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|  | Application for Funding  Public Housing |

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| **About this form**  This form enables eligible housing providers to make an application for project-specific funding to deliver new Public Housing supply. This application form is only to be completed by eligible housing providers that have been approved as Public Housing Strategic Partners of the Ministry of Housing and Urban Development (HUD).  This application form covers project-specific questions and is organised by the major evaluation factors, being: Ability to Deliver, Fit for Purpose, and Financial Viability. Together with the Whole of Life Cost/Investment, these factors are the major drivers of the “Value for Money” analysis that HUD uses to evaluate which projects can be funded and at what level.  **Completing this form**  Please complete all sections fully and accurately. We are looking for up-to-date information, so please provide the most current information possible. Brackets and italics indicate guidance notes.  Please see HUD’s website, or contact your HUD relationship manager, for further support.  **Before you apply**  Applications can only be considered if all of the following criteria is fulfilled:   * You are a Community Housing Provider (CHP) registered with the [Community Housing Regulatory Authority](https://chra.hud.govt.nz/). * You responded to the HUD *Invitation to Partner – Public Housing 2018-2022* and are a member of the Strategic Partner Panel. * Your proposed project is creating new Public Housing supply. * The build is in a location where there is a need for Public Housing. * The funding is within the relevant market maxima for the region. Please refer to page 42-44 of the [Public Housing Plan](https://hud.cwp.govt.nz/community-and-public-housing/increasing-public-housing/public-housing-plan/). * Your application relates to an identified parcel of land, either with a conditional Agreement(s) for Sale and Purchase or Agreement(s) to Lease in place, or there is an explanation as to how the land, or the interest in land, will be acquired.   **Submitting your application**  All completed application forms must be submitted in electronic form with a clear subject included, either via e-mail to [Public\_Housing\_Panel\_Procurement@hud.govt.nz](mailto:Public_Housing_Panel_Procurement@hud.govt.nz) or on a USB memory stick posted to the Manager Housing Supply, PO Box 82, Wellington 6140.  **Next steps**  Applications for funding may be submitted at **any time during the year**. Applications will be assessed for eligibility, as well as how well the project meets the evaluation criteria. We will endeavour to assess your application and make a determination on funding within **20 working days** of receiving your completed application. We may take longer to assess your application where there is incomplete information or additional information and/or reference checks are required. One of our team will be in contact regarding your application and we will notify you of any delay in assessing your application.  Please note that where your application is greater than $10 million funding from HUD (in today’s dollars) it will require approval at Ministerial level, and as such may require additional information and/or may involve a longer timeframe to consider.  **Funding agreement**  If your application is successful, the information supplied as part of your application will form the basis for Services Agreements between you and HUD. The template funding agreements can be found on the [HUD website](https://www.hud.govt.nz/community-and-public-housing/partner-with-us/become-a-partner/).  **Public disclosure**  HUD is responsible for funding the provision of Public Housing and related services under the Housing Restructuring and Tenancy Matters Act 1992. The information supplied as part of your application constitutes public record and will be retained to the extent required by the Public Records Act 2005. HUD may also be required to disclose information supplied as part of your application under the Official Information Act 1982 or to a Parliamentary Select Committee or Parliament in response to a Parliamentary Question. To the extent permitted by law, commercially sensitive and personal information will be redacted. Please identify by highlighting any information in your application that you regard as commercially sensitive or as personal information for the purposes of the Privacy Act 1993. |

## 1 Project Description

|  |  |
| --- | --- |
| Project Address: | Click here to enter text. |

Summary of the project (including zoning):

|  |  |  |  |
| --- | --- | --- | --- |
| Click here to enter text (expandable section) | | | |
| **Typology (size)** | **New Quantity Public Housing** | **(Demolished Qty Public Housing)** | **Net New Public Housing Units** |
| Studio | Enter text. | Enter text. | Enter text. |
| 1 Bedroom | Enter text. | Enter text. | Enter text. |
| 2 Bedroom | Enter text. | Enter text. | Enter text. |
| 3 Bedroom | Enter text. | Enter text. | Enter text. |
| 4 Bedroom | Enter text. | Enter text. | Enter text. |
| 5+ Bedroom | Enter text. | Enter text. | Enter text. |

