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# 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 legislature finds that there has been  
2 on-going dispute in planned community associations between  
3 members and association boards regarding the right of members to  
4 display the United States flag and the flag of the State of  
5 Hawaii. In addition, there has been public outcry from members  
6 of planned community associations that wish to display these  
7 flags but have been thwarted by association boards through  
8 denials, fines, and the imposition of large fees.

9           The purpose of this Act is to clarify the right of members  
10 of planned community associations to display the United States  
11 and State of Hawaii flags on their properties.

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

15           "§421J-           Display of house-mounted United States and  
16 State of Hawaii flags. (a) Notwithstanding any law to the  
17 contrary, no member or bona fide tenant of a member shall be  
18 prohibited by any association document, covenant, declaration,



1 bylaw, restriction, deed, lease, term, provision, condition,  
2 codicil, contract, or similar binding agreement, however worded,  
3 from displaying a house-mounted United States or State of Hawaii  
4 flag on any residential dwelling that the member owns or has  
5 rented to a bona fide tenant; provided that the house-mounted  
6 flag shaft shall not exceed six feet in length and the flag  
7 shall not exceed three feet by five feet in size.

8 (b) No association or board of directors shall assess or  
9 charge any member any fee or fine, or impose on any member any  
10 penalty for the house-mounted display of flags as provided in  
11 this section.

12 (c) Flags displayed pursuant to this section shall be  
13 displayed in a prominent position on the residential dwelling;  
14 provided that:

15 (1) United States flags shall be displayed in accordance  
16 with the provisions of Chapter 1 of Title 4, United  
17 States Code; and

18 (2) State of Hawaii flags shall be displayed in accordance  
19 with section 5-19.

20 (d) As used in this section, "house-mounted" means mounted  
21 to a residential dwelling."



- 1 SECTION 3. New statutory material is underscored.
- 2 SECTION 4. This Act shall take effect upon its approval.



**Report Title:**

Planned Community Associations; United States Flag; State of Hawaii Flag; Display

**Description:**

Prohibits planned community associations and their boards of directors from: (1) Disallowing a member's or their bona fide tenant from displaying house-mounted United States and State of Hawaii flags on their residential dwellings; and (2) Assessing or charging any fee or fine, or imposing any penalty, on their members, for house-mounted display of these flags. Requires the flags to be displayed in a prominent position on the residential dwelling. (HB69 HD1)

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

