

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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

No. 06 Civ. 2860 (DLC)

**DECLARATION OF JOHN M. NONNA
IN OPPOSITION TO MOTION TO INTERVENE**

JOHN M. NONNA, 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 a Westchester County legislator and have been a member of the Westchester Board of Legislators since January 2008. The Board of Legislators is the legislative branch of county government and is separate and independent from the executive branch. I respectfully submit this declaration in opposition to the Anti-Discrimination Center's motion to intervene.

2. I was a county legislator at the time the Stipulation and Order of Settlement and Dismissal ("Settlement Agreement") resolving the underlying litigation in this matter was signed by the then-County Executive and approved by the Board of Legislators. Under the Westchester County Charter, the Board of Legislators was

required to approve the Settlement Agreement. The Settlement Agreement stated that it was subject to such approval.

3. The Board of Legislators was provided with the Settlement Agreement in August 2009. The Board held five meetings between September 1 and September 18, 2009 to discuss the agreement with counsel, the Monitor and representatives of the then County Executive's administration. I attended these meetings.

4. The Board of Legislators approved the Settlement Agreement on September 22, 2009. The Board included, as part of, and integral to, its approval of the Settlement Agreement two letters from the United States Attorney's Office for the Southern District of New York dated September 11, 2011 and September 21, 2009 confirming the intent and language of certain provisions of the Settlement Agreement.

5. Over the period of time following approval of the Settlement Agreement, I have attended a series of meetings with the Monitor, James Johnson, representatives of the County Planning Department and the current County Executive's administration, representatives of the regional office of the U.S. Department of Housing and Urban Development ("HUD"), representatives of the Westchester Municipal Officials Association and consultants to the Monitor. At these meetings the parties have been working together to resolve issues relating to the Settlement Agreement, including the Analysis of Impediments and the Implementation Plan. I have also attended meetings of the Housing and Planning Committee of the Board of Legislators at which representatives of the County Executive and the Planning Department have reviewed the progress of compliance with the Settlement Agreement.

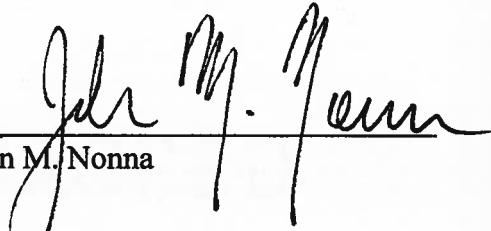
6. Westchester County is complying with the Settlement Agreement's requirements that it ensure the development of 750 units of housing that affirmatively furthers the fair housing goals ("Affordable AFFH Units") of the Settlement Agreement. Westchester has exceeded the 2011 benchmark for obtaining financing for units. Westchester is actively pursuing such housing projects in a number of municipalities. Westchester municipalities have expressed an interest in such projects and have moved forward to review, and in several cases, approve these projects. To my knowledge, no municipality has sought to obstruct the development of Affordable AFFH Units.

7. I understand that there are disagreements between Westchester County and HUD concerning certain requests HUD has made. There is a mechanism in the Settlement Agreement for resolving these disagreements without the need for court intervention at this time or for intervenors to insert themselves into the case.

8. In sum, I respectfully submit that the record reflects that HUD, the County and municipal officials have been working together to implement the Settlement Agreement and resolve issues that have arisen in the interpretation, application and implementation of the Settlement Agreement in these times of economic uncertainty and distress.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 29, 2011



John M. Nonna