Intended cohort/client group:

|  |
| --- |
| Click here to enter text (expandable section) |

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| Type of funding request *(please tick below)*: | |
|  | Operating supplement |
|  | Upfront funding (available in very limited circumstances) |
|  | Combination of the above |

(please refer to page 30-36 of this link [Public Housing Plan](https://www.hud.govt.nz/assets/Community-and-Public-Housing/Increasing-Public-Housing/Public-Housing-Plan/dd7ef6758d/Public-Housing-Plan-2018-2022.pdf))

|  |  |
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| Build Type *(please tick below)*: | |
|  | Build and Own (BO)  CHP designs, builds, owns, and operates then maintains the property.  *\*\* Please complete Appendix 1 if your organisation is developing a Public Housing project for the first time.* |
|  | Build to Transfer (BT)  Development Partnership. For example, a developer designs to CHP specification. Progress payments made by CHP to Builder at agreed milestones. Ownership transferred to CHP on build completion. |
|  | Turnkey purchase (TK)  CHP purchases design from set design plan. Ownership transferred to CHP on build completion. |
|  | Build to Lease (BL)  Private Developer undertake entire build process. Dwelling is leased to CHP on completion. |

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| Description of land and ownership (please include LINZ Record of Title identifier number): |
| Click here to enter text (expandable section) |

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| --- | --- | --- | --- | --- |
| Planned construction  start date: | Click here to select a date | Planned construction end date: | Click here to select a date |  |

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| Legislative Requirements: |
| *Please confirm (by ticking the check box) that the project complies with all relevant legislative requirements (including, but not limited to, health and safety regulations, the Health and Safety at Work Act 2015, the Building Act 2004, the Building Regulations 1992, and the Residential Tenancies Act 1986, and includes all supporting Regulations and amendments to those Acts) in managing the proposed projects.* |

## 2 Contact Information

|  |  |  |  |
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|  | | | |
| Legal Name of CHP: | Click here to enter text. | Date: | Click here to enter a date. |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Contact Person for this project: | | Click here to enter text. | | |
|  | | | | |
| Phone: | Click here to enter text. | | E-mail: | Click here to enter text. |

## 3 Organisation

**Deliverability**

Portfolio: *Please outline your organisation’s current housing portfolio and details of Public Housing (in terms of no of places/ locations/ typologies split between owned and leased)*

|  |  |  |  |
| --- | --- | --- | --- |
| **City** | **Suburb** | **No of Units** | **Owned or Leased** |
| Enter text. | Enter text. | Enter text. | Enter text. |
| Enter text. | Enter text. | Enter text. | Enter text. |
| Enter text. | Enter text. | Enter text. | Enter text. |
| Enter text. | Enter text. | Enter text. | Enter text. |
| Enter text. | Enter text. | Enter text. | Enter text. |
| Enter text. | Enter text. | Enter text. | Enter text. |

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| Intentions: *Please provide an outline of your organisation’s current strategy for public housing supply/alignment with the current HUD Public Housing Plan and evidence that these could materialise (in terms of no of places/ locations/ typologies/ access to land)* [link to the Public Housing Plan](https://www.hud.govt.nz/assets/Community-and-Public-Housing/Increasing-Public-Housing/Public-Housing-Plan/dd7ef6758d/Public-Housing-Plan-2018-2022.pdf). |
| Click here to enter text (expandable section) |

## 4 Ability To Deliver

**Organisational Delivery**

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| --- | --- | --- | --- | --- |
| Prior housing supply projects: *List all prior new housing supply projects your organisation has led in the past five years, highlighting which (if any) projects have received Government funding. Please include the street addresses where the properties were built and whether the projects were delivered on time and on budget.* | | | | |
| **Region** | **Address** | **Size (Typology)** | **Date Completed** | **Reasons for delays/ cost over-runs** |
| Enter text. | Enter text. | Enter text. | Enter a date. | Enter text. |
| Enter text. | Enter text. | Enter text. | Enter a date. | Enter text. |
| Enter text. | Enter text. | Enter text. | Enter a date. | Enter text. |
| Enter text. | Enter text. | Enter text. | Enter a date. | Enter text. |
| Enter text. | Enter text. | Enter text. | Enter a date. | Enter text. |

