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

15           The legislature also finds that on January 1, 1862, the  
16 Hawaiian-language newspaper Ka Nupepa Kuokoa printed a color Hae



1 Hawai'i on the opening page of its New Year's issue, something  
2 never before seen in any nation and one of the first uses of  
3 color in a newspaper anywhere in the world. The paper ran a  
4 column alongside the flag declaring the people's pride in this  
5 important symbol.

6 The legislature additionally finds that holidays such as Lā  
7 Ho'omana'o o Kamehameha I, Kamehameha Day; Lā Ho'iho'i Ea,  
8 Restoration of Sovereignty Day; and Lā Kū'oko'a, Independence  
9 Day, witnessed celebrations across the islands with event sites  
10 covered with thousands of Hae Hawai'i reflecting the pride and  
11 joy of the people. The Hawaiian flag became one of the core  
12 representations of the people's voice following the 1893  
13 overthrow of the Hawaiian government with men and women wearing  
14 Hae Hawai'i hat bands and women creating Hae Hawai'i quilts. The  
15 Hawaiian flag would endure, being adopted by the provisional  
16 government of 1893, the Republic of 1894, the Territory of 1900,  
17 and the State of Hawai'i in 1959.

18 Today, in 2026, while the flag may represent different  
19 things to various people, it remains an historic and beloved  
20 symbol of Hawai'i nei for nearly all. The legislature notes that  
21 the Hawai'i State Constitution honors and protects Hawai'i's rich



1 cultural heritage. The legislature also notes that the federal  
2 Freedom to Display the American Flag Act of 2005, P.L. 109-243,  
3 protects an individual's right to display the flag of the United  
4 States on residential property. The legislature finds that an  
5 individual's right to display the Hawaiian flag should be  
6 similarly protected.

7 Accordingly, the purpose of this Act is to further the  
8 State's unique and diverse cultural history, as well as an  
9 individual's right to free speech and cultural practices, by  
10 protecting the right to display the Hawaiian flag at an  
11 individual's home.

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

15 "§421I- Display of Hawaiian flag. (a) No corporation  
16 shall prohibit the display of the Hawaiian flag by a tenant  
17 shareholder within the shareholder's dwelling unit.

18 (b) A corporation may adopt reasonable restrictions  
19 regarding the time, place, and manner of displaying the Hawaiian  
20 flag to protect a documented substantial interest of the



1 corporation; provided that the restrictions shall include but  
2 not be limited to:

3 (1) The Hawaiian flag to be displayed shall be no larger  
4 than four feet by six feet in size;

5 (2) A flagpole erected on the property shall be no taller  
6 than twenty feet in height; and

7 (3) The display of the Hawaiian flag shall not obstruct  
8 neighboring views;

9 provided further that if the documented substantial interest is  
10 related to health or safety, the flagpole may be eliminated or  
11 have its height lowered and the size of the Hawaiian flag may be  
12 further restricted.

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

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

18 "§421J- Display of Hawaiian flag. (a) No association  
19 shall prohibit the display of the Hawaiian flag by a member  
20 within the member's unit.



1           (b) An association may adopt reasonable restrictions  
2 regarding the time, place, and manner of displaying the Hawaiian  
3 flag to protect a documented substantial interest of the  
4 association, and ensuring that size restrictions do not exceed a  
5 maximum of no larger than four foot by six foot flag size and  
6 the installation of a flagpole no higher than twenty feet in  
7 height, given that the positioning does not exceed this height  
8 and it will not obstruct neighboring views; provided that if the  
9 documented substantial interest is related to health or safety,  
10 the flagpole may be eliminated or have its height lowered and  
11 the size of the Hawaiian flag may be further restricted.

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

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

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



1           (b) An association may adopt reasonable rules and  
2 regulations regarding the time, place, and manner of displaying  
3 the Hawaiian flag to protect a documented substantial interest  
4 of the association, and ensuring that size restrictions do not  
5 exceed a maximum of no larger than four foot by six foot flag  
6 size and the installation of a flagpole no higher than twenty  
7 feet in height, given that the positioning does not exceed this  
8 height and it will not obstruct neighboring views; provided that  
9 if the documented substantial interest is related to health or  
10 safety, the flagpole may be eliminated or have its height  
11 lowered and the size of the Hawaiian flag may be further  
12 restricted.

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

15           SECTION 5. New statutory material is underscored.

16           SECTION 6. This Act shall take effect on September 9,  
17 2129.



**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, manner, and size restrictions on Hawaiian flag displays to protect a documented substantial interest of the association and corporation. Authorizes cooperative housing corporations, planned community associations, and condominium associations to impose stricter size restrictions on Hawaiian flag displays or eliminate the flagpole or have its height lowered if the documented substantial interest is related to health or safety. Effective 9/9/2129. (SD2)

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

