
More condos opt to snuff out smoking

The bans also invite controversy as critics allege they infringe on people's civil liberties

By Andrew Gomes

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SMOKE-FREE condominiums are a small but growing trend in Hawaii, with a handful of condo owner associations amending their rules in recent years to prohibit smoking.

Now a developer is set to build what is being described as the first new condo tower built in the state to be 100 percent smoke-free.

Lighting up at the 801 South St. project in Kakaako will be prohibited — even in your own home.

“If you're going to smoke, you have to go off the property,” said Ryan Harada, a principal with Downtown Capital LLC, which is developing the 46-story project scheduled to break ground in June.

Harada said the restriction put off some would-be buyers, but more people regarded it as a benefit.

The project with 635 units is considered sold out, based on initial sales of about 235 units followed by a lottery last month that drew 697 entries to buy the other 400 units.

Harada said a smoking ban was suggested by the project's real estate brokerage firm, Marcus & Associates.

Jason Nishikawa, a broker with Marcus & Associates representing 801 South St., said the no-smoking policy was viewed as a benefit in line with a recent trend among existing condos that have instituted smoking restrictions for common areas, lanais and living spaces.

“We look at it as something that is coming,” he said. “It's happening out there.”

Enforcement of no-smoking rules at condo projects typically involves fines that can be converted to liens on an owner's unit if they go unpaid.

At 801 South St., a first offense will result in a warning. Fines of \$50, \$100 and \$150 would be imposed for subsequent offenses.

Nishikawa said he doesn't expect problems with disgruntled condo owners and noncompliance because the project was advertised as 100 percent smoke-free. “We view it as a positive,” he said.

Jessica Yamauchi, executive director of the Coalition for a Tobacco-Free Hawaii, said 801 South St. is the first new condo project she is aware of in Hawaii to sell smoke-free units.

“This is very exciting news and we applaud the developer and hope that more will follow in their footsteps,” she said in an email.

Local developer Stanford Carr said the smoking restriction at 801 South St. led him to embrace a similar plan for the 204-unit rental tower he is building in Kakaako called Halekauwila Place. “I think this is a good idea,” he said in an email.

Existing condo towers with complete smoking bans established in the last year or so include Nuuanu Parkside in Nuuanu, Summer Palace near the Hawai'i Convention Center and Keola La'i in Kakaako.

More limited bans include one adopted a few years ago at the Ilikai, where smoking on lanais was prohibited.

At the 30-story Wilder at Piikoi, a rule was adopted about a year ago to ban smoking in any units sold after the rule change. But if smoking triggers a complaint, then the ban can be applied to grandfathered units.

Karl Bast, Wilder at Piikoi's resident manager, said he hasn't received many complaints, but he knows of one resident who sold his unit and moved because of the rule.

“Smoke seeps through almost anything,” said Bast, who quit smoking about seven years ago. “The building wasn't designed (to be airtight.)”

Tobacco-Free Hawaii has had a significant influence in the trend, leading a campaign about four years ago to educate and encourage condo associations and apartment-building owners to go smoke-free.

The advocacy group, which maintains the website hawaiiismokefreehomes.org, advises that owners of smoke-free buildings can benefit from lower insurance costs because of reduced fire risk, reduced cleaning expenses and fewer problems between neighbors living in close proximity.

Tobacco-Free Hawaii also states that about 85 percent of adults in Hawaii don't smoke, which suggests that smoking bans won't infringe on the habits of most people.

But banning smoking in someone else's home can be a divisive policy that smoking-rights groups often tout as an un-American civil liberty violation.

For rentals, such a prohibition can be made by a single landlord who amends house rules or a lease.

The change for condos is more difficult — typically requiring two-thirds approval of unit owners to modify condo association bylaws.

An effort was made to reduce the approval requirement to a simple majority this year at the Legislature through Senate Bill 945. But the House Consumer Protection and Commerce committee has not given the measure a hearing after it passed Senate committees.

Bert Blodgett, an ex-smoker living in Lahaina, called the bill a dangerous change to established condo law. “I enjoy my smoke-free environment in my own home, but I do not want the Legislature to mandate a change through a simple majority of owners voting to adopt a no-smoking policy in dwelling units,” he said in written testimony on the bill.

Michael Zehner, co-chair of the Hawaii Smokers Alliance, derided the bill as “purely an attempt at social engineering the lifestyles of others, spearheaded by a tiny ring of professional lobbyists called Tobacco Free Hawaii.”

The two-thirds majority requirement is being fought over because it is a relatively high bar.

Chris James, a part-time Hawaii resident who owns a condo at Atkinson Plaza, proposed a smoking ban in the building two years ago after he was hospitalized with a lung infection and secondhand smoke began bothering him. But an initial vote fell short at about 60 percent.

James then made an effort to track down absentee owners on the mainland and even in Japan and the Philippines to encourage more people to vote, and that helped the ban pass last year.

“Secondhand smoke is dangerous to your health ... but for me it’s pretty miserable,” said James, who is 80. “I want to keep myself in the best possible health.”

NON-SMOKING TOWER

The developer of the planned 635-unit condo called 801 South St. has said the property will be non-smoking, including inside units.



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