

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHAUNA NOEL and EMMANUELLA SENAT,

Plaintiffs,

-against-

15-CV-5236 (LTS) (KHP)

CITY OF NEW YORK,

Defendant.

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EXPERT REPORT OF PROFESSOR ANDREW A. BEVERIDGE
IN REBUTTAL TO THE
FEBRUARY 13, 2019 EXPERT REPORT OF PROFESSOR EDWARD G. GOETZ

May 10, 2019

A. Qualifications, experience, compensation

1. I have set out my qualifications, experience, and compensation in my April 1, 2019 report.

2. For this report, I have been asked to review and comment on the February 13, 2019 report of Professor Edward Goetz, specifically the extent to which his analysis:

- a. Documents his assertions about the scope and location of displacement;
- b. Connects displacement to the universe of households who apply for lottery housing;
- c. Provides evidence for his conclusions about the functions of the “community preference” (“CP”) policy;
- d. Recognizes the similarities or differences of those who apply for lottery housing as “insiders” (those living in the community district preference area for a particular lottery development) and as “outsiders” (those New York City residents not living in the community district preference area for a particular lottery development);
- e. Is able to support his argument that there are fundamental differences between White and other neighborhood racial typologies when it comes to “hoarding” resources (at 15); and
- f. When examining factors that buffer against displacement, takes account of the fact that, in the New York City context, there are large differences in the amount of public and other subsidized housing between and among community districts.

B. Data

3. The data used here are principally defendant's Housing Connect data. New York City Housing and Vacancy Survey (HVS) data are also referenced. I reviewed the transcript of Professor Goetz's deposition and the Oct. 2, 2015 declaration of Vicki Been. I also drew on the *Bytes of the Big Apple*, as well as the *Picture of Subsidized Housing* (from HUD) for mapping of public and subsidized housing; I have also used a map from defendant's "Where We Live" website. I will be producing such of defendant's data as coded or recoded for this analysis that has not previously been provided to defendant and shall be producing the programs related to the reorganization and analysis of the data that have not previously been provided to defendant.

C. Discussion of scope and location of displacement

4. Professor Goetz cites studies that use as proxies for displacement some of the reasons for renter moves within New York City provided by respondents to various iterations of the HVS, but he does not make use for this purpose of any iteration more recent than 2008, even though one clear import of his report is that the reader should believe that the phenomenon of actual displacement has and continues to escalate. Subsequent to 2008, there have been iterations of the HVS in 2011, 2014, and 2017. Professor Goetz's report cites data from the 2011, 2014, and 2017 HVS iterations (*e.g.*, at 2 and 3), but not in connection with actual displacement.

5. Professor Goetz states that "the contemporary context of displacement is characterized by the forced movement of lower-income families from neighborhoods that are rapidly escalating in value and price due to high levels of private capital investment, and from neighborhoods that are the subject of new initiatives of large scale public sector investment" (at 6; more generally, at 6-9). Nevertheless, he does not provide current data on the scope of actual

displacement of households by income level (for example, up to 50 percent AMI, the upper limit of what is called “very low income”; up to 80 percent AMI, the upper limit of what is called “low income”; or any level in between);¹ does not distinguish between moves within a community district and moves from one community district to another; and does not document where displacement is occurring.

6. Professor Goetz does not explain why he apparently accepts the treatment of the move reason that combined “difficulty paying rent or mortgage,” with “wanted less expensive residence”² as a reason in all cases demonstrating that the mover had been displaced. (The wording of this question was changed in 2017 to “wanted greater housing affordability.”³) Why would all such households be ones that have been actually displaced?⁴

7. Professor Goetz sometimes uses the term “forced displacement” and other times uses the term “displacement,” but does not make clear how or whether he is actually distinguishing between the two. Nor does he make clear what the criteria for “forced” displacement are, even at the apartment level (what level of rent burden? what level of poor conditions?).

8. At the community district level (*i.e.*, the conclusion that a household has been

¹ See the information sheet from HPD characterizing different income levels, Exhibit 1 to this report, available online at <https://www1.nyc.gov/assets/hpd/downloads/pdf/renter-resources/affordable-housing-income-eligibility.pdf>.

² See the Record Layout for 2002 NYC HVS, at 3-4, available online at: <https://www2.census.gov/programs-surveys/nychvs/technical-documentation/record-layouts/2002/occ-02-long.pdf>.

³ See the Record Layout for 2017 NYC HVS, at 3-3, available online at: <https://www2.census.gov/programs-surveys/nychvs/technical-documentation/record-layouts/2017/occupied-units-17.pdf>

⁴ The Goetz report does acknowledge that “[b]y its nature, the phenomenon [of displacement] is difficult to measure” (at 7).

forced to move out of a community district), he does not make clear how to determine whether a household has been forced to move away. Indeed, he principally discusses “neighborhoods,” including the harms suffered from being forced to leave a neighborhood. He does not discuss the fact that community districts in New York City contain multiple neighborhoods, nor opine, for example, as to whether he views the harm of moving into a new neighborhood close to one’s old neighborhood but across a community district line to be greater or less than the harm of moving into a new neighborhood farther away from one’s old neighborhood but within the same community district.

D. Lack of connection between displacement discussion and community preference discussion; lack of evidence for claimed benefits of community preference.

9. It turns out that community preference figures very little in the Goetz report. In a 22-page report, Professor Goetz offers his opinion of the policy at page 2 (asserting that it serves legitimate, government interests), and then does not discuss community preference again for the next 17 pages. He returns to making further assertions about the policy on pages 20-22.

10. Professor Goetz asserts that the policy “directly prevents displacement” (at 20); “directly preserves affordability” by “reserving a portion of units for income-qualified neighborhood residents” (also at 20); “prevents a displacement prior to the crisis stage” and thus spares households “the considerable anxiety of fighting their displacement” (at 21); and serves to “mollify fear of displacement among neighborhood residents” (also at 21). He then repeats his previous points (at 22).

11. But in a report accompanied by 110 footnotes, none of these assertions are footnoted, none recite evidence from any lottery data, and none are paired with any other evidence

that would suggest that the policy does what Professor Goetz asserts that it is “aimed” at doing.

12. Thus, for example, there is no information provided in the Goetz report as to which or how many Housing Connect applicant households are examples of the community preference policy “directly prevent[ing] displacement.” Likewise, there is no information provided in the Goetz report as to which or how many Housing Connect applicants are examples of the policy operating to hinder the chances of outsiders to either prevent their displacement or to reduce their fears of displacement.

13. Or, to take another example, Professor Goetz provides no explanation for how (if at all) the community preference policy targets apartments to that fraction of applicants who are in fact at risk of displacement. Note that the proxies for displacement or risk of displacement recited in the report (*e.g.*, rent burden, particular reasons for moving related to cost of existing housing, being subject to landlord harassment), are *not*, as I understand it, among the selection criteria for lottery apartments.

14. In sum, the risks and fears of displacement that Professor Goetz references are not made concrete in relation to the lottery process or lottery applicants, nor are they linked with any evidence to how community preference functions.

15. Professor Goetz discusses the need for a multi-pronged approach to fight displacement (at 18), but he does not quantify the extent of the purported contribution of (*i.e.*, results achieved by) the community preference policy in preventing displacement or the fear of displacement, as compared with the contribution or results achieved by other approaches he describes as displacement-fighting.

16. Professor Goetz gives short shrift to the fact that “many families choose to move to different neighborhoods and can benefit from their mobility” (dealing with that fact in his report

only in one subordinate clause at page 16). In contrast, he expends several pages detailing harms associated with loss of “place attachment” (at 16-19), underscoring that “other families prefer to remain in neighborhoods they have come to identify with” (at 16).

17. The impression left is that the desire to stay in place is the norm, even though Professor Goetz had available and could have used data on hundreds of thousands of New York City affordable housing lottery applicants who have concretely acted otherwise in making decisions about which lotteries to enter in order to secure an affordable housing unit through the Housing Connect system.

18. One need not adopt a view on what households may want to do or should want to do in the abstract – whether it is the view of those who believe mobility efforts have been lacking or the view of those who want to see, as Professor Goetz puts it, more “community protection in lower-income neighborhoods” as a form of solidarity in the face of injustice (at 15)⁵ – the Housing Connect data do tell a very different on-the-ground story from that emphasized by Professor Goetz.

E. Participation analysis

19. For the 168 lotteries analyzed in my April 1, 2019 report, Table 1, on the next page, shows the distribution of lottery applications for each unique household.⁶

⁵ To the extent that Professor Goetz is relating community preference to “community protection” and arguing that there is no “attempt to hoard resources and deprive others access to resources,” *see* discussion in Section H, below.

⁶ Excluding non-NYC households.

Table 1: Lottery Entrants by Total Lotteries Entered (Down) and Percent of Applications to Projects Outside CD (Across)							
	0.00%	01 to 24.99%	25.00 to 49.99%	50.00 to 74.99%	75.00 to 99.99%	100%	Total
One Lottery	38,848	0	0	0	0	224,560	263,408
	14.75%	0%	0%	0%	0%	85.25%	
2-4 Lotteries	4,601	0	1,612	14,862	5,198	104,265	130,538
	3.52%	0%	1.23%	11.39%	3.98%	79.87%	
5-9 Lotteries	2,461	152	899	6,191	20,474	69,159	99,336
	2.48%	0.15%	0.91%	6.23%	20.61%	69.62%	
10-19 Lotteries	2,081	87	778	4,207	29,844	46,643	83,640
	2.49%	0.10%	0.93%	5.03%	35.68%	55.77%	
20 or more Lotteries	2,048	363	1,722	4,486	60,885	38,721	108,225
	1.89%	0.34%	1.59%	4.15%	56.26%	35.78%	
Total	50,039	602	5,011	29,746	116,401	483,348	685,147
	7.30%	0.09%	0.73%	4.34%	16.99%	70.55%	

20. Regardless of how many lotteries a household entered (that is, whichever of the five ranges defined by number of lotteries entered), at least 80 percent of the households applied out-of-community-district a minimum of 75 percent of the time. When all of the ranges are combined, 87.54 percent of the households applied out-of-community-district at least 75 percent to the time, and only 7.3 percent of the households applied exclusively in-district.

