

Of Counsel:

LAWYERS FOR EQUAL JUSTICE

GAVIN K. THORNTON
P.O. Box 37952
Honolulu, Hawai'i 96837-0952
Telephone: (808) 542-5203
Facsimile: (808) 262-4727
Email: gavinthornton@verizon.net

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JUN 30 2005

at 1 o'clock and 22 min. AM
SUE BEITIA, CLERK

ALSTON HUNT FLOYD & ING
Attorneys At Law
A Law Corporation

SHELBY ANNE FLOYD
THOMAS E. BUSH
PAUL ALSTON
65-1230 Mamalahoa Hwy., Suite C21
Kamuela, Hawai'i 96743
Telephone: (808) 885-6762
Facsimile: (808) 885-8065
Email: sfloyd@ahfi.com

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

RODELLE SMITH, SHEILA TOBIAS,
BARBARA BARAWIS, and LEWIS
GLASER individually, and on
behalf of all persons similarly
situated,

Plaintiffs,

v.

STEPHANIE AVEIRO, in her
official capacity as the
Executive Director of the
Housing and Community
Development Corporation of
Hawai'i; HOUSING AND COMMUNITY
DEVELOPMENT CORPORATION OF
HAWAI'I, a duly organized and
recognized agency of the State
of Hawai'i.

Defendant.

) CIVIL NO. CV04 00309 DAE KSC
)
)
) SEPARATE AND CONCISE STATEMENT OF
) FACTS IN OPPOSITION TO
) DEFENDANTS' COUNTER-MOTION FOR
) SUMMARY JUDGMENT; DECLARATION OF
) GAVIN K. THORNTON; EXHIBITS "1"-
) "3"; CERTIFICATE OF SERVICE
)

) HEARING:
) Date: July 11, 2005
) Time: 10:30 a.m.
) Judge: David Alan Ezra
)
)

)

**SEPARATE AND CONCISE STATEMENT OF FACTS IN OPPOSITION TO
DEFENDANTS' COUNTER-MOTION FOR SUMMARY JUDGMENT**

Pursuant to Rule 56.1 of the Rules of the United States District Court for the District of Hawai'i ("Local Rules"), Plaintiffs RODELLE SMITH, SHEILA TOBIAS, BARBARA BARAWIS and LEWIS GLASER ("Plaintiffs"), hereby submit their Separate and Concise Statement of Facts in Opposition to Defendants' Counter-Motion for Summary Judgment.


FACTS ASSERTED BY DEFENDANTS	EVIDENTIARY SUPPORT IN OPPOSITION
1. Defendants undertook corrective action to comply with 24 C.F.R. § 965.501-507 after the filing of the Complaint on May 13, 2004.	Partially contested insofar as Defendants have only begun partial corrective action. HRS § 91-3 requires public notice, hearing, and Governor's signature to adopt rule changes. Corrective action cannot be effective until Ch. 91 provisions are met. Further, none of the support cited by Defendants demonstrates that they have implemented the administrative rules regarding the new consumption allowances they are in the process of adopting and that residents are receiving the allowances in accordance with these rules. ¹

¹ For the sake of clarity, the term "utility allowance" is separated into two distinct concepts: the "consumption allowance" and the "dollar allowance." The "consumption allowance" is the utility allowance provided to residents in terms of kilowatt hours of electricity or Therms of gas, taht is supposed to estimate reasonable utility consumption by residents. The consumption allowances are converted into terms of dollars so that residents who pay for their own utilities can be reimbursed in the form of a rent credit. This "dollar allowance" is calculated by determining how much it would cost for a tenant to purchase the quantity of utilities allotted for in the consumption allowances. While consumption allowances may stay fairly constant over time, the dollar allowances fluctuate according to fluctuations in the utility rates.

FACTS ASSERTED BY DEFENDANTS	EVIDENTIARY SUPPORT IN OPPOSITION
<p>2. Updated utility allowances for eligible federal public housing residents were implemented on October 1, 2004 and made retroactive to September 1, 2004.</p>	<p>Partially contested insofar as Defendants have only updated the utility allowances with respect to utility rate changes that have occurred (i.e. Defendants have only updated the dollar allowances and not the consumption allowances). Defendants have not cited any support demonstrating that the allowances have been updated to account for changes in the basis upon which the utility allowances were established (i.e. the consumption allowances have not been updated). Additionally, Defendants have not certified to the accuracy of the information upon which the rate-based updates (i.e. the dollar allowance updates) were made, and the information submitted by Defendants to Plaintiffs' counsel regarding the utility allowances has been inconsistent. <i>See Declaration of Gavin K. Thornton, §§ 3-4.</i></p>
<p>3. Plaintiffs, through their counsel, were provided a preliminary schedule of the updated utility allowances for their review and comment, before they were implemented on October 1, 2004.</p>	<p>Uncontested.</p>

