

**IN SUPPORT OF HB 69
(With Conditions)
Testimony (Submitted via Email)**

- Testifier's name with position/title and organization;
- The Committee the comments are directed to;
- The date and time of the hearing;
- Measure number; and
- The number of copies the Committee is requesting.

TESTIFIER'S NAME: Harold B. Alejandro

**TITLE (Military): Retired Veteran, USAF / US Army
Iraqi and Enduring Freedom**

**TITLE (Civilian): Civil Engineer
State of Hawaii, Dept. of Education**

**ADDRESS: 91-336 Hoowalea Place
Ewa Beach, Hawaii 96706**

HEARING DATE: 9 February 2011, Wednesday

TIME: 8:30 am

MEASURE: House Bill 69

DESCRIPTION:

HB 69
Status

RELATING TO PLANNED COMMUNITY
ASSOCIATIONS.

HSG, JUD

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.

No. of COPIES Committee is Requesting: 14
Legislative Committee on HOUSING, State of Hawaii

HONORABLE REP RIDA CABANILLA (Ma'am)
And Honored Representatives on the Legislative Committee on Housing:

First of all, I would like to THANK Committee Chair Rep. Rida Cabanilla and the Housing Committee for allowing me the time to express my testimony for the subject measure. I would also like to recognize Chair Rep Cabanilla, and fellow Veteran, in her willingness and efforts to draft a Flag Bill to help advance our Rights as Citizens of this Great Nation to be allowed to respectfully display our Nation's Flag in our home of residency without the burdensome restrictions placed on many of us living in Planned Community Assn communities. And Lastly, I would also like to thank Rep Kymberly Pine and her staff for their service to the Ewa Beach community and for being there since the beginning in helping us look at all avenues to advance our flag bill into law.

I am IN SUPPORT of HB 69 and its intentions and purpose specified in this bill with conditions specified below.

As I mentioned to Rep Pine, it is my wish as well as the wishes of our supporters that we work together, along with Chair Rida Cabanilla, to advance a flag bill through the House that meets the following criteria:

- (1) Bring Hawaii into compliance with the Federal Freedom to Display the American Flag Act of 2005 (Public Law 109-243) yet prohibits fines and fees and discouraging association covenants allowing for the respectful display thereof.***
- (2) Remove staff location restrictions in the law but clarifies language that all Flags affected by this law shall be staffed and displayed in a manner that maintains the respect, honor, and the symbolism thereof in accordance with the Federal US Flag Code, Title 36, Chapter 10 and applicable State Laws thereof.***
- (3) Clarifies Home Flag Kits as flags not to exceed 4ft x 6ft in size.***
- (4) Incorporate the Hawaii State Flag as part of the Flag Affected by this law.***
- (5) Takes into effect UPON APPROVAL.***

The abovementioned criteria, I feel, will best affect the GREATER GOOD rather than address my sole plight and desire to display our Nation's Flag in my home of residence.

In the Past Year since we started this quest to advance a Flag bill into law, I pondered on the following:

How is it that....

- (1) We honored Little League and Football Champions in our community where we posted signs, flags, held fundraisers, and Homeowners Assns even posted street placards visible from the roads, and held Parades in honor of their accomplishments.**

How is it that....

- (2) We openly decorated our Homes and Front yards during the Holidays from the gory to the Angelical and were asked to challenge our fellow neighbors on who has the best display.**

How is it that....

- (3) We Openly Held "PRIDE DAYS" and festivals for our community and posted signs, flags and placards throughout the community reminding ourselves to have "PRIDE" in our Community.

Yet... We as a community held no honor, parades, or were even allowed to post our Nation's Flag in honor of Two Fallen Heroes, PFC Junior Salvacion and Cpl Sean M. Collins, from my community for fear of being cited or fined. How sad that at times we, including myself, can easily forget the blessings this country has to offer through the sacrifices of these and other heroes like them past and present.

We must not forget that we are ALL recipients of the blood they shed, the sweat they endured, and the sacrifices made... that a mere flying of our Nation's Flag, OLD GLORY in our home of residence is but a small gesture in expressing our deepest gratitude from a grateful family who have been gifted to live in this Greatest Country Ever Bestowed to Man.... THE UNITED STATES OF AMERICA.

