

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA *ex rel.* :
ANTI-DISCRIMINATION CENTER OF :
METRO NEW YORK, INC., :
 :
Plaintiff/Relator, :
 :
-v- :
 :
WESTCHESTER COUNTY, NEW YORK, :
 :
Defendant. :
-----X

ECF CASE

06 CV 2860 (DLC)

**DECLARATION OF CRAIG GURIAN
IN SUPPORT OF MOTION TO ENFORCE CONSENT DECREE
PURSUANT TO CONSENT DECREE, ¶ 58**

CRAIG GURIAN, an attorney admitted to practice before this Court, declares, pursuant to 28 U.S.C. §1746, that the following is true and correct:

1. I am the Executive Director of, and co-counsel for, the Anti-Discrimination Center (“ADC”),¹ and make this declaration in support of ADC’s motion to enforce the Consent Decree pursuant to Consent Decree, ¶ 58.

2. From 2005 to 2009, I conceptualized, investigated, commenced, and actively co-counseled the litigation that resulted in this Court’s landmark decision on ADC’s motion for partial summary judgment and this Court’s entry of a historic housing desegregation Consent Decree from 2005 through 2009.

3. I actively participated in the negotiations that led to the entry of the Consent Decree.

4. I, with the assistance of ADC colleagues, have actively monitored events in Westchester throughout the last 21 months.

¹ ADC’s name has been officially shortened from “Anti-Discrimination Center of Metro New York” to “Anti-Discrimination Center,” and the case caption should hereafter be altered accordingly.

5. As such, I am uniquely positioned to see both how Westchester's current attitudes and policies reprise those that landed it in trouble in the first place, and how Westchester's conduct is utterly incompatible with the terms, objectives, and intent of the Consent Decree.

6. My experience includes 23 years of civil rights experience in litigation, policy advocacy, legislative drafting, teaching, and writing, most of it focused on fair housing.

7. ADC's corporate purposes specifically include combating housing discrimination (whether that discrimination occurs by design or effect); analyzing, conducting research on, and investigating the factors that have historically perpetuated, and those that currently perpetuate, improper discrimination, including segregation and unequal opportunity, especially with regard to the systemic operation of those factors within metropolitan areas; and increasing access to and the availability of affordable housing to members of all communities.

Relief requested

1. As the Court knows from previous litigation, Westchester has a long history of not taking its AFFH obligations seriously.

2. The Consent Decree was designed to make Westchester remedy those failures and to obey those obligations going forward.

3. Westchester's behavior over the last 21 months — a course of conduct that includes violation of its Consent Decree, ¶ 7 obligations to develop housing that overcomes barriers to fair housing choice and to commence litigation against municipalities that hinder or fail to promote AFFH; its Consent Decree, ¶ 18 obligation to develop a genuine Implementation Plan ("IP"); its Consent Decree, ¶ 31 obligation to use all its housing programs and policies to end segregation; and its Consent Decree, ¶ 32 obligation to identify, analyze, and act to overcome barriers to fair

housing choice — demonstrates that it is still not taking its AFFH obligations seriously.

4. In these circumstances, the Court should order Westchester, as requested in ADC's Enforcement Motion, ¶ (a),² to take all actions necessary to overcome all impediments to fair housing choice in Westchester County, and to overcome the effects of all impediments to fair housing choice in Westchester County, including, but not limited to, all impediments and effects of impediments that are, in whole or in part, caused by or result from exclusionary zoning or other municipal resistance to the development of affordable housing that has desegregation potential.

5. The order would allow the Court to oversee Westchester's future AFFH compliance directly, and deter non-compliance thereby.

6. One of the features that has marked Westchester's conduct has been its failure to develop a compliant IP (even after being given more chances than allowed under the terms of the Decree). That failure has never been cured, and thus, contrary to a fundamental tenet of the Decree, development and other activity has proceeded in the absence of a specific plan designed to assure that the objectives of the Decree are carried out.

7. At this point, the Court, among the other relief it directs, should order that Westchester act according to certain fundamental elements that would be included in a genuine IP, as set forth hereinafter.

8. Thus, a genuine IP would plan and execute a strategy to develop housing on parcels that have maximum desegregation potential. That includes maximizing development on census blocks with the lowest concentration of African-Americans and Latinos, (Consent Decree, ¶ 22(f)) and using development to AFFH (*i.e.*, to overcome barriers to fair housing choice).

² References to "Enforcement Motion, ¶" are references to the paragraphs of the portion of the motion wherein relief is requested.

