

REQUEST FOR LEGAL SERVICES

D a t e: November 22, 2023
F r o m: Yuki Lei K. Sugimura, Chair
Budget, Finance, and Economic Development Committee

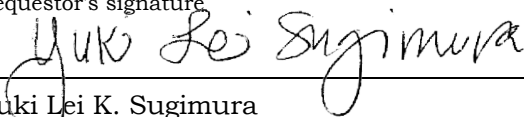
TRANSMITTAL
Memo to:

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

Subject: BILL 103 (2023), REAL PROPERTY TAX RATE TIERS AND DEDICATED LANDS FOR AGRICULTURAL USE (BFED-46)

Background Data: Please review and, if appropriate, approve as to form and legality the attached Bill 103, CD1 (2023), recommended for passage on first reading by the Committee at its reconvened meeting of November 17, 2023.

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

Requestor's signature  Yuki Lei K. Sugimura	Contact Person <u>James Krueger</u> (Telephone Extension: <u>7761</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): November 24, 2023, 9:00 a.m.
REASON: For posting on the December 1st Council meeting agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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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): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date _____

By _____

(Rev. 7/03)

bfed:ltr:046acc01:cmn

Attachment

ORDINANCE NO. _____

BILL NO. 103, CD1 (2023)

A BILL FOR AN ORDINANCE RELATING TO LANDS DEDICATED FOR
AGRICULTURAL USE AND REAL PROPERTY TAX RATE TIERS

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

SECTION 1. This Ordinance's purposes are to:

- (1) Require the director of finance to seek the department of agriculture's assistance in verifying that lands dedicated to agricultural use comply with dedication requirements; and
- (2) Allow for tax rate tiers for any real property classification.

SECTION 2. Section 3.48.350, Maui County Code, 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] an agricultural use 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 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 that is not [as a] the result of a petition by any property owner or lessee [such that] where 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 will continue to apply to the land 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 to assist the director with periodic verification of agricultural use.”

SECTION 3. Section 3.48.561, Maui County Code, is amended by amending subsection B to read as follows:

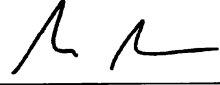
“B. To establish progressive property taxes and notwithstanding any provisions to the contrary, three equivalent or ascending tiers of tax rates for [properties classified as owner-occupied, non-owner-occupied, short-term rental, commercial, industrial, and long-term rental, must] any real property classification may 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 4. 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 5. This Ordinance takes effect on approval.

bfed:misc:046abill02:cmn

INTRODUCED BY:



GABE JOHNSON