

BILL NO. 103  
(DRAFT 2)

ORDINANCE NO. 14 127

**AN ORDINANCE AMENDING CHAPTER 19, ARTICLE 10, SECTION 19-75 OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO REAL PROPERTY TAX EXEMPTIONS FOR PERSONS WHO ARE BLIND, DEAF, AND/OR TOTALLY DISABLED.**

**BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI'I:**

**SECTION 1.** Chapter 19, article 10, section 19-75 of the Hawai'i County Code 1983 (2005 Edition, as amended) is amended to read as follows:

**“Section 19-75. Exemption, persons who are blind, deaf, and/or totally disabled.**

- (a) Definitions as used in this chapter:
- (1) “Blind” means a person whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or whose visual acuity is greater than 20/200 but is accompanied by a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than twenty degrees, as certified under this section.
  - (2) “Deaf” means a person whose average loss in the speech frequencies (five hundred to two thousand Hertz) in the better ear is ninety-two decibels, or such other level as may be updated by American National Standards Institute (A.N.S.I.), or worse, as certified under this section.
  - (3) “Totally disabled” means a person who is totally disabled, either physically or mentally, and who, except for such total disability, would be able to engage in substantial gainful business or occupation, as certified under this section.
- (b) Any person who is qualified for the homeowner exemption under section 19-71 and who is certified as blind, deaf, and/or totally disabled as defined in this section shall be exempt from real property taxes on ~~[all]~~ real property owned and occupied as the principal home by the person up to, but not exceeding a taxable value of \$50,000. Except that no exemption shall apply to any minimum tax payable under section 19-90(e) of this chapter.
- (c) The disability shall be certified by: (1) a physician licensed under chapter 453, ~~[or 460, or both,]~~ Hawai'i Revised Statutes, (2) a qualified out-of-state physician who is currently licensed to practice in the state in which the physician resides, or (3) a commissioned medical officer in the United States military or public health service, engaged in the discharge of one's official duty. Certification for a person who is blind or deaf may also be made by a licensed optometrist or licensed audiologist as the case may be. Certification shall be on forms prescribed by the department of finance. For disabled veterans, the proof of disability submitted for section 19-73(1) from the Veterans Administration,

may be substituted for the required certification. Official documentation from the Social Security Administration may also be substituted for the required certification.

- (d) Any person who is certified as being temporarily blind, deaf, and/or totally disabled shall submit an annual certification or recertification, as required by this section. No exemption shall be allowed unless the required certification or recertification is submitted.
- (e) Any person who qualifies for an exemption under this section shall be allowed to apply for only one of the exemptions established in this section.
- (f) In the case of a lease of Hawaiian homestead land, where either a husband or wife is of non-Hawaiian descent, either spouse shall be entitled to the blind, deaf, or totally disabled exemption in the same manner as if either spouse was considered the owner thereof, provided proof of marriage is submitted to the director of finance.

~~[(g) In the event that a person qualifies for the home exemption as provided in section 19-71 and the blind, deaf, or totally disabled exemption as provided in this section, the exemptions shall be granted to the claimant in the following order: the home exemption shall be granted first, then followed by the applicable blind, deaf, or totally disabled exemption on the property claimed as the owner's principal residence. Thereafter, the exemption provided by this section shall be applied to any other property designated by the claimant.]~~

**SECTION 2.** Material to be repealed is bracketed and stricken. New material is underscored. In printing this ordinance, the brackets, bracketed material, and underscoring need not be included.

**SECTION 3.** Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.

**SECTION 4.** This ordinance shall take effect upon its approval.

INTRODUCED BY:



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COUNCIL MEMBER, COUNTY OF HAWAI'I

Hilo, Hawai'i  
Date of Introduction: October 15, 2014  
Date of 1<sup>st</sup> Reading: October 15, 2014  
Date of 2<sup>nd</sup> Reading: November 7, 2014  
Effective Date: November 26, 2014

OFFICE OF THE COUNTY CLERK  
County of Hawai'i  
Hilo, Hawai'i

COUNTY CLERK  
COUNTY OF HAWAII

2014 NOV 26 PM 2:19

Introduced By: Brenda J. Ford  
Date Introduced: October 15, 2014  
First Reading: October 15, 2014  
Published: N/A

REMARKS: \_\_\_\_\_  
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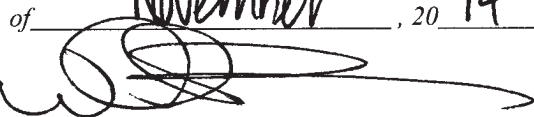
Second Reading: November 7, 2014  
To Mayor: November 18, 2014  
Returned: November 26, 2014  
Effective: November 26, 2014  
Published: December 6, 2014

REMARKS: \_\_\_\_\_  
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ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Eoff	X			
Ford	X			
Ilagan	X			
Kanuha	X			
Kern	X			
Onishi	X			
Poindexter			X	
Wille	X			
Yoshimoto	X			
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ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Eoff	X			
Ford	X			
Ilagan		X		
Kanuha	X			
Kern			X	
Onishi	X			
Poindexter	X			
Wille	X			
Yoshimoto	X			
	7	1	1	0

I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council published as indicated above.

Approved/Disapproved this 26<sup>th</sup> day  
of November, 20 14.  
  
MAYOR, COUNTY OF HAWAII

  
COUNCIL CHAIRPERSON  
  
COUNTY CLERK

Bill No.: 103 (Draft 2)  
Reference: C-361.3/FC-196  
Ord No.: 14 127