

Honolulu, Hawaii

MAR 05 2009

RE: S.B. No. 455

S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Madam:

Your Committee on Education and Housing, to which was referred S.B. No. 455 entitled:

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

begs leave to report as follows:

The purpose of this measure is to prohibit smoking in and around public housing projects under the jurisdiction of the Hawaii Public Housing Authority.

Testimony in support of this measure was submitted by one state agency, one private organization, and twenty-four individuals. Testimony in opposition was submitted by six individuals. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds that the health costs of smoking and secondhand smoke are well known and some commercial and residential buildings are responding by either banning smoking entirely or designating "no smoking" areas.

Your Committee supports the public health benefits of this measure. However, your Committee understands the concerns of the Hawaii Public Housing Authority regarding the number of violations and allegations of violations that may result from a complete prohibition on smoking in public housing projects. With 6,195 units statewide, the Authority is concerned that this measure would require the Authority to modify its current focus on



increasing rent collections, reducing vacancy rates, and providing repair and maintenance.

Your Committee has reviewed a number of alternatives for the current measure, including the requirement that the Authority offer smoking cessation services. However, your Committee understands that many of these programs have been affected by budget cuts, and expanding services to all public housing projects may not be achievable.

Your Committee urges the Hawaii Public Housing Authority to work with the tenants in determining the most effective way to accommodate nonsmokers and smokers, and to make recommendations for further amendments to this measure as it moves through the legislative process.

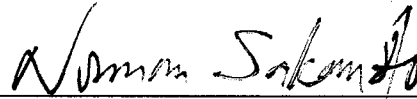
Your Committee has amended this measure by:

- (1) Deleting the complete prohibition against smoking;
- (2) Requiring the Hawaii Public Housing Authority to designate no more than fifty per cent of the units in public housing projects as smoking units;
- (3) Requiring all smoking units on the same floor to be contiguous and prohibiting smoke from these rooms from infiltrating into areas where smoking is prohibited;
- (4) Prohibiting the status of units as smoking or nonsmoking from being changed, except to add additional nonsmoking units;
- (5) Establishing a fine of not more than of \$50 for a first violation and a fine of not more than \$100 for a second violation; and
- (6) Making technical amendments for the purpose of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education and Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 455, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 455, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on  
behalf of the members of the  
Committee on Education and  
Housing,



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NORMAN SAKAMOTO, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Education and Housing**  
**EDH**

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 455</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">EDH</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">2-23-09</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312         </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311         </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310         </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313         </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
SAKAMOTO, Norman (C)	✓			
KIDANI, Michelle N. (VC)		✓		
CHUN OAKLAND, Suzanne	✓			
GALUTERIA, Brickwood	✓			
TSUTSUI, Shan S.				✓
HEMMINGS, Fred				✓
<b>TOTAL</b>	3	1		2
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted         <input type="checkbox"/> Not Adopted         </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; text-align: center; margin-top: 10px;">Michelle N. Kidani</div>				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

\*Only one measure per Record of Votes