FACTS ASSERTED BY DEFENDANTS	EVIDENTIARY SUPPORT IN OPPOSITION
<p>4. Since October 1, 2004, HCDCH has complied with 24 C.F.R. § 965.507 in updating the utility allowances.</p>	<p>Contested. 24 C.F.R. § 965.507 requires that HCDCH review and revise utility allowances for changes to the utility rates (i.e. changes affecting the dollar allowances) and changes to the basis on which the utility allowance has been established (i.e. changes affecting the consumption allowances). None of the support cited by Defendants demonstrate that any public housing residents currently receive the consumption allowances proposed by the new rules that HCDCH is in the process of promulgating.</p>
<p>5. Pursuant to Chapter 91, Hawaii Revised Statutes, HCDCH has promulgated amendments to its administrative rules incorporating the provisions of 24 C.F.R. § 965.501-507, and the amended rules are awaiting final approval by Governor Lingle.</p>	<p>Partially contested. Promulgation of the rules is not complete until all the requirements of HRS § 91-3, including obtaining Governor Lingle's signature, are complete.</p>
<p>6. The annual review of the utility allowances and any required adjustments are now a mandatory operating procedure, the records of which will be available for periodic HUD review.</p>	<p>Uncontested.</p>

DATED: Honolulu, Hawaii, June 30, 2005.



 SHELBY ANNE FLOYD
 THOMAS E. BUSH
 GAVIN K. THORNTON
 Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

RODELLE SMITH, et al.,) CIVIL NO. CV04-00508 ACK/BMK
) Class Action
Plaintiff,)
v.) **DECLARATION OF GAVIN K. THORNTON;**
) **EXHIBITS "1"- "3"**
STEPHANIE AVEIRO, et al.,)
)
Defendants.)
_____)

DECLARATION OF GAVIN K. THORNTON

GAVIN K. THORNTON, under penalty of perjury, declares and states the following to be true and correct:

1. I am an attorney with the law firm of Lawyers for Equal Justice, counsel for Plaintiffs.
2. I make this declaration based on my personal knowledge and am competent to testify as to the matters set forth herein.
3. Throughout the course of this dispute, Defendants have provided counsel for Plaintiffs with information regarding the utility allowances in public housing that has been inconsistent and contradictory. Attached hereto as Exhibit "1" is a true and correct copy of a list of the utility allowances purportedly provided to public housing tenants submitted by HCDCH in an information request response dated November 5, 2003 (the cover letter for the response is attached as Exhibit 3 of the Separate and Concise Statement of Facts in Support of Plaintiffs' Motion for Partial Summary Judgment that was filed on March 16, 2005). A comparison of this document to the "Current utility allowance" columns of Exhibits "A" and "AA" of

Defendants' Memorandum in Opposition to Plaintiff's Motion for Partial Summary Judgment Filed on March 21, 2005 and in Support of Counter-Motion for Summary Judgment, which was filed on June 21, 2005, provides an example of the inconsistency of this information.

4. Attached hereto as Exhibit "2" is a true and correct copy of a July 30, 2004 letter to counsel for Defendants requesting clarification on inconsistencies in information provided by Defendants regarding the utility allowances. No response by Defendants was provided.

5. Attached hereto as Exhibit "3" is a true and correct copy of the public notice of hearings on HCDCH's proposed rules regarding the utility allowances, which, according to the notice, was published on April 22, 2005.

I declare under the penalty of perjury the foregoing is true and correct.

Executed in Honolulu, Hawaii, June 30, 2005.


