

**ACT 56**

H. B. 211.

**A Bill for an Act Relating to Real Property Taxes.**

*Be It Enacted by the Legislature of the State of Hawaii:*

**SECTION 1.** This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of the facts constituting such urgency:

The provisions of subsection 128-9 (g) of the Revised Laws of Hawaii 1955 presently provide that in the determination of buildings for real property tax assessment purposes that any maintenance or repairs voluntarily made to residential buildings undertaken by an owner-occupant to comply with the requirements of health, safety, sanitation, or any governmental code provisions should not result in any increased valuation of such buildings for a period of six (6) years from April 8, 1966.

This provision with a specific cut-off date of April 7, 1972, would work an injustice to owner-occupants who maintain or repair their residential buildings subsequent to April 8, 1966 to comply with health requirements. It is deemed urgent and in the public interest to extend the relief from increased valuation of real property for real property tax purposes by making the period seven years from the completion of improvements to the property rather than six years from April 8, 1966.

**SECTION 2. Purpose.** The purpose of this Act is to extend the relief from increased valuation of real property for real property tax purposes provided for in section 128-9 (g), Revised Laws of Hawaii 1955, by making the duration of the moratorium set forth therein seven years from the completion of improvements to the property rather than six years from April 8, 1966, and to provide such other relief as may be appropriate.

**SECTION 3. Means.** Section 128-9 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by deleting the second and third paragraphs of subsection (g) thereof and substituting the following:

“In determining the value of buildings, consideration shall be given to any additions, alterations, remodeling, modifications or other new construction, improvement or repair work undertaken upon or made to existing buildings as the same may result in a higher assessable valuation of said buildings,

provided however that, (1) any increase in value resulting from any additions, alterations, modifications or other new construction, improvement or repair work to buildings undertaken or made by the owner-occupant thereof pursuant to the requirements of any urban redevelopment, rehabilitation or conservation project under the provisions of part II of chapter 143 of the Revised Laws of Hawaii 1955, as amended, shall not increase the assessable valuation of any building for a period of seven (7) years from the date of certification as hereinafter provided and (2) any increase in value resulting from any maintenance or repairs to any residential buildings undertaken or made by the owner-occupant thereof (who occupies the entire building) pursuant to any requirements of any health, sanitation, safety, or other governmental code provisions, shall not increase the assessable valuation of any such building for a period up to and including April 11, 1972.

It is further provided that the owner-occupant shall file with the director of taxation, in the manner and place which the director may designate, a statement of the details of the improvements certified in the following manner: (1) in the case of additions, alterations, modifications or other new construction, improvement or repair work to a building that are undertaken pursuant to any urban redevelopment, rehabilitation or conservation project as hereinabove mentioned, the statement shall be certified by the urban renewal coordinator in the city and county of Honolulu, or the county chairman of any county, or any governmental official designated by them, that the additions, alterations, modifications, or other new construction, improvement or repair work to the buildings were made and satisfactorily comply with the particular urban redevelopment, rehabilitation or conservation act provision, or (2) in the case of maintenance or repairs to a residential building undertaken pursuant to any health, safety, sanitation or other governmental code provision, the statement shall be certified by the building superintendent of the building department of the city and county of Honolulu, or the county chairman of any county, or any governmental official designed by them, that (a) the building was inspected by them and found to be substandard when the owner-occupant made his claim, and (b) the maintenance or repairs to the buildings were made and satisfactorily comply with the particular code provision."

**SECTION 4.** Section 143-60.1, Revised Laws of Hawaii 1955, as amended, is hereby repealed.

**SECTION 5.** This Act shall take effect upon its approval.

(Approved May 9, 1968.)