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*Attorneys for Plaintiffs*

MICHAEL TUTTLE, CHI PILIALOHA GUYER,  
JOSEPH VU, and SHAZADA RAYLEEN YAP

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII**

MICHAEL TUTTLE, CHI PILIALOHA ) Civil No. 18-cv-00218-JAO-KJM  
GUYER, JOSEPH VU, and SHAZADA )  
RAYLEEN YAP, )

Plaintiffs, )

vs. )

FRONT STREET AFFORDABLE ) **PLAINTIFFS’ CONCISE**  
HOUSING PARTNERS, a domestic ) **STATEMENT OF MATERIAL**  
limited partnership, 3900 LLC, a foreign ) **FACTS IN SUPPORT OF THEIR**  
limited liability company and HAWAII ) **MOTION FOR SUMMARY**  
HOUSING FINANCE & ) **JUDGMENT ON THEIR FIRST,**  
DEVELOPMENT CORPORATION, ) **SECOND, AND THIRD CLAIMS**  
) **FOR RELIEF**

Defendants. )  

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In support of Plaintiffs’ Motion for Summary Judgment, and pursuant to LR 56.1(a) and (c), Plaintiffs submit this Concise Statement of Material Facts:

1. Plaintiffs incorporate by reference the Plaintiffs’ and Defendants’ Joint Statement of Stipulated Facts (“JSSF”) filed with this Court on October 19, 2018, at ECF 42.

2. Plaintiffs Michael Tuttle, Chi Pilialoha Guyer, and Joseph Vu are current tenants/occupants of the Front Street Apartments located at 2001 Kenui Place, Lahaina, Hawai’i 96761. Declaration of Michael Tuttle ¶ 2 (attached here as

**Exhibit 1**); Declaration of Chi Piliialoha Guyer ¶ 2 (attached here as **Exhibit 2**); Declaration of Joseph Vu ¶ 2 (attached here as **Exhibit 3**).

3. Plaintiffs Michael Tuttle, Chi Piliialoha Guyer, and Joseph Vu meet the income requirements to qualify for housing assistance under the Low-Income Housing Tax Credit program (“LIHTC”). **Exhibit 1** ¶¶ 3–4; **Exhibit 2** ¶¶ 3–4; **Exhibit 3** ¶¶ 3–4.

4. Front Street Affordable Housing Partners, Hawai’i Housing Finance and Development Corp. (“HHFDC”), and 3900 LLC did not seek or obtain the consent of any of the Plaintiffs, including Plaintiffs Michael Tuttle, Chi Piliialoha Guyer, and Joseph Vu, before HHFDC executed a Release of Declaration of Restrictive Covenants for Low-Income Housing Credits for the Front Street Apartments on December 16, 2016. **Exhibit 1** ¶ 5; **Exhibit 2** ¶ 5; **Exhibit 3** ¶ 5.

5. If the LIHTC use restrictions are lifted from the Front Street Apartments Plaintiffs Michael Tuttle, Chi Piliialoha Guyer, and Joseph Vu will no longer be able to afford to rent an apartment there. **Exhibit 1** ¶ 6; **Exhibit 2** ¶ 6; **Exhibit 3** ¶ 6.

Dated: October 19, 2018

Respectfully submitted,

/s/ Lance D. Collins

LAW OFFICE OF LANCE D. COLLINS  
*Attorney for Plaintiffs* MICHAEL TUTTLE,  
CHI PILIALOHA GUYER, JOSEPH VU,  
and SHAZADA RAYLEEN YAP

/s/ M. Victor Geminiani

LAWYERS FOR EQUAL JUSTICE  
*Attorney for Plaintiffs* MICHAEL TUTTLE,  
CHI PILIALOHA GUYER, JOSEPH VU,  
and SHAZADA RAYLEEN YAP

/s/ Joseph L. Lambert

HOGAN LOVELLS US LLP  
*Attorney for Plaintiffs* MICHAEL TUTTLE,  
CHI PILIALOHA GUYER, JOSEPH VU,  
and SHAZADA RAYLEEN YAP