GAVIN K. THORNTON

Federal LIPH Utility Allowance

AttachmentD1

Project ID	Name	\$ Utility Allowance					
		0	1	2	3	4	5
HI10P001003	Mayor Wright Homes		\$27	\$30	\$34	\$38	\$43
HI10P001004	Lanakila Homes		\$112	\$68	\$157	\$179	
HI10P001005	Kalihi Valley Homes		\$48	\$64	\$81	\$102	\$124
HI10P001007	Kuhio Homes						
HI10P001008	Palolo Valley Homes		\$39	\$49	\$60	\$74	\$88
HI10P001009	Kaahumanu Homes			\$30	\$34		
HI10P001010	Kuhio Park Terrace						
HI10P001011	Punchbowl Homes						
HI10P001012	Makua Alii						
HI10P001013	Lanakila Homes		\$112	\$133	\$157		
HI10P001014	Lanakila Homes		\$112	\$68	\$157	\$179	
HI10P001015	Wahiawa Terrace						
HI10P001016	David Malo Circle						
HI10P001017	Kahekili Terrace						
HI10P001018	Kapaa						
HI10P001019	Hale Hoolulu						
HI10P001020	Eleele						
HI10P001021	Hui O Hanamaulu						
HI10P001022	Kalaheo						
HI10P001023	Home Nani						
HI10P001024	Kalanihuiua						
HI10P001025	Waimanalo Homes						
HI10P001026	Puuwai Momi						
HI10P001027	Hale Laulima			\$56	\$70		
HI10P001028	Punahele			\$133			
HI10P001029	Pomaikai						
HI10P001030	Koolau Village		\$76	\$90	\$105	\$119	
HI10P001031	Hale Hauoli						
HI10P001032	Kaimalino						
HI10P001033	Maili I						
HI10P001035	Nanakuli Homes				\$82		
HI10P001036	Paoakalani						
HI10P001038	Waipahu I						
HI10P001039	Waipahu II						
HI10P001042	Maili II			\$67		\$100	
HI10P001044	Piilani						
HI10P001045	Pahala						
HI10P001046	Makamae						
HI10P001047	Pumehana						
HI10P001050	Kupuna Home O'Waialua						
HI10P001051	Hale Aloha O Puna						
HI10P001052	Hale Olaloa						
HI10P001053	Hale Hookipa						
HI10P001054	Hale Nani Kai O Kea						
HI10P001055	Hale Hoonanea						
HI10P001056	Kauhale Nani		\$34	\$42	\$51		
HI10P001057	Waimaha-Sunflower		\$48	\$64	\$81		
HI10P001061	Ka Hale Kahaluu		\$41	\$50	\$59	\$71	
HI10P001062	Kalakaua Homes		\$30	\$37	\$43		
HI10P001063	Nani Olu		\$66				
HI10P001064	Kekaha Ha'aheo		\$77	\$93	\$110		
HI10P001066	Salt Lake		\$43				

Federal LIPH Utility Allowance

AttachmentD1

Project ID	Name	\$ Utility Allowance					
		0	1	2	3	4	5
HI10P001069	Kaneohe Apartments		\$48	\$64			
HI10P001070	Kealakehe		\$41	\$50	\$59		
HI10P001071	Noelani I		\$56	\$77			
HI10P001072	Hookipa Kahaluu		\$43	\$56	\$70		
HI10P001073	Spencer House			\$30	\$34		
HI10P001078	Noelani II				\$70		
HI10P001086	Kawaiaehua				\$110		
HI10P001088	Kahale Mua				\$129		
HI10P001090	Kauhale Ohana				\$37		
HI10P001091	Kau'iokalani				\$34		
HI10P001092	Makani Kai Hale I				\$46		
HI10P001097a	Kauhale O'Hanakahi				\$74		
HI10P001097b	Ke Kumu 'Ekolu				\$74		
HI10P001097c	Makani Kai Hale II				\$46		
HI10P001099	Kamehameha Homes		\$56	\$73	\$97		

HI10P001069
 HI10P001070
 HI10P001071
 HI10P001072
 HI10P001073
 HI10P001078
 HI10P001086
 HI10P001088
 HI10P001090
 HI10P001091
 HI10P001092
 HI10P001097a
 HI10P001097b
 HI10P001097c
 HI10P001099

FACSIMILE COVER SHEET

Notice of Confidentiality

The information contained in this facsimile message is intended only for the personal and confidential use of the designated recipient(s) named below. This message may be an attorney-client communication, and as such, is privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering to the intended recipient, you are hereby notified that you have received this document in error, and that any review, dissemination, distribution or copy of this message is strictly prohibited. If you have received this communication in error, please notify Lawyers for Equal Justice immediately by telephone and return the original message to us by mail at our expense. Thank you.

