



A BILL FOR AN ORDINANCE

RELATING TO REAL PROPERTY TAXATION.

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

SECTION 1. Purpose. The purpose of this ordinance is to address the real property tax exemption for homes of totally disabled veterans.

SECTION 2. Section 8-10.1, Revised Ordinances of Honolulu 1990 ("Claims for certain exemptions"), is amended by amending subsection (a) to read as follows:

"(a) None of the exemptions from taxation granted in Sections 8-10.4, ~~[8-10.6]~~ 8-10.7 through 8-10.11, 8-10.24, 8-10.27, 8-10.29, 8-10.32, and 8-10.33 ~~[shall]~~ will be allowed in any case, unless the claimant ~~[shall have]~~ has filed with the department of budget and fiscal services on or before the September 30th preceding the tax year for which ~~[such]~~ the exemption is claimed, a claim for exemption in ~~[such]~~ a form as ~~[shall be]~~ prescribed by the department."

SECTION 3. Section 8-10.6, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 8-10.6 Exemption--Homes of totally disabled veterans.

(a) Real property:

- (1) Owned and occupied as a home by any person who is totally disabled due to injuries received while on duty with the armed forces of the United States;
- (2) Owned by any such person together with such person's spouse and occupied by either or both spouses as a home; or
- (3) Owned and occupied by a widow or widower of such totally disabled veteran who shall remain unmarried and who shall continue to own and occupy the premises as a home~~[-]~~;

is ~~[exempted]~~ exempt from all property taxes, other than special assessments, subject to subsection (b).

(b) The exemption provided for in subsection (a) ~~[shall be]~~ is subject to the following:

- (1) ~~[That the]~~ The total disability of the veteran was incurred while on duty as a member of the armed forces of the United States~~[-, and that the director-~~



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~~may require proof of total disability].~~

- (2) ~~[That the]~~ The home exemption ~~[shall]~~ will be granted only as long as the veteran claiming exemption remains totally disabled, and the director may require proof of total disability.
 - (3) ~~[That the]~~ The exemption ~~[shall]~~ will not be allowed on more than one house for any one person.
 - (4) ~~[That a]~~ A person living on premises, a portion of which is used for commercial purposes, ~~[shall]~~ is not ~~[be]~~ entitled to an exemption with respect to such portion, but ~~[shall]~~ may be entitled to an exemption with respect to the portion used exclusively as a home; provided~~[-]~~ that ~~[this]~~ the exemption ~~[shall]~~ does not apply to any structure, including the land thereunder, which is used for commercial purposes.
 - (5) ~~[That a]~~ A widow or widower of a disabled veteran may apply for an exemption and the exemption may be granted even if the disabled veteran did not apply for and obtain the exemption provided for in subsection (a) during the veteran's lifetime, provided that the widow or widower submits proof satisfactory to the director that, at the time of the veteran's death, the veteran would have qualified for ~~[an]~~ the exemption ~~[under this section].~~
- (c) ~~[For the purposes of this section, the word "home" includes the entire homestead when it is occupied by a qualified totally disabled veteran or the veteran's qualifying widow or widower as a residence; houses where the occupant disabled veteran owner or the qualifying widow or widower owner sublets not more than one room to a tenant; and premises held under an agreement by which the disabled veteran agrees to purchase the same for a residence, where the agreement has been duly entered into and recorded prior to October 1st preceding the tax year for which the exemption is claimed, whereby the purchaser agrees to pay all taxes while purchasing the premises.~~
- (d) The exemption ~~[shall]~~ will take effect beginning with the next tax payment date, provided that the claimant ~~[shall have]~~ has filed with the department a claim for a disability exemption along with a copy of a ~~[physician's]~~ certificate of disability issued by a licensed physician on such form as the department ~~[shall prescribe on or before June 30 for the first payment or December 31 for the second payment.]~~ prescribes.
- (d) Notwithstanding any law to the contrary, real property will continue to be entitled to the exemption provided for in subsection (a) in the event the owner of the real property moves from the home on which the exemption is granted, to a long-term



