
A BILL FOR AN ACT

RELATING TO PLANNED COMMUNITY ASSOCIATIONS.

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

1 SECTION 1. Chapter 421J, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§421J- Xeriscaping. (a) No owner shall be prevented
5 by any association document, however worded, from utilizing
6 xeriscaping at the owner's unit. No sub-association shall be
7 prevented by any association document, however worded, from
8 utilizing xeriscaping in a common area controlled by the
9 sub-association pursuant to the declaration.

10 (b) Notwithstanding subsection (a), an association may
11 adopt rules regarding the design of any xeriscaping project.

12 (c) Any provision in any association document contrary to
13 the intent of this section shall be void and unenforceable.

14 (d) For purposes of this section, "xeriscaping" means the
15 practice of designing landscapes to reduce or eliminate the need
16 for irrigation by replacing grassy lawns with soil, rocks,



1 mulch, and drought-tolerant plant species, including
2 drought-tolerant native plant species."

3 SECTION 2. New statutory material is underscored.

4 SECTION 3. This Act shall take effect on January 1, 2050.

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H.B. NO. 1757 H.D. 2

Report Title:

Planned Community Associations; Landscaping; Xeriscaping

Description:

Prohibits planned community associations from prohibiting an owner or a sub-association from utilizing xeriscaping. Allows associations to adopt rules regarding the design of any xeriscaping project. Voids any provision in an association document that prohibits xeriscaping. Effective 1/1/2050. (HD2)

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