21. There is thus no evidence of any substantial group of lottery applicants limiting themselves only to lotteries that occur in the community district from which they are applying; in contrast, there is clear evidence that the overwhelming percentage of unique applicant households have themselves made a decision that they value finding affordable housing somewhere in the City – even when that housing is not located in their existing community district.

22. Table 2, on the next page, changes the analysis of household application patterns from in-district versus out-of-district to in-borough versus out-of-borough.

Table 2: Lottery Entrants by Total Lotteries Entered (Down) and Percent of Applications to Projects Outside Borough (Across)							
	0.00%	01 to 24.99%	25.00 to 49.99%	50.00 to 74.99%	75.00 to 99.99%	100%	Total
One Lottery	149,779	0	0	0	0	113,629	263,408
	56.86%	0%	0%	0%	0%	43.14%	
2-4 Lotteries	33,951	0	16,194	38,353	7,734	34,306	130,538
	26.01%	0%	12.41%	29.38%	5.92%	26.28%	
5-9 Lotteries	7,812	10,815	19,357	29,755	17,867	13,730	99,336
	7.86%	10.89%	19.49%	29.95%	17.99%	13.82%	
10-19 Lotteries	2,203	8,938	19,406	30,921	16,859	5,313	83,640
	2.63%	10.69%	23.20%	36.97%	20.16%	6.35%	
20 or more Lotteries	501	8,387	23,928	52,784	20,221	2,404	108,225
	0.46%	7.75%	22.11%	48.77%	18.68%	2.22%	
Total	194,246	28,140	78,885	151,813	62,681	169,382	685,147
	28.35%	4.11%	11.51%	22.16%	9.15%	24.72%	

23. Using the same ranges of lottery applications and the same exclusion of non-NYC households, the application patterns show that there is significant willingness to consider not just a change of community district, but a change of borough: approximately 56 percent of households enter out-of-borough lotteries at least 50 percent of the time.

24. These data are simply not consistent with any presumption that, in general, a household seeking to move to new affordable housing will limit or want to limit its search to its existing community district, or that such desire as a household may have to stay within its community district trumps that household's desire to find affordable housing in multiple places in the City.

25. The patterns described in this section hold true regardless of race. Tables 3-6 on pages 9-10, below, show the strong cross-group similarities, comparing non-Hispanic Whites, Blacks, and Asians, and Hispanics of any race. The percentage of households in each group that has applied outside the community district of their residence a minimum of 75 percent of the time

exists in a very tight, overwhelming majority range: 85.36 percent for Whites; 87.53 percent for Hispanics; 88.05 percent for Blacks; and 88.15 percent for Asians.

Table 3: White Lottery Entrants by Total Lotteries Entered (Down) and Percent of Applications to Projects Outside CD (Across)							
	0.00%	01 to 24.99%	25.00 to 49.99%	50.00 to 74.99%	75.00 to 99.99%	100%	Total
One Lottery	4,701	0	0	0	0	19,280	23,981
	19.60%	0%	0%	0%	0%	80.40%	
2-4 Lotteries	616	0	254	1,795	576	12,819	16,060
	3.84%	0%	1.58%	11.18%	3.59%	79.82%	
5-9 Lotteries	158	54	143	646	1,755	7,269	10,025
	1.58%	0.54%	1.43%	6.44%	17.51%	72.51%	
10-19 Lotteries	114	10	78	375	2,087	4,497	7,161
	1.59%	0.14%	1.09%	5.24%	29.14%	62.80%	
20 or more Lotteries	83	18	58	279	2,866	3,575	6,879
	1.21%	0.26%	0.84%	4.06%	41.66%	51.97%	
Total	5,672	82	533	3,095	7,284	47,440	64,106
	8.85%	0.13%	0.83%	4.83%	11.36%	74.00%	

Table 4: Black Lottery Entrants by Total Lotteries Entered (Down) and Percent of Applications to Projects Outside CD (Across)							
	0.00%	01 to 24.99%	25.00 to 49.99%	50.00 to 74.99%	75.00 to 99.99%	100%	Total
One Lottery	11,780	0	0	0	0	81,531	93,311
	12.62%	0%	0%	0%	0%	87.38%	
2-4 Lotteries	1,477	0	501	5,099	1,892	34,045	43,014
	3.43%	0%	1.16%	11.85%	4.40%	79.15%	
5-9 Lotteries	1,054	17	283	2,417	7,960	23,689	35,420
	2.98%	0.05%	0.80%	6.82%	22.47%	66.88%	
10-19 Lotteries	964	29	307	1,618	12,159	16,125	31,202
	3.09%	0.09%	0.98%	5.19%	38.97%	51.68%	
20 or more Lotteries	997	174	852	1,641	25,035	12,753	41,452
	2.41%	0.42%	2.06%	3.96%	60.40%	30.77%	
Total	16,272	220	1,943	10,775	47,046	168,143	244,399
	6.66%	0.09%	0.80%	4.41%	19.25%	68.80%	

Table 5: Hispanic Lottery Entrants by Total Lotteries Entered (Down) and Percent of Applications to Projects Outside CD (Across)							
	0.00%	01 to 24.99%	25.00 to 49.99%	50.00 to 74.99%	75.00 to 99.99%	100%	Total
One Lottery	13,841	0	0	0	0	75,902	89,743
	15.42%	0%	0%	0%	0%	84.58%	
2-4 Lotteries	1,641	0	580	5,225	1,948	37,641	47,035
	3.49%	0%	1.23%	11.11%	4.14%	80.03%	
5-9 Lotteries	915	58	307	2,268	7,779	25,792	37,119
	2.47%	0.16%	0.83%	6.11%	20.96%	69.48%	
10-19 Lotteries	724	36	298	1,576	11,406	17,513	31,553
	2.29%	0.11%	0.94%	4.99%	36.15%	55.50%	
20 or more Lotteries	642	115	563	1,906	23,191	14,199	40,616
	1.58%	0.28%	1.39%	4.69%	57.10%	34.96%	
Total	17,763	209	1,748	10,975	44,324	171,047	246,066
	7.22%	0.08%	0.71%	4.46%	18.01%	69.51%	

Table 6: Asian Lottery Entrants by Total Lotteries Entered (Down) and Percent of Applications to Projects Outside CD (Across)							
	0.00%	01 to 24.99%	25.00 to 49.99%	50.00 to 74.99%	75.00 to 99.99%	100%	Total
One Lottery	3,419	0	0	0	0	17,579	20,998
	16.28%	0%	0%	0%	0%	83.72%	
2-4 Lotteries	282	0	66	1,078	255	8,849	10,530
	2.68%	0%	0.63%	10.24%	2.42%	84.04%	
5-9 Lotteries	138	3	37	205	1,017	5,379	6,779
	2.04%	0.04%	0.55%	3.02%	15%	79.35%	
10-19 Lotteries	112	1	18	121	1,161	3,604	5,017
	2.23%	0.02%	0.36%	2.41%	23.14%	71.84%	
20 or more Lotteries	98	1	25	141	1,797	3,113	5,175
	1.89%	0.02%	0.48%	2.72%	34.72%	60.15%	
Total	4,049	5	146	1,545	4,230	38,524	48,499
	8.35%	0.01%	0.30%	3.19%	8.72%	79.43%	

26. Comparing in-borough versus out-of-borough applications, as shown in Tables 7-10, below, the percentage of households in each group that has applied outside of the borough of residence at least a majority of the time ranges as follows: 54.85 percent for Blacks; 55.97 percent

for Hispanics; 57.16 percent for Whites; and 62.48 percent for Asians.

	0.00%	01 to 24.99%	25.00 to 49.99%	50.00 to 74.99%	75.00 to 99.99%	100%	Total
One Lottery	13,699	0	0	0	0	10,282	23,981
	57.12%	0%	0%	0%	0%	42.88%	
2-4 Lotteries	4,020	0	1,794	4,468	915	4,863	16,060
	25.03%	0%	11.17%	27.82%	5.70%	30.28%	
5-9 Lotteries	732	965	1,882	2,874	1,861	1,711	10,025
	7.30%	9.63%	18.77%	28.67%	18.56%	17.07%	
10-19 Lotteries	207	606	1,551	2,606	1,519	672	7,161
	2.89%	8.46%	21.66%	36.39%	21.21%	9.38%	
20 or more Lotteries	37	430	1,539	3,079	1,490	304	6,879
	0.54%	6.25%	22.37%	44.76%	21.66%	4.42%	
Total	18,695	2,001	6,766	13,027	5,785	17,832	64,106
	29.16%	3.12%	10.55%	20.32%	9.02%	27.82%	

	0.00%	01 to 24.99%	25.00 to 49.99%	50.00 to 74.99%	75.00 to 99.99%	100%	Total
One Lottery	52,701	0	0	0	0	40,610	93,311
	56.48%	0%	0%	0%	0%	43.52%	
2-4 Lotteries	12,142	0	5,766	12,411	2,546	10,149	43,014
	28.23%	0%	13.40%	28.85%	5.92%	23.59%	
5-9 Lotteries	2,981	4,260	7,225	10,876	5,871	4,207	35,420
	8.42%	12.03%	20.40%	30.71%	16.58%	11.88%	
10-19 Lotteries	925	3,751	7,377	12,153	5,419	1,577	31,202
	2.96%	12.02%	23.64%	38.95%	17.37%	5.05%	
20 or more Lotteries	195	3,575	9,449	21,029	6,440	764	41,452
	0.47%	8.62%	22.80%	50.73%	15.54%	1.84%	
Total	68,944	11,586	29,817	56,469	20,276	57,307	244,399
	28.21%	4.74%	12.20%	23.11%	8.30%	23.45%	

