



STATE OF HAWAII
EMERGENCY PROCLAMATION RELATING TO AFFORDABLE HOUSING

PROJECT APPLICATION FORM

Under the Governor’s Tenth Proclamation Relating to Affordable Housing, dated December 6, 2024, and any successive Proclamations issued (“Proclamation”), the Hawaii Housing Finance and Development Corporation (“HHFDC”) shall review and approve affordable housing projects submitted for certification under the Proclamation.

Exhibits Required at Submission

- Exhibit 1 DCCA Certificate of Good Standing
- Exhibit 2 Proof of project site control (e.g., deed, agreement of sale, long-term lease, option to lease, or other disposition)
- Exhibit 3 Conceptual site plan showing the basic relationship between proposed uses and illustrating the approximate location of existing and proposed structures, parking areas, site access, open space, unusual site areas, major drainage facilities, ground disturbances, and other major site features.
- Exhibit 4 Copy of agreement required under the definition of “affordable housing project” in the Proclamation.

Submittal Instructions

Email the completed PDF along with the Exhibits to randy.n.t.chu@hawaii.gov with the subject: HHFDC EP Project Application.

Submission of this application is required to apply for certification under the Proclamation. Exception: Projects applying for exemptions under Hawaii Revised Statutes (“HRS”) 201H-38 or financing from HHFDC’s Dwelling Unit Revolving Fund (“DURF”) which are also applying for certification under the Proclamation at the same time only need to submit the respective 201H or DURF application and do not need to submit this entire application in addition, provided that the 201H or DURF application also includes: (1) a written request for certification under the Proclamation; (2) Section 6 of this application; and (3) the completed Certifications and Assurances form from this application.

Section 1. Applicant Information

The Applicant shall provide background and contact information for all members of the project team. The Applicant shall describe their experience with or involvement in the development of housing projects as well as any past or current experience or involvement in programs or the provision of services that would give evidence to their ability to manage a project of this type and scope.

1.A. Project Name and Applicant Information	
Project Name:	
Date of Submission:	
Applicant Name:	
Applicant Tax ID Number:	
Applicant Contact:	Phone Number:
Applicant Address:	Email Address:

1.B. Applicant Organization / Entity	
<input type="checkbox"/>	<p>Non-Profit Organization Qualified, existing 501(c)(3) or (4) organization, as determined by the Internal Revenue Service.</p>
<input type="checkbox"/>	<p>Private Developer <i>Select the appropriate business structure:</i></p> <p style="margin-left: 20px;"> <input type="checkbox"/> Limited Partnership <input type="checkbox"/> General Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> Limited Liability Corporation <input type="checkbox"/> Other (<i>please describe</i>): </p>
<input type="checkbox"/>	<p>Government <i>Identify the level of government and department / agency:</i></p> <p style="margin-left: 20px;"> <input type="checkbox"/> State Government <input type="checkbox"/> County Government County Name: </p>
	Department / Agency:

1.C. Evidence of Applicant Status

*If the Applicant is a corporation or other legal entity, attach as **Exhibit 1** evidence of the Applicant's status and registration with the Hawaii Department of Commerce and Consumer Affairs.*

Submit **Exhibit 1 – DCCA Certificate of Good Standing**

N/A.

1.D. Applicant Experience

Briefly describe the Applicant's experience with developing and/or managing affordable housing projects. Include the names of properties, type of development, number of units, location, any federal and local subsidy programs, and terms of involvement. Please include any other relevant information regarding the overall experience the Applicant has in developing housing or projects of similar scope, size, and complexity.

Additional information may be included as an attachment to this Application.

1.E. Project Team Information - Developer	
Developer Name:	
Developer Contact:	Phone Number:
Developer Address:	
	Email Address:
Role / Responsibility:	

1.F. Project Team Information - Consultant	
Consultant Name:	
Consultant Contact:	Phone Number:
Consultant Address:	
	Email Address:
Role / Responsibility:	

Section 2. Site Information

The Applicant shall provide proof it has site control of the project site. The Applicant shall also describe the project site(s), proposed and existing buildings, unusual site features, proposed and existing major drainage facilities, and infrastructure capacity and needs.