I THEREFORE, urge the Housing Committee to continue in working together to draft and pass a flag bill where the Greater Good of this State is protected and served and the right to freely express our Gratitude to our Nation's Heroes and Our Country is openly welcomed through the display of the flags to which they fought.

Again, thank for your time and service to our State... and May GOD Bless OUR TROOPS, Our SERVICEMEMBERS, and OUR VETERANS PAST AND PRESENT, for they truly made this the Home of the Brave and the Land of the Free.

With Deep Respect,

Harold Alejandro
Retired Veteran, Iraqi and Enduring Freedom
Ewa Beach, Hawaii



TYPE OF FLAG AND FLAG POLE WE REQUESTED TO POST AT OUR HOME OF RESIDENCY. (Photo Courtesy of Deborah Alejandro Harding and LTC Lewis Harding, USAF of Rocklin, CA. Authorization given to use their image 2/23/10)

Date: February 8, 2011

To: House Committee on Housing
Representative Rida Cabanilla, Chair
Representative Pono Chong, Vice Chair

From: Kea Chung, President
Korean Air Force Assn. of HI

Re: Support for HB 69, Relating to Planned Community Associations

Honorable Chair, Vice Chair, and members of the House Committee on Housing, I am Kea Chung, President of the Korean Air Force Association of Hawaii. I am writing in **STRONG SUPPORT OF HB 69, Relating to Planned Community Association.**

This bill would amend the Hawaii State Constitution that would prohibit Planned Community Associations from restricting a home owner from displaying the U.S. or Hawaii State Flag on their homes, as long as they meet the requirements specified in the bill. Planned Community Associations **DO NOT** have the right to tell residents that they cannot display the flags, if the resident wishes to do so. The flag is a symbol of freedom, and thus a resident should be free from fines and penalty if they wish to display the flag.

I ask that the Committee support and pass this measure.

Thank you for the opportunity to testify.

Korean Air Force Assn. of Hawaii
1188 Bishop Street, PH-1
Honolulu, HI 96814
808-295-1930

From: ralphandbobbiem@aol.com
Sent: Tuesday, February 08, 2011 1:38 PM
To: Rep. Rida Cabanilla; HSGtestimony; Rep. Kymberly Pine; Sen. Will Espero
Cc: fourewa_hi@yahoo.com
Subject: Re: HI Legislature Update - Flag BILL HEARING 9 Feb 0830

To whom it may concern:

I can't make it anytime on Wednesdays, it is too late for me to draft up anything showing my feelings against the negative and offensive language introduced by Sen Will Espero's SB 93 regards the Flag Bill. Senator Will Espero actions appears to show he continues to be truly against U.S War Veterans and their families and all of Hawaii's people who wish to freely fly the American and Hawaii Flags on their property without restrictions and monetary penalit; Senator Espero is disrespectful to our veterans; I place him in a category of being about as anti-American as one could imagine. Neither can I say there is anything good in Representative Cabanilla's HB 69, this Bill also goes against the grain of those who believe in true Americanism which includes defending and freely flying our American flag anywhere and anytime 24 hours a day, 7 days a week throughout each and every year; HB 69 purely lacks the decency to remove all restrictions and monetary costs and penalties against veterans and their families to freely fly the American and Hawaii flags on their property.

God Bless Hawaii's people, our war veterans and their families, and Representative Kimberly Pine for introducing HB 1468.

Just in case my previous testimony on HB 1468 (I e-mailed it to the office of Representative Cabanilla, on 31 January 2011) got misplaced, I have included an exact copy, as spelled out below my name and address element, this message.

I'm Proud to be an American War Veteran and Proud to be a Citizen of the Great State of Hawaii and the United States of America; it is too bad that we have so many Hawaii State Representatives and Senators that are the exact opposite of myself and fellow veterans, and Representative Pine.