Table 9: Hispanic Lottery Entrants by Total Lotteries Entered (Down) and Percent of Applications to Projects Outside Borough (Across)							
	0.00%	01 to 24.99%	25.00 to 49.99%	50.00 to 74.99%	75.00 to 99.99%	100%	Total
One Lottery	52,311	0	0	0	0	37,432	89,743
	58.29%	0%	0%	0%	0%	41.71%	
2-4 Lotteries	12,153	0	5,902	13,906	2,822	12,252	47,035
	25.84%	0%	12.55%	29.57%	6%	26.05%	
5-9 Lotteries	2,920	3,972	7,294	11,348	6,597	4,988	37,119
	7.87%	10.70%	19.65%	30.57%	17.77%	13.44%	
10-19 Lotteries	720	3,267	7,607	11,624	6,392	1,943	31,553
	2.28%	10.35%	24.11%	36.84%	20.26%	6.16%	
20 or more Lotteries	173	3,005	9,020	20,113	7,497	808	40,616
	0.43%	7.40%	22.21%	49.52%	18.46%	1.99%	
Total	68,277	10,244	29,823	56,991	23,308	57,423	246,066
	27.75%	4.16%	12.12%	23.16%	9.47%	23.34%	

Table 10: Asian Lottery Entrants by Total Lotteries Entered (Down) and Percent of Applications to Projects Outside Borough (Across)							
	0.00%	01 to 24.99%	25.00 to 49.99%	50.00 to 74.99%	75.00 to 99.99%	100%	Total
One Lottery	11,281	0	0	0	0	9,717	20,998
	53.72%	0%	0%	0%	0%	46.28%	
2-4 Lotteries	1,801	0	978	3,646	679	3,426	10,530
	17.10%	0%	9.29%	34.62%	6.45%	32.54%	
5-9 Lotteries	332	520	973	1,913	1,750	1,291	6,779
	4.90%	7.67%	14.35%	28.22%	25.82%	19.04%	
10-19 Lotteries	90	346	784	1,646	1,650	501	5,017
	1.79%	6.90%	15.63%	32.81%	32.89%	9.99%	
20 or more Lotteries	28	361	703	1,887	2,014	182	5,175
	0.54%	6.98%	13.58%	36.46%	38.92%	3.52%	
Total	13,532	1,227	3,438	9,092	6,093	15,117	48,499
	27.90%	2.53%	7.09%	18.75%	12.56%	31.17%	

27. A 50 percent preference based on community district bears no relation to what actual lottery applicants are telling defendant through their lottery applications about the decisions they themselves choose to make about their housing options. The percentages of applications out-

of-CD are far in excess of the percentage allocated by the community preference policy. Those application percentages provide a very different picture than either the one portrayed in Professor Goetz's report (a world in which the principal focus of households and activists is keeping people in place), or the one created by the community preference policy (where a family's choice to stay in place is valued more than is a family's choice to move).

F. Rent burden

28. Housing Connect provides each applicant the ability to report: (a) household income data at the time of an application;⁷ (b) total rent at the location from where the applicant household is applying; and (c) the applicant household's contribution to that total rent (an amount that may only be a portion of the full rent).

29. I calculated rent as a percentage of income based on total reported rent as well as based on contribution to total rent. Within each type of calculation, I distinguished between those applicant households claiming a subsidy and those who did not. Within "subsidy claimed" and "no subsidy claimed," I distinguished between CP beneficiary applications and non-CP-beneficiary applications.⁸ The applications able to be included were those which reported both a positive income value and a positive dollar value for the relevant rental amount. There were a significant number where one or both values were missing. I also removed outliers.⁹

⁷ Calculated as described in the Appendix to my April 2019 report.

⁸ As defined in my April 2019 report.

⁹ About one-fifth of all applications are missing data regarding the question of total rent; a similar percentage are missing data regarding the question of contribution to total rent. About three percent of applications were missing data with respect to income. All such cases were considered "missing," as were those for which zero was reported or recorded for the rent, contribution, and/or income values. Beyond this there were some rents as a percentage of income that were very high (above 90 percent) and some very low (below 5 percent). These were considered outliers and were also eliminated from analysis.

30. Nonetheless, this left me with slightly fewer than 5 million observations as to rent as a percentage of income based on total rent, and slightly more than 5 million observations as to rent as a percentage of income based on contribution to total rent.

31. The results of the analysis are shown below.

	Rent as Percentage of Income Based on Total Rent				Rent as Percentage of Income Based on Contribution to Total Rent			
	No Subsidy Claimed		Subsidy Claimed		No Subsidy Claimed		Subsidy Claimed	
	No CP	CP	No CP	CP	No CP	CP	No CP	CP
N Obs	4,392,513	225,125	301,950	17,808	4,469,990	230,162	341,404	20,072
Mean	37.93%	36.91%	44.92%	43.94%	27.85%	27.35%	25.95%	25.72%
Max	90.00%	90.00%	90.00%	90.00%	90.00%	90.00%	90.00%	90.00%
Min	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%
1st Pctl	7.96%	7.73%	7.54%	7.06%	6.00%	5.95%	5.66%	5.63%
5th Pctl	13.68%	13.13%	13.57%	13.07%	8.84%	8.60%	7.79%	7.77%
10th Pctl	17.68%	16.94%	19.23%	18.53%	11.44%	11.08%	9.76%	10.00%
25th Pctl	25.00%	23.96%	29.54%	28.14%	17.14%	16.71%	15.59%	15.95%
30th Pctl	26.95%	25.74%	32.35%	30.60%	18.75%	18.35%	17.46%	17.77%
40th Pctl	30.75%	29.40%	38.11%	36.39%	22.00%	21.49%	20.83%	21.03%
50th Pctl	34.68%	33.19%	43.50%	41.79%	25.19%	24.64%	23.93%	24.00%
60th Pctl	39.32%	37.76%	49.03%	48.00%	28.77%	28.04%	26.85%	26.67%
70th Pctl	45.00%	43.54%	55.38%	54.27%	32.73%	31.91%	29.74%	29.36%
75th Pctl	48.08%	46.90%	59.08%	57.86%	35.24%	34.41%	31.39%	30.93%
80th Pctl	52.17%	51.18%	63.63%	62.87%	38.36%	37.50%	34.07%	33.38%
90th Pctl	63.83%	63.39%	73.85%	73.94%	47.62%	47.05%	44.88%	43.29%
95th Pctl	73.39%	73.35%	80.79%	81.00%	57.06%	56.76%	55.39%	54.02%
99th Pctl	85.71%	85.71%	88.21%	88.00%	76.88%	76.50%	77.33%	75.11%

32. For each of the four comparisons between CP beneficiary applications and non-CP-beneficiary applications, the results show that, at each percentile, rent as a percentage of income is very similar. The percentile band at which applicants breach the percentage of income spent on rent to be designated as “rent burdened” (more than 30 percent) – highlighted in yellow – is identical as between CP beneficiary applications and non-CP-beneficiary applications in the second through fourth comparisons, and virtually identical in the first. Similarly, the percentile band at which applicants breach the percentage of income spent on rent to be designated as “severely rent burdened” (more than 50 percent)¹⁰ – highlighted in red – is identical as between beneficiaries and non-beneficiaries in all four comparisons.

33. So, to the extent that rent-burden or severe rent-burden is asserted to be a proxy for fear or risk of displacement, there is no need to distinguish between CP beneficiaries and non-beneficiaries. As noted, the incidence is not materially different as between CP beneficiaries and non-CP beneficiaries. The current lottery system with community preference is no more “aimed” at dealing with displacement and fear of displacement than would be a system that did not have community preference.

34. The disconnect between Professor Goetz’s argument for what the policy does and aims to do on the one hand and what the data show on the other hand is revealed even more clearly when comparing the *number* of applications from rent-burdened non-CP-beneficiaries with the number of applications from rent-burdened non-CP beneficiaries. For example, in the portion of the table that shows rent as a percentage of income based on contribution to rent for those applications where no subsidy is claimed, “rent-burdened” (more than 30 percent) occurs at the 70th percentile. This translates to more than 1.3 million applications that came from rent-burdened

¹⁰ These definitions of rent burden and severe rent burden as used by Professor Goetz (at 2, 3).

applicants who are not CP beneficiaries;¹¹ by contrast, fewer than 70,000 applications came from rent-burdened applicants who are CP beneficiaries. This magnitude of disparity is present whichever of the four comparisons are used, and regardless of whether one looks at those who are rent-burdened or severely rent-burdened.

35. Even though a rent-burdened New Yorker, or a severely rent-burdened New Yorker, who is applying to a lottery outside of her community district might want, in Professor Goetz's language, to take the opportunity to secure that apartment "to be spared the considerable anxiety of their [inchoate, but feared] displacement," the community preference policy operates to hinder that New Yorker's chances to be spared.

36. To put it another way, defendant, through its community preference policy, tells a rent-burdened or severely rent-burdened New Yorker eligible for lottery housing that if you make the choice to remain in your existing community district, the rules are designed to increase your chances; but that if you make the choice to move to another community district, the rules are designed to reduce your chances.¹²

37. To use the data from the "total rent" portion of the table for those applicants who do not claim subsidy, there have been approximately 2.6 million non-CP-beneficiary applications from rent-burdened households as compared with approximately 112,000 CP-beneficiary applications from rent-burdened households. In the absence of community preference, and to the

¹¹ The number of applications in each case is derived by multiplying the portion of the observations at and above the percentile referenced by the total observations in the category (*e.g.*, where the 70th percentile is referenced, the number of observations are multiplied by 30 percent).

¹² Professor Goetz agreed at his deposition that the community preference policy, if it is working as designed, reduces the chances of many families who want to move to different neighborhoods and could benefit from that mobility. Transcript of Goetz deposition ("Goetz Depo."), at 125:5-127:6. Excerpts of the Goetz deposition are annexed to this report at Exhibit 2.

extent that Professor Goetz treats rent-burden as a proxy or indicator of risk or fear of displacement, there would not be a reduction in the number of rent-burdened New Yorkers successfully competing for lottery apartments, but rather defendant would be giving equal weight to the various application choices made by rent-burdened households to try to find new housing.

38. Tellingly, the community preference policy effectively gives a better chance to a CP beneficiary applicant who is *not* at risk of displacement by the measure of rent-burden than it does to the non-CP-beneficiary applicant who *is* at risk of displacement by that measure.