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| Roles and responsibilities: *Describe the roles and responsibilities, including the relevant skills and track record of any major partners involved in the project (developers, builders, architects, asset managers, etc.)* |
| Click here to enter text (expandable section) |

**Asset Delivery**

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| *Please describe, using examples of size, scale, location etc., your/the developer’s recent experience with property development, engagement with government agencies, and experience specific to Public Housing.* |
| Click here to enter text (expandable section) |

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| Commercial arrangements: *Please discuss the status of any available commercial arrangements and any formal documentation on the project such as commitment letters, proposals, heads of terms, signed contracts.*  *Please include copies of the supporting documentation.* |
| Click here to enter text (expandable section) |

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| Identified parcel of land: *If there is a conditional contract on the land could you please provide supporting evidence of this. The agreement for sale and purchase will outline the terms and conditions in relation to the contract, and expiry of the due diligence period. If this time has passed, please provide written confirmation of the new agreed dates between the respective solicitors.* |
| Click here to enter text (expandable section) |

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| Project management and governance: *Please provide details of relevant property development and project management experience of senior management and individuals responsible for the governance and delivery of the project.* |
| Click here to enter text (expandable section) |

**Asset Management**

The Community Housing Regulatory Authority (CHRA) is responsible for ensuring that all registered Community Housing Providers meet Performance Standards for property, asset and tenancy management. If your application is approved, you must inform CHRA of your project to disclose any new aspects that are material to the Performance Standards. Before moving to a commercial agreement, you must provide written confirmation that CHRA has assessed all new aspects that you have disclosed and confirmed your ongoing compliance with CHRA’s Performance Standards.

**Property Management, Maintenance and Tenancy Management**

If the proposed arrangements for this project differ from your current model, please summarize these below, with full details to follow to CHRA.

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| Click here to enter text (expandable section) |

**Capacity and Capability**

Please indicate if you are expanding into a new region or increasing your capacity and capability for this project and confirm that these changes have been provided to CHRA.

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| Click here to enter text (expandable section) |

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## 5 Fit For Purpose

For all project types, please describe the following:

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| Overall Design: *An overall description of the project design and any amenities, unique features and/or materials used in this build, particularly any features that respond to specific tenant needs (e.g. accessibility).*  *Please discuss what sets this project apart from standard materials and/or design and how your asset management plan is tailored to best support these e.g. what sets this project apart from standard materials and/or design.* |
| Click here to enter text (expandable section) |

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| Technical Details: *The number of units, the number of bedrooms for each unit, gross floor area (as per the CHP financial model), number of car parks. Plans and elevations of the proposed development, including landscape plan where applicable, is expected at a minimum.* |
| Click here to enter text (expandable section) |

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| Site and Building Design:  *A description of the building design and internal spaces. Site layout, orientation to sun, internal unit layout (Universal Design, Lifemark etc), private and communal open space, security and CPTED, private and communal storage, washing lines, garden and landscaping.* *If this is a new sub-division, please provide a plan and timeline for proposed services and facilities in the area.* |
| Click here to enter text (expandable section) |

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| Social and Community: *Project location in proximity to, and ability to access, town centres, supermarkets, health providers, schools, recreational facilities, parks, and public transport. Extent of CHP involvement and engagement with community; both existing and proposed.* |
| Click here to enter text (expandable section) |

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| Nature and the Environment: *Sustainable initiatives such as building thermal performance (R values), reduced energy consumption or alternative energy sources, water efficient appliances, waste reduction and use of recycled or environmentally certified materials. Minimisation of site earthworks and landform modification; protection of established vegetation, habitats and waterways.* |
| Click here to enter text (expandable section) |

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| Affordability and Durability: *Affordable to run, low maintenance, easily repairable, durable, or innovative design. Demonstrated efficiencies through 3rd party certification (such as Homestar, Passive House).* |
| Click here to enter text (expandable section) |

