarship and references, as on a par with that of my colleagues in professional smoke-free circles who have not had to or been able to devote their energies and time exclusively to this matter. I believe my perspective represents the most direct "on the ground" assessment of how theories work or don't in practice in public housing, and how the public housing demographic presents a unique challenge to smoke-free policies, contrary to what works in other environments.

It is not just for the restoration of my own home, but for all of Hawaii's most vulnerable tenants, including seniors, children and the disabled (the majority in public housing, combined), that I SUPPORT this measure, SB651. **However, I believe the current bill draft proposal, SD1, should be revised as I AM PROPOSING.**

PLEASE REVIEW THE ALTERNATIVE DRAFT PROPOSAL I'M STRONGLY RECOMMENDING FOR SB651 SD1, WHICH I'VE ATTACHED. Consider this draft my position for this measure overall.

I bring your attention to the following items where my proposed version of SD1 differs from the current:

-- Section 1, (b): I've indicated language for designated smoking areas here, which is in SB651, whereas in SD1 this provision has been removed. This subsection in SB651

rightly contains language to allow for "one or more permissible smoking areas not less than 20 feet from" buildings, although I believe technically, the language "community facilities" used in that section should be changed as I've indicated, because according to existing statute, "community facilities" may apply to lands and other parts of the grounds, not just buildings, which does not make sense in this context. ***The biggest problem with the current SD1 proposal is that it does not allow for the authority to designate permissible smoking areas, and these are nationally known through existing models to increase compliance. [see attached reference sheet of supportive documentation from notable experts in the field, including a former HUD policy analyst.]*** If we are to educate our communities on the dangers of inescapable SHS indoors, we MUST provide a transitional accommodation outside for smokers who are struggling with compliance, especially in the beginning of the process. Without these designated areas, people are much more likely to rebel and smoke illicitly more indoors and in prohibited areas of the property (much as they do now in common areas, which are already illegal!), which will be almost impossible to document and correct. **The language should be that the Authority "MAY" designate, not "SHALL" designate** these areas, so that the final discretion is given to HPHA but permits input from each community, a process which HPHA has already prepared residents for in multiple notices, meetings, and announcements. I have included in my bill draft (1) and (2), as extra provisions about signage for designated areas and litter preventive devices, respectively, that will be low-cost and accord with standard protocol.

THERE ARE NO MAINLAND PHA'S WITH THIS MANY LARGE, POPULOUS PROPERTIES THAT DO NOT INCORPORATE SOME COMPROMISE FOR SMOKERS ON THE CAMPUS. THIS IS THE ADVISED BEST PRACTICE. We cannot successfully graft an idealistic, complete smoke-free model from beaches, parks, etc. to housing, where residents (who are physically and psychologically compromised) sometimes spend 24/7.

-- Section 1 (c): I have amended the language in the current SD1 draft regarding "No-smoking" signage to include at least one mandatory "No-smoking" sign on, at or in each building on the property. This would be the minimum required, and very important as a first line of education, to furnish residents with visual reminders that their neighbors can point out, which will help compliance. **THIS IS ALSO RECOMMENDED STANDARD PRACTICE** and again, low-budget. I have also removed language from SD1 that additional optional signage be placed as "deemed necessary or appropriate by the authority", to better empower residents and communities in requesting more signage.

-- Section 1 (d): I've added "sidewalks" to the list of places smoking shall be prohibited in the definition of "common areas", since the statute this definition this was borrowed from (HRS s. 281-78, prohibiting intoxicating liquor) says alcohol shall be prohibited from "sidewalks or common areas". So we should have inclusion for smoke-free terminology.

-- Section 5: I've indicated that the effective date be 120 days, not "upon its approval", as

SD1 states, because HPHA may need more time to create and implement their rules, and the Governor vetoed the bill in 2012 due to what he and Hawaii Public Housing Authority (HPHA) considered an inadequate timeframe. If I could be assured a shorter timeframe would not hinder the bill's passage, I'd be happy with that; I've erred on the side of caution.

