

REPORT OF THE COMMITTEE ON BUDGET

Voting Members:

Ann H. Kobayashi, Chair; Stanley Chang, Vice Chair;
Carol Fukunaga, Joey Manahan, Kymberly Marcos Pine

Committee Meeting Held
August 21, 2013

Honorable Ernest Y. Martin
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Budget, which considered Bill 40 (2013), CD1 entitled:

"A BILL FOR AN ORDINANCE RELATING TO CERTAIN REAL
PROPERTY TAX EXEMPTIONS,"

which passed second reading and a public hearing held at the August 7, 2013 Council meeting, reports as follows:

The purpose of the Bill is to repeal the in lieu of home exemption.

The Director of the Department of Budget and Fiscal Services testified in support of the proposed posted CD2 version transmitted by Communication D-582.

The Director of the Department of Budget and Fiscal Services also stated that the Department will contact all taxpayers who currently have or qualify for the in lieu of exemption to notify them that they are encouraged to apply for the County's Tax Credit since it is likely that they qualify for the credit.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON SEP 11 2013

COMMITTEE REPORT NO. 250

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At the suggestion of the Director of the Department of Budget and Fiscal Services, your Committee considered and approved the proposed posted CD2 version which was transmitted by Communication D-582. The proposed CD2 makes the following amendments:

1. Amends Section 2 (e) to allow for the claim for exemption at the applicant's attainment of 75, 80 or 85 years to continue for a maximum period of five years. After the five years, the exemption amount shall revert to \$120,000.
2. The claim for exemption at 90 years of age shall extend for the life of the applicant or until June 30, 2039.
3. The director shall not accept claims for exemption under this subsection after September 30, 2013.
4. The new Section 3 repeals subsection 8-10.4(e) on June 30, 2039.
5. Makes various technical and non-substantive amendments.

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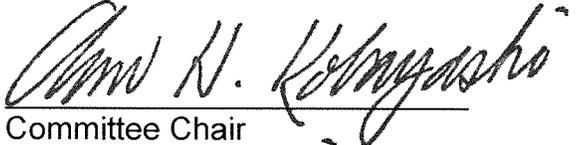
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Your Committee on Budget is in accord with the intent and purpose of Bill 40 (2013), CD1, as amended herein, and recommends that it pass third reading in the form attached hereto as Bill 40 (2013), CD2. (Ayes: Kobayashi, Chang, Fukunaga, Manahan, Pine – 5; Noes: None.)

Respectfully submitted,


Committee Chair

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON SEP 11 2013

COMMITTEE REPORT NO. 250



A BILL FOR AN ORDINANCE

RELATING TO CERTAIN REAL PROPERTY TAX EXEMPTIONS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to repeal the in lieu of home exemption.

SECTION 2. Section 8-10.4, Revised Ordinances of Honolulu 1990, is amended to read as follows:

“Sec. 8-10.4 Homes.

(a) Real property owned and occupied as the owner's principal home as of the date of assessment by an individual or individuals, shall be exempt only to the following extent from property taxes:

- (1) Totally exempt where the value of a property is not in excess of \$80,000;
- (2) Where the value of the property is in excess of \$80,000, the exemption shall be the amount of \$80,000.

Provided:

- (A) That no such exemption shall be allowed to any corporation, copartnership or company;
- (B) That the exemption shall not be allowed on more than one home for any one taxpayer;
- (C) That where the taxpayer has acquired the taxpayer's home by a deed made on or after July 1, 1951, the deed shall have been recorded on or before September 30th immediately preceding the year for which the exemption is claimed;
- (D) That a husband and wife shall not be permitted exemption of separate homes owned by each of them, unless they are living separate and apart, in which case they shall each be entitled to one-half of one exemption; and



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- (E) That a person living on premises, a portion of which is used for commercial purposes, shall not be entitled to an exemption with respect to such portion, but shall be entitled to an exemption with respect to the portion thereof used exclusively as a home.

For the purposes of this section, "real property owned and occupied as the owner's principal home" means occupancy of a home in the city and may be evidenced by, but not limited to, the following indicia: occupancy of a home in the city for more than 270 calendar days of a calendar year; registering to vote in the city; being stationed in the city under military orders of the United States; and filing of an income tax return as a resident of the State of Hawaii, with a reported address in the city. The director may demand documentation of the above or other indicia from a property owner applying for an exemption or from an owner as evidence of continued qualification for an exemption. Failure to respond to the director's request shall be grounds for denying a claim for an exemption or disallowing an existing exemption.

