

Chapter 8

REAL PROPERTY TAX

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Article 1. Administration

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Sec. 8-1.1 Legislative intent.

The purpose of this chapter is to implement the authority granted to the City and County of Honolulu to assess, impose and collect real property taxes based on an amendment to the Constitution of the State of Hawaii which was adopted on November 7, 1978, by the electorate. (Added by Ord. 80-72)

Sec. 8-1.2 Definitions.

Wherever used in this chapter:

"City" means the City and County of Honolulu.

"Director" means the director of budget and fiscal services of the City and County of Honolulu or the director's authorized subordinate.

"Property" or "real property" means and includes all land and appurtenances thereof and the buildings, structures, fences and improvements erected on or affixed to the same, and any fixture which is erected on or affixed to such land, buildings, structures, fences and improvements, including all machinery and other mechanical or other allied equipment and the foundations thereof, whose use thereof is necessary to the utility of such land, buildings, structures, fences and improvements, or whose removal therefrom cannot be accomplished without substantial damage to such land, buildings, structures, fences and improvements, excluding, however, any growing crops and any device that converts solar radiation to electricity or heat.

(Sec. 8-1.1, R.O. 1978 (1983 Ed.); Am. Ord. 96-58, 07-47, 15-23)

Sec. 8-1.3 Duties and responsibilities of the director.

The director shall have the following duties and powers, in addition to any others prescribed or granted by this chapter:

- (a) **Assessment.** To assess, pursuant to law, all real property situated within the geographic boundary of the City and County of Honolulu for taxation of real property and to make any other assessment by law required to be made by the director.
- (b) **Collections.** To be responsible for the collection of all taxes imposed by this chapter and for such other duties as are provided by law.
- (c) **Construction of Revenue Laws.** To construe the provisions of this chapter, the administration of which is within the scope of the director's duties, whenever requested by any officer or employee of the city, or by any taxpayer.
- (d) **Enforcement of Penalties.** To see that penalties are enforced when prescribed by this chapter (the administration of which is within the scope of the director's duties) for disobedience or evasion of its provisions, and to see that complaint is made against persons violating any provisions of this chapter; in the execution of these powers and duties, the director may call upon the corporation counsel or prosecuting attorney, whose duties it shall be to assist in the institution and conduct of all proceedings or prosecutions for penalties and forfeitures, liabilities and punishments for violation of the provisions of this chapter in respect to the assessment and taxation of real property.
- (e) **Forms.** To prescribe forms to be used in or in connection with the provisions of this chapter, including forms to be used in the making of returns by taxpayers or in any other proceedings connected with the provisions of this chapter and to change the same from time to time as deemed necessary.
- (f) **Maps.**
 - (1) The director shall provide for the City and County of Honolulu, maps drawn to appropriate scale, showing all parcels, blocks, lots or other divisions of land based upon ownership, and their areas or dimensions, numbered or otherwise designated in a systematic manner for convenience of identification, valuation and assessment. The maps, as far as possible, shall show the names of owners of each division of land, and shall be revised from time to time as ownership changes and as further divisions of parcels occur. The director shall also maintain, as and when such information is available, maps showing present use, zoning and physical use capabilities of land located within the City and County of Honolulu for the guidance of assessors and the information of various tax review tribunals and the general public.
 - (2) The director shall charge fees for the use and other disposition of tracings of these maps, including copies or prints made therefrom, by private persons or firms as provided for by ordinance.
- (g) **Inspection, Examination of Records and Property.** The director shall have the authority to inspect and examine the records and property of all public officers without charge, and to examine the books and papers of account of any person for the purpose of enabling the director to obtain all information that could in any manner aid the director in discharging the director's duties under this chapter.
- (h) **Inspection, Examination of Real Property.** To inspect and examine the real property of any person for the purpose of enabling the director to attain all information that could in any manner aid the director in discharging the director's duties under this chapter.
- (i) **Recommendations for Legislation.** To recommend to the mayor such amendments, changes or modifications of the provisions of this chapter or any applicable state statutes as may seem proper or necessary to remedy injustice or irregularity, or to facilitate the assessment of property under this chapter.
- (j) **Report to Mayor.** To report to the mayor annually, and at such other times and in such manner as the mayor may require, concerning the acts and doings and the administration of the director's department, and such other matters or information concerning real property taxation as may be deemed of general interest; the mayor shall transmit copies of such reports to the council within 30 days of receipt.
- (k) **Rules and Regulations.** To promulgate such rules and regulations as the director may deem proper, and to effectuate the purposes for which the director's department is constituted, and to regulate matters of procedure by or before the director pursuant to the provisions of HRS Chapter 91.
- (l) **Compromises.** With the approval of the corporation counsel, to compromise any claim arising under this chapter not exceeding \$500.00 and if a claim exceeds \$500.00, the director shall obtain the approval of the city council, the administration of which is within the scope of the director's duties; and in any such case, there shall be placed on file and in the director's department's office a statement of (1) the amount of tax assessed, or proposed to be, (2) the amount of penalties and interest imposed or proposed to be assessed, (3) the amount of penalties and interest imposed or which could have been imposed by law with respect to the item (1) as computed by the director, (4) the total amount of liability as determined by the terms of the compromise, and the actual payments made thereon with the dates thereof, and (5) the reasons for the compromise.
- (m) **Retroactivity of Rulings.** To prescribe the extent, if any, to which any ruling, regulations or construction of the provisions of this chapter shall be applied without retroactive effect.
- (n) **Remission of Delinquency Penalties and Interest.** Except in cases of fraud or wilful violation of the provisions of this chapter or wilful refusal to make a return setting forth the information required by this chapter (but inclusion in a return of a claim of nonliability for the tax shall not be deemed a refusal to make a return), the director may remit any amount of penalties or interest added, under this chapter, to any tax that is delinquent for not more than 90 days, in a case of excusable failure to file a return or pay a tax within the time required by this chapter, or in a case of uncollectibility of the whole amount due; and in any such case there shall be placed on file in the director's office a statement showing the names of the person receiving such remission, the principal amount of the tax, and the year or period involved.
- (o) **Closing Agreements.** To enter into an agreement in writing with any taxpayer or other person relating to the liability of such taxpayer or other person, under this chapter, the administration of which is within the scope of the director's duties, in respect of any taxable period, or in respect of one or more separate items affecting the liability for any taxable period; such agreement, signed by or on behalf of the taxpayer or other person concerned, and by or on behalf of the city, shall be final and conclusive, and except upon a showing of fraud or malfeasance, or misrepresentation of a material fact, (1) the matters agreed upon shall not be reopened, and the agreement shall not be modified, by any officer or employee of the city, and (2) in any suit, action or proceeding, such agreement, or any determination, assessment, collection, payment, refund or credit made in accordance therewith, shall not be annulled, modified, set aside or disregarded.

