

**HAWAII PUBLIC HOUSING AUTHORITY
NOTICE OF MEETING
REGULAR BOARD OF DIRECTORS MEETING
1002 North School Street, Building E
Honolulu, Hawaii 96817**

**February 16, 2012
9:00 a.m.**

AGENDA

I. CALL TO ORDER/ROLL CALL

II. APPROVAL OF MINUTES

- A. Regular Meeting Minutes, January 19, 2012 (*Page 1-2*)
- B. Executive Session Minutes, January 19, 2012

III. PUBLIC TESTIMONY

Public testimony on any agenda item shall be taken at this time. Pursuant to section 92-3, Hawaii Revised Statutes, and section 17-2000-18, Hawaii Administrative Rules, the Board may limit public testimony to three minutes.

IV. FOR ACTION

- A. Motion: To Recognize the Kuhio Park Terrace (KPT) Towers I, LLC Resident Association (*Pages 3-5*)
- B. Motion: To Reappoint Ms. Arde Long-Yamashita to the Hawaii Public Housing Authority's ("HPHA") Kauai Eviction Board, Mr. Robert Hill to the HPHA Maui Eviction Board and Mr. Keith Biho to the HPHA Hilo Eviction Board for a Two-Year Term Expiring on February 28, 2014 (*Pages 6-16*)
- C. Motion: To Accept the HPHA's Single Audit Testing on Internal Controls and Compliance for Fiscal Year July 1, 2010 Ending June 30, 2011 and to Authorize the Executive Director to Submit the Single Audit to the U.S. Department of Housing and Urban Development (*Pages 17-45*)
- D. Motion: To Authorize the Executive Director to Reevaluate the Remaining Phases of Construction at Lanakila Homes and to Proceed with the Most Appropriate Course of Action (*Pages 46-51*)

- E. Motion: To Adopt Revisions to the HPHA’s Policy on Request for Reasonable Accommodations and Modifications Subject to Consultation with the Hawaii Government Employees Association and the United Public Workers Union *(Pages 52-63)*
- F. Motion: To Adopt Proposed Changes to the HPHA’s Admissions and Continued Occupancy Policy for Federally Assisted Public Housing Regarding its Language Access Policy *(Pages 64-72)*

V. REPORTS

- A. Board Task Force Reports: None
- B. Executive Director’s Report: *(Pages 73-122)*

Accomplishments for the Month of January 2012 Related to Public Housing; Section 8 Subsidy Programs; Construction Management Branch; Compliance Office; Planning & Evaluation Office: media inquiries, legislative; Fiscal Management Office; Contracts & Procurement; Information Technology Office; Personnel; and Hearing Office.

Planned Activities for Month of February/March 2012 Related to Pilot Programs for Non-Smoking in Public Housing, Resident Manager, Resident ID’s, Tenant Training, and Tutoring for Public Housing Students; Month-to-Month Lease for Public Housing Residents; HPHA Reorganization/Restructuring; ‘I Have A Dream Hawaii Housing’ Campaign; Security Measures at Mayor Wright Homes; and Ongoing HPHA Operations.

VI. FOR DISCUSSION/INFORMATION

- A. For Information: *Kolio, et al v. State of Hawaii, Hawaii Public Housing Authority Denise Wise in Her Official Capacity As Executive Director (Civil Case No. CV11-00266 and Civil No. 11-1-0795) (Page 123)*

The Board may go into executive session pursuant to Hawaii Revised Statutes sections 92-4 and 92-5(a)(4) to consult with the Board’s attorneys on questions and issues pertaining to the Board’s powers, duties, privileges, immunities, and liabilities as related to *Kolio, et al v. State of Hawaii, Hawaii Public Housing Authority; Denise Wise In Her Official Capacity As Executive Director (Civil Case No. CV11-00266 and Civil No. 11-1-0795)*

- B. For Information: Board Training by the National Center for Housing Management on the Fair Housing Act/Section 504 and ADA Regulations *(Pages 124-125)*

The Board may go into executive session pursuant to Hawaii Revised Statutes sections 92-4 and 92-5(a)(4) to consult with the Board's attorneys on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities.