In the event the director receives satisfactory evidence that an individual occupies a home outside the city or there is documented evidence of the individual's intent to reside outside the city, that individual shall not be qualified for an exemption or continued exemption under this section, as the case may be.

Notwithstanding any provision to the contrary, for real property held by a trustee or other fiduciary, the trustee or other fiduciary shall be entitled to the exemption where: (i) the settlor of the trust occupies the property as the settlor's principal home; or (ii) the settlor of the trust dies and a beneficiary entitled to live in the home under the terms of the trust document occupies the property as the beneficiary's principal home.

- (b) The use of a portion of any building or structure for the purpose of drying coffee and the use of a portion of real property, including structures, in connection with the planting and growing for commercial purposes, or the packing and processing for such purposes, of flowers, plants, or foliage, shall not affect the exemptions provided for by this section.
- (c) Where two or more individuals jointly, by the entirety, or in common own or lease land on which their homes are located, each home, if otherwise qualified for the exemption granted by this section, shall receive the exemption. If a portion of land held jointly, by the entirety, or in common by two or more individuals is not qualified to receive an exemption, such disqualification shall not affect the eligibility for an exemption or exemptions of the remaining portion.



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- (d) A taxpayer who is 65 years of age or over on or before June 30th preceding the tax year for which the exemption is claimed and who qualifies under subsection (a) of this section shall be entitled to a home exemption of \$120,000.

For the purpose of this subsection, a husband and wife who own property jointly, by the entirety, or in common, on which a home exemption under the provisions of subsection (a) of this section has been granted shall be entitled to the \$120,000 home exemption set forth above when at least one of the spouses qualifies for this home exemption.

- (e) (1) In lieu of the \$120,000 home exemption provided in subsection (d), a low-income taxpayer who:
 - (A) Is 75 years of age or over on or before June 30th preceding the tax year for which the exemption is claimed;
 - (B) Qualifies under subsection (a) of this section;
 - (C) Applies for the exemption as required in subdivision (2) of this subsection; and
 - (D) Has household income that meets the definition of "low-income" in Section 8-10.20(a) shall be entitled to one of the following home exemption amounts for that tax year:

Age of Taxpayer	Home Exemption Amount
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75 years of age or over but not 80 years of age or over	\$140,000
80 years of age or over but not 85 years of age or over	\$160,000
85 years of age or over but not 90 years of age or over	\$180,000
90 years of age or over	\$200,000

- (2) The claim for exemption, [once] allowed at the applicant's attainment of 75, 80 or 85 years, shall continue for a maximum period of five years, [and may be renewed for a period of five years by filing a claim for exemption on or before September 30th of the year in which the multiple used in computing the home exemption increases, to coincide with the applicant's attainment of 80 or 85 years of age,] after which period of time the home exemption amount shall revert to \$120,000, except the [renewal] claim for exemption at 90 years of age shall extend for the life of the applicant or



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until June 30, 2039. The director shall not accept claims for exemption under this subsection after September 30, 2013.

- (3) For the purpose of this subsection, a husband and wife who own property jointly, by the entirety, or in common, on which a home exemption under the provisions of subsection (a) of this section has been granted and qualify under this subsection shall be entitled to the applicable home exemption set forth above when at least one of the spouses qualifies each year for the minimum age of the applicable home exemption.
- (f) To qualify for the exemptions under subsections (d) and (e), a taxpayer must provide, upon request, a photocopy of or submit for inspection, a current, valid government-issued identification containing a photo and the date of birth, such as a Hawaii State driver's license, a Hawaii State identification card, or a passport."

SECTION 3. Subsection 8-10.4(e), Revised Ordinances of Honolulu, as amended, shall be repealed on June 30, 2039.

SECTION 4. Ordinance material to be repealed is bracketed. New material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed material or the underscoring.



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SECTION 5. This ordinance shall take effect upon approval.

INTRODUCED BY:

Ernest Martin (BR) _____

DATE OF INTRODUCTION:

July 3, 2013
Honolulu, Hawaii

_____ Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

KIRK CALDWELL, Mayor
City and County of Honolulu