

COUNCIL OF THE COUNTY OF MAUI

BUDGET AND FINANCE COMMITTEE

November 20, 2009

**Committee
Report No.** _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Budget and Finance Committee, having met on November 3, 2009, makes reference to County Communication No. 09-270, from the Director of Finance, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 3.48.305, MAUI COUNTY CODE, PERTAINING TO REAL PROPERTY TAX LAND CLASSIFICATION".

The purpose of the proposed bill is to clarify that when a parcel is subdivided into condominium units, each unit shall be deemed a separate parcel and assessed accordingly for real property tax purposes.

The Director of Finance explained that the proposed bill would be consistent with Chapter 514B-4, Hawaii Revised Statutes, related to condominium property regimes, and would not change the current assessment practices within the Department.

Your Committee voted 8-0 to recommend passage of the proposed bill on first reading and filing of the communication. Committee Chair Pontanilla, Vice-Chair Mateo, and members Baisa, Johnson, Kaho`ohalahala, Medeiros, Molina, and Nishiki voted "aye". Committee member Victorino was excused.

Your Budget and Finance Committee RECOMMENDS the following:

1. That Bill No. _____ (2009), attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 3.48.305, MAUI COUNTY CODE, PERTAINING TO REAL PROPERTY TAX LAND CLASSIFICATION", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication No. 09-270 be FILED.

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This report is submitted in accordance with Rule 7 of the Rules of the Council.


JOSEPH PONTANILLA, Chair

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ORDINANCE NO. _____

BILL NO. _____ (2009)

A BILL FOR AN ORDINANCE AMENDING
SECTION 3.48.305, MAUI COUNTY CODE, PERTAINING
TO REAL PROPERTY TAX LAND CLASSIFICATION

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

SECTION 1. Section 3.48.305, Maui County Code, is amended by
amending subsection C to read as follows:

"C. When property is subdivided into condominium units, each unit [shall be classified upon consideration of its actual use into one of the general classes as follows:] and its appertaining common interest shall be:

1. Classified upon consideration of its actual use into one of the general classes as follows:

a. Homeowner. Only those units owned and occupied as a principal home and for which a home exemption claim was filed and granted shall be classified as "homeowner."

[2.] b. Apartment. Only those units occupied by the owner for personal use or by a lessee for a term of six consecutive months or more shall be classified as "apartment."

[3.] c. Commercial. Only those units occupied by the owner or a lessee for business or mercantile activities shall be classified as "commercial."

[4.] d. Hotel and Resort. Units occupied by transient tenants for periods of less than six consecutive months shall be classified as "hotel and resort."

[5.] e. Time share. Units occupied by transient tenants for periods of less than six consecutive months and units subject to a time share plan as defined in section 514E-1, Hawaii Revised Statutes, as amended, shall be classified as "time share."

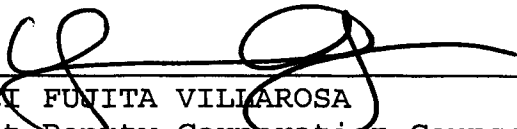
[6.] f. Commercialized residential. Units that have been granted a bed and breakfast permit, a transient vacation rental permit, or a conditional permit to operate a transient vacation rental pursuant to title 19 of this code shall be classified as "commercialized residential[.]"; and

2. Deemed a parcel and assessed separately from other units."

SECTION 2. 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 3. This ordinance, upon its approval, shall be effective retroactive to July 1, 2009.

APPROVED AS TO FORM
AND LEGALITY:



TRACI FUJITA VILLAROSA
First Deputy Corporation Counsel
County of Maui

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