2.A. Project Location	
Project Address:	
Tax Map Key(s) (TMK):	
County:	
Island:	
State Zoning (Land Use District):	
County Zoning:	
Special design or management districts:	

2.B. Site Size	
Acres:	
Square Feet:	

2.C. Present Legal Owner of the Project Site	
Owner Name:	
Owner Address:	

2.D. Site Control Status		
<input type="checkbox"/>	Own Site – Fee Simple	
<input type="checkbox"/>	Executed Ground Lease	Expires on:
<input type="checkbox"/>	Option to Purchase	Expires on:
<input type="checkbox"/>	Option to Lease	Expires on:
<input type="checkbox"/>	Other	Describe:
		Expires on:

2.E. Site Control Status	
<i>Attach as Exhibit 2 proof that the Applicant has site control (e.g., a deed, agreement of sale, long-term lease, option to lease, or other disposition).</i>	
<input type="checkbox"/>	Submit Exhibit 2 – Proof of Site Control

2.F. Availability of Utilities & Off-Site Improvements		
<i>Describe the existing infrastructure capabilities and any planned or potential expansion of infrastructure needed for the project.</i>		
Availability of Utilities	Yes	No
Will the project utilize gas for cooking or water heating? If <u>yes</u> , is gas service currently available to the site?	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Is electricity service currently available to the site?	<input type="checkbox"/>	<input type="checkbox"/>
Is sewer/septic service currently available to the site for the number/type of units proposed?	<input type="checkbox"/>	<input type="checkbox"/>
Is water currently available to the site for the number/type of units proposed?	<input type="checkbox"/>	<input type="checkbox"/>
Does the site have a hook-up to telephone service?	<input type="checkbox"/>	<input type="checkbox"/>
Does the site have a hook-up to cable or internet service?	<input type="checkbox"/>	<input type="checkbox"/>
Are there any environmental concerns associated with the site? Is the project located on or near a brownfield?	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>

2.F. Availability of Utilities & Off-Site Improvements (cont.)

i. Water

Existing:

Planned

ii. Sewer

Existing:

Planned

iii. Drainage

Existing:

Planned

2.F. Availability of Utilities & Off-Site Improvements (cont.)

iv. Roads

Existing:

Planned

v. Electrical

Existing:

Planned

vi. Gas

Existing:

Planned

2.F. Conceptual Site Plan

Attach as **Exhibit 3** a conceptual site plan which shows the general development of the project site, including:

- Location and description of existing and proposed buildings;
- Parking areas;
- Unusual site features;
- Existing and proposed major draining facilities; and
- Existing and proposed ground disturbances.

Submit **Exhibit 3 – Conceptual Site Plan**

Section 3. Development Plan

The Applicant shall provide a development plan which includes the number of units, including by AMI, maximum occupancy, construction method, and schedule of construction.

3.A. Project Classification

What type of project is the Applicant planning? Check all that apply.

Apartment Building (Garden Style Mid-Rise High-Rise)

Cluster Single-Family Dwelling Units

Townhouse Duplex, Triplex, Fourplex

New Construction Rehabilitation Acquisition

Family Elderly Other (specify):

Rental For-Sale: Fee Simple For-Sale: Leasehold

Construction Type:

Number of Buildings:

Building Description(s):

3.B. Project Unit Mix							
<i>Fill in the appropriate number in the table below.</i>							
	Studios	1 BR	2 BR	3 BR	4 BR	5 BR	Total Units:
Number of:							
Avg. Gross SF/Unit:							Gross Residential Area:
Total GSF:							
Common Area (in gross square feet):							
Commercial Space (in gross square feet):							
Structured Parking Area (in gross square feet):							
Total Project Area:							

Report Gross square foot measurements. Do not report Net square foot measurements.