- (p) Other Powers and Duties. In addition to the powers and duties contained in this section, the assessing, collecting, receiving, and enforcing payments of the tax imposed hereunder, and otherwise relating thereto, shall be severally and respectively conferred, granted, practiced and exercised for levying, assessing, collecting and receiving and enforcing payment of the taxes imposed under the authority of this chapter.

(Sec. 8-1.2, R.O. 1978 (1983 Ed.))

Sec. 8-1.4 Oaths.

The director may administer all oaths or affirmations required to be taken or be administered under this chapter. (Sec. 8-1.3, R.O. 1978 (1983 Ed.))

Sec. 8-1.5 Hearings and subpoenas.

The director may conduct any inquiry, investigation or hearing, relating to any assessment, or the amount of any tax, or the collection of any delinquent tax, including any inquiry or investigation into the financial resources of any delinquent taxpayer or the collectibility of any delinquent tax. The director may administer oaths and take testimony under oath relating to the matter of inquiry or investigation, and subpoena witnesses and require the production of books, papers, documents and records pertinent to such inquiry. If any person disobeys such process, or, having appeared in obedience thereto, refuses to answer pertinent questions put to such person by the director or to produce any books, papers, documents or records, pursuant thereto, the director may apply to the first circuit court setting forth such disobedience to process or refusal to answer, and such court or judge shall cite such person to appear before such court or judge to answer such questions or to produce such books, papers, documents, or records, and upon such person's refusal to do so, commit such person to jail until such person testifies but not for a longer period than 60 days. Notwithstanding the serving of the term of commitment by any person, the director may proceed in all respects as if the witness had not previously been called upon to testify. Witnesses (other than the taxpayer or the taxpayer's officers, directors, agents and employees) shall be allowed their fees and mileage as in cases in the circuit courts to be paid on vouchers of the city, from any moneys available for expenses of the director. (Sec. 8-1.4, R.O. 1978 (1983 Ed.))

Sec. 8-1.6 Timely mailing treated as timely filing and paying.