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## 6 Financial Viability

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| Funding request: *Please describe your funding request, the funding breakdown (Bank, Cash, etc.), and equity contributed.* |
| Click here to enter text (expandable section) |

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| Cost over-runs and project scope changes: *Please describe your organisations strategy to mitigate any project cost over-runs and/or project scope increases and /or delays during the build process.* |
| Click here to enter text (expandable section) |

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| Project/Development plan: *Please provide a project plan designed to guide the control and execution of a project, with realistic timelines including funding timing considerations:*  *- The amount, timing and use of each component of financing,*  *- The commercial arrangements and how funds flow between HUD, the CHP, major subcontractors and financiers.* |
| Click here to enter text (expandable section) |

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| Cashflow: *If during the contract period (in the CHP Financial Model) there are negative cash-flows, please describe how you would manage/mitigate this situation.* |
| Click here to enter text (expandable section) |

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| Capital replacements (bathrooms/kitchens, etc.): *Please describe, by item, your plan around replacement of capital items (timing, funding, and lifecycle.)* |
| Click here to enter text (expandable section) |

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| Changes to financial circumstances: *Please provide the details of any changes in your financial circumstances, since your last CHRA annual review or any significant events (e.g. litigation claims, disputes, changes in credit standing or ownership). Alternatively, please indicate if these changes have already been provided to the CHRA.* |
| Click here to enter text (expandable section) |

Inflation Index – *HUD uses the consumer price index for housing rentals published by Statistics New Zealand, quarterly, and the relevant regional price index will be applied on each annual Market Rent adjustment date; for the term of the contract:*

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| **Series Name** | **Series ID (CPIQ)** |
| Actual Rentals for Housing – North Island | SE404101 |
| Actual Rentals for Housing – Auckland | SE104101 |
| Actual Rentals for Housing – Wellington | SE204101 |
| Actual Rentals for Housing – South Island | SE704101 |
| Actual Rentals for Housing – Canterbury | SE504101 |

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## 7 Proposed Services Agreements

*If funding is approved, HUD and providers will enter into a Relationship Agreement for the Provision of Housing and Housing Services (if this has not already been entered into, noting that this is only signed once with each provider) and a Services Agreement for each product/service purchased by HUD. A description of HUD's contracting framework, can be found via the following link:* [*Our contracting framework*](https://www.hud.govt.nz/community-and-public-housing/partner-with-us/our-contract-framework/)

*Please let us know in the text box below if there are any of the standard provisions in these Agreements which present an issue for you, or which you anticipate you may seek to be modified. If you do not signal any issues with the standard provisions which you may be seeking amendment of, you will be deemed to have accepted the standard terms and conditions in full.*

*Please note that one of the key principles of the contracting framework (as agreed between HUD and Community Housing Aotearoa) is that HUD would not individually negotiate the terms in the Agreement templates - this ensures that each of the providers is on a level playing field. On that basis, a request for substantial changes to the provisions of the standard Relationship Agreement or Services Agreements may result in your application not being accepted.*

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| Click here to enter text (expandable section) |

## 8 Declarations

By completing the details below, the applicant makes the following declarations about this application for project-specific funding to deliver new Public Housing supply (“the application”):

* We have read, understood and agree to the Terms and Conditions of applying for project-specific funding to deliver new Public Housing supply which are attached as Appendix 2;
* We confirm that the statements in the application are true and the information provided is complete and correct, and there have been no misleading statements or omissions of any relevant facts nor any misrepresentations made;
* We have secured all appropriate authorisations to submit the application, to make the statements and to provide the information in the application;
* We warrant that we have no actual, potential or perceived conflict of interest (except any already declared in the application) in submitting the application or entering into an agreement with HUD to carry out the project. Where a conflict of interest arises during the application or assessment process, we will report this immediately to the Manager Housing Supply at HUD via email to [Public\_Housing\_Panel\_Procurement@hud.govt.nz](mailto:Public_Housing_Panel_Procurement@hud.govt.nz);
* We understand that the falsification of information, supply of misleading information, or the suppression of material information in the application, may result in the application being eliminated from the assessment process and may be grounds for termination of any agreement awarded as a result of this application process;
* We have notified the Regulator of any changes to existing policies, procedures or systems resulting from this project; and
* We consent to HUD undertaking due diligence including any third party checks as may be required to fully assess the application.

