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.

-----X

DECLARATION OF ROGER D. MALDONADO IN SUPPORT OF PLAINTIFFS' REPLY TO DEFENDANT'S OPPOSITION TO PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT AND IN OPPOSITION TO DEFENDANT'S CROSS-MOTION FOR SUMMARY JUDGMENT

ROGER D. MALDONADO, an attorney admitted to practice before this Court, pursuant

to 28 U.S.C. §1746, declares that the following is true and correct:

1. I am co-counsel for plaintiffs and submit this declaration in support of plaintiffs'

reply to defendant's opposition to plaintiffs' motion for partial summary judgment an in opposition to defendant's cross-motion for summary judgment.

2. Some of the documents annexed hereto were stamped by defendant "Confidential"

or "Confidential - For Attorneys' and Experts' Eyes Only." Defendant has withdrawn its confidentiality designations in respect to those documents.

3. Excerpts of the transcript of the Aug. 26, 2019 deposition of Dr. Bernard Siskin ("Siskin I") are annexed hereto as Exhibit 1.

4. Excerpts of the transcript of the Nov. 15, 2019 deposition of Dr. Bernard Siskin ("Siskin II") are annexed hereto as Exhibit 2.

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5. A copy of a Sept. 5, 2014 letter from then-Commissioner Vicki Been to HUD is annexed hereto as Exhibit 3.

6. Excerpts of the transcript of the June 5, 2018 data 30(b)(6) deposition are annexed hereto as Exhibit 4.

7. A question and answer to one of plaintiffs' data questions, as excerpted from defendant's June 2, 2017 letter is annexed hereto as Exhibit 5.

8. An excerpt of the transcript of the Jul. 30, 2018 deposition of Emmanuella Senat is annexed hereto as Exhibit 6.

9. Excerpts of the transcript of the Aug. 2, 2017 deposition of Vicki Been ("Been I") are annexed hereto as Exhibit 7.

10. Excerpts of the transcript of the Apr. 19, 2018 deposition of Purnima Kapur are annexed hereto as Exhibit 8.

11. Excerpts of the transcript of a Mayor de Blasio Apr. 4, 2019 press conference are annexed hereto as Exhibit 9.

 An excerpt of the transcript of "Mayor de Blasio Appears Live on The Brian Lehrer Show," Aug. 28, 2020, is annexed hereto as Exhibit 10.

13. An excerpt of defendant's "Community Conversations" document is annexed hereto as Exhibit 11.

14. Excerpts of the transcript of the Apr. 5, 2019 deposition of Professor Edward Goetz ("Goetz I") are annexed hereto as Exhibit 12.

15. Excerpts of the transcript of the Nov. 3, 2017 deposition of Alicia Glen are annexed hereto as Exhibit 13.

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16. Excerpts of transcript of the May 10, 2018 deposition of Maria Torres-Springer are annexed hereto as Exhibit 14.

17. Excerpts of the transcript of the Jun. 14, 2018 deposition of David Quart are annexed hereto as Exhibit 15.

18. Excerpts of defendant's Oct. 2, 2019 amended objections and responses to plaintiffs' requests for admissions are annexed hereto as Exhibit 16.

19. An excerpt of the Sept. 14, 2017 Court Conference before Hon. Katharine Parker is annexed hereto as Exhibit 17.

20. Excerpts of the July 23, 2018 declaration of Mayor Bill de Blasio is annexed hereto as Exhibit 18.

21. An excerpt of the Oct. 2, 2015 declaration of Vicki Been in support of defendant's motion to dismiss ("Been 2015 Dec") is annexed hereto as Exhibit 19.

22. An excerpt of the transcript of "Mayor de Blasio Appears Live on the Brian Lehrer Show," May 11, 2018, is annexed hereto as Exhibit 20.

23. Data reported by the Federal Reserve Bank of St. Louis in Aug. 2019 are annexed hereto as Exhibit 21.

24. An excerpt from the New York City Rent Guidelines Board's "Changes to the Rent Stabilized Housing Stock in NYC in 2019" report is annexed hereto as Exhibit 22.

25. A copy of defendant's "Affordable Housing Study (AHS), Preliminary Findings,"May 20, 2016, is annexed hereto as Exhibit 23.

26. Excerpts of the transcript of the Jul. 27, 2017 deposition of Carl Weisbrod are annexed hereto as Exhibit 24.

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27. An excerpt of defendant's Oct. 2020 press release on the announcement of funding for Housing New York is annexed hereto as Exhibit 25.

28. A copy of a May 3, 2016 email to Matthew Murphy is annexed hereto as Exhibit26.

29. An excerpt of an article jointly authored by Vicki Been and Leila Bozorg is annexed hereto as Exhibit 27.

30. An excerpt of the transcript of Mayor de Blasio's 2017 State of the City address is annexed hereto as Exhibit 28.

31. Excerpts of the transcript of the Apr.10, 2018 deposition of Vicki Been ("Been II") are annexed hereto as Exhibit 29

A copy of defendant's Sept. 2016 Preliminary AFFH Guide is annexed hereto as
 Exhibit 30.

33. A copy of "Affirmatively Furthering Fair Housing: A Guide to NYC's Submission and Potential Issues," Aug. 2016, is annexed hereto as Exhibit 31.

34. Excerpts of the transcript of the Mar. 16, 2018 deposition of Matthew Murphy ("Murphy I") are annexed hereto as Exhibit 32.

35. A copy of a Frequently Asked Questions flyer for the ArtSpace PS109 affordable housing project is annexed hereto as Exhibit 33.

36. A copy of a Jan. 2018 email chain between HPD and HDC, appending a "Northern Manhattan is Not for Sale" white paper, is annexed hereto as Exhibit 34.

37. An excerpt of defendant's summary of a Where We Live NYC document entitled "Topic-Based Roundtable C: Education, Qualitative Data Synthesis," Sept. 5, 2018, is annexed hereto as Exhibit 35.

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38. A copy of a Sept. 2016 email chain between Matthew Murphy and Vicki Been, with draft talking points appended thereto, is annexed hereto as Exhibit 36.

39. Excerpts of a Nov. 2014 letter from Vicki Been and Carl Weisbrod to HUD are annexed hereto as Exhibit 37.

40. A copy of an Aug. 2014 email chain including then-Commissioner Been and Mayor de Blasio is annexed hereto as Exhibit 38.

41. A copy of a Mar. 2019 New York Daily News op-ed by several former HPD commissioners is annexed hereto as Exhibit 39.

42. Excerpts of the transcript of the Oct. 26, 2017 deposition of Jerilyn Perine are annexed hereto as Exhibit 40.

43. A copy of Amsterdam News, "Brokering deal for affordable housing uptown,"Aug. 29, 2002, is annexed hereto as Exhibit 41.

44. Excerpts of defendant's 2007 AFFH statement are annexed hereto as Exhibit 42.

45. Excerpts of defendant's 2012 AFFH statement are annexed hereto as Exhibit 43.

46. A copy of the Mar. 2010 Furman Center policy brief entitled "How Have Recent Rezonings Affected the City's Ability to Grow?" is annexed hereto as Exhibit 44.

47. A copy of defendant's background memo and talking points for then-HPD Commissioner Torres-Springer's interview with a New York Times reporter and for a fair housing forum is annexed hereto as Exhibit 45.

48. Excerpts of a High-cost Cities Housing Forum Sept. 2013 letter to HUD is annexed hereto as Exhibit 46.

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49. A copy of defendant's Nov. 9, 2018 letter to plaintiffs confirming a lack of a formal written policy or procedure regarding compliance with AFFH requirements is annexed hereto as Exhibit 47.

50. A copy of a Matthew Murphy email to Sean Capperis re: "next steps on displacement policy" is annexed hereto as Exhibit 48.

51. An excerpt of the transcript of a Mayor de Blasio Jul. 13, 2015 press conference is annexed hereto as Exhibit 49.

52. An excerpt of the transcript of a television broadcast, "Mayor de Blasio Appears Live on Inside City Hall," Jan. 17, 2018, is annexed hereto as Exhibit 50.

53. A copy of defense counsel's May 21, 2019 email to plaintiffs amending some of defendant's initial request to admit responses is annexed hereto as Exhibit 51.

54. A copy of a Jan. 15, 2018 op-ed in Crain's New York Business by Maria Torres-Springer is annexed hereto as Exhibit 52.

55. Excerpts of the transcript of the Jun. 1, 2018 deposition of Shaun Donovan are annexed hereto as Exhibit 53.

56. A copy of an HPD Sept. 2002 press release on expanding the preference policy is annexed hereto as Exhibit 54.

57. Excerpts of the transcript of the Jan. 18, 2018 deposition of Margaret Brown are annexed hereto as Exhibit 55.

58. An excerpt of defendant's Oct. 18, 2020 "Where We Live" final plan is annexed hereto as Exhibit 56.

59. An excerpt of the Feb. 13, 2019 report of Professor Edward Goetz is annexed hereto as Exhibit 57.

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60. Excerpts of the transcript of the Jan. 11, 2018 deposition of Shauna Noel are annexed hereto as Exhibit 58.

61. Excerpts of the transcript of the Nov. 27, 2018 deposition of Joseph Salvo are annexed hereto as Exhibit 59.

62. Excerpts of the transcript of the Nov. 14, 2017 deposition of Rafael Cestero are annexed hereto as Exhibit 60.

63. An excerpt of the transcript of the Jan. 16, 2019 deposition of James Patchett is annexed hereto as Exhibit 61.

64. A copy of a Mar. 27, 2017 email from Leila Bozorg is annexed hereto as Exhibit62.

65. Excerpts of the transcript of the Jan. 10, 2019 deposition of Leila Bozorg are annexed hereto as Exhibit 63.

66. An excerpt of HPD talking points for a City Limits panel discussion is annexed hereto as Exhibit 64.

67. Excerpts of the transcript of the Nov. 29, 2017 deposition of Steven Banks are annexed hereto as Exhibit 65.

68. A copy of a Jun. 2014 James Patchett and Vicki Been email chain is annexed hereto as Exhibit 66.

69. A copy of a Jun. 2014 email chain between Alicia Glen, Vicki Been, and James Patchett is annexed hereto as Exhibit 67.

70. A copy of a Mar. 2017 email to HPD is annexed hereto as Exhibit 68.

71. A copy of a Jan. 2010 HPD press secretary email is annexed hereto as Exhibit 69.

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72. A copy of a New York Post article on a CM's thinking that assigning public housing by ethnic group might be beneficial is annexed hereto as Exhibit 70.

73. A copy of a Dec. 2016 City Hall email chain is annexed hereto as Exhibit 71.

74. A copy of a Jul. 2018 New York Post article quoting James Patchett is annexed hereto as Exhibit 72.

75. A copy of the FY 2012 Queens Community Board 6 statement of needs is annexed hereto as Exhibit 73.

76. An excerpt of a Sept. 2015 report of the Real Affordability for All coalition is annexed hereto as Exhibit 74.

77. A copy of Politico New York, "50 years after Fair Housing Act, New York City still struggles with residential segregation," Apr. 23, 2018, is annexed hereto as Exhibit 75.

78. A copy of a Feb. 2015 Ron Shiffman memo to Mayor de Blasio is annexed hereto as Exhibit 76.

79. A copy of a Mar. 2016 email appending a Met Council protest flyer is annexed hereto as Exhibit 77.

80. A copy of a Nov. 2015 email chain including Purnima Kapur is annexed hereto as Exhibit 78.

81. A copy of an Oct. 2016 pre-conference memo for Commissioner Been is annexed hereto as Exhibit 79.

82. A copy of a Feb. 2015 email chain including Purnima Kapur and Carl Weisbrod is annexed hereto as Exhibit 80.

83. A copy of a Nov. 2015 email chain including Purnima Kapur is annexed hereto asExhibit 81.

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84. A copy of a Sept. 2016 email chain including Daniel Hernandez is annexed hereto as Exhibit 82.

85. A copy of a report entitled "The Whitening of Crown Heights" is annexed hereto as Exhibit 83.

86. A copy of a Nov. 2016 email chain including Vicki Been is annexed hereto as Exhibit 84.

87. An excerpt of a Mar. 2014 HDC presentation on gentrification is annexed hereto as Exhibit 85.

88. A copy of a Jul. 2019 New York Times article entitled "What the City Didn't Want the Public to Know - Its Policy Deepens Segregation" is annexed hereto as Exhibit 86.

A copy of a Sept. 2015 email chain including Emma Wolfe is annexed hereto as
 Exhibit 87.

90. A copy of a Mar. 2017 HPD email chain re: the "Whitening of Crown Heights" report is annexed hereto as Exhibit 88.

91. A copy of an ADC Jun. 2005 letter to Kimberly Hardy is annexed hereto as Exhibit89.

92. A copy of an ADC Jan. 2006 letter to Shaun Donovan is annexed hereto as Exhibit90.

93. A copy of an ADC Mar. 2008 letter to defendant's Department of City Planning is annexed hereto as Exhibit 91.

94. A copy of a Fair Housing Justice Center Nov. 2012 letter to defendant's Department of City Planning is annexed hereto as Exhibit 92.

95. A copy of a Jul. 2013 HPD and HDC email chain is annexed hereto as Exhibit 93.

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96. A copy of a Feb. 2013 email chain including Matthew Murphy is annexed hereto as Exhibit 94.

97. A copy of a Jun. 2015 HPD letter responding to ADC's appeal of HPD's disposition of ADC's FOIL request is annexed hereto as Exhibit 95.

98. A copy of HPD's May 24, 2016 document entitled "Housing Connect Analysis,Preliminary Findings" is annexed hereto as Exhibit 96.

99. An excerpt of the New York State Housing Finance Agency's Fair Housing and Tenant Selection Guidelines from July 2015 is annexed hereto as Exhibit 97.

100. A copy of a Feb. 2016 Eva Trimble and Vicki Been email chain is annexed hereto as Exhibit 98.

101. A copy of Politico New York, "New housing policy faces test," Apr. 6, 2017, is annexed hereto as Exhibit 99.

102. An excerpt of a Feb. 2017 City Council report on the siting of facilities (including homeless shelters) is annexed hereto as Exhibit 100.

103. An excerpt of talking points for Vicki Been is annexed hereto as Exhibit 101.

104. Excerpts of the transcript of Mayor de Blasio's Feb. 28, 2017 homeless policy speech are annexed hereto as Exhibit 102.

105. A copy of Gothamist, "Controversial School Rezoning Plan In Gentrifying Brooklyn Wins Approval," Jan. 6, 2016, is annexed hereto as Exhibit 103.

106. A copy of New York Daily News, "NYC schools chancellor calls out parents against integration," Apr. 27, 2018, is annexed hereto as Exhibit 104.

107. A copy of an Apr.-to-May 2016 City Planning email chain including Carl Weisbrod is annexed hereto as Exhibit 105.

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108. An excerpt of talking points for a Vicki Been interview is annexed hereto as Exhibit106.

109. A copy of a Feb. 2015 email chain including Vicki Been and Elyzabeth Gaumer is annexed hereto as Exhibit 107.

110. A copy of an Aug. 2014 email chain including Vicki Been is annexed hereto as Exhibit 108.

111. A copy of an Aug. 2016 email chain including Margaret Brown is annexed hereto as Exhibit 109.

112. A copy of an Aug. 2015 email chain including the Mayor's press secretary is annexed hereto as Exhibit 110.

113. A copy of a Sept. 2016 email chain including Vicki Been is annexed hereto as Exhibit 111.

114. A copy of an Oct. 2017 HPD and City Planning email chain is annexed hereto as Exhibit 112.

115. A copy of HPD Talking points for a New York Housing Conference panel is annexed hereto as Exhibit 113.

116. An excerpt of a Dec. 2016 email chain including Joseph Salvo is annexed hereto asExhibit 114.

117. An excerpt of a May 2018 email chain including Deputy Mayors Thompson and Glen is annexed hereto as Exhibit 115.

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I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief. Executed on November 5, 2020.

