
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 on-
2 going dispute in planned community associations between members
3 and association boards regarding the right of members to display
4 the flag of the United States and the flag of the State of
5 Hawaii. In addition, there has been public outcry from members
6 of planned community associations who wish to display these
7 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 State
16 of Hawaii flags. (a) Notwithstanding any law to the contrary,
17 no member or bona fide tenant of a member shall be prohibited by



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

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

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

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

20 (2) State of Hawaii flags shall be displayed in accordance
21 with section 5-19 and consistent with the treatment of



1 the United States flag under title 4 United States
2 Code section 8.

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

5 SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY:

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JAN 27 2016



H.B. NO. 2724

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.

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

