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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. Section 356D-6.5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           " [†]§356D-6.5 [†] Prohibition on smoking in and around  
4 public housing; designated smoking areas. (a) Smoking shall be  
5 prohibited in any public housing project, elder or elderly  
6 household, as defined in section 356D-1, or state low-income  
7 housing project, as defined in section 356D-51, within:

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

16           (b) Notwithstanding subsection (a), the authority may  
17 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. The  
6 authority may display additional "No smoking" signage at  
7 residential and community facilities at their entrances and  
8 exits, offices, and in or at enclosed, partially enclosed, or  
9 open common areas for the purpose of conspicuous notice.

10 (d) The authority shall document each violation and retain  
11 all violations on a resident's record permanently, including for  
12 the duration of any existing lease agreement with the authority  
13 and applied to any future lease agreements with the authority.  
14 Violations shall run consecutively rather than concurrently.

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

17 [~~e~~] (f) For purposes of this section:

18 "Common areas" means roofs, halls, sidewalks, corridors,  
19 lobbies, stairs, stairways, fire escapes, entrances and exits of  
20 the building or buildings, basements, yards, gardens,  
21 recreational facilities, parking areas, storage spaces, and



1 other parts of the project or household normally in common use  
2 or other areas designated by the authority.

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

6 "Violation" means the commission of any act prohibited by  
7 subsection (a). A violation includes but is not limited to:

8 (1) Any circumstance where authority staff, law  
9 enforcement, on-site security, or any other official  
10 entity charged with oversight of the premises:

11 (A) Witnesses a tenant, a nonresident, a guest who is  
12 visiting a resident, or any member of the  
13 resident's household smoking in any of the  
14 prohibited areas;

15 (B) Witnesses a smoking product, lit or unlit, in an  
16 ashtray, receptacle, or other location within any  
17 individual housing unit, including plumbing  
18 fixtures clogged by a smoking product or products  
19 and attributable to that individual unit;

20 (C) Witnesses smoke-clogged filters, smoking smells  
21 emanating from an individual unit, or both;



1           (D) Finds smoke film damage to walls or other  
 2           structural surfaces in the unit of a tenant,  
 3           licensee, or other occupant who moves in on or  
 4           after July 1, 2016; or

5           (E) Witnesses any ashtray or similar receptacle  
 6           containing smoking product ash in any individual  
 7           housing unit; and

8           (2) Security camera evidence or other photo documentary  
 9           evidence establishing clear and convincing identity of  
 10           a resident smoking, holding, or carrying a lit smoking  
 11           product in any of the prohibited areas."

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

15           SECTION 3. Statutory material to be repealed is bracketed  
 16           and stricken. New statutory material is underscored.

17           SECTION 4. This Act shall take effect on July 1, 2016.

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INTRODUCED BY:           BANKAM B/R          

JAN 26 2016

# H.B. NO. 2531

**Report Title:**

Public Housing; Smoking; Violations

**Description:**

Requires the Hawaii public housing authority to document violations related to prohibited acts of smoking. Defines the term "violation" as it relates to prohibited acts of smoking in and around public housing.

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