TO: John Wong
OF: Office of the Attorney General

DATE: July 30, 2004
FAX: (808) 587-2938

FROM: Gavin Thornton
OF: Lawyers for Equal Justice

FAX: (808) 263-2591

RE: *Smith v. Aviero; Amone v. Aviero (not filed)*

DESCRIPTION OF DOCUMENT(S) TRANSMITTED: (# of Pgs. including cover):

3 Pages: Cover; July 30th Letter

REMARKS:

Please see the letter that follows.

(If you do not receive all pages or if they are illegible, please call (808) 322-3045)

EXHIBIT 2



LAWYERS FOR EQUAL JUSTICE

P.O. Box 4984
Kailua-Kona, HI 96745
(808) 322-3045

David Reber, Esq.
President, Board of Directors

Susan Dorsey, Esq.
Executive Director

July 30, 2004

Mr. John C. Wong Esq.
Office of the Attorney General
Facsimile: (808) 587-2938
Sent via Facsimile

Re: *Smith v. Aviero; Amone v. Aviero (not filed)*

Dear Mr. Wong:

I received the materials that you sent earlier this week. Thank you very much for putting them together and forwarding them to us. I spoke with Ms. Floyd yesterday, and she had mentioned that you might be willing to track down additional information regarding the issues with the utility allowance. There are a few additional items listed below that will be helpful in getting these issues resolved.

Ms. Floyd asked me to clarify regarding the disability information that will be needed. Along with the number of disabled tenants in public housing, we would like to know the following if HCDCH has such information:

1. Does HCDCH have data regarding the number of disabled tenants *by project*?
2. Is the information regarding disabled tenants only gathered upon application to public housing, or is it regularly updated during a resident's tenancy?
3. How far back in time has HCDCH kept such information?
4. Does HCDCH have projects with "check-metered" utility systems (i.e. the utilities are not billed directly to the tenants, but tenants are charged by HCDCH or management if their consumption exceeds the allowances in terms of kWh or Therms)? If so, disabled tenants of those projects would be entitled to an adjustment to their allowance as well those tenants paying their utilities directly. Would it be possible to get a list of such projects?

There are also a few inconsistencies that I noticed during a preliminary review of the information HCDCH provided that will eventually need to be cleared up. They are listed below.

Mayor Wright Homes

- Earlier information said tenants receive allowances for Basic only. Recent information says Basic + Individual Solar.

Lanakila Homes I

- Earlier information said tenants receive allowances for Basic + LPN Cooking + LPN Ind HW. Recent information says Basic + Electric Cooking + LPN Cooking + LPN Ind HW.

Maile I

- Earlier information did not have Maile I listed as receiving a utility allowance. Recent information says Maile I tenants pay Basic + Cooking + Ind Solar.

Waimaha-Sunflower

- Earlier information did not distinguish between Ph I, II, and III. Is there information about how many units are in each?
- What does "shared" mean under Ind Solar for Ph II?

Kalakaua Homes

- Is there information about how many units are in Kalakaua Homes versus Kalakaua Homes low rise?

Again, thank you for all of your help. If there is anything I can do to clarify the materials we sent earlier, please do not hesitate to call. I am looking forward to meeting you on Tuesday.

Sincerely,



Gavin Thornton
Staff Attorney

NOTICE OF PUBLIC HEARING

Pursuant to Sections 91-3 and 92-41, Hawaii Revised Statutes, notice is hereby given that the Housing and Community Development Corporation of Hawaii (HCDCH), Department of Human Services (DHS), State of Hawaii, will hold public hearings on May 23, 2005 at 6:00 p.m. to consider the adoption of Chapters 17-2021 "Grievance Procedure," and 17-2028 "Federally-Assisted Housing Projects", Hawaii Administrative Rules (HAR) and the repeal of Chapters 15-183 "Grievance Procedure," and 15-190, "Federally-Assisted Housing Projects", HAR.

Act 92, Session Laws of Hawaii 2003 transferred the HCDCH from the Department of Business, Economic Development, and Tourism (DBEDT) to DHS for administrative purposes. Act 92 became effective on July 1, 2003. As a result of the transfer the appropriate chapter for administrative rules promulgated by HCDCH, formerly Title 15, is now Title 17, the title allocated to DHS. Accordingly, HCDCH's existing rules must be renumbered. The means by which this will be accomplished is to repeal the relevant rule in Title 15 and repromulgate it in Title 17. At the same time, the HCDCH has reviewed these rules and made revisions where necessary.