- (a) General Rule. Any report, claim, tax return, statement or other document required or authorized to be filed with or any payment made to the city which is:
- (1) Transmitted through the United States mail, shall be deemed filed and received by the city on the date shown by the post office cancellation mark stamped upon the envelope or other appropriate wrapper containing it.
 - (2) Mailed but not received by the city or where received and the cancellation mark is illegible, erroneous or omitted, shall be deemed filed and received on the date it was mailed if the sender establishes by competent evidence that the report, claim, tax return, statement, remittance or other document was deposited in the United States mail on or before the date due for filing; and in cases of the nonreceipt of a report, tax return, statement, remittance or other document required by law to be filed, the sender files with the city a duplicate within 30 days after written notification is given to the sender by the city of its nonreceipt of the report, tax return, statement, remittance or other document.
- (b) Registered Mail, Certified Mail, Certificate of Mailing. If any report, claim, tax return, statement, remittance or other document is sent by United States registered mail, certified mail or certificate of mailing, a record authenticated by the United States Postal Service of the registration, certification or certificate shall be considered competent evidence that the report, claim, tax return, statement, remittance or other document was delivered to the director or department of finance, and the date of registration, certification, or certificate shall be deemed the postmarked date.

(Sec. 8-1.5, R.O. 1978 (1983 Ed.))

Sec. 8-1.7 Tax collection General duties, powers of director.

The director shall collect all taxes under this chapter according to the assessments and shall be liable and responsible for the full amount of the taxes assessed, unless the director shall under oath account for the noncollection of the same, or shall be released from accountability as provided in Section 8-1.9. The corporation counsel shall assist the director in the collection of all taxes under this chapter. (Sec. 8-1.6, R.O. 1978 (1987 Supp. to 1983 Ed.))

Sec. 8-1.8 District court judges Misdemeanors and actions for tax collections.

Except as otherwise provided in this chapter, the district court judges for the first circuit court for the State of Hawaii as authorized in HRS Section 231-12, shall have jurisdiction to try misdemeanors arising under this chapter and all complaints for the violation of this chapter and to impose any of the penalties therein prescribed and shall also have the jurisdiction to hear and determine all civil actions and proceedings for the collection and enforcement of collection and payment of all taxes assessed thereunder, and all actions or judgments obtained in tax actions and proceedings, notwithstanding the amount claimed. (Sec. 8-1.7, R.O. 1978 (1983 Ed.))

Sec. 8-1.9 Director--Collection, records of delinquent taxes, uncollectible delinquent taxes.

- (a) The director shall be responsible for the collection and general administration of all delinquent taxes. The director shall duly and accurately account for all delinquent taxes collected.
- (b) The director of finance shall prepare and maintain a complete record, open to public inspection, of the amounts of taxes assessed which have become delinquent with the name of the delinquent taxpayer in each case, but it shall not be necessary to periodically compute on the records the amount of penalties and interest upon delinquent taxes.
- (c) The director may from time to time prepare lists of all taxes delinquent which in the director's judgment are uncollectible. Such taxes as the director finds to be uncollectible shall be entered in a special record and be deleted from the other books kept by the director, and the director shall thereupon be released from any further accountability for their collection; provided, that no account shall be so deleted until it shall have been delinquent for at least two years. Any items so deleted may be transferred back to the delinquent tax roll if the director finds that the alleged facts as previously presented to the director were not true, or that such items are in fact collectible.

(Sec. 8-1.8, R.O. 1978 (1987 Supp. to 1983 Ed.))

Sec. 8-1.10 Legal representative.

The corporation counsel or the prosecuting attorney shall assign one of such persons' deputies as attorney and legal advisor and representative of the director. The corporation counsel or the prosecuting attorney may proceed to enforce payment of any delinquent taxes by any means provided by law. Any legal proceedings may be instituted in the name of the director or the deputy director. (Sec. 8-1.9, R.O. 1978 (1983 Ed.))

Sec. 8-1.11 Abstracts of registered conveyances, copies of corporation exhibits furnished to director.

The director may request abstracts of titles. For the purpose of assisting the director in arriving at a correct valuation of the property within each district, the registrar of conveyances, or any other agency so requested by the department, shall furnish to the department, monthly, quarterly or as otherwise as required by the department, an abstract of the conveyances of, or other documents affecting title to, or assessment of, real property in each district, which have been entered for record at the bureau of conveyances, executed, or filed, as the case may be, during the period covered by such abstract. The director of regulatory agencies shall each year furnish the department as requested, copies of the annual corporation exhibits of any or all corporations owning real property in any district or any information contained in such exhibits. (Sec. 8-1.10, R.O. 1978 (1983 Ed.))

