
A BILL FOR AN ACT

RELATING TO PUBLIC HOUSING.

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

1 SECTION 1. Chapter 356D, Hawaii Revised Statutes, is
2 amended by adding a new section to part I to be appropriately
3 designated and to read as follows:

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

- 9 (1) Each individual housing unit;
10 (2) Hallways;
11 (3) Enclosed or partially enclosed common areas; and
12 (4) Twenty feet from each individual building of the
13 public housing project or state low-income housing
14 project.

15 (b) Notwithstanding subsection (a), the authority shall
16 designate one or more permissible smoking areas not less than
17 twenty feet from any residential building or community facility



1 within the public housing project or state low-income housing
2 project.

3 (c) For purposes of this section:

4 "Common areas" means those portions of the land, building,
5 and all appurtenances and easements that are available for use
6 by tenants or as designated by the authority as a common area.

7 "Smoking" means inhaling or exhaling the fumes of tobacco
8 or any other plant material, or burning or carrying any smoking
9 paraphernalia for tobacco or any other plant material that is
10 lit."

11 SECTION 2. Section 356D-92, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) Except as otherwise provided, the authority may
14 terminate any lease, rental agreement, permit, or license
15 covering the use and occupation of any dwelling unit or other
16 premises located within a public housing project and evict from
17 any premises any tenant, licensee, or other occupant for any of
18 the following reasons:

- 19 (1) Failure to pay rent when due;
20 (2) Violation of any of the provisions of a lease, rental
21 agreement, permit, or license;
22 (3) Violation of any of the rules of the authority;



- 1 (4) Failure to maintain the dwelling unit in a clean,
2 sanitary, and habitable condition; [~~or~~]
- 3 (5) Upon a third violation of section 356D- ; provided
4 that a violation by a non-resident who is visiting a
5 resident shall be deemed a violation by the resident
6 only if the resident is within twenty feet of the
7 visitor at the time of the violation; or
- 8 [~~5~~] (6) The existence of any other circumstances giving
9 rise to an immediate right to possession by the
10 authority."

11 SECTION 3. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun before its effective date.

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

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



Report Title:

Public Housing; Low-income Housing; Smoking Prohibition

Description:

Prohibits smoking in and around public housing projects or state low-income housing projects under the jurisdiction of the Hawaii public housing authority, with an exception for designated smoking areas. Allows for eviction upon a third violation of the smoking prohibition. (SD2)

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