

---

---

## 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 an  
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 a public outcry from  
6 members of planned community associations who wish to display  
7 these flags but have been thwarted by association boards through  
8 both denials and fines and the imposition of large fees.

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

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 the 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 shaft shall not exceed six feet in length and the flag shall not  
7 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 such flags.

11 (c) Flags displayed pursuant to this section shall be  
12 displayed at the front of the residential dwelling and:

13 (1) United States flags displayed pursuant to this section  
14 shall be displayed in accordance with the provisions  
15 of Chapter 1 of Title 4, United States Code; and

16 (2) State of Hawaii flags displayed pursuant to this  
17 section shall be displayed in accordance with section  
18 5-19.

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

21 SECTION 3. New statutory material is underscored.



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

2

INTRODUCED BY:

Jode T. Rottmiller

Cindy Evans

Tom Brown

JAN 20 2011



**Report Title:**

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

**Description:**

Prohibits planned community associations from disallowing a member's or a member's bona fide tenant's house-mounted display of the United States and State of Hawaii flags provided the display meets size restrictions. Requires the display to be at the front of the dwelling and in accordance with state and federal law.

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