G. Reasons for moving

39. Housing Connect gives applicants the opportunity to set forth one or more of 10 specified reasons for moving.¹³ Table 12, on the next page, tabulates each of the reasons offered by defendant, split between those mentioned in each application that did not have the benefit of community preference and each that did.¹⁴

¹³ It also allows for an “other” selection which permits a customized reason to be entered.

¹⁴ As more than one reason is permitted per application, the percentages associated with the reasons sum to more than 100 percent.

	Non-CP-Beneficiary		CP Beneficiary		Total	
Living with Parents	1,875,166	27.26%	92,116	25.10%	1,967,282	27.15%
Not Enough Space	4,083,767	59.37%	208,018	56.68%	4,291,785	59.23%
Bad Housing Condition	1,804,090	26.23%	89,659	24.43%	1,893,749	26.14%
Live in Shelter/Street	489,707	7.12%	20,336	5.54%	510,043	7.04%
Health Reasons	794,327	11.55%	36,810	10.03%	831,137	11.47%
Disability Access Problems	206,400	3.00%	8,709	2.37%	215,109	2.97%
Live with Relative / Other Family Member	2,101,427	30.55%	100,451	27.37%	2,201,878	30.39%
Rent Too High	1,707,214	24.82%	80,939	22.06%	1,788,153	24.68%
Increased Family Size	1,308,112	19.02%	66,994	18.26%	1,375,106	18.98%
Do Not Like Neighborhood	1,388,373	20.18%	64,773	17.65%	1,453,146	20.06%
Other	1,404,835	20.42%	69,595	18.96%	1,474,430	20.35%
Total Entrants	6,878,751		366,974		7,245,725	

40. Once again, the profiles of CP-beneficiary and non-CP-beneficiary applications are similar across all reasons. Note, for example, the “rent too high” reason is cited by 24.82 percent of non-CP-beneficiary applications and 22.06 percent of CP-beneficiary applications.

41. While the rate of citing this reason is similar between the two groups, the same phenomenon is at work here as with rent-burden. Professor Goetz’s attempt to validate defendant’s claim that the community preference policy seeks to prevent and mitigate displacement runs into the fact, for example, that there are 1.7 million non-CP-beneficiary applications citing “rent too high” – more than 20 times as many as the number of CP-beneficiary applications who cite “rent too high” – and that those 1.7 million non-CP-beneficiary applications had, by policy design, lower lottery odds than any of the CP-beneficiary applicants (including the CP-beneficiary applicants who did *not* cite “rent too high” as a reason for moving).

42. Table 13, below, is similar to Table 12, but here the unit of comparison is the unique household. Households who only applied where they would get community preference are only listed in that category, with a reason listed so long as it appeared on at least one application. Likewise, households who only applied where they would not get the benefit of community preference are only listed in that category, with reasons listed in the same fashion. For households where some applications were in-CD and others were out-of-CD, they appear once in the “Non-CP-Beneficiary” category, with the information from all of their non-CP-beneficiary applications reported in the same fashion as previously described. They then appear once in the “CP Beneficiary” category with the information from all of their CP beneficiary applications treated in the same fashion as previously described. As before, since multiple reasons can be given, the various reasons do not total to 100 percent.

Table 13: Reasons for Moving by each Household for all its Non-CP-Beneficiary Applications and by each Household for all its CP Beneficiary Applications						
	Non-CP-Beneficiary		CP Beneficiary		Total	
Living with Parents	138,259	20.56%	45,731	23.21%	183,990	21.16%
Not Enough Space	285,988	42.54%	103,096	52.32%	389,084	44.76%
Bad Housing Condition	128,818	19.16%	45,633	23.16%	174,451	20.07%
Live in Shelter/Street	35,309	5.25%	11,081	5.62%	46,390	5.34%
Health Reasons	54,835	8.16%	18,882	9.58%	73,717	8.48%
Disability Access	15,893	2.36%	4,909	2.49%	20,802	2.39%
Live with Relative / Other Family Member	150,731	22.42%	50,681	25.72%	201,412	23.17%
Rent Too High	145,476	21.64%	45,592	23.14%	191,068	21.98%
Increase in Family Size	92,107	13.70%	33,489	17.00%	125,596	14.45%
Do Not Like Neighborhood	98,959	14.72%	32,704	16.60%	131,663	15.14%
Other	107,064	15.92%	36,170	18.36%	143,234	16.48%
Total Households per text of ¶ 41	672,308		197,051		869,359	

43. Again, the incidence of “rent too high” as a move reason is similar between applicants who cited it at least once among their applications as CP beneficiaries and applicants who cited it at least once among their applications as non-CP-beneficiaries (although the number of applicants citing the reason when non-CP-beneficiaries was more than three times the number of applicants citing the reason when CP beneficiaries).

44. With the exception of “not enough space” (where the number of non-CP-beneficiaries was still much higher than the number of CP beneficiaries, but where the CP beneficiary incidence was almost 10 percent higher), the other cited reasons had more non-CP-beneficiaries mentioning them by number, and similar rates of mention.¹⁵

H. Resisting change in neighborhood racial composition and community preference

45. Professor Goetz attempts (at 15) to distinguish “community protection” in White neighborhoods from that which occurs in other neighborhoods:

The desire to protect community among lower-income households in disadvantaged neighborhoods, moreover, is *fundamentally different than what is seen in exclusive white neighborhoods*. The anti-displacement efforts described in this section are not exclusionary in their objectives, they are instead driven by the desire of people with limited means to remain in their neighborhoods in order to maintain social networks and support systems and to avoid the considerable disruption of dislocation. Thus, *rather than an attempt to hoard resources and deprive others access to resources, community protection in lower-income neighborhoods is a form of solidarity in the face of injustice*. (Emphases added).

46. By the same token, he writes that “protection of one’s home and community is a

¹⁵ Most of the reasons, in any event, seem: (a) not to correspond to being forced to leave a community district; and/or (b) not to be inconsistent with a desire to leave the community district from which a household is applying.

strong, unifying force in local politics” (at 14); he explained at his deposition that the unifying principle is sometimes based around racial or ethnic identity.¹⁶

47. In connection with his having written about resistance to new housing development and residents’ fears of that development (at 21), Professor Goetz cited to an article entitled “They’re Not Building It For Us,” and explained at his deposition that he would not expect that the New York City context would be an outlier to the phenomenon explained in the article as follows: “Throughout this process race plays a central role as new development is seen as white and for white people who either live in nearby but segregated suburbs or for potential new residents.”¹⁷

48. Professor Goetz went on to confirm that he would expect that the following phenomenon, described in the same article, occurs in New York City, too: “When residents describe their fears of gentrification they do not describe them only in terms of displacement through housing. They also point to the possibility that new development becomes what Anderson describes as ‘white space.’”¹⁸

49. I have not been asked to provide an opinion as to the intent behind attempts to hoard resources and deprive others of access to resources, or to offer agreement or disagreement with Professor Goetz’s views as described in paragraphs 44-47, above. What I can do is describe what happens in the housing lotteries I have studied.

50. Because Professor Goetz refers to community protection in “lower-income neighborhoods,” I am presenting apparently-eligible and awarded results from the same universe

¹⁶ Goetz Depo., at 138:20-139:15.

¹⁷ Goetz Depo., at 140:7-141:23.

¹⁸ Goetz Depo., at 141:242-142:16.

of lotteries (and in the same manner) as presented in my April 2019 report, but this time limited to units at or below the 80 percent AMI level (the upper bound of “low income” as used by defendant). Results for apparently eligible are shown in Tables 14 and 15, below.

Table 14 – Comparing each group’s CP beneficiary apparently eligible HHs as a percentage of that group’s total apparently eligible HHs against the highest such percentage for any group, by CD typology, for units at or below 80% AMI					
CD typology	Group with highest percentage of its apparently eligible HHs being CP beneficiary apparently eligible HHs, for units at or below 80% AMI	Relative percentage by which highest group exceeds other groups			
		White	Black	Hispanic	Asian
Majority White	White	Highest Group	710.53%	92.50%	271.98%
Majority Black	Black	277.17%	Highest Group	123.87%	306.64%
Majority Hispanic	Hispanic	246.67%	56.90%	Highest Group	253.40%
Majority Asian	Asian	622.27%	2811.81%	675.26%	Highest Group
Plurality White	Black	7.76%	Highest Group	52.44%	17.48%
Plurality Black	Black	115.24%	Highest Group	61.65%	531.37%
Plurality Hispanic	Hispanic	20.61%	40.33%	Highest Group	8.42%

Table 15 - Comparing relative percentage change for each group from share of non-beneficiary apparently eligible HHs to share of CP beneficiary apparently eligible HHs, by CD typology, for units at or below 80% AMI				
CD typology	White	Black	Hispanic	Asian
Majority White	157.06%	-70.45%	28.50%	-35.04%
Majority Black	-63.53%	48.93%	-37.42%	-66.35%
Majority Hispanic	-63.48%	-17.36%	33.34%	-64.34%
Majority Asian	-63.68%	-91.36%	-66.18%	295.56%
Plurality White	6.79%	15.86%	-25.76%	-2.32%
Plurality Black	-42.03%	37.43%	-20.75%	-81.29%
Plurality Hispanic	-4.42%	-18.37%	16.34%	6.80%

51. As with the results that included all unit types, the results of apparently-eligible analysis for lottery units at or below 80 percent AMI show material disparate impact across a wide range of CD typologies.

