

JAN 18 2019

A BILL FOR AN ACT

RELATING TO CONDOMINIUMS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that secondhand smoke is
2 a dangerous class A carcinogen, in the same class as asbestos
3 and benzene. Secondhand smoke typically contains at least seven
4 thousand identifiable chemicals, around seventy of which are
5 known or probable carcinogens. According to the federal Centers
6 for Disease Control and Prevention, secondhand smoke can cause
7 heart disease, lung cancer, and stroke. Further, the fiftieth
8 anniversary United States Surgeon General Report, released on
9 January 17, 2014, states that any level of exposure to
10 secondhand smoke is dangerous and that over two and a half
11 million nonsmokers have died from health problems caused by
12 secondhand smoke since 1964.

13 The purpose of this Act is to clarify that condominium
14 associations may adopt rules and regulations that:

15 (1) Require unit owners to prohibit smoking inside a
16 condominium unit as part of a lease agreement; and



1 (2) Prohibit smoking on a lanai of a condominium unit and
2 in all common elements.

3 SECTION 2. Section 514B-105, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

5 "(b) Unless otherwise permitted by the declaration,
6 bylaws, or this chapter, an association may adopt rules and
7 regulations that affect the use of or behavior in units that may
8 be used for residential purposes only to:

- 9 (1) Prevent any use of a unit which violates the
10 declaration or bylaws;
- 11 (2) Regulate any behavior in or occupancy of a unit which
12 violates the declaration or bylaws or unreasonably
13 interferes with the use and enjoyment of other units
14 or the common elements by other unit owners[+],
15 including:
- 16 (A) Requiring unit owners to prohibit smoking inside
17 the unit as part of a lease agreement; and
- 18 (B) Prohibiting smoking on lanais and in all common
19 elements; or
- 20 (3) Restrict the leasing of residential units to the
21 extent those rules are reasonably designed to meet



1 underwriting requirements of institutional lenders who
2 regularly lend money secured by first mortgages on
3 units in condominiums or regularly purchase those
4 mortgages.

5 Otherwise, the association may not regulate any use of or
6 behavior in units by means of the rules and regulations."

7 SECTION 3. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect upon its approval.

10

INTRODUCED BY: _____

Kal Rhoads

[Handwritten signature]

S.B. NO. 269

Report Title:

Condominiums; Associations; Rules and Regulations; Smoking; Prohibitions; Owners; Lease Agreements

Description:

Enables condominium associations to adopt rules and regulations that: require unit owners to prohibit smoking inside a condominium unit as part of a lease agreement; and prohibit smoking on a lanai of a condominium unit and in all common elements.

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