9. The latter means, *inter alia*, that various of Westchester's tactics to *avoid* overcoming barriers must be foreclosed. For example, the stratagem of building on non-populated blocks to avoid both maximum NIMBY pressure and to avoid the need for rezoning cannot be countenanced. Likewise, the stratagem of building near census geographies with high minority population undercuts the Decree. *See, e.g.*, Consent Decree, ¶ 31(c) (recognizing that the location of the location of affordable housing is central to fulfilling the commitment to AFFH because it determines whether such housing will reduce or perpetuate residential segregation).

10. To limit such avoidance, the Court should order Westchester, as requested in Enforcement Motion, ¶ (b), to develop all AFFH units, regardless of municipality, only on census blocks where the census block itself, the census block group of which it is part, and the census tract of which it is part, have, according to Census 2010, non-Latino, African-American population of less than 3.0 percent and Latino population of less 7.0 percent; order further that at least one-third of the units shall be developed on census blocks that have, according to Census 2010, non-Latino, African-American population of less than 1.0 percent and Latino population of less 3.0 percent; and order further that at least one-third of the units shall be developed on census blocks that have, according to Census 2010, non-Latino, African-American population of less than 2.0 percent and Latino population of less 5.0 percent.

11. In addition, the Court should order Westchester, as requested in Enforcement Motion, ¶ (c), to refrain from developing more than 10 percent of AFFH Units on census blocks that are shown by Census 2010 to be non-populated, and that such AFFH units be located within census block groups and census tracts that meet the criteria of Enforcement Motion, ¶ (b).

12. A genuine IP would seek to maximize the number of larger units. Doing so would help overcome the scarcity of housing for families with children, a scarcity that, for example, has

a disproportionate impact on African-American and Latino female-headed households. It would help overcome widespread efforts to retard development of housing for children (efforts illegal under the Fair Housing Act). As such, the larger units would help AFFH in ways that smaller units would not.

13. Not maximizing larger units would improperly cater to resistance on the part of municipalities and existing residents, resistance that can be based on racial stereotyping or on wanting to keep children out of the neighborhood (and out of the school district). Not doing so also improperly expands the number of units that effectively are more desirable to seniors than to others (as with the City of Rye project that remains a one-bedroom and studio development despite being nominally relabeled as not age-restricted).

14. Accordingly, the Court should direct, as requested in Enforcement Motion, ¶ (d), that, with the exception of AFFH Units described in Consent Decree, ¶ 7(f) (“senior units”), no more than 10 percent of other AFFH units be permitted to be smaller than two-bedroom units.

15. A genuine IP would have sought to assure that municipal locations of sites were meeting or exceeding the demographic requirements of Consent Decree, ¶¶ 7 and 22(f).

16. Consent Decree, ¶ 7(a)(i) contemplates that at least 84 percent of the minimum units to be developed (630 units) be developed in municipalities with non-Latino, African-American populations of less than 3.0 percent and Latino populations of less than 7.0 percent (“Tier A” development).

17. Consent Decree, ¶ 22(f) goes even further, directing, *inter alia*, that all development be maximized in the municipalities with the *lowest* concentrations of African-Americans and Latinos.

18. Westchester has done just the opposite, placing, for example, units equal to 11

percent of all that would need to be developed on one site in Cortlandt, which 2010 Census data show has the demographic characteristics of a “Tier C,” or Consent Decree, ¶ 7(c)(i) jurisdiction (highest permissible minority population).³ More broadly, “Tier B” and “Tier C” developments with financing constitute 74.2 percent of *all* the Tiers B and C development that is permitted throughout the life of the Consent Decree, whereas the Tier A developments constitute only 10.2 percent of the minimum Tier A units required.

19. To reach the results intended by the Decree, the Court should therefore order the imposition of the type of benchmark that a genuine IP would have had in place over a year ago: that in each calendar year, commencing in 2011, at least 84% of AFFH Units for which financing, building permits, or certificates of occupancy are received must be AFFH Units located in municipalities that have, according to Census 2010 data, the demographic composition described in Consent Decree, ¶¶ 7(a)(i). If Westchester fails to do so, it should be deemed in violation of the Decree. That is the relief sought by Enforcement Motion, ¶ (e).

