

**HAWAII PUBLIC HOUSING AUTHORITY
NOTICE OF MEETING
REGULAR BOARD OF DIRECTORS MEETING
1002 North School Street, Building A Boardroom
Honolulu, Hawaii 96817
Thursday, September 20, 2018
9:00 a.m.**

AGENDA

I. CALL TO ORDER/ESTABLISHING QUORUM

II. PUBLIC TESTIMONY

Public testimony on any item relevant to this agenda 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 per agenda item.

III. APPROVAL OF MINUTES

- A. Regular Meeting Minutes, August 16, 2018
- B. Executive Session Minutes, February 15, 2018 (not for public distribution)

IV. DISCUSSION AND/OR DECISION MAKING

- A. To (1) Adopt Amendments to the Hawaii Public Housing Authority's (HPHA) Approved Annual Public Housing Agency (PHA) Plan for Fiscal Year 2018-2019 to Publish the HPHA's Intent to Submit an Application to Participate in the U.S. Department of Housing and Urban Development's Rental Assistance Demonstration (RAD) Program at Mayor Wright Homes, KPT Towers and Kuhio Park Terrace; and (2) Authorize the Executive Director to Hold Public Hearings Regarding the Proposed Amendments to the PHA Plan; 3) Undertake All Actions Necessary to Accept, Adopt, or Respond to Comments from the Public and the Resident Advisory Board; and 4) Submit the Amended Plan to the U.S. Department of Housing and Development, if No Substantive Changes are Made to the Draft Annual PHA Plan
- B. To (1) Adopt Amendments to the Hawaii Public Housing Authority's (HPHA) Approved Annual Public Housing Agency (PHA) Plan for Fiscal Year 2018-2019 to Publish the HPHA's Intent to Adopt Policies to Implement the Statutory Income Limit for Public Housing; and (2) Authorize the Executive Director to Hold Public Hearings Regarding the

Proposed Amendments to the PHA Plan; 3) Undertake All Actions Necessary to Accept, Adopt, or Respond to Comments from the Public and the Resident Advisory Board; and 4) Submit the Amended Plan to the U.S. Department of Housing and Development, if No Substantive Changes are Made to the Draft Annual PHA Plan

- C. To (1) Approve a Draft Rooftop License Agreement with T-Mobile West, LLC at the Hawaii Public Housing Authority's (HPHA) State Public Housing Property, Kamalu, located at 94-941 Kau`olu Place, Waipahu, HI 96797 (TMK#: (1) 9-4-017:001); (2) Authorize the Executive Director to Execute the Rooftop License Agreement Retroactively to August 1, 2017 to Allow for the Proper Collection of Past Due Fees; and (3) Authorize the Executive Director To Negotiate a Final Rooftop License Agreement Within the Spirit and Intent of the Draft Rooftop License Agreement, Subject to Review and Approval of the Department of the Attorney General
- D. Status Update on Redevelopment Projects Mayor Wright Homes (Tax Map Key: 1-7-029-003-0000), Kuhio Park Terrace Low Rise/Kuhio Homes (Tax Map Keys 1-3-039-008-0000; 1-3-039-006-0000; and 1-3-039-003-0000) and School Street Administrative Offices (Tax Map Key: 1-6-009-003-0000)

The Board may go into executive session pursuant to Hawaii Revised Statutes sections 92-4, 92-5(a)(8), and 103D-105 to discuss, deliberate or make a decision on information that must be kept confidential, 92-5(a)(3) to deliberate concerning the authority of persons designated by the Board to negotiate the acquisition of public property, and/or 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 related to the Redevelopment Projects Mayor Wright Homes, Kuhio Park Terrace Low Rise/Kuhio Homes and HPHA's School Street Administrative Offices.

- E. To (1) Approve a Waiver of the Conflict of Interest Provision of Section 19(A)(1) of the Annual Contributions Contract (ACC) Between the Hawaii Public Housing Authority (HPHA) and the U.S. Department of Housing and Urban Development (HUD) for Executive Assistant Barbara E. Arashiro as related to:
 - (a) Charter Communications;
 - (b) Spectrum TV;
 - (c) Spectrum Business;
 - (d) Spectrum Enterprise Solutions;
 - (f) Spectrum Reach;
 - (g) Spectrum Internet; and
 - (h) Any other entities owned by any of the Charter Communication Companies doing business in the State of Hawaii;

Provided the Executive Assistant Recuses Herself from the Procurement, Selection, Award, Monitoring, or Administration of any Contracts and Subcontracts (“Procurement and Contract Authority”) Involving the Spectrum Companies; and

(2) To Approve the Written Justification for Waiver to the Annual Contributions Contract as Required by the Hawaii Public Housing Authority's (HPHA) Standards of Conduct and to Authorize the Executive Director to Submit the Hawaii Public Housing Authority's Request for Waiver to the Annual Contributions Contract to the U.S. Department of Housing and Urban Development

The Board will go into executive session pursuant to Hawaii Revised Statutes sections 92-4 and/or 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 related to this matter.

