

STAND. COM. REP. NO.

702

Honolulu, Hawaii

MAR 03 2017

RE: S.B. No. 151
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,
to which was referred S.B. No. 151 entitled:

"A BILL FOR AN ACT RELATING TO CONDOMINIUMS,"

begs leave to report as follows:

The purpose and intent of this measure is to enable
condominium associations to adopt rules and regulations that
require unit owners to prohibit smoking inside a condominium unit
as part of a lease agreement.

Your Committee received testimony in support of this measure
from the Department of Health and two individuals. Your Committee
received testimony in opposition to this measure from the Hawaii
Smokers Alliance, Associa, and twenty-two individuals. Your
Committee received comments on this measure from the Department of
the Attorney General and Hawaii Council of Associations of
Apartment Owners.

Your Committee finds that individuals who live in multi-unit
housing are susceptible to involuntary exposure to secondhand
smoke, especially in Hawaii because of the State's relatively high
volume of multi-unit housing dwellers. Secondhand smoke exposure
is causally linked to adverse health outcomes among non-smokers,
including heart disease, stroke, and lung cancer, and increased
risk of severe asthma attacks, respiratory infections, ear
infections, and sudden infant death syndrome in children.



Although smoke-free multi-unit housing policies protect residents of public housing in Hawaii, the affordable and market-rate sector lack adequate comprehensive protections against secondhand smoke.

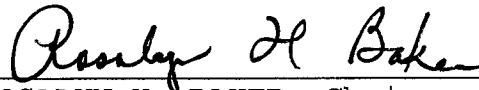
Your Committee further finds that, because renters are not a protected class and smoking is not a protected activity, this measure does not implicate the Fair Housing Act, which prohibits discrimination in the sale, rental, and financing of dwellings and in other housing-related transactions based on race, color, national origin, religion, sex, familial status, and disability.

Your Committee has amended this measure by:

- (1) Inserting language that allows condominium associations to also adopt rules that prohibit smoking on lanais and in all common elements;
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 151, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 151, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Health,



ROSALYN H. BAKER, Chair