Additional supportive documents include:

- Recommendations/documentation supporting Designated Smoking Areas on public housing campuses by experienced authorities
- 2 Hawaii Public Housing Authority (HPHA) Notices to Residents, dated Jan. 31, 2013 and March, 2013, announcing plans for Designated Smoking Areas as well as other actions HPHA has failed to take.

It has been a year since HPHA announced to residents that they would get no-smoking signs, designated smoking areas, and other provisions of a no-smoking policy. So far, none of it has manifested, and during this process, the matter has been derailed on a number of fronts, including creating unsound Administrative Rules capitulating to smokers. It is more than overdue that this matter be legislated, because beyond the challenges and problems this HPHA administration is embroiled in, the State owes a duty of care to its most fragile citizens who are socioeconomically immobile and deserve the health protections granted everywhere else in Hawaii's smoke-free laws as a social justice entitlement. This policy's inception should not be based on what's most convenient for HPHA, but what is truly best for residents now and sustainably into the future. It should be based on the premise, "hope for the best, expect the worst" and be realistically stipulated accordingly.

I STRONGLY URGE YOU TO ADOPT THE PROVISIONS I'VE DRAFTED FOR SB651 SD1, INSTEAD OF THE CURRENT SD1 PROPOSED DRAFT. Thank you.

**DRAFT PROPOSAL
SUBMITTED BY: DARIA FAND**

S.B. NO. 651 SD 1

THE SENATE
TWENTY-SEVENTH LEGISLATURE, 2014
STATE OF HAWAII

A BILL FOR AN ACT

RELATING TO HEALTH.

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 and elderly households, 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 [shall] may designate one or more permissible smoking areas not within twenty feet of any residential or other building, or such greater possible distance as may ensure that the second-hand 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, and within, at, or on at least one entrance or site of each individual building on the property. The authority may display additional "No smoking" signage in or at any other enclosed, partially enclosed, or open common areas or community facilities for the purpose of conspicuous notice.

(d) For purposes of this section:

"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, sidewalks, and other

parts of the project 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. "Smoking" includes the use of an electronic smoking device.

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~~ 120 days after its approval.

INTRODUCED BY: _____

Report Title:

Public Housing; Smoking Prohibited

Description:

Prohibits smoking in and around public housing projects under the jurisdiction of the Hawaii public housing authority.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

**DRAFT PROPOSAL
SUBMITTED BY: DARIA FAND**

S.B. NO. 651 SD 1

THE SENATE
TWENTY-SEVENTH LEGISLATURE, 2014
STATE OF HAWAII

A BILL FOR AN ACT

RELATING TO HEALTH.

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 and elderly households, 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 [~~shall~~ may designate one or more permissible smoking areas not within twenty feet of any residential or other building, or such greater possible distance as may ensure that the second-hand 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, and within, at, or on at least one entrance or site of each individual building on the property. The authority may display additional "No smoking" signage in or at any other enclosed, partially enclosed, or open common areas or community facilities for the purpose of conspicuous notice.

(d) For purposes of this section:

"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, sidewalks, and other

parts of the project 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. "Smoking" includes the use of an electronic smoking device.

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~~] 120 days after its approval.

INTRODUCED BY: _____

Report Title:

Public Housing; Smoking Prohibited

Description:

Prohibits smoking in and around public housing projects under the jurisdiction of the Hawaii public housing authority.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

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 ban, she would walk
- door to smoke the smoke away from her
she knew she was
became very concerned
children were m o



Comments Welcomed on the Rental Agreement Addendum for the “No Smoking” Policy

The HPHA is prepared to implement the new “No Smoking” policy, and appreciates all of the letters of support that we have received. However, in consideration of our residents who may have difficulty with cessation and adjusting to the new “No Smoking” policy, the HPHA is extending the comment period for another 30 days to allow additional time to receive comments, to ensure all residents have had a chance to comment on the new “No Smoking” policy.