F. To (1) Approve a Waiver of the Conflict of Interest Provision of Section 19(A)(1) of the Annual Contributions Contract (ACC) Between the Hawaii Public Housing Authority (HPHA) and the U.S. Department of Housing and Urban Development (HUD) for Director Myoung Oh as related to:

- (a) Charter Communications;
- (b) Spectrum TV;
- (c) Spectrum Business;
- (d) Spectrum Enterprise Solutions;
- (f) Spectrum Reach;
- (g) Spectrum Internet; and
- (h) Any other entities owned by any of the Charter Communication Companies doing business in the State of Hawaii;

Provided that Director Myoung Oh Recuses Himself from the Procurement, Selection, Award, Monitoring, or Administration of any Contracts and Subcontracts (“Procurement and Contract Authority”) Involving the Spectrum Companies; and

(2) To Approve the Written Justification for Waiver to the Annual Contributions Contract as Required by the Hawaii Public Housing Authority's (HPHA) Standards of Conduct and to Authorize the Executive Director to Submit the Hawaii Public Housing Authority's Request for Waiver to the Annual Contributions Contract to the U.S. Department of Housing and Urban Development

The Board will go into executive session pursuant to Hawaii Revised Statutes sections 92-4 and/or 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 related to this matter.

G. Report on Personnel Matters to the HPHA's Board of Directors

The Board will go into executive session pursuant to Hawaii Revised Statutes sections 92-4 and/or 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 related to this matter.

V. REPORTS

Executive Director's Report:

- Financial Report for the Month of July 2018 Financial Report is provided to the board in the monthly packet.
- The Report on Contracts Executed During August 2018 and Planned Solicitations for September/October 2018 are provided to the Board in the monthly packet. No formal report is planned.
- Public Housing Occupancy/Vacancy Report; Federal Public Housing; Eviction Hearings for the Month of August 2018.
- Obligation and Expenditure Status for Design and Construction Projects Funded Under the Federal Capital Fund Program (CFP) and the State Capital Improvement Program (CIP).
- Section 8 Subsidy Programs Voucher: Voucher Lease-up and Pending Placements; Update on Rent Supplement Program.

If any person requires special needs (i.e., large print, taped materials, sign language interpreter, etc.) please call Ms. Jennifer Menor at (808) 832-4694 by close of business three 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 A
HONOLULU, HAWAII 96817
ON THURSDAY, SEPTEMBER 20, 2018
IN THE CITY AND COUNTY OF HONOLULU, STATE OF HAWAII

The Board of Directors of the Hawaii Public Housing Authority held their Regular Board Meeting at 1002 North School Street, on Thursday, September 20, 2018. At approximately 9:36 a.m., Chairperson Pono Shim called the meeting to order and declared a quorum present. Those present were as follows:

PRESENT: Director Pono Shim, Chairperson
Director Jason Espero, Secretary
Director Lisa Darcy
Director George De Mello
Designee Lila King
Director Laura Smith

Deputy Attorney General Jennifer Sugita
Deputy Attorney General Klemen Urban

EXCUSED: Director Alena Medeiros, Vice-Chairperson
Director Myoung Oh
Director Albert Alapaki Nahale-a

STAFF PRESENT: Barbara Arashiro, Executive Assistant
Rick Sogawa, Contract & Procurement Officer
Robei Broadous, Property Management Branch Chief
Kevin Auger, Redevelopment Officer
Benjamin Park, Planner
Sarah Beamer, Planner
Jennifer Menor, Secretary

OTHERS PRESENT (and signing in as):
Roy Nakamura, Kalakaua Homes resident
June Talia, Kuhio Homes resident
Andrew Nako, Sr., Mayor Wright Homes resident

Public Testimony

Chairperson Shim stated that the Board would accept public testimony on any item relevant to the agenda. 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 per agenda item.

Roy Nakamura, Kalakaua Homes resident, testified that an evicted tenant was seen on the premises of his housing property. Mr. Nakamura questioned whether an evicted tenant is allowed to enter the property from where he was evicted. If Mr. Nakamura needs to go appear in court, he is requesting a statement from the property manager that an evicted tenant is not allowed back to the property where he was evicted.