Sec. 8-1.12 Notices--How given.

Unless otherwise provided, every notice, the giving of which by the director is required or authorized, shall be deemed to have been given on the date when the notice was mailed properly addressed to the addressee at the addressee's last known address or place of business. (Sec. 8-1.15, R.O. 1978 (1983 Ed.))

Sec. 8-1.13 Federal or other tax officials permitted to inspect returns--Reciprocal provisions.

Notwithstanding the provisions of any law making it unlawful for any person, officer or employee of the city to make known information imparted by any tax return or permit any tax return to be seen or examined by any person, it shall be lawful to permit a duly accredited tax official of the United States or of any state or territory or the multi-state tax commission to inspect any tax return of any taxpayer, or to furnish to such official, commission, or the authorized representative thereof an abstract of the return or supply such person with information concerning any item contained in the return or disclosed by the report of any investigation of the return or of the subject matter of the return for tax purposes only. The multi-state tax commission may make such information available to a duly accredited tax official of the United States or to a duly accredited tax official of any state or territory, or the authorized representative thereof, for tax purposes only. (Sec. 8-1.16, R.O. 1978 (1983 Ed.))

Sec. 8-1.14 Records--Public and confidential.

- (a) Except as provided in subsection (b), all maps and records compiled, made, obtained or received by the director or any of the director's subordinates, shall be public records, and in case of the death, removal or resignation of any such officers, shall immediately pass to the care and custody of their respective successors. The information and all maps and records connected with the assessment and collection of taxes under this chapter shall, during business hours, be open to the inspection of the public.
- (b) Real property tax records stamped confidential and provided in a form separable from public tax records by a taxpayer containing trade secrets or confidential commercial or financial information of a taxpayer shall not be open to inspection by the public including, but not limited to:
 - (1) Lease agreements not involving the use of government land;
 - (2) Income statements; and
 - (3) Income and general excise tax statements.
- (c) Nothing in subsection (b) shall be construed to preclude the city from using the records enumerated in subsection (b) in any proceeding before a board of review or a court in any appeal brought by a taxpayer.

(Sec. 8-1.17, R.O. 1978 (1983 Ed.); Am. Ord. 01-06)

Sec. 8-1.15 Tax records as evidence.

In respect of any tax imposed or assessed under this chapter, the administration of which is within the scope of the director's duties and except as otherwise specifically provided in the law imposing the tax, the notices of assessments, records of assessments, and lists or other records of payments and amounts unpaid prepared by or under the authority of the director, or copies thereof, shall be prima facie proof of the assessments of the property or person assessed, the amount due and unpaid, and the delinquency in payment and that all requirements of law in relation thereto have been complied with. (Sec. 8-1.18, R.O. 1978 (1983 Ed.))

Sec. 8-1.16 Due date on Saturday, Sunday or holiday.

When the due date for any notice, application, document or remittance required by this chapter falls on a Saturday, Sunday or legal holiday, the notice, application, document or remittance shall not be due until the next succeeding day which is not a Saturday, Sunday or legal holiday. Notwithstanding the foregoing, the due date for any appeal shall comply with the jurisdictional requirements set forth in the law establishing the right to appeal.

(Sec. 8-1.19, R.O. 1978 (1983 Ed.); Am. Ord. 15-34)

Sec. 8-1.17 Changes in assessment lists.

Except as specifically provided in this chapter, no changes in, additions to or deductions from, the real property tax assessments on the assessment lists prepared as provided in Section 8-2.2 shall be made except to add thereto property or assessments which may have been omitted therefrom, or to deduct therefrom adjustments on account of duplicate assessments and clerical errors, such as transposition in figures, typographical errors and errors in calculation. (Sec. 8-1.20, R.O. 1978 (1983 Ed.))

Sec. 8-1.18 Adjustments and refunds.

- (a) This subsection shall apply to taxes assessed and collected under this chapter.