Currently, the HPHA is developing its rental agreement addendum for the “No Smoking” policy. All current residents will be presented with, and required to sign, this new “No Smoking” rental agreement addendum. All future residents will be required to sign a “No Smoking” agreement when they sign their leases. The proposed terms of the rental agreement addendum are as follows:

1. Tenant shall not smoke or permit member(s) of the household or guests(s) to smoke in or at the Project or premises where Tenant resides, and Tenant shall not smoke in or at any public housing project owned and operated by HPHA, except in designated smoking areas, if any. This includes all common areas and community facilities in and around the premises or Project, including the area within twenty feet of any entrance, exit, window, and ventilation intake that serve an enclosed or partially enclosed area where smoking is prohibited, and in accordance with Chapter 328J, Hawaii Revised Statutes; and inside all project dwelling units.

“Smoke” or “smoking” means to inhale or exhale the fumes of tobacco or any other plant material, or burning or carrying any lighted smoking equipment for tobacco or any other plant material.

2. Tenant shall promptly discontinue smoking upon management’s request when observed smoking in an area where smoking is prohibited. Each failure to comply with management’s request constitutes a separate violation.
3. Termination of Rental Agreement: It shall be good cause for Management to terminate the Rental Agreement if Tenant or members or guests of Tenant’s household violates the Smoking Prohibition on more than three (3) occasions. The issuance of a fourth (4th) “Notice of Violation” will result in an eviction action.

In addition, based on discussions with the Resident Advisory Board (“RAB”), if a Tenant receives only one violation of the Smoking Prohibition in one year, and participates in and completes a smoking cessation service program within the same year, the HPHA will clear the tenant’s one violation and shall not deem the incident as a violation for the following year. At the RAB’s request, and until further notice, HPHA will not issue violations for the use of electronic smoking devices, also known as electronic cigarettes, or e-cigarettes.

Please send your written comments to the proposed changes to your rental agreement to the HPHA Planning Office via e-mail at hpha@hawaii.gov, P.O. Box 17907, Honolulu, Hawaii 96817, or fax to (808) 832-4679. The HPHA will consider all comments received prior to the adoption of the new rental agreement addendum.



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
HAWAII PUBLIC HOUSING AUTHORITY
1002 NORTH SCHOOL STREET
POST OFFICE BOX 17907
HONOLULU, HAWAII 96817

BARBARA E. ARASHIRO
EXECUTIVE ASSISTANT

January 31, 2013

Aloha Resident:

This letter is to inform you of a policy that is being implemented in regards to non-smoking on all properties managed by the Hawaii Public Housing Authority (HPHA).

1. Effective immediately, your property will have a "No Smoking" policy, prohibiting smoking of any tobacco product on the property. This policy applies to tenants as well as visitors and all staff. "Smoking" means inhaling or exhaling the fumes of tobacco or any other plant material; burning or carrying any lighted smoking equipment for tobacco or any other plant material; and use of electronic cigarettes.
2. This policy is being implemented to protect the health and safety of our keiki, residents, staff, and guests and to reduce facility maintenance costs. It is undisputed that chemicals such as arsenic, lead, polonium-210, formaldehyde, and benzene, found in secondhand smoke are toxic and cause cancer, and can aggravate COPD, asthma, diabetes, high blood pressure, and kidney disease. There is no known safe level of exposure. Secondhand smoke can travel through doorways, windows, wall joints, plumbing spaces and even light fixtures, so secondhand smoke from one unit can adversely affect the health of residents in other units. Among non-smokers, secondhand smoke can increase the risk of lung cancer and heart disease by up to 30%. Smoking in MUDs also increases the cost of rehabilitating a unit from \$560 for non-smoking units to \$3,515 for heavy smoking units.
3. The "No Smoking" policy will be implemented in the following manner:
 - a. There will be a grace period from now until March 31, 2013, to give those who wish to quit smoking an opportunity to do so, or to begin the cessation process.
 - b. On or about April 1, 2013, all current residents will be presented with, and required to sign, a new no-smoking lease agreement addendum. All future residents will be required to sign a no-smoking agreement when they sign their leases.
4. Your manager will work with the residents at your property to determine whether to establish and where to designate smoking areas at the properties.

