

TAX BOARD OF REVIEW
MEETING MINUTES
APPEAL HEARINGS
Wednesday, August 14, 2024
Aupuni Center Conference Room
101 Pauahi Street Hilo, Hawaii 96720

CALL TO ORDER

Chairperson Michael Okumoto called the meeting to order at 9:00 am

Present: Board Members: Michael Okumoto, Dale Tokuuke, Jason Eisert, and Mark Davis; Deputy Corporation Counsel Sylvia Wan; Real Property Tax Assistant Administrator Keita Jo, Appraiser Matthew Radmilovic, RPT Appeals Board Clerk Tyoany Tavares.

STATEMENTS FROM THE PUBLIC

There were no statements from the public.

APPROVAL OF MINUTES

The Board was presented the meeting minutes of July 30, 2024 and July 31, 2024.

Mr. Eisert motioned to approve both meeting minutes as presented. Seconded by Mr. Tokuuke. A call for discussion was made. Seeing none, the motion passed by a vote of 4:0.

TAX APPEAL CASE HEARINGS

Note: Prior to the start of the case hearings, Deputy Corporation Counsel Sylvia Wan, announced the general procedures of the appeal hearing and advised all Appellants and the Department of the procedure the Board would be following for the rendering of their decision and the Appellants' further right to appeal to the Tax Appeal Court located in Honolulu within 30 days from the date of the decision letter that the appellant will be receiving via certified mail.

For each appeal case, the appraiser submitted a packet of information to the Board, unless there had been a prior settlement with the Appellant or withdrawal. If the Appellant was not present, any information sent in by the Appellant was presented to the Board along with the appraisers' packet.

CASE #50552 – HIGA, KENROCK K S
TMK 4-9-001-001-0000

The appellant, Kenrock Higa, was present for the appeal hearing. Present for the County was appraiser Saesha Hanselman.

The subject parcel is located in Waipi'o Valley, it is zoned 5K and in the Conservation tax class with a land area of 15 acres. The assessed land and building values are not under appeal.

The appeal is based on the principle of the appellants concern that the boundary lines shown on the online map is incorrect.

The appellant presented their case. The County presented their case and recommended sustaining the land value of \$9,500 being that the parcel is currently at minimum tax and the appeal is not against the assessed valuation of the parcel. The appellant made a one-minute rebuttal. A call for questions was made.

Mr. Eisert motioned to sustain the County's assessed land value of \$9,500. Seconded by Mr. Tokuuke. A call for discussion was made. Mr. Eisert noted that there is a lack of proof on the grounds of appeal. Motion passed with a vote of 4:0.

CASE #50374, #50375 – MCNAMARRA, LISA
TMK 1-2-009-008-0000, 1-2-009-006-0000

Note: At this time Deputy Corporation Counsel Sylvia Wan, did state for the record that the appellant, Lisa McNamarra, is on another Board that Ms. Wan gives advisement to. However, Ms. Wan believes that in Ms. McNamarra's appearance and representation of the appeal cases, that this will not be a conflict of Ms. Wan's representation for the Board of Review.

The appellant, Lisa McNamarra, was present for the appeal hearing. Present for the County was appraiser Dori Ann Hoohuli.

The subject parcel (#1-2-009-008-0000) is located in the Puna District between Kehena Beach Subdivision and the Puna Beach Palisades Subdivision. It is zoned 5C and in the Agricultural tax class with a land area of 58.4 acres. The parcel is landlocked and is receiving a 50% discount due to access issues. The assessed land value is under appeal.

The subject parcel (#1-2-009-006-0000) is located in the Puna District between Kehena Beach Subdivision and the Puna Beach Palisades Subdivision. It is zoned 5C and in the Agricultural tax class with a land area of 8 acres. The parcel is landlocked and is receiving a 50% discount due to access issues. The assessed land value is under appeal.

The appellant presented their case. The County presented their case and recommended sustaining the assessed land value for each parcel; TMK 1-2-009-008-0000 (Case #50374) land value of \$126,100. TMK 1-2-009-006-0000 (Case #50375) land value of \$35,400. Rebuttals were made by both the appellant and the County. A call for questions was made.

