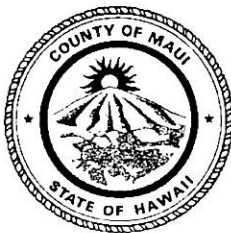


MICHAEL P. VICTORINO  
Mayor

MOANA M. LUTEY  
Corporation Counsel

RICHELLE M. THOMSON  
First Deputy

LYDIA A. TODA  
Risk Management Officer



DEPARTMENT OF THE CORPORATION COUNSEL  
COUNTY OF MAUI  
200 SOUTH HIGH STREET, 3<sup>RD</sup> FLOOR  
WAILUKU, MAUI, HAWAII 96793  
EMAIL: [CORPCOUN@MAUICOUNTY.GOV](mailto:CORPCOUN@MAUICOUNTY.GOV)

March 8, 2022

Via email only at [county.clerk@mauicounty.us](mailto:county.clerk@mauicounty.us)

Honorable Alice L. Lee, Chair  
and Members of the Council  
County of Maui  
Wailuku, Hawaii 96793

RECEIVED  
2022 MAR -8 PM 4:05  
OFFICE OF THE  
COUNTY CLERK

SUBJECT: LYNCH, DONNA V. KA HALE A KE OLA HOMELESS  
RESOURCE CENTERS, INC. ET AL.; CASE 09-21-5673-8

Dear Chair Lee and Council Members:

Please find attached a proposed resolution entitled "AUTHORIZING SETTLEMENT OF LYNCH, DONNA V. KA HALE A KE OLA HOMELESS RESOURCE CENTERS, INC., CASE 09-21-5673-8." The purpose of the proposed resolution is to obtain authority to settle this case.

This matter is time sensitive. May I request that the proposed resolution be scheduled for discussion and action, or referral to the appropriate standing committee as soon as possible, but no later than March 31, 2022. Also attached is the Complaint filed in this matter with the U.S. Department of Housing and Urban Development.

It is anticipated that an executive session may be necessary to discuss questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and/or the Committee.

Should you have any questions or concerns, please do not hesitate to contact us. Thank you for your anticipated assistance in this matter.

Honorable Alice L. Lee, Chairperson  
County of Maui Council  
March 8, 2022  
Page | 2

Sincerely,

/s/ Brian A. Bilberry  
BRIAN A. BILBERRY  
Deputy Corporation Counsel

Attachments



# REQUEST FOR LEGAL SERVICES

RECEIVED  
CORPORATION COUNSEL

DATE: 06/15/2021

From: Lori Tshako

'21 JUN 16 P3:52

Department/Division: Housing and Human Concerns / Administration

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL

Attention: Thomas Kolbe - Deputy Corporation Counsel

Subject: HUD Fair Housing Complaint - Lynch, Donna v. Ka Hale A Ke Ola Homeless Resource Centers, Inc.

## Background Data:

The attached complaint was received by DHHC on 6/15/21 and names the County as a Respondent. Package includes cover letter from HUD, Invitation to Conciliation, Data Requests, and Complaint Summary.

Work Requested:

☐  
☒

FOR APPROVAL AS TO FORM AND LEGALITY

OTHER: Guidance regarding complaint

Requestor's Signature 	Contact Person: Lori Tshako  (Telephone Extensions: 7478 Email: LoriAnn.Tshako@co.maui.hi.us
---------------------------	----------------------------------------------------------------------------------------------------------

☐

ROUTINE (WITHIN 15 WORKING DAYS)

☒

PRIORITY (WITHIN 10 WORKING DAYS)

☐

RUSH (WITHIN 5 WORKING DAYS)

☐

URGENT (WITHIN 3 WORKING DAYS)

☐

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES):

REASON:

## ↓ FOR CORPORATION COUNSEL'S RESPONSE ↓

ASSIGNED TO:	ASSIGNMENT NO.	BY:
--------------	----------------	-----

TO REQUESTOR: [ ] APPROVED [ ] DISAPPROVED [ ] OTHER (SEE COMMENTS BELOW)  
[ ] RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS

AS NOTED:

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE):

DEPARTMENT OF THE CORPORATION COUNSEL

Date

By (Rev. 10/2011)