- C. For Discussion: Strategic Vision and Goals for the Hawaii Public Housing Authority (*Pages 126*)

If any person requires special needs (i.e., large print, taped materials, sign language interpreter, etc.) please call Ms. Taryn Chikamori at (808) 832-4690 by close of business two days prior to the meeting date. Meals will be served to the Board and support staff as an integral part of the meeting.

HAWAII PUBLIC HOUSING AUTHORITY
MINUTES OF THE REGULAR MEETING
HELD AT 1002 NORTH SCHOOL STREET, BUILDING E,
HONOLULU, HAWAII 96817
ON THURSDAY, FEBRUARY 16, 2012
IN THE COUNTY OF HONOLULU, STATE OF HAWAII

The Board of Directors of the Hawaii Public Housing Authority met for their Regular Board Meeting at 1002 North School Street, on Thursday, February 16, 2012 at 9:00 a.m.

The meeting was called to order by Chairperson David Gierlach and on roll call, those present were as follows:

PRESENT: Director David Gierlach, Chairperson
Director Matilda Yoshioka, Vice-Chair
Director Jason Espero, Secretary
Director Roger K. Godfrey
Director Desiree Kihano
Director Debbie Shimizu
Director Travis O. Thompson
Director Trevor Tokishi
Director George Yokoyama

Executive Director, Hakim Ouansafi
Deputy Attorney General, Jennifer Sugita

EXCUSED: Director Patricia McManaman

STAFF PRESENT: Barbara Arashiro, Executive Assistant
Clarence Allen, Acting CFMA
Nicholas Birck, Chief Planner
Becky Choi, State Housing Development Administrator
Stephanie Fo, Property Management & Maintenance Services
Branch Chief, Acting Section 8 Chief
Diane Johns, Program Specialist
Kiriko Oishi, Compliance Specialist
Phyllis Ono, Program Specialist
Joanna Renken, Acting Public Housing Supervisor
Rick Sogawa, Contracts and Procurement Officer
Taryn Chikamori, Secretary to the Board

OTHERS: Michael Alexander, Tenants Association of Protective Services
Ira Calkins, Punchbowl Homes Resident
Gloria Castro
Augafa Ene, Mayor Wrights Homes Resident

Fetu Kolio, Mayor Wright Homes Resident
Marleen Lafaele, Mayor Wright Homes Resident
Jenny Lee, Lawyers for Equal Justice (LEJ)
Erika Liashenko, HGEA
Bob Loren, HPHA Public Housing Resident
Jeanne Lorrin, Tenants Association of Protective Services
Vite Kristoph, Mayor Wright Homes Resident
David Moakley, Ameresco
Nikki Motson, Hawaii Public Radio
Marie Powell, Punchbowl Homes Resident
Nancy Schroeder, Punchbowl Homes Resident
Sheila Wood, Tenants Association of Protective Services

Proceedings:

Chairperson Gierlach declared a quorum present.

The business of the Board proceeded with approval of the Regular Meeting Minutes of January 19, 2012. Director Thompson moved to approve the minutes.

The minutes were unanimously approved.

Public Testimony

Mr. Fetu Kolio, Mayor Wright Homes Resident, requested that more board meeting public packets be made available. He also testified that there is favoritism among the Mayor Wright Homes (MWH) security guards, and the manager is holding private resident meetings without him, the tenant association president.

Ira Calkins, Punchbowl Homes Resident, testified that management did not control the tenant association meeting. He also stated that the tenants should have a say on operations of public housing.

Jeanne Lorrin, Punchbowl Homes Resident, asked why residents need to pay for repairs if someone breaks into their unit. She also stated that the stairs are slippery when it rains and requested that management address this situation.

