



GOV. MSG. NO. 1388

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

July 10, 2012

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

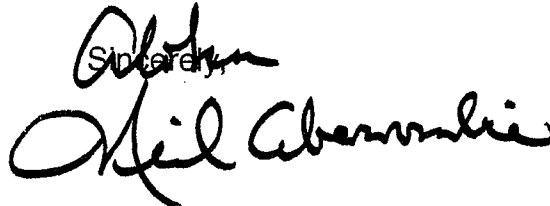
The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

I am transmitting herewith HB46 HD2 SD2, without my approval, and with the statement of objections relating to the measure.

HB46 HD2 SD2

RELATING TO PUBLIC HOUSING.


Secretary

NEIL ABERCROMBIE
Governor, State of Hawaii

EXECUTIVE CHAMBERS

HONOLULU

July 10, 2012

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 46

Honorable Members
Twenty-Sixth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 46, entitled "A Bill for an Act Relating to Public Housing."

The stated purpose of this bill is to prohibit smoking of tobacco or any other plant material in all public housing projects, state and federal, owned and administered by the Hawaii Public Housing Authority. The bill would ban smoking within the residential units, designated common areas, and within twenty feet of any building, and smoking would only be allowed in designated smoking areas that are not within twenty feet of any building. The bill would take effect upon my approval.

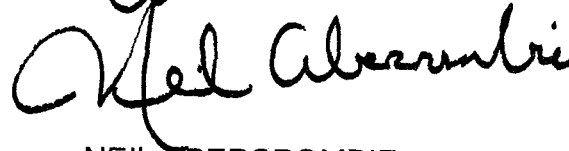
I agree with the underlying objective of the bill. Smoking is a public health issue and we should encourage our citizens to stop, but I agree with the Hawaii Public Housing Authority that implementing an incremental ban throughout the housing projects within the next twelve months is a practical path to a successful plan. It is a fact that a number of the residents are chronic smokers and it would be difficult to expect them to stop immediately. Further, establishing designated smoking areas runs counter to what is desired for making public housing smoke-free.

The Authority has already held meetings and discussions with various tenant associations at the housing projects to provide sufficient notice to the residents of the coming smoking ban, and has established a schedule of when specific housing projects will be required to implement the smoking ban. Additionally, the Authority is already drafting proposed administrative rules to implement the smoking ban consistent with the provisions of the bill. Accordingly, I believe the Authority should be allowed the

STATEMENT OF OBJECTIONS
HOUSE BILL NO. 46
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opportunity to continue to implement the objective of the bill using its own administrative discretion.

For the foregoing reasons, I am returning Senate Bill No. 46 without my approval.

Aloha
Respectfully,


NEIL ABERCROMBIE
Governor of Hawaii

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; [~~e~~]
- 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 began 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.

APPROVED this day of , 2012

GOVERNOR OF THE STATE OF HAWAII