20. A genuine IP would have made sure that Westchester did not try to avoid the obligation to confront barriers to fair housing choice in the Whitest jurisdictions. Two obvious ways of trying to avoid that obligation would be the placing of disproportionate numbers of less controversial senior units and conversion-to-affordable units in the Whitest jurisdictions. And Westchester’s conduct and intentions to date — developing disproportionately in the highest minority eligible municipalities, and planning on maximizing senior and conversion-to-

³ Tier C developments are those in municipalities with populations less than 14.0 percent non-Latino, African-American and less than 16.0 percent Latino, and no more than 60 such units may be included over the life of the Decree; Consent Decree, ¶ 7(b)(i) or “Tier B” developments are those in municipalities with populations less than 7.0 percent non-Latino, African-American and less than 10.0 percent Latino, and no more than 60 such units may be included over the life of the Decree. *See* Declaration of Andrew A. Beveridge (“Beveridge Decl.”), ¶ 27, submitted herewith, for estimated composition of Cortlandt, Pelham, Yorktown, Larchmont, and City of Rye with group quarters population excluded.

affordable units — warrant a remedial response.

21. As such, the Court should direct, as requested in Enforcement Motion, ¶ (f), that no more than 50 percent of senior units shall be permitted to be developed in municipalities that have, according to Census 2010 data, the demographic composition described in Consent Decree, ¶¶ 7(a)(i) or 7(b)(i).

22. Likewise, the Court should direct, as requested in Enforcement Motion, ¶ (g), that no more than 50 percent of AFFH Units described in Consent Decree, ¶ 7(h) shall be permitted to be developed in municipalities that have, according to Census 2010 data, the demographic composition described in Consent Decree, ¶¶ 7(a)(i) or 7(b)(i).

23. A genuine IP would have provided specific contours to Westchester’s obligation pursuant, *inter alia*, to Consent Decree, ¶ 26(d)(iii), to refuse to provide County and federal funds to municipalities who fail to “actively further implementation of [the Consent Decree] through their land use regulations and other affirmative measures to assist development of affordable housing.”

24. Not only has Westchester failed to do so in an IP, it has clearly announced in word and deed its refusal to take seriously its obligation to confront and overcome municipal resistance to affordable housing with desegregation potential, particularly the exclusionary zoning that characterizes so much of the County.

25. As such, the Court should order Westchester, as requested in Enforcement Motion, ¶ (h), to refrain after September 30, 2011 from disbursing any County funds described in Consent Decree, ¶ 25 to any municipality that has failed to amend its zoning ordinance on or before that date to materially reduce exclusionary zoning.

26. The term “materially reduce exclusionary zoning” needs to be defined, and ADC

respectfully submits that three guideposts be borne in mind:

(a) The municipality-by-municipality affordable housing targets that the Housing Allocation Commission established in the 1990s and then updated in 2005 show that, as of that point, the eligible municipalities were collectively more than 6,500 units short — and little has been done since then;

(b) Westchester is obliged, pursuant, *inter alia*, to Consent Decree, ¶ 31(a), to use all its housing programs and policies, including those originally developed by its Housing Opportunity Commission, to end housing segregation throughout the County; and

(c) In view of the fact that municipalities have the greatest information about local conditions, and have their own obligations to AFFH, it is reasonable to place on municipalities the burden of demonstrating that zoning changes they are making are sufficient to achieve a desired benchmark.

27. Accordingly, the term “materially reduce exclusionary zoning” should be defined as zoning changes sufficient to demonstrate that AFFH units will be able to be developed at a rate that would allow the number of such units that can realistically be developed in the municipality by the year 2015 to equal or exceed the difference between: (i) the number of units specified as “Remaining Obligation” in Table C of the November 2005 Housing Opportunity Commission Affordable Housing Allocation Plan (“Plan”);⁴ and (ii) the number of affordable AFFH units that have been developed in the municipality subsequent to the issuance of that Plan (the “allocation target”). The term “can realistically be developed” would be defined to mean developed in a fashion that is financially feasible, environmentally sensitive, and desirable to prospective renters

⁴ The Housing Opportunity Commission allocations were actually conservative because its assessment of need did not take into account the regional needs of the broader metropolitan area, and because the allocations were constrained by a “feasibility” formula pegged to existing zoning, not the zoning that would exist in the absence of exclusionary zoning.

or owners.

28. A genuine IP would have required municipalities to report with specificity on their AFFH activities, and would have committed the County to identify with specificity how municipalities were performing. Westchester, by contrast, has been striking in its *failure* to report the extent to which each municipality is or is not cooperating with the facilitation of the development of affordable AFFH units with maximum desegregation potential, and the nature of the cooperation or lack of cooperation, including, but not limited to, each municipality's actions to comply with the reduction in exclusionary zoning that Westchester would be obligated to promote pursuant to Enforcement Motion, ¶ (h). As such, Enforcement Motion, ¶ (i) proposes that the Court direct Westchester to do so in its quarterly reports.

