

JAN 23 2026

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## A BILL FOR AN ACT

RELATING TO THE HAWAIIAN FLAG.

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

1 SECTION 1. The legislature finds that Ka Hae Hawai`i (the  
2 Hawaiian flag) has been an enduring symbol of the islands,  
3 representing Hawai`i and its people for more than two hundred  
4 years. Initially developed under Kamehameha Pai`ea Kūnuiākea  
5 (Kamehameha I) in 1816, the flag reflected the close, supportive  
6 relationship between Hawai`i and Great Britain.

7 The red, white, and blue striped flag with the Union Jack  
8 in the corner was amended slightly over the years before it was  
9 set as the official design, with the familiar look that we know  
10 now, by Ka `Aha`ōlelo o Ko Hawai`i Pae `Āina (the Hawaiian  
11 Kingdom legislature) in 1845. Ka Hae Hawai`i became a beloved  
12 and proud symbol of the people through five decades of Hawaiian  
13 Kingdom international diplomacy and domestic achievement.

14 On January 1, 1862, the Hawaiian-language newspaper Ka  
15 Nupepa Kuokoa printed a color Hae Hawai`i on the opening page of  
16 its New Year's issue, something never before seen in any nation  
17 and one of the first uses of color in a newspaper anywhere in



1 the world. The paper ran a column alongside the flag declaring  
2 the people's pride in this important symbol.

3 Official holidays such as Lā Ho`omana`o o Kamehameha I  
4 (Kamehameha Day), Lā Ho`iho`i Ea (Restoration of Sovereignty  
5 Day), and Lā Kū`oko`a (Independence Day) witnessed celebrations  
6 across the islands with event sites covered with thousands of  
7 Hae Hawai`i reflecting the pride and joy of the people.

8 The Hawaiian flag became one of the core representations of  
9 the people's voice following the 1893 overthrow of the Hawaiian  
10 government with men and women wearing Hae Hawai`i hat bands and  
11 women creating Hae Hawai`i quilts. The Hawaiian flag would  
12 endure, being adopted by the provisional government of 1893, the  
13 Republic of 1894, the Territory of 1900, and the State of  
14 Hawai`i in 1959.

15 Today, in 2026, while the flag may represent different  
16 things to various people, it remains an historic and beloved  
17 symbol of Hawai`i nei for nearly all. The legislature notes  
18 that the Hawai`i State Constitution honors and protects  
19 Hawai`i's rich cultural heritage. The legislature also notes  
20 that the federal Freedom to Display the American Flag Act of  
21 2005, P.L. 109-243, protects an individual's right to display



1 the flag of the United States on residential property. The  
2 legislature finds that an individual's right to display the  
3 Hawaiian flag should be similarly protected.

4 Accordingly, the purpose of this Act is to further  
5 Hawai`i's unique and diverse cultural history, as well as an  
6 individual's right to free speech and cultural practices, by  
7 protecting the right to display the Hawaiian flag at an  
8 individual's home.

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

12 "§421I- Display of Hawaiian flag. (a) No corporation  
13 shall prohibit the display of the Hawaiian flag by a tenant  
14 shareholder within the shareholder's dwelling unit.

15 (b) A corporation may adopt reasonable restrictions  
16 regarding the time, place, and manner of displaying the Hawaiian  
17 flag to protect a substantial interest of the corporation.

18 (c) For the purposes of this section, "Hawaiian flag"  
19 means the flag described in section 5-19."



1 SECTION 3. 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- Display of Hawaiian flag.** (a) No association  
5 shall prohibit the display of the Hawaiian flag by a member  
6 within the member's unit.

7 (b) An association may adopt reasonable restrictions  
8 regarding the time, place, and manner of displaying the Hawaiian  
9 flag to protect a substantial interest of the association.

10 (c) For the purposes of this section, "Hawaiian flag"  
11 means the flag described in section 5-19."

12 SECTION 4. Chapter 514B, Hawaii Revised Statutes, is  
13 amended by adding a new section to subpart A of part VI to be  
14 appropriately designated and to read as follows:

15 **"§514B- Display of Hawaiian flag.** (a) No association  
16 shall prohibit the display of the Hawaiian flag by a unit owner  
17 within the unit owner's unit or on any limited common element  
18 that is for the exclusive use of the unit owner.

19 (b) An association may adopt reasonable rules and  
20 regulations regarding the time, place, and manner of displaying



1     the Hawaiian flag to protect a substantial interest of the  
2     association.

3         (c) For the purposes of this section, "Hawaiian flag"  
4     means the flag described in section 5-19."

5     SECTION 5. New statutory material is underscored.

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

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INTRODUCED BY:

Lyn DeCorte  
By request



S.B. NO. 2795

**Report Title:**

Hawaiian Flag; Display; Condominiums; Cooperative Housing Corporations; Planned Community Associations

**Description:**

Requires cooperative housing corporations, planned community associations, and condominium associations to allow owners to display the Hawaiian flag within the owner's property. Allows reasonable time, place, and manner restrictions on Hawaiian flag displays to protect a substantial interest of the association or corporation.

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