APN

Roger D. Maldonado

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Page 1 1 2 UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK 3 -----x SHAUNA NOEL and EMMANUELA 4 SENAT, 5 Plaintiffs, 6 -against-Civil Action No.: 7 15 - CV - 5236CITY OF NEW YORK, 8 Defendant. 9 ------x 10 August 26, 2019 9:59 a.m. 11 12 13 VIDEOTAPED DEPOSITION of PROFESSOR BERNARD R. 14 SISKIN, taken by Plaintiffs, pursuant to Notice, 15 held at the offices of Veritext Legal Solutions, 16 1250 Broadway, New York, New York, before Judith 17 Castore, a Certified Livenote Reporter and Notary Public of the State of New York. 18 19 20 21 22 23 24 25

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Page 48 1 SISKIN 2 ultimately gets an award is partially, 3 obviously affected by that, because if 4 you're not considered, you can't get an 5 But there's other steps award. 6 subsequent to that which affects who 7 gets an award which have nothing to do 8 with community preference policy. 9 I was with you until that Q 10 last part, because there are downstream 11 effects once you shift sequence and shift allocation, right? 12 13 MS. SADOK: Objection. 14 What do you mean by Α downstream effects? There's downstream 15 effects as to who gets the award, but 16 17 the downstream effect is not affected 18 directly by the community preference 19 policy. 20 Once you pass -- you're being 21 considered for an apartment, the next 22 step, as you remember, what you know, 23 is the Stage 3 confirmation process. You confirm that the person is actually 24 25 interested and eligible for the

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Page 52 1 SISKIN 2 That's not what I said. Q 3 Α Had community preference. 4 Q That's not what I said. 5 Α Then you have to restate your 6 question. 7 I will. Q 8 I think you know, so I want 9 you to confirm this or tell me 10 otherwise, that when you look at all of 11 the CP entrants there are, and see what 12 portion of them are reached by a 13 developer, and get a determination of one kind or another that that 14 15 proportion is higher than the 16 proportion of non-CP entrants who are 17 reached by the developer? 18 MS. SADOK: Objection. 19 I can't prove that. Α I 20 believe it's probably true, but I don't 21 have the data if it's actually reached. 22 Well, let's talk about 0 23 considered in the way you talk about 24 considered in your report. You know 25 that there's a significantly higher

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Page 53 1 SISKIN 2 percentage of apparently eligible 3 community preference applicants who are 4 considered than the percentage of 5 apparently eligible non-community preference applicants, right? 6 7 Ά That's correct. 8 0 I did want to turn now to This is part 9 Page 30 of your report. 10 of where you're talking about stages. 11 And do you see there in Table 1 you identify stages? 12 13 A Yes. 14 How did you determine that 0 15 these are the stages of the lottery? 16 MS. SADOK: Objection. 17 Well, as I explained in the A 18 report, my understanding it has a 19 lot -- and it's not done precisely the 20 same in every case. Okay. 21 You're starting on a road Q 22 where I know that you're not answering the question I asked, so I apologize 23 24 and I will try to frame it more 25 precisely.

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Page 88 1 SISKIN 2 opposite gender consequences. 3 Wouldn't you treat the impact 4 separately in terms of the two jobs? 5 MS. SADOK: Objection. Depends whether the jobs are 6 Α 7 fungible, in the sense do they get paid 8 the same? Do they lead to the same 9 promotions? Are they the same income 10 history stream so that one job is the 11 same as the other in terms of value? 12 Let's say that they're not. Q 13 Α Then you would treat them 14 separately. 15 Q Okay. 16 Α But if they are, then you'll 17 treat them together. And value might have a 18 Q subjective element to it, right? 19 20 MS. SADOK: Objection. 21 In those cases, no. People Α 22 measure -- you measure pay, you measure 23 the promotional rates. You measure 24 those types of things. 25 So if the pay is different, I Q

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Page 103 1 SISKIN 2 What my studies have done is address the question in response to 3 4 what's been done, which is to treat the 5 lotteries and the apartments as fungible in terms of quality. 6 7 I'm not asking whether other 0 8 people have done it. Studies of 9 fungible or not. 10 I'm asking you whether -whether, sitting here today, you know, 11 12 you either know or don't know whether 13 or not the lotteries are fungible. 14 Do you know that the 15 lotteries are fungible? Do you not 16 know that the lotteries --17 Α No. 18 MS. SADOK: Objection. Asked 19 and answered. 20 Α What I said was the analysis 21 that I did is based on the assumption, 22 based on the information that I've seen 23 so far that the lotteries are fungible. 24 Do I know that they are really 25 fungible? I have not undertaken a

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Page 107 1 SISKIN 2 community preference policy at a smaller geography than citywide are 3 4 misguided in their approach to 5 disparate impact? 6 MS. SADOK: Objection. 7 A They're looking at a different issue. Disparate impact 8 9 looks at the assignment of, among 10 others, blacks, whites, Asian, less 11 likely or more likely to be given 12 apartments based on the community 13 preference policy. And as Dr. -- there 14 are areas where there are plus areas, 15 where they're minus, et cetera. 16 Okay. And the answer is --17 to that is, the evidence is fairly 18 strong that it does not affect the 19 awarding of apartments in total. 20 Blacks and whites are equally likely to 21 get an apartment. 22 Is there a difference in 23 where they're going to get an 24 apartment? That's where the studies of 25 the areas become relevant. Okay. So

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Page 111 1 SISKIN 2 MS. SADOK: Objection. Right? 3 0 I don't -- the numbers are Α 4 5 the numbers. It's -- it's common that it's by CD. 6 Prior to this case, many 7 Q 8 housing discrimination cases have you 9 been retained as an expert in? Α A handful. 10 11 How big or small of a 0 12 handful? 13 Α Small handful. Mostly 14 advising. Put advising as a larger 15 one, but actually retained is a smaller 16 one. 17 0 Since it's giving the benefit of the doubt of a small handful that 18 19 sounds like one, two or three. 20 MS. SADOK: Objection. 21 Α Are we talking about actually 22 retained or advising? 23 Retained. 0 24 A Yeah, it's probably about two or -- two housing cases I can think of, 25

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Page 112 1 SISKIN 2 maybe a few more. 3 Does that include housing Q 4 segregation cases? 5 Housing segregation. Α 6 Probably only one actual housing 7 segregation case. 8 What case was that? Q 9 Α Somewhere in Ohio. I think 10 it was Dayton. 11 There's another kind of case Q 12 that's become known colloquially as 13 driving while black cases. 14 Are you familiar with that 15 term? 16 MS. SADOK: Objection. 17 Are you familiar with that Q 18 term? 19 MS. SADOK: Objection. 20 Α No, I'm not familiar with 21 that term. But if you're talking about 22 profiling cases, I'm familiar with 23 those. 24 Cases where it's alleged that 0 various law enforcement entities will 25

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Page 254 1 SISKIN 2 data show. "The data show they tend to 3 prefer to remain close to the area in 4 which they currently reside." 5 That's your assertion, right? 6 A Yeah. 7 The data show they tend to Q 8 prefer to remain close to the area in 9 which they reside? 10 Α Correct. 11 That sounds like one way in Q which lotteries are not fungible for 12 13 people? 14 MS. SADOK: Objection. 15 Α That doesn't -- when I say 16 fungible, it's not for people. It's 17 for the -- the personal preference is 18 not the question when I say the 19 fungible. 20 In other words, if I bid on 21 five apartments, I get -- apartment, I 22 get an apartment. Okay? And if I 23 bid -- if I don't get an apartment, I 24 get an apartment. 25 What I'm saying by fungible,

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Page 290 1 SISKIN 2 isolation index and couldn't find a 3 simple solution. It could be done but it's --4 5 becomes then very complex. And in 6 doing it, I think it becomes a little 7 harder to justify because not -- at least in the dissimilarity index, it's 8 9 clear what happens when you move 10 somebody out how it affects it. It's 11 not clear to me if I pick somebody in 12 these other indexes, what's important 13 and what I have to do. So I have to 14 get a lot of additional information. 15 So I did not go there. 16 Just to use the example that 0 17 you gave, it's not the only example, 18 about the isolation index. By not using it, what, if 19 20 anything, do you fail to capture? What 21 dimension of segregation do you fail to 22 capture? 23 MS. SADOK: Objection. 24 The isolation index measures Α 25 people living in the same area, contact

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Page 291 1 SISKIN 2 with people. Again, I'd have to go back and -- every once in a while, I 3 4 read this stuff to become very up to And so I talk to my daughter, 5 date. 6 who has a Ph.D. in sociology, to 7 refresh my memory on these indexes. But that -- my recollection is that the 8 isolation index is a measure of 9 closeness of contact between races. 10 11 You wouldn't describe Q 12 yourself as an expert on segregation 13 indices, would you? 14 MS. SADOK: Objection. 15 It's hard -- it's a difficult Α 16 I'm not -- it's not an area question. 17 I've studied off the top of my head. 18 Any statistician can look at the 19 indexes and assess them. Statisticians do it routinely. 20 21 I've dealt with indexes so, 22 you know, as a statistician I would say 23 that I have expertise. And we're 24 talking about knowledge in terms of the 25 conceptual concepts of them that go

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Page 292 1 2 beyond the computation which is what 3 they measure. That I think is really a more general sociological issue that I 4 5 would not claim expertise in. 6 Q Okay. 7 MR. GURIAN: Thank you very 8 much. I know we will see you 9 again. And the circumstances of when that next is and the time, 10 11 all those sorts of things will be 12 a matter of dispute, I'm sure. 13 But thank you very much for today. 14 MS. SADOK: Off the record. VIDEOGRAPHER: We are off the 15 16 record at 5:21 p.m. This 17 concludes today's testimony given 18 by Professor Bernard Siskin. The total number of media 19 units used was five and will be 20 21 retained by David Feldman 22 Worldwide. 23 (Time noted: 5:21 p.m.) 24 25

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1	
2	ACKNOWLEDGEMENT
3	
	STATE OF NEW YORK)
4) ss.:
	COUNTY OF NEW YORK)
5	
6	I, BERNARD R. SISKIN, certify, I have read
7	the transcript of my testimony taken under
8	oath in my deposition of August 26, 2019;
9	that the transcript is a true, complete
10	and correct record of what was asked,
11	answered and said during this deposition,
12	and that the answers on the record as
13	given by me are true and correct.
14	Bullishm
15	Sulla shan
	BERNARD R. SISKIN
16	
17	
	Sworn and subscribed to before me
18	
	this 11th day of October, 2019.
19	
20	
	fre Section
21	Notary Public
22	Commonwealth of Pennsylvania - Notary Seal
23	ERIC SISKIN - Notary Public Philadelphia County My Commission Expires May 10, 2023
24	Commission Number 1262372
25	
	David Feldman Worldwide800-642-1099A Veritext Companywww.veritext.com
	and all the second and

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Page 294 1 2 CERTIFICATION 3 STATE OF NEW YORK) 4) ss.: COUNTY OF NEW YORK) 5 I, JUDITH CASTORE, Shorthand Reporter 6 7 and Notary Public within and for the State 8 of New York, do hereby certify: 9 That BERNARD R. SISKIN, the witness 10 whose deposition is hereinbefore set 11 forth, was duly sworn by me and that this 12 transcript of such examination is a true 13 record of the testimony given by such 14 witness. 15 I further certify that I am not 16 related to any of the parties to this 17 action by blood or marriage and that I am 18 in no way interested in the outcome of 19 this matter. IN WITNESS WHEREOF, I have hereunto 20 21 set my hand this 28th day of August, 2019. 22 Judy Castore 23 24 25 JUDITH CASTORE

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		Errata Testimony of Bern	ard R. Siskin, dated August 26, 2	2019	
	Case: Noel and Senat v City of New York				
Page	Line	Now reads	Should read	Reason for change	
13	10	counsel telling me I can't	counsel telling me - I can't	clarity	
18	13	I agree to what I said.	I agree with what I said.	Transcription error	
24	18	Brian Nedieberger	Bryan Niederberger	spelling - needs global change	
24	21	Nedieberger	Niederberger	spelling - needs global change	
30	18	that's my	that's not my	misspoke	
42	16	I don't know that's	I don't know. That's	Transcription error	
49	7-13	Yes. You asked downstream, that's downstream. That downstream effect, okay,, may have a different switch the results that you would have gotten simply because of the community preference policy affecting who is considered.	Yes. You asked downstream. That is, downstream. That is a downstream effect which switches the results that you would have gotten simply because of the community preference policy affecting who is considered.	misspoke; clarity	
61	12	apparently not	apparently	clarity	
61	13	eligible, Okay.	eligible or not, Okay	clarity	
61	14	group, the likelihood	group of those not apparently eligible, the likelihood	clarity	
61	17-18	be affected by by the or not be affected as a	affect or not affect as a	clarity	
61	19	or affected by	or affect it by	clarity	
61	24	must hire people			
62	4	I didn't hire	I didn't mean hire	typo	
65	16-17 gotten it. Okay. But you're gotten it. If you're apparently n		gotten it. If you're apparently not eligible, you would	misspoke; clarity	
65	21	that appeal and if you are apparently	that appeal and if you are	misspoke; clarity	
65				clarity	

	Errata Testimony of Bernard R. Siskin, dated August 26, 2019 Case: Noel and Senat v City of New York				
Page	Line	Now reads	Should read	Reason for change	
83	12-15		No. I mean that not my understanding. It's a fine goal, but that is not the intent. It assumes the process is facially neutral and if it has a disparate impact it requires the practice causing it to be valid and that no equivalent alternative with less impact exists.	misspoke; clarity	
90	19	hope	believe	misspoke; clarity	
94	23	To clarify the intent of the sentence.			
95	6	and practice	in practice	typo	
107	9-15	looks at the asisgnment of, among others, blacks, whites, Asian, less likely or more likely to be given apartments based on the community preference policy. And as Dr there are areas where there are plus areas, where they're minus, et cetera.	looks at the assignment of awards among the races: other, blacks, whites and Asians. Is a race less likely or more likely to be given apartments based on the community preference policy. And, as Dr. Beveridge states, there are areas where races are awarded more apartments and there are areas where those races are awarded fewer.		
108	21	higher	hire	typo	
144	13	In Table 2, rather, was after	In Table 2, rather. what we are studying was after	To clarify the intent of the sentence.	
144	19-21 correlation, that certain characteristics correlation, that given certain have a likelihood that somebody who is eligible, apparently that somebody who is apparently		To clarify the intent of the sentence.		
146	2	the group? Okay. That is is	that group? Okay. That is the likelihood someone is	clarity	
146	9-10	they're included	unless, in the simlation, no apartment for wihich they are eligible is available.	To clarify the intent of the sentence.	
180	23	joint	join	typo	
181	5	actual fills	actual files	typo	