**RECEIVED  
HHC-HOUSING DIVISION**

**2021 JUN 15 AM 9:39**



**COUNTY OF MAUI**

U.S. Department of Housing and Urban Development  
Office of Fair Housing and Equal Opportunity - Region IX  
One Sansome Street, Suite 1200  
San Francisco, CA 94104-4430  
Voice: (800) 347-3739 TTY: (415) 489-6564  
TTY: (415) 489-6564

June 4, 2021

County of Maui, Hawaii  
200 S High Street  
Wailuku, HI 96793

Dear Respondent:

Subject: Housing Discrimination Complaint  
Lynch, Donna v. Ka Hale A Ke Ola Homeless Resource Centers, Inc.  
HUD File No.: 09-21-5673-8  
Section 504 Case No.: 09-21-5673-4  
ADA Case No.: 09-21-5673-D  
Section 109 Case No.: 09-21-5673-9

We have received a formal complaint alleging that you have engaged in one or more discriminatory housing practices under the Federal Fair Housing Law, 42 U.S.C. Sections 3601-3619. We are required by statute to send you a copy of the complaint.

We are enclosing a copy of the complaint for you. The alleged discriminatory practices are identified in this complaint. We have made no determination as to whether the complaint against you has merit.

The purpose of this letter is to inform you of: 1) the rights you have in responding to this complaint, 2) the rights each complainant has, and 3) the steps the U.S. Department of Housing and Urban Development (the Department) will take to determine whether the complaint has merit.

Since a respondent organization is a recipient of federal financial assistance, the complaint has also been accepted and will be investigated by the Department under Section 504 of the Rehabilitation Act of 1973 as amended.

Section 504 states:

No otherwise qualified individual with handicaps in the United States... shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Since a respondent is also a "public entity" as defined by Section 201 of the Americans

with Disabilities Act (ADA), the complaint has also been accepted and will be investigated by the Department under Title II of the ADA as amended.

**Title II states:**

**Subject to the provisions of this title, no qualified individual with disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subject to discrimination by any such entity.**

Since a respondent organization is also a recipient of Community Development Block Grant funds, the complaint has been accepted and will be investigated under Section 109 of the Housing and Community Development Act of 1974.

**Section 109 states:**

**No person in the United States shall, on the ground of race, color, sex, religion, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity funded in whole or in part with funds made available under this chapter.**

In order to ensure that the Department informs you properly of the law's requirements, this notification letter contains language required by the law. A similar letter is used to notify all parties whenever a formal complaint has been filed with the Department under the Federal Fair Housing Law.

We are governed by federal law, which sets out what steps we must take when a formal complaint is filed. The law also includes steps that you can take to answer or refute the allegations of this complaint.

Under federal law, any answer from you to this complaint can be filed within 10 calendar days of your receipt of this letter or receipt of a letter notifying you of any amendments to this complaint. Your answer must be signed and you must affirm that you have given a truthful response by including the statement "I declare under penalty of perjury that the foregoing is true and correct." Your answer to the complaint may be submitted by email to the email address listed at the bottom of this letter.

You will be allowed to amend your statement at any time, if our investigation shows that it is reasonable and fair for you to do so.

Our responsibility under the law is to undertake an impartial investigation and, at the same time, encourage all sides to reach an agreement, where appropriate, through conciliation. The law requires us to complete our investigation within 100 days of the date of the official filing of the complaint. If we are unable to meet the 100-day requirement for issuing a determination, the law requires that we notify you and the complainant(s) and explain the reasons why the investigation of the complaint is not completed. All evidence gathered during

the investigation will become part of the investigative record.

In handling this complaint, we will conduct an impartial investigation of all claims that the Fair Housing Act has been violated. If the investigation indicates that there is no evidence establishing jurisdiction, the case will be dismissed. At any point, you can request that our staff assist you in conciliating (or settling) this complaint with the complainant(s). If the case is not resolved, we will complete our investigation and decide whether the evidence indicates that there has been a fair housing violation. If the parties involved have not reached an agreement to settle the complaint, the Department will issue a determination as to whether there is reasonable cause to believe a discriminatory housing practice has occurred.