Adoption of Chapter 17-2021 and Repeal of Chapter 15-183

The grievance procedure is a federal requirement for federally-assisted public housing to assure that a public housing authority (PHA) tenant is afforded an opportunity for a hearing if the tenant disputes within a reasonable time any PHA action or failure to act involving the tenant's lease with the PHA or PHA regulations which adversely affect the individual tenant's rights, duties, welfare, or status. The HCDCH has also extended the grievance procedure requirement to state-assisted family public housing.

The purpose and applicability sections of the rules were changed to clarify that the grievance rules are intended to govern grievance hearings for tenants of federally-assisted public housing projects and state-assisted family public housing projects.

The Housing Opportunity Program Extension Act, Public Law 104-120, requires public housing agencies to make illegal drug use, alcohol abuse, and drug-related criminal activity grounds for eviction and disqualification from public housing and Section 8 assistance. The proposed rules state that the HCDCH shall terminate a rental agreement for those reasons.

A new subchapter was added to create an expedited grievance hearing procedure. The expedited procedure would apply to any grievance concerning the termination of a rental agreement for criminal activity threatening the health, safety, or right to peaceful enjoyment of other residents, or drug-related criminal activity. Under the expedited procedure, the grievance hearing may be scheduled promptly.

References to "hearing panel" throughout the rules were deleted, as under the new hearing officer selection method, there is no need for a three-person panel to hear grievances.

Time limits throughout the rules were shortened, in response to HUD's recommendations, as follows:

- a. For resident to commence grievance involving HCDCH's acts or omissions: within ten business days of the act or omission (formerly thirty calendar days). §17-2021-2(c).
- b. For resident to commence grievance involving HCDCH's rules: within ten business days (formerly ninety calendar days). §17-2021-2(d).
- c. For HCDCH to prepare written summary of informal settlement discussion: within five business days (formerly fifteen calendar days). §17-2021-10(b).
- d. For resident to submit written request for hearing: ten business days after receipt of written summary (formerly thirty calendar days). §17-2021-11(a).
- e. For hearing officer to prepare written decision: ten business days after hearing (formerly "a reasonable time"). §17-2021-21(a).
- f. For HCDCH to overturn hearing officer's decision: ten business days after written decision is issued (formerly thirty calendar days). §17-2021(b).
- g. In expedited grievances, for resident to request hearing: within five business days from written notice of violation (formerly proposed as ten calendar days). §17-2021-31.

In section 17-2021-2(e), where the HCDCH has discretion to waive the prescribed time limits for requesting a grievance hearing, such waiver is to be made in writing with reasons given for the waiver, to eliminate verbal waivers or potential for accidental waivers.

In section 17-2021-10, language is added to require residents to invoke their right to the grievance procedure explicitly at the project office, to eliminate potential for casual complaints to be construed as a request for formal grievance.

In section 17-2021-11(c), where HCDCH has discretion to waive the time limit for written hearing requests, it is clarified that such waivers must be in writing with reasons given.

In section 17-2021-11, a new subsection (d) is added clarifying that if the parties agree to a written resolution of the dispute, the grievance is terminated.

Section 71-2021-21(d) is amended to provide that requests for grievance made while an eviction proceeding is pending shall not interfere with the progress of the eviction. During the pendency of the grievance, the clock is stopped on the eviction. After the final decision, the eviction proceedings will continue from where it was, rather than reverting back to the start.

Section 17-2021-30(b) is amended to clarify that informal grievance settlement procedures are not available under the expedited grievance process.

Adoption of Proposed Chapter 17-2028 and Repeal of Chapter 15-190

In addition to renumbering these rules, Section 17-2028-7 of the proposed rules is amended to update the utility allowance schedule for residents of federally-assisted public housing projects administered by the HCDCH. It also adds new language detailing the methodology for calculating utility allowances, and provides for annual updates of the utility allowances.

The methodology to derive and update the utility allowance schedule is as follows:

1. The methodology for calculating utility allowances consists of two parts. The first is to determine the quantity allowance and the second is to determine the utility rate.
2. To update the quantity allowance, units of the various sizes in a sampling of different types of developments are surveyed to determine the types of existing equipment as well as to identify any factors affecting energy efficiency.
3. The allowances for lighting are developed based on a field survey of various units to determine the number of fixtures. All lighting was assumed to be incandescent until such time that all developments are converted to fluorescent lighting. The number of fixtures, watts per fixture and hours of use per day are factors used to determine the kilowatt hour per month for each unit size.
4. The allowances for miscellaneous electric equipment are developed based upon average usage of the following equipment: television, radio, small appliances and fans.
5. The allowance for refrigerators is based on a new non-energy efficient model until energy efficient models are procured. A 14 cubic foot using 155 kilowatt hours per month is assumed for 0, 1 and 2 bedroom units and a 16 cubic foot model using 165 kilowatt hours per month is assumed for a 3, 4 and 5 bedroom units. When all refrigerators are replaced with energy efficient models, this allowance may be reduced.
6. Allowances for cooking are 930 kilowatt hours per year for 0, 1, and 2 bedroom units, and 1140 kilowatt hours per year for 3, 4, and 5 bedroom units, respectively.