June Talia, Kuhio Homes resident, complimented Redevelopment Officer Kevin Auger on how he handled the tenant meeting on the RAD conversion. Ms. Talia also requested clarification on how many cable boxes tenants are allowed to have in their units. Ms. Talia reported that her property manager stated that he was not aware that tenants were only being allowed one cable box.

Approval of Minutes:

Director Espero moved,

To Approve the Regular Meeting Minutes of August 16, 2018

The minutes were unanimously approved as presented.

Chairperson Shim deferred consideration of the Executive Session Minutes of February 15, 2018 to a future Board meeting.

Discussion and/or Decision Making

Director Smith moved,

To Amend the Board Agenda to Change the Reference of Kuhio Park Terrace to Kuhio Park Terrace Low Rise and Kuhio Homes

Executive Assistant Arashiro clarified that although Kuhio Park Terrace is the name of the development, adding the individual property names would make it clearer for the public to know what specific properties we are taking action on.

The motion to amend was unanimously approved.

Director De Mello moved,

To (1) Adopt Amendments to the Hawaii Public Housing Authority's (HPHA) Approved Annual Public Housing Agency (PHA) Plan for Fiscal Year 2018-2019 to Publish the HPHA's Intent to Submit an Application to Participate in the U.S. Department of Housing and Urban Development's Rental Assistance Demonstration (RAD) Program at Mayor Wright Homes, KPT Towers and Kuhio Park Terrace Low Rise and Kuhio Homes; and (2)

Authorize the Executive Director to Hold Public Hearings Regarding the Proposed Amendments to the PHA Plan; 3) Undertake All Actions Necessary to Accept, Adopt, or Respond to Comments from the Public and the Resident Advisory Board; and 4) Submit the Amended Plan to the U.S. Department of Housing and Development, if No Substantive Changes are Made to the Draft Annual PHA Plan

Executive Assistant Arashiro reported that staff is requesting approval to amend the HPHA's current Annual PHA for FY 2018-2019. The Annual Plan for this current fiscal year was approved by the U.S. Department of Housing and Urban Development (HUD) on June 12, 2018.

On August 20, 2018, the Board of Directors approved the submission of the HPHA's RAD applications to HUD for the conversion of the federal public housing properties Mayor Wright Homes, KPT Towers I, and Kuhio Park Terrace Low Rise/Kuhio Homes to Rental Assistance Demonstration (RAD) Properties and authorized the Executive Director to undertake all actions necessary to submit the application(s) to HUD. One such required action includes amending the HPHA's Annual Plan. For the amended PHA Annual Plan for Fiscal Year 2018-2019, meetings will be held with the Resident Advisory Board (RAB) members to gather comments and recommendations. HPHA will also hold public hearings after posting a 45 day notice on all islands.

If no substantive changes are made to the draft amendments to the Annual PHA Plan, the HPHA will submit the proposed PHA Plan to HUD. If there are substantive changes to the proposed draft amended PHA Plan, those changes will be brought back to the Board for final approval before submission to HUD.

Changes were made to Page 12 of the PHA Plan, where the definition of a substantial deviation was updated to include items that are specific to the RAD application.

The motion was unanimously approved.

Designee King moved,

To (1) Adopt Amendments to the Hawaii Public Housing Authority's (HPHA) Approved Annual Public Housing Agency (PHA) Plan for Fiscal Year 2018-2019 to Publish the HPHA's Intent to Adopt Policies to Implement the Statutory Income Limit for Public Housing; and (2) Authorize the Executive Director to Hold Public Hearings Regarding the Proposed Amendments to the PHA Plan; 3) Undertake All Actions Necessary to Accept, Adopt, or Respond to Comments from the Public and the Resident Advisory Board; and 4) Submit the Amended Plan to the U.S. Department of Housing and Development, if No Substantive Changes are Made to the Draft Annual PHA Plan

Executive Assistant Arashiro reported that staff is requesting approval to amend the HPHA's current Annual PHA for FY 2018-2019. Based on the definition of a "significant amendment", the HPHA is required to amend its PHA Plan to publish its intent to adopt a policy that will implement the statutory income limit for public housing.

Under the federal "Housing Opportunity Through Modernization Act of 2016" (HOTMA), after a family's income has exceeded 120 percent of the area median income (AMI) for two consecutive years, a public housing agency (PHA) must terminate the family's tenancy within 6 months of the second income determination or charge the family a monthly rent equal to the greater of (1) the applicable Fair Market Rent (FMR); or (2) the amount of monthly subsidy for the unit including amounts from the operating and capital fund, as determined by regulations.