29. In a similar vein, Enforcement Motion, ¶ (j) proposes that the Court direct Westchester to identify potential sites in each municipality on which sufficient AFFH units can be developed by 2015 to equal or exceed the allocation target. The identifications would be contained in quarterly reports, and would include the number of projected units per site and the assumptions that yielded the projection. At least one-third of sites would have to be identified in time for inclusion in the 2011 Third Quarter report, another third in time for the 2011 Fourth Quarter report, and the balance in time for inclusion in the 2012 First Quarter report.

30. The identification of sites is absolutely essential. If Westchester doesn't do this, the County will never be in a position to fulfill its obligations to challenge resistant municipalities — and the municipalities know that. The County cannot be allowed to continue its across-the-board, regardless-of-circumstance refusal to confront municipalities.

31. It has always been the case that a concurrent two-track approach needed to be incorporated into an IP and into Westchester's practice. Only that way would municipalities

know that the status quo was no longer an option — housing was going to be built, with the only question being whether it would be built with their cooperation or over their resistance.

32. Westchester never put this into an IP, and, indeed, has made clear that it will *not* force municipalities to change.

33. Faced with the continuation of the never-confront strategy — a strategy that violates profoundly, *inter alia*, Westchester's obligations to take legal action against resistant municipalities pursuant to Consent Decree, ¶¶ 7(i) and 7(j) — we believe that it is necessary to direct that Westchester, no later than December 31, 2011, acquire in each municipality with a non-Latino African-American population of less than 3.0 percent and a Latino population of less than 7.0 percent (based on 2010 Census data) interests in at least two sites (whether an ownership interest, a long-term leasehold interest, or an option to purchase or to enter into a long-term lease) that require material zoning modifications to make possible the development of affordable housing with maximum desegregation potential. Enforcement Motion, ¶ (k) asks the Court to order such relief.

34. It is, after all, only with interests in parcels secured that Westchester will be able to vindicate its interests using the full array of its legal remedies, including those available under the Fair Housing Act, the *Berenson* doctrine, and the *County of Monroe* doctrine (the latter two being the doctrines that Westchester specifically acknowledged and agreed in the Consent Decree to be applicable and appropriate to use in connection with resistant municipalities). If Westchester doesn't do so, exclusionary zoning will remain in place, stymieing both the accomplishment of Consent Decree, ¶ 7 development for the purpose of AFFH and the accomplishment of the more far-reaching Consent Decree, ¶ 31(a) goal of ending segregation throughout the County.

35. A genuine IP would surely, therefore, have included a strategy to move forward in connection with resistant municipalities. As such, and because it is clear that municipalities have resisted over these last 21 months, Enforcement Motion, ¶ (l) asks the Court to direct Westchester to begin to develop and implement in connection with each acquired parcel the prerequisite steps to vindicate its interests pursuant to the aforementioned legal doctrines. Notably, that proposed relief is framed in terms of Westchester doing so concurrently with attempts to seek voluntary cooperation from municipalities to overcome the barriers to development on the selected sites, in keeping with the need for a two-track policy.

36. A genuine IP would have included strategies and benchmarks for using all of the County's housing policies and programs to end segregation, as required by Consent Decree, ¶ 31(a). Westchester's submissions did not, and Westchester's conduct reflects no attempt to meet that obligation.

37. As such, Enforcement Motion, ¶ (m) asks the Court to direct that Westchester include in its Quarterly Report for the Second Quarter of 2011 an identification of all of its housing programs and policies, an assessment of the extent to which any of those programs or policies currently perpetuate or act to reduce residential segregation, and a concrete plan by which each and all of those programs and policies shall be used to end *de facto* residential segregation throughout Westchester.

38. Westchester is supposed to be interested in leveraging resources. *See* Consent Decree, ¶ (7)(i) (Affordable AFFH development to be achieved by leveraging Consent Decree funds with supplemental funds); ¶ 15 (assessment of County's performance includes whether it has explored "all opportunities to leverage funds").

39. One way to leverage funds is to taking advantage of the cross-subsidy that market-

rate units provide to affordable units in a mixed income development. A genuine IP would provide for mixed income development, especially because the existence of a substantial percentage of market rate units would make it less likely that Westchester could select undesirable sites on which to place AFFH units.