Ralph Moore, Korean War-Vietnam War Veteran
Pearl City Hawaii

PRIOR MESSAGE ON HOUSE BILL 1468

FROM: Ralph Moore, Korean-Vietnam War Veteran, Pearl City, Hawaii, 96782

TO: The Committee on Housing

SUBJECT: TESTIMONY FOR THE COMMITTEE ON HOUSING HEARING ON THE HOUSE BILL NO. 1468; SCHEDULED FOR 8:30 A.M., WEDNESDAY, FEBRUARY 2, 2011, AT CONFERENCE ROOM 325, STATE CAPITOL, CONFERENCE ROOM 325, 415 SOUTH BERETANIA STREET, HONOLULU, HAWAII

Dear Representative Rida Cabanilla,

I ask you for your total support of House Bill No. 1468, and that of your fellow committee members. This Bill for an Act has been too long in waiting and needs to be passed by majority vote quickly for it represents what all of America military veterans and their family members deserve; the right to proudly and freely fly the American Flag on their homesteads without restrictions, and thus by doing so would permit these veterans, their widows, and their children and all of Hawaii's people to show their continued patriotism for America and its people by allowing their American Flags to be visibly seen by the general public from anywhere along our highways, byways, public and private roads, streets, homes and from hillside vantage points.

My testimony herein asks that you and your committee members think about the many millions of American service members and women who gave their lives protecting our people and upholding the cause of freedom for our great Nation. Our American Flag, Old Glory has been that visible symbol of freedom for over 200 years Today, we seldom ever see our American flag waving anymore, but when we do, it remains a daily reminder as to why we are so protective of our great Nation, its great people. It may only be made of cloth with stripes of

red, white and blue and a blue union field with 50 white stars, but it is beautiful and historical to behold because we know Americas finest warriors have died in many wars to uphold the liberty and freedom of America and its people who cherish their symbol of freedom, the American Flag. For this reason alone, our American and Hawaiian Flags should be seen most worthy of and deserve being flown freely by their owners without restrictions established or controlled by officers of homeowner associations.

Last year, I wrote similar testimony regards the flag Bill, only to see a good number of Hawaii's Legislators showing little to almost no appreciation for the valiant efforts and loss of life by our military veterans in time of war and peacetime. If these Legislators truly did appreciate and respected our veterans' wartime efforts, they would have acted properly and favorably for the veterans, their families and all the citizens of Hawaii; instead our legislators turned their backs against our veteran homeowners and left in place Homeowner Association restrictions against flying the American Flag and the levy of unpatriotic, and ridiculous but costly moneatray fines against homeowners for noncompliance of association rules.

In the above, I had mentioned our flag is a symbol of freedom. I wish to remind our legislators that this freedom, which they enjoy, is not free and never was free; those who have marched off to defend and protect America's citizens, repeatedly spanning more than 200 years, have earned it with much spilled blood and tremendous loss of life. We know that millions of our citizens have been killed and maimed in all of America's wars, and are still being killed and maimed on foreign soil today for the sake of keeping America safe and protecting your freedom. Yes, that symbol of freedom; our American Flag is everywhere today and worn on the shoulders of today's military personnel, and often seen draped over the caskets of fallen American Heroes. If it was not for veterans like myself, those serving today, and all those who have fallen defending our nation, we would not have that freedom to fly an American Flag, or the freedom to vote people into office as a Hawaii State Representative, Senator, or council member.

Today's retired and active duty citizen soldiers are no different from those standard-bearers who cared for and protected our Nation's flag in wars past. Flying our American flag in the forefront of battle or in memory of those who served our country is a time-honored tradition of a grateful nation. This tradition must never be tread upon by a few politicians who wish not to make waves for fear of offending a few people who do not give complete respect regards flying the American and Hawaiian Flags on their homesteads, and this would include those working for Community Developers, Planned Community Associations and Neighborhood Boards in the State of Hawaii.

I am, and know that my children and grandchildren are proud of my service to my country, their country and your country. They are proud of their grandfathers and great grandfathers who served in WWII, WW1, and the many of our relatives who served before them for the same reason, protecting our freedom, our Nation, and our flag, which expresses freedom, independence, and patriotism.