52. Results for those awarded lottery units (at or below the 80 percent AMI level) are shown in Tables 16 and 17.

Table 16 – Comparing each group’s CP beneficiary awardees as a percentage of that group’s total awardees against the highest such percentage for any group, by CD typology, for units at or below 80% AMI

CD typology	Group with highest percentage of its awardees being CP beneficiary awardees, for units at or below 80% AMI	Relative percentage by which highest group exceeds other groups			
		White	Black	Hispanic	Asian
Majority White	White	Highest Group	185.22%	29.91%	43.35%
Majority Black	Black	99.15%	Highest Group	30.79%	60.85%
Majority Hispanic	Hispanic	50.41%	17.88%	Highest Group	14.12%
Majority Asian	Asian	No Beneficiary Awardees	No Beneficiary Awardees	178.96%	Highest Group
Plurality White	Black	30.78%	Highest Group	13.03%	4.29%
Plurality Black	Asian	33.34%	12.13%	28.73%	Highest Group
Plurality Hispanic	Asian	22.11%	62.74%	18.18%	Highest Group

Table 17 - Comparing relative percentage change for each group from share of non-beneficiary awardees to share of CP beneficiary awardees, by CD typology, for units at or below 80% AMI

CD typology	White	Black	Hispanic	Asian
Majority White	110.32%	-65.69%	15.02%	-4.36%
Majority Black	-60.64%	22.73%	-26.23%	-47.12%
Majority Hispanic	-41.07%	-13.28%	16.52%	-8.21%
Majority Asian	-100.00%	-100.00%	-65.21%	157.13%
Plurality White	-39.44%	26.90%	-13.35%	10.04%
Plurality Black	-22.79%	13.33%	-17.02%	54.42%
Plurality Hispanic	11.62%	-32.14%	19.06%	72.05%

53. At the awardee stage, there are distinct positive impacts for the dominant group in each of the majority typologies. Along with the positive impacts come significant disparities in each majority CD typology as compared with one or more of the other groups. The disparity between Whites and Blacks in the majority White CD typology (in favor of Whites) is especially noteworthy.

54. As would be expected from plurality CD typologies – where there is normally less of a gap in the share of the dominant group compared to the next largest group – there is not the same pattern of benefit and detriment as between dominant and other groups. There is in Table 17, however, the familiar pattern of Black benefit and Hispanic detriment in the plurality Black CD typology, and a reversal in the plurality Hispanic CD typology: Black detriment and Hispanic

benefit. (This is in addition to the impacts for all three plurality types reported in my April report at the entrant stage.)

55. To return to the majority typologies, the operation of community preference causes the majority racial or ethnic group to garner a greater share of apartments (or opportunities for apartments) than would accrue in the absence of the preference. Concomitant with this, one or more of the other non-majority racial or ethnic groups has its share of apartments (or opportunities for apartments) reduced from what would be the case in the absence of community preference. As such, community preference is a policy that, regardless of the question of intention,¹⁹ operates to facilitate hoarding by the existing majority group and to cause other groups to be deprived of housing resources. Contrary to the thrust of the point Professor Goetz has made, my analysis of the actual lottery data show that the hoarding and its consequences occur regardless of which racial or ethnic group is in the majority.

I. The role of public and subsidized housing in mitigating displacement risk

56. Professor Goetz acknowledges (at 10) that public housing and other forms of housing welfare and regulation “have been and remain key in keeping lower-income families in neighborhoods they would otherwise be unable to afford.” What he does not do is point out that public and subsidized housing is not available in equal distribution throughout New York City, but rather is concentrated in neighborhoods (and community districts) with relatively large proportions of African-American and/or Latino residents (that, correspondingly, have relatively small proportions of Whites). This fact is demonstrated through the maps that are attached as Exhibits 3 to 9 of this report.

¹⁹ Though the operational effect was predictable.

57. All but the last map are based upon the Bytes of the Big Apple, as well as data from the most recent Picture of Subsidized Housing. They show the racial and Hispanic typology of each community district (the same typologies that were used in my April 2019 report).

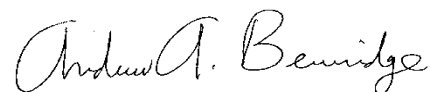
58. The location of HUD subsidized vouchers and projects are shown first (Exhibit 3) based on one dot per 5 units, using Census tract boundaries.

59. The next set of maps (Exhibits 4-8) are maps of each borough and its environs with circles that each show the location of HUD-subsidized projects, with the size of the symbol corresponding to the number of units.

60. All of these maps make clear that subsidized projects and units are highly concentrated, principally in community districts that are majority or plurality African-American or Latino.

61. The last map (Exhibit 9) is a map produced as part of defendant's Where We Live process and states that it reports on "city-assisted" housing.²⁰ I have not independently confirmed these data; but they show a similar pattern of concentration.

62. In pointing out the disproportionate concentrations, I am in no way suggesting that either the concentration of poverty or the racial segregation that these siting patterns facilitated and facilitate are benign. It would, however, have behooved Professor Goetz to have factored in which neighborhoods have the *anti-displacement* protection provided by public and subsidized housing before determining relative displacement risk.



Andrew A. Beveridge

²⁰ The map is available online at <https://wherewelive.cityofnewyork.us/explore-data/where-new-yorkers-live/>. The accompanying text states, "Government-assisted housing is concentrated, but not exclusively located, in high-poverty neighborhoods in New York City."



Does my income qualify me for affordable housing ?



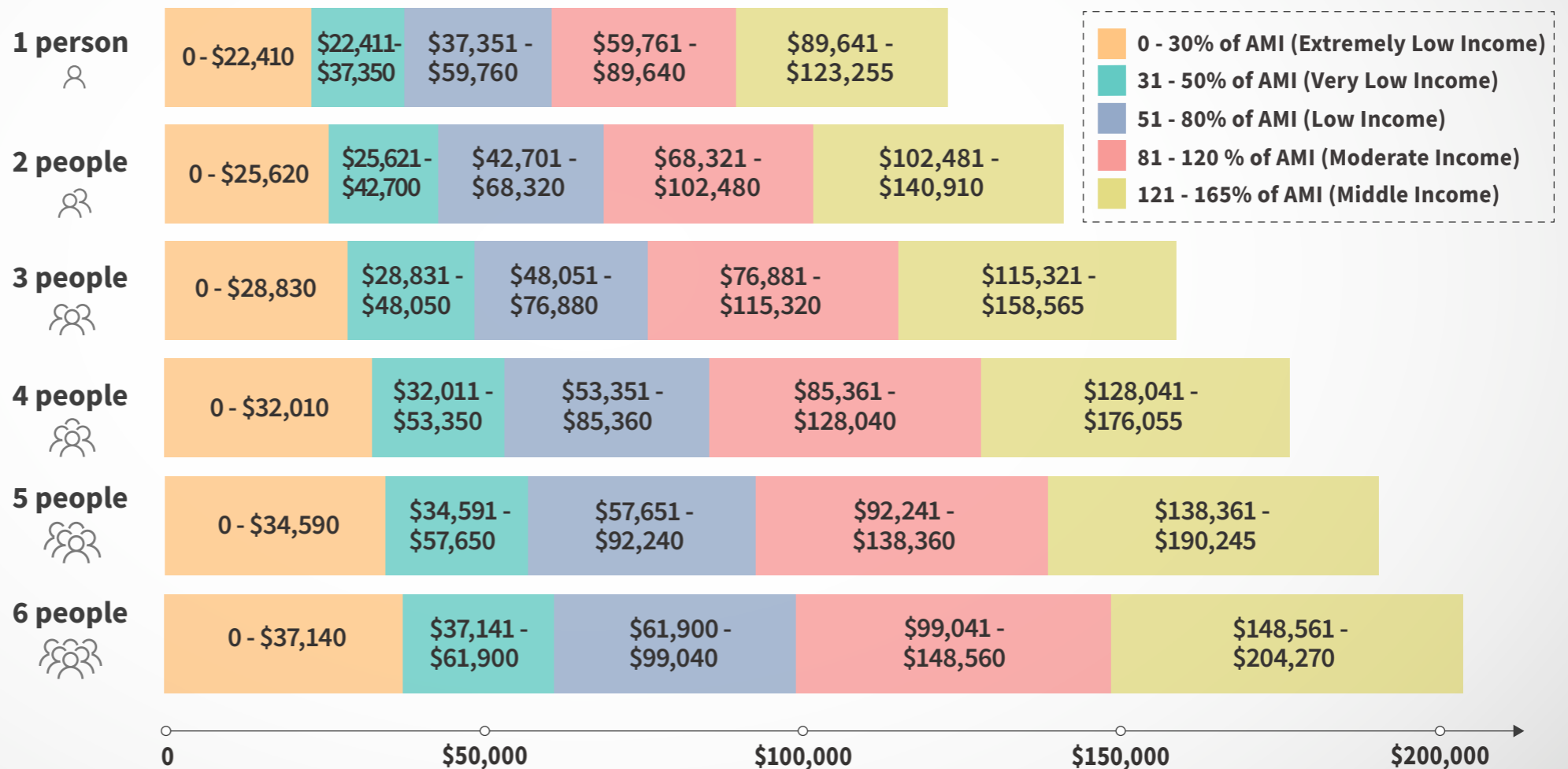
NYC creates affordable housing opportunities for households at a wide range of sizes and income levels.

This chart helps explain the income categories that we use, which vary by household size, so you can see where you and your family fit in:

Affordable housing is based on a household's percentage of the area median income (AMI), which is set by the federal government. Housing is considered affordable if it costs about one-third or less of what the people living there make, and is regulated so the rent can't go up dramatically over time.

The numbers on this chart reflect 2019 AMI levels.

Eligible Income Levels by Household Size



If your income fits in this chart, register for Housing Connect today so you can apply for housing opportunities that are affordable for you: www.nyc.gov/housingconnect

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
SHAUNA NOEL and EMMANUELA SENAT,
Plaintiffs,
vs. 15-CV-5236
CITY OF NEW YORK,
Defendant.
-----x

VIDEOTAPE DEPOSITION OF EDWARD GOETZ
New York, New York
April 5, 2019
9:36 a.m.

Reported by:
ERICA L. RUGGIERI, RPR

1 GOETZ

2 MR. GURIAN: Well, I will, in
3 fact, just make sure that things
4 are clear.

5 Q. You agree that many
6 families choose to move to different
7 neighborhoods and can benefit from
8 their mobility, yes?

9 A. Yes.

10 Q. Doesn't the community
11 preference policy standing alone
12 reduce their chances to execute
13 their wishes in the context of
14 affordable housing lotteries?

