

## HFC Committee

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**From:** Tina Oman <OTina40@hotmail.com>  
**Sent:** Thursday, October 22, 2020 3:34 PM  
**To:** HFC Committee  
**Subject:** Testimony for Smoke Free Homes in Maui County  
**Attachments:** Smoke Free Ordinance - Position Statement.pdf

Aloha,

Thank you for an opportunity to share today.

I have attached my testimony and a link to a city website that has put a smoke-free Multi-Unit Housing Law into place.

Please understand that this is a serious health concern.

Mahalo,

Tina Oman  
Kamaole Beach Royale

Aloha,

I am a condo owner in Kihei where one of the owners has rented her unit to smokers, and it has been seeping into my unit night and day, which is impacting my ability to breath. I have asthma. Sometimes it is so excessive that my smoke detector beeps.

Research has proven that second hand smoke travels in multi unit buildings, and that it can affect the respiratory system. Nevertheless clean air is not a right when you live in a condo. It is just not a given right.

### What about during COVID-19?

1. Is clean air necessary for someone quarantining and infected with COVID-19?
2. Does a condo smoker's right prevail as default during a health crisis?
3. Do the people who live and work in Maui have clear air rights over vacation rentals?

For myself, if I had COVID-19, I would need to leave my home, but where could I go that I would not infect others?

My HOA is unable to help me since the default is that a smoker has a right to smoke in their own condo.

This is their rationale and position on smoking:

### RATIONALE FOR BOARD POSITION ON SMOKING

MOST OWNERS OPPOSE SMOKING IN UNITS, BUT THE BOARD IS NOT IN A POSITION TO TRY AGAIN TO PROHIBIT SMOKING ENTIRELY ON-SITE FOR FEAR OF EXPOSING THE AOAO TO SUBSTANTIAL LEGAL FEES IF WE HAD TO FIGHT OPPOSITION TO SUCH RULES IN COURT. THE BOARD HAS OPTED INSTEAD TO WAIT UNTIL ANOTHER CONDOMINIUM COMPLEX IN THE STATE OF HAWAII IMPLEMENTS SUCH A PROHIBITION OF SMOKING AND IS TAKEN TO COURT BY COMPLAINTANT OWNERS AND/OR PRO-SMOKING LOBBYING GROUPS. ONLY WHEN THE CASE IS FULLY ADJUDICATED IN THE STATE OF HAWAII, INCLUDING APPEALS, PROHIBITING ON-SITE SMOKING WILL THE BOARD FEEL THAT THE KAMAOLE BEACH ROYALE AOAO IS "LIABILITY FREE" AND MOVE TO IMPLEMENT A BAN OF SMOKING ON SITE. **TO-DATE, WE ARE NOT AWARE OF ANY SUCH CASE BEING ADJUDICATED IN THE STATE OF HAWAII.**

*You see...in order for smoking to be prohibited it must obtain a 67% vote from all owners. It's backwards....Clean air has to be voted on.*

*Living in a pandemic that has been proven to cause respiratory issues in the lungs.....but to have clean air in your home.....it has to be voted on?*

**Also:**

I make too much money to live in state mandated smoke free public housing, and not enough to initiate a powerful lawsuit to make a change. A Maui County ordinance could take this burden off the AOA's and give them the power to freely create smoke free living environments, in **ALL** multi-unit housing complexes. If it was a temporary ordinance during COVID-19 that prohibited smoking in multi-unit buildings.

*In April I joined as a volunteer with the **Coalition for a Tobacco-Free Hawaii/HIPHI**, because my health has been impacted from the second-hand smoke of a neighbor in my condo, and severe enough to send me to my car to sleep at night.*

*I am not alone in this situation. This summer our Coalition worked hard to collect data. We are finding that health related complaints due to second hand smoke are many who live in Kihei due to a smoking neighbor(s) in multi-unit housing complexes.*

*We have state mandated smoke free public housing, because we know the dangers of secondhand smoke, but we still allow it in our housing that many families are living in.*

*Currently the State of California has 63 cities/counties that have an ordinance in place to prohibit smoking. One such example is the link below.*

*<https://www.redwoodcity.org/residents/smoke-free-multi-family-housing>*

*Thank you,*

*Tina Oman*

*Kamaole Beach Royale (Kihei)*