Executive Assistant Arashiro explained that HUD has not issued all of its policy guidance regarding how a PHA is to determine monthly subsidy and does not make effective any reporting requirements. Since all guidance has not been issued, the HPHA is only amending its PHA Plan at this time.

Director Espero asked how many households will be affected by this change.

Executive Assistant Arashiro replied that there are a handful of families that may be affected, but no exact number. Executive Assistant Arashiro stated that if the family's income drops below the 120 percent within the two years, then a new start date would be applied.

Director Darcy referenced Page 27 of the Board packet, in regards to changing designation of head of household in the event of marriage, asks what happens in the event of a spouse's death. Executive Assistant Arashiro confirmed that in case of the death of an individual, the individual's spouse would still be considered the head of household.

The motion was unanimously approved.

Director Espero moved,

To (1) Approve a Draft Rooftop License Agreement with T-Mobile West, LLC at the Hawaii Public Housing Authority's (HPHA) State Public Housing Property, Kamalu, located at 94-941 Kau`olu Place, Waipahu, HI 96797 (TMK#: (1) 9-4-017:001); (2) Authorize the Executive Director to Execute the Rooftop License Agreement Retroactively to August 1, 2017 to Allow for the Proper Collection of Past Due Fees; and (3) Authorize the Executive Director To Negotiate a Final Rooftop License Agreement Within the Spirit and Intent of the Draft Rooftop License Agreement, Subject to Review and Approval of the Department of the Attorney General

Executive Assistant Arashiro reported that there is an ongoing third-party agreement in place with T-Mobile West LLC at the AMP 42 – Kamalu Building A (94-941 Kau'olu Place, Waipahu, HI 96797) effective since December 14, 1995.

The proposed draft agreement presented to the Board provides for an effective date of August 1, 2017 to allow for the collection of past due license fees. Under the agreement, the HPHA has renegotiated an increase in license fees effective August 1, 2018. Payment for the 2nd year will be reduced by any amounts previously paid or paid as past due fees.

Executive Assistant Arashiro stated that all income generated by the cell tower agreement will be cycled back to the property and is available to the property for operating costs.

The draft Rooftop License Agreement was reviewed by the Department of the Attorney General.

Chairperson Shim asked if there are past due fees or if the past due fees are from the increase.

Deputy Attorney General Urban stated that the increase in the fee is being negotiated to take effect retroactively. T-Mobile has been previously negotiated on a monthly basis, but have agreed to retroactive increase in the fee.

The motion was unanimously approved.

For Information:

Status Update on Redevelopment Projects Mayor Wright Homes (Tax Map Key: 1-7-029-003-0000), Kuhio Park Terrace Low Rise/Kuhio Homes (Tax Map Keys 1-3-039-008-0000; 1-3-039-006-0000; and 1-3-039-003-0000) and School Street Administrative Offices (Tax Map Key: 1-6-009-003-0000)

Executive Assistant Arashiro reported providing to the Board members copies of the final RAD applications.

Deputy Attorney General Sugita stated that a legal issue has risen and asked to go into executive session to consult with the attorneys concerning School Street Administrative Offices redevelopment.

Director Smith moved,

The Board may go into executive session pursuant to Hawaii Revised Statutes sections 92-4, 92-5(a)(8), and 103D-105 to discuss, deliberate or make a decision on information that must be kept confidential, 92-5(a)(3) to deliberate concerning the authority of persons designated by the Board to negotiate the acquisition of public property, and/or 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 related to the Redevelopment of HPHA’s School Street Administrative Offices.

The Board entered Executive Session at approximately 10:00 a.m.

The Board reconvened at approximately 10:54 a.m.

Chairperson Shim reported that the Board consulted with the its attorneys on questions and issues pertaining to the Board’s powers, duties, privileges, immunities, and liabilities related to the HPHA’s redevelopment projects.

Chairperson Shim called for a short recess. The Board reconvened at approximately 11:15 a.m.

Director Darcy moved,

To (1) Approve a Waiver of the Conflict of Interest Provision of Section 19(A)(1) of the Annual Contributions Contract (ACC) Between the Hawaii Public Housing Authority (HPHA) and the U.S. Department of Housing and Urban Development (HUD) for Executive Assistant Barbara E. Arashiro as related to:

- (a) Charter Communications;**
- (b) Spectrum TV;**
- (c) Spectrum Business;**
- (d) Spectrum Enterprise Solutions;**
- (f) Spectrum Reach;**
- (g) Spectrum Internet; and**
- (h) Any other entities owned by any of the Charter Communication Companies doing business in the State of Hawaii;**

Provided the Executive Assistant Recuses Herself from the Procurement, Selection, Award, Monitoring, or Administration of any Contracts and Subcontracts (“Procurement and Contract Authority”) Involving the Spectrum Companies; and