Case 1:15-cv-05236-LTS-KHP Document 916-1 Filed 11/06/20 Page 18 of 19

			ard R. Siskin, dated August 26, 2	019	
		Case: Noel and S	enat v City of New York		
Page	Line	Now reads	Should read	Reason for change	
181	8	to you in you	to you in	misspoke; clarity	
181	15	But the A using	But a suffix is used, I believe, then	To clarify the intent of the sentence.	
191	18	effects	affects	typo	
193	5	effect	affect	typo	
193	6	effect	affect	typo	
194	24	disagreement	argument	typo	
194	25	Because you can't determine who.	Because you can't determine who was actually impacted by the practice at	clarity	
199	24	policies	policy's	typo	
200	5	to for blacks	too few blacks	typo	
202	20	in terms at what	in terms of what	Transcription error	
203	20-21	you're going to challenge it you can't do that, then you move it to the next	you're going to challenge that analysis that it can't be done accurately, then you move the analysis to the next	To clarify the intent of the sentence.	
203	10	wind as	wind up as	Transcription error	
208	21	How	What	misspoke	
214	15-16	where you do not make it.	where you make it without it.	clarity	
219	23	process	preference	misspoke	
219	25	process	preference	misspoke	
220	14	overprotected	a protected	typo	
223	5	counts	accounts	typo	
223	8-9	CP awards	awarded apartments through the CP policy	clarity	
235	20	hired	awarded	misspoke	
241	8	lease	least typo		
241	16-17	logistic model because the average it's	logistic model, but estimating the	To clarify the intent	
		to averaging	average effect	of the sentence.	
242	10-11	gets rid of combines some.	gets rid of or combines some variables. clarity		
243	23	catenation	concatenation	typo	
251	16				

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Errata	Testimony	of Bernard R	. Siskin, dated	August 26, 2019

	- ·	Case: Noel and S	Case: Noel and Senat v City of New York				
Page	Line	Now reads	Should read	Reason for change			
	21-24I get apartment, I get an apartment.I get one apartment, I get an apartmentOkay? And if I bid if I don't get an apartment, I get an apartmentOkay? And if I don't get any apartmentI get one apartment, I get an apartmentI get one apartment, I get an apartment		. To clarify the intent				
255	13-14	Most people there are some people.	Most people would not	clarity			
262	3	bias	biased	typo			
262	22	MAGNA	MAGA	misspoke			
265	9	your	you're	spelling error			
270	4	early state	earliest date	clarity			
282	9	six month	six mile	misspoke			
286	4-5	which is preference	hich is preference which is a preference				
287	2-4	and, of course, getting the preference is has to be designed as with the outcome of getting it is.	and, of course, getting the preference, on average, is good. It is designed to be an advantage with respect to the outcome of getting an award.	To clarify the intent of the sentence.			
288	12	in illustration	in the illustration	To clarify the intent of the sentence.			
	÷	BARSIL	10/11/19	<u>. </u>			
	i	Bernard R. Siskin	Date				
	••••••••••••••••••••••••••••••••••••••	Subscribed and Sword to Before Me this Day of, 2019		· · · · · · · · · · · · · · · · · · ·			
	• . •.	SEE Attacked Cent Notary Public	Commission Expires	-			

Case 1:15-cv-05236-LTS-KHP Document 916-2 Filed 11/06/20 Page 1 of 8

Page 1 1 2 UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK 3 -----x SHAUNA NOEL and EMMANUELA 4 SENAT, Plaintiffs, 5 6 -against-Civil Action No.: 7 15-CV-5236 CITY OF NEW YORK, 8 Defendant. 9 -----x November 15, 2019 10 10:37 a.m. 11 12 13 VIDEOTAPED DEPOSITION of PROFESSOR BERNARD R. 14 SISKIN, taken by Plaintiffs, pursuant to Notice, 15 held at the offices of Veritext Legal Solutions, 16 1250 Broadway, New York, New York, before Judith 17 Castore, a Certified Livenote Reporter and Notary Public of the State of New York. 18 19 20 21 22 23 24 25

Page 11 1 SISKIN 2 that what you're saying? 3 Α You're saying that there is a 4 preference and the preference creates a By definition, preference means 5 preference. 6 it's not a fair game for anybody because the 7 preference changes the odds for those people 8 to get a preference. Okay? The question 9 that you, then, ask is -- there is two 10 aspects that that preference can cause. 11 (Clarification by the 12 reporter.) 13 One aspect is that the preference Α 14 winds up as a result of a protected class 15 disproportionately not getting selected. 16 That's what I would call disparate impact. 17 The other process may be that 18 they're, in fact, selected fairly; or, 19 in fact, maybe they're selected --20 protected classes are overselected, but 21 where they get selected is different. 22 So this is the funneling question. And 23 that doesn't affect their ability to 24 get an apartment, but it does affect 25 the possibility of segregation. And

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Page 13 1 SISKIN 2 was -- and I hope we're not going to 3 have an issue with this today. MS. SADOK: We are if you keep 4 interrupting him. 5 The question, Dr. Siskin -- I will 6 0 7 repeat it is: Are the questions "Can someone 8 compete for housing fairly in Location A, and 9 can someone compete for housing fairly in 10 Location B?" are each of those questions that 11 have a disparate impact element to them? 12 Objection. MS. SADOK: 13 Α They have a disparate impact 14 element only to the extent that the ability 15 to compete fairly in one area, i.e., you have 16 the preference and another area where you do 17 not have the preference, doesn't offset so 18 that a group, a particular race, or protected 19 class winds up getting less -- less 20 apartments as the result of the preference. 21 That's the only way in which it has an impact 22 on disparate impact. 23 However, if, in fact, the --24 I'm sorry. Go ahead. Q 25 -- policy results in one area of А

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Page 14 SISKIN 1 2 them being favored, one area of them not 3 being favored because of the preference, and 4 that results in some sort of effect on 5 segregation, then that's a separate question. But that's not the question of disparate 6 7 impact of the policy. 8 0 So in these views that you have 9 expressed --(Clarification by the 10 11 reporter.) 12 These views that you have expressed Q 13 in these last few minutes in response to my 14 questions, where, if at all, does the housing 15 discrimination literature take the views you 16 have expressed? 17 Objection. MS. SADOK: 18 I don't study -- I don't claim to A 19 study the housing area literature. I have 20 testified extensively on the concept of 21 statistical measuring of discrimination and 22 defining the concept of disparate impact in 23 practice, and my interpretation would be 24 exactly what I told you. That's been my 25 experience in my 40 years of testifying about

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Page 76 SISKIN 1 2 position that there is some minimum 3 amount of change in the dissimilarity 4 index that has to occur before one can 5 conclude that a policy perpetuates 6 housing segregation. Am I correct? 7 MS. SADOK: Objection. 8 Α No, that is not correct. 9 So is there a minimum amount by 0 10 which the segregation -- the change in the 11 segregation index under the policy has to 12 differ from the change in the segregation 13 index without the policy before there can be 14 perpetuation of segregation? 15 MS. SADOK: Objection. 16 I think, in my report, I answered Α 17 that pretty straightforward, saying that 18 Dr. Beveridge had raised the issue that any 19 level of less segregation, if the community 20 preference policy causes any level of less 21 integration than would occur if it was not, 22 represents perpetual segregation, and that I 23 said that's a legal question. I don't have 24 an answer to that. I'm not -- I'm not 25 answering that question because it's not in

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Page 77 1 SISKIN 2 my area of expertise. What I have done is I said 3 4 I'm going to tell you what is going on here in terms of does it result in less 5 integration and how much. How did it 6 7 affect the index? Okay. If we had 8 gotten rid of it, how would it change? 9 Because we know that it's going to get -- the index will come down --10 How much will it come down? 11 amount. 12 And that's information. I was not 13 making a judgment as to what is 14 perpetual segregation, whether any 15 change represents perpetual 16 segregation, or whether a judgment has 17 to be made on whether it's practically 18 significant. 19 Q Were you making any judgment as to 20 whether a change in a segregation index of 21 any type is necessary to a perpetuation of 22 segregation analysis? 23 MS. SADOK: Objection. 24 If the measure that is being Α 25 studied is the segregation index for a city,

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I, BERNARD R. SISKIN, certify I have read the transcript of my testimony taken under oath in my deposition on November 15, 2019; that the transcription is a true, complete and correct record of what was asked, answered and said during this deposition, and that the answers on the record as given by me are true and correct.

Burned & Sisteri

Bernard R. Siskin, Ph.D.

Sworn and subscribed to before me

this 19th day of December, 2019.

Notary Public

Commonwealth of Pennsylvania - Notary Seai ERIC SISKIN - Notary Public Philadelphia County My Commission Expires May 10, 2023 Commission Number 1262372 Case 1:15-cv-05236-LTS-KHP Document 916-2 Filed 11/06/20 Page 8 of 8

Page 152 1 2 CERTIFICATION 3 STATE OF NEW YORK) 4) ss.: COUNTY OF NEW YORK) 5 6 I, JUDITH CASTORE, Shorthand Reporter 7 and Notary Public within and for the State 8 of New York, do hereby certify: That BERNARD R. SISKIN, the witness 9 whose deposition is hereinbefore set 10 11 forth, was duly sworn by me and that this 12 transcript of such examination is a true 13 record of the testimony given by such 14 witness. 15 I further certify that I am not 16 related to any of the parties to this 17 action by blood or marriage and that I am 18 in no way interested in the outcome of 19 this matter. 20 IN WITNESS WHEREOF, I have hereunto 21 set my hand this 19th day of November, 22 2019. Judy Castore 23 JUDITH CASTORE 24 25

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VICKI BEEN Commissioner

Office of the Commissioner 100 Gold Street New York, N.Y. 10038

nyc.gov/hpd

September 5, 2014

Ms. Michelle Aronowitz Deputy General Counsel Head Quarters U.S. Department of Housing and Urban Development 451 7th Street, Southwest Room 10110 Washington, DC 20410

Mr. Bryan Greene General Deputy Assistant Secretary, Office of Fair Housing and Equal Opportunity Head Quarters U.S. Department of Housing and Urban Development 451 7th Street, Southwest Room 6204 Washington, DC 20410

Ms. Jo-Ann Frey New York Center Director, Office of Fair Housing and Equal Opportunity U.S. Department of Housing and Urban Development 26 Federal Plaza- 35th Floor New York, NY 10278

Dear Ms. Aronowitz, Mr. Greene, and Ms. Frey,

I am writing to follow up on our conversation about HUD's concerns about the fair housing implications of New York City's use of community preferences in the lease-up of housing units we have financed.

As you know, New York City distributes the affordable apartments or homes for which it has provided financing to support new construction or preservation through a lottery process. New York City is divided into 59 community districts. Under the terms of our agreements with the developers, who actually conduct the lease-up, residents of the community district in which the site is located receive a priority for 50% of the affordable units in the project. For projects receiving New York's main tax benefit for new construction, this preference is written into state law (Real Property Tax Law §421a(6)(d), 421a(7)(d)(ii), and 421a(13)(d))), but generally the community district preference is a matter of tradition and political practice.

You raised concerns about the effect that the community district preference might have on New York City's obligations under the Fair Housing Act of 1968, and under the Affirmatively Furthering Fair Housing regulations proposed in July 2013, and now pending final release. We have provided below some context for the discussion, followed by an explanation of how we think we can address the issues most appropriately.

I. New York City's Racial and Ethnic Composition and Distribution

In general, New York City is racially and ethnically diverse. In 2012, the City's population was about 33 percent white, 23 percent black, 29 percent Hispanic, and 13 percent Asian. Accordingly, the Racial

Diversity Index (RDI) which estimates the chance that two randomly chosen people from New York City would be of different races,¹ was 0.74 in 2012.²

Like the City as a whole, many of our neighborhoods are quite diverse. A recent report from New York University's Furman Center for Real Estate and Urban Policy noted:

"... We classify neighborhoods based on their racial composition into four categories: singlerace majority or highly homogenous, homogenous, integrated, and minority-mixed. ... The share of single-race majority neighborhoods (where the proportion of any particular racial group is greater than 90%) in New York City was the lowest of any of the five largest cities at 5.1 percent.

The share of homogenous neighborhoods (where the proportion of any racial group is greater than 50% but lower than 90%) in New York City was 44.2 percent, similar to Los Angeles and Houston. The sum of the share of integrated neighborhoods (those where the share of both whites and at least one other racial group is greater than 20% and the share of minority-mixed neighborhoods (where the share of whites does not exceed 20% and at least two minority groups exceed 20%) accounts for 51 percent of New York City's neighborhoods. Thus, one of out of two residents in New York City lives in an integrated or minority-mixed neighborhood. ..."

Nevertheless, too many of our neighborhoods do not reflect the racial and ethnic diversity of the City and remain homogenous. The de Blasio Administration has taken a strong stand that our housing policies will seek to further diversity, as illustrated by this quote from the *Housing New York* plan released in May 2014:

"Things must change

... Further, the affordable housing crisis is exacerbated by (and compounds) inequality. In some of the City's neighborhoods, median household income is as high as \$122,222, while in others, the median household income is only \$21,562. Often, both the highest income and the lowest income neighborhoods have little income diversity, while others are racially homogenous. Indeed, nearly half of the city's neighborhoods remain dominated by a single racial or ethnic group. The inequality and lack of diversity in many neighborhoods means that some families do not have access to the education, jobs, and other opportunities others enjoy. It also means that low income households often are unable to find homes in the neighborhood in which they would like to live.

... We must do more to ensure that all New Yorkers have a safe and affordable place to live, in neighborhoods that provide opportunities to succeed. ... "

II. Avoiding Fair Housing Concerns in Implementing Community District Preferences

¹ We calculate the Racial Diversity Index (RDI) according to the following formula: $RDI = 1 - (P^2 Asian + P^2 black + P^2 Hispanic + P^2 white)$. We use the categories of Asian (non-Hispanic), black (non-Hispanic), Hispanic, and white (non-Hispanic) but exclude people identifying as some other race or reporting more than one race from this calculation. Nonetheless, the four groups included accounted for 97.3 percent of New York City's population in 2012.

² See State of New York City's Housing and Neighborhoods in 2013 (Furman Center for Real Estate and Urban Policy: 2014).

Community district preferences can be a very powerful tool in the City's efforts to affirmatively further fair housing. Many communities resist the siting of affordable or supportive housing within their neighborhoods, fearing that the greater density the housing brings will tax schools, transit, public safety and other vital neighborhood infrastructure and services. Those fears often are allayed when the communities are assured that the housing will provide benefits, in part, to neighborhood residents. Because so many of New York City's neighborhoods are threatened with rapidly increasing rents, the promise that new affordable housing will help existing residents of the community remain in the neighborhood is a powerful counter to many of the legitimate concerns that neighborhoods have about the changes that investment in new housing in the neighborhood may bring.

Critics of the community district preference system have expressed concern, however, that in some instances, the preferences might "lock in" the existing racial or ethnic majority in a neighborhood, and might make it more difficult for racial or ethnic groups not already represented in a community to move into the neighborhood.

To address those concerns, we have analyzed a variety of ways in which we might modify the community district preference to avoid any implication that the preference runs counter to our goal of "build[ing] a just, equitable, inclusive and prosperous city."³

A. Measuring the diversity of community districts

Traditionally, measures of segregation have focused on the dissimilarity index, which represents "a summary measure of the extent to which the distribution of any two groups (frequently racial or ethic groups) differs across census tracts or block-groups."⁴ As noted above, however, New York City is made up of four major racial and ethnic groups, which complicates the analysis considerably. Researchers in New York accordingly have used the RDI to address that feature of New York City's neighborhoods, and to provide a neighborhood-level measure, rather than a measure that simply averages indices for individual census tracts or census blocks.

As noted above, the RDI measures the chance that any two residents of a specified geography will be of different races or ethnicities. New York City's RDI in 2012 was .74; the RDIs of individual community districts ranged from a low of .21 (BK 17: Flatbush, Brooklyn) to a high of .84 (QN 10: South Ozone Park and Howard Beach, Queens). The RDIs for all 59 community districts are arrayed in Appendix A. In brief, the groupings fall as follows:

RDI	Number of Community
	Districts (cumulative)
<.030	2
<0.4	4
<0.45	8
<0.5	17
<0.55	27
<0.60	37
<0.65	44

³ Housing New York, at p. 27.