Michael Alexander, Punchbowl Homes Resident, stated that management inspected his apartment and that tenants live under dictatorial conditions and are afraid to speak up.

Sheila Wood, Tenants Association of Protective Services, and a former public housing resident, questioned why tenants do not get to see the unit before moving in and why they are not given an option to see another unit. She was asked to leave public housing, and that management will not allow her to return.

Marie Powell, Punchbowl Homes Resident, stated that tenants have been harassed, discriminated against, and their constitutional and Declaration of Independence rights are being violated by management. She also stated that when a male tenant called the manager, the manager yelled at him and hung up the phone. She also stated that she never received a response for her reasonable accommodation request for an air conditioner from the manager, and had to go to the Hawaii Public Housing Authority (HPHA) main office to learn that her request was already approved. Ms. Powell reported that she spoke to Stephanie Fo and Phyllis Ono about her concerns, and received positive responses.

Bob Loren, Punchbowl Homes Resident, stated that the complaint procedures are flawed and take too long. He does not like the manager. He also stated that there are provisions for handicapped drivers but, the approval of the provision is up to the manager and the manager refuses to work with tenants.

Nancy Schroeder, Punchbowl Homes Resident, stated her unit is roach infested, and has been told by management that she has to pay for services if maintenance treats her unit. She stated the roaches are coming from the holes in her pantry and she has asked maintenance to close the holes but, has not gotten any response. She reported that the resident association elections were not run fairly, and management harasses her.

For Action:

Director Yoshioka moved,

To Recognize the Kuhio Park Terrace (KPT) Towers I, LLC Resident Association.

Chairperson Gierlach asked if the resident association is in compliance. Mr. Ouansafi confirmed that the resident association is in compliance with the requirements governing resident associations.

Director Thompson asked what portion of Kuhio Park Terrace (KPT) is included in this association. Ms. Fo clarified that this resident association represents the two high rise towers at KPT.

Director Shimizu questioned why the name of the resident association is called “Kuhio Park Terrace (KPT) Towers I” instead “Kuhio Park Terrace (KPT) Towers I and II,” as the association includes both towers. Mr. Ouansafi responded that Kuhio Park Terrace (KPT) Towers I, LLC is the name of the corporation, and not a description of the area or actual buildings at KPT.

The motion was unanimously carried.

For Action:

Director Espero moved,

To Reappoint Ms. Arde Long-Yamashita to the Hawaii Public Housing Authority’s (“HPHA”) Kauai Eviction Board, Mr. Robert Hill to the HPHA Maui Eviction

Board and Mr. Keith Biho to the HPHA Hilo Eviction Board for a Two-Year Term Expiring on February 28, 2014.

Director Thompson asked if there are term limits. Mr. Ouansafi responded that the term is for two years but, they can be re-appointed for an unlimited number of terms.

The motion was unanimously carried.

For Action:

Director Espero moved,

To Accept the HPHA's Single Audit Testing on Internal Controls and Compliance for Fiscal Year July 1, 2010 Ending June 30, 2011 and to Authorize the Executive Director to Submit the Single Audit to the U.S. Department of Housing and Urban Development.

Mr. Ouansafi stated that there are errors in the audit and staff is working with the KMH auditors on making the corrections and creating a corrective action plan.

Director Godfrey commented that the audit found 13 weaknesses, and HPHA should provide the Board with a monthly checklist regarding the status of each weakness. Mr. Ouansafi responded that HPHA is in the process of creating a spreadsheet that reflects these issues.

Director Thompson stated that 95% of the findings are the same as 2010 and he requested a follow up report. Mr. Ouansafi stated staff is putting together a detailed report and will report immediately after it is completed.

Director Tokishi reported that he did not receive the single audit findings. (A copy was provided to him during the meeting.)

Chairperson Gierlach asked when the report is due to the U.S. Department of Housing and Urban Development (HUD). Mr. Ouansafi replied late March 2012.