Mr. Davis motioned to reduce the values on each parcel to the appellants opinion of value; TMK 1-2-009-008-0000 (Case #50374) land value of \$63,100. TMK 1-2-009-006-0000 (Case #50375) land value of \$17,700, due to the grounds of appeal that there is an error in the application of the methods. Seconded by Mr. Eisert. A call for discussion was made. Mr. Eisert noted that his biggest concern was the access to the subject parcels; with the comparables being used having improvements on those parcels, it shows that there is access, whereas the subject parcels do not. Mr. Tokuuke reiterated that the subject parcels as well as the comparables provided, both have the 50% discount due to being

landlocked. Mr. Eisert clarified that they believe the discount being applied to the subject parcels should be larger, than those of the comparables being that the comparables have better access.

At this time, Ms. Wan confirmed with both the appellant and County, that the subject parcels do have a 'paper road' meaning that on the map there appears to be a road, however, physically going to the parcels, the 'paper road' is no longer accessible.

Motion fails with a vote of 2:2 (Okumoto, Tokuuke). Due to the failure of the motion, by default the County's original assessment is considered prima facie correct.

Mr. Tokuuke motioned to reduce the assessed land values on both parcels; TMK 1-2-009-008-0000 (Case #50374) land value of \$94,600. TMK 1-2-009-006-0000 (Case #50375) land value of \$26,500, due to the grounds of appeal that there is an error in the application of the methods. Seconded by Mr. Eisert. A call for discussion was made. Mr. Tokuuke explained that his values derived from the County's recommendations with the 50% landlocked discount, but he felt the values were still too high against the comparables provided. Mr. Eisert added that there were improvements on the comparables provided, proving they are accessible, whereas the subject parcels are not. Motion passed with a vote of 3:1 (Davis).

CASE #50183 – CAMACHO, ROCHELLE L (CAMACHO FAMILY TR)
TMK 2-5-041-078-0000

The appellant, Rochelle Camacho, was present for the appeal hearing via telephone. Present for the County was Clerical Supervisor, Sharla Sugioka.

The subject parcel is located at 25-103 Pukana La Street. It is zoned 5I and in the Residential tax class with a land area of 0.1722 acres and an 1,352 sf dwelling in average condition built in 2014, which consist of 3 bedrooms and 2 bathrooms.

The denial of the Affordable Rental Housing (ARH) program is under appeal.

The appellant presented their case. The County presented their case and recommended sustaining the denial of the Affordable Rental Housing application, due to an untimely filed of the ARH application. Resulting in the tax classification remaining Residential with a land value of \$99,200 and building value of \$402,600. Rebuttals were made by both the appellant and the County. A call for questions was made.

Mr. Eisert motioned to sustain the County's recommendation on the denial of the Affordable Rental Housing program with the land value of \$99,200 and building value of \$402,600. Seconded by Mr. Davis. A call for discussion was made. Mr. Okumoto observed that the appellant has previously filed for the Affordable Rental Housing program the previous year and is therefore aware of the requirements for qualification of the program. Mr. Eisert added that there is a remark on the application that states the program requires the application to be filed annually. Motion passed with a vote of 4:0.

CASE #50318 – AONO, WENDEE
TMK 2-2-028-037-0000

The appellant was not present for the appeal hearing. Present for the County was the Clerical Supervisor, Sharla Sugioka.

The subject parcel is located at 872 C Iolani Street. It is zoned 2B and in the Apartment tax class with a land area of 14,770 sf and an 880 sf dwelling in fair condition built in 1989, which consists of 3 bedrooms and 1 and half bathrooms.

The denial of the Affordable Rental Housing (ARH) program is under appeal.

The County presented their case and recommended sustaining the denial of the Affordable Rental Housing application, due to an untimely file of the ARH application. Resulting in the tax classification remaining Apartment, with a land value of \$227,400 and building value of \$169,000. A call for questions was made.

Mr. Eisert motioned to sustain the County's recommendation on the denial of the Affordable Rental Housing program with the land value of \$227,400 and building value of \$169,000. Seconded by Mr. Tokuuke. A call for discussion was made. Mr. Eisert stated that the application was not received by the statutory deadline. Motion passed with a vote of 4:0.

Recess: 10:12am
Reconvened: 10:23am

CASE #50178, #50179, #50180, #50181, #50182 – KOW, CAROL ANN D
TMK 1-5-015-155-0000, 1-5-018-077-0000, 2-2-034-049-0000, 2-2-040-039-0000, 2-4-021-094-0000

The appellant was not present for the appeal hearing. Present for the County was the Clerical Supervisor, Sharla Sugioka.