* AFFII Data Documentation, June 2013 draft, at 2 (available at http://www.huduser.org/portal/publications/pdf/FR-

5173-P-01_AFFII_data_documentation.pdf)

<0.70 52 <0.85 59

Redacted over plaintiffs' objection. Note: full, non-redacted document is in the public domain.

Sincerely,

Vicki Been

ACS DEMOGRAPHIC AND HOUSING ESTIMATES

New York City Community Boards

2008-2012 American Community Survey 5-Year Estimates

			Racial Divers	ity**
Community	Board	j•	Index	Rank
Manhattan	1	Tribeca, Seaport/Civic Center, Financial Board, etc.	0.496	44
Manhattan	2	Greenwich Village, West Village, NoHo, etc.	0.411	54
Manhattan	3	Tompkins Square, East Village, Lower East Side, etc.	0.716	4
Manhattan	4	Clinton, Chelsea	0.580	24
Manhattan	5	Midtown	0.495	46
Manhattan	6	Stuyvesant Town, Tudor City, Turtle Bay, etc.	0.438	52
Manhattan	7	Manhattan Valley, Upper West Side, and Lincoln Square	0.506	40
Manhattan	8	Upper East Side, LenoxHill, Yorkville, et c.	0.363	57
Manhattan	9	Hamilton Heights, Manhattanville, Morningside Heights, etc.	0.711	5
Manhattan	10	Central Harlem	0.569	27
Manhattan	11	East Harlem	0.661	15
Manhattan	12	Inwood and Washington Heig hts	0.467	48
Bronx	1	Mott Haven, Port Morris, Melrose	0.432	53
Bronx	2	Hunts Point, Longwood, Morrisania	0.408	. 55
Bronx	3	Crotona Park, Claremont Village, Concourse Village, etc.	0.503	41
Bronx	4	Highbridge, Concourse, Mount Eden, et c.	0.500	42
Bronx	5	Fordham, University Heights, Morris Heights, etc.	0.457	51
Bronx	6	Belmont, Bathgate, West Farms, etc.	0.499	43
Bronx	7	Norwood, University Heights, Jerome Park, etc.	0.538	36
Bronx	8	Fieldston, Kingsbridge, Kingsbridge Heights, etc.	0.643	17
Bronx	9	Parkchester, Unionport, Soundview, etc.	0.553	32
Bronx	10	Co-op City, City Island, Spencer Estates, etc.	0.699	8
Bronx	11	Allerton, Bronx Park East, Eastchester Gardens, etc.	0.700	7
Bronx	12	Edenwald, Wakefield, Williamsbridge, etc.	0.513	39
Brocklyn	1	Flushing Avenue, Williamsburg, Greenpoint, etc.	0.546	34
Brooklyn	2	Brooklyn Heights, Fulton Mall, Boerum Hill, etc.	0.684	11
Brooklyn	3	Bedford-Stuyvesant, Stuyvesant Heights, and Ocean Hill	0.529	37
Brooklyn	4	Bushwick	0.495	45
Brooklyn	5	East New York, Cypress Hills, Highland Park, etc.	0.570	26
Brocklyn	6	Red Hook, Carroll Gardens, Park Slope, etc.	0.575	25
Brooklyn	7	Sunset Park and Windsor Terrace	0.682	12
Brooklyn	8	Crown Heights, Prospect Heights, and Weeksville	0.560	29
Brooklyn	9	Crown Heights, Prospect Lefferts Gardens, and Wingate	0.482	47
Brooklyn	10	Bay Ridge, Dyker Heights, and Fort Hamilton	0.557	30
Brooklyn	11	Bath Beach, Gravesend, Mapleton, etc.	0.617	21
Brooklyn	12	Boro Park, Kensington, Ocean Parkway, etc.	0.517	38
Brooklyn	13	Coney Island, Brighton Beach, Bensonhurst, etc.	0.598	23
Brooklyn	14	Flatbush, Midwood, Kensington, etc.	0.696	9
Brooklyn	15	Sheepshead Bay, Manhattan Beach, Kings Bay, etc.	0.459	50
Brooklyn	16		0.372	56
Brooklyn	17	East Flatbush, Remsen Village, Farragut, etc.	0.213	59
Brooklyn	18		0.555	31
Queens	1	Astoria, Old Astoria, Long Island City, etc.	0.669	14

ACS DEMOGRAPHIC AND HOUSING ESTIMATES

New York City Community Boards

Oueens Staten Island

boards.

2008-2012 American Community Survey 5-Year Estimates

		Racial Diversity**		
Community E	Board	J•	Index	Rank
Queens	2	Astoria, Old Astoria, Long Island City, etc.	0,687	10
Queens	3	Jackson Heights, East Elmhurst, North Corona, etc.	0,548	33
Queens	4	Corona, Corona Heights, Elmhurst, etc.	0.619	20
Queens	5	Ridgewood, Glendale, Middle Village, etc.	0.566	28
Queens	6	Forest Hills and Rego Park	0.608	22
Queens	7	Flushing, Bay Terrace, College Point, etc.	0.646	16
Queens	8	Fresh Meadows, Cunningham Heights, Hilltop Village, etc.	0.735	2
Queens	9	Richmond Hill, Woodhaven, Ozone Park, etc.	0.732	3
Queens	10	Howard Beach, Ozone Park, South Ozone Park, etc.	0.814	1
Queens	11	Bayside, Douglaston, Little Neck, etc.	0.629	18
Queens	12	Jamaica, Hollis, St. Albans, etc.	0.542	35
Queens	13	Queens Village, Glen Oaks, New Hyde Park, etc.	0.629	19
Queens	14	Breezy Point, Belle Harbor, Broad Channel, etc.	0.680	13
Staten Island	1	Arlington, Castleton Comers, Clifton, etc.	0,706	6
Staten Istand	2	Arrochar, Bloomlield, Bulls Heads, etc.	0.466	49
Staten Island	3	Annadale, Arden Heights, Bay Terrace, etc.	0.280	58
New York Cit	y-Cit	ywide	0.739	
Manhattan			0.676	3
Bronx			0.607	4
Brooklyn			0.718	2

*ACS census tract-level data are aggregated to the community board geographic area. Please note the geographies of the aggregated census tracts are not entirely coterminous with NYC community board boundaries, but represent a very
close approximation. The data represented on this map is an approximation of the racial composition within community

0.763

0.544

5

**The Index is calculated using the racial diversity index. (1 minus % of population that is White Non-Hispanic² minus % of population that is African American Non-Hispanic² minus % of population that is African American Non-Hispanic² minus % of population that is Latino or Hispanic³). A score close to 0.75 means that the four main race/ethnicity groups (White Non-Hispanic, Black Non-Hispanic, Asian Non-Hispanic, and Hispanic or Latino) are equally distributed in a geographic area. Geographics with ratios closer to zero are the least diverse.

ACS DEMOGRAPHIC AND HOUSING ESTIMATES

New York City Community Boards (Sorted by Racial Diversity Index) 2008-2012 American Community Survey 5-Year Estimates

		Racial Diversity**		
Community E	loan	J*	Index	Rank
Queens	10	Howard Beach, Ozone Park, South Ozone Park, etc.	0.814	1
Queens	8	Fresh Meadows, Cunningham Heights, Hilltop Village, et c.	0.735	2
Queens	9	Richmond Hill, Woodhaven, Ozone Park, etc.	0.732	3
Manhattan	3	Tompkins Square, East Village, Lower East Side, etc.	0.716	4
Manhattan	9	Hamilton Heights, Manhattanville, Morningside Heights, etc.	0.711	5
Staten Island	1	Arlington, Castleton Corners, Clifton, etc.	0.706	5 6 7
Bronx	11	Allerton, Bronx Park East, Eastchester Gardens, etc.	0.700	7
Bronx	10	Co-op City, City Island, Spencer Estates, etc.	0.699	8
Brooklyn	14	Flatbush, Midwood, Kensington, etc.	0.696	9
Queens	2	Astoria, Old Astoria, Long Island City, etc.	0.687	10
Brooklyn	2	Brooklyn Heights, Fulton Mall, Boerum Hill, etc.	0.684	11
Brooklyn	7	Sunset Park and Windsor Terrace	0.682	12
Queens	14	Breezy Point, Belle Harbor, Broad Channel, etc.	0.680	13
Queens	1	Astoria, Old Astoria, Long Island City, etc.	0.669	14
Manhattan	11	East Harlem	0.661	15
Queens	7	Flushing, Bay Terrace, College Point, etc.	0.646	16
Bronx	8	Fieldston, Kingsbridge, Kingsbridge Heights, etc.	0.643	17
Queens	11	Bayside, Douglaston, Little Neck, etc.	0.629	18
Queens	13	Queens Village, Gien Oaks, New Hyde Park, etc.	0.629	19
Queens	4	Corona, Corona Heights, Elmhurst, etc.	0.619	20
Brooklyn	11	Bath Beach, Gravesend, Mapleton, etc.	0.617	21
Queens	6	Forest Hills and Rego Park	0.608	22
Brooklyn	13	Coney Island, Brighton Beach, Bensonhurst, etc.	0.598	23
Manhattan	4	Clinton, Chelsea	0.580	24
Brooklyn	6	Red Hook, Carroll Gardens, Park Slope, etc.	0.575	25
Brooklyn	5	East New York, Cypress Hills, Highland Park, etc.	0.570	26
Manhattan	10	Central Harlem	0.569	27
Queens	5	Ridgewood, Glendale, Middle Village, etc.	0.566	28
Brooklyn	8	Crown Heights, Prospect Heights, and Weeksville	0.560	29
Brooklyn	10	Bay Ridge, Dyker Heights, and Fort Hamilton	0.557	30
Brooklyn	18	Canarsie, Bergen Beach, Mill Basin, etc.	0.555	31
Bronx	9	Parkchester, Unionport, Soundview. etc.	0.553	32
Queens	3	Jackson Heights, East Elmhurst, North Corona, etc.	0.548	33
Brooklyn	1	Flushing Avenue, Williamsburg, Greenpoint, etc.	0.546	34
Queens	12	Jamaica, Hollis, St. Albans, etc.	0.542	35
Bronx	7	Norwood, University Heights, Jerome Park, etc.	0.538	36
Brooklyn	3	Bedford-Stuyvesant, Stuyvesant Heights, and Ocean Hill	0.529	37
Brooklyn	12	Boro Park, Kensington, Ocean Parkway, etc.	0.517	38
Bronx	12	Edenwald, Wakefield, Williamsbridge, etc.	0.513	39
Manhattan	7	Manhattan Valley, Upper West Side, and Lincoln Square	0.506	40
Bronx	3	Crotona Park, Claremont Village, Concourse Village, etc.	0.503	41
Bronx	4	Highbridge, Concourse, Mount Eden, etc.	0.500	42
Bronx	6	Belmont, Bathgate, West Farms, etc.	0.499	43

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ACS DEMOGRAPHIC AND HOUSING ESTIMATES

New York City Community Boards (Sorted by Racial Diversity Index) 2008-2012 American Community Survey 5-Year Estimates

		Racial Diversity**		
Community E	loard	1*	Index	Rank
Manhattan	1	Tribeca, Seaport/Civic Center, Financial Board, etc.	0.496	44
Brooklyn	4	Bushwick	0.495	45
Manhattan	5	Midtown	0.495	46
Brooklyn	9	Crown Heights, Prospect Lefferts Gardens, and Wingate	0.482	47
Manhattan	12	Inwood and Washington Heights	0.467	48
Staten Island	2	Arrochar, Bloomfield, Bulls Heads, etc.	0.466	49
Brooklyn	15	Sheepshead Bay, Manhattan Beach, Kings Bay, etc.	0.459	50
Bronx	5	Fordham, University Heights, Morris Heights, etc.	0.457	51 52
Manhattan	6	Stuyvesant Town, Tudor City, Turtle Bay, etc.	0.438	52
Bronx	1	Mott Haven. Port Morris, Melrose	0.432	53
Manhattan	2	Greenwich Village, West Village, NoHo, etc.	0.411	54
Bronx	2	Hunts Point, Longwood, Morrisania	0.408	55
Brooklyn	16	Brownsville and Ocean Hill	0.372	56
Manhattan	8	Upper East Side, LenoxHill, Yorkville, etc.	0.363	57
Staten Island	3	Annadale, Arden Heights, Bay Terrace, etc.	0.280	58
Brooklyn	17	East Flatbush, Remsen Village, Farragut, etc.	0.213	59
New York Cit	New York City-Citywide		0.739	
·				
Queens		الدغو والخالخا فالشاه فليترك والمراجع وكفار الدابي والمحمد والمحال والمارك والمارك والمحال فالمراجع والمحمد والم	0.763	1
Brocklyn			0.718	2
Manhattan		*****	0.676	3
Bronx			0.607	4
Staten Island			0.544	5

*ACS census tract-level data are aggregated to the community board geographic area, Please note the geographies of the aggregated census tracts are not entirely coterminous with NYC community board boundaries, but represent a very close approximation. The data represented on this map is an approximation of the racial composition within community boards.

**The Index is calculated using the racial diversity index. (1 minus % of population that is White Non-Hispanic² minus % of population that is African American Non-Hispanic² minus % of population that is AsianNon-Hispanic² minus % of population that is Latino or Hispanic³ A score close to 0.75 means that the four main race/ethnicity groups (White Non-Hispanic, Black Non-Hispanic, Asian Non-Hispanic, and Hispanic or Latino) are equally distributed in a geographic area. Geographics with ratios closer to zero are the least diverse.