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| --- | --- |
| Full Name: | Click here to enter text. |

|  |  |  |  |
| --- | --- | --- | --- |
| Title / Position: | Click here to enter text. | | |
|  | | | |
| Signature: | Click here to enter text. | Date: | Click here to enter a date. |

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| **Mandatory documents at Application Stage *(please tick)*** | **Refer Section** | **Build & Own**  **(BO)** | **Build to Transfer (BT)** | **Turnkey purchase (TK)** | **Build to Lease**  **(BL)** |
| Excel ‘CHP Financial Model’ completed |  |  |  |  |  |
| Bank support - documentation confirming that the required financing will be available, for example by providing letters of support, pre-approval, indicative terms or commitment letters from financiers, as well as a timetable for completion of these documents. | 4 |  |  |  |  |
| Master/project plan (including delivery phases, configurations, titles, etc.) | 6 |  |  |  |  |
| Development plans (Site plans / Floor plans / Location Plans / Elevations/Landscaping / fittings and fixtures specification) |  |  |  |  |  |
| Roles, responsibilities and track record of key partners and major sub-contractors in this project | 4 |  |  |  |  |
| Biographies on CHP senior management and relevant experience to the project | 4 |  |  |  |  |
| Commercial arrangements and any formal documentation on the project | 4 |  |  |  |  |
| Copy of the relevant Record of Title(s) for the development site, which is no less than three months old. |  |  |  |  |  |
| Project funding plan (sources of funding) along with cash flow timings |  |  |  |  |  |
| Copy of Agreement for Sale and Purchase (fully executed) |  |  |  |  |  |
| Copy of Agreement to Lease or Deed/Memorandum of Lease |  |  |  |  |  |
|  |  |  |  |  |  |
| **Optional documents (at Application stage) but Required Prior to Funding *(please tick)*** | **Refer Section** | **Build & Own**  **(BO)** | **Build to Transfer (BT)** | **Turnkey purchase (TK)** | **Build to Lease**  **(BL)** |
| Building and resource consents and any copies of documents that support this (e.g. building consents, resource consents etc.) |  |  |  |  |  |
| Development plan indicating overall timing of the project (key dates and key milestones and dependencies, as applicable (e.g. Design development, consenting, civil/enabling works etc.) | 6 |  |  |  |  |
| Detailed development costing, ensuring that all relevant and material costs are included (see Feasibility Model) | 6 |  |  |  |  |
| Independent rental assessments supporting the rent levels used in the Feasibility Model |  |  |  |  |  |

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| **Additional Information HUD may Request** | **Refer Section** | **Build & Own**  **(BO)** | **Build to Transfer (BT)** | **Turnkey purchase (TK)** | **Build to Lease**  **(BL)** |
| Independent Quantity Surveyor’s report |  |  |  |  |  |
| Construction contract (suitable for the project) |  |  |  |  |  |
| Valuation for build on an “as is”, “as if complete” basis (if applicable) |  |  |  |  |  |

**Appendix 1:** Build and Own (BO) – questions (first development only)

**Appendix 2:** Terms and Conditions of this Application

**Appendix 3:** Value for Money Evaluation Process and Criteria

# Appendix 1: Build and Own (BO)

*Please complete the questions below if this is the* ***first time*** *your organisation is applying for HUD Public Housing funding.*

Build & Own (BO) - (CHP designs, builds, owns, and operates then maintains property)

## 1 Organisation

**Funding**

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| *What financing structures do you typically use when you build and own public housing?* |
| Click here to enter text (expandable section) |

|  |
| --- |
| *Does your organisation have access to equity or debt funding and from what sources?* |
| Click here to enter text (expandable section) |

|  |
| --- |
| *Please describe your organisation’s strategy to mitigate any project cost over-runs and/or project scope increases and /or delays, during any build process.* |
| Click here to enter text (expandable section) |

## 2 People

|  |
| --- |
| *Please provide details on senior management and Board experience with building/developing residential properties.* |
| Click here to enter text (expandable section) |

|  |
| --- |
| *If external resources are contracted in for projects, please outline their relevant experience and reporting lines.* |
| Click here to enter text (expandable section) |

## 3 Experience/ Deliverability

|  |
| --- |
| *Does the organisation have a history of developing housing projects? If yes, provide examples including size, location and development costs.* |
| Click here to enter text (expandable section) |

# Appendix 2: Terms and Conditions of this Application

**General**

This contains the terms and conditions which apply to all Public Housing funding applications.

