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## A BILL FOR AN ACT

RELATING TO THE RIGHT TO GARDEN.

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

1           SECTION 1. The legislature finds that the 2023 Maui  
2 wildfires interrupted food supply chains for the island. The  
3 legislature notes that growing one's own food is a fundamental  
4 right under the First and Fourteenth Amendments to the United  
5 States Constitution and sections 4, 5, and 21 of article I of  
6 the Constitution of the State of Hawaii. The legislature  
7 believes that authorizing residents to grow their own food will  
8 increase Hawaii's resident population and food resiliency, and  
9 mitigate the negative effects of future catastrophic events.

10           The legislature also finds that according to the Lahaina  
11 wildfire interim working group, as "a geographically isolated  
12 state with a limited local food supply and reliance upon  
13 imports... Hawai'i is particularly susceptible to food insecurity  
14 following a disaster event." The working group recommended that  
15 statutorily authorizing home gardens will improve Hawaii's food  
16 security because disaster events may lead to an increased  
17 reliance on food assistance programs and the severity of food



1 insecurity. Nevertheless, many homeowners' associations and  
2 associations of apartment owners prohibit or severely restrict  
3 resident gardening practices.

4 Accordingly, the purpose of this Act is to authorize the  
5 cultivation of vegetable gardens on properties within planned  
6 community associations and condominiums.

7 SECTION 2. Chapter 421J, Hawaii Revised Statutes, is  
8 amended by adding a new section to be appropriately designated  
9 and to read as follows:

10 "§421J- Right to garden. (a) Notwithstanding any law  
11 to the contrary, no provision in any association documents shall  
12 prohibit any person from cultivating, or restrict any person's  
13 ability to cultivate, one or more vegetable gardens within a  
14 unit that is rented, owned, or leased by the person under this  
15 chapter; provided that:

16 (1) No person shall cultivate any vegetable garden in a  
17 unit that is owned by another without the consent of  
18 the owner of the unit; provided further that the owner  
19 of the unit may withdraw this consent at any time;

20 (2) No vegetable garden shall:

21 (A) Be cultivated in a common area; or



1           (B) Abut any building in the planned community; and  
2           (3) If the unit is owned by another, the owner of the unit  
3           may impose restrictions on water use and the types of  
4           plants to be cultivated, including prohibiting  
5           invasive or destructive plants.

6           (b) Nothing in this section shall be construed as  
7           prohibiting the enactment of a county ordinance or regulation  
8           addressing water use during droughts, fertilizer use, or the  
9           control of invasive species."

10           SECTION 3. Chapter 514B, Hawaii Revised Statutes, is  
11           amended by adding a new section to be appropriately designated  
12           and to read as follows:

13           "§514B-       **Right to garden.** (a) Notwithstanding any law  
14           to the contrary, no provision in any articles of incorporation,  
15           declaration, bylaws, administrative rules, house rules, or  
16           association documents of a condominium shall prohibit any person  
17           from cultivating, or restrict any person's ability to cultivate,  
18           one or more vegetable gardens within a unit that is rented,  
19           owned, or leased by the person under this chapter; provided  
20           that:



1       (1) No person shall cultivate any vegetable garden in a  
2           unit that is owned by another without the consent of  
3           the unit owner; provided further that the unit owner  
4           may withdraw this consent at any time;

5       (2) No vegetable garden shall:

6           (A) Be cultivated in a common element; or

7           (B) Abut any building in the condominium; and

8       (3) If the unit is owned by another, the unit owner may  
9           impose restrictions on water use and the types of  
10          plants to be cultivated, including prohibiting  
11          invasive or destructive plants.

12       (b) Nothing in this section shall be construed as  
13       prohibiting the enactment of a county ordinance or regulation  
14       addressing water use during droughts, fertilizer use, or the  
15       control of invasive species."

16       SECTION 4. New statutory material is underscored.

17       SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:   
JAN 23 2025



# H.B. NO. 1468

**Report Title:**

Food Security; Right to Garden; Planned Community Associations;  
Condominium Associations

**Description:**

Authorizes the cultivation of vegetable gardens on properties within planned community associations and condominiums. Prohibits planned community associations and condominiums from prohibiting or restricting the cultivation of vegetable gardens via their association documents.

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