# **EXHIBIT 1**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII**

MICHAEL TUTTLE, CHI PILIALOHA ) Civil No. 18-cv-00218-JAO-KJM  
GUYER, JOSEPH VU, and SHAZADA )  
RAYLEEN YAP, )

Plaintiffs, )

vs. )

**DECLARATION OF MICHAEL  
TUTTLE**

FRONT STREET AFFORDABLE )  
HOUSING PARTNERS, a domestic )  
limited partnership, 3900 LLC, a foreign )  
limited liability company and HAWAII )  
HOUSING FINANCE & )  
DEVELOPMENT CORPORATION, )

Defendants. )

I, Michael Tuttle, declare as follows:

1. I am over the age of 18, under no disability, and competent to testify about the matters in this declaration. I have personal knowledge of the facts in this declaration, all of which are true and correct to the best of my knowledge, information, and belief.

2. I currently am a resident of the Front Street Apartments located at 2001 Kenui Place, Lahaina, Hawai'i 96761. I have been a resident of the Front Street Apartments since 2015. My current address at the Front Street Apartments is 1001 Kenui Circle, Lahaina, Hawaii 96761.

3. I qualify to live in the Front Street Apartments because my income qualifies me for rent assistance under the federal Low-Income Housing Credit (“LIHTC”) program.

4. In 2017, my income was \$48,284.00.

5. Front Street Affordable Housing Partners, Hawai’i Housing Finance and Development Corp. (“HHFDC”), and 3900 LLC did not seek or obtain my consent before HHFDC executed a Release of Declaration of Restrictive Covenants for Low-Income Housing Credits for the Front Street Apartments on December 16, 2016 (the “Release”).

6. If the LIHTC use restrictions are lifted from the Front Street Apartments, I will no longer be able to afford to live there and will be forced to move.

\* \* \*

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 16, 2018.



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Michael Tuttle

## **EXHIBIT 2**



**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII**

MICHAEL TUTTLE, CHI PILIALOHA ) Civil No. 18-cv-00218-JAO-KJM  
GUYER, JOSEPH VU, and SHAZADA )  
RAYLEEN YAP, )

Plaintiffs, )

vs. )

**DECLARATION OF CHI  
PILIALOHA GUYER**

FRONT STREET AFFORDABLE )  
HOUSING PARTNERS, a domestic )  
limited partnership, 3900 LLC, a foreign )  
limited liability company and HAWAII )  
HOUSING FINANCE & )  
DEVELOPMENT CORPORATION, )

Defendants. )

I, Chi Pilialoha Guyer, declare as follows:

1. I am over the age of 18, under no disability, and competent to testify about the matters in this declaration. I have personal knowledge of the facts in this declaration, all of which are true and correct to the best of my knowledge, information, and belief.

2. I currently am a resident of the Front Street Apartments located at 2001 Kenui Place, Lahaina, Hawai'i 96761. I have been a resident of the Front Street Apartments since 2010. My current address at the Front Street Apartments is 821 Kenui Circle, Lahaina, Hawaii 96761.

3. I qualify to live in the Front Street Apartments because my income qualifies me for rent assistance under the federal Low-Income Housing Credit (“LIHTC”) program.

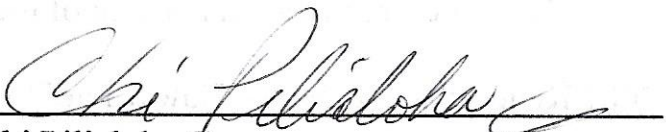
4. In 2017, my income was \$11,656.

5. Front Street Affordable Housing Partners, Hawai’i Housing Finance and Development Corp. (“HHFDC”), and 3900 LLC did not seek or obtain my consent before HHFDC executed a Release of Declaration of Restrictive Covenants for Low-Income Housing Credits for the Front Street Apartments on December 16, 2016 (the “Release”).

6. If the LIHTC use restrictions are lifted from the Front Street Apartments I will no longer be able to afford to live there and will be forced to move.

