
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 Kingdom
11 legislature) in 1845. Ka Hae Hawai'i became a beloved and proud
12 symbol of the people through five decades of Hawaiian Kingdom
13 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



1 and one of the first uses of color in a newspaper anywhere in
2 the world. The paper ran a column alongside the flag declaring
3 the people's pride in this important symbol.

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

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

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



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

5 Accordingly, the purpose of this Act is to further Hawai'i's
6 unique and diverse cultural history, as well as an individual's
7 right to free speech and cultural practices, by protecting the
8 right to display the Hawaiian flag at an 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 provided that the restrictions shall include but not be limited
19 to:

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



1 (2) A flag pole erected on the property shall be no taller
2 than twenty feet in height; and

3 (3) The display of the Hawaiian flag shall not obstruct
4 neighboring views.

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

7 SECTION 3. 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- Display of Hawaiian flag. (a) No association
11 shall prohibit the display of the Hawaiian flag by a member
12 within the member's unit.

13 (b) An association may adopt reasonable restrictions
14 regarding the time, place, and manner of displaying the Hawaiian
15 flag to protect a substantial interest of the association, and
16 ensuring that size restrictions do not exceed a maximum of no
17 larger than four foot by six foot flag size and the installation
18 of a flagpole no higher than twenty feet in height, given that
19 the positioning does not exceed this height and it will not
20 obstruct neighboring views.



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

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

6 "§514B- Display of Hawaiian flag. (a) No association
7 shall prohibit the display of the Hawaiian flag by a unit owner
8 within the unit owner's unit or on any limited common element
9 that is for the exclusive use of the unit owner.

10 (b) An association may adopt reasonable rules and
11 regulations regarding the time, place, and manner of displaying
12 the Hawaiian flag to protect a substantial interest of the
13 association, and ensuring that size restrictions do not exceed a
14 maximum of no larger than four foot by six foot flag size and
15 the installation of a flagpole no higher than twenty feet in
16 height, given that the positioning does not exceed this height
17 and it will not obstruct neighboring views.

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

20 SECTION 5. New statutory material is underscored.



1 SECTION 6. This Act shall take effect on September 9,
2 2129.
3



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 substantial interest of the association and corporation. Effective 9/9/2129. (SD1)

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