- (1) In the event of adjustments on account of duplicate assessments and clerical errors, such as transposition in figures, typographical errors and errors in calculations, the adjustments may be entered upon the records although the full amount appearing on the records prior to such adjustment has been paid.
 - (2) There may be refunded in the manner provided in subsection (b) of this section any amount collected in excess of the amount appearing on the records as adjusted, or any amount constituting a duplication of payment in whole or in part.
 - (3) Whenever any real property is deemed by the director to be exempt from taxation under Section 8-10.20, if there has been paid prior to the effective date of the exemption any real property taxes applicable to the period following the effective date of the exemption, there shall be refunded to the nonprofit or limited distribution mortgagor owning the property in the manner provided in subsection (b) all amounts representing the real property taxes which have been paid on account of the property and attributable to the period following the effective date of the exemption.
 - (4) No such adjustment shall be entered on the records except within five years after the end of the tax year in which the amount to be adjusted was due and payable, unless a written application for the adjustment has been filed within such period.
- (b) This subsection shall apply to all real property taxes.
- (1) Payment of all refunds and adjustments shall be made out of the real property tax refund account in the real property tax trust fund hereinafter created. All refunds and adjustments shall be paid by voucher approved by the director, setting forth the details of each transaction, provided that if the person entitled to the refund or adjustment is the current owner of the property, the refund or adjustment shall be first applied to satisfy any interest, then penalties, then delinquent taxes, due for the property, and if there are no delinquent taxes due then as a credit against future taxes due for the property, unless the city is in receipt of a written request from the current owner for payment by voucher.
 - (2) There is created and established a fund known as the real property tax trust fund to be used for the purpose of making refunds and adjustments of taxes collected under this chapter. The director may, from time to time, deposit taxes collected under this chapter to the credit of real property tax refund account in the real property tax trust fund so that there may be maintained at all times an amount from which refunds may be paid.

(Sec. 8-1.21, R.O. 1978 (1983 Ed.); Am. Ord. 00-52, 05-030, 05-041)

Sec. 8-1.19 Partial payment of taxes.

Whenever a taxpayer makes a partial payment of a particular assessment of taxes, the amount received by the director shall first be credited to interest, then to penalties, and then to principal. (Sec. 8-1.22, R.O. 1978 (1983 Ed.))

Sec. 8-1.20 Abetting misdemeanor.

All persons wilfully aiding, abetting or assisting in any manner whatsoever any person to commit any act constituted a misdemeanor by this chapter, shall be deemed guilty of a misdemeanor. (Sec. 8-1.24, R.O. 1978 (1983 Ed.))

Sec. 8-1.21 Neglect of duty--Misdemeanor.

Any officer or employee of the department of finance, any person duly authorized by the director, or any police officer, on whom duties are imposed under this chapter, who wilfully fails or refuses or neglects to perform faithfully any duty or duties of such person required by this chapter, shall be deemed guilty of a misdemeanor. (Sec. 8-1.25, R.O. 1978 (1983 Ed.))

Sec. 8-1.22 Penalty for misdemeanors.

Any person convicted of any misdemeanor under this chapter, for which no punishment is otherwise prescribed, shall be fined not more than \$500.00 or (if a natural person) imprisoned for not more than one year or both. (Sec. 8-1.26, R.O. 1978 (1983 Ed.))

Article 2. Notice of Assessments--Assessment Lists

Sections:

- 8-2.1 Notice of assessments--Addresses of persons entitled to notice.**
- 8-2.2 Assessment lists.**
- 8-2.3 Informalities or mistakes in names or notices not to invalidate assessments.**

Sec. 8-2.1 Notice of assessments--Addresses of persons entitled to notice.

- (a) On or before December 15th preceding the tax year, the director shall give notice of the assessment for the tax year against each known owner, by personal delivery to the owner or by mailing to the owner on or before such date postage prepaid and addressed to the owner at the owner's last known place of residence or address a written notice identifying the property involved by the tax key and the general class established in accordance with Section 8-7.1(c) and setting forth the valuation placed upon the real property, determined pursuant to Section 8-7.1(a), the exemption, if any, allowed or denied, as the case may be, and the net taxable value of the real property. The general class of the property shall be set forth in clear and descriptive language as used in Section 8-7.1(c)(1) without abbreviation and without reference to a code of any kind on the notice of assessment. In lieu of the notification methods set forth in this paragraph, the director shall, at the option of the owner, give notice of the assessment by electronic transmission.
- (b) In addition to the foregoing, the director shall, in each year, give notice of the assessments for the upcoming tax year by public notice (by publication thereof at least three times on different days prior to December 31st of each year in a newspaper of general circulation, published in the English language) of a time when (which shall be not less than a period of 10 days prior to December 31st preceding the tax year) and of a place where the records of taxable properties maintained for the district may be inspected by any person for the purpose of enabling such person to ascertain what assessments have

been made against such person or such person's property and to confer with the director so that any errors may be corrected before the filing of the assessment list.

