

OFFICE OF  
THE COUNTY CLERK  
COUNTY OF KAUAI

NOTICE OF PUBLICATION AND NOTICE OF PUBLIC HEARING

Notice is hereby given that the Kaua'i County Council will hold a public hearing on Wednesday, April 24, 2024, at 8:30 a.m., or soon thereafter, at the Council Chambers, 4396 Rice Street, Room 201, Historic County Building, Lihu'e, on the following:

Bill No. 2918

A BILL FOR AN ORDINANCE AMENDING SECTIONS 5A-1.1 AND 5A-11.4, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX

This Bill proposes to amend the definition of "Claim" currently located at Kaua'i County Code 1987, as amended, Section 5A-1.1, "Definitions," to: (1) prevent the potential reset of real property tax benefits as a result of a death when the surviving spouse or civil union partner was designated as the surviving trustee of the deceased spouse or civil union partner, and (2) expand eligibility to include properties receiving the Owner-Occupied Mixed-Use tax rate. This Bill also proposes to relocate the definition of "Claim" from Section 5A-1.1 to Section 5A-11.4. The Director of Finance remains empowered to compromise claims in accordance with Section 5A-1.2(k). Prior Ordinance No. 1044 (November 30, 2018) has fulfilled its purpose of providing appropriate tax relief continuity for surviving spouses who were not formally identified as recipients of the shared residence's Home Exemption. However, Ordinance No. 1044 does not authorize the Department of Finance to extend this protection to some surviving spouses whose ownership interest in the property was designed not to be triggered until the death of the spouse or civil union partner.

Bill No. 2920

A BILL FOR AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 2, SECTION 5-2.6 KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO BEAUTIFICATION FEES

This Bill proposes to offset the tourism-related impacts of rental or U-drive motor vehicles by standardizing the beautification fee assessed to all motor vehicles in the County at five dollars (\$5) per certificate of registration.

Any person may testify at the public hearing, and at any Council and Committee Meeting (at which time any Bill may be amended). Meeting notices and full-text Bills are available at least six (6) days in advance at the Office of the County Clerk, Council Services Division and [kauai.gov/Government/Council/Webcast-Meetings](http://kauai.gov/Government/Council/Webcast-Meetings). Written testimony may be submitted via [counciltestimony@kauai.gov](mailto:counciltestimony@kauai.gov), mail, or fax. For further information, please call (808) 241-4188.

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that the Kaua'i County Council passed on first reading and ordered to print Bill Nos. 2918 and 2920 during the March 27, 2024 Council Meeting, by the following vote:

AYES:	Bulosan, Carvalho, Cowden, DeCosta, Kagawa, Kualii	
	Rapoza	TOTAL - 7,
NOES:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	None	TOTAL - 0,
RECUSED & NOT VOTING:	None	TOTAL - 0.

Līhu‘e, Hawai‘i  
March 27, 2024

/s/ Jade K. Fountain-Tanigawa  
County Clerk, County of Kaua‘i

NOTE: IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF THE COUNTY CLERK, COUNCIL SERVICES DIVISION AT (808) 241-4188 OR COKCOUNCIL@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST.

UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

(One publication – The Garden Island – April 3, 2024)

**A BILL FOR AN ORDINANCE AMENDING SECTIONS 5A-1.1 AND 5A-11.4,  
KAUA'I COUNTY CODE 1987, AS AMENDED,  
RELATING TO REAL PROPERTY TAX**

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BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Findings and Purpose. The Council finds that Ordinance No. 1044 (November 30, 2018) has fulfilled its purpose of providing appropriate tax relief continuity for surviving spouses who were not formally identified as recipients of the shared residence's Home Exemption. However, Ordinance No. 1044 does not authorize the Department of Finance to extend this protection to some surviving spouses whose ownership interest in the property was designed not to be triggered until the death of the spouse or civil union partner. The purpose of this Ordinance is to amend the definition of "Claim" currently located at Section 5A-1.1, "Definitions," to: (1) prevent the potential reset of real property tax benefits as a result of a death when the surviving spouse or civil union partner was designated as the surviving trustee of the deceased spouse or civil union partner, and (2) expand eligibility to include properties receiving the Owner-Occupied Mixed-Use tax rate. This Ordinance also relocates the definition of "Claim" from Section 5A-1.1 to Section 5A-11.4. The Director of Finance remains empowered to compromise claims in accordance with Section 5A-1.2(k).

SECTION 2. Chapter 5A, Section 5A-1.1, Kaua'i County Code 1987, as amended, is hereby amended by deleting the definition of "Claim" as follows:

["Claim" under 5A-1.2(k) may include the retroactive approval and reinstatement of a home exemption, homestead tax rate, and assessment cap of an owner occupant that was benefiting from a home exemption, homestead tax rate, and assessment cap of a co-owner occupant that is now deceased, provided that the owner occupant would have independently qualified for the home exemption at the time of death. This approval and reinstatement shall only be applied retroactively up to three years.]"

