

ORDINANCE NO. _____

BILL NO. 103 (2023)

A BILL FOR AN ORDINANCE ON THE REAL PROPERTY TAX AGRICULTURAL CLASSIFICATION AND DEDICATED LANDS FOR AGRICULTURAL USE

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

SECTION 1. This Ordinance's purposes are to tier the agricultural real property tax classification and require the Director of Finance to seek the Department of Agriculture's assistance in verification that lands dedicated to agriculture use comply with dedication requirements.

SECTION 2. Section 3.48.561, Maui County Code, is amended by amending Subsection (B) to read as follows:

"B. To establish progressive property taxes and notwithstanding any provisions to the contrary, three equivalent or ascending tiers of tax rates for properties classified as owner-occupied, non-owner-occupied, short-term rental, commercial, industrial, [and] long-term rental, and agricultural must be established. The tiered rates apply to three corresponding ascending or equal ranges of property values. The rates, tiers, and value ranges are set forth in the annual budget. Any reference to "tiers" in this chapter incorporates value ranges."

SECTION 2. Section 3.48.350, Maui County Code, "Dedicated lands," is amended by amending Subsection (E) to read as follows:

"E. The approval by the director of the petition to dedicate [constitutes a forfeiture on the part of the owner of any] forfeits the owner's right to change the use of the land to a use other than agriculture for a minimum period of ten years or twenty years, as the case may be, automatically renewable indefinitely, subject to cancellation as follows:

1. In the case of a ten-year dedication, the owner may after the ninth year and later years [thereafter,] give notice of cancellation by filing with the director a written notice of cancellation on or before December 31, to be effective as of July 1 of the following tax year.

2. In the case of a twenty-year dedication, the owner may during the nineteenth year and later years [thereafter] give notice of cancellation as provided by this subsection.

3. In the case of a change in a major land use classification not as a result of a petition by any property owner or lessee such that the owner's land is placed within an urban district, the dedication may be canceled within sixty days of the change by the owner. Upon any conveyance or any change in ownership during the period of dedication, the land will continue to be subject to the terms and conditions of the dedication unless a release has been issued by the director.

Any other provision to the contrary notwithstanding, an approved change in use as provided in subsections C and D does not alter the original dedication period. The director must annually provide to the department of agriculture a list of lands dedicated to agricultural use under this section to assist the director with periodic verification of agricultural use. The director must inspect all lands dedicated to agricultural use every three years."

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 upon its approval.

paf:alkl:23-022a

INTRODUCED BY:



GABE JOHNSON