

# REQUEST FOR LEGAL SERVICES

**RECEIVED**

By Corporation Counsel at 8:06 am, Jul 05, 2022

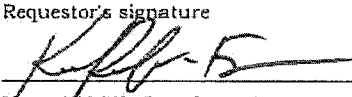
Date: July 1, 2022  
From: Keani N.W. Rawlins-Fernandez, Chair  
Budget, Finance, and Economic Development Committee

TRANSMITTAL  
Memo to: DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: Kristina Toshikiyo, Esq.

Subject: BILL 110, CD1 (2022) (BFED-111)

Background Data: Please review the attached bill; and, if appropriate, approve as to form and legality. Please transmit response to bfed.committee@mauicounty.us.

Work Requested:  FOR APPROVAL AS TO FORM AND LEGALITY  
 OTHER:

Requestor's signature  Keani N.W. Rawlins-Fernandez	Contact Person <u>Lesley Milner</u> (Telephone Extension: <u>7886</u> )
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ROUTINE (WITHIN 15 WORKING DAYS)       RUSH (WITHIN 5 WORKING DAYS)  
 PRIORITY (WITHIN 10 WORKING DAYS)       URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): July 6, 2022  
REASON: For posting on the July 15, 2022, Council agenda.

## FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: <u>KCT</u>	ASSIGNMENT NO. <u>2021-0012</u>	BY: <u>maa</u>
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TO REQUESTOR:  APPROVED  DISAPPROVED  OTHER (SEE COMMENTS BELOW)  
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE):  
Attached are two versions of Bill 110: 1) with floor amendments passed out of BFED committee and 2) version with amendments to MCC 3.48.590, for attachment to an ASF.

DEPARTMENT OF THE CORPORATION COUNSEL

Date 7/8/22

By   
(Rev. 7/03)

bfed:ltr:111acc01:ljcm

Attachment

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (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] 50 percent of the minimum real property tax 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] 50 percent of the minimum real property tax 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. 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 takes effect on January 1, 2023.

APPROVED AS TO FORM AND LEGALITY:



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

bfed:misc:111abill01:ljam  
LF2021-0012  
BFED-111 2022-07-06 Bill 110 CD1

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2022)

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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] 50 percent of the minimum real property tax 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.

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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.”

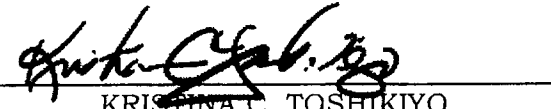
SECTION 2. Section 3.48.590, Maui County Code, is amended by amending subsection D to read as follows:

“D. Homes or portions of homes granted an exemption under section 3.48.475 to be levied a real property tax of ~~[\$150]~~ 50 percent of the minimum real property tax per year.”

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

bfed:misc:111abill01:lcm  
LF2021-0012  
BFED-111 2022-07-07 Bill 110 CD1

## **BFED Committee**

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**From:** Melody Andrion <Melody.Andrion@co.maui.hi.us>  
**Sent:** Friday, July 8, 2022 9:09 AM  
**To:** BFED Committee  
**Cc:** Kristina Toshikiyo; Lesley J. Milner  
**Subject:** BFED-111 Bill 110, CD1 (2022)  
**Attachments:** BFED-111 2022-07-08 RAFL Closing Bill 110 Amd 3.48.PDF; BFED-111 2022-07-06 Bill 110 CD1 passed out of committee(red-line).pdf; BFED-111 2022-07-07 Bill 110 CD1 (red-line).pdf

Good morning – see attached closing of RFLS received on 07/05/2022 reviewed/revised/e-signed by Kristina Toshikiyo regarding the subject matter along with red-line versions for both Ordinances.

“Attached are two versions of Bill 110: 1) with floor amendments passed out of BFED committee and 2) version with amendments to MCC 3.487.590, for attachment to an ASF.” kct

**\*For posting on the July 15, 2022 Council agenda.\***

**NOTICE:** The information in this transmittal (including attachments, if any) is privileged and confidential and is intended only for the recipient(s) listed above. Any review, use, disclosure, distribution or copying of this transmittal is prohibited except by or on behalf of, the intended recipient. If you have received this transmittal in error, please notify me immediately by reply email and destroy all copies of the transmittal. Thank you.