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DECLARATION OF RESTRICTIVE COVENANTS
ROH Chapter 32, Affordable Rental Housing
INFORMATION REGARDING PERMIT PROCESSING AND COMPLIANCE ON PAGE 2

Project Name	Mailing Address for this document
Site Address	

The Real Property identified above is designated for development as an Affordable Rental Housing Project (“ARHP”) pursuant to Chapter 32 of the Revised Ordinances of Honolulu (“ROH”) and is subject to the requirements of ROH Chapter 32. By executing this Declaration, the Owner(s) covenant(s) and agrees to comply with ROH Chapter 32 and record this Declaration as a condition for the issuance of building permits and other entitlements for the ARHP.

The Owner(s) declare the following:

1. Affordable Rental Housing Requirements

At least 80% of the total units in the ARHP on the Real Property shall be rented to households earning 100% or below of the Area Median Income (“AMI”) as determined annually by the U.S. Department of Housing and Urban Development (“HUD”). These units will adhere to the definition of Affordable Rental Housing Unit (“ARHU”) in ROH Chapter 32, and shall be rented to households earning 100% of the AMI for the applicable household size at or below the rental rate limits established by HUD for a period of at least 15 years after the issuance of the certificate of occupancy for the ARHP. No more than 20% of the units in the AHRP on the Real Property shall be occupied by the Owner(s) or individuals related to the Owner(s) by blood, marriage, or adoption. All leases for the ARHUs shall prohibit subleasing, require a minimum term of six months, and allow early termination for accessibility issues related to an accident or medical condition.

2. Use Restrictions and Condominium Property Regime Prohibitions

The Real Property shall not be used for transient vacation units or bed-and-breakfast homes as defined in ROH Chapter 21. Mixed-use projects are prohibited unless explicitly permitted by the underlying zoning. Commercial use, if allowed, shall be limited to the ground floor. The only condominium units allowed are one condominium unit for the ground floor commercial portion and one condominium unit for the residential portion of the project. The residential portion of the Real Property may not be subdivided into separate condominium units under HRS Chapter 514B, except as expressly allowed by ROH Chapter 32.

3. Real Property Tax Exemption and Compliance

Subject to the provisions of ROH 8-10.34, the ARHUs may qualify for a Real Property tax exemption if the ARHUs are rented to 1) households earning 80% and below of the AMI and 2) is rented at or below the rental rate limits established by HUD for households earning 80% of the AMI for the applicable household size for at least 15 years after a certificate of occupancy is issued for the ARHP. Any violations to the provisions of ROH Chapter 8, regarding any real property tax exemptions for an ARHP and this Declaration are subject to the enforcement provisions of ROH Chapter 8.

4. Certification and Monitoring

The Owner(s) shall submit annual certifications to the director of the Department of Budget and Fiscal Services confirming compliance with ROH Chapter 32.

5. Transfer of Ownership

Upon transfer, the new Owner(s) shall execute a new Declaration in substantially the same form as the Declaration executed by the prior Owner and file the newly executed Declaration with the Department of Planning and Permitting.

6. Violation and Enforcement

Non-compliance with the terms of this Declaration shall subject the Owner(s) to penalties and interest, including but not limited to, real property taxes, wastewater system facility charges, plan and building permit fees, and park dedication value requirements.

7. Binding Effect

This Declaration shall bind the Owner(s), heirs, successors and assigns of the Owner(s) of the Real Property and run with the land, binding all current and future Owner(s) of the Real Property.

Signatories to this Declaration certify that all Owner(s) have executed this Declaration. Please use additional forms if there are more than two signatories.

Owner-declarant Name and Title	
Email	Phone
Signature	Date

Owner-declarant Name and Title	
Email	Phone
Signature	Date

INFORMATION REGARDING PERMIT PROCESSING AND ROH CHAPTER 32 COMPLIANCE

ROH Chapter 32 requires the Declarants to deliver an executed Declaration together with the building permit application to the Department of Planning and Permitting for permit processing at the following addresses:

Frank Fasi Municipal Building
One Stop Permit Center, First Floor
650 S. King Street
Honolulu, HI 96813
Phone: (808) 768-8220

Kapolei Hale
Kapolei Building Permit Center
1000 Uluohia Street
Kapolei, HI 96707
Phone: (808) 768-3123

If a person executing this form is an authorized representative of an Owner or of an Owner who is not a natural person, said Owner must execute and attach a letter of authorization identifying the representative by name who is authorized to execute this Declaration on his/her/its behalf. If the Owner(s) have a separate long-form Declaration of Restrictive Covenants, Conditions and Restrictions, a copy should be attached to this Declaration. Refer to provisions of ROH Chapter 32, and any subsequent amendments thereto, for specific program requirements, development standards, and enforcement and penalty provisions governing Affordable Rental Housing.