

3.48.553 - Historic residential real property dedicated for preservation, exemption.

- A. Portions of residential real property which are dedicated and approved by the director of finance, as provided for by this section, shall be exempt from real property taxation except as provided by section 3.48.590. The owners shall assure reasonable visual access to public.
- B. An owner of taxable real property that is the site of a historic residential property that has been placed on the Hawaii register of historic places after January 1, 1977, desiring to dedicate a portion or portions thereof for historic preservation, shall petition the director of finance.
- C. The director of finance shall approve the petition and determine what portion or portions of the real property shall be exempted from real property taxes. The director shall consult with the state historic preservation office in making this determination. The director may take into consideration whether the current level of taxation is a material factor which threatens the continued existence of the historic property, and may determine the total area or areas of the real property that shall be exempted.
- D. The approval of the petition by the director shall constitute a forfeiture on the part of the owner of any right to change the use of his property for a minimum period of ten years, automatically renewable indefinitely, subject to cancellation by either the owner or the director upon five years' notice at any time after the end of the fifth year.
- E. Failure of the owner to observe the restrictions of subsection D of this section shall cancel the tax exemption and privilege retroactive to the date of the dedication, and all differences in the amount of taxes that were paid and those that would have been due but for the exemption allowed by this section shall be payable together with interest at twelve per cent per year from the respective dates that these payments would have been due provided, the provision in this paragraph shall preclude the County from pursuing any other remedy to enforce the covenant on the use of the land.
- F. Any person who becomes an owner of real property that is permitted an exemption under this section shall be subject to the restrictions and duties imposed under this section.
- G. The director shall prescribe the form of the petition. The petition shall be filed with the director by September 1 of any calendar year and shall be approved or disapproved by December 15 of such year. The exemption provided for by this section shall be effective January 1 of the next calendar year.
- H. An owner applicant may appeal any determination as in the case of an appeal from an assessment.
- I. Subject to chapter 91, Hawaii Revised Statutes, the director shall adopt rules and regulations decreed necessary to accomplish the foregoing.

(Ord. 1426 § 1, 1984; Ord. 1281 § 2, 1982)