Director Thompson asked if the Board would see HPHA's corrective action plan before the audit report is submitted to HUD. Mr. Ouansafi responded affirmatively.

The motion was unanimously carried with Director Shimizu's reservations and with the provision that the Board must see the corrective action plan at the March Board meeting.

For Action:

Director Espero moved,

To Authorize the Executive Director to Reevaluate the Remaining Phases of Construction at Lanakila Homes and to Proceed with the Most Appropriate Course of Action.

Mr. Ouansafi stated that the HPHA wants to renovate all but six units which need to be demolished. The HPHA would need to ask HUD's approval to rescind HUD's prior approval of HPHA's demolition application for the units. The HPHA will consult with HUD, and if there is a huge consequence to "undemolish" the units, the HPHA will proceed with the current plan to demolish them.

Mr. Ouansafi stated the HPHA has the Capital Improvement Fund to refurbish most of the units at a much lower cost than demolishing and rebuilding them. To expedite the renovations, the HPHA may be split the 62 units into smaller projects with multiple contractors working at the same time. Once the contracts are awarded, the units should be completed within four months.

Director Thompson expressed concerns as the HPHA was required to conduct an assessment of the units when it first applied to HUD for demolition. He further commented that there should be a master plan and cost estimates that were submitted and that without the benefit of reviewing those original submittals, the Board cannot make an informed decision. He requested that Mr. Ouansafi return to the Board next month with the potential benefits and consequences from HUD, should the HPHA rehabilitate instead of demolish.

Mr. Ouansafi reported that he personally visited the units with the Construction Management Branch Chief, and believes the units are salvageable. Director Yokoyama also attended the site visit with Mr. Ouansafi. Mr. Ouansafi stated also that the HPHA has the funds to demolish but, not the funds to rebuild all units.

Director Yoshioka questioned how the HPHA demolished more units than they were supposed to. Ms. Choi responded that in the master plan, each phase does not have a one for one replacement, however, after all of the phases are completed, there would be a one for one replacement.

Director Yokoyama commented that he and Senator Kahele accompanied Mr. Ouansafi during his inspection of Lanakila, and agrees with Mr. Ouansafi's proposal.

Director Shimizu asked if the HPHA would need to change the 5-year plan. Mr. Ouansafi responded affirmatively.

**The motion was carried by the vote of: Ayes: Chairperson Gierlach
Director Yoshioka
Director Espero
Director Godfrey
Director Kihano
Director Shimizu**

**Director Tokishi
Director Yokoyama**

Nays: Director Thompson

Chairperson Gierlach called for a recess at 10:14 a.m. and reconvened at 10:26 a.m.

For Action:

Director Espero moved,

To Adopt Revisions to the HPHA’s Policy on Request for Reasonable Accommodations and Modifications Subject to Consultation with the Hawaii Government Employees Association and the United Public Workers Union

Ms. Oishi reported that the HPHA reasonable accommodations policy is being revised based on HUD guidance and review by the HPHA’s consultant, and to ensure that staff understands that there are consequences for failure to comply with the policy.

Director Shimizu commented that the phrase “reasonable time” on page 60, paragraph 9 of the policy, is vague. Ms. Oishi responded that it is very difficult to determine a standard time frame, as reasonable modifications sometimes involve lengthy time periods due to construction. HPHA is currently working with National Center for Housing Management (NCHM) regarding reasonable modification requests.

Director Espero asked if tenants are allowed to request temporary reasonable accommodations in advance, such as those suffering from injuries due to surgeries. Ms. Oishi replied that tenants are allowed to request in advance and will be approved if a health professional verifies the need for the reasonable accommodation.

Ms. Oishi also reported that the HPHA sought union consultation on the proposed changes to the reasonable accommodations and modifications policy. The Hawaii Government Employees Association (HGEA) did not submit any questions or concerns with the proposed changes. There is a meeting scheduled with the United Public Workers union this week.