15 MS. SADOK: Objection.

16 A. We don't know the extent to
17 which that happens. You'd have to
18 look at the data. But applying only
19 that criteria that comes from fair
20 housing and not any other criteria
21 it's a possibility.

22 Q. Professor Goetz, it's --
23 it's -- it's not just a -- it's not
24 just a possibility. I mean you
25 know, I mean you know it intuitively

1 GOETZ

2 and you know it in terms of what
3 you've done and learned about.

4 The policy is that -- and I'm
5 not putting any moral connotation on
6 this. I'm just talking about
7 operationally, the policy, unless it
8 does nothing, unless it's completely
9 ineffectual, reduces the percentage
10 of outsiders who get apartments,
11 right?

12 MS. SADOK: Objection.

13 A. Right. It if it were
14 operating in the way that it was
15 decided -- in the way that it was
16 designed it would have that affect.

17 Q. So talking about the way
18 that it was designed, the policy
19 reduces the chances of many families
20 who want to move to different
21 neighborhoods and could benefit from
22 the mobility, right? I mean there
23 are other things we can -- there are
24 other things we can discuss about
25 it, whether it's justified or not,

1 GOETZ

2 but that part is true, right?

3 MS. SADOK: Objection.

4 Q. If it's working as
5 designed.

6 A. Correct.

7 Q. I think the next few are
8 noncontroversial, but there have
9 been a lot of depositions in this
10 case and I have been proved wrong.

11 You are aware that politicians
12 do not always reflect their -- the
13 views of their constituents or even
14 the majority of their constituents,
15 is that a fair observation about the
16 political world as we inhabit it?

17 MS. SADOK: Objection.

18 A. That is a fair observation.

19 Q. And it would be pretty
20 difficult to -- for them, for any of
21 them to represent the view of all of
22 their constituents, right, because
23 there's a very big, and I think you
24 will agree, kind of bizarre
25 assumption in there that all of

1 GOETZ

2 media file number two.

3 (Whereupon, there is a recess
4 in the proceedings.)

5 THE VIDEOGRAPHER: The time is
6 12:36. We are back on the record.
7 This is the beginning of media file
8 number three.

9 Q. Professor Goetz, did you
10 speak with counsel from the city
11 about your testimony during the
12 break?

13 A. Yes, I did.

14 Q. Okay. You spent some time
15 in your report discussing what you
16 describe as efforts to fight back
17 against displacement, correct?

18 A. Yes.

19 Q. And you still have the
20 report in front of you, right. On
21 page 14 you write that in the second
22 full paragraph, "Protection of one's
23 home and community is a strong
24 unifying force in local politics."

25 Do you see that?

1 GOETZ

2 A. Yes. Yes, I do.

3 Q. And you believe that to be
4 true?

5 A. Yes.

6 Q. And you believe it's true
7 in New York City in similar ways to
8 the way it's true in other places in
9 the U.S.?

10 A. Yes, I do.

11 Q. And sometimes community,
12 the unifying principle is based
13 around racial or ethnic identity,
14 correct?

15 A. Sometimes it is.

16 MR. GURIAN: I'm going to ask
17 that a document be marked as
18 Plaintiffs' 314.

19 (Plaintiffs' Exhibit 314,
20 Article in Societies journal,
21 marked for identification, as of
22 this date.)

23 Q. What's that document?

24 A. This document is an article
25 in Societies, the journal Societies

1 GOETZ

2 by Danley and Weaver entitled,
3 "They're Not Building It For Us,
4 Displacement Pressure Unwelcomeness
5 and Protesting Neighborhood
6 Investment."

7 Q. And you cite this report,
8 this article, excuse me, on page 21
9 of your report. It's in the first
10 full paragraph where you are talking
11 about resistance to new housing
12 development and a dynamic not unique
13 to New York City, right?

14 A. That's correct.

15 Q. And if I can ask you to
16 turn to the, to page 6 of the
17 Danley-Weaver article, that
18 pagination is the actual article
19 pagination on top.

20 A. Okay.

21 Q. In the results section --
22 do you see the results section?

23 A. Yes.

24 Q. Okay. We are on the same
25 page. They write, "Throughout this

1 GOETZ

2 process race plays a central role as
3 new development is seen as white and
4 for white people who either live in
5 nearby but segregated suburbs or for
6 potential new residents."

7 A. I'm sorry, I was looking
8 for it and I could not find it. Can
9 I read it again because I was
10 preoccupied trying to find it.

11 Q. It's the second sentence in
12 Results.

13 A. Yes, I see it. Okay.

14 Q. You see that description?

15 A. I do.

16 Q. Would you expect that this
17 phenomenon happens in New York City
18 as well?

19 A. It happens in a number of
20 places, yes. And I would --

21 Q. You wouldn't expect that
22 New York City was an outlier?

23 A. Correct.

24 Q. And then on page 8, "When
25 residents describe" -- this is right

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GOETZ

at the top, "When residents describe their fears of gentrification they do not describe them only in terms of displacement through housing. They also point to the possibility that new development becomes what Anderson describes as 'white space.' "

Do you see that?

A. Yes, I do.

Q. And would you expect that this phenomena occurs -- phenomenon occurs in New York City as well?

A. There's no reason to suspect otherwise.

Q. So part of the -- part of a fear of change, again, just to give a disclaimer, I'm not talking about every -- I'm not saying every person but I'm talking about what the author is describing here, that kind of thing. Part of the fear of change is the prospect of white incomers is a proxy for anticipated

**Exhibit 3. Community District Typology with HUD Subsidized Vouchers and Projects.
2013 to 2017 ACS Data Allocated. Boundaries based upon Bytes of the Big Apple.
HUD Data based upon the 2017 Picture of Subsidized Households.**

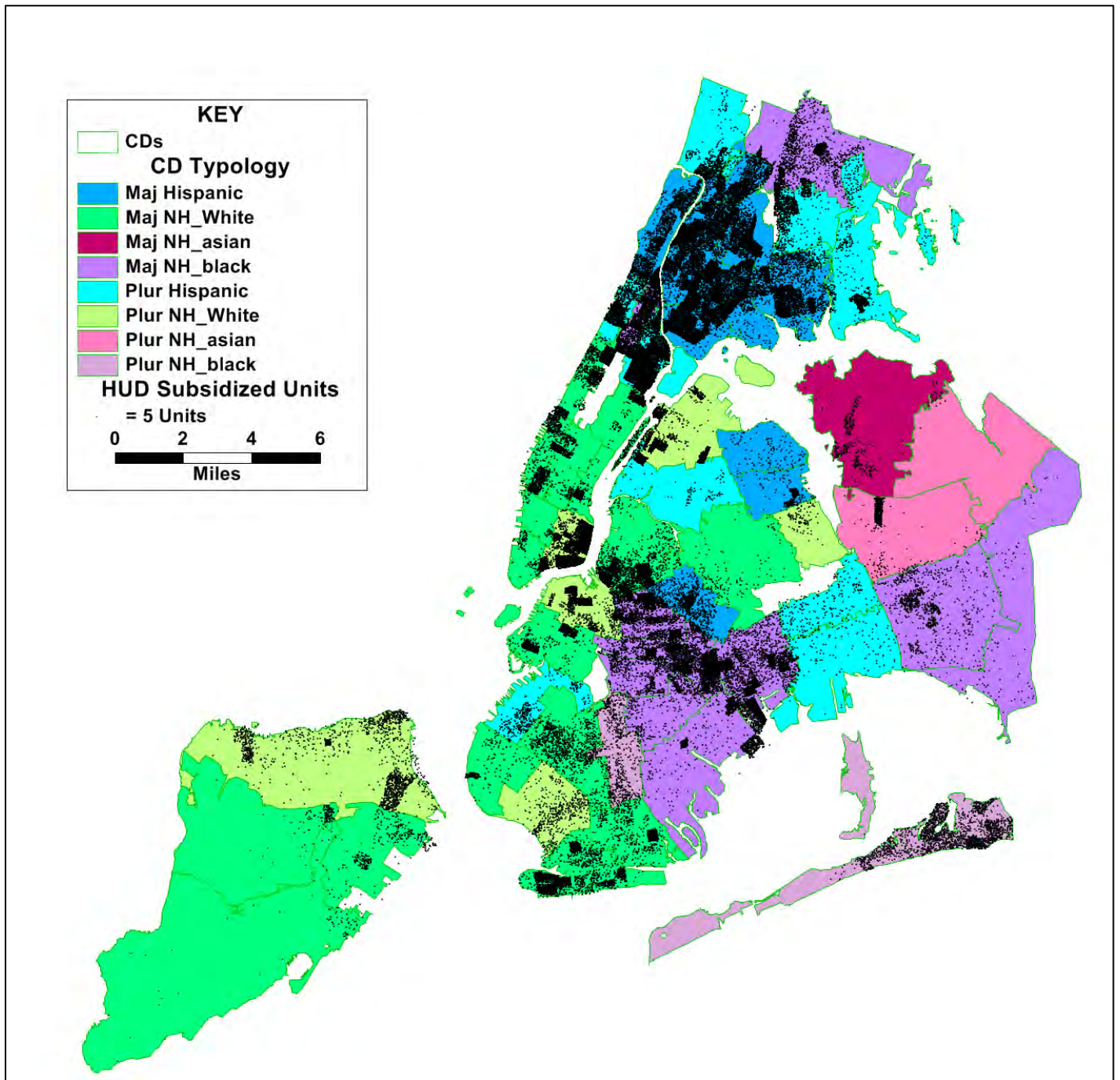


Exhibit 4. Community District Typology with HUD Subsidized Projects in the Bronx and environs. 2013 to 2017 ACS Data Allocated. Boundaries based upon Bytes of the Big Apple. HUD Data based upon the 2017 Picture of Subsidized Households.

