

**COUNTY OF HAWAI'I  
 DEPARTMENT OF FINANCE  
 REAL PROPERTY TAX DIVISION**

TAX MAP KEY/PARCEL ID					
ISLE	Z	S	PLAT	PARCEL	CPR
3					

I request to dedicate for: \_\_\_ 5 years \_\_\_ 10 years

101 Pauahi St., Ste. No. 4  
 Hilo, Hawai'i 96720  
 Ph. (808) 961-8354

74-5044 Ane Keohokalole Hwy., Bldg. D, 2nd Flr.  
 Kailua Kona, Hawai'i 96740  
 Ph. (808) 323-4881

**PETITION TO DEDICATE REAL PROPERTY  
 FOR NON-SPECULATIVE RESIDENTIAL USE**

**LIST OF ALL OWNERS HAVING LEGAL INTEREST IN THE PROPERTY:**

<u>Name</u>	<u>Address</u>	<u>Day Phone</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

To facilitate investigation of this petition, I hereby grant right of entry to land described above and will provide any documents as required by the Hawai'i County Code.

**I certify that all persons with legal interest in the property are listed above and all have signed below.**

I agree to all the terms and conditions of this dedication as listed in Section 19-58.1, Hawai'i County Code.

I understand that failure to observe the restrictions of the use of this property shall cancel the dedication and special tax assessment privilege retroactive to the date of the dedication, and that additional taxes and penalties, due and owing as a result of a breach of the dedication shall be a paramount lien upon the property pursuant to Section 19-37, Hawai'i County Code.

_____ Signature of Owner	_____ Date	_____ Signature of Owner	_____ Date
_____ Signature of Owner	_____ Date	_____ Signature of Owner	_____ Date
_____ Signature of Owner	_____ Date	_____ Signature of Owner	_____ Date

(For Tax Office Use Only)

**Received By:** \_\_\_\_\_ **Petition No.** \_\_\_\_\_  
 \_\_\_\_\_ **Date** \_\_\_\_\_ **Effective for:** \_\_\_\_\_ **Tax Year** \_\_\_\_\_  
**Original Input Date:** \_\_\_\_\_ **By:** \_\_\_\_\_  
**Petition Disallowed:** \_\_\_\_\_ **Tax Year** \_\_\_\_\_ **Date:** \_\_\_\_\_

**INSTRUCTIONS FOR FILING PETITION TO DEDICATE PROPERTY FOR  
NON-SPECULATIVE RESIDENTIAL USE**

1. TAX MAP KEY: Please indicate correct tax key number for the property that you are residing on and presently claiming a home exemption\*\*.
  2. NAME: PRINT FULL NAME as recorded on your deed.
  3. MAILING ADDRESS: Print your current mailing address.
  4. TELEPHONE: List a day phone number.
  5. CERTIFICATION: Please read before signing. ALL owners and persons having a legal interest in property must sign this petition.
- \*\* Property must be used exclusively for residential purposes. If any property or portion thereof is used for commercial purposes or agricultural use, the property is not eligible for dedication to the non-speculative residential use.

**FILING DEADLINE: SEPTEMBER 1<sup>ST</sup>**

TERMS AND CONDITIONS  
OF THE NON-SPECULATIVE RESIDENTIAL USE DEDICATIONS

I. Requirements

- A. The property must qualify for home exemption.
- B. The property must be used exclusively for residential purposes.
- C. The property must be dedicated in its entirety.
- D. The property is not eligible for dedication to non-speculative residential use if the property, or any portion thereof, is:
  - 1. used for commercial purposes;
  - 2. dedicated to a ranching or agricultural use;
  - 3. assessed according to an agricultural use.
- E. The notice of dedication must be recorded at the Bureau of Conveyances.

II. Assessment

- A. The market value, i.e., dedicated value, shall be established as of the January 1 assessment date following the approval of the petition.
- B. The dedicated value will be frozen during the five or ten year dedication period, except for adjustments as provided below:
  - 1. The market data or sales comparison method shall be used to determine the market value. If any other method is used, the director, at the earliest opportunity, shall recalculate the dedicated value using the market data approach and use this value estimate as the dedicated value for the remaining term of the dedication.
  - 2. If improvements or renovations are made to the dedicated property, the market value of the improvements or renovations shall be determined and added to the previous dedicated value.
- C. In the case of a renewal which immediately follows an expiring term, the assessment base for the new dedication period shall be the dedicated value on the expiration date plus 50% of the amount of increase between the previous dedicated value and the market value as of the January 1 assessment date.

II. Breach of Dedication

- A. A breach of the dedication shall occur in the following instances:
  - 1. Failure by the owner to maintain the home exemption status of the property.
  - 2. Violation of the exclusive residential use provision, including dedicating the property to a ranching or other agricultural use or receiving the benefit of the agricultural use assessment.
  - 3. Upon subdivision of the dedicated property into condominium units or separate parcels or lots.

4. Upon sale of the dedicated property or any portion thereof by way of a conveyance which is subject to the conveyance tax which is imposed under the terms of Chapter 247, Hawaii Revised Statutes.
  5. Failure by the owner to obtain required building permits for the construction of new or additional improvements or renovations of the dedicated property.
- B. Transferred to a trustee for the beneficial use of a spouse, or the surviving spouse of Any violation of the terms and conditions of the dedication will result in cancellation of the dedication and imposition of retroactive taxes.
  - C. In addition to the retroactive tax, a 10% penalty charge shall be imposed.
  - D. All unpaid taxes and penalty charges shall constitute a paramount lien upon the property.

### III. Cancellation Without Retroactive Assessment

- A. The owner may cancel the dedication at the end of any dedication period. If the owner fails to submit a new application to renew the dedication, the dedication shall expire and the property shall be assessed at market value on the next assessment date.
- B. Certain transfers of property will not violate the terms and conditions of the dedication. The dedication shall not be breached if the property is:
  1. transferred to the owner's heirs by testacy or intestacy;
  2. jointly owned by spouses and upon the death of one spouse ownership is transferred to a surviving spouse;
  3. transferred to a spouse or former spouse in connection with a property settling agreement or decree of dissolution of marriage or legal separation;
  4. transferred to a trustee for the beneficial use of a spouse, or surviving spouse of a deceased transferor, or by a trustee of such a trust to the spouse of the trustor;
  5. and within 60 days after receiving title to the property, the heirs, surviving spouse, divorced spouse, or trustee petitions the director to continue the dedication and the owner continues or would continue to qualify for the home exemption. Failure to submit the written request within the prescribed period shall cancel the dedication.
  6. subject to a title change between spouses and said change does not result in a loss of the home exemption status;
  7. a leasehold and the lessee purchases the leased fee interest from the lessor;
  8. wholly or partially destroyed or damaged as a result of fire, seismic or tidal wave, volcanic eruption, earthquake, floodwaters, wind or rain storm. The owner may cancel the dedication by submitting written notice of the cancellation with 60 days of the destruction or damage.

*Hawai'i County is an Equal Opportunity Provider and Employer*