If our investigation indicates that there is reasonable cause to believe that an unlawful discriminatory housing practice has occurred, the Department may issue a charge. If the investigation indicates that there is no reasonable cause to believe that discrimination has occurred, the complaint will be dismissed. In either event, you will be notified in writing.

If the determination is one of reasonable cause, the notification will advise you and the complainant(s) of your rights to choose, within 20 days, whether you wish to have the case heard by an Administrative Law Judge, or to have the matter referred for trial in the appropriate U.S. District Court.

Each complainant has the legal right to file such a suit, even if the complaint formed the basis for a charge, as long as an Administrative Law Judge has not started a hearing on the record with respect to the charge. Under federal law, even if the Department dismisses the complaint, each complainant still has the right to file an individual lawsuit under the Fair Housing Law in an appropriate federal, state or local court within two years of the date of the alleged discriminatory practice or of the date when a conciliation agreement has been violated. The law does not count, as part of the two-year period, any of the time when a proceeding is pending with the Department.

There may be other applicable federal, state or local statutes under which you and/or the complainant(s) may initiate court action. You may consult a private attorney in this regard.

The law also requires us to notify you that section 818 of the Fair Housing Act makes it unlawful for you, or anyone acting on your behalf, to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, any right granted or protected under the Federal Fair Housing Law. The law also makes it illegal for anyone to coerce, threaten or interfere with any person for having aided or encouraged any other person in the exercise or enjoyment of, any right or protection granted to them under the Federal Fair Housing Law.

If you have any questions regarding this case, please contact Carrie Ann Shiota, Honolulu Investigator, by phone at (808) 457-4676 or by email at [CarrieAnn.Y.Shiota@hud.gov](mailto:CarrieAnn.Y.Shiota@hud.gov). Please refer to the case number at the top of this letter in those contacts, and keep this office advised of any change of your address or telephone number. We hope this information has been helpful to you.



Sincerely,

A handwritten signature in black ink, appearing to read "Anne Quesada". The script is fluid and cursive, with the first name "Anne" being more prominent than the last name "Quesada".

Anne Quesada  
Regional Director  
Office of Fair Housing and  
Equal Opportunity

Enclosures

## INVITATION TO CONCILIATION

Conciliation is a voluntary, non-binding and confidential process to help Complainant and Respondent achieve a resolution of the fair housing complaint accompanying this invitation. The Office of Fair Housing and Equal Opportunity (FHEO) is committed to working impartially with you to reach a settlement that may benefit everyone. A conciliated settlement is not an admission by a Respondent that the law has been violated, nor is it an admission by a Complainant that the complaint does not have merit. Conciliation is a way to resolve a dispute without the completion of a formal investigation.

***The Conciliator is Impartial.*** The Conciliator is not a judge, or advocate, or there to advise anyone or decide anything. The Conciliator only helps persons create a resolution to the dispute.

***A Settlement Agreement will be your agreement.*** It must meet your needs, the needs of other parties, as well as be in the public interest.

***Conciliation requires Good Faith.*** This means keeping an open mind, being willing to listen, being flexible, and making a sincere effort to resolve the dispute. Good faith is needed from both Complainant and Respondent.

**We encourage and invite your participation, and commend your willingness to work with us to reach a conciliated settlement to this fair housing complaint.**

### CONCILIATION UNDER THE FAIR HOUSING ACT

**HUD is required, from the time a Fair Housing Act complaint is filed, to give the parties a chance to reach a satisfactory settlement through conciliation.**

#### Parties' Rights:

- **Confidentiality.** Nothing said or done during the course of conciliation can be used in a subsequent hearing or trial regarding the alleged violation.
- **Legal Counsel.** Attorneys may represent Parties.
- **Voluntary Nature of Conciliation.** Participation in conciliation is entirely voluntary. There is no penalty for declining to settle through conciliation.