Page 1 1 2 UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK 3 JANELL WINFIELD, TRACEY 4 STEWART and SHAUNA NOEL, 5 Plaintiffs, -against-6 Civil Action No.: 15-CV-5236 (LTS) (KHP) CITY OF NEW YORK, 7 8 Defendant. -----x 9 10 11 DEPOSITION OF 12 THOMAS BOMAN and VICTOR HERNANDEZ 13 New York, New York 14 June 5, 2018 15 9:59 a.m. 16 17 18 19 20 21 Reported by: JUDITH CASTORE, CLR 22 23 24 25

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Page 139 1 BOMAN/HERNANDEZ/CONFIDENTIALLY TO BE DETERMINED 2 infrequently this happens, but if 3 you've been awarded an apartment in a 4 lottery and you've accepted it and you've moved in and now there's another 5 building that you're interested in and 6 you apply, are you precluded from doing 7 8 so because you've already moved in to a 9 lotteried apartment? 10 Α No. 11 0 Because of what I think I 12 know about the NYCHA, I think that the 13 answer to this one is no also, but instead of describing my theoretical 14 15 answer let me just ask you the 16 question. 17 If you are coming from a 18 subsidized apartment, that is an 19 apartment that is subsidized in any 20 way, are you precluded from 21 participating in a lottery? 22 Α No. 23 This next one may or may not Q 24 be more complicated. 25 If in connection with a

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Page 245 1 BOMAN/HERNANDEZ/CONFIDENTIALLY TO BE DETERMINED 2 A Okav. 3 Initial logs identify whether 0 4 somebody is -- lives in the community 5 district, correct? 6 Α Correct. 7 Q Initial logs also identify 8 where each applicant lives, correct? 9 Α Correct. 10 Q So that's what I mean, that 11 HPD captures the data to be able to 12 know how many people live in the 13 community district and how many people 14 who have applied out of the community 15 district are New York City residents, 16 correct? 17 The answer is yes. I made a Α 18 distinction because we were speaking 19 about the database also and I wanted to 20 make sure that you knew that in the 21 database that information is not 22 captured. 23 In what way, if at all, has Q 24 HPD used the information of the 25 relative scope of insiders community

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Page 295 1 New your 2 STATE OF) 3) : 55 New JORK 4 COUNTY OF 5 6 I, VICTOR HERNANDEZ, the witness 7 8 herein, having read the foregoing 9 testimony of the pages of this deposition, 10 do hereby certify it to be a true and 11 correct transcript, subject to the 12 corrections, if any, shown on the attached 13 page. 14 15 16 VICTOR HERNANDEZ 17 18 19 20 Sworn and subscribed to before me, 3 21 JULY 2018. this of day 22 EDWIN LUGO Blary Public, State of New York 23 No. 31-4926368 24 Qualified in Queens County Notary Public Signature Filed in New York County, Commission Expires April 4, 25 20 David Feldman Worldwide 800-642-1099 A Veritext Company www.veritext.com

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1 STATE OF New York , COUNTY OF New York , 2 3 : s s 4 5 6 I, THOMAS BOMAN, the witness 7 herein, having read the foregoing 8 testimony of the pages of this deposition, 9 10 do hereby certify it to be a true and correct transcript, subject to the 11 corrections, if any, shown on the attached 12 13 page. 14 15 16 THOMAS BOMAN 17 18 19 Sworn and subscribed to before me, 20 day of JULY 144 this 2018. 21 22 Qualified in Kings County My Commission Expires 2/29 2202 23 NO. 01AL6219754 Notary Public - State of New York Notary Public 24 **JOHN C ALTER** 25 David Feldman Worldwide www.veritext.com 800-642-1099 A Veritext Company

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Page 297 1 2 CERTIFICATION 3 STATE OF NEW YORK) 4) ss.: COUNTY OF NEW YORK) 5 I, JUDITH CASTORE, Shorthand Reporter 6 7 and Notary Public within and for the State of New York, do hereby certify: 8 9 That THOMAS BOMAN AND VICTOR HERNANDEZ, the witness whose deposition is 10 11 hereinbefore set forth, was duly sworn by 12 me and that this transcript of such 13 examination is a true record of the 14 testimony given by such witness. I further certify that I am not 15 related to any of the parties to this 16 17 action by blood or marriage and that I am in no way interested in the outcome of 18 this matter. 19 20 IN WITNESS WHEREOF, I have hereunto 21 set my hand this 18th day of June, 2018. 22 Judy Castore 23 24 JUDITH CASTORE 25 David Feldman Worldwide

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Question and answer excerpted from defendant's June2, 2017 letter

Plaintiffs' question:

12. What instructions are developers given in terms of checking the accuracy of addresses? Of CD information that has been provided?

Defendant's answer:

Developers are expected to rely upon the addresses and community district information provided on the logs. No further instructions are provided.

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1	UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK
2	JANELL WINFIELD, TRACEY STEWART,
3	SHAUNA NOEL, and EMMANUELLA SENAT,
4	PLAINTIFFS,
5	Case No.:
6	-against- 15-cv-05236 (LTS) (KHP)
7	
8	CITY OF NEW YORK,
9	DEFENDANT.
10	
11	DATE: July 30, 2018
12	TIME: 10:25 a.m.
13	
14	EXAMINATION BEFORE TRIAL of the Plaintiff,
15	EMMANUELLA SENAT, taken by the Defendant, pursuant to a
16	Court Order and to the Federal Rules of Civil Procedure,
17	held at the offices of New York City Law Department,
18	100 Church Street, New York, New York 10007, before
19	Susan Pines, a Notary Public of the State of New York.
20	
21	
22	
23	
24	
25	

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E. SENAT

1 you're more guaranteed to stay here than someone else. 2 So though there are other requirements that are listed 3 in the application process, but that's a big preference, 4 it has a big chunk, 50 percent.

5 When you said "application process," what did Ο. 6 you mean by that?

7 Α. What do you mean?

8 0. I think you referenced something that it was, something along the lines of, and I'm paraphrasing you 9 10 now, 50 percent is a large chunk of the application 11 process?

12 Being given, community board members being Α. 13 given 50 percent preference to stay in the location in 14 which they deem. So that means if you're applying for 15 housing, if you already live within that area, you're 16 more guaranteed a chance to get it than someone who doesn't live in that area, which gives you an extra 17 18 advantage over other individuals like myself because I didn't get it, because of that, because I wasn't part of 19 20 the Community Board Preference. I don't think that it's 21 fair because I live in Harlem that I get a preference 22 from somebody else who lives in Brooklyn. Who says I want to live in Harlem forever, I never said that. 23 Ιf I'm putting down different areas, I'm putting Brooklyn, 24 25 that means I'm open to living other places. So then I DIAMOND REPORTING, INC. 718-624-7200 info@diamondreporting.com

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E. SENAT

1 should be given the same equal rights as someone else 2 who lives in that area. You apply to where you choose, 3 so someone who lives in Harlem and wants to stay in 4 Harlem, they have the choice to apply specifically to 5 that Harlem area. You choose where you want, I can 6 understand if the housing, the apartments, or the 7 affordable housing, Connect, they basically suggest, 8 they gave you a location. No, you choose freely where you would like to live, so the only thing that you 9 10 really need is the requirements, like I told you, with 11 the income and whatever background check, that's what 12 should be sufficient for you are to move forward in the 13 application process. 14 MS. POLIFIONE: Let's take our lunch break. 15 (Whereupon, a lunch recess was taken from 16 12:45 until 1:55 p.m.) 17 MS. POLIFIONE: Let's mark this. 18 (Whereupon, the aforementioned document was marked as Defendant's Exhibit G for identification 19 20 as of this date by the reporter.) 21 Q. So we're back, it's now 1:58. Ms. Senat, I'm 22 now handing you what is Defendant's Exhibit G. These 23 are a couple of e-mails that look like they're more or 24 less the same e-mail chain, and I'll give the Bates

numbers so it's clear, it's PLTF_2937, 2938, 2939, 2940,

25

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laio	tiff(s): <u>Ja</u>	nell Winfield, Shawn	Noel, Emmanuella Senat
Defendant(s): City of New York			
age	Line See	Correction attached pages for correct	Reason for Correction
			ELIZABETH D. PARKE Notary Public, State of New York No. 01PA4793246 Qualified in Queens County
			Commission Expires 1-31-2022

Name of Witness: Emmanuolla Senat	This 10th of September 2018.
Signature: Emenuella Sut	Notary Public

Case 1:15-cv-05236-LTS-KHP Document 916-6 Filed 11/06/20 Page 5 of 6

73:25: Change from: "It was just fair" To: "It was just unfair"

74:23-24 Change from: "because I was called it." To: "because I was called in."

79:12: Change from: "sufficient for you are to move" To: "sufficient for you to move"

82:24: Change from: "Central Haarlem" To: "Central Harlem"

97:5: Change from: "I wish it was more than diverse" To: "I wish it was more diverse"

99:13: Change from: "if should be mixed" To: "it should be mixed"

102:8: Change from: "I like it's predominantly Caucasian." To: "I feel like it's predominantly Caucasian."

103:20: Change from: "weeks or months before seeing the clip and reaching" To: "weeks or months between seeing the clip and reaching"

112:24: Change from: "it's not go to happen" To: "it's not going to happen"

121:8: Change from: "single female living my myself" To: "single female living by myself"

121:11: Change from: "that's it's" To: "that it's" Case 1:15-cv-05236-LTS-KHP Document 916-6 Filed 11/06/20 Page 6 of 6 174

E. SENAT

1 CERTIFICATE 2 3 STATE OF NEW YORK : ss.:) 4 COUNTY OF NEW YORK 5 I, SUSAN PINES, a Notary Public for and within the 6 7 State of New York, do hereby certify: That the witness whose examination is hereinbefore 8 9 set forth was duly sworn and that such examination is a 10 true record of the testimony given by that witness. 11 I further certify that I am not related to any of 12 the parties to this action by blood or by marriage and that I am in no way interested in the outcome of this 13 14 matter. 15 IN WITNESS WHEREOF, I have hereunto set my hand 16 this 3rd day of August 2018. 17 18 Jusan Pinis 19 SUSAN PINES 20 21 22 23 24 25

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	1					
UNITED STATES DISTRICT COURT						
SOUTHERN DISTRICT OF NEW YORK						
JANELL WINFIELD, TRACEY STEWART and SHAUNA NOEL,						
Plaintiffs,						
-against- Civil Action No.:						
15-CV-5236 (LTS)(KHP) CITY OF NEW YORK,						
Defendant.						
x						
DEPOSITION OF						
VICKI BEEN						
New York, New York						
August 2, 2017						
8:58 a.m.						
Reported by: JUDITH CASTORE, CLR Job No.51317						

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1 BEEN 2 But income and assets, those 0 3 are the proxies that are used? Those are the eligibility 4 Α 5 requirements, yes. 6 But the city's made another 0 7 decision to say that for half of the 8 units people who have been living in the community district where preference 9 10 applies, for however long or short a 11 period, deserve those apartments more 12 than other New Yorkers who have the 13 same income and asset profile? 14 MS. SADOK: Objection. 15 Ά It's no -- there is no 16 equation of the community preference with desert. It's not a question of 17 18 need. It's not a need-based 19 determination. 20 Is it a Q who-deserves-the-apartments-more 21 22 question? 23 А No. 24 So as a matter of deserving, 0 25 you would say deserving of apartments,

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32 1 BEEN 2 you would say that outsiders deserve 3 affordable housing as much as insiders 4 do? 5 MS. SADOK: Objection. 6 We don't -- as I have said, Α 7 we don't have a system of desert. The 8 eligibility requirement is income 9 based. That's the determination of 10 need. 11 I understand that. But it Q 12 wasn't my question. My question was: 13 As your role as commissioner 14 of HPD, was it your view that insiders 15 deserved affordable housing more than 16 outsiders? 17 MS. SADOK: Objection. 18 As I have said, I didn't make А 19 desert-based determinations other than 20 income eligibility. 21 Q I wasn't asking about a 22 determination that you made. I was 23 asking you about if you believe that 24 insiders deserved affordable housing 25 more than outsiders?

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1 BEEN 2 MS. SADOK: Objection. Asked 3 and answered. You can answer. 4 Α I don't -- I'm sorry. I am 5 lost. Tell me again. 6 As HPD commissioner, did you Q believe that insiders deserved 7 8 affordable housing more than outsiders? 9 MS. SADOK: Objection. 10 No. I didn't think of that Α 11 as a question of desert. It's not the 12 justification -- the reason why we have 13 community preference is not about 14 desert. 15 Did you, as commissioner of 0 16 HPD -- all my questions are made in 17 that frame unless I otherwise describe 18 it to you. 19 Did you believe that insiders 20 deserve apartments in their community 21 districts more than outsiders deserve 22 those apartments? 23 MS. SADOK: Objection. 24 I didn't think of it in terms А 25 of desert.

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1 BEEN 2 0 As you are sitting here 3 today, do you believe that insiders 4 deserve apartments in their community 5 districts more than outsiders deserve 6 those apartments? 7 MS. SADOK: Objection. 8 I don't think you can make А 9 those desert-based determinations. 10 This may seem an obvious one 0 11 but I will ask it anyway. 12 In terms of unfavorable 13 conditions that people may be 14 persevering through, conditions in 15 community districts and parts of 16 community districts change over time; 17 do they not? 18 Thank goodness. Α 19 Q Thank goodness. 20 So -- and by and large, the conditions in most neighborhood, not 21 22 all neighborhoods in New York but in 23 most neighborhoods in New York are 24 substantially better than they were 15 25 years ago; is that fair?

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72 1 BEEN 2 fear of displacement but that it 3 actually prevents displacement as well; 4 is that correct? 5 Α That's correct. 6 0 Is adding supply of housing 7 that you believe would not get built 8 without community preference a means by which you believe that actual 9 10 displacement is prevented? 11 MS. SADOK: Objection. 12 Α One of the ways. 13 And what are the other ways? Q 14 Α Adding supply in general 15 helps to prevent displacement, not just 16 a community preference but adding 17 supply in general helps to prevent 18 displacement. 19 0 You're saying that adding 20 supply of even non-affordable 21 apartments helps prevent displacement? 22 Α Yes. 23 Any other ways that community Q 24 preference prevents displacement? Not 25 the fear of displacement but prevents

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1 BEEN 2 be -- that the community preference 3 helps assuage the opposition, yes. That wasn't my question. You 4 0 5 described a series of beneficial 6 effects. And I asked you: But for 7 community preference, those actions, 8 whether it's increase supply or a 9 rezoning, but for community preference those would not occur? 10 11 MS. SADOK: Objection. 12 Α I don't know what you mean by "but for"Defendant's. I don't have an 13 alternate to universe where I have 14 15 tested out the community preference 16 versus the -- not having a community 17 preference on actual disputes. 18 So you're saying that in your Q 19 view community preference has an 20 influence but you can't say whether 21 it's a decisive influence? 22 А I'm not sure what you mean. 23 What do you mean by "but for"? 24 MS. SADOK: Objection. 25 Α It's the primary? I'm having

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75 1 BEEN 2 trouble figuring out what you mean. 3 If community preference were 0 4 not in place, the housing would not be 5 built or if community preference were 6 in place the zoning change would not be 7 made. 8 MS. SADOK: Objection. 9 А I don't have any way of 10 assessing "but for". 11 Now, the city was making an 0 12 argument about displacement and 13 community preference even before it 14 knew just how much secondary 15 displacement was occurring, right? 16 MS. SADOK: Objection. 17 I'm sorry. I don't understand Α 18 the guestion. 19 The city put out an argument 0 20 that community preference helps prevent 21 displacement. And then subsequent to 22 that went out looking for evidence that 23 that was the case, right? 24 MS. SADOK: Objection. 25 Α No.

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92 1 BEEN 2 it's different today. I often talk about the 3 4 housing crisis when I was growing up in 5 the seventies and eighties which was a 6 crisis of disinvestment and shrinking 7 neighborhoods, and the discussion 8 around whether or not we should do 9 massive urban renewal and clearing out. 10 The issue there was less about 11 affordability and more about housing 12 stock in neighborhoods. 13 We sort of have the opposite 14 problem now which is that New York City 15 simply does not have enough housing. 16 And there is a growing disconnect 17 between rents and incomes. So that's 18 like a double whammy, right? 19 And then it continues with 20 the part that I had read to you. You 21 have all of these people like you and 22 my kids who can't live in the 23 neighborhoods they grew up in. Is that 24 so terrible? I am not so sure that it 25 is. My grandparents didn't live in the

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93 1 BEEN 2 neighborhood they grew up in either. 3 Change isn't, per se, bad. The biggest 4 issue is not that you guys can't live 5 in the village anymore. It's that you 6 may not be able to live anywhere. So 7 that, to me, is a big differentiating 8 factor. 9 А Okay. 10 MS. SADOK: Objection. 11 Α Tell me your question about 12 that again. 13 Q My question about that is 14 whether you agree with Deputy Mayor 15 Glen when she said the biggest issue is 16 not that you guys can't live in the 17 village anymore. It's that you may not 18 be able to live anywhere. 19 Α I would agree that having 20 housing is -- period -- is more 21 important than where the housing may 22 be. 23 0 Where the city is siting or 24 facilitating the siting of affordable 25 housing and making complimentary

1 BEEN 2 from New York -- I think it's from 3 New York Law School. The file is 4 too big . Put on a physical piece 5 of physical medium, but we're 6 happy to upload a copy to you. 7 We'll do that as promptly as we 8 can. 9 MS. SADOK: Thank 10 you. (Whereupon a video is shown to 11 all parties in the conference 12 room.) 13 Q Was that you, Ms. Been, 14 giving your City Hall breakfast talk? 15 А It was. 16 (Document, headed Excerpt of 17 Commissioner Vicki Been Talk at 18 City Law Breakfast, Nov. 13, 2015, 19 was marked Plaintiff's Exhibit 34, 20 for identification, as of this 21 date.) 22 So we transcribed a little 0 23 snippet from what you just heard. And 24 the first thing I want to clarify is 25 that this is talking about, in part,

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138 1 BEEN 2 people's fears about what may happen if 3 they stay, correct? 4 MS. SADOK: Objection.I would 5 like to state for the record that 6 we object to this as we haven't 7 been able to compare your snippet 8 with the video transcript. 9 Yes, it applies to people who Α 10 are currently in the neighborhood, yes. 11 I don't know. It also applies to people 12 who have left the neighborhood but 13 still have feelings about the 14 neighborhood. I was really referring to 15 the work that people like Lance Freeman 16 Malo Hutson have done about the feeling 17 that the neighborhood is no longer one 18 that they recognize or one that they 19 feel has -- it's changed. 20 0 But when you said, So they 21 worry that even if they stay --22 Α Right. 23 -- those are people who are 0 24 there now? 25 Α Right.

