



**REAL PROPERTY ASSESSMENT DIVISION
DEPARTMENT OF BUDGET AND FISCAL SERVICES
CITY AND COUNTY OF HONOLULU**
www.realpropertyhonolulu.com

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	
Tax Map Key (Parcel ID)	

The purpose of this Declaration of Restrictive Covenants (“Declaration”) is to restrict the development or use of real property, located at the above-stated site address and identified by the above Parcel ID, and any improvements thereon (“Project”), as an affordable rental housing project under the provisions of ROH Chapter 32, Affordable Rental Housing.

In consideration of the above and the covenants, terms, conditions, and restrictions hereinafter set forth in this Declaration, and for other good and valuable consideration, Declarant(s) declare(s):

- (1) The land on which the Project is/will be situated and all improvements thereon are subject to the affordable rental housing requirements of ROH Chapter 32;
- (2) The land or a portion thereof may qualify for real property tax exemption during the exemption period if for a period of at least 15 years after a certificate of occupancy is issued for the affordable rental housing project,
 - (A) The units are rented to households earning 80% or below of the area median income (“AMI”); and
 - (B) The units are rented at or below the rental rate limits established by the United States Department of Housing and Urban Development (“HUD”) for households earning 80% AMI for the applicable household size;
- (3) Excluding any portion of the ground floor of the Project that is designated for commercial use if commercial use is otherwise permitted by the underlying zoning, mixed use projects are prohibited;
- (4) The property on which the Project is situated may only be submitted to a condominium property regime pursuant to HRS Chapter 514B or any successor statute if it contains a ground floor commercial use that is permitted by the underlying zoning, provided further that (A) the only condominium units created are for one unit for the ground floor commercial portion, and one unit for the residential portion of the Project, and (B) the one unit for the residential portion of the project cannot be further divided into separate condominium units;
- (5) The covenants, terms and restrictions of this Declaration are binding upon and inure to the benefit of the Declarant(s) hereto and their successors and assigns, and a Declarant’s sale, transfer or demise of ownership interest to a successor or assign does not impair or limit the validity of the Declaration in any way;
- (6) For a period of at least 15 years after a certificate of occupancy is issued for the affordable rental housing project,
 - (A) At least 80% of the total units in the Project must be rented to households earning 100% and below the AMI; and

(B) The affordable units are rented at or below the rental rate limits established by HUD for households earning 100% AMI for the applicable household size, and no more than 20% of the total units in the Project may be occupied by the Declarant(s) or individuals related by blood, marriage, or adoption to the Declarant(s);

(7) The units in the Project cannot be used as a bed and breakfast home or transient vacation unit; and

(8) Violations of the Declaration is subject to the enforcement provisions of ROH Chapters 8 and 32.

The Declarant(s) hereby declare(s) that the Project will be developed and used as an affordable rental housing project. The provisions of this Declaration shall be deemed to be covenants running with and binding the land and improvements comprising of the Project as required by ROH Chapter 32, Affordable Rental Housing. Signatories to this Declaration certify that all fee owners have executed this Declaration. Please use additional forms if there are more than three signatories.

Declarant Name and Title	
Email	Phone
Signature	Date

Declarant Name and Title	
Email	Phone
Signature	Date

Declarant Name and Title	
Email	Phone
Signature	Date

**IMPORTANT INFORMATION REGARDING PERMIT PROCESSING
AND ROH CHAPTER 32 COMPLIANCE**

ROH Chapter 32, Affordable Rental Housing requires the Declarant to deliver an executed Declaration 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

All fee simple owners of the parcel of land upon which a Project is constructed must sign this form. If a person executing this form is an authorized representative of a fee simple 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 form on his/her/its behalf. If the fee simple owners have a separate long-form Declaration of Restrictive Covenants, Conditions and Restrictions, a copy should be attached to this form. 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.