
A BILL FOR AN ACT

RELATING TO PLANNED COMMUNITY ASSOCIATIONS.

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

1 SECTION 1. The purpose of this Act is to bring Hawaii into
2 compliance with the federal Freedom to Display the American Flag
3 Act of 2005.

4 SECTION 2. Chapter 421J, Hawaii Revised Statutes, is
5 amended by adding a new section to be appropriately designated
6 and to read as follows:

7 "§421J- Flag of the United States and Hawaii; display.

8 (a) Notwithstanding any law to the contrary, no member shall be
9 prohibited by any association document, covenant, declaration,
10 bylaws, restriction, deed, lease, term, provision, condition,
11 codicil, contract, or similar binding agreement, however worded,
12 from displaying the flag of the United States or of the State
13 for up to three hundred sixty-five continuous days per year on
14 the premises of any detached single-family residential dwelling
15 or townhouse that the member owns; provided that the board of
16 directors may implement reasonable time, place, and manner
17 restrictions with regard to display of the flag; provided
18 further that the restrictions shall not be inconsistent with the



1 provisions of 4 U.S.C. Sections 5 to 7 that do not prohibit
2 display of the flag altogether.

3 (b) No association or board of directors shall assess or
4 charge any homeowner any fees or fines, or impose on any
5 homeowner any penalties, for the placement of any flagpole."

6 SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY:

Richard R. Antonilla John R. Thompson

[Signature]

Barbara Manumoto

[Signature]

John Edward

[Signature]

JAN 26 2011



Report Title:

Planned Community Associations; Flag

Description:

Provides that planned community associations may not prohibit members from displaying the United States or Hawaii flag. Permits reasonable time, place, and manner restrictions on flag displays but prohibits assessment of a fee to approve the display.

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