Hawaii's citizens must be allowed to honor all who served our Nation by flying the American flag on their own homesteads, whether it be from a 25-foot flagpole in the front yard or 15-foot pole attached to a house, condominium, or townhouse. Failure to allow the American Flag(s), to fly freely on a person's homestead is pure disregard toward and disrespect of our military veterans, their families, widows and orphans, as well as impacting on all of Hawaii's citizens. I am hopeful and I pray that this committee, which is hearing HB 1468, will act favorably on it and get all of Hawaii's State Representatives on board to pass it quickly with a recommendation for our State Senators to act in the same manner.

Now that we all come to realize that freedom is not free, let us all start paying tribute to those who have spilled their blood for that old red, white and blue cloth symbol of freedom and honor the words of the Constitution of the United States of America. In doing so, I ask that all of our elected officials to let the State Constitution and its Hawaii Revised Statues, as appropriate, grant all of Hawaii's citizens the right to freely fly the American Flag on their homesteads on a flagpole befitting of flying it freely in the wind any time of the day and week.

I know this is getting verbose, however I make note that on Memorial Day and Veterans Day, thousands upon thousands of American Flags are posted above each gravesite of a fallen American warrior at our National, State and local cemeteries, for all to see. I ask you, don't you think it is time that Hawaii's government allow all of Hawaii's people to freely fly the American Flag, on their homesteads during any time on any day of the week

to honor and pay tribute to our living warriors who are out there somewhere in harms way defending our freedom and our American Flag .

I apologize for some redundancy that may have appeared in this request asking full State House of Representatives support of H.B. No. 1468, however due to circumstances including time limits beyond my control; please accept my words as written herein.

Prepared and submitted this day of 31 January 2011.

Mahalo,

Ralph Moore (Korea – Vietnam War Veteran), 2227 Amokemoke St, Pearl City Hawaii, 96782

-----Original Message-----

From: Alejandro Ohana+HI-50 <fourewa_hi@yahoo.com>

To: Sam Araki <samaraki@hawaii.rr.com>

Sent: Tue, Feb 8, 2011 7:55 am

Subject: HI Legislature Update - Flag BILL HEARING 9 Feb 0830

Aloha VFW Comrades...

Comrade Sam....Please pass on at your discretion.

The House will be hearing 2 Versions of the Flag Bill (HB 1468 - introduced by Rep Kym Pine and HB 69 - introduced by Rep. Rida Cabanilla) with another introduced by Sen Will Espero, SB 93. See below. Written testimonies are due 24 hrs prior to scheduled hearing. YOUR SUPPORT IS STRICTLY OPTIONAL.

AMENDED NOTICE OF HEARING

DATE: Wednesday, February 09,
2011

TIME: 8:30 a.m.

PLACE: Conference Room 325
State Capitol
415 South Beretania Street

February 9, 2011

Honorable Rida T.R. Cabanilla, Chair of Housing Committee
Honorable Pono Chong, Vice-Chair of Housing Committee
Honorable members, Housing Committee

IN STRONG SUPPORT HB 69

Aloha Madam Chair,

My name is Marilou Chin and I am writing today in strong support of HB 69 relating to planned community associations. This bill would preserve our right to fly the American Flag, preventing planned communities and their associations from issuing fines and prohibition for flying the flag.

As an American, I feel that this is an important piece of legislation, allowing to celebrate our nation's heritage and symbol of freedom.

I urge you to **PASS HB 69**.

Thank you for this opportunity

Date: February 8, 2011

**To: House Committee on Housing
Representative Rida Cabanilla, Chair
Representative Pono Chong, Vice Chair**

From: Orlando Cortado

Re: Support for HB 69, Relating to Planned Community Associations

Aloha Honorable Chair, Vice Chair, and members of the House Committee on Housing, my name is Orlando Cortado from Soda Creek, Ewa Beach, and I am writing in STRONG SUPPORT OF HB 69, Relating to Planned Community Association.

I am testifying in STRONG SUPPORT of this bill. This bill would amend the Hawaii State Constitution that would prohibit Planned Community Associations from restricting a home owner from displaying the U.S. or Hawaii State Flag on their homes, as long as they meet the requirements specified in the bill. The U.S. and State Flag are symbols of freedom that should be able to be displayed without the fear of fines and penalties. No person, or Community Association should deny a person's right to display the flag if they desire to do so.