- (c) On or before December 15th preceding the tax year, the director shall notify by mail or by electronic transmission each known owner whose property has been assigned a different general class from the general class assigned the previous tax year, that the property has been reclassified for property tax assessment purposes for the ensuing tax year. Such notification shall state the property's general class immediately prior to the change, the new general class, and the effective date of the new general class.

(Sec. 8-2.1, R.O. 1978 (1983 Ed.); Am. Ord. 92-20, 93-95, 96-15, 02-45, 05-003, 07-49, 07-50)

Sec. 8-2.2 Assessment lists.

On or before January 31st preceding the tax year, the director shall have prepared from the records of taxable properties a list, in duplicate, of all assessments made, which list shall be signed and sworn to by the person preparing it. The assessment list shall identify the property assessed by its tax key and shall set forth the general class of the property established in accordance with Section 8-7.1(c), the valuation of the real property, the amount of exemption allowed on the real property, and the net taxable value of the real property. The assessment list shall be the lists in accordance with which taxes shall be collected, subject only to change made by any court or other tribunal having jurisdiction, where appeals from assessments have been duly taken and prosecuted to final determination, and subject to Section 8-1.17. There shall be noted upon such lists all appeals taken pursuant to Section 8-12.1 and the amount involved in each case. The original of the assessment lists shall be retained by the person preparing it, and one copy shall be held by the city clerk. (Sec. 8-2.2, R.O. 1978 (1983 Ed.); Am. Ord. 92-20, 96-15, 97-55, 02-45)

Sec. 8-2.3 Informalities or mistakes in names or notices not to invalidate assessments.

No assessment or act relating to the assessment or collection of taxes under this chapter shall be illegal or invalidate such assessment, levy, or collection on account of mere informality, nor because the same was not completed within the time required by law, nor, if the notice by publication provided for by Section 8-2.1 has been given, on account of a mistake in the name of the owner or supposed owner of the property assessed, or failure to name the owner, or failure to give the notice of assessment by personal delivery or mail or electronic transmission provided for by Section 8-2.1. (Sec. 8-2.3, R.O. 1978 (1983 Ed.); Am. Ord. 07-49)

Article 3. Tax Bills, Payments and Penalties

Sections:

- 8-3.1 Tax rolls--Tax bills.**
- 8-3.2 Taxes--Due when--Installment payments--Billing and delinquent dates.**
- 8-3.3 Penalty for delinquency.**
- 8-3.4 Assessment of unreturned or omitted property—Review--Penalty.**
- 8-3.5 Reassessments.**

Sec. 8 3.1 Tax rolls--Tax bills.

- (a) The director shall prepare tax rolls from the assessment lists provided for by Section 8-2.2, showing thereon, in each case, names and addresses of the assessed and the amount of taxes which shall be not less than the minimum tax amount required in Section 8-11.1(g).
- (b) The director shall mail, postage prepaid, or deliver, each year on or before the billing dates as provided for by Section 8-3.2, to all known persons assessed for real property taxes for such year, respectively, or to their agents, tax bills demanding payment of taxes due from each such person respectively, but no person shall be excused from the payment of any tax or delinquent penalties thereon by reason of failure on such person's part to receive, or failure on the part of the director so to mail or deliver such bill. The bill, if mailed, shall be addressed to the person concerned at such person's last known address or place of residence. Whenever any bill covers taxes for any real property owned, as joint tenants or as tenants in common or otherwise, by more than one person, the bill may be sent to any one co owner and upon written request shall be sent to each known co owner but shall, in any event, demand the full amount of the taxes due upon such real property.

(Sec. 8-3.1, R.O. 1978 (1983 Ed.); Am. Ord. 92-124, 10-9)

Sec. 8-3.2 Taxes--Due when--Installment payments--Billing and delinquent dates.

All real property taxes shall be due and payable on and after July 1st of each tax year and the payment thereof shall be determined in the following manner:

- (a) All known persons assessed for real property taxes shall be billed not later than the billing date designated in the schedule listed herein; subject however, to the limitations heretofore provided in Section 8-3.1. Each taxpayer shall pay the real property taxes due from such person for the year in which the taxes are assessed, in two equal installments on or before the dates designated in the following schedule:

Fiscal Year Schedule

(Billing Date)	(1st Payment)	(2nd Payment)
July 20	August 20	February 20

- (b) All such taxes due on the first payment date of such year from each taxpayer, which remain unpaid after the date, shall thereupon become delinquent, and the balance of such taxes due on the second payment date of such year from each taxpayer, which remain unpaid after the date, shall thereupon become delinquent.