The motion was unanimously carried.

For Action:

Director Espero moved,

To Adopt Proposed Changes to the HPHA’s Admissions and Continued Occupancy Policy for Federally Assisted Public Housing Regarding its Language Access Policy.

Ms. Oishi stated that HPHA held a public hearing in November 2011, and there was very little participation but most of the feedback was favorable. The HPHA also consulted with the

Resident Advisory Board (RAB). The language access law requires HPHA to provide these services.

The motion was unanimously carried.

Reports:

Board Task Force Reports: none

Executive Director's Report:

Pursuant to Board adopted policy, Chairperson Gierlach asked if anyone had any objections with Nikki Motson of Hawaii Public Radio audio recording the meeting. With there being no objections, Hawaii Pubic Radio was allowed to record the meeting.

Mr. Ouansafi reported that the HPHA will be identifying certain public housing buildings, and in the near future, requesting that the Board approve these buildings as “non-smoking.”

Director Thompson asked what happens to a tenant who is a smoker living in a newly designated non-smoking building. Mr. Ouansafi replied that possibly if there are more non-smokers in the building, the smoker will be asked to move and vice versa.

Director Gierlach asked if smoking is a big problem. Mr. Ouansafi replied that tenants are getting physically sick, and there is a female tenant who is extremely allergic.

Director Espero asked if the tenants will have input as to which buildings will be designated as non-smoking. Mr. Ouansafi confirmed that the tenants will be able to provide input.

Mr. Ouansafi reported that the HPHA is looking into having a resident management advisor (RMA) at the projects. The RMA would receive a stipend from the HPHA, and will be available for tenants and police for events occurring after hours, and also have the authority to issue notices of violation to tenants. Once the staff has an outline of the plans, staff will ask for Board approval.

Director Yoshioka asked if the RMA would be in addition to, or replacing the tenant monitoring program. Mr. Ouansafi replied this would not necessarily replace the tenant monitoring program.

Mr. Ouansafi reported that the HPHA will be implementing a resident ID card program. This will assist security and law enforcement when dealing with trespassers. Although there are some complaints, Mr. Ouansafi stated that a resident of Trump Towers cannot enter without an ID card, and the same standard should apply to the public housing residents.

Mr. Ouansafi reported that the HPHA will encourage the formation of resident owned businesses and is considering partnering with small business associations to provide education and training for the residents.

Mr. Ouansafi reported that the HPHA will be working with the University of Hawaii (UH) in implementing a program where UH students tutor public housing students for credit.

Director Thompson commended Mr. Ouansafi for his desire to bring needed programs, but expressed concerns regarding HPHA's staffing levels and resources to implement so many new programs at one time. Mr. Ouansafi replied that these programs will give managers a reprieve.

Mr. Ouansafi reported that the HPHA is looking into month to month leases for State public housing projects.

Mr. Ouansafi reported that nearly 150 vacant units will be repaired by the end of February due to the "I Have a Dream Hawaii" campaign. Many of the units have been completed and the remainder will be completed in the coming weeks. The HPHA may also conduct mass certifications to ensure that the units are filled on a timely basis.

Mr. Ouansafi updated the Board on security measures that were underway at Mayor Wright Homes (MWH). He reported that discussions on security issues started in early January, and were well before the stabbing incident. The HPHA is in the process of securing bids for security cameras and increasing the height of existing fences. The HPHA is also in final negotiations with a Sheriff to move into one of the units.

Director Gierlach commented that he has never seen so much maintenance work being done at MWH until now, and also asked about the status of the security contract at MWH. Mr. Ouansafi responded that HPHA is taking the necessary actions and there may be an announcement soon.

Director Shimizu asked about federal grants. Mr. Ouansafi reported the staff contacted a grant writer and she may be willing to the help.