I urge the Committee to support and pass this measure.

Thank you for the opportunity to testify.

Date: February 8, 2011

To: House Committee on Housing
Representative Rida Cabanilla, Chair
Representative Pono Chong, Vice Chair

From: Rose Martinez

Re: Support for HB 69, Relating to Planned Community Associations

Hello Honorable Chair, Vice Chair, and members of the House Committee on Housing, my name is Rose Martinez from West Loch Estates, Ewa Beach. I am writing in STRONG SUPPORT OF HB 69, Relating to Planned Community Association.

I am testifying in support of this bill. The U.S. and State Flag are symbols of freedom that should be able to be displayed without the fear of fines and penalties. This bill would amend the Hawaii State Constitution that would prohibit Planned Community Associations from restricting a home owner from displaying the U.S. or Hawaii State Flag on their homes, as long as they meet the requirements specified in the bill. I believe that it is the right of a person whether they want to display the flag or not, they should not be told that can or can't do either.

I urge the Committee to support and pass this measure.

Thank you for the opportunity to testify.

Date: February 8, 2011

To: House Committee on Housing
Representative Rida Cabanilla, Chair
Representative Pono Chong, Vice Chair

From: Ben Agonoy

Re: Support for HB 69, Relating to Planned Community Associations

Honorable Chair Cabanilla, Vice Chair Chong, and members of the House Committee on Housing, my name is Ben Agonoy from Ewa Gentry. I am writing in **STRONG SUPPORT OF HB 69, Relating to Planned Community Association.**

I am testifying in support of the bill. The U.S. and State Flag are symbols of freedom that should be able to be displayed without the fear of fines and penalties. This bill would amend the Hawaii State Constitution that would prohibit Planned Community Associations from restricting a home owner from displaying the U.S. or Hawaii State Flag on their homes, as long as they meet the requirements specified in the bill. A flag is meant to be displayed. No Community Association should be able to deny a flag its dignity it deserves.

I urge the Committee to support and pass this measure.

Thank you for the opportunity to testify.

Date: February 8, 2011

To: House Committee on Housing
Representative Rida Cabanilla, Chair
Representative Pono Chong, Vice Chair

From: Agnes Reyes

Re: Support for HB 69, Relating to Planned Community Associations

Aloha Honorable Chair Cabanilla, Vice Chair Chong, and members of the House Committee on Housing, I am Agnes Reyes from Ewa Gentry. I am writing in **STRONG SUPPORT OF HB 69, Relating to Planned Community Association.**

I am testifying in support of the bill because I believe that I have a right to display the U.S. and State flag if I want to, without the fear with fine or penalties. This bill would amend the Hawaii State Constitution that would prohibit Planned Community Associations from restricting a home owner from displaying the U.S. or Hawaii State Flag on their homes, as long as they meet the requirements specified in the bill. Planned Community Associations **SHOULD NOT** have the right to tell residents that they cannot display the flags, if the resident wishes to do so.

I ask that the Committee support and pass this measure.

Mahalo for the opportunity to testify.

THE OAHU VETERANS COUNCIL

OAHU VETERANS COUNCIL

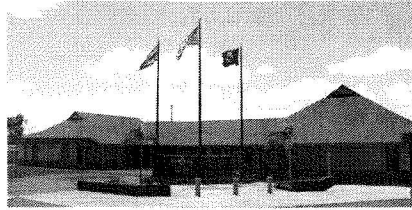
President - Fred Ballard
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Sandy Ballard