2. The annual update will be completed no later than March 15th so that the new allowances can be utilized for the development of the operating budget approximately 90 days in advance of the fiscal year.
3. The new allowances shall be posted and noticed to residents at least sixty (60) days prior to the implementation date. Once the notice and comment period is complete, the new allowances will go to the Board of Directors for adoption. The implementation date for new allowances will be the first day of the State fiscal year, July 1.
4. Implementation of all allowances or components of allowances, by utility, is required when there is more than a 10% change from the existing to the proposed. In order to be able to keep track of cumulative changes, however, the Corporation will implement all changes each year. In cases when a utility is granted a substantial rate increase in between the annual review, a mid-year allowance adjustment may be required.

Public hearings will be held on May 23, 2005 at 6:00 p.m. at the places listed below.

- | | |
|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Oahu | Lanakila School Cafeteria
717 N. Kuakini Street
Honolulu, Hawaii 96817 |
| Hawaii | Lanakila Recreation Center
600 Wailoa Street
Hilo, Hawaii 96720

Kealakehe Elementary School
74-5118 Kealaka'a Street
Kailua-Kona, Hawaii 96740 |
| Kauai | Hale Nana Kai O Kea Community Hall
4850 Kawahau Road
Kapaa, Hawaii 96746 |
| Maui | Makani Kai Hale Hall
35 Koapaka Lane
Waiehu, Hawaii 96793 |

All interested persons are invited to attend the hearing and state their views relative to the proposed rule either orally or in writing. Should written testimony be presented, five copies shall be made available to the presiding officer at the public hearing or within seven days before the hearing to:

HCDCH
Attention: Mavis Masaki
677 Queen Street, Suite 300
Honolulu, Hawaii 96813

Copies of the proposed rules are available for review at the HCDCH administrative office located at 677 Queen Street, Suite 300 or 1002 N. School Street, Building J and at project area management offices during regular business days and hours between 7:45 a.m. and 4:30 p.m. Copies are also available on the HCDCH web site at <http://www.hcdch.hawaii.gov>, and regional public libraries. Copies of the proposed rules may also be mailed to any interested person upon advance payment of the following copying and postage costs:

Chapter 17-2021	\$ 2.30
Chapter 17-2028	\$10.68

Written requests for mailed copies of the proposed rules should be sent to the HCDCH at the address noted above or by calling the numbers listed below:

Honolulu	587-0634
Hawaii	974-4000, ext. 70634
Kauai	274-3141, ext. 70634
Maui	984-2400, ext. 70634
Molokai or Lanai	1-800-468-4644, ext. 70634

If special accommodations for the public hearings are needed (i.e., large print, taped materials, sign language interpreter, etc.), please make all requests to HCDCH at least ten (10) working days prior to the hearing by calling Ms. Medy Esmena at the phone number listed above.

STEPHANIE AVEIRO
EXECUTIVE DIRECTOR
HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII
STATE OF HAWAII

Date of Publication: April 22, 2005



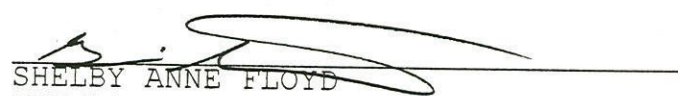
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was duly served upon the following party on this date, by depositing said copy, postage prepaid, first class, in the United States Post Office, at Honolulu, Hawaii, addressed as set forth below:

MARK BENNETT
Attorney General
JOHN WONG, ESQ.
MARGARET LEONG, ESQ.
Office of the Attorney General
Kekuanao'a Building, Room B-2
465 South King St.
Honolulu, Hawai'i 96824

Attorneys for Defendants

DATED: Honolulu, Hawaii, June 30, 2005.


SHELBY ANNE FLOYD
THOMAS E. BUSH
GAVIN THORNTON
Attorneys for Plaintiffs