
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 flag of the United States and the flag of the State
5 of Hawaii. In addition, there has been public outcry from
6 members of planned community associations who wish to display
7 these flags but have been prevented from doing so by association
8 boards through 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 or bona fide tenant of a member any fee or
10 fine, or impose on any member or bona fide tenant of a member
11 any penalty for the house-mounted display of flags as provided
12 in this section.

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

16 (1) United States flags shall be displayed in accordance
17 with the provisions of title 4 United States Code
18 chapter 1; and

19 (2) State of Hawaii flags shall be displayed in accordance
20 with section 5-19 and consistent with the treatment of
21 the United States flag under title 4 United States
22 Code section 8.



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

3 SECTION 3. New statutory material is underscored.

4 SECTION 4. This Act shall take effect on January 7, 2059.



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 or their bona fide tenant from displaying house-mounted United States or State of Hawaii flags on their residential dwelling; 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. Effective January 7, 2059. (HB69 HD2)

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

