

ACT 133

H.B. NO. 2280

A Bill for an Act Relating to Real Property.

Be It Enacted by the Legislature of the State of Hawaii:

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

“§421J- Personal agriculture allowed. (a) No association shall prohibit or unreasonably restrict the use of a unit owner’s enclosed yard area for personal agriculture; provided that the use is not in violation of the association’s existing master landscape plan or other restrictive covenants applicable to the unit.

(b) This section shall apply only to enclosed yard areas that are designated for the exclusive use of the unit owner.

(c) This section shall not:

(1) Apply to provisions in an association document that impose reasonable restrictions on the use of a unit owner’s enclosed yard area for personal agriculture; or

(2) Prohibit an association from applying rules and regulations requiring that dead plant material and weeds, with the exception of straw, mulch, compost, and other organic materials intended to encourage vegetation and retention of moisture in the soil, be regularly cleared from the enclosed yard area.

(d) For purposes of this section:

“Personal agriculture” means a use of land where an individual cultivates lawful edible plant crops for personal use or donation.

“Reasonable restrictions” means restrictions that are reasonably necessary to protect neighbor unit owners or residents’ use and enjoyment of their property and do not unreasonably increase the cost of engaging in personal agriculture or unreasonably decrease its efficiency.”

SECTION 2. New statutory material is underscored.¹

SECTION 3. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.