MEMBER ORGANIZATIONS

5th Regimental Combat Team -
45th Infantry Division Association.
Air Force Assn. - Chapter 138
Air Force Sergeants Association
American Legion Aux. - Dept. of HI
American Legion - Dept. of HI
American Legion - Post 32
American Veterans Empowerment & Support -
Community Operations
BPOE VAVS - Hawaii Dist.
China-Burma-India Veterans Association.
Chosin Few - Aloha Chapter
Combat Infantrymen's Association.
Combat Veterans Motorcycle Club
Disabled American Veterans - Chapter 3
Fleet Reserve Association - Branch
and Unit 46
Hawaii Multiple Schools Unit - Jr. ROTC
Korean War Veterans Assn - Chapter 1
Military Officers Assn. of America -
Aloha Chapter
Military Officers Assn. of America -
Hawaii State Chapter
Military Order of the Purple Heart
Military Order of World Wars
National Association. for Atomic Veterans
National Association. of Uniformed Services
National Sojourners - Hawaiian # 9
National Sojourners - Honolulu # 11
National Sojourners - Kamehameha #439
Pearl Harbor Survivors Association
Radiated Veterans
Samoan Providers
Society of Military Widows - Aloha Chapter
Sons & Daughters of Pearl Harbor Survivors
Special Forces Association. - Chapter VIII
State Office of Veterans Services
Veterans of Foreign Wars - Dept. of Hawaii
Veterans of Foreign Wars - Post 970
Vietnam Veterans of America - Chapter 858
Waves National - Unit 131
Women Veterans of America #26



"a gathering place for veterans"
OAHU VETERANS CENTER

January 27, 2011

TESTIMONY REGARDING HOUSE BILL 69 RELATING TO PLANNED COMMUNITY ASSOCIATIONS

HOUSE COMMITTEE ON HOUSING

HEARING ON TUESDAY, FEBRUARY 9TH, AT 8:3-AM, IN CONFERENCE ROOM 325

Aloha Chair Cabanilla: The Oahu Veterans Council's member organization's identified in the left margin represent the interests of over 80,000 veterans and their families. The US and Hawaii State Flag display v planned community restrictions issue was brought to the full council's attention, in Saturday January 22nd. On Thursday, January 27th, our legislative committee decided to testify, in support of House Bill 69, as follows, if requested to do so:

We firmly believe Planned Community Associations should be prohibited 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, is located at the front of the dwelling and in accordance with state and federal law.

Oahu Veterans Council delegates performed creditable military service under the flag of the United States of America and the State of Hawaii. We honor our Nation and State under these flags, and firmly believe this official tradition should never be diminished in any way.

We thoughtfully and respectfully encourage your committee to remind those who willfully restrict this traditional display of patriotism and love of Country and State, of the limitations placed on their sentiments by the US Constitution, in recommending approval of HB69 as written.

Mahalo for allowing us to testify this very important Bill.

Fred Ballard

Fred Ballard; President



1298 Kukila Street, Honolulu, Hawaii 96818

Email: sballard@oahuveternascenter.com; Phone: 808-422-4000; Fax: 808-422-4001

www.oahuveternascenter.com

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 07, 2011 9:26 PM
To: HSGtestimony
Cc: emmatsumoto@hotmail.com
Subject: Testimony for HB69 on 2/9/2011 8:30:00 AM

Testimony for HSG 2/9/2011 8:30:00 AM HB69

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Eric M. Matsumoto
Organization: Mililazni Town Association
Address: 95-303 Kaloapau St. Mililani, HI
Phone: 282-4324
E-mail: emmatsumoto@hotmail.com
Submitted on: 2/7/2011

Comments:

The Freedom to Display the American Flag Act of 2005, clearly states the prohibitions against the display of the American flag in condos, co-ops and PCAs. However, the Act also recognizes these common interest communities to provide the necessary safeguards to protect a substantial interest by imposing reasonable restrictions pertaining to the time, place or manner of displaying the flag. The Act provides a win-win situation for both individual homeowners and the common interest communities they live in. On the other hand, this bill clearly ignores some of the considerations for reasonable restrictions, such as time of display, since flags do create a noise issue even in stiff breezes with the flapping, especially at night and the larger the flag the louder the noise generated. Also, the placement of the flags and the manner of display do impact on the noise and appearance that would result. As such, this bill, if passed, would create a win-lose situation, where the losers are the 99.9% of the homeowners who choose to abide by the rules they agreed to when purchasing their homes in these common interest communities. Request this bill be deferred.