3.C. Income and Affordability Restrictions		
<i>Fill in the number of units the applicant will set aside as part of any income and affordability restrictions.</i>		
Restricted at % of AMGI*	Number of Units	Percent of Total Units
% of AMGI	units	%
% of AMGI	units	%
% of AMGI	units	%
% of AMGI	units	%
% of AMGI	units	%
Total Affordable Units	units	
Manager's Units	units	
Market Rate Units	units	%
Total Number of Units	units	%
Rental Projects: Length of Affordability	years	<i>(Minimum 30 years)</i>

*AMGI = Area Median Gross Income

3.D. Project Schedule		
Milestones	Start Date	End Date
Approval of Zoning Exemptions, if applicable		
Construction Document Drawings		
Building Permit		
Other Permits		
Closing of Financing		
Construction Start – First Building		
Certificate of Occupancy – Last Building		

Section 4. Financing & Budget

The Applicant shall describe the proposed financing for the project, including how the project will be financed during the development and construction of the project, and upon completion of the project and sources of repayment of such financing. This should include any proposed grants, donations, loans, bonds, tax credits, or other sources of financial resources.

4.A. Sponsor Equity	
<i>Indicate the total amount of funds that the Applicant is contributing to the project. Only list project resources that will remain permanently in the project.</i>	
\$	Cash
\$	Land (<i>provide an explanation below</i>)
\$	“In Kind” (<i>provide an explanation below</i>)
\$	Total Sponsor Equity
Land Explanation:	
In Kind Explanation:	

4.B. Project Budget	
Acquisition:	\$
Site Work: On-Site:	\$
Site Work: Off-Site:	\$
Construction – New Construction:	\$
Construction – Rehabilitation:	\$
Interim & Soft Costs:	\$
Financing & Syndication:	\$
Developer Fee & Overhead:	\$
Project Reserves:	\$
Contingency:	\$
Total Project Budget:	\$

Only include actual expenses which will need to be paid (i.e., do not include non-cash items such as “value of land”).

4.C. Construction Financing						
Source	Amount	Form (Loan or Equity)	Secured, ¹ Unsecured	Recourse, ² Non-Recourse Related Party	Committed (Yes or No)	Int. Rate / Term
Total						

For Rental Projects:

Total Construction Financing, Total Permanent Financing, and Total Project Budget must be equal.

For For-Sale Projects:

Total Construction Financing must equal Total Project Budget.

Total Permanent Financing must be greater than or equal to Total Construction Financing.

¹ If the financing is secured by a mortgage, please indicate the position of the mortgage relative to all financing.

² If the financing is recourse, identify who the guarantor is and the terms of the guaranty.

4.D. Permanent Financing						
Source	Amount	Form (Loan or Equity)	Secured, ³ Unsecured	Recourse, ⁴ Non-Recourse Related Party	Committed (Yes or No)	Int. Rate / Term
Total						

For Rental Projects:

Total Construction Financing, Total Permanent Financing, and Total Project Budget must be equal.

For For-Sale Projects:

Total Construction Financing must equal Total Project Budget.

Total Permanent Financing must be greater than or equal to Total Construction Financing.

³ If the financing is secured by a mortgage, please indicate the position of the mortgage relative to all financing.

⁴ If the financing is recourse, identify who the guarantor is and the terms of the guaranty.

Section 5. Plan for Community Input

The Applicant shall present a plan for obtaining public and stakeholder input.

5.A. Public Notice Requirement	
<input type="checkbox"/>	The Applicant certifies that they have published, <u>at minimum, one</u> public notice of wide circulation (e.g. via The Environmental Notice) regarding the project which shall offer the public a period <u>for review and submission</u> of written comments of at least thirty (30) days from the date of publication.

5.B. Public Meeting
<i>Describe below the Applicant's plans to hold, <u>at minimum, one</u> public meeting (e.g., via Neighborhood Board meeting, public hearing, or town hall) during which public input shall be accepted and documented. If the public hearing has occurred, please include the date, number of people in attendance, type of meeting, and a summary of the community's input. Additional information may be included as an attachment to this Application.</i>

5.C. Stakeholder Consultation
<i>Describe below the Applicant's plans to consult with appropriate stakeholder groups regarding any impacts to environmental or cultural resources, if such impacts are reasonably anticipated.</i>
<i>Please provide any supporting documentation as an attachment to this Application.</i>