Director Godfrey asked about the status of Kuhio Park Terrace (KPT). Ms. Arashiro reported that the staff has a meeting with Michaels Development next week and will ask them to report the progress at a future Board meeting. Director Godfrey commented that the redevelopment at KPT has some momentum and that HPHA should continue its work to redevelop the entire parcel.

Director Thompson requested HPHA provide the Board with a timeline or master plan for KPT.

Motion: To go into Executive Session at 11:16 a.m. pursuant to Hawaii Revised Statutes sections 92-4 and 92-5(a)(4) to consult with the Board's attorneys on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities as related to:

- 1. Personnel Issues at Punchbowl Homes;**

2. **For Information: *Kolio, et al v. State of Hawaii, Hawaii Public Housing Authority; Denise Wise In Her Official Capacity As Executive Director (Civil Case No. CV11-00266 and Civil No. 11-1-0795);***
3. **Approval of Executive Session Minutes of January 19, 2012.**

Director Espero moved at 11:13 a.m.

The motion was unanimously carried.

The Board reconvened from Executive Session at 12:26 p.m.

For Information: Board Training by the National Center for Housing Management on the Fair Housing Act/Section 504 and ADA Regulations

Mr. Glenn Stevens and Mr. Mark Alper for National Center for Housing Management (NCHM) introduced themselves and explained that HPHA contracted with NCHM to conduct a self-evaluation and create a transition plan.

Mr. Alper stated that the HPHA has the same problems as found in 1999 (when NCHM conducted its first evaluation of HPHA's inventory). He also stated these problems are not unique to HPHA, as they exist in the private sector (hotels, restaurants, etc.) too.

Mr. Alper stated that the HPHA needs to comply with Section 504 of the Rehabilitation Act which the HUD adopted in 1988, the Americans with Disabilities Act of 1990 and the Fair Housing Act Amendments. Mr. Alper noted that most of HPHA's properties are old, and as a result, exempt from complying with certain legal requirements. HPHA must provide accessibility when there has been substantial rehabilitation or new construction. Section 504 applies to HPHA because it receives federal funds, but Section 504 precludes a private right of action.

Mr. Alper stated the biggest challenge is the Fair Housing Act reasonable modification provisions. Each reasonable accommodation/modification request needs to be reviewed separately and a cost analysis needs to be completed for each request. Mr. Alper stated that the key to the reasonable modification process is documentation. He asked for documentation at several projects and certain staff could not provide the documentation.

Mr. Alper stated he is working with Ms. Oishi on creating and implementing policies and procedures.

Mr. Alper stated that the State audit found that the HPHA did not comply with asset management, and he questioned whether HPHA could measure what constitutes an undue financial burden. Director Thompson responded that the HPHA implemented asset management after the audit was published. Mr. Alper asked HPHA to provide documentation showing the implementation of asset management so that he can include it in his report. Mr. Alper also noted

that HUD foisted Asset Management upon all PHAs without providing any technical assistance or training.

Mr. Alper reported that the transition plan will be completed in March 2012. This was not done during NCHM's 1999 evaluation of HPHA. Once the transition plan is created, HPHA must follow it.

Mr. Stevens reported his experiences upon meeting with HPHA AMP managers. He commented that HPHA has a beautiful and well functioning elderly housing project near HPHA's main office.

Mr. Alper reported that he is working with Ms. Oishi to revise the Admissions and Continued Occupancy Policy (ACOP) to include HUD's new rules regarding sexual orientation.

With no further business for the Board to conduct,

Director Espero moved to adjourn,

The motion was unanimously carried.

The meeting adjourned at 1:06 p.m.

MINUTES CERTIFICATION

Minutes Prepared by:

Taryn D. Chikamori
Taryn Chikamori
Secretary to the Board

MAR 15 2012
Date

Approved by the Hawaii Public Housing Authority Board of Directors at their Regular Meeting on MAR 15 2012.

Jason Espero
Jason Espero
Director/Board Secretary

MAR 15 2012
Date