

JAN 20 2017

A BILL FOR AN ACT

RELATING TO CONDOMINIUMS.

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

1 SECTION 1. The legislature finds that secondhand smoke is
2 a dangerous class A carcinogen, in the same class as asbestos
3 and benzene. Secondhand smoke typically contains at least seven
4 thousand identifiable chemicals, around seventy of which are
5 known or probable carcinogens. According to the federal Centers
6 for Disease Control and Prevention, secondhand smoke can cause
7 heart disease, lung cancer, and stroke. Further, the fiftieth
8 anniversary United States Surgeon General Report, released on
9 January 17, 2014, states that any level of exposure to
10 secondhand smoke is dangerous and that over two and a half
11 million nonsmokers have died from health problems caused by
12 secondhand smoke since 1964.

13 The purpose of this Act is to clarify that condominium
14 associations may adopt rules and regulations that require unit
15 owners to prohibit smoking inside a condominium unit as part of
16 a lease agreement with a tenant.



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

3 "(b) Unless otherwise permitted by the declaration,
4 bylaws, or this chapter, an association may adopt rules and
5 regulations that affect the use of or behavior in units that may
6 be used for residential purposes only to:

7 (1) Prevent any use of a unit which violates the
8 declaration or bylaws;

9 (2) Regulate any behavior in or occupancy of a unit which
10 violates the declaration or bylaws or unreasonably
11 interferes with the use and enjoyment of other units
12 or the common elements by other unit owners[+],
13 including requiring unit owners to prohibit smoking
14 inside the unit as part of a lease agreement; or

15 (3) Restrict the leasing of residential units to the
16 extent those rules are reasonably designed to meet
17 underwriting requirements of institutional lenders who
18 regularly lend money secured by first mortgages on
19 units in condominiums or regularly purchase those
20 mortgages.



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1 Otherwise, the association may not regulate any use of or
2 behavior in units by means of the rules and regulations."

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 Statutory material to be repealed is bracketed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

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

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INTRODUCED BY:

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S.B. NO. 151

Report Title:

Condominiums; Associations; Rules and Regulations; Smoking; Prohibitions; Owners; Lease Agreements

Description:

Enables condominium associations to adopt rules and regulations that require unit owners to prohibit smoking inside a condominium unit as part of a lease agreement.

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