Section 6. Justification for Certification

6.A. Qualifying Project Category	
1. The Project meets the following definition of “housing” as defined in the Proclamation (check at least one of the following nine boxes):	
<input type="checkbox"/>	a. Conversion of existing residential units to affordable or subsidized units;
<input type="checkbox"/>	b. Development, redevelopment, or adaptive reuse that results in new residential units offered for sale as owner-occupied units;
<input type="checkbox"/>	c. Development, redevelopment, or adaptive reuse that results in new residential units offered for rental to Hawaii residents for which the unit will be the renter's principal residence; <i>[Note: do <u>not</u> check this box for <u>rental</u> projects utilizing HHFDC's LIHTC, HMMF, RHRF, 201H, or DURF programs. Use the following box instead.]</i>
<input type="checkbox"/>	d. Development, redevelopment, or adaptive reuse that results in new income restricted residential units;
<input type="checkbox"/>	e. Renovations, rehabilitation, or repair of existing affordable or subsidized units;
<input type="checkbox"/>	f. Renovations, rehabilitation, or repair of existing units that will be offered for sale as owner-occupied units;
<input type="checkbox"/>	g. Renovations, rehabilitation, or repair of existing units that will be offered for rental to Hawaii residents for which the unit will be the renter's principal residence;
<input type="checkbox"/>	h. Housing projects may include mixed-use/mixed income projects; or
<input type="checkbox"/>	i. Infrastructure that will primarily provide services to housing.
2. The Project meets the following definition of “affordable housing project” as defined in the Proclamation (check at least one of the following four boxes):	
<input type="checkbox"/>	a. A housing project that has entered into an agreement with HHFDC pursuant to chapter 201H, HRS (or a housing project which is applying for certification under the Proclamation <u>at the same time</u> as they are applying to HHFDC for 201H exemptions or DURF financing and will execute an agreement with HHFDC under the 201H or DURF programs);
<input type="checkbox"/>	b. A housing project that has executed a declaration of restrictive covenants under Revised Ordinances of Honolulu chapter 32 (sometimes called “Bill 7 projects”);
<input type="checkbox"/>	c. A housing project that involves a county pursuant to section 46-15.1, HRS, or which is subject to any county ordinance or funding appropriation that has an income restriction requirement otherwise applicable by law; or
<input type="checkbox"/>	d. A housing project which desires to utilize the suspension of Section 46-4, HRS, County Zoning, and which intends to apply to HHFDC for Low Income Housing Tax Credits (LIHTC) and enters into an agreement with HHFDC under the LIHTC program at a later date. Certification under this Proclamation shall be subject to the receipt of a LIHTC award from HHFDC.
Explain:	

3. Check one of the following three boxes:	
<input type="checkbox"/>	Submit Exhibit 4 – Copy of Agreement
<input type="checkbox"/>	Check this box if the project is applying for certification under the Proclamation at the same time as it is applying to HHFDC for 201H exemptions or DURF financing, and the project will execute an agreement with HHFDC under the 201H or DURF programs. These projects are exempt from submitting this entire application as noted on Page 1 and do not need to submit Exhibit 4. Refer to Page 1 for instructions about which portions of this application must be included in the Applicant's 201H or DURF application.
<input type="checkbox"/>	Check this box if the project is requesting to utilize the suspension of Section 46-4, HRS, County Zoning, and also intends to apply to HHFDC for LIHTC (checked box 2.d above).

Projects must also meet all of the requirements under the definition of “Certified affordable housing project” as defined in the Proclamation.

The Applicant shall provide a full list of all agency approvals the project would otherwise be required to obtain absent certification under the Proclamation, including any waivers, variances, and/or exemptions being sought from said agencies.

6.B. Emergency Proclamation Suspensions Requested	
<i>List and describe all approvals the Applicant would otherwise be required to obtain for the project absent certification under the Proclamation and suspension of the applicable section or chapter of the Hawaii Revised Statutes. Include all suspensions of law sought to be utilized under the Proclamation. If possible, indicate which department or agency would otherwise manage the approval being waived. Additional information may be included as an attachment to this application.</i>	
Development Standard or Approval Waived	Statute / Ordinance

6.C. Other Waivers, Variances, & Exemptions Sought

Indicate below any other waivers, variances, and/or exemptions the Applicant is seeking or will seek for the project in addition to the suspensions sought under the EP.