#### Role of the HUD conciliator:

- is a neutral participant seeking to facilitate a mutually agreeable settlement;
- will inform the parties of their rights during conciliation;





- will inform the parties about the process, and help to structure negotiation arrangements in which the parties can have confidence;
- may provide interpretations of the Act to permit the parties to bargain from informed positions;
- may describe the evidence gathered up to that time, but only to permit the parties to bargain from informed positions;
- conveys offers between the parties;
- prepares the Conciliation Agreement;
- may describe the penalties for violations, but will not comment on the likelihood that they will be imposed; and
- will not discuss the probable outcome of the case.

**Effect of Agreement.** A formal conciliation agreement, which the Act requires to be in writing and approved by HUD, will terminate the complaint. It ends the Respondent's potential liability and the Complainant's right to pursue allegations that could be filed with HUD.

**Nature of Agreement.** The essential terms of the agreement will be those negotiated by the parties. The parties may agree to refer compensation matters to an arbitrator. The agreement will also include standard provisions in the public interest (for example, concerning monitoring and reporting).

**HUD's Role.** By approving the agreement, HUD acknowledges that its terms serve the public interest.

**Role of the Department of Justice.** The Justice Department will enforce the Conciliation Agreement in the event of a breach.

### **DATA REQUEST LIST**

1. State the legal name of your business and any other name(s) under which you do or have conducted business. Identify the nature of any federal financial assistance received by the subject property along with the project number.
2. State type of legal business entity you are (i.e., corporation, partnership, limited partnership, sole proprietorship, etc.) Also, identify any agent for service of process.
3. Identify and list the legal owners of the property in question by name, address, telephone number and type of ownership.
4. List all persons and/or firms involved in the management of the property named in the complaint by name, address, telephone number, job title, and management responsibility. Also, identify any agent for service of process.
5. State whether, at any time, you have been a party in any lawsuit or enforcement action brought under any fair housing law or civil rights act in any court of law or any governmental agency. If so, state the title or caption of the case, the case number, the name of the court or governmental agency where it was filed, the date of filing and the outcome.
6. State any facts that you assert in response to the allegations in the complaint. Please state these facts chronologically by date.
7. Identify and list by name, title, address, and telephone number each individual who was involved in or witnessed the act(s) alleged on the complaint form or who has knowledge of the information set forth in your response to this data request letter.
8. Identify any documents that support the facts referred to in your response to this data request letter. Describe these documents chronologically so that they can be identified and include a copy of these documents if possible. In addition, state the present location of each of these documents and the name, address and telephone number for the custodian of these documents.
9. Submit a copy of any documents or the contents of any file in your control concerning the complainant(s).
10. Please state if, and on what basis, you had any knowledge of, any record of or regarded the Complainant as a disabled or handicapped person. Include in your statement the basis for any belief that the Complainant was not disabled or handicapped.
11. Please provide the following information if the Complainant has ever requested an accommodation of rules or services and/or modification of facilities related to the Complainant's disability or handicap.

- a. date(s) of requests,
  - b. substance of requests,
  - c. any documentation or action you requested from the Complainant to support a request, and the steps you took in response to the request, including the outcome.
  - d. all justifications for the actions taken
  - e. the dates and methods (include copies of documents in your possession if applicable) that any person was notified of these justifications
12. Please provide any information, including any document, which describes the nature of any liability to which the Respondents will be exposed if the Complainant's subject accommodation and/or modification request is granted. With this information please provide:
- a. the source of each item of information,
  - b. when each item of information was acquired or received,
  - c. a description of any steps you took to verify the accuracy of each item of information received or acquired, and
  - d. the actions any Respondents took as a result of acquiring or receiving each item of information.
13. Please provide the following information if within the past two years any other tenant or resident has requested an accommodation regarding rules or services, and/or modification of facilities related to that tenant's or resident's disability or handicap.
- a. dates of requests,
  - b. substance of requests,
  - c. any documentation or action you requested from the tenant or resident to support a request,
  - d. the steps you took in response to the request, including the outcome,
  - e. all justifications for the actions taken or for no action taken, and
  - f. the dates and methods by which the tenant or resident was notified of the justifications.

Include copies of documents in your possession for any and/or all of the above items.

14. Please state whether this project is the subject of any Low Income Housing Tax Credit. If so, please provide documentation of this tax credit.