The subject parcel (#1-5-015-155-0000) is located in Hawaiian Paradise Park in Keaau at 15-2047 33rd Avenue. It is zoned 5A and in the Agricultural tax class with a land area of 1.0 acre and two dwellings. Building one is a 1,224sf single family home in fair condition built in 1988 and consists of 3 bedrooms and 2 bathrooms. Building two is a 1,056 sf single family home in fair condition built in 1990 and consists of 3 bedrooms and 1 and half bathrooms.

The denial of the Affordable Rental Housing program is under appeal.

The subject parcel (#1-5-018-077-0000) is located in Hawaiian Paradise Park in Keaau at 15-2057 27th Avenue. It is zoned 5A and in the Agricultural tax class with a land area of 1.0 acre and two dwellings. Building one is a 1,056 sf single family home in fair condition built in 1982 and consists of 3 bedrooms and 2 bathrooms. Building two is an 864 sf family home in low condition built in 1985 and consists of 2 bedrooms and 1 bathroom.

The denial of the Affordable Rental Housing program is under appeal.

The subject parcel (#2-2-034-049-0000) is located at 523 Hinano Street in Hilo. It is zoned 1B and in the Residential tax class with a land area of 22,500 sf and a 986 sf single family home in low condition built in 1924 and consists of 3 bedrooms and 1 bathroom.

The denial of the Affordable Rental Housing program is under appeal.

The subject parcel (#2-2-040-039-0000) is located at 1906 Kinoole Street in Hilo. It is zoned 1B and in the Residential tax class with a land area of 1.0 acre and four dwellings. Building one is a 1,187 sf single family home in low condition built in 1929 and consists of 3 bedrooms and 1 and half bathrooms. Building two is a 792 sf single family home in low condition built in 1920 and consists of 2 bedrooms and 1 bathroom. Building three is an 858 sf single family home in fair condition built in 1971 and consists of 2 bedrooms and 1 half bathrooms. Building four is a 1,224 sf single family home in fair condition built in 1993 and consists of 3 bedrooms and 2 and half bathrooms.

The denial of the Affordable Rental Housing program is under appeal.

The subject parcel (#2-4-021-094-0000) is located in the Huapala Subdivision at 57 Kupaa Street. It is zoned 1C and in the Residential tax class with a land area of 15,122 sf and a 1,024 sf single family home in fair condition built in 1972 and consists of 3 bedrooms and 1 half bathrooms.

The denial of the Affordable Rental Housing program is under appeal.

The County presented their case and recommended to sustain the denial of the Affordable Rental Housing program for all cases under the basis of Hawaii County Code Chapter 19, Article 7, Section 19-53(i)(1) No affordable housing classification shall be granted unless the claimant shall annually have filed with the Department of Finance, on or before December 31 preceding the tax year for which such classification is claimed. The County did not receive any the application for the subject parcels by the statutory deadline of January 2, 2024. A call for questions was made.

Mr. Eisert motioned to sustain the County's recommendation of denial of the Affordable Rental Housing program for all five parcels. Seconded by Mr. Tokuuke. A call for discussion was made. Seeing none, the motion passed with a vote of 4:0.

CASE #50465 – WIDINER, RONALD

TMK 1-4-086-142-0000

The appellant was not present for the appeal hearing. Present for the County was appraiser Brian Iwamoto.

The subject parcel is located in the Nanawale Estates Subdivision at 14-3530 Kailua Road. It is zoned 5A and in the Residential tax class with a land area of 8,040 sf and a 1,000 sf dwelling in poor condition built in 2018 and consists of 2 bedrooms and 2 bathrooms. The dwelling is receiving a 25% discount due to the dwelling not being up to Building code standards.

The assessed building value is under appeal.

The County presented their case and recommended sustaining the assessed building value of \$113,500 for a total taxable value of \$121,500. A call for questions was made.

Mr. Eisert motioned to sustain the County's assessed building value of \$113,500. Seconded by Mr. Davis. A call for discussion was made. Mr. Eisert noted that there is a lack of evidence on grounds of appeal that the assessment methods used were illegal or unconstitutional. Motion passed with a vote of 4:0.