(Sec. 8-3.2, R.O. 1978 (1983 Ed.))

Sec. 8-3.3 Penalty for delinquency.

- (a) There shall be added to the amount of all delinquent taxes under Section 8-3.2(b) a penalty of two percent for each month or fraction thereof beginning with the first calendar day following the date designated for payment in Section 8-3.2, provided that the maximum penalty levied shall not exceed 10 percent of the taxes levied. The penalty shall accrue on the delinquent taxes only and not on any accrued penalties. The penalty shall be and become a part of the tax and be collected as a part thereof.
 - (b) All delinquent taxes and penalties shall bear interest at the rate of one percent for each month or fraction thereof until paid, beginning with the first calendar month following the calendar month designated for payment in Section 8-3.2. Interest shall accrue on the delinquent taxes and penalties only and not on any accrued interest. The interest shall be and become a part of the tax and be collected as a part thereof.
 - (c) No taxpayer shall be exempt from delinquent penalties by reason of having made an appeal on such taxpayer's assessment, but the tax paid, covered by an appeal duly taken, shall be held in a trust account as provided in Section 8-12.12.
- (Sec. 8-3.3, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 89 147, 07-36)

Sec. 8-3.4 Assessment of unreturned or omitted property--Review--Penalty.

- (a) If, when returns are required under this chapter, any person refuses or neglects to make such returns, or declines to authenticate the accuracy thereof, or omits any property from a return, the director shall make the assessment according to the best information available and shall add to the assessment or tax lists for the year or years during which it was not taxed, the property unreturned or omitted. Likewise, if for any other reason any real property has been omitted from the assessment lists for any year or years, the director shall add to the lists the omitted property. Notice of the action shall be given the owner, if known, within 10 days after the assessment or addition, by mailing the same addressed to the owner at last known place of residence. Any owner desiring a review of the assessment or the addition may appeal to the board by filing with the director a written notice thereof in the manner prescribed in Section 8-12.9 at any time within 30 days after the date of mailing such notice, or may appeal to the tax appeal court by filing written notice of appeal with, and paying the necessary costs to, such court within the period and in the manner prescribed in Section 8-12.8.
 - (b) A penalty of 10 percent shall be added by the director to the amount of any assessment made by the director pursuant to this section, which penalty shall be and become a part of the assessment so made; but no such penalty shall be imposed where the failure to assess or tax the property was not due to the refusal or neglect of the owner to return the property or authenticate the accuracy of the owner's return.
 - (c) For the purpose of determining the date of delinquency of taxes pursuant to assessments under this section, such taxes shall be deemed delinquent if not paid within 30 days after the date of mailing of notice of assessment, or if assessed for the current assessment year, within 30 days after the date of mailing the notice or on or before the next installment payment date, if any, for such taxes, whichever is later.
- (Sec. 8-3.4, R.O. 1978 (1983 Ed.))

Sec. 8-3.5 Reassessments.

Any property assessed to a person or persons who did not have the record title upon October 1st preceding the tax year in which the assessment was made, may be, and in any case where the attempted assessment of property is void or so defective as to create no real property tax lien on the property and the taxes have not been fully collected, the property shall be assessed as omitted property in the manner provided in Section 8-3.4. (Sec. 8-3.5, R.O. 1978 (1983 Ed.); Am. Ord. 96-15)

Article 4. Remissions

Sections:

- 8-4.1 Remission of taxes on acquisition by government.**
- 8-4.2 Remission of taxes in cases of natural disasters.**
- 8-4.3 Remission of penalties and interest due for National Guard and military reserve personnel.**

Sec. 8-4.1 Remission of taxes on acquisition by government.

- (a) Whenever any real property is acquired for public purposes by the United States, the state or the city, and whenever any government lease or other tenancy shall terminate, the director is authorized to remit the taxes due thereon for the balance of the taxation period or year from and after the date of acquisition of the property, or the termination of the government lease or other tenancy, as the case may be.
- (b) In case the state or the city takes possession of real property which is the subject of eminent domain proceedings commenced for the acquisition of the fee simple estate in such land by the state or the city, taxes are authorized to be remitted as provided in HRS Sections 101-35 to 101-39, subject to HRS Section 101-39(1).
- (c) In case the owner of real property grants to the state or the city a right of entry with respect to such real property and the state or the city enters into possession under the authority of the right of entry with intention to acquire the fee simple estate therein and to devote the real property to public use, the state or the city shall certify to the director the date upon which it took possession, and upon receipt of the certificate, the director is authorized to remit the real property tax on the parcel of land or portion of a parcel of land so coming into the possession of the state or the city for the balance of the taxation period which is subsequent to the date of possession.
- (d) In case the United States takes possession of real property which is the subject of eminent domain proceedings commenced for the acquisition of the fee simple estate in such land, taxes are authorized to be remitted for the balance of the taxation period or year after such taking, as provided in this paragraph. The remission shall be allowed conditionally upon the presentation to the director of a written notice and agreement, signed by the person, or one or more of the persons, owning the land, stating the date of such taking of possession by the United States, and agreeing that out of the first funds received by such owner or owners from such condemnation there shall be paid sufficient moneys to discharge the lien for any real property taxes existing upon the land prorated up to and including the date of such taking possession of the property;