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139 1 BEEN 2 And what's come before that Q 3 is your reference to there being 4 different demographics, correct? 5 MS. SADOK: Objection. 6 А The people who were coming in 7 may look different; may be wealthier; 8 may have different demographics; may 9 have different interests and desires. 10 That's what that's referring to. 11 0 So they worry because of 12 those foregoing things? 13 Α Um-hum, yes. 14 Q And so part of that is 15 different racial or ethnic groups? 16 А Maybe. 17 Q Well, as you said before, you 18 weren't just talking about age when you 19 were talking about demographics, right? 20 Α No. 21 MS. SADOK: Objection. 22 Q And you are not talking here 23 about income. You separated income out? 24 MS. SADOK: Objection. 25 0 Correct?

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140 1 BEEN 2 MS. SADOK: Objection. 3 Α I'm sorry. Is your 4 question -- what is your question? By 5 demographics do I include race an 6 ethnicity? Yes. 7 0 And what else were including 8 in it when you said that? 9 MS. SADOK: Objection. 10 0 May have different 11 demographics? 12 Α Can be age; education; 13 poverty status; household composition; 14 family status. Demographics is a pretty 15 broad category. 16 0 And you were just talking 17 about each of those possibilities 18 equally? 19 MS. SADOK: Objection. 20 Α I lumped them all together. 21 Well, you didn't lump income Q 22 together. You put income out in the 23 wealthier category, correct? 24 Α That's correct. 25 Q And you're saying that race

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		141
1	BEEN	
2	and ethnicity were not prime among the	
3	different demographics that we're	
4	talking about?	
5	MS. SADOK: Objection.	
6	A They are race and	
7	ethnicity are part of demographics.	
8	Q When you were making the	
9	reference, different racial and ethnic	
10	demographics was not a central part of	
11	what were you talking about?	
12	MS. SADOK: Objection.	
13	A I didn't parse it in that	
14	way, Mr. Gurian. I'm talking about	
15	demographics. I didn't parse it out.	
16	Q Well, from what you know	
17	either as a planner or as head of HPD,	
18	is race or ethnicity a characteristic	
19	that may be picked out or discerned	
20	more easily than education level, say?	
21	MS. SADOK: Objection.	
22	A I just want to be clear, I'm	
23	not a planner. But I assume you mean in	
24	my work as on land use certainly	
25	race and ethnicity may be easier to	

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142 1 BEEN 2 I think your words were pick out --3 than education levels, yes. 4 And in your spoken version of Q 5 it, you specifically referenced that 6 the people who are coming in may look 7 different. 8 А Um-hum. 9 Look different how? Q 10 They could be older; they Α 11 could be younger; they could be -- have 12 more purple or green hair than the 13 existing residents; they may be 14 different races. All of those things. 15 I didn't specify. 16 Q I'm asking you what you were 17 thinking about. 18 Α All of those things. 19 Q Equally? 20 MS. SADOK: Objection. 21 0 Let me put it this way: 22 You were thinking about 23 purple hair and -- strike that. 24 Let's talk about a 25 neighborhood that's disproportionately

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143 1 BEEN 2 African American.Have you been in any 3 such neighborhoods where there is real and raw fear of displacement? 4 5 Α Yes. 6 0 And the concern in those 7 neighborhoods about the people who were 8 coming in may look different might be 9 that they have green hair or white skin 10 with equal likelihood as between them? 11 MS. SADOK: Objection. 12 Α I don't know what people in a 13 community are thinking. That's not -- I 14 don't have that capacity. 15 Well, your whole presentation Q 16 was trying to -- this portion of your 17 presentation was trying to explain what 18 people's concerns were about 19 neighborhood change. And --20 А -- about displacement. 21 Well, I think we've been over Q 22 this. There is a worry that even if 23 they stay -- my words now -- there is a 24 problem -- your words -- the 25 demographics, the look and feel of

1 BEEN 2 their neighborhood, the sense of the 3 neighborhood may change.So you are 4 trying to characterize what is driving 5 the worries of people in a 6 neighborhood. Aren't you doing that 7 here? 8 MS. SADOK: Objection. 9 А I'm trying to explain why 10 there -- why the fear of displacement 11 is real and raw. That was the purpose 12 of that slide. 13 0 But what you did was 14 talked -- in part was talk about people 15 who, even if they stay, the 16 demographics, the look and feel of 17 their neighborhood, sense of the 18 neighborhood, may change. 19 Α Yes. 20 0 And that's because, in part, 21 the people who are coming in may look 22 different. And so my question now is . 23 When presenting that you considered the 24 green or purple hair at an equivalent 25 level of worry as someone being of a

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1 BEEN 2 different racial or ethnic background? 3 MS. SADOK: Objection. Asked 4 and answered. 5 Please answer. 0 6 Α I do not know which is a 7 greater fear. I do not know. I know 8 that people fear displacement because 9 they see differences. 10 Did you have a view during 0 11 your time as HPD commissioner as to 12 whether the green or purple hair on the 13 one hand or a different race or 14 ethnicity from a dominant race or 15 ethnicity in the neighborhood was more 16 of a worry or fear? 17 MS. SADOK: Objection. 18 А I don't know. 19 MS. SADOK: Asked and 20 answered. 21 As I have said, I don't know Α 22 what is in the heads of the people in 23 the neighborhood. I know what they say. 24 I understand that. But I'm 0 25 asking you how you have thought about

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146 1 BEEN 2 it as HPD commissioner. 3 Did you think that there was 4 the same level of concern in a minority 5 community about the newcomer having 6 green or purple hair or whether the 7 newcomer was of a different race or 8 ethnicity? 9 MS. SADOK: Objection. 10 А To go back to the beginning 11 of this discussion, Mr. Gurian, people 12 fear displacement. And one of the 13 reasons they fear displacement is that 14 they see a neighborhood changing around 15 them. And when they see people who look 16 different, whether it's green hair or 17 race or age or whatever, they think 18 those are not the people who used to be 19 Therefore, they think to here. 20 themselves, There must be displacement. 21 People who were here are not here now. 22 The people who are here now were not 23 here before, therefore, there must be 24 displacement. 25 I'm afraid that wasn't the 0

1 BEEN 2 answer to my question. I will redirect 3 your attention back to the people who 4 were staying who you have explained in 5 the slide have worries based on people 6 looking different. Are you with me? 7 I'm with you. I'm not sure Α 8 you are with me. 9 That's fine. Let me ask the Q 10 question. So those worriers who were 11 staying because people were coming in looked different, all I'm asking is: 12 13 At your role as HPD when you 14 thought about these worries, did you 15 think that the worry about green or 16 purple hair color was as much of a 17 worry as race or ethnicity of the 18 newcomer? 19 Objection. MS. SADOK: Asked 20 and answered multiple times 21 already. 22 Α As I said before, I don't 23 know. 24 Q If I were -- perhaps this 25 would help. If I were asking the

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BEEN 1 2 question, Do you know? A responsive 3 answer would be, I don't know. That 4 wasn't my question. 5 MS. SADOK: Please don't 6 direct the witness on how to 7 answer your questions. 8 MR. GURIAN: I'm sorry. 9 Unfortunately, the record will 10 reflect that the witness has 11 repeatedly been unresponsive. So 12 I'm trying to wrap up this line of 13 questioning. 14 So I'm just asking you when 0 15 you thought about it, the worries of 16 the stayers during your time as HPD 17 commissioner, did you believe that the 18 level of worry about green or purple 19 hair was as much or more than the worry 20 about the newcomers' race or ethnicity? 21 MS. SADOK: Objection. Asked 22 and answered. 23 So I think the problem that А 24 we're having is that you seem to assume 25 that the people who stay don't fear

1 BEEN 2 displacement. And the point that I am 3 making in this discussion is that the 4 people who stay have a real and raw 5 fear of displacement. And one of the 6 reasons that they have a real and raw 7 fear of displacement is that they see 8 the neighborhood is changing and the 9 people in the neighborhood are 10 changing. And they worry that they may 11 be one of the ones who leaves, right? 12 And I don't think that it 13 matters to them whether it's a person 14 who looks different because of race or 15 a person looks different because of 16 their hair is different. They are 17 different than what was there before. 18 Which signals to people that there has 19 That's what I was been displacement. 20 concerned about. So -- all right? 21 That's what I was concerned about. 22 So you just said that it --Q 23 MR. GURIAN: Read back the 24 answer. 25 (Whereupon, the record was

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1 BEEN 2 read.) 3 0 Did it matter to you as HPD 4 commissioner whether there was somebody 5 who was concerned about green or purple 6 hair versus somebody concerned about 7 the race or ethnicity of newcomers? 8 MS. SADOK: Objection. 9 If people opposed development Α 10 because of race or ethnicity, that 11 would be a concern to me. If people 12 opposed development because they fear 13 that the people who live in it are 14 going to have purple hair that is -well, it might concern me but it's not 15 16 of the same level, right? 17 I do not think people should 18 oppose development because of the race 19 or ethnicity of the people who will 20 live there. That would concern me if I 21 thought that that was happening. That 22 was not what this was discussing. 23 MS. SADOK: Let the record 24 reflect, Ms. Been was pointing to 25 Plaintiff's Exhibit 34 in

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290 1 BEEN 2 that the challenge to community 3 preference has been defeated? 4 MS. SADOK: Objection. 5 А No. 6 0 I want you to imagine for a 7 moment a world in which community 8 preference has been disallowed by the 9 I know that's not your desired court. 10 outcome but just imagine that for a 11 moment. 12 Under those circumstances, do 13 you know for a fact if any council 14 members would reject the necessary 15 actions to permit any affordable 16 housing in their districts? 17 MS. SADOK: Objection. 18 I don't know for a fact what А 19 council members would do in that 20 hypothetical. 21 What about the hypothetical Q 22 in which the city, in the absence of 23 court action, said that it was getting 24 rid of community preference? Do you 25 know for a fact if any council members

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1 BEEN 2 would reject the necessary actions to 3 permit any affordable housing in their 4 districts? 5 MS. SADOK: Objection. 6 I don't know for a fact what Α 7 would happen in a hypothetical. 8 Q If the city were not 9 permitted to use community preference, 10 then I believe that the choice for a 11 council member would be affordable 12 housing without community preference or 13 no affordable housing. Does that make 14 sense? 15 MS. SADOK: Objection. 16 Depends. It depends on the Α 17 issue. The issue could be a rezoning; 18 it could be a tax extension; could be 19 any number of things. So it depends on 20 the context. 21 I'm not sure I understand. If 0 22 we're talking about the actions needed 23 to permit or facilitate the 24 construction of affordable housing, 25 whether it's zoning or any -- whether

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1 BEEN 2 from getting you back into your seat as 3 the commissioner of HPD, you have 4 proposed the project, already 5 identified it as a project that's in 6 the interest of the city.Regardless of 7 what particular members of the 8 council -- particular constituents of 9 the council member might think, is it 10 your judgment that the turndown would 11 or would not be in the interest of 12 residents of the council member's 13 district? 14 MS. SADOK: Objection. 15 А Okay. If I thought it was in 16 the interest of the city to have the 17 affordable housing and the council 18 member turned it down solely because 19 there was no community preference, I 20 would not think that that was in the 21 interest of the community. 22 0 You haven't asked council 23 members what they would do about future 24 affordable housing proposals in their 25 districts if the administration decided

312 1 STATE OF NEWYOK 2 3 :ss) COUNTY OF NOUNTY 4 5 6 7 I, VICKI BEEN, the witness 8 herein, having read the foregoing testimony of the pages of this deposition, 9 do hereby certify it to be a true and 10 correct transcript, subject to the 11 corrections, if any, shown on the attached 12 13 page. 14 15 VICKI BEEN 16 17 18 19 20 Sworn and subscribed to before me, MOCK, 2017. day of 👥 21 this 22 23 KRISTIN E SILBERMAN NOTARY PUBLIC STATE OF NEW YORK NEW YORK COUNTY 24 Notary Public LIC #01516137116 Q COMM. EXP. 506.22 25

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1 CERTIFICATION 2 3 STATE OF NEW YORK) 4) ss.: COUNTY OF NEW YORK) 5 6 I, JUDITH CASTORE, Shorthand Reporter 7 and Notary Public within and for the State 8 of New York, do hereby certify: 9 That VICKI BEEN, the witness whose 10 deposition is hereinbefore set forth, was 11 duly sworn by me and that this transcript 12 of such examination is a true record of 13 the testimony given by such witness. 14 I further certify that I am not 15 related to any of the parties to this 16 action by blood or marriage and that I am 17 in no way interested in the outcome of 18 this matter. 19 IN WITNESS WHEREOF, I have hereunto 20 set my hand this 8th day of August, 2017. 21 22 t Castoil 23 24 25

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ERRATA

I wish to make the following changes, for the following reasons:

PAGE LINE

CHANGE: "aiming" to "a main" 242 12

REASON: deponent stated "a main" but reporter transcribed incorrectly

291 CHANGE: "extension" to "exemption" 18

REASON: deponent stated exemption but reporter transcribed incorrectly

15-16 CHANGE: "would get" to "would not get" 292

REASON: deponent stated "not" and statement would not make sense without "not"

WITNESS' SIGNATURE

DATE

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KRISTIN E SILBERMAN NOTARY PUBLIC STATE OF NEW YORK NEW YORK COUNTY **#**01**8**181 COMM. EXP.

Page 1 1 2 UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK 3 -----x JANELL WINFIELD, TRACEY 4 STEWART and SHAUNA NOEL, 5 Plaintiffs, -against-6 Civil Action No.: 15-CV-5236 (LTS) (KHP) 7 CITY OF NEW YORK, 8 Defendant. ----------x 9 10 11 VIDEOTAPED DEPOSITION OF 12 PURNIMA KAPUR 13 New York, New York 14 April 19, 2018 15 9:31 a.m. 16 17 18 19 20 21 Reported by: JUDITH CASTORE, CLR 22 23 24 25 David Feldman Worldwide

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Page 98 1 KAPUR 2 you have in respect to a specific 3 council member for saying that? 4 MS. SADOK: Objection. 5 A In the rezonings that the 6 city has adopted, we've heard those 7 concerns from the council members. 8 Q What concerns? 9 Α About their community --10 community's affordable needs being 11 addressed, and one of the ways is 12 through the community preference 13 process. 14 Q. So to begin -- you can begin 15 anywhere you wish -- identify a council 16 member who you have specific reason to 17 believe that in a future world without 18 community preference that council 19 member would automatically turn down 20 land use or zoning changes needed for 21 affordable housing regardless of the 22 other merits of the land use proposal 23 or zoning change simply because there 24 was no longer community preference? 25 MS. SADOK: Objection.

