

1 § **-B Imposition of tax.** (a) There is hereby imposed
2 and shall be levied, collected, and paid, an empty homes tax as
3 hereinafter provided, on all transfers or conveyances of a
4 vacant residential real property or any interest therein, by way
5 of deeds, leases, subleases, assignments of lease, agreements of
6 sale, assignments of agreement of sale, instruments, writings,
7 and any other document, whereby any lands, interests in land,
8 tenements, or other realty sold shall be granted, assigned,
9 transferred, or otherwise conveyed to, or vested in, the
10 purchaser or purchasers, lessee or lessees, sublessee or
11 sublessees, assignee or assignees, or any other person or
12 persons, by the person's or their direction.

13 (b) The tax shall be equal to five per cent of the county
14 real property tax assessed value of the unit per year.

15 § **-C Return and payments.** On or before the twentieth
16 day of each calendar month, every person taxable under this
17 chapter during the preceding calendar month shall file a sworn
18 return with the director in a form the director shall prescribe
19 together with a remittance for the amount of the tax required by
20 section -B. Sections 237-30 and 237-32 shall apply to



1 returns and penalties made under this chapter to the same extent
2 as if the sections were set forth specifically in this section.

3 **§ -D Disposition of taxes.** All taxes collected under
4 this chapter shall be paid into the state treasury to the credit
5 of the dwelling unit revolving fund established pursuant to
6 section 201H-191.

7 **§ -E Appeals.** Any person aggrieved by any assessment of
8 the tax imposed by this chapter may appeal from the assessment
9 in the manner and within the time and in all other respects as
10 provided in the case of income tax appeals by section 235-114.

11 **§ -F Records to be kept; examination.** Every person
12 shall keep in the English language within the State, and
13 preserve for a period of three years, suitable records relating
14 to the empty homes tax levied and assessed under this chapter,
15 and other books, records of account, and invoices as may be
16 required by the department, and all those books, records, and
17 invoices shall be open for examination at any time by the
18 department or the Multistate Tax Commission pursuant to chapter
19 255, or the authorized representative thereof.



1 § **-G Administration and enforcement; rules.** (a) The
2 director shall administer and enforce this chapter in respect
3 of:

- 4 (1) The examination of books and records of taxpayers and
5 other persons;
- 6 (2) Procedure and powers upon failure or refusal by a
7 person to make a return or proper return; and
- 8 (3) The general administration of this chapter.

9 (b) All of the provisions of chapter 237 not inconsistent
10 with this chapter and which may appropriately be applied to the
11 taxes, persons, circumstances, and situations involved in this
12 chapter, including (without prejudice to the generality of the
13 foregoing) provisions as to penalties and interest, and
14 provisions granting administrative powers to the department, and
15 provisions for the assessment, levy, and collection of taxes,
16 shall be applicable to the taxes imposed by this chapter, and to
17 the assessment, levy, and collection thereof.

18 (c) The director may adopt, amend, or repeal rules under
19 chapter 91 to carry out this chapter."

20 SECTION 2. Section 231-8.5, Hawaii Revised Statutes, is
21 amended by amending subsection (b) to read as follows:



1 "(b) If the requirements of subsection (c) are satisfied,
2 the department may require electronic filing of any tax return,
3 application, report, or other document required under the
4 provisions of title 14 administered by the department for the
5 following taxpayers:

6 (1) For withholding tax filings required under chapter
7 235, only employers whose total tax liability under
8 sections 235-61 and 235-62 for the calendar or fiscal
9 year exceeds \$40,000;

10 (2) For income tax filings required under chapter 235,
11 only taxpayers who are subject to tax under section
12 235-71, 235-71.5, or 235-72;

13 (3) For general excise tax filings required under chapter
14 237, only taxpayers whose total tax liability under
15 chapter 237 for the calendar or fiscal year exceeds
16 \$4,000;

17 (4) For transient accommodations tax filings required
18 under chapter 237D, only operators and plan managers
19 whose total tax liability under chapter 237D for the
20 calendar or fiscal year exceeds \$4,000; and



S.B. NO. 18

Report Title:

Empty Homes Tax; Dwelling Unit Revolving Fund; Fair Market Rent

Description:

Establishes an empty homes conveyance tax against certain residential property owners who own a vacant residential unit in the State.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

