

Honolulu, Hawaii

MAR 23 2012

RE: H.B. No. 46
H.D. 2
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 46, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC HOUSING,"

begs leave to report as follows:

The purpose and intent of this measure is to improve the living environment in public housing projects and state low-income housing projects by:

- (1) Prohibiting smoking in the enclosed or partially enclosed common areas of public housing projects and state low-income housing projects;
- (2) Permitting the eviction of a tenant, licensee, or other occupant upon a third violation of the requirements of this measure; and
- (3) Requiring the Hawaii Public Housing Authority to adopt rules to expand the areas to which the smoking prohibition shall apply.

Your Committee received testimony in support of this measure from the Department of Health, Hawaii Public Housing Authority, YWCA, and five individuals. Your Committee received comments on this measure from the Coalition for a Tobacco-Free Hawai'i.



Your Committee finds that according to the United States Surgeon General, there is no safe level of secondhand smoke and breathing even a little secondhand smoke can be dangerous. However, Hawaii's existing smoke-free workplace and public places law pursuant to chapter 328J, Hawaii Revised Statutes, excludes private residents, including public housing projects and state low-income housing projects.

Your Committee notes that according to the testimony of the Hawaii Public Housing Authority, the Authority would prefer to leave the determination of expanding smoking prohibitions, particularly through the adoption of administrative rules, within the Resident Advisory Board's purview to allow the Board to exercise its governance in the development of such policies. Furthermore, your Committee finds it preferable to give the Authority broad discretion to implement a smoking prohibition policy through the adoption of administrative rules. In doing so, it is the intent of your Committee to enable the Hawaii Public Housing Authority to incrementally phase in a smoking prohibition policy that incorporates a multi-faceted approach to the cessation of smoking. The Authority may then seek the assistance and participation of the Department of Health, the Resident Advisory Board, property management staff, the public, and the tenants that may be directly impacted by this policy in order to make all public housing projects and complexes smoking-free.

Your Committee has therefore amended this measure by:

- (1) Deleting the language that statutorily prohibited smoking in enclosed or partially enclosed common areas of any public housing project or state low-income project;
- (2) Deleting the language that permitted the eviction of a tenant, licensee, or other occupant upon a third violation of the requirements of this measure;
- (3) Replacing the language that required the Hawaii Public Housing Authority to adopt rules to expand the areas to which the smoking prohibition shall apply with language providing the Authority with the discretion to adopt rules to prohibit smoking throughout any public housing project and state low-income housing project; and



- (4) Changing the effective date from January 7, 2059, to January 1, 2050, to ensure further discussion.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 46, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 46, H.D. 2, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Human Services,

Suzanne Chun Oakland

SUZANNE CHUN OAKLAND, Chair