The terms and conditions are non-negotiable and do not require a response. Each applicant that submits an application for project-specific funding to deliver new Public Housing supply (each an “application”) has confirmed by their signature on the application that they accept these terms and conditions without reservation or variation.

In preparing and submitting an application for Public Housing funding you must:

* Consider all risks, contingencies and other circumstances relating to the delivery of the project and include adequate provision in your application to manage such risks and contingencies;
* Document in your application all assumptions and qualifications made about the delivery of the project, including any assumption that HUD or a third party will deliver any aspect of the project or incur any cost related to the delivery of the project;
* If appropriate, obtain independent advice before submitting your application; and
* Satisfy yourself as to the correctness and sufficiency of your application, including the requested funding and the sustainability of the pricing.

**Reliance by HUD**

HUD may rely upon all statements made and information provided by you in an application and in correspondence or negotiations with HUD or its representatives (e.g. your application and follow-up correspondence and discussions). If your application is approved for funding, any such statements and information may be included in the Services Agreement with HUD.

You must ensure all information provided to HUD is true, accurate and complete. HUD is under no obligation to check your application for errors, omissions, or inaccuracies. You will notify HUD promptly upon becoming aware of any errors, omissions, or inaccuracies in your application or in any additional information provided by you.

**Ownership and intellectual property**

Ownership of the intellectual property rights in your application does not pass to HUD. However, in submitting your application, you grant HUD a non-exclusive, transferable, perpetual licence to use and disclose your application for the purpose of assessing and decision-making related to the Public Housing funding application process.

By submitting an application, you warrant that the provision of the information to HUD, and the use of it by HUD for the evaluation of the application and for any resulting negotiation, will not breach any third-party intellectual property rights.

**Confidentiality**

HUD is bound by the Official Information Act 1982 (“OIA”), the Privacy Act 1993, parliamentary and constitutional convention and any other obligations imposed by law. While HUD intends to treat information in your application as confidential to ensure fairness during the assessment and decision-making process, the information can be requested by third-parties and HUD must provide that information if required by law. If HUD receives an OIA request that relates to information in your application, where possible, HUD will consult with you and may ask you to confirm whether the information is considered by you to be confidential or still commercially sensitive, and if so, to explain why.

**Use and disclosure of information**

HUD will require you to provide certain information, including personal information, on application forms if you wish to apply for funding. If you do not provide all of the information that is required on an application form, HUD may be unable to process or otherwise progress your application.

HUD will generally only use personal information provided in the application process for the purposes of administering the Public Housing funding which includes assessing an application you have submitted, contracting, monitoring compliance and reporting.

HUD may use personal information provided by you through the application process for other reasons permitted under the Privacy Act 1993 (e.g. with your consent, for a directly related purpose, or where the law permits or requires it).

HUD may disclose your application and any related documents or information provided by you, to any person who is directly involved in the Public Housing funding application and assessment process on its behalf including any officers, employees, consultants, contractors and professional advisors of HUD or of any government agency. The disclosed information will only be used for the purpose of participating in the Public Housing funding application and assessment process, including assessment and ongoing monitoring, which will include carrying out due diligence. Due diligence may involve HUD disclosing information to another relevant agency in order to assess the application and verify the information contained in the application and accompanying documents.

HUD will generally not otherwise disclose personal information provided or collected through this application unless required or otherwise permitted by law. For example, we may seek your consent to undertake additional due diligence checks and request information from other relevant third parties. If your application is approved for funding, information provided in the application and any related documents may be used for the purpose of preparing any relevant Services Agreement(s) with HUD.

