



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-5000

OFFICE OF PUBLIC AND INDIAN HOUSING

Special Attention of:
Department of Hawaiian Home Lands
HUD-Approved Section 184A Lenders

Notice PIH 2017-25

Issued: November 30, 2017

Expires: This Notice remains effective until
Amended, Superseded or Rescinded

Cross Reference(s): Section 184A of the Housing and Community Development Act of 1992;
12 USC §1715z-13b(d)(2); 12 USC §1715z-13b(k)(2)(B)(i); 24 CFR §1007.20(b)(2)(i); 24 CFR
§ 58.5(i)(2); 24 CFR § 50.3(i)

SUBJECT: Application of HUD Notice SD-2017-01 to the Section 184A Native Hawaiian Housing Loan Guarantee Program and the Native Hawaiian Housing Block Grant Program for Properties Located within the Boundaries of the Waikoloa Maneuver Area Formerly Used Defense Site on the Island of Hawai`i.

BACKGROUND: HUD published Notice SD-2017-01 on January 18, 2017. The Notice outlines HUD's policies for HUD-supported properties in the Waikoloa Maneuver Area Formerly Used Defense Site (WMA-FUDS). The Notice establishes minimum requirements for existing and proposed HUD-assisted properties located within the WMA-FUDS that are subject to environmental review requirements, and notes that HUD program offices that establish additional program-specific requirements will disseminate that information in a WMA-FUDS Program Notice. In addition, Notice SD-2017-01 notes that program-specific Notices will have more information on imminent emergencies.

12 USC §1715z-13b(d)(2) grants HUD broad discretion to develop standards that applications must meet before a loan can be approved for guarantee under the Section 184A program. In addition, 12 USC §1715z-13b(k)(2)(B)(i) and 24 CFR §1007.20(b)(2)(i) require that homes be decent and safe in order to receive a Section 184A loan guarantee. Ensuring that housing is safe is an integral part of HUD's mission.

PURPOSE: This Public and Indian Housing Notice informs the State of Hawai`i Department of Hawaiian Home Lands and all HUD-Approved Section 184A Lenders of program-specific requirements for the Section 184A program. In addition, this Public and Indian Housing Notice confirms that the requirements of HUD Notice SD-2017-01 apply to the Native Hawaiian Housing Block Grant program, and informs the State of Hawai`i Department of Hawaiian Home Lands of the requirements for imminent emergencies in the WMA-FUDS.

REQUIREMENTS: Effective immediately, in accordance with HUD Notice SD-2017-01, the following minimum requirements are established for existing and proposed HUD-assisted properties located within the WMA-FUDS that are subject to environmental review requirements. These minimum mitigation requirements are in effect until a site closure letter or comparable document is issued by the State of Hawai`i Department of Health (HDOH) declaring the area, or specific properties, safe for residential and/or commercial use.

New ground-disturbing activities will not be allowed until a site closure letter is issued, except in an imminent emergency situation with certain conditions. Work to avoid an imminent emergency is permitted in the WMA-FUDS if it is done in accordance with any HDOH requirements as well as the following:

1. Any surface or subsurface activity must include notification, in advance of the planned activity, of the US Army Corps of Engineers (USACE) Honolulu District Office, HDOH, and the respective HUD program office;
2. Any surface or subsurface activity must be done with qualified unexploded ordnance (UXO) personnel and equipment in accordance with Department of Defense Explosive Safety Board Technical Paper 18; and
3. If subsurface activity is planned, provisions must be made to detect and remove UXO at a depth of at least 12” greater than the planned depth of excavation.

New non-ground disturbing activities will be allowed with certain conditions in project sites where the USACE has removed UXO from the surface and/or the land surface is covered with permanent impervious surfaces such as buildings and roads. Conditions include:

1. Notice to lessee, purchaser, or recipient that property is in the WMA-FUDS prior to lease signing, closing on purchase, or commencing rehabilitation;
2. New title transfers must include deed notice or property location in WMA-FUDS and deed restrictions on disturbing covered surfaces; and
3. Ensure written public education materials are provided, and community-wide public education campaigns are utilized.

New non-ground disturbing activities will not be allowed in project sites where USACE has not removed UXO from the surface or the land surface is not covered, until a site closure letter is issued.

HUD will continue to support **existing HUD-assisted properties located** within the WMA-FUDS as long as notice and public education materials are provided to land owners and residents. All proposed new activities on these sites must comply with the above requirements.

These requirements apply to the Section 184A program. Although the Section 184A program is not subject to environmental review requirements, in accordance with decent and safe housing regulations and HUD’s mission, HUD will not issue new Section 184A loan guarantees for properties located within the boundaries of the WMA-FUDS on the island of Hawai`i unless the applicant is able to document compliance with these requirements.

These requirements also apply to the Native Hawaiian Housing Block Grant program as that program is subject to environmental review requirements.

This Notice does not preclude the State of Hawai`i Department of Hawaiian Home Lands from establishing additional requirements.

Please direct any questions to Claudine Allen, Native Hawaiian Program Specialist. Ms. Allen can be reached at 808-457-4674 or, for persons who are deaf or hard of hearing, or have speech disabilities, the Federal Relay (FedRelay) teletype (TTY) number, 800-877-8339, or by other methods shown at: www.gsa.gov/fedrelay, or by email at: Claudine.C.Allen@hud.gov.

Paperwork Reduction Act: The information collection requirements contained in this Notice are pending approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C 3520). In accordance with the PRA, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. The active information collections contained in this Notice are pending approval under the PRA OMB Control Number 2577-0200.

/s/

Dominique Blom
General Deputy Assistant Secretary
Public and Indian Housing

[HUD Notice SD-2017-01](#)