provided, that the notice may be accompanied by payment of the prorated amount of taxes in lieu of such agreement. HRS Section 101-39 is made applicable to such land and the owner or owners thereof and to the conditional remission authorized by this paragraph. It is further provided that in the event the prorated taxes up to the time of such taking possession shall not be paid by the owner or by one or more of the owners of the land within 10 days after receipt by such owner or owners of the compensation for the condemnation, or within such additional time as shall be allowed by the director, then the conditional remission of taxes shall be void, and such owner or owners shall be liable for all taxes, penalties and interest which would have accrued had no such conditional remission been allowed.

(Sec. 8-4.1, R.O. 1978 (1983 Ed.))

Sec. 8-4.2 Remission of taxes in cases of natural disasters.

- (a) The director shall remit taxes due or paid for real property damaged or destroyed as a result of natural disaster, where the mayor has declared a natural disaster for purposes of real property tax relief, hereunder. Remissions shall be granted:
- (1) Of taxes on the damaged or destroyed real property for the tax year in which the natural disaster occurred; and
 - (2) To the extent and in the manner set forth in this section.
- (b) The director shall determine whether the real property was wholly destroyed or was partially destroyed or damaged from the natural disaster. If the real property was partially destroyed or damaged, the director shall determine what percentage of the value of the whole property was destroyed or otherwise lost by reason of the natural disaster.
- (c) If the real property was wholly destroyed, the amount remitted shall be the lower of the following, but subject to subsection (e) of this section:
- (1) The total tax on the property for the tax year in which the natural disaster occurred; or
 - (2) \$25,000.00.
- (d) If the real property was partially destroyed or damaged, the amount remitted shall be the lower of the following, but subject to subsection (e) of this section:
- (1) The amount derived by multiplying the total tax on the property for the tax year by the percentage of the value destroyed or otherwise lost, determined as provided in subsection (b) of this section; or
 - (2) \$25,000.00.
- (e) The minimum tax of Section 8-11.1(g) shall apply to real property, the tax on which is remitted under this section. In no case shall the amount remitted for a parcel of real property under this section cause the tax on that parcel to be less than the minimum.
- (f) Application for a remission of taxes pursuant to this section shall be filed with the director on or before June 30th of the tax year involved, or within 60 days after the declaration by the mayor of the natural disaster, whichever is the later. Any amount of taxes authorized to be remitted by this section, which has been paid, shall be refunded upon proper application therefor out of appropriated general funds.
- (g) For purposes of this section, the term "natural disaster" shall mean any disaster caused by seismic or tidal wave, tsunami, hurricane, volcanic eruption, typhoon, earthquake, or flood waters.

(Sec. 8-4.2, R.O. 1978 (1983 Ed.); Am. Ord. 92-38, 97-56)

Sec. 8-4.3 Remission of penalties and interest due for National Guard and military reserve personnel.

The director shall remit the amount of penalties or interest added under this chapter to any tax, for which the following applies:

- (a) The property owner is a member of the National Guard or of a reserve component of the armed forces of the United States serving on active duty pursuant to deployment for a war or national emergency declared in accordance with federal law;
- (b) The taxes owed become due and payable during the period the property owner serves on active duty;
- (c) The property owner has provided proof of active duty status to the director; and
- (d) The taxes due and owing on the owner's property are paid no later than 180 days from the date the property owner's active duty is terminated.

The director shall adopt rules having the force and effect of law for the implementation, administration, and enforcement of this section.

As used in this section:

"Active duty" means full-time duty in the uniformed services.

"National Guard" means the Army National Guard or the Air Force National Guard.

"Reserve component of the armed forces of the United States" means the air force reserve, army reserve, coast guard reserve, marine corps reserve, and naval reserve.

(Added by Ord. 04-44)