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Page 99 1 KAPUR 2 I couldn't speculate on that. Α 3 0 There is not -- there's not 4 one that would go beyond speculation? 5 As I've said, my sense is Α 6 that all of them would be opposed to 7 that. 8 Q Okay. 9 But I'm asking for a specific 10 council member that you have a specific 11 reason to believe would act in the 12 future in the way I've described, so 13 I'll ask again for you to please begin 14 with identifying one? 15 Α As I've said, I could not 16 speculate on that. 17 0 Former HPD Commissioner Been 18 says that former council speaker 19 Mark-Viverito falls into that category. 20 Do you agree? 21 MS. SADOK: Objection. 22 Α It's possible. 23 What is your belief, does she Q 24 fall into that category? 25 MS. SADOK: Objection.

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Page 100 1 KAPUR 2 Α It is very possible. The 3 East Harlem rezoning brought out people 4 from her community who were extremely 5 concerned about being displaced as new 6 development comes in and in the 7 affordable housing projects that are underway wanting a share of those 8 9 projects. 10 And so you're not prepared to Q 11 say that if she were still in the 12 council that she would automatically 13 turn down a proposal regardless of its 14 merits because the absence of community 15 preference; is that correct? 16 MS. SADOK: Objection. 17 Α That would be speculating. Ι don't know whether she would or she 18 19 would not. That was not presented to 20 her in that way. 21 Ms. Been said that she has no 0 22 reason to believe that either the 23 current speaker Cory Johnson or council 24 member Torres would fall into that 25 category.

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Page 128 1 KAPUR 2 So I am not sure that I even 3 understand your question fully. 4 0 Do you understand either 5 primary or secondary displacement to 6 have anything to do with people being 7 forced to leave an area of their 8 city -- of the city against their will? 9 MS. SADOK: Objection. 10 Displacement when it is not Α 11 an option is a displacement that is not 12 wanted by whatever means. 13 Q So ---14 Α But may I continue? 15 0 Yes. Please. 16 In a city like New York where Α 17 our population is constantly moving and 18 changing, it is -- where it is 19 difficult to discern is whether that 20 movement is voluntary or not. 21 0 So just to expand on your 22 point, if I may. You are able to tell 23 how much or approximately how much 24 population change there is in a 25 neighborhood or community district; is

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Page 129 1 KAPUR 2 that right? 3 Α The higher the geography the When it comes 4 more predictable it is. to a neighborhood level, it's very 5 difficult to make those kinds of --6 7 sort of statistical determinations in 8 any meaningful way. What about a Puma? 9 Q 10 Α I believe that's what they 11 look at, but I don't know if they look 12 at Pumas for specific changes in 13 population to the degree that we do on a broader border wide basis. 14 15 So at some levels of Q 16 geography you're able to tell the extent of population change; is that 17 18 correct? 19 Α Correct. 20 But what, if I'm 0 21 understanding you correctly, is not 22 possible to do is to determine how much 23 of that change is displacement related; 24 is that right? 25 Objection. MS. SADOK:

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Page 130 1 KAPUR 2 Α What we cannot discern is why 3 people have moved. So I don't know --4 any movement from one area to the other 5 is a change in population. Whether 6 that is a voluntary change or not is 7 the question I think that you are 8 asking that I'm saying we cannot figure 9 out. 10 Q So I realize, and I think we 11 agree, that there is a world of reasons 12 that people might move right, yes? 13 Α Yes. 14 0 To be closer to a new job? 15 Α Right. 16 0 To be closer to one spouse's 17 or another's family? 18 Α Right. 19 Q To be closer to your child's 20 school, correct? 21 Α Yes. 22 0 So one subcategory of move is 23 a move that reflects displacement, 24 correct? 25 MS. SADOK: Objection.

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Page 131 1 KAPUR 2 A I mean, yes. It could be. Α 3 lot of people move to places, as you've 4 said, for different reasons. But 5 ultimately it's their ability to be able to afford to live in a place. 6 7 Q You're not suggesting that 8 zero people are displaced, that is have 9 involuntary moves? 10 I'm not suggesting that at Α all. 11 12 But what you are saying is 0 13 identifying how many people of those 14 who move are moving because of 15 displacement is what cannot be 16 discerned; is that correct? 17 MS. SADOK: Objection. 18 A What I'm saying is that 19 people may move because they're forced 20 to move for many reasons; a new job, 21 you know, being family imperatives, 22 schools, or their ability to be able to 23 afford the rent where they are. 24 Q Are you able to distinguish 25 between and among those types of moves?

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Page 132 1 KAPUR 2 Α Nope. 3 0 Are you able to distinguish 4 between those types of moves on the one 5 hand and the type of move where someone 6 says, I think I'd just like to be 7 living in the new part of the city? 8 MS. SADOK: Objection. 9 Α Not that I'm aware of. 10 I'm not a either -- you know, 11 a statistician or a population expert, 12 but --13 But you are not aware of Q 14 documentation that specifies different 15 types of moves, including this 16 displacement subcategory from any other 17 source than DCP, are you, city or 18 non-city? 19 MS. SADOK: Objection. 20 Other I don't believe I am. Α 21 than in the context of a projection in 22 an EIS, I am not. 23 Q I understand. 24 Now, over the years -- now 25 we'll bring back in your Brooklyn

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Page 168 1 KAPUR 2 Can you read that out loud, 3 that paragraph please? 4 Α Which one are you talking 5 about? The one just below that? 6 Q Yes. 7 Α I don't care what they built, 8 it's not for us said one woman during 9 the meeting's public comment portion. 10 Right now this is a plan for ethnic 11 cleansing. 12 Have you heard that charge 0 13 that the East Harlem rezoning was a 14 plan for ethnic cleansing or any 15 concept equivalent to that? 16 Α Yes. 17 MS. SADOK: Objection. 18 Q And said by what types of 19 stakeholders, if that's clear? 20 Community members, advocacy groups, 21 local officials who -- I'm not asking 22 for particular names? 23 Α Community members opposed to 24 rezoning. 25 Q Anybody else?

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Page 182 1 KAPUR 2 Α I'm not sure, but it's 3 likely. So I'd like you to take a 4 0 look at the document now, Plaintiff's 5 126. 6 7 (Document, Bates-stamped 8 NYC 0087274, was marked Plaintiff's Exhibit 126, for 9 10 identification, as of this date.) 11 Q Do you see in that document 12 the assertion which I'm just quoting 13 not endorsing, that, quote, the mayor 14 himself is targeting communities of 15 color throughout the city for 16 displacement. 17 Do you see that? Um-hum. It's --18 Α 19 Q Third paragraph of text. 20 Yes, I do see it. Ά 21 Right before --Q 22 Ά Yeah. 23 Q Have you happen to see this 24 particular flyer before? 25 I don't recollect. Α

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Page 183 1 KAPUR 2 0 Have you seen flyers or 3 communications similar to this one? Not like similar to 4 Α Yes. this particular one, but community 5 groups pass flyers all the time when 6 7 there are issues of interest to them. 8 And have you outside the Q 9 context of the exhibit you're holding 10 heard charges leveled that communities 11 of color throughout the city were being 12 targeted for rezoning? 13 Yes, I have. Α 14 Q Have you heard the charge in 15 substance, whether or not it's the 16 precise words, that in communities of 17 color throughout the city were being 18 targeted for displacement? 19 MS. SADOK: Objection. 20 We've heard concerns about Α 21 displacement in the communities where 22 we've been working, so --23 Well, this is -- this --Q 24 well, what do you understand the term 25 communities of color to mean, if

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Page 184 1 KAPUR 2 anything? 3 Non-white majority Α 4 communities. 5 0 Just to take the other side 6 of that, is that to say majority 7 non-white communities? 8 MS. SADOK: Objection. 9 A Sure. 10 So in connection with those 0 11 kinds of charges, do you understand 12 that part of the concern? I'm not 13 asking about you about all the 14 concerns, I'm not asking you about what 15 the predominant part is, I'm not asking 16 you to make any comparison, I'm just 17 asking you whether you understand that 18 part of the concern is that a community 19 that is majority non-white will become 20 less so? 21 Α Do I understand that concern, 22 yes. 23 0 And has that concern been 24 expressed? 25 MS. SADOK: Objection.

Page 274 1 STATE OF <u>New York</u> COUNTY OF <u>New York</u> 2 3) : 55 4 5 6 7 I, PURNIMA KAPUR, the witness 8 herein, having read the foregoing 9 testimony of the pages of this deposition, 10 do hereby certify it to be a true and 11 correct transcript, subject to the corrections, if any, shown on the attached 12 13 page. 14 15 16 PURNIMA KAPUR 17 18 19 20 Sworn and subscribed to before me, 21 Jone this of 2018. d 22 DOMINICK H. ANSWINI 23 NOTARY PUBLIC, STATE OF NEW YORK Registration No. 02AN6289008 Qualified in New York County 24 Notary Public Commission Expires Sept. 16, 20 2 25 David Feldman Worldwide 800-642-1099 A Veritext Company www.veritext.com

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Page 275 1 2 CERTIFICATION 3 STATE OF NEW YORK) 4) ss.: COUNTY OF NEW YORK) 5 I, JUDITH CASTORE, Shorthand Reporter 6 7 and Notary Public within and for the State 8 of New York, do hereby certify: 9 That PURNIMA KAPUR, the witness whose 10 deposition is hereinbefore set forth, was 11 duly sworn by me and that this transcript 12 of such examination is a true record of 13 the testimony given by such witness. 14 I further certify that I am not 15 related to any of the parties to this 16 action by blood or marriage and that I am 17 in no way interested in the outcome of 18 this matter. 19 IN WITNESS WHEREOF, I have hereunto 20 set my hand this 30th day of April, 2018. 21 Judy Castore 22 23 JUDITH CASTORE 24 25

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ERRATA

I wish to make the following changes, for the following reasons:

PAGE LINE

31 5 CHANGE: "able answer to that" to "able to answer that" REASON: Incorrect transcription.

373CHANGE: "intergraded" to "integrated"REASON: Incorrect transcription.

38 4 CHANGE: "to any action" to "to any such action" REASON: Clarify intent of sentence.

38 22-23 CHANGE: "density height" to "height and/or height" REASON: Clarify intent of sentence.

42 17 CHANGE: "it has do with" to "it has to do with" REASON: Incorrect transcription.

76 15 CHANGE: "residential right not, the" to "residential, right, not the" REASON: Clarify intent of sentence.

87 4-5 CHANGE: "many meetings we" to "many meetings where we," REASON: Incorrect transcription.

94 14 CHANGE: "these messaging" to "that messaging" REASON: Clarify intent of sentence.

102 17 CHANGE: "Counsel representatives" to "Council representatives" REASON: Incorrect transcription.

104 2 CHANGE: "counsel" to "council" REASON: Incorrect transcription.

104 21 CHANGE: "affordability that MIH" to "affordability than MIH" REASON: Incorrect transcription.

11910CHANGE: "hole" to "hold"REASON: Incorrect transcription.

132 10 CHANGE: "I'm not a either" to "I'm not either" REASON: Clarify intent of sentence.

185 3 CHANGE: "Being been expressed" to "Being expressed"REASON: Clarify intent of sentence.

19420CHANGE: "not e" to "not me"REASON: Incorrect transcription.

195 6 CHANGE: "on the base of" to "on the basis of" REASON: Clarify intent of sentence.

1958CHANGE: "and yet that" to "and yes that"REASON: Clarify intent of sentence.

19623CHANGE: "desirable of move" to "desirous of moving"REASON: Clarify intent of sentence.

223 17 CHANGE: "generally not a residential" to "generally not residential" REASON: Clarify intent of sentence. Case 1:15-cv-05236-LTS-KHP Document 916-8 Filed 11/06/20 Page 18 of 18

237 23 CHANGE: "counsel members" to "council members" REASON: Incorrect transcription.

242 3 CHANGE: "now" to "know" REASON: Incorrect transcription.

WITNESS' SIGNATURE

6-7-2018 DATE

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Transcript: Mayor de Blasio Appoints Vicki Been as Deputy Mayor for Housing and Economic Development

April 4, 2019

Mayor Bill de Blasio: Good morning, everybody. So, I want to say at the outset that it's a special pleasure to make a major announcement of this nature. Every time we add to our team it is an opportunity to express our values and to recommit ourselves to our mission. In this case the value that really jumps here, and the reason we came here was to make sure that New York City remains a city for everyone. I've talked about this over the years, it was the core of so much of what was talked about back in 2013. It remains the most urgent issue today. The issue I hear the most about from my constituents in all those town hall meetings and the call-ins to the radio program and everything else, unquestionably, the number one issue is affordability and the concern people have keeping New York City a place for everyone, keeping New York City really New York City. Protecting the soul of this place, keeping ourselves consistent with our great history.

So, the appointment I'm making today really responds to that imperative. It's all about ensuring that New York City remains affordable for working people. And we've got a lot more work to do to make that happen. But we have the right person to lead us forward in that effort. I want to say that there's a lot of talented people out there and we conducted a nationwide search, looked at some very able and accomplished people but – I guess this is a little bit like the moral of the story in the Wizard of Oz, there's no place like home. It turned out the exact right person was right here under our nose the whole time. And Vicki Been did such an outstanding job as HPD Commissioner, was such a valued member of this team. I remember many a day in this room talking about some of the most complex and pressing issues – and what was so clear throughout, Vicki's intelligence, her experience, her analytical ability, her ability to see solutions that often times others didn't see. And her heart, her

driving desire to get it right and ensure that working people can live in the greatest city in the world. I admired it many a time. And it is very, very gratifying to announce her as our new Deputy Mayor because she is the right person for the job.

So, I want to just say a few more words and then a couple more words in Spanish before we hear from Vicki. And I want to welcome her family who is with us here today as well. Important to say at the outset, we have a situation here, classic, there's a real continuity in this announcement and there's also an imperative to go a lot farther – continuity because Vicki's predecessor, Alicia Glen, did an outstanding job. What she achieved with the affordable housing plan, that Vicki was such a central player in, should be the stuff of legend because not too often in government do we get to be ahead of schedule, but that was the norm with the affordable housing plan and obviously there are so many other great examples of progress in terms of protecting everyday New Yorkers – the work we have all done and done with the Council to stop evictions, the work we have done to help keep people in their homes in so many ways. But there's also the very exciting work that's been done on the economic development side, particularly the growth of our technology community. We want to keep all that going and who better to keep it going than one of the architects of it?

But we must go farther. And today is a clear statement of purpose. We have to go a lot farther when it comes to protecting affordability. The challenges, in many ways, have gotten greater. And we have tools that work and we are going to take them farther and we are going to find new tools and I guarantee if there is anyone in this city, and I mean this as a literal statement, if there is anyone in this city creative enough, smart enough, thoughtful enough, to find new and better ways to do things, that person is Vicki Been. So I've seen it live, as I said, and it's not just a matter of her abilities, it's her values, in so many of the conversations over the last years Vicki was the person who drew upon her own personal experience to talk about how important it was to get it right when it came to protecting affordability and building more affordability. She took it very personally in the best sense and you'll hear a bit about her own story, her own New York story and her own life story but it's important to note Vicki is not someone born with a silver spoon in her mouth. She is the first person in her family to go to college. She came here to New York City with nothing more than an internship and was only able to live here because she had an affordable apartment. But like so many great New York City success stories, she took that opportunity and she ran with it, ended up going to NYU Law School, one of our great institutions, became a clerk for U.S. Supreme Court Justice Harry Blackmun, worked on the Iran Contra investigation, one of the most important investigations in the last few decades in this country, she was right in the mix of it. And that was a statement of her devotion to public service but also her ability. People who got chosen to work on that investigation were the best of the best.