Revised 10/03/2002

### **DATA REQUEST LIST**

1. State the legal name of your business and any other name(s) under which you do or have conducted business on the date of discrimination listed in the complaint. Identify the nature of any federal financial assistance received by the subject property along with the project number.
2. State type of legal business entity you are (i.e., corporation, partnership, limited partnership, sole proprietorship etc.). Also identify any agent for service of process along with his or her contact information.
3. Identify and list the legal owners of the property in question by name, address, telephone number and type of ownership.
4. List all persons and/or firms involved in the management of the property named in the complaint by name, address, telephone number, job title, and management responsibility. Also identify any agent for service of process along with his or her contact information.
5. State whether at any time you have been a party in any lawsuit or enforcement action brought under any fair housing law or civil rights act in any court of law or by any governmental agency. If so, state the title or caption of the case, the case number, the name of the court or governmental agency where it was filed, the date of filing, and the outcome.
6. State any facts that you assert in response to the allegations in the complaint. Please state these facts chronologically by date.
7. Identify and list by name, title, address, and telephone number each individual who was involved in or witnessed the act(s) alleged on the complaint form or who has knowledge of the information set forth in your response to this data request letter.
8. Identify any documents that support the facts referred to in your response to this data request letter. Describe these documents chronologically so that they can be identified and include a copy of these documents if possible. In addition, state the present location of each of these documents and the name, address and telephone number for the custodian of these documents.
9. Submit a copy of any documents or the contents of any file in your control concerning the complainant(s).
10. Please state whether this project is the subject of any Low Income Housing Tax Credit. If so, please provide documentation of this tax credit.

Revised 10/03/2002

### **SECTION 504 DATA REQUEST**

1. State the legal name of your business and any other name(s) under which you do or have conducted business on the date of discrimination listed in Item 8 of the complaint. Identify the nature of any federal financial assistance received by the subject property along with the project number.
2. State type of legal business entity you are (i.e., corporation, partnership, limited partnership, sole proprietorship, etc.). Also identify any agent for service of process along with his or her contact information.
3. Identify and list the legal owners of the property in question by name, address, telephone number and type of ownership.
4. List all persons and/or firms involved in the management of the property named in the complaint by name, address, telephone number, job title, and management responsibility. Also identify any agent for service of process along with his or her contact information.
5. State whether at any time you have been a party in any lawsuit or enforcement action brought under any fair housing law or civil rights act in any court of law or by any governmental agency. If so, state the title or caption of the case, the case number, the name of the court or governmental agency where it was filed, the date of filing, and the outcome.
6. State any facts that you assert in response to the allegations in the complaint. Please state these facts chronologically by date.
7. Identify and list by name, title, address, and telephone number each individual who was involved in or witnessed the act(s) alleged on the complaint form or who has knowledge of the information set forth in your response to this data request letter.
8. Identify any documents that support the facts referred to in your response to this data request letter. Describe these documents chronologically so that they can be identified and include a copy of these documents if possible. In addition, state the present location of each of these documents and the name, address and telephone number for the custodian of these documents.
9. Submit a copy of any documents or the contents of any file in your control concerning the complainant(s).
10. Please state whether this project is the subject of any Low Income Housing Tax Credit. If so, please provide documentation of this tax credit.
11. Please provide the telephone number for the telecommunications device for the deaf (TDD) used at the subject property.

12. Please provide a copy of the job description for the Section 504 Coordinator who is responsible for the subject property, and identify by name and telephone number the Section 504 Coordinator.
13. Please provide a copy of the Grievance Procedure used to resolve complaints of alleged discrimination based on disability at the subject property.
14. Please provide a copy of the Non-discrimination Notice used at the subject property.
15. Please provide a copy of the Self-Evaluation conducted for the subject property.
16. Please provide a copy of the Transition Plan, with supportive documentation, prepared for the subject property.
17. Please state whether the costs of any alterations undertaken at the subject property, since July 11, 1988, amounted to 75% or more of the replacement cost of the subject property.
18. Please provide documentation of all efforts made to make the subject property physically accessible to persons with mobility impairments, in compliance with Section 504 of the Rehabilitation Act of 1973.
19. Please state your justification for the lack of accessibility for any feature at the subject premises that is subject to accessibility requirements found at 24 CFR 8.

