

JAN 23 2015

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# A BILL FOR AN ACT

RELATING TO SMOKING.

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

1           SECTION 1. Chapter 421I, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§421I- Adoption of rules; prohibition of smoking  
5 permitted. A corporation may adopt rules to prohibit tenant  
6 shareholders, guests, and all other persons from smoking,  
7 including but not limited to electronic cigarettes, in dwelling  
8 units, common elements, or limited common elements of the  
9 corporation."

10          SECTION 2. Section 514B-105, Hawaii Revised Statutes, is  
11 amended by amending subsection (b) to read as follows:

12          "(b) [~~Unless otherwise permitted by the declaration,~~  
13 ~~bylaws, or this chapter, an]~~ An association may adopt rules [~~and~~  
14 ~~regulations]~~ that affect the use of or behavior in units that  
15 may be used for residential purposes only to:

16           (1) Prevent any use of a unit [~~which]~~ that violates the  
17           declaration or bylaws;



1 (2) Regulate any behavior in or occupancy of a unit  
2 ~~[which]~~ that violates the declaration or bylaws or  
3 unreasonably interferes with the use and enjoyment of  
4 other units or the common elements by other unit  
5 owners; ~~[or]~~

6 (3) Prohibit smoking, including but not limited to  
7 electronic cigarettes, by an owner, resident, or guest  
8 in all units, common elements, or limited common  
9 elements as defined in section 514B-3; or

10 ~~[-3-]~~ (4) Restrict the leasing of residential units to the  
11 extent those rules are reasonably designed to meet  
12 underwriting requirements of institutional lenders who  
13 regularly lend money secured by first mortgages on  
14 units in condominiums or regularly purchase those  
15 mortgages.

16 Otherwise, the association may not regulate any use of or  
17 behavior in units by means of the rules ~~[and regulations]~~."

18 SECTION 3. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

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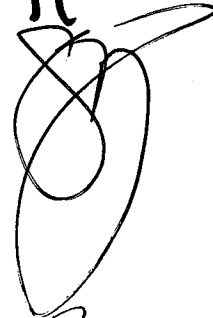
1 SECTION 4. This Act shall take effect upon its approval.

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# S.B. NO. 802

**Report Title:**

Smoking; Condominiums; Cooperative Housing Corporations;  
Prohibition by Rule; Electronic Cigarettes

**Description:**

Allows condominiums and cooperative housing corporations to adopt rules prohibiting smoking in units, common elements, or limited common elements.

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