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care facility or an adult residential care home licensed to operate in the State of Hawaii, provided that:

- (1) The owner designates the adult residential care home or long-term care facility on a form as prescribed by the department; and
 - (2) Neither the home the owner moves from, nor any portion thereof, is rented, leased, or sold during the time the owner is in the long-term care facility or the adult residential care home.
- (e) For the purposes of this section, the word "home" includes:
- (1) The entire homestead, when it is occupied as a residence by a qualified totally disabled veteran or the veteran's qualifying widow or widower;
 - (2) Except for houses that are part of real property qualifying for the exemption pursuant to subsection (d), houses where the occupant disabled veteran owner or the qualifying widow or widower owner lets or sublets not more than one room to a tenant; and
 - (3) Premises held under an agreement by which the disabled veteran agrees to purchase the same for a residence, where the agreement has been duly entered into and recorded prior to October 1st preceding the tax year for which the exemption is claimed, whereby the purchaser agrees to pay all taxes while purchasing the premises."

SECTION 4. Ordinance material to be repealed is bracketed and stricken. 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 material that has been bracketed and stricken, or the underscoring.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE 20-37

BILL 17 (2020), CD1

CD1

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SECTION 5. This ordinance takes effect upon its approval.

INTRODUCED BY:

Ron Menor

DATE OF INTRODUCTION:

February 26, 2020
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Karen K. Lee **KAREN K. LEE**
Deputy Corporation Counsel

APPROVED this 23rd day of November, 2020.

Kirk Caldwell
KIRK CALDWELL, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE 20-37

BILL 17 (2020), CD1

Introduced: 02/26/20 By: RON MENOR Committee: BUDGET

Title: A BILL FOR AN ORDINANCE RELATING TO REAL PROPERTY TAXATION.

Voting Legend: * = Aye w/Reservations

03/18/20	COUNCIL	CANCELLED AND NOT CONSIDERED.
05/20/20	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON BUDGET. 8 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MENOR, PINE, TSUNEYOSHI, WATERS. 1 ABSENT: MANAHAN.
09/16/20	BUDGET	CR-224 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING. 4 AYES: ELEFANTE, MANAHAN, MENOR, WATERS. 1 EXCUSED: PINE.
NOTE: EFFECTIVE SEPTEMBER 23, 2020, COUNCILMEMBER IKAIKA ANDERSON, REPRESENTING COUNCIL DISTRICT III, RESIGNED FROM OFFICE. [Refer to Communication CC-256(20)]		
NOTE: THE APPOINTMENT OF ALAN KEKOA TEXEIRA TO FILL A VACANCY IN THE OFFICE OF COUNCILMEMBER FOR COUNCIL DISTRICT III WAS APPROVED ON WEDNESDAY, SEPTEMBER 23, 2020. (refer to RES20-236, FD1)		
CC-269(20) KOBAYASHI - COUNCIL STANDING COMMITTEE ASSIGNMENTS.		
10/07/20	COUNCIL/PUBLIC HEARING	CR-224 ADOPTED. BILL PASSED SECOND READING, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON BUDGET. 7 AYES: ELEFANTE, KOBAYASHI, MANAHAN, MENOR, TEXEIRA, TSUNEYOSHI, WATERS. 2 ABSENT: FUKUNAGA, PINE.
10/14/20	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
10/21/20	BUDGET	CR-248 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN CD1 FORM. 5 AYES: ELEFANTE, MANAHAN, MENOR, PINE, WATERS.
11/05/20	COUNCIL	CR-248 ADOPTED AND BILL 17 (2020), CD1 PASSED THIRD READING AS AMENDED. 9 AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TEXEIRA, TSUNEYOSHI, WATERS.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.


GLEN I. TAKAHASHI, CITY CLERK


ANN KOBAYASHI, CHAIR AND PRESIDING OFFICER

20-37