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State's a slumlord, suit says

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A class-action lawsuit filed yesterday against the Hawai'i Public Housing Authority alleges tenants at Kuhio Park Terrace and Kuhio Homes, two of the oldest and largest public housing projects in the state, are living in squalid, unsanitary conditions, with elevators that don't work, apartments infested by roaches and rats and faulty sewage lines that cause "brown wastewater to fill housing units."

The suit, filed in U.S. District Court, also says disabled tenants are not being afforded bare-bones accommodations, including accessible showers.

"It's tragic today that we find the state ... (as) the largest slum landlord we have," said Victor Geminiani, Lawyers for Equal Justice executive director, at a news conference at Kuhio Park Terrace. "We represent a group of low-income, disabled tenants that have been forced to endure these horrendous conditions" for years.

Lawyers for Equal Justice and several private attorneys volunteering their services for free filed the class-action suit and a companion complaint that seeks rent rebates for tenants at Kuhio Park Terrace. Six public housing tenants are named in the class-action, which asks for unspecified damages and a court mandate to improve conditions.

One of those tenants, Kathy Vaiola, 51, is in a wheelchair and unable to get to her second-floor bathroom. Vaiola, whose left foot was amputated after an infection five years ago, said she bathes herself in her kitchen sink and is forced to keep a portable toilet in her living room. She has been asking for an accessible unit for years.

"I just got to deal with it," the Kuhio Homes resident said. "Maybe one day I'll get lucky."

\$684 million shortfall

Chad Taniguchi, executive director of the Hawaii Public Housing Authority, said yesterday that he had not seen the lawsuits and could not comment on them. But he did say that the agency is working to improve conditions at aging public housing projects. And, he said, it's doing so with a shrinking budget and mounting shortfalls.

"We care deeply about the safety and well-being of all public housing residents," Taniguchi said.

He said the state is in the midst of addressing the elevators, trash chutes and fire alarm at Kuhio Park Terrace, all of which were mentioned in the class-action. Taniguchi said a \$1.6 million contract was recently awarded to replace the fire alarms at KPT, and the agency recently received a low bid of \$884,000 to fix the trash chutes, which are corroded and frequently clog. The state also received a \$4.1 million low bid to replace the KPT elevators.

There are six elevators at KPT and they often break down. The state wants to replace all of them.

"We know that we have an aging housing stock," Taniguchi said. "But we're doing what we can."

The class-action suit comes as public housing projects statewide are falling into disrepair because of inadequate funding and years of little action. The state has an estimated \$320 million in backlogged

capital needs, more than 413 vacant units, and a host of emergency maintenance concerns, from no hot water to sewer lines that back up.

This summer, the state kicked off a major "turnaround plan" to clean up projects, revamp vacant units and streamline how applications are processed. Taniguchi said the housing authority is making progress with its plan, but said only so much can be done with limited funding.

The housing authority has estimated that over the next 30 years, its 83 housing developments statewide will need nearly \$1 billion in improvement projects — everything from replacing old sewer lines to fixing structural issues, to painting.

The authority has also projected a shortfall for those projects of \$684 million — more than half the total.

At Kuhio Park Terrace alone, the largest public housing project in Hawai'i, there is an estimated \$67 million in improvement needs right now, according to a 2003 assessment, the most recent available.

oversight possible

Kuhio Park Terrace, with 614 units in two 16-floor towers, opened in February 1965. It is the last remaining public housing high-rise west of the Rockies, officials have said.

Kuhio Homes, a low-rise complex with 134 units, opened in 1953.

Residents at public housing projects pay monthly rents ranging from \$26 to more than \$1,000 for units that include a stove and a refrigerator and range from studios to five-bedroom apartments. Rents are based on how much a tenant earns and are no greater than 30 percent of a household's gross income.

The class-action suit, Geminiani said, is meant to force the state to improve conditions at Kuhio Park Terrace and Kuhio Homes. He acknowledged that Taniguchi "inherited" many of the problems and also said that the public housing authority has been working to improve conditions. But, he said, the pace of work is unacceptable and does not do enough to reverse longstanding inadequacies.

"The cases are aimed at immediately reversing the downward trends that have occurred at KPT and KH for a number of years in terms of the conditions," Geminiani said. "There's been a downward spiral."

Geminiani said the class-action suit could result in the appointment of a special master, who would oversee improvements at Kuhio Park Terrace and Kuhio Homes.

"It's going to require a comprehensive plan," he said, adding that improvements won't come cheap. "It's going to have to be a significant amount of dollars."

dangerous and filthy

One of the big questions is how the state would pay for any mandated improvements. The recession has the state facing a mounting deficit and the Lingle administration is calling for cuts of 10 to 20 percent for every state department. And, though the state is looking to redevelop some of its most decrepit public housing properties — with models that would add higher-income units — it's likely to be several years before any construction starts.

The class-action suit filed yesterday in U.S. District Court alleges:

- Tenants at KPT and Kuhio Homes live in "hazardous conditions," with leaking and bursting plumbing, broken elevators, overflowing and burning trash piles, rat and roach infestations and a regular lack of hot water. Last year, KPT and Kuhio Homes failed U.S. Department of Housing and Urban Development inspections. KPT received a score of 40, on a 100-point scale. Kuhio Homes received 58 points. A score of 60 passes.

- The public housing authority is not following federal inspection and maintenance standards at Kuhio Park Terrace and Kuhio Homes, including not meeting performance targets in annual improvement plans submitted to HUD. The suit noted that HUD considered HPHA a "troubled agency" from 2002 to 2005.
- The agency has failed to ensure compliance with the Americans with Disabilities Act.
- KPT has no fire evacuation plan, no building-wide fire alarm system and has had persistent fire code violations. Geminiani said this is particularly troubling because of a history of Dumpster and other fires at KPT. In 2007, the suit said, firefighters responded to KPT at least 60 times for fires in Dumpsters and other areas.

suits spur change

Michael Kelly, president of the Council of Large Public Housing Authorities, said class-action lawsuits over conditions at public housing projects have been filed across the country in the past 20 years as facilities age.

But he said they have become less common as more housing authorities either rehabilitate housing developments or tear them down.

"They're not as frequent as they used to be," said Kelly, who is the executive director of the District of Columbia Housing Authority, which faced its own class-action suit in the mid-1990s.

That suit led to a court-ordered receivership of the public housing authority. It also spurred the formation of the current authority, which is a quasi-independent agency with commissioners.

Kelly could not comment on the suit filed yesterday, but said sometimes such suits result in improvements.

"I think that we here in the District of Columbia are enjoying one of the real successes" of a class-action, he said.