40. Westchester didn't do so in its IP submissions, and has shown by its conduct that it prefers to avoid confronting resistance by concentrating units in developments where all- or close-to-all units are subsidized.

41. Enforcement Motion, ¶ (n), therefore, asks the Court to direct that all future AFFH developments funded pursuant to the Consent Decree — other than units permitted pursuant to Consent Decree, ¶¶ 7(f) or 7(h) — shall be mixed income developments with no less than 40 percent and no more than 70 percent of the units being market-rate units. “Market-rate units” would be defined as units being sold or rented at or above the median cost of non-subsidized dwellings sold or rented in a jurisdiction in the 12-months preceding the commencement of marketing.

42. ADC's Memorandum in Support of its Motion to Enforce discusses four specific developments that Westchester has sought to “count” towards its Consent Decree, ¶ 7 AFFH Unit obligations (Cortlandt, Larchmont, City of Rye, and Armonk). These developments represent almost all development thus far, and, in each case, there are multiple reasons why the developments do not meet the Consent Decree's fundamental requirement that development AFFH (*i.e.*, overcome barriers to fair housing choice).

43. The 18 units in the City of Rye, for example, are senior housing units masquerading as non-senior units, and are on a census block with 50.87 percent African-American and Latino

residents.⁵ As shown in the map/photo annexed hereto as Exhibit 17, the units are placed in an undesirable location next to two major highways, and abut the non-eligible municipality of Port Chester (Port Chester has a high percentage of minority residents). As such, Enforcement Motion, ¶ (o) asks that the Court direct that the 18 units in the City of Rye that Westchester has sought to count as AFFH Units not be counted, or, in the alternative, be counted as senior units.

44. The 83 units in Cortlandt are not located in a municipality or on a census block with the lowest concentration of minority residents as required by Consent Decree, ¶ 22(f), and, as previously noted, the development is located in a municipality that Census 2010 data show is demographically a Consent Decree, ¶ 7(c)(i) jurisdiction (*i.e.*, jurisdictions that, collectively, over the life of the Consent Decree, are permitted a maximum of 60 units).

45. As shown in the map/photo annexed hereto as Exhibit 14, the development is located by railroad tracks and a Veterans Administration psychiatric and substance abuse facility. Other than those who are in the VA facility (*i.e.*, those in institutional or “group quarters” housing), the census block on which the development is located is unpopulated. This is not a development that is integrated with the general community.

46. The development does not overcome barriers to fair housing choice; on the contrary, pre-Consent Decree litigation made development possible well before the Decree was entered.

47. As such, Enforcement Motion, ¶ (p) asks that the Court direct that the 83 units in Cortlandt that Westchester has sought to count as AFFH Units not be counted, or, in the alternative, only be counted to the extent that doing so would not exceed the maximum number of units permitted by Consent Decree, ¶ 7(c)(i) (60 units), or, in the alternative, only be counted

⁵ See Beveridge Decl. *supra*, at ¶ 23.

as Consent Decree, ¶ 7(h) units.⁶

48. The Larchmont development was also approved prior to the entry of the Decree, and, as shown in the map/photo annexed here to as Exhibit 16, is located on a census block that abuts the railroad tracks (with I-95 just beyond), and is less than 500 feet from the New Rochelle line (New Rochelle is another non-eligible municipality with a large minority population). This development, too, does not overcome barriers to fair housing choice. As such, Enforcement Motion, ¶ (q) asks that the Court direct that the 46 units in Larchmont that Westchester has sought to count as AFFH Units not be counted, or, in the alternative, only be counted as Consent Decree, ¶ 7(h) units.

49. Finally, the Armonk development, for which Westchester seek to count 10 units, is another development on a non-populated census block, and, as shown in the map/photo annexed here to as Exhibit 19, is isolated from the rest of the community. Indeed, the parcel is literally an island between two roads, with various types of surrounding non-residential development. The units were already required to be built as the affordable component of a market-rate development. They do not add to the stock of affordable units, and do not overcome barriers to fair housing choice.

50. As such, Enforcement Motion, ¶ (r) asks that the Court direct that the 10 units in Armonk that Westchester seeks to count as AFFH Units not be counted, or, in the alternative, only be counted as Consent Decree, ¶ 7(h) units.