(2) To Approve the Written Justification for Waiver to the Annual Contributions Contract as Required by the Hawaii Public Housing Authority's (HPHA) Standards of Conduct and to Authorize the Executive Director to Submit the Hawaii Public Housing Authority's Request for Waiver to the Annual Contributions Contract to the U.S. Department of Housing and Urban Development

Executive Assistant Arashiro reported that the HPHA is required to “maintain a written code of standards of conduct governing the performance of their employees engaged in

the award and administration of contracts”. The C.F.R. further states in pertinent part that “[n]o employee, officer or agent of the grantee or sub-grantee shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved”.

Executive Assistant Arashiro further reported that the HPHA’s Statement of Procurement Policy states in pertinent part that “no employee, officer, Board member, or agent of the HPHA shall participate directly or indirectly in the selection, award, or administration of any contract if a conflict of interest, either real or apparent, would be involved. This type of conflict would be when one of the persons listed below was a financial or any type of interest in a firm competing for the award: his/her relative (including father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister”. Executive Assistant Arashiro disclosed that she is related to one of those listed above.

Executive Assistant Arashiro stated that the HPHA was not previously involved in cable services that the cable company was providing directly to the tenants. However, since cable services were taken over by Charter Communications, there are issues with the cable system that involve rewiring the building and would fall under the HPHA’s policies on conflict of interest.

Director Smith moved,

To Postpone the Vote on This Motion

Chairperson Shim requested postponing the consideration of this motion until a written justification is available from the Department of the Attorney General.

The motion to postpone was unanimously approved.

Director Espero moved,

To (1) Approve a Waiver of the Conflict of Interest Provision of Section 19(A)(1) of the Annual Contributions Contract (ACC) Between the Hawaii Public Housing Authority (HPHA) and the U.S. Department of Housing and Urban Development (HUD) for Director Myoung Oh as related to:

- (a) Charter Communications;**
- (b) Spectrum TV;**
- (c) Spectrum Business;**
- (d) Spectrum Enterprise Solutions;**
- (f) Spectrum Reach;**
- (g) Spectrum Internet; and**

- (h) **Any other entities owned by any of the Charter Communication Companies doing business in the State of Hawaii;**

Provided the Director Myoung Oh Recuses Himself from the Procurement, Selection, Award, Monitoring, or Administration of any Contracts and Subcontracts (“Procurement and Contract Authority”) Involving the Spectrum Companies; and

(2) To Approve the Written Justification for Waiver to the Annual Contributions Contract as Required by the Hawaii Public Housing Authority's (HPHA) Standards of Conduct and to Authorize the Executive Director to Submit the Hawaii Public Housing Authority's Request for Waiver to the Annual Contributions Contract to the U.S. Department of Housing and Urban Development

Executive Assistant Arashiro reported that Director Oh would also be subject to the same regulations and require a waiver of the conflict of interest provision.

Designee King moved,

To Postpone the Vote on This Motion

Chairperson Shim requested postponing the consideration of this motion until a written justification is available.

The motion to postpone was unanimously approved.

For Information:

Report on Personnel Matters to the HPHA’s Board of Directors

Executive Assistant Arashiro requested that the Board go into executive session.

Director Smith moved,

The Board will go into executive session pursuant to Hawaii Revised Statutes sections 92-4 and/or 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 related to this matter.

The Board entered Executive Session at approximately 11:24 a.m.

The Board reconvened at approximately 11:57 a.m.

Chairperson Shim reported that the Board consulted with the its attorneys on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities related to confidential matters.

Executive Director's Report:

- Executive Assistant Arashiro reported that HPHA is in the midst of an audit, where Section 8 files are still being reviewed.
- Executive Assistant Arashiro stated that the testing for unexploded ordinances at the HPHA's properties that are formerly used defense sites on the Big Island are completed and HPHA is hoping to get a report soon.

Chairperson Shim reported that there has been an ongoing inquiry from the County of Kauai regarding Lanakila Homes and the need for housing in light of what has happened there, so Executive Director Ouansafi has been communicating with the Deputy Director.

Director Smith moved,

To Adjourn the Meeting

The motion was unanimously approved.

The meeting adjourned at 12:00 p.m.

MINUTES CERTIFICATION:

Minutes Prepared by:



Jennifer K. Menor
Secretary

OCT 18 2018

Date

Approved by the Hawaii Public Housing Authority Board of Directors at their Regular Meeting on October 18, 2018 [] As Presented [] As Amended



Director Jason Espero
Board Secretary

OCT 18 2018

Date