

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



GOV. MSG. NO. 1404

EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

July 3, 2025

The Honorable Ronald D. Kouchi  
President of the Senate,  
and Members of the Senate  
Thirty-Third State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Nadine Nakamura  
Speaker, and Members of the  
House of Representatives  
Thirty-Third State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Aloha President Kouchi, Speaker Nakamura, and Members of the Legislature:

I am transmitting herewith S.B. 31 without my approval and with the statement of objections relating to the measure.

S.B. 31      RELATING TO PROPERTY.

Mahalo,

A handwritten signature in black ink, appearing to read "Josh Green".

Josh Green, M.D.  
Governor, State of Hawai'i

EXECUTIVE CHAMBERS

HONOLULU

July 3, 2025

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 31

Honorable Members  
Thirty-Third Legislature  
State of Hawai'i

Pursuant to Section 16 of Article III of the Constitution of the State of Hawai'i, I am returning herewith, without my approval, Senate Bill No. 31, entitled "A Bill for an Act Relating to Property."

The purpose of this bill is to allow any person who discovers a recorded discriminatory restrictive covenant to take certain actions, without liability, to record a statement or notice that the discriminatory restrictive covenant is void and unenforceable.

This bill is objectionable because it enables any person, including a person who may have no interest in the real property in question, to record a statement or notice that the chain of title for the real property contains a discriminatory restrictive covenant that is void and unenforceable. Such a recorded statement or notice could contain false or misleading information, and recordation could affect the marketability of the subject property and cloud title without the recording party facing any liability. Unfortunately, the bill does not provide a mechanism to prevent the recording of frivolous or false statements or notices, nor does it provide a remedy for property owners who might be affected by the recording of frivolous or false statements or notices.

For the foregoing reasons, I am returning Senate Bill No. 31 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read "Josh Green".

JOSH GREEN, M.D.  
Governor of Hawai'i

# VETO

THE SENATE  
THIRTY-THIRD LEGISLATURE, 2025  
STATE OF HAWAII

S.B. NO. 31  
S.D. 2  
H.D. 2  
C.D. 1

## A BILL FOR AN ACT

RELATING TO PROPERTY.

### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 515-6, Hawaii Revised Statutes, is amended to read as follows:

**"§515-6 Restrictive covenants and conditions.** (a) Every provision in an oral agreement or a written instrument relating to real property that purports to forbid or restrict the conveyance, encumbrance, occupancy, or lease thereof to individuals because of race, sex, including gender identity or expression, sexual orientation, color, religion, marital status, familial status, ancestry, disability, age, or human immunodeficiency virus infection, ~~[is]~~ shall be void.

(b) Every condition, restriction, or prohibition, including a right of entry or possibility of reverter, that directly or indirectly limits the use or occupancy of real property on the basis of race, sex, including gender identity or expression, sexual orientation, color, religion, marital status, familial status, ancestry, disability, age, or human immunodeficiency virus infection ~~[is]~~ shall be void, except a



1 limitation, on the basis of religion, on the use of real  
2 property held by a religious institution or organization or by a  
3 religious or charitable organization operated, supervised, or  
4 controlled by a religious institution or organization, and used  
5 for religious or charitable purposes.

6 (c) It ~~[is]~~ shall be a discriminatory practice to insert  
7 in a written instrument relating to real property a provision  
8 that is void under this section or to honor or attempt to honor  
9 ~~[such a]~~ the provision in the chain of title.

10 (d) Any person who discovers a recorded discriminatory  
11 restrictive covenant may:

12 (1) With the consent of all parties to a real estate  
13 transaction, include in any deed, mortgage, or other  
14 instrument filed for recording in connection with the  
15 transaction a statement that the discriminatory  
16 restrictive covenant is void and unenforceable; or

17 (2) Prepare and record a separate notice, cross-referenced  
18 to the discriminatory restrictive covenant, stating  
19 that the discriminatory restrictive covenant is void  
20 and unenforceable.



1       (e) The statement or notice described under subsection (d)  
2 shall be in a form substantially similar with the following:

3       "The chain of title for the real property described  
4 herein contains a restrictive covenant that, if  
5 enforced, would discriminate against individuals based  
6 upon their race, sex, including gender identity or  
7 expression, sexual orientation, color, religion,  
8 marital status, familial status, ancestry, disability,  
9 age, human immunodeficiency virus infection, or  
10 national origin. The covenant is void, unenforceable,  
11 and antithetical to American values of justice and  
12 equal protection under the law."

13       (f) A person who in good faith:

14       (1) Prepares or causes to be prepared; or

15       (2) Records or causes to be recorded,

16 a statement or notice under subsection (d) shall be immune from  
17 liability for incorrectly stating that the restrictive covenant  
18 is discriminatory.

19       (g) For the purposes of this section, "discriminatory  
20 restrictive covenant" means any restrictive covenant on real  
21 property that, if enforced, would violate the:



- 1        (1) Equal protection clause of the United States  
2            Constitution and article I, section 5, of the Hawaii  
3            State Constitution;
- 4        (2) Prohibition in the federal Fair Housing Act (42 U.S.C.  
5            3601 et seq.) against discrimination on the basis of  
6            race, color, sex, religion, familial status,  
7            disability, or national origin; or
- 8        (3) Prohibition against discrimination on the basis of  
9            race, sex, including gender identity or expression,  
10           sexual orientation, color, religion, marital status,  
11           familial status, ancestry, disability, age, or human  
12           immunodeficiency virus infection."

13        SECTION 2. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15        SECTION 3. This Act shall take effect upon its approval.



S.B. NO. 31  
S.D. 2  
H.D. 2  
C.D. 1

APPROVED this                      day of                      , 2025


GOVERNOR OF THE STATE OF HAWAII

**THE SENATE OF THE STATE OF HAWAI‘I**

Date: April 30, 2025  
Honolulu, Hawai‘i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate  
of the Thirty-Third Legislature of the State of Hawai‘i, Regular Session of 2025.

  
President of the Senate

  
Clerk of the Senate



SB No. 31, SD 2, HD 2, CD 1

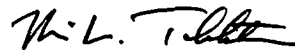
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 30, 2025  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Third Legislature of the State of Hawaii, Regular Session of 2025.

A handwritten signature in black ink, reading "Nadine K. Nakamura" with a long horizontal flourish at the end.

Nadine K. Nakamura  
Speaker  
House of Representatives

A handwritten signature in black ink, reading "Brian L. Takeshita" with a stylized flourish at the end.

Brian L. Takeshita  
Chief Clerk  
House of Representatives