Additional information may be included as an attachment to this Application.

Department / Agency	Waiver Description

6.D. Wage and Hour Certification

<input type="checkbox"/>	<p>The applicant certifies that the project shall comply with wage and hour requirements, including but not limited to submission of certified payrolls, as required in the Proclamation, under the definition of "Certified affordable housing project" by having entered into an agreement to pay all mechanics and laborers employed on the project minimum prevailing wages for the corresponding work classifications as determined by the Director of the Department of Labor and Industrial Relations pursuant to Chapter 104, HRS, subject to the project labor agreement in place, or otherwise required to pay prevailing wages for the duration of the project until it is completed.</p>
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6.E. Benefit to the State

Indicate below what the benefit is to the State of certifying the Project to proceed under the Proclamation utilizing the suspensions of law proposed to be utilized in Section 6.C.

Additional information may be included as an attachment to this Application.

6.F. Utilization of Cost Savings

If the Project will realize cost savings as a result of the suspensions of law proposed to be utilized as indicated above, state below how those cost savings will be utilized.

Additional information may be included as an attachment to this Application.

Certification and Assurances

Whereas, _____ (the "Applicant") is applying to the Hawaii Housing Finance and Development Corporation ("HHFDC") to have the terms of the Governor's Tenth Proclamation Relating to Affordable Housing (the "Proclamation"), dated December 6, 2024, and any succeeding Proclamation issued thereafter, apply their project.

Whereas, the Applicant understands that it is necessary that certain conditions be satisfied as part of the Application requirements.

Therefore, the Applicant certifies as follows:

1. The Applicant is eligible for assistance under the Proclamation and the Rules Relating to the Implementation of the Tenth Proclamation Relating to Affordable Housing (the "Rules").
2. The Applicant agrees to indemnify and hold harmless HHFDC for any and all losses, costs, damages, expenses, and liabilities whatsoever in nature or kind (including but not limited to attorney's fees, litigation and court costs, amounts paid in settlement, and amounts paid to discharge judgment, any loss from judgment from the Internal Revenue Service) directly and indirectly resulting from, arising out of, or related to acceptance, consideration, and approval or disapproval of the Application.
3. The Applicant has received, reviewed, and accepts all the documents that are attached to the Application and made a part hereof.
4. The Applicant understands and agrees that HHFDC's receipt of an Application does not constitute acceptance of the Application. HHFDC reserves the right to return an Application at any time without taking further action on the Application due to, but not limited to, the following:
 - a. Failure to meet the Application submittal requirements.
 - b. Failure to meet the project criteria set forth in the Rules.
 - c. Failure to disclose in the Application any known material defects about the development of the Project, any misrepresentation or fraud.
5. The Applicant further understands and agrees that:
 - a. HHFDC reserves the right to reject any application submitted and may exercise such right without notice and without liability to any Applicant or other parties for their expenses incurred in the preparation of an Application.
 - b. Applications are prepared at the sole risk and expense of the Applicant. The completion, receipt, or acceptance of an Application does not commit HHFDC to pay any costs incurred in the preparation of the Application. HHFDC shall not be responsible for any costs incurred by the Applicant due to the rejection of any

Application.

6. The Applicant understands and agrees that HHFDC in no way represents or warrants to any party which may include, but is not limited to, any developer, project owner, investor, or lender that the Project is, in fact, feasible or viable. No member, employee, officer, agent, representative, or the like of HHFDC shall be personally liable concerning any matter arising out of or in relation to the approval or disapproval of the Application.
7. The Applicant is responsible to review the applicable federal, state, and county laws to ensure compliance with current regulations.
8. That the foregoing information and the statements made in this Application are true, complete, accurate, and correct to the best of the Applicant's knowledge, and hereby authorizes HHFDC to obtain further information and to verify any statement made as it deems necessary.
9. The Applicant understands that the completed and accepted Application is subject to Chapter 92F, Hawaii Revised Statutes, the Uniform Information Practices Act of the State of Hawaii.

In Witness Whereof, the Applicant has caused the document to be executed in its name on the _____ day of _____, 20__.

Applicant

By _____
Its _____

By _____
Its _____

Witness _____
Name: _____

(witness signature is required)