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# 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. (a) Smoking shall be  
5 prohibited in enclosed or partially enclosed common areas of any  
6 public housing project, as defined in section 356D-1; or state  
7 low-income housing project, as defined in section 356D-51.

8 (b) For purposes of this section:

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

13 "Smoking" means inhaling or exhaling the fumes of tobacco  
14 or any other plant material or burning or carrying any lighted  
15 smoking equipment for tobacco or any other plant material."

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



1           "(a) Except as otherwise provided, the authority may  
 2 terminate any lease, rental agreement, permit, or license  
 3 covering the use and occupation of any dwelling unit or other  
 4 premises located within a public housing project and evict from  
 5 any premises any tenant, licensee, or other occupant for any of  
 6 the following reasons:

- 7           (1) Failure to pay rent when due;
- 8           (2) Violation of any of the provisions of a lease, rental  
 9 agreement, permit, or license;
- 10          (3) Violation of any of the rules of the authority;
- 11          (4) Failure to maintain the dwelling unit in a clean,  
 12 sanitary, and habitable condition; [~~or~~]
- 13          (5) Upon a third violation of section 356D- ; provided  
 14 that a violation by a non-resident who is visiting a  
 15 resident shall be deemed a violation by the resident  
 16 only if the resident is within twenty feet of the  
 17 visitor at the time of the violation; or
- 18          [+5+] (6) The existence of any other circumstances giving  
 19 rise to an immediate right to possession by the  
 20 authority."

21           SECTION 3. The Hawaii public housing authority shall adopt  
 22 rules expanding the areas to which the smoking prohibition will



1 apply in public housing projects as defined in section 356D-1,  
2 Hawaii Revised Statutes, and state low-income housing projects  
3 as defined in section 356D-51, Hawaii Revised Statutes, within  
4 eighteen months of the effective date of this Act.

5 SECTION 4. This Act does not affect rights and duties that  
6 matured, penalties that were incurred, and proceedings that were  
7 begun, before its effective date.

8 SECTION 5. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 6. This Act shall take effect on January 7, 2059.



**Report Title:**

Public Housing; Low-income Housing; Smoking Prohibited

**Description:**

Prohibits smoking in enclosed or partially enclosed common areas of public housing projects and state low-income housing. Requires the Hawaii Public Housing Authority to adopt rules to expand the areas to which the smoking prohibition will apply. Effective January 7, 2059. (HB46 HD2)

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