Revised 07/02/2010



## **Housing Discrimination Complaint**

**Case Number:** 09-21-5673-8 (Title VIII); 09-21-5673-4 (Section 504); 09-21-5673-D (ADA); & 09-21-5673-9 (Section 109).

**1. Complainant:**

Donna Lynch  
15 Ipu Aumakua Lane  
Lahaina, HI 96761

**2. Complainant Representatives:**

Rebecca Leibowitz  
Staff Attorney, Legal Aid Society of Hawaii (LASH)  
924 Bethel Street  
Honolulu, HI 97813-0375

**3. Other Aggrieved Parties:**

**4. The following is alleged to have occurred or is about to occur:**

- Discriminatory refusal to rent.
- Discriminatory terms, conditions, privileges, or services and facilities.
- Discriminatory acts under Section 818 (coercion, Etc.).
- Failure to make reasonable accommodation.

**5. The alleged violation occurred because of: Sex, Handicap and Retaliation.**

**6. Address and location of the property in question (or if no property is involved, the city and state where the discrimination occurred):** 15 Ipu Aumakua Lane, Maui, HI 96761.

**7. Respondents:**

Cameron LNU  
Ka Hale A Ke Ola Homeless Resource Centers, Inc.  
670 Waiale Road, Wailuku, HI 96793

Edna Kama  
Ka Hale A Ke Ola Homeless Resource Centers, Inc.  
670 Waiale Road, Wailuku, HI 96793

Mary Nakooka  
Ka Hale A Ke Ola Homeless Resource Centers, Inc.  
670 Waiale Road, Wailuku, HI 96793

Ka Hale A Ke Ola Homeless Resource Centers, Inc.  
670 Waiale Road, Wailuku, HI 96793

County of Maui, Hawaii  
200 S High Street, Wailuku, HI 96793

Monique Yamashita  
Ka Hale A Ke Ola Homeless Resource Centers, Inc.  
670 Waiale Road, Waikulu, HI 96793

**8. The following is a brief and concise statement of the facts regarding the alleged violation:**

The complainant is Donna Lynch, who alleges discrimination based on disability and sex (female) as a victim of sexual harassment. The complainant states she is physically disabled with an autoimmune and pulmonary conditions making her susceptible to infection as documented by a medical care provider. The respondents are Ka Hale A Ke Ola, and their staff members who are the operators of the homeless shelter that is the subject premises, and the County of Maui, the owner of the subject premises.

Complainant alleges that from July 2019 to June 8, 2020, she was denied her requests for reasonable accommodations, was subjected to sexual harassment, and was retaliated against for complaining about it. Complainant Donna Lynch stated that during July 2019, the complainant sought housing from the respondent homeless shelter operator requesting as an accommodation that she be assigned to a single unit dwelling due to her physical disabilities, so that she had less exposure to infections. The respondent denied that request. She renewed that request several times, most recently on or around June 8, 2020 to no avail.

The respondent has told the complainant that she is not eligible for a single unit dwelling in their multiple properties that they operate and control because their single unit dwellings are only for those persons who participate in the operator's transitional housing program. However, the operator assigned those units to the program and can re-assign those units if it desires. Therefore, this is an assignment that is within their control.

Most recently, in March of 2020, the operator has closed the dorms used for the homeless program because of the COVID-19 pandemic and reports that they have moved everyone into double occupancy of their single unit.





dwelling. Consequently, the operator has argued that it was unreasonable to allow the complainant to have one of these single unit dwellings or even a bedroom of her own in a two-bedroom unit where she can close the door since they intend that the units be fully occupied, which means that the single unit dwellings would have two persons and the two-bedroom dwellings would have five (two persons sleeping in each bedroom and a fifth person sleeping in the living room). The complainant alleges that the program at relevant times was not fully occupied, and the operator could grant this accommodation even with full occupancy, and in addition can allow her to occupy one of the bedrooms exclusively due to her accommodation request.

In July 2019 complainant Donna Lynch had to travel to UCLA for medical treatment. She was told by the respondents that she would be discharged from KHAKO program because she would be absent from the unit. The respondents stated that to remain in the program, she had to give the respondents details of all her doctor's appointments, medical treatments, etc. She returned from UCLA with paperwork from her doctor regarding her medical conditions and disability related needs including that she needed a separate living area and provided this information to the respondents. She was kept in the dormitory area.

