

JAN 18 2013

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# A BILL FOR AN ACT

RELATING TO HEALTH.

**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 or state low-income  
7 housing project as defined in section 356D-51, within:

8           (1) Each individual housing unit;

9           (2) Hallways;

10          (3) Enclosed or partially enclosed common areas; and

11          (4) Twenty feet from each individual building of the  
12             public housing project.

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

16          (c) For purposes of this section:



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

4        "Smoking" means inhaling or exhaling the fumes of tobacco  
5 or any other plant material, or burning or carrying any lighted  
6 smoking equipment for tobacco or any other plant material."

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

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

- 15        (1) Failure to pay rent when due;
- 16        (2) Violation of any of the provisions of a lease, rental  
17 agreement, permit, or license;
- 18        (3) Violation of any of the rules of the authority;
- 19        (4) Failure to maintain the dwelling unit in a clean,  
20 sanitary, and habitable condition; [e#]
- 21        (5) Upon a third violation of section 356D- ; provided  
22 that a violation by a non-resident who is visiting a



1           resident shall be deemed a violation by the resident  
 2           only if the resident is within twenty feet of the  
 3           visitor at the time of the violation; or

4        [~~(5)~~] (6) The existence of any other circumstances giving  
 5           rise to an immediate right to possession by the  
 6           authority."

7           SECTION 3. This Act does not affect the rights and duties  
 8       that matured, penalties that were incurred, and proceedings that  
 9       were begun, before its effective date.

10          SECTION 4. Statutory material to be repealed is bracketed  
 11       and stricken. New statutory material is underscored.

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

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# S.B. NO. 651

**Report Title:**

Public Housing; Smoking Prohibited

**Description:**

Prohibits smoking in and around public housing projects under the jurisdiction of the Hawaii public housing authority.

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