SECTION 3. Chapter 5A, Section 5A-11.4, Kaua'i County Code 1987, as amended, is hereby amended by adding a definition of "Claim" at a new Subsection 5A-11.4(k) to be appropriately inserted and to read as follows:

"(k) For the purposes of this Section 5A-11.4 and Section 5A-1.2, "claim" may include the retroactive approval and reinstatement of a home exemption, Owner-Occupied or Owner-Occupied Mixed-Use tax rate, and assessment cap of an owner-occupant that was benefiting from a home exemption, Owner-Occupied or Owner-Occupied Mixed-Use tax rate, and assessment cap of a co-owner-occupant that is now deceased, provided that the owner-occupant would have independently qualified for the home exemption at the time of death. "Claim" may also include the retroactive approval and reinstatement of a home exemption, Owner-Occupied or Owner-Occupied Mixed-Use tax rate, and assessment cap of the spouse or civil union partner of an owner-occupant who is now deceased, provided that the spouse or civil union partner is a

successor trustee or beneficiary of the owner-occupant and the spouse or civil union partner would have independently qualified for the home exemption at the time of death, and in such case, the surviving owner-occupant who is a successor trustee or beneficiary is not required to demonstrate that they were an owner of record prior to the death of their spouse or civil union partner. This approval and reinstatement shall only be applied retroactively up to three (3) years.”

SECTION 4. Ordinance material to be repealed is bracketed. New ordinance material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Kaua‘i County Code 1987, as amended, the brackets, bracketed material, and underscoring shall not be included.

SECTION 5. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does 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 severable.

SECTION 6. This Ordinance shall take effect upon its approval.

Introduced by:



ROSS KAGAWA

DATE OF INTRODUCTION:

**March 27, 2024**

Lihu‘e, Kaua‘i, Hawai‘i

V:\RESOLUTIONS\2022-2024 TERM\2024-144 Bill RPT Section 5A-1.1 and 11.4  
Claim Definition Surviving Spouses (002) RK\_JA\_mn.docx

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2918, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on March 27, 2024, by the following vote:

FOR PASSAGE:	Bulosan, Carvalho, Cowden, DeCosta, Kagawa, Kualii, Rapozo	TOTAL – 7,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Lihu'e, Hawai'i  
March 27, 2024



Jade K. Fountain-Tanigawa  
County Clerk, County of Kaua'i

**A BILL FOR AN ORDINANCE AMENDING  
CHAPTER 5, ARTICLE 2, SECTION 5-2.6 KAUA'I COUNTY CODE 1987, AS  
AMENDED, RELATING TO BEAUTIFICATION FEES**

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BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Findings and Purpose. The County of Kaua'i currently subjects rental or U-drive motor vehicles as defined by H.R.S. Section 286-2 to a beautification fee of one dollar (\$1) per certificate of vehicle registration. In contrast, all other motor vehicles registered on Kaua'i are assessed a beautification fee of five dollars (\$5). Rental or U-drive vehicles have a disproportionate impact on the County including but not limited to the increase in traffic congestion.

The purpose of this Ordinance is to amend and update Section 5-2.6, Kaua'i County Code 1987, as amended, to offset the tourism-related impacts of rental or U-drive motor vehicles by standardizing the beautification fee assessed to all motor vehicles in the County at five dollars (\$5) per certificate of registration.

SECTION 2. Chapter 5, Section 5-2.6, Kaua'i County Code 1987, as amended, is hereby amended as follows:

- “(a) [Except for U-drive motor vehicles, all motor vehicles located in the County at the time of registration shall be subject to an annual beautification fee of \$5 per certificate of registration. All U-drive motor vehicles located in the County at the time of registration shall be subject to an annual beautification fee of one dollar (\$1.00) per certificate of registration. As used in this Subsection (a), "U-drive motor vehicle" shall have the meaning ascribed to it in H.R.S. Sec. 286-2.] All motor vehicles located in the County at the time of registration shall be subject to an annual beautification fee of five dollars (\$5) per certificate of registration.
- (b) [Two dollars of the] All beautification [fee] fees collected shall be used for purposes of beautification and other related activities of highways under the ownership, control, and jurisdiction of the [County.] County; [All amounts received from any fee increase over \$2 shall be expended only for purposes of] defraying additional costs involved in the disposition and other related activities of abandoned or derelict vehicles under H.R.S. Chapter [290.] 290; or mitigating and addressing the impacts of tourism-related traffic congestion.
- (c) [The monies collected shall be placed and accounted for in the Highway Beautification and Disposal of Abandoned or Derelict Vehicles Revolving Fund.] The moneys collected shall be placed and accounted for in a revolving fund as required under H.R.S. Section 286-51.”

SECTION 3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance that can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are severable.

SECTION 4. Ordinance material to be repealed is bracketed. New Ordinance material is underscored. When revising, compiling, or printing this Ordinance for inclusion in the Kaua'i County Code 1987, as amended, the brackets, bracketed material, and underscoring shall not be included.

SECTION 5. This Ordinance shall take effect on July 1, 2024.

Introduced by:



MEL RAPOZO



BILL DECOSTA

DATE OF INTRODUCTION:

**March 27, 2024**

Lihue, Kaua'i, Hawai'i

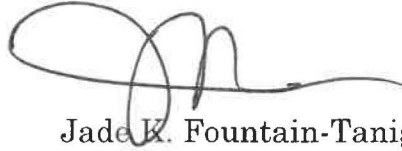
V:\BILLS\2022-2024 TERM\2024-165.1 motor vehicle beautification fees Bill v6  
MR\_BD\_RM\_mn.doc

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2920, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on March 27, 2024, by the following vote:

FOR PASSAGE:	Bulosan, Carvalho, Cowden, DeCosta, Kagawa, Kualii, Rapozo	TOTAL – 7,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Lāhu'e, Hawai'i  
March 27, 2024



Jade K. Fountain-Tanigawa  
County Clerk, County of Kaua'i