The HPHA has partnered with the Department of Health and the Coalition for a Tobacco-Free Hawaii. For those who are interested in quitting, you can call the Hawaii Tobacco Quitline at 1-800-QUIT-NOW (784-8669) or visit www.clearthesmoke.org for free patches and coaching. Other options are to contact your nearest community health center or cessation service provider for nicotine replacement therapy (e.g. patches, gum, lozenges) and to connect with a quit coach.

Please feel free to contact your manager if you have any questions. We will be happy to assist you in any way possible in making this a smooth transition.

Hakim Ouansafi
Executive Director
Hawaii Public Housing Authority

no hearings process mentioned

To: Senator Suzanne Chun Oakland, Chair
Senator Josh Green, Vice Chair
Members, Senate Committee on Human Services

Subject: SB651 and SB651 SD1, 356D
"Prohibition on smoking in and around public housing; designated
smoking areas"
**Testimony in support of concept, including designated smoking
areas**

Date: February 9, 2014

Hearing Date: Monday, February 11, 2014, 1:45 p.m., Conference Room 016

From: Hannah L. Hedrick, PhD
Fern Forest, Hawaii County

Honorable Committee Members,

Thank you for this opportunity to comment on SB651 and SB651 SD1, "Relating to Health" in general, and specifically to "356D-Prohibition on smoking in and around public housing; designated smoking areas."

As a 50+-year soldier in the "Tobacco Wars" and an outspoken advocate for tobacco control, I had the privilege of working with a succession of Surgeon Generals of the Public Health Service, most actively with C. Everett Koop, MD. As advocates for the rights of people with disabilities before he was appointed as Surgeon General, we were acutely aware of the adverse affects of second-hand smoke on people with special health needs. The most recent Surgeon General's report includes even more adverse effects, with specific numbers provided for diseases and disabilities caused by exposure to second-hand smoke.

Our State now stands at the threshold of landmark legislation related to reducing exposure to second-hand smoke via bills proposed to protect our most vulnerable residents: children and adults with chronic or life-threatening diseases or disabilities who live in public housing. Due to the flawed policy and process initiated by the Hawaii Public Housing Authority after the Governor vetoed the first bill passed by the legislature, **these bills are our State's only hope of alleviating the known fatal impact of continued unabated exposure to second-hand smoke on persons with compromised immune systems.**

Although I do not have hospital or emergency department admissions data, no one can deny that in the two years since the Governor vetoed the smoke-free public housing bill, children with asthma, adults with COPD and heart disease, etc, will have suffered unnecessary exacerbations and even death. Some of the permanent declines in health could have been reduced or even prevented simply by eliminating exposure to second-hand smoke in the residences that many of them are unable to leave.

While I applaud what I understand to be the intent of the opposition of the Hawaii Public Housing Authority to the earlier legislation, which resulted in the Governor's veto and in deferring legislation last year, I would like to go on record stating that smoke-free public housing legislation is essential to guide revisions to the current proposed HPHA Administrative Rules, which are currently flawed because they reflect a flawed HPHA policy.

I therefore hope you share my sense of urgency about passing legislation during this legislative session. I feel personally responsible for not taking a more aggressive stand subsequent to the Governor's veto. I cannot plead ignorance with regard to the damage that is being done to public housing residents each day that they are not protected.

With regard to SB651 and SB651 SD1 in particular, while I support the general purpose of prohibiting smoking, I prefer wording that has been submitted by Daria Fand, who will be present to provide oral testimony.

Please consider Ms. Fand's proposed wording and oral comments, **especially those related to *Designated Smoking Areas***, as a part of my testimony. I have been looking at smoke-free policies and programs in various multi-unit facilities for several years, and "Best Practices" across the nation appear to indicate that having DSAs serves a variety of purposes. They can alleviate tensions between smokers and non-smokers by providing residents with an opportunity to work together in a "win/win" mutual support relationship.

I specifically request that you use the wording in Section 1 (b) of SB 651, but with "may" instead of "shall," in the event that residents do not want or need a designated smoking area, to read as follows: ". . . the authority MAY designate one or more permissible smoking areas"

Thank you for considering the various bills related to tobacco control. I hope you agree with me that creating smoke-free public housing is the most urgent with regard to protecting a group of people, many of whom are not protected by other ordinances because they are pretty much restricted to their residential facility.