\* \* \*

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 16, 2018.

  
Chi Piliialoha Guyer

## **EXHIBIT 3**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII**

MICHAEL TUTTLE, CHI PILIALOHA ) Civil No. 18-cv-00218-JAO-KJM  
GUYER, JOSEPH VU, and SHAZADA )  
RAYLEEN YAP, )

Plaintiffs, )

vs. )

**DECLARATION OF JOSEPH VU**

FRONT STREET AFFORDABLE )  
HOUSING PARTNERS, a domestic )  
limited partnership, 3900 LLC, a foreign )  
limited liability company and HAWAII )  
HOUSING FINANCE & )  
DEVELOPMENT CORPORATION, )

Defendants. )

I, Joseph Vu, declare as follows:

1. I am over the age of 18, under no disability, and competent to testify about the matters in this declaration. I have personal knowledge of the facts in this declaration, all of which are true and correct to the best of my knowledge, information, and belief.

2. I am currently a resident of the Front Street Apartments located at 2001 Kenui Place, Lahaina, Hawai'i 96761. I have been a resident of the Front Street Apartments since 2001. My current address at the Front Street Apartments is 1001 Kenui Circle, Lahaina, Hawaii 96761.

3. I qualify to live in the Front Street Apartments because my income qualifies me for rent assistance under the federal Low-Income Housing Credit (“LIHTC”) program.


4. In 2017, my income was \$ 13,987.00.

5. Front Street Affordable Housing Partners, Hawai’i Housing Finance and Development Corp. (“HHFDC”), and 3900 LLC did not seek or obtain my consent before HHFDC executed a Release of Declaration of Restrictive Covenants for Low-Income Housing Credits for the Front Street Apartments on December 16, 2016 (the “Release”).

6. If the LIHTC use restrictions are lifted from the Front Street Apartments I will no longer be able to afford to live there and will be forced to move.

\* \* \*

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 16, 2018.

  
\_\_\_\_\_  
Joseph Vu

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII**

MICHAEL TUTTLE, CHI PILIALOHA ) Civil No. 18-cv-00218-JAO-KJM  
GUYER, JOSEPH VU, and SHAZADA )  
RAYLEEN YAP, )

Plaintiffs, )

vs. )

**CERTIFICATE OF**

FRONT STREET AFFORDABLE )  
HOUSING PARTNERS, a domestic )  
limited partnership, 3900 LLC, a foreign )  
limited liability company and HAWAII )  
HOUSING FINANCE & )  
DEVELOPMENT CORPORATION, )

**COMPLIANCE**

Defendants. )  

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Pursuant to L.R. 7.5(e), I hereby certify that the preceding Concise Statement of Material Facts uses 14 point Times New Roman, consists of 2 pages and 270 words, not including the case caption, exhibits, certificate of service, signature block, or certificate of compliance. Accordingly, I certify that the document complies with the page and word limits of L.R. 56.1(d).

/s/ Stephanie Rummery  
Stephanie Rummery

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII**

MICHAEL TUTTLE, CHI PILIALOHA ) Civil No. 18-cv-00218-JAO-KJM  
GUYER, JOSEPH VU, and SHAZADA )  
RAYLEEN YAP, )

Plaintiffs, )

vs. )

**CERTIFICATE OF SERVICE**

FRONT STREET AFFORDABLE )  
HOUSING PARTNERS, a domestic )  
limited partnership, 3900 LLC, a foreign )  
limited liability company and HAWAII )  
HOUSING FINANCE & )  
DEVELOPMENT CORPORATION, )

Defendants. )  
\_\_\_\_\_

I certify that on October 19, 2018, I filed **Concise Statement of Material Facts in Support of Their Motion for Summary Judgment on Their First, Second, and Third Claims for Relief** with the Clerk of Court for the United States District Court for the District of Hawai'i using the CM/ECF system, which will serve the document on all counsel of record.

/s/ Stephanie Rummery  
Stephanie Rummery