

Proposed Amendments to Chapter 15-186, State-Aided Elderly
Public Housing Projects, Hawaii Administrative Rules

Add the following definitions to §15-186-2 Definitions

"Common areas" means roofs, halls, sidewalks, corridors, lobbies, stairs, stairways, fire escapes, entrances and exits of the building or buildings, basements, yards, gardens, recreational facilities, parking areas, storage spaces, and other parts of the project or household normally in common use or other areas designated by the authority.

"Community facilities" means real and personal property; buildings, equipment, lands, and grounds for recreational or social assemblies, and for educational, health, or welfare purposes; and necessary or convenient utilities, when designed primarily for the benefit and use of the authority or the occupants of the dwelling units.

"Smoke" or "smoking" means inhaling, exhaling, burning, or carrying any lighted smoking or heated tobacco product or plant product intended for inhalation in any manner or in any form.

Making the following amendments to Subsection (a) of §15-186-41 Eligibility for continued occupancy

- (a) To be eligible for continued occupancy in a [elderly housing] project, the tenant shall:
- (1) Qualify as an elderly household;
 - (2) Conform to the occupancy standards;
 - (3) Not have a record of conduct or behavior which may be detrimental to the project, its tenants or employees; [and]
 - (4) Not have an adjusted income which exceeds the applicable income limit for continued occupancy which are set forth in section 15-186-3[.]; and
 - (5) Abide by smoking prohibitions pursuant to section 15-186-49.

Making the following amendments to Subsection (b) of §15-186-48 Rental agreement termination

(b) The [corporation] authority may terminate a rental agreement when [a] the tenant, any member of the tenant's household, or any guest or other person under the tenant's control:

- (1) Fails to observe or perform any covenant or obligation of the rental agreement, or rule of the [corporation] authority or housing project, or law or ordinance of a governmental agency that pertains to or establishes standards of occupancy;
- (2) Engages in the illegal use of a controlled substance;
- (3) Whose illegal use of a controlled substance, or abuse of alcohol, is determined by the [corporation] authority to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents;
- (4) Who the [corporation] authority determines engages in any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents; [or]
- (5) Who the [corporation] authority determines engages in any drug-related criminal activity on or off the [corporation's] authority's [property.] premises; or
- (6) Violates the smoking prohibitions pursuant to section 15-186-49 on more than two occasions and receives written notice of said violations; provided that a guest who is visiting a resident, or any member of the tenant's household, who violates the smoking prohibition shall be deemed a violation by the tenant, and shall be counted toward the tenant's violations; provided further that failure to respond to management's request will result in a separate Notice of Violation being issued to the Tenant(s) for the refusal to respond to management's request; provided further that if tenant, any member of the tenant's household, or any guest or other person under the tenant's control receives only one violation of section 15-193-49 in one year, and participates in and completes a smoking cessation service program within the same year, the authority will clear the one violation and shall not deem the incident as a violation for the following year.

Add §15-186-49 Smoking prohibited

§15-186-49 Smoking prohibited. (a) Smoking is prohibited in all public housing projects, or portions of public housing projects, including inside dwelling units, except where marked by the authority as a designated smoking area, including:

- (1) Each individual housing unit;
- (2) In all common areas and community facilities in and around the authority's public housing projects. The authority may designate additional common areas; and
- (3) Within a presumptively reasonable minimum distance of twenty feet from each individual building of the housing project, and from any entrances, exits, and windows that open to common areas, community facilities, and dwelling units, and ventilation intakes that serve common areas, community facilities, and dwelling units, including enclosed or partially enclosed areas where smoking is prohibited.

(b) One or more permissible designated smoking areas may be designated by the authority at least twenty feet away from any residential or other building, or any greater distance away as may ensure that the secondhand smoke does not infiltrate any dwelling unit, if such an area can be identified on the property, as authorized by Act 91, Session Laws of Hawaii 2014.

(c) Tenants, members of the tenant's household, and guests and visitors of the household shall promptly discontinue smoking upon management's request when observed smoking outside of a designated smoking area, if any.