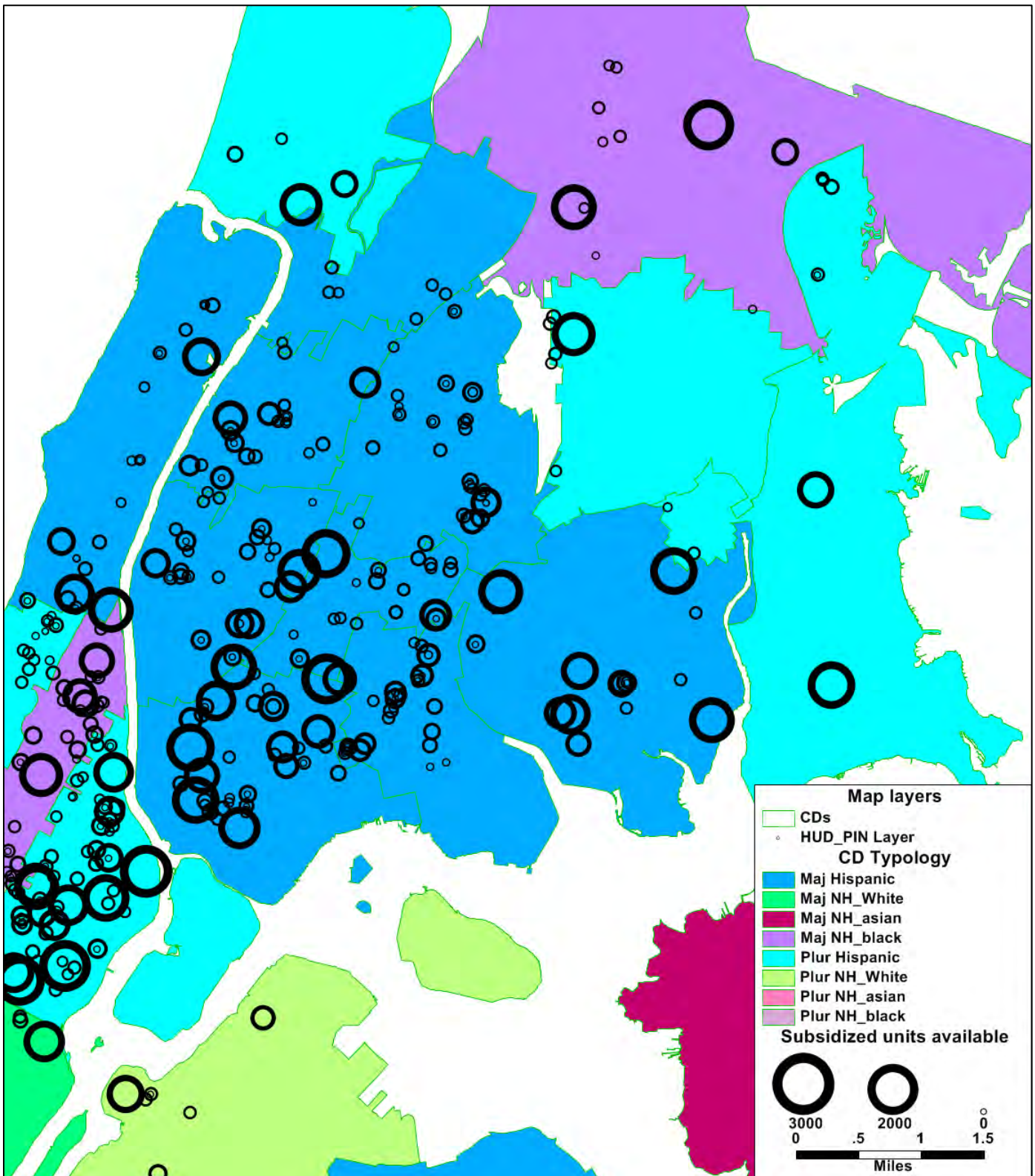


Exhibit 5. Community District Typology with HUD Subsidized Projects in Manhattan and environs. 2013 to 2017 ACS Data Allocated. Boundaries based upon Bytes of the Big Apple. HUD Data based upon the 2017 Picture of Subsidized Households.

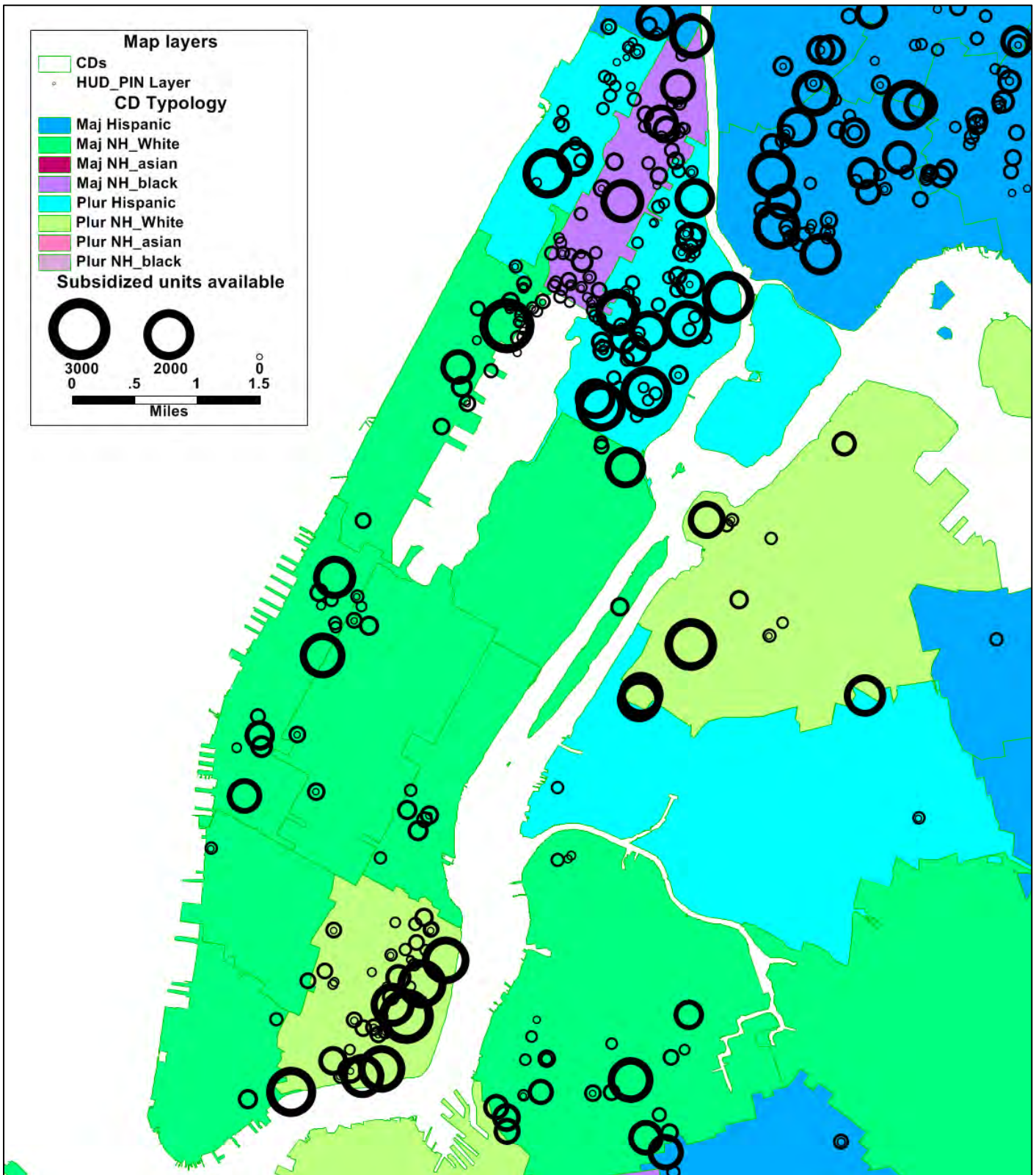


Exhibit 6. Community District Typology with HUD Subsidized Projects in Staten Island and environs. 2013 to 2017 ACS Data Allocated. Boundaries based upon Bytes of the Big Apple. HUD Data based upon the 2017 Picture of Subsidized Households.