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

Subject: SB651 and SB651 SD1, RELATING TO HEALTH

Hearing Date: Monday, February 11, 2014, 1:45 p.m., Conference Room 016

Testimony By: Scott Goto
Honolulu, Hawaii

Position: Support, with Amendments

Honorable Committee Members:

While I believe overall that bill SB651 is the right thing to do for all the residents of Hawaii's Public Housing, I feel that making the properties a 100% smoke free zone, with *no* designated smoking areas, is unrealistic and dangerous.

I am a lifelong asthma sufferer and have a family member in public housing whose health is drastically affected by tenants smoking. I speak as someone who has been a non-smoking opponent since grade school. No one can ever claim that I support smoking, period. This being known, I strongly support having designated smoking areas on housing properties.

History has shown that whenever you deny people their rights or freedoms, whether they are supposed or actual, some of these people will be compelled to act, regardless of consequence or if it's wrong. As it stands, the *act* of smoking is *not* illegal, therefore people feel it is their right to smoke. Having no designated smoking areas on housing properties will motivate some smokers to absolutely ignore the rules and smoke wherever they please; to rebel against the system that is oppressing them. The American Lung Association has stated that one of the reasons why people begin smoking is out of rebellion, and it is highly likely these are the people who will have no problem breaking the rules if they have no reasonable alternative.

As a tax payer, my money goes to pay for public housing. I am appalled at the fact that an institution I am supporting financially is not doing all that it can to protect the health and well being of it's residents. However, I also believe in giving people choices, because this is what enables people to live together. When a tenant smokes in an apartment, the other residents have *no* choice but to suffer. Whether it is health issues; the stress of possibly having to move; having a confrontation with the smoking tenant; or dealing with unsympathetic and difficult government bureaucrats; the only choice is to suffer. On the flipside however, without the choice of a designated smoking area on the property, smokers will have no choice but to act, either positively or negatively. Some will oblige and go off property, while more than likely, others will simply ignore the rules and smoke wherever they please, including in their apartment.

In response to these policy-breakers who smoke where ever they please, it is easy to say "they'll have to follow the rules or face the consequences!" However, this is easier said than done. I have personal experience managing and working in a government facility where there are several signs posted throughout the property, clearly, that smoking within 20' of any window or opening is not allowed. This is a situation where employees can be fired or visitors removed from the building, easily, if they are caught smoking indoors. And yet we *still* have people smoking closer than 20' to buildings on a regular basis, with no consequences. Again, enforcement is *always* easier said than done and not having designated smoking areas on housing property makes the problem even worse because, again, there are *no reasonable* choices.

I strongly urge that SB651 be written so that it requires HPHA to have designated smoking areas of Public Housing properties for the good of all its residents.

Sincerely,
Scott Goto

SB651

Submitted on: 2/9/2014

Testimony for HMS on Feb 11, 2014 13:45PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Rommel dela Cruz	Individual	Oppose	No

Comments:

To whom it may concern,

I agree with smoking prohibition in such locations, but strongly disagree with sb651 inclusion to classify/define e-cig usage as "smoking" is unfounded. Vaping e-cigs is not smoking and poses little to no downstream effects to individuals and property. Vapor is not smoke by definition. Will tenants be evicted if someone perceives / reports steam from a boiling pot as "smoke"? It would be a unfair detriment to those that vape e-cigs as a way to cut down their cigarette consumption or quit smoking altogether. I respectfully ask for your consideration to oppose this bill.

Being born and raised in the islands, but now living in the mainland, I was surrounded by family members and friends that smoke cigarettes. I was a pack a day smoker for 18 years. Quitting cigarettes was a difficult habit to break. It was on my last trip home to the islands in 2013 that I was introduced to electronic cigarettes and the world of Vaping.

I have been cigarette/smoke free for a year, because of vaping.

Respectfully,I oppose sb651, sb2222, sb2572, sb2495, sb2212, sb2871

Mahalo for your time in this matter.

Rommel dela Cruz