HUD is responsible under the Housing Restructuring and Tenancy Matters Act 1992 (HRTM Act) for:

* funding the provision of Public Housing and related services (Part 9 HRTM Act); and
* registering and regulating CHPs (Part 10 HRTM Act).

In carrying out these responsibilities, the accountable business units within HUD have agreed to an information sharing policy to improve the outcomes for tenants and to provide for compliance efficiencies. The information sharing policy is available via this link: [Information Sharing Protocol](https://chra.hud.govt.nz/assets/What-we-do/638574d8ea/Information-Sharing-Protocol-CHRA-and-FPD-final.pdf).

**Limitation of advice**

Any advice given by HUD, any other government agency, their officers, employees, advisors, or other representatives about the content of your application does not commit the decision-maker to make a decision about your application.

**No binding legal relations**

No contract or other legal obligations arise between HUD and any applicant out of, or in relation to, the application and assessment process, until a formal written contract (if any) is signed by both HUD and a successful applicant.

**No process contract**

The Public Housing funding application and assessment process does not legally oblige or otherwise commit HUD to proceed with that process or to assess any particular applicant’s application or enter into any negotiations or contractual arrangements with any applicant. For the avoidance of doubt, this application and assessment process does not give rise to a process contract.

**HUD’s rights**

HUD may on giving notice to you:

* amend, suspend, or cancel your application for Public Housing funding;
* make any material change to the Public Housing funding application process (including any change to the timeframes, requirements and evaluation approach) provided you are given a reasonable time within which to respond to the change.

HUD may:

* accept or reject any application, and waive irregularities or requirements in this application process where it considers it appropriate and reasonable to do so;
* decide not to enter into a Services Agreement with you in respect of this application.

In particular, HUD reserves the right not to proceed with any application:

* that is considered by HUD (in its sole discretion) to be unaffordable to HUD. This may be based on either, or both, the unaffordability of upfront funding or operating supplement;
* where HUD considers there is not sufficient demand from prospective tenants on the Public Housing Register;
* where HUD determines that future supply is sufficient to satisfy demand in a particular region.

**Costs and expenses**

HUD is not responsible for any costs or expenses incurred by any applicant in the preparation of this application and any follow-up correspondence and discussions.

**Exclusion of liability**

Neither HUD or any other government agency, nor their officers, employees, advisors, or other representatives will be liable (in contract or tort, including negligence, or otherwise) for any direct or indirect damage, expense, loss or cost (including legal costs) incurred or suffered by any applicant, its affiliates or other person in connection with this application and assessment process, including without limitation:

* The assessment process;
* The participation of any application;
* Any investigations of or by any applicant;
* Concluding any contract;
* The acceptance or rejection of any application; or
* Any information given or not given to any applicant(s).

By participating in this application and assessment process, each applicant waives any rights that it may have to make any claim against HUD. To the extent that legal relations between HUD and any applicant cannot be excluded as a matter of law, the liability of HUD is limited to $1.

Nothing contained or implied in or arising out of HUD documentation or any other communications to any applicant shall be construed as legal, financial, or other advice of any kind. Whilst HUD has endeavored to ensure the integrity of such information it has not been independently verified and may not be updated. In particular, the ‘CHP Financial Model’ is provided to you strictly on the basis that it is for HUD internal assessment purposes only and must not be relied upon by you or any other recipient in any way or for any purpose. You must make your own independent financial assessment and due diligence and satisfy yourself as to all and any matters relevant to your project you are submitting this application in relation to.

**Inducements**

You must not directly or indirectly provide any form of inducement or reward to any officer, employee, advisor, or other representative of HUD or any other government agency in connection with this application and assessment process.

**Governing law and jurisdiction**

The Public Housing funding application and assessment process will be construed according to, and governed by, New Zealand law and you agree to submit to the exclusive jurisdiction of New Zealand courts in any dispute concerning your application.

**Public statements**

HUD and any other government agency, or any relevant Minister, may make public in whole or in part this application form including the following information:

* The name of the applicant(s);
* A high-level description of the proposed project;
* The total amount of funding and the period of time for which the funding has been approved; and
* The region to which the project relates.

# HUD asks applicants not to release any media statement or other information relating to the submission or approval of any application to any public medium without prior agreement of HUD.