CASE #50371 – WILLIAMS,STEPHANIE F
TMK 1-7-001-072-0000

The appellant was not present for the appeal hearing. Present for the County was appraiser Brian Iwamoto.

The subject parcel is located at 17-852 Olaa Road in Kurtistown. It is zoned 5H and in the Agricultural tax class with a land area of 13.07 acres and a 288 sf dwelling.

The assessed land value is under appeal and the denial of exemption.

The County presented their case and recommended sustaining the land value of \$268,000 as the subject parcel is receiving a partial preferential agricultural assessment on 10.32 acres. The subject parcel is only being denied agricultural use of pasture on 8.75 acres. A call for questions was made.

Mr. Davis motioned to sustain the County's assessed land value of \$268,000. Seconded by Mr. Eisert. A call for discussion was made. Seeing none, the motion passed with a vote of 4:0.

CASE #50403 – HANNA,CRAIG/HATADA,APRIL
TMK 2-4-082-048-0000

The appellant(s) were not present for the appeal hearing. Present for the County was appraiser Makanalani Guillermo.

The subject parcel is located in the newly developing Hilo Hillside Estates at 189 Meli Lina Place. It is vacant lot with an area of 1.005 acres, zoned 8B and in the agricultural tax class.

The assessed land value is under appeal.

The County presented their case and recommended sustaining the assessed land value of \$371,600 based on the 11 comparables provided out of the 29 sales within the same neighborhood, all of which were sold in 2023. A call for questions was made.

Mr. Eisert motioned to sustain the County's assessed land value of \$371,600. Seconded by Mr. Tokuuke. A call for discussion was made. Mr. Eisert noted that there was a lack of evidence on grounds of appeal showing lack of uniformity or inequality resulting from the illegal assessment methods or and error in the application of the methods, and that the assessed value of the property exceeds by more than 20% the ratio of assessment to market value. Motion passed with a vote of 4:0.

CASE #50499 – BOSE,CLINTON
TMK 1-5-021-187-0000

The appellant was not present for the appeal hearing. Present for the County was appraiser Charles Tatsuhara.

The subject parcel is located in Hawaiian Paradise Park on Makuu Drive 23rd Avenue in Keaau. It is a vacant lot with an area of 1 acre, it is zoned 5A and in the Agricultural tax class.

The assessed land value is under appeal.

The County presented their case and recommended sustaining the assessed land value of \$76,000 based on the 23 comparable sales within the area. A call for questions was made.

Mr. Eisert motioned to sustain the County's assessed land value of \$76,000. Seconded by Mr. Tokuke. A call for discussion was made. Mr. Eisert noted that there was a lack of evidence on grounds of appeal showing that the assessed value of the property exceeds by more than 20% the ratio of assessment to market value. Motioned passed with a vote of 4:0.

CASE #50184 (2021), #50185 (2022), #50186 (2023) – BROUGHTON, HUGH W
TMK 2-6-032-038-0000

The appellant was not present for the appeal hearing. Present for the County was valuation analyst, Derek Fondy.

The subject parcel is located at 1045 Lawena Place in Hilo with a land area of 1.04 acres and a 2-story 3,202 sf dwelling that consists of 4 bedrooms, 3 bathrooms and built in 2017. It is zoned 8b and in the Agricultural tax class.

The denial of the Homeowner tax classification is under appeal for year 2021, 2022 and 2023.

The County recommended sustaining the disallowance of the Homeowner tax classification for tax years 2021, 2022 and 2023 due to the hosted transient accommodation/short-term vacation rental. A call for questions was made.

Mr. Eisert motioned to sustain the County's recommendation for the denial of the Homeowner tax classification for tax years 2021, 2022 and 2023. Seconded by Mr. Davis. A call for discussion was made. Seeing none, the motion passed with a vote of 4:0.

ANNOUNCEMENTS

The next meeting will be held on Tuesday, September 3, 2024 at 9:00 a.m. at the West Hawaii Civic Center Community Hale located at 74-5044 Ane Keohokalole Hwy., Kailua Kona, Hawaii 96740.

ADJOURNMENT

Mr. Tokuke motion to adjourn the meeting. Seconded by Mr. Eisert. A call for discussion, seeing none. Motion passed by a vote of 4:0. The meeting was adjourned at 11:14 a.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Tyoany Tavares', written in a cursive style.

Tyoany Tavares

RPT Appeals Board Clerk