

REQUEST FOR ACTION

Subject	Ban Smoking Entirely Throughout The Collection, including within the Residential Units				
Preparer	Joe Krahulik/Kevin Kwan	AOUO Title	Director/Owner of Unit#1102		
Date	January 25, 2018	For Board	X	Action	Info

EXECUTIVE SUMMARY

"The Collection is intended to be a smoke free Project. The smoking of tobacco (cigarettes or cigars) or any other substance on Lanais or in the Common Elements of the Project is strictly prohibited. Smoking within a Resident's Unit is permitted."(Association Rule 3.4) However, we'd like to propose prohibiting smoking entirely throughout The Collection, including within the Residential Units.

Rationale

The entire smoking ban will benefit the residents in a number of respects:

First, many hotels are instituting smoking bans. For instance, Marriott and Westin have banned smoking throughout their hotels for years. This trend is growing among condominium associations as well. For example, the nearby projects of 801 South Street, 1350 Ala Moana, Keola La'i, Ko'olani, Pacifica Honolulu, and Symphony Honolulu condominiums have adopted no smoking policies entirely throughout their properties. In fact, smoking bans may enhance property values and lower insurance costs.

Second, prohibiting smoking entirely throughout the property will reduce the risk of fires. Although the risk of a fire is still relatively low, a reduction in the risk is significant, particularly when you consider the cost and impact of a fire.

Third, many people are concerned about the risk of second-hand smoke. Eliminating smoking entirely throughout The Collection, addresses the legitimate health concerns of many people. The Center for Disease Control and Prevention reports that second-hand smoke exposure contributes to approximately 41,000 deaths among non-smoking adults and 400 deaths in infants each year. On October 11, 2017 Hawaii News Now reported that Mayor Kirk Caldwell signed into law a measure that bans smoking in cars with kids. The measure is intended to reduce the health risk children face when exposed to second-hand smoke. Hawaii County and Kauai County already have similar laws in place: Hawaii since 2010 and Kauai since July 2016. Also, as of July 10, 2018, smoking has been banned from all University of Hawaii campuses.

Fourth, trying to block smoke from seeping between units by using exhaust fans or sealing crevices is ineffective. Smoke can transfer from one unit to another through air vents, pipes, gaps in insulation, electrical outlets, ceiling fixtures, windows and doors. Prohibiting smoking altogether is the only sure way to avoid unwanted exposure to this toxic substance.

RECOMMENDATION											
The Board should consider approving this proposal to prohibit smoking entirely throughout The Collection, including within the Residential Units.											
Exhibits (If applicable)	Index	Title									
	A										
	B										
FOR BOARD USE ONLY											
CERTIFICATE OF BOARD ACTION											
<input checked="" type="checkbox"/>	Approved	<input type="checkbox"/>	Declined	<input type="checkbox"/>	Noted	<input type="checkbox"/>	Returned	<input type="checkbox"/>	Deferred	<input type="checkbox"/>	Withdrawn
Stipulations											
Board approved method to obtain owner vote to be by written-consent.											
Coordinating Instructions											
Distribution Instructions											
Recording Secretary	Joe Krahulik			Action Date	9/24/18	RFA No.	19-2018				

TO: The Collection Board of Directors (BOD)
FROM: The Collection Governance Committee (GC)
SUBJECT: RFA 19-2018; “Ban smoking entirely throughout The Collections, including the residential units”
DATE: September 20, 2018

The GC met on 9/13/18 to discuss the subject RFA 19-2018.

Four GC members were present; Kathy, Kevin, Wei-Kung and me. Al Guzman also attended to provide insights and clarification.

Subsequent 9/14/18 phone conversation with Carin affirms her support for GC recommendation to the Board.

Based on the information that was assembled by management and with input and other information from GC members, the GC is recommending the following:

1. Amend The Collections By-laws to establish the Collections as a “SMOKE FREE” building (residential units at Towers and Lofts; commercial units n/a), and to seek ownership approval (67%) to amend the BY-LAWS; method to be determined by the BOD (by written consent or at next 2019 - Annual AOAU meeting).
2. Request counsel to prepare appropriate language to amend By-laws to restrict ALL SMOKING at all common areas, limited common areas and interiors of all units (prohibit use of tobacco, VAP, and/or any other smokable substance), in The Collections Towers and Lofts, unless allowed by law or for medical purposes (i.e. medical marijuana).
3. The possibility of conducting a survey among owners has been thoroughly discussed. Given the uncertain responsive rate and the likelihood of an inconclusive result, the GC members recommend to seek ownership approval rather than conducting a survey.

The GC recommendation is based the following principles:

- A smoke free building is a sound business decision to maintain and improve the image and value of The Collections as a healthy environment,
- Smoking in buildings increase maintenance, operating and staff expense,

- Smoking in buildings can increase risk of fires,
- Second hand smoke can transfer within the building,
- Many renters and home buyers prefer SMOKE FREE buildings,
- There are more and more Honolulu/Kakaako condos converting to SMOKE FREE environments that are desired by health conscience residents

Disclosure: All GC members are Non-smokers.

Respectfully submitted by the GC: Kathy Davey, Carin Lim, Kevin Kwan, Wei-Kung Wang, Carleton Ching