The complainant alleges that while living at the subject shelter, she has been subjected to ongoing retaliation by the shelter staff including Cameron LNU (Last Name Unknown), Edna Kama and Mary Nakoota for making reasonable accommodation requests and for complaining about sexual harassment by respondent Cameron LNU. Complainant Donna Lynch alleges she began complaining about ongoing sexual harassment in or around November 2019, she informed respondent Edna Kama (who is respondent's Cameron LNU's supervisor and relative) that beginning October 2019 respondent Cameron LNU had been following her around at the property, shone a flashlight on her for a sustained period when she was in bed, and asked questions to other men about her, which made her feel uncomfortable. Respondent Edna Kama did not properly address this issue.

On December 25, 2019, after respondent Cameron LNU learned that complainant Donna Lynch made complaints against him, he gave her violation notices for benign activities such as sitting in her car, listening to holiday music, and eating pumpkin pie on Christmas. Complainant Donna Lynch alleges such writes ups threatened program termination and eviction.

Complainant Donna Lynch states that the respondents provide meals for the residents. On December 26, 2019 she received a warning for being out of her dorm after curfew because she went to a neighbor's apartment unit who was storing milk for her in her refrigerator. Complainant Donna Lynch informed the respondents that she needed access to milk to take her medication and as sustenance because she cannot eat most solid foods. At the time, Ms. Lynch's bed was in a dormitory which did not have its own kitchen. Ms. Lynch alleges she was denied her accommodation request to store milk in the office refrigerator or to leave the dormitory late at night

to access milk stored at her friend's apartment. This request was made several times, including on December 2019, and was denied by respondent Mary Nakoota on December 26, 2019 who said she did not care about the complainant's health and that this would be her last chance at KHA KO before she would be evicted. Complainant Donna Lynch alleges that in or around December 2019 her medical provider requested that the shelter provide her with nutritional drinks because complainant Donna Lynch has a medical condition which makes it difficult for her to swallow most solid foods. This request was denied for about six weeks from December 26, 2019 to February 2020 and after March 31, 2020 when the complainant filed a complaint against the respondents.

The complainant alleges that retaliation by respondents Cameron LNU, Edna Kama and Mary Nakoota included these staff members conducting a drug raid and planted what appeared to be drugs in complainant Donna Lynch's items. The respondents continued to treat the complainant with hostility such that they knocked loudly on her door repeatedly at night, they followed her when she was outside the dorm and shone a flashlight into her room at night. The complainant alleges that the respondents also retaliated against her by placing other residents in her apartment on purpose when other rooms were available or could have been made available, most recently in or around June 2020.

On March 23 and 24, 2020, Legal Aid Society of Hawaii (LASH) contacted the respondents about the reasonable accommodation requests by complainant Donna Lynch. The respondents reiterated the denial. LASH alleges the denial is ongoing because they have made other requests on behalf of the complainant and were denied including March 27, 2020, April 3, 16, 28, 2020, May 1, 7 and 8, 2020 and June 8, 2020. The complainant vacated the premises on June 19, 2020.

9. **The most recent date on which the alleged discrimination occurred:** 6/08/2020.
10. **Types of Federal Funding Identified:** CDBG/Homeless.
11. **The acts alleged in this complaint, if proven, may constitute a violation of the following sections:**

804a or f, 804b or f, 818, and 804f3B of Title VIII of the Civil Rights Act of 1968 as amended by the Fair Housing Act of 1988. Section 504 of the Rehabilitation Act of 1973. Section 109 of the Housing and Community Development Act of 1974. Americans with Disabilities Act of 1990.



Please sign and date this form:

I declare under penalty of perjury that I have read this complaint (including any attachments) and that it is true and correct.

Debra Lynch on behalf of 06/01/2021  
Debra Lynch Date

NOTE: HUD WILL FURNISH A COPY OF THIS COMPLAINT TO THE PERSON OR ORGANIZATION AGAINST WHOM IT IS FILED.