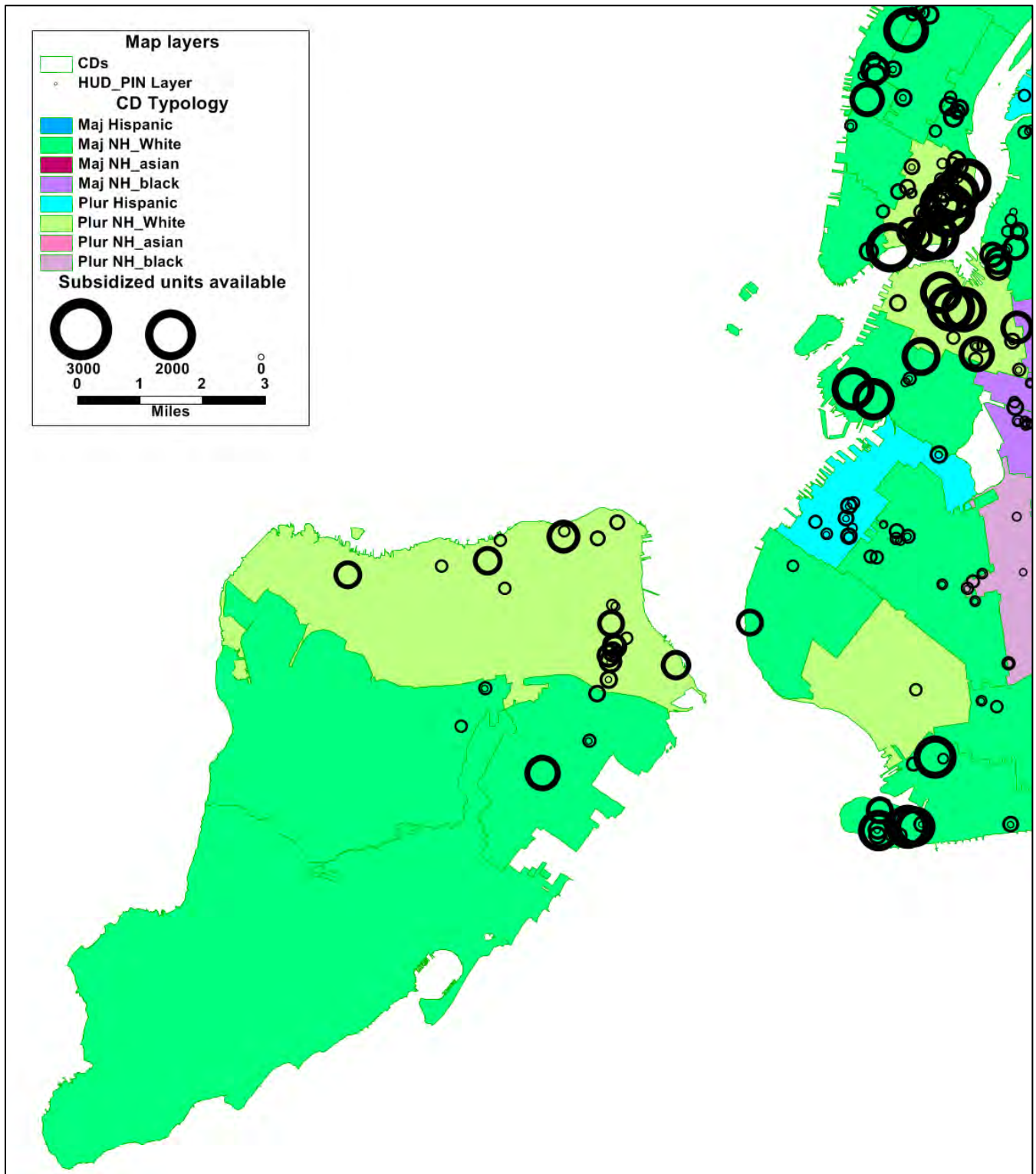
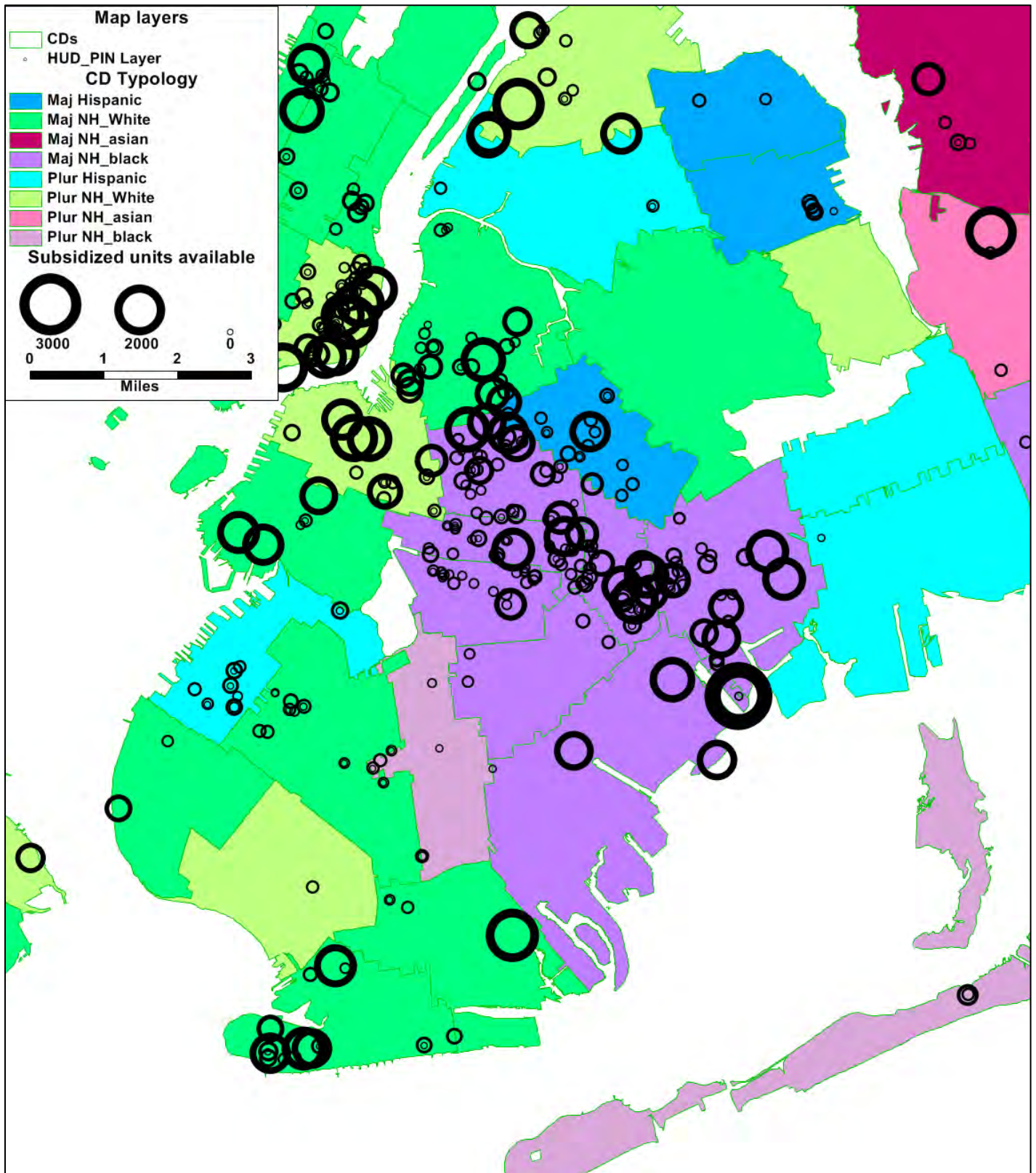


Exhibit 7. Community District Typology with HUD Subsidized Projects in Brooklyn and environs. 2013 to 2017 ACS Data Allocated. Boundaries based upon Bytes of the Big Apple. HUD Data based upon the 2017 Picture of Subsidized Households.



**Exhibit 8. Community District Typology with HUD Subsidized Projects in Queens and environs.
2013 to 2017 ACS Data Allocated. Boundaries based upon Bytes of the Big Apple.
HUD Data based upon the 2017 Picture of Subsidized Households.**

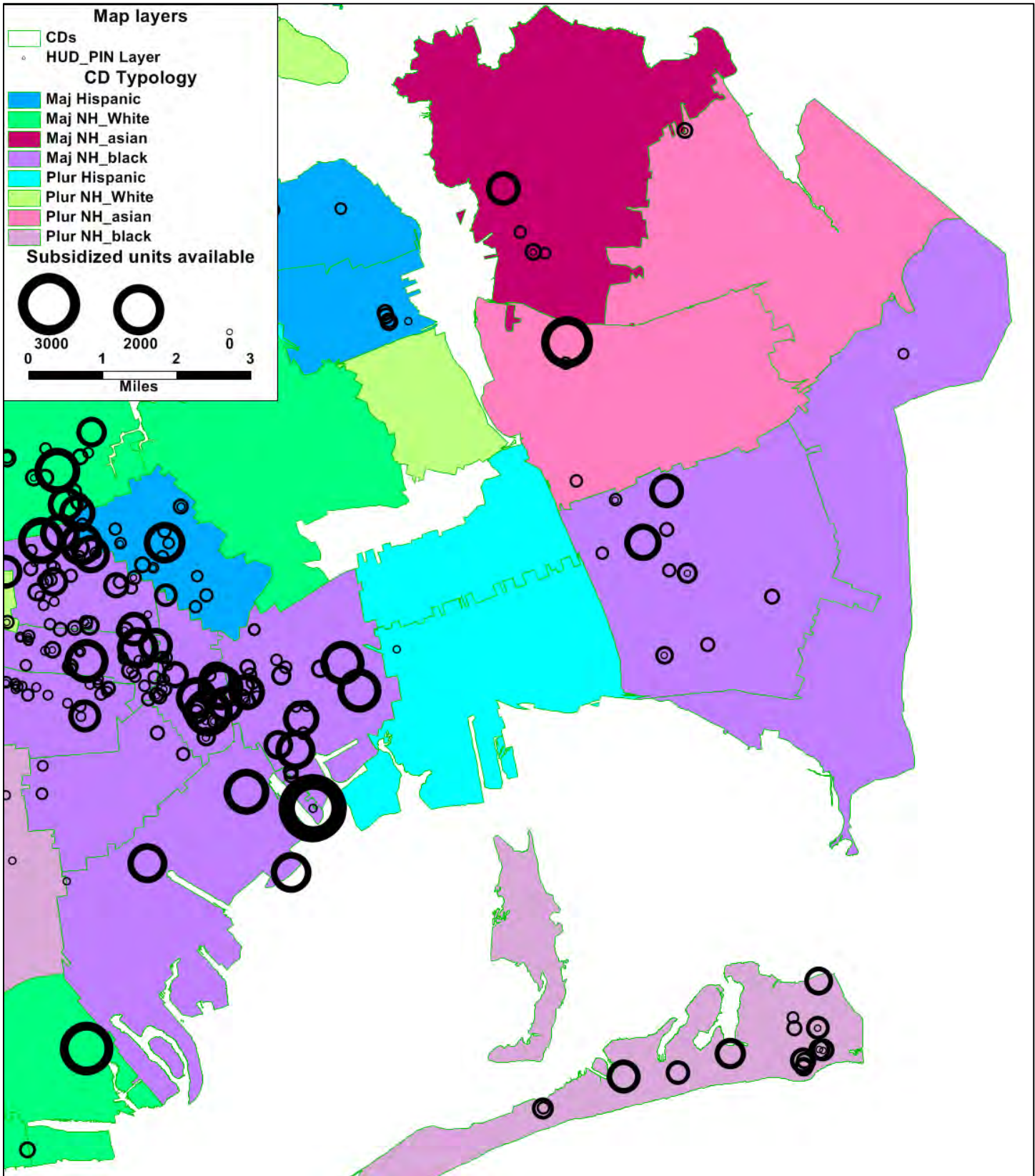


Exhibit 9: City-assisted housing, from defendant's "Where We Live" website

