

ORDINANCE NO. 5410

BILL NO. 110, CD1, FD1 (2022)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO HOMES OF UNMARRIED SURVIVING SPOUSES OF VETERANS AND SEVERELY DISABLED VETERANS

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Section 3.48.475, Maui County Code, is amended to read as follows:

“3.48.475 Home of unmarried surviving spouses of veterans who died while on duty and [totally] severely disabled veterans. A. Real property owned and occupied as a home by an unmarried surviving spouse of a veteran who died while on duty in military service [shall] must be levied a real property tax of \$150 per year, [provided:] subject to the following conditions:

1. [That the] The death of the veteran was the result of a service-connected injury while on duty in military service [, and that the]. The department of finance may require proof of such determination[;].

2. [That the] The surviving spouse remains unmarried[;].

3. [That only] Only one home for the unmarried surviving spouse [shall be] is eligible [; and].

4. [That the] The unmarried surviving spouse living on premises, a portion of which is used for commercial purposes, [shall] is not [be] eligible [with respect to such] for that portion, but [shall be] is eligible [with respect to] for the portion used exclusively as a home; [provided, that] except any structure, including the land [thereunder, which] on which it stands, that is used for commercial purposes [shall] is not [be] eligible.

B. Real property owned and occupied as a home by a veteran who is [totally] severely disabled while on duty with the armed forces of the United States, or owned by [such] the veteran together with his or her spouse and occupied by either or both spouses as a home [shall] will be levied a real property tax of \$150 per year, [provided:] if:

1. [That such total] The severe disability was the result of a service-connected injury while on duty as a member of the Armed Forces of the United States, and that the department of finance may require proof of [total] severe disability[;].

2. [That the] The veteran remains [totally] severely disabled[;].

3. [That only] Only one home for any [totally] severely disabled veteran [shall be] is eligible [; and].

4. [That the totally] The severely disabled veteran living on premises, a portion of which is used for commercial purposes, [shall] is not [be] eligible [with respect to such] for that portion, but [shall be] is eligible [with respect to] for the portion used exclusively as a home; [provided, that] except any structure, including the land [thereunder, which] on which it stands that is used for commercial purposes [shall] is not [be] eligible.

C. For the purposes of this section, ["home"] unless the context otherwise requires:

"Home" includes the following:

1. The entire homestead when it is occupied by a qualified [totally] severely disabled veteran or unmarried surviving spouse as a home[;].

2. [other] Other real property where the [totally] severely disabled veteran or the unmarried surviving spouse, as owner, sublets not more than one room to a tenant[;].

3. [premises] Premises held under an agreement to purchase the home, where the agreement has been duly entered and recorded prior to January 1 preceding the tax year for which tax treatment under this section is claimed, [whereby] where the [totally] severely disabled veteran or the unmarried surviving spouse, as purchaser, agrees to pay all taxes while purchasing the premises [; and].

4. [the] The home of a [totally] severely disabled veteran or the unmarried surviving spouse, who is confined to a hospital or other care facility, if that home would be the principal place of residence of the [totally] severely disabled veteran or the unmarried surviving spouse were it not for his or her confinement to a hospital or other care facility, [provided that] if not more than one room of the home is rented or leased to a third party who is not a family member.

“Severely disabled” means the individual has been given a 70 percent or higher disability rating by the United States Department of Veterans Affairs.”

SECTION 2. Section 3.48.590, Maui County Code, is amended by amending subsection D to read as follows:

“D. Homes or portions of homes granted an exemption under section 3.48.475 to be levied a real property tax of \$150.”

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 4. This Ordinance takes effect on January 1, 2023.

APPROVED AS TO FORM AND
LEGALITY:



KRISTINA C. TOSHIKIYO
Department of the Corporation
Counsel
County of Maui

paf:ljam:22-185c

WE HEREBY CERTIFY that the foregoing BILL NO. 110, CD1, FD1 (2022)

1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 5th day of August, 2022, by the following vote:

Alice L. LEE Chair	Keani N. W. RAWLINS- FERNANDEZ Vice-Chair	Gabriel JOHNSON	Natalie A. KAMA	Kelly T. KING	Michael J. MOLINA	Tamara A. M. PALTIN	Shane M. SINENCI	Yuki Lei K. SUGIMURA
Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye


2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 16th day of August, 2022.


DATED AT WAILUKU, MAUI, HAWAII, this 16th day of August, 2022.

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OFFICE OF THE MAYOR



ALICE L. LEE, CHAIR
Council of the County of Maui


KATHY L. KAOHU, COUNTY CLERK
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 16th DAY OF August, 2022.


MICHAEL P. VICTORINO, MAYOR
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 5410 of the County of Maui, State of Hawaii.


KATHY L. KAOHU, COUNTY CLERK
County of Maui

Passed First Reading on July 18, 2022
Effective date of Ordinance January 1, 2023

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 5410, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

County Clerk, County of Maui

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OFFICE OF THE
COUNTY CLERK