As everyone knows she spent time studying the issues of affordability and how to create a better urban environment. She's devoted a lot of her life to that as an academic. But what was so impressive to me was she took that academic knowledge and put it into practice so effortlessly, I was deeply, deeply impressed by that. It's not everyone who can take the abstract knowledge and then be dropped into the intensity of New York City government and convert that – those ideas, those concepts into action. And I saw it live from Vicki year after year. So as she returns to City

government, she comes in with a mandate from me but she also comes in with her own strong values. We have to go farther, we have to accelerate the work we are doing in terms of preserving affordable housing and this is crucial, the preservation of affordable housing is 60 percent of our affordable housing plan. It's really the essence and the work horse of the affordable housing plan – keeping people in their neighborhoods, in affordable apartments. We are going to do more of that faster. We have to do – and I have to say, that is – I really want to say this because I think it hasn't gotten the attention it deserves. This is the ultimate anti-displacement tool. A lot of discussion about rezoning and that's a good discussion to have but the simplest, strongest, clearest anti-displacement tool is to protect a working family in their apartment, in their neighborhood, subsidize it, protect it for decades ahead. That's what this administration has been doing but we are going to do even more under Vicki's leadership.

We have more to do to make sure our affordable housing plan reaches lower income New Yorkers. We have more to do to ensure that seniors can reach affordable housing, a growing part of our population. We have a lot to do to make fundamental change at our Housing Authority but the good news is we have a great game plan and people ready to make to the changes we need, and Vicki will be a central architect of all we do at this point forward to turn around NYCHA. Our residents in public housing deserve a lot better and I think for the first time in decades there's a plan in place and the leadership in place to achieve that change. And, of course, Vicki's going to focus on jobs, she's going to focus on economic development but she comes onto the playing field at a propitious moment. This city has over 4.5 million jobs, the most in our history but we ain't done. We intend to create an even stronger and more diverse economy, and Vicki will lead the way.

So for all of those years that Vicki served us, we were all very fortunate and we could tell we had a great talent among us and she stuck with it a long time, took a little break, went out to think great thoughts again, and now she is back. So, Vicki, I am going to say a few words in Spanish but on behalf of a lot of people in this building are feeling what am I feeling right now – we are so happy to have you back and we welcome you.

[Applause]

The quick Spanish version -

[Mayor de Blasio speaks in Spanish]

With that, I now get to call you by a new name, I get to call you Deputy Mayor for Housing and Economic Development, Vicki Been.

[Applause]

Deputy Mayor Vicki Been, Housing and Economic Development: Thank you so much, Mr. Mayor. I am deeply honored to be asked to rejoin your team as Deputy Mayor. It's an awesome responsibility and I am humbled to take it on. But I am also super excited and grateful for the opportunity to work with the Mayor and his incredible team to make the city an even better place to No city across the nation has done as much to prevent displacement as New York City. At the end of 2018 the city had preserved more than 83,000 homes. That's about 216,000 people who are in the home that they love, knowing that it's stable, knowing that it's secure, knowing that they'll be able to afford it because the housing team in this administration preserved those affordability protections.

Preservation, as the Mayor said, is the most important tool that we have. It keeps people in their homes at rents they can afford for the long run. But it's only one of our tools. This administration has built a tremendous tool kit from legal assistance to tenants facing eviction to anti-harassment protections, for more vigorous housing and building code enforcement, to more rental assistance – MIH, ZQA, I see Carl here. The list goes on and on. But people are still afraid and so we have to double down.

We have to use those tools faster, we have to be more effective, and we have to be more coordinated in trying to ensure that people aren't forced out of their homes or out of neighborhoods that they helped to build and that they call home.

When people do lose their homes, we have to get them from shelter into permanent housing quickly and sustainable. We've made lots of progress but we still aren't where we need to be and I intend to work closely with Deputy Mayor Palacio and Commissioner Banks along with the Housing and Economic Development teams to make sure that we don't let a single opportunity pass to combat homelessness.

Rent regulation is up for reform in Albany – so a once-in-a-generation chance to end failed policies like the current vacancy de-control rules and to stop the irrevocable loss of those precious rent stabilized units. We also have a daunting challenge to bring NYCHA back to fiscal and physical health after a generation of neglect.

NYCHA is so critical to the city. It houses one out of 11 of our renters, it brings diversity to communities across New York City, and most importantly it houses many amazing hard-working adults who are the mainstay of City government, they're the mainstay of lots of work forces throughout the city, and it houses wonderful kids with enormous promise.

The federal government, of course, starved NYCHA for resources for decades and the price of that neglect hit us in the face, it came due. The Mayor and Deputy Glen and their teams have come up with a plan to fix the fundamentals, to generate revenue, to harness the workforce, to fix the heat, to stop the mold, to get the lead out – it won't be easy. It's required massive, massive thinking. We've seen some fits and starts but we have a solid plan and I intend to drive that plan forward every day of the year, meeting and beating time tables, stretching every dollar we have, and pushing for more money. The Mayor is committed to turning NYCHA around. The ground work's been laid, the time is now for action and every single day counts.

Being in a second term also liberates us a bit to take on tough challenges that were hard to take on in the first term. If the last few months have taught us anything, it's that New Yorkers are not going to allow economic development incentive programs that have been allowed for decades to go

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Transcript: Mayor de Blasio Appears Live on The Brian Lehrer Show

August 28, 2020

Brian Lehrer: It's the Brian Lehrer show on WNYC, and if it's Friday, it's the day for Ask the Mayor here on the Brian Lehrer Show – my questions and yours for Mayor Bill de Blasio, Fridays at 11:05. Our phone number 6-4-6-4-3-5-7-2-8-0, 6-4-6-4-3-5-7-2-8-0 – or you can tweet a question, just use the hashtag, #AsktheMayor. Good morning, Mr. Mayor. Welcome back to WNYC.

Mayor Bill de Blasio: Good morning, Brian. How are you doing today?

Lehrer: I'm doing all right, thank you, and I want to begin with some questions about schools. September 10th is getting very close, obviously, and just yesterday, I see you announced there would be separate teachers for the same students for their at-home and in-person days in the blended system you're planning. Our education reporter is getting indications that the principals in many cases, won't have the staffing for that or the money for that extra staff and Chancellor Carranza promised substitute teachers and other reinforcements, but gave no indication who is coming, and when, so here's my first question. Increasingly people are saying this isn't ready, even if it's right and it delay is inevitable. Are you now considering a delay?

Mayor: Look, Brian, we have been planning on September 10th for months and months. It is exactly when school begins every year and yeah, there's additional things we've had to work out this year to say the least, but step-by-step, these things are being resolved via announcement yesterday of the agreement with the UFT – that basically is going to allow for a team teaching approach that is going to make it very consistent and well-coordinated, how different teachers work together to serve kids, whether they're in the classroom or at home on that day. I do hear the concerns of the principals and that answer is coming to them very, very shortly, because as was true before the beginning of every school year, there's a last minute push to align the staffing levels, get the right people in the right places. We are going to have thousands of additional teachers available between the DOE personnel right now, certified teachers who don't teach in the classrooms, they're coaches, or teachers, or administrators, whatever they may be, who will be brought into the classroom, the folks in the ATR pool, substitute teachers that we used every year, many of whom are ready to go. So that pool is ready and

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much as humanly possible, because I think that's when we can address those disparities best. For kids who are remote only, I think it's really, really tough. Of course, extra efforts are being made to get kid, tutoring, guidance, et cetera, online if they need extra help. And this is particularly true for English language learners, special ed kids. But the remote context does not allow that to be done at all as effectively as in-person. That is the truth. So our central effort here is to show people safe, well-functioning schools to maximize the number of parents who feel comfortable getting their kids back to those schools, particularly if they have greater needs that need to be addressed.

On the bigger question, we've made a series of steps to address the need to diversify our schools and address segregation in the city. Now remind you, some of them have not gotten the support I think they deserve, like ending the standardized test for specialized high schools and ensuring that they represent this whole city, which they clearly don't. I've put that out very forthrightly and a lot of opposition came back. But we are going to be doing a lot more to address some of the barriers to a more diverse classroom. It's been working at the local level. That's where we found the greatest success, from the ground up. But I also will say, as I've said, Brian, on this show before. I really wish people would look at the foundation. The foundation is not the school system. It is housing, it's jobs, it's economic segregation. It's a segregated city. The school system can't solve that.

Lehrer: People can be moved from neighborhood to neighborhood as Kamala Harris pointed out in her debate with Joe Biden. Right?

Mayor: And I have been really clear about the fact that in some neighborhoods where communities are close together, there's a lot of that we can do and are doing. In other neighborhoods, it's a lot harder. I don't think something like large scale school busing is a good idea for that purpose. I just don't. I've said that many times. I think we can do a lot to make our schools more representative and inclusive, but I really think that debate – I will believe it is an honest debate, when people talk about the economic underpinnings and the housing underpinnings more. And not just act like the schools can solve the problem alone. They simply can't. We can make a lot of progress, but I'll argue with anyone at any time, it cannot be the schools alone. You want to do real – I don't know what Nice White Parents is about. So then people in predominantly white neighborhoods, let's desegregate the neighborhoods and you will desegregate the schools. That is the better way to think about this from my point of view.

Lehrer: One more follow up that relates to the podcast, Nice White Parents. You announced outdoor learning just this week and set a deadline of today for principals to submit their plans. I'm going to ask you if you think everybody is going to meet that deadline, if that's realistic? But the outdoor learning plan is being criticized as another driver of race and class disparity. And your call for lesser funded schools to ask wealthier PTAs to share resources with them, A is it too fast to expect results on that for September 10th on such a complicated and fraught request? And doesn't the history of those kinds of requests suggest it's just not going to happen to a meaningful degree? This is a sort of Nice White Parents issue.

Mayor: Well, again, I just want to say if we're going to have a serious discussion in this city, I mean, I find it – I mean, you have to be real blunt, Brian. You're talking about Nice White Parents, there's a podcast. Everyone's feeling very good about themselves, that they're talking about the issue. You really want to change things in this city? Then everyone better change a lot of the way we live more foundationally. If you just talk about it and feel self-satisfied, God bless you. That's not actually going to change things. What changes things is redistribution of wealth. Tax the wealthy at a much higher level, make sure that working people who in this city are overwhelmingly people of color get higher wages so they can afford better housing, help us create the affordable housing and neighborhoods that so many times there's been a NIMBY effort to stop. And the NIMBY effort has sometimes come from people, I

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would've thought were more to the left, not just people more to the right. So if we're going to have an honest discussion in the city, which a lot of times bluntly, elite outlets and elite context don't want to have this honest conversation. You really want to break down segregation in New York City? Then let's deal with the economic reality. The economic reality is pervading the racial reality as well. And I just feel like this is a lot of cocktail party comfort going on rather than people honestly dealing with this issue. Help me tax the wealthy, help me redistribute wealth, help me build affordable housing in a white communities, if you want desegregation. If you do not want to do all those things, then you're not serious about desegregation. To your question – yes, go ahead.

Lehrer: Well, I was going to say, understood. But the immediate question is what do you say to critics of the outdoor learning plan, who say it takes a lot of money and it's going to be another driver of disparity from school to school?

Mayor: Brian, I'm losing patience respectfully, because there's so many people who don't know what the hell they're talking about. Love to criticize, and don't even bother to do the basic research on what's going on. I've been asked in press conferences repeatedly. We were on a football field in the Bronx with a principal at a high school in a community of color. And he said, it's my high school, this football field's next to my high school. And I'll use this football field. It doesn't cost him anything. Principals can use their schoolyards, their courtyards. They want to close off a street next to the school. So long as it's a street, we can close off. It's not a bus route or something. It doesn't cost them anything. I answered this. The Chancellor answered it. People aren't listening, Brian. You guys, if you're serious, listen. If you're serious about answers –

Lehrer: I think people say it's the tents.

Mayor: Give me a break. The tents are one piece of a much bigger equation. And this is again, if we're going to have a serious discussion or just a superficial discussion. If you want to have a serious discussion, what we said is we got a lot of requests from principals, could they do outdoor learning? We said, yes, you can do outdoor learning. By the way no one said the deadline was today. We have corrected the journalists who absolutely mangled that. The deadline was, if you got it by today, you'll get an answer for next week. If you want to put in an application in next week, you'll get an answer the week after. It's fine. But there's lots of ways to do outdoor that don't cost a thing. And a PTA that does have a lot of money should share. We said the same thing with parks conservancies. Again, let's stop the cocktail party madness. If you actually are serious and you're a wealthy PTA, share with a school nearby that doesn't have a lot of money. That is addressing the tale of two cities.

Lehrer: Turget, in Manhattan. You on WNYC with the Mayor. Hello, Turget.

Question: Hi, thanks for taking my call. I have a restaurant on Upper West Side, HDFC building. And I'm a restaurant who closed the dining room a couple of months ago. Now the I asked the HDFC core, they can lower my rent? They cannot because they have obligation on the City. And I have 40 employees. I'm doing the takeout and delivery. And I need the help. Otherwise we are going to be closed by the end of this year, if they cannot help us. Because we've finished all the PPP money, everything. And we've been there 40 years, Upper West Side, and we need help.

Mayor: Turget, look, first of all, would you please make sure to give your information to WNYC because we want to see if there's some way we can help you and help the building owners to work out an accommodation. There's a bunch of different things we can do to help you to tide over. Our Small Business Services Department constantly is working to mediate between landlords and small businesses and they can get you other types of support as well. So please give your number to WNYC.

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community conversations: new yorkers talk fair housing

JUNE 2019



what we learned: promoting housing choice

The City is seeking to increase opportunity for all New Yorkers by promoting housing choice: the choice to move into a different neighborhood or the choice to stay in a neighborhood, even as it changes.

The Community Conversations surfaced detailed information about why New Yorkers live in their neighborhoods and where they may want to move. The experiences shared by residents illustrated a clear lack of choice for low income New Yorkers, since the majority reported ending up in neighborhoods due to forces outside of their control, such as affordability, discrimination, or government housing programs. This information will help the City develop policies to better support New Yorkers in making the housing choice that is best for themselves, their families, and their communities.

community conversation activity what's impacting neighborhood choice?

In each Community Conversation, residents selected the reasons why they currently live where they live, whether they want to stay or move, and the key tradeoffs and reasons driving that choice.

WHY DO YOU LIVE IN YOUR CURRENT NEIGHBORHOOD? Top answers:

"Affordability" or "Availability of subsidized housing" (NYCHA, housing supported by HPD) "Ease of transportation" "Family and community" or

"Sense of belonging"

FOR THOSE WHO WANTED TO STAY, WHAT IS THE MAIN REASON FOR STAYING IN YOUR NEIGHBORHOOD?

Top answers:

"Family and community" or "Sense of belonging"

"Affordability" or "Availability of subsidized housing" (NYCHA, housing supported by HPD)

FOR THOSE WHO WANTED TO MOVE, WHAT IS THE MAIN REASON FOR MOVING TO ANOTHER NEIGHBORHOOD?

DO YOU WANT TO STAY IN YOUR CURRENT NEIGHBORHOOD, OR MOVE TO ANOTHER ONE? Stay: 55%

Move: 45%

Top answers:

"Environment" (green space, air quality)

"Family and community" or "Sense of belonging"

"Housing conditions" (housing quality, landlord relationship, apartment size) "Safety"

Page 1 1 2 UNITED STATES DISTRICT COURT 3 SOUTHERN DISTRICT OF NEW YORK 4 ------x 5 SHAUNA NOEL and EMMANUELA SENAT, 6 Plaintiffs, 7 15 - CV - 5236vs. 8 CITY OF NEW YORK, 9 Defendant. 10 -----x 11 12 VIDEOTAPE DEPOSITION OF EDWARD GOETZ 13 New York