⁶ Consent Decree, ¶ 7(h) units are existing units that are being made affordable. It is closer to the intention of the Decree to count the Cortlandt units this way (if they are to be counted at all) than as new units because they are not truly new units. Indeed, not counting them as new units would be consistent with the intention of Consent Decree, ¶ 8 to prevent Westchester from trading on development already in the pipeline at the time the Decree was entered. That Decree provision precludes, absent a special showing from Westchester, the counting of affordable housing units “in housing developments that have received preliminary or final land use or financing approval at the time of the Court’s entry” of the Consent Decree.

Exhibits annexed

51. "Housing Opportunities in Westchester," a 1997 report by Westchester's Housing Opportunity Commission, is annexed hereto as Exhibit 1.

52. "Affordable Housing Action Plan," a 2004 report by Westchester's Housing Opportunity Commission, is annexed hereto as Exhibit 2.

53. Westchester is required by Consent Decree, ¶ 28 to submit a quarterly report. The quarterly report for the first quarter of 2011 is annexed as Exhibit 3.

54. Westchester's Planning Department has a web page that lists "initiatives." A print-out of that web page is annexed hereto as Exhibit 4.

55. "Affordable Housing Allocation Plan," a 2005 report by Westchester's Housing Opportunity Commission that delineates municipality-by-municipality allocations for affordable housing, is annexed hereto as Exhibit 5

56. A Westchester County press release containing a December 23, 2010 statement by County Executive Rob Astorino regarding the County's decision to no longer administer a Section 8 program is annexed hereto as Exhibit 6.

57. Excerpts from Westchester County's brief in the case of *Westhab, Inc. v. Village of Elmsford*, 574 N.Y.S. 2d 888 (N.Y. Sup. Ct., Westchester County 1991), where the County successfully argued that the *County of Monroe* test was applicable to its interest in creating a family shelter and that the interests of the County and its developer agent in performing such an essential governmental function outweighed those of the Village of Elmsford, is annexed hereto as Exhibit 7.

58. The Dec. 21, 2010 letter from the U.S. Department of Housing and Urban Development ("HUD") to Westchester wherein HUD rejected the Analysis of Impediments

Westchester was required to prepare pursuant to the terms of Consent Decree, ¶ 32, is annexed hereto as Exhibit 8.

59. The Apr. 28, 2011 letter from HUD to Westchester wherein HUD rejected Westchester's second Analysis of Impediments submission is annexed hereto as Exhibit 9.

60. An Oct. 27, 2010 article from the Scarsdale Inquirer reporting on the fact that county officials had been continuously reiterating that the County does not intend to use its legal tools to force municipalities to eliminate their exclusionary zoning is annexed hereto as Exhibit 10.

61. ADC's Feb. 2010 "Prescription for Failure" report on the inadequacies of Westchester's first IP submission (including its Decree-defying premises) is annexed hereto as Exhibit 11.

62. Excerpts from the Apr. 2, 2008 deposition of Norma Drummond, Westchester's Deputy Planning Commissioner, in which she acknowledged that the development of senior housing is less controversial among those who tend to resist affordable housing development than other housing because senior housing "it's not families with children," is annexed hereto as Exhibit 12.

63. A Mar. 30, 2011 article from the Peekskill-Cortlandt Patch describing how the Cortlandt development site had been approved long before the Consent Decree was entered is annexed hereto as Exhibit 13.

64. A combination map and photo of the Cortlandt site and surrounding area is annexed hereto as Exhibit 14. This and the other combination map and photo exhibits annexed hereto are taken from the Westchester County Geographic Information Systems website. Exhibit 14 contains an ADC annotation.

65. A Nov. 16, 2010 article from the Larchmont Patch describing how the Larchmont development site had been approved long before the Consent Decree was entered is annexed hereto as Exhibit 15.

66. A combination map and photo of the Cortlandt site and surrounding area is annexed hereto as Exhibit 16, an exhibit that contains an ADC annotation.

67. A combination map and photo of the City of Rye site and surrounding area is annexed hereto as Exhibit 17, an exhibit that contains an ADC annotation.

68. A Mar. 4, 2010 article from the Rye Sound Shore Report describing the nominal change in designation of the City of Rye development away from “seniors only” — while keeping effective senior design and preference — is annexed hereto as Exhibit 18.

69. A combination map and photo of the Armonk site and surrounding area is annexed hereto as Exhibit 19.

WHEREFORE, it is respectfully requested that ADC’s Motion to Enforce be granted, and the Court order the relief requested.

Executed on May 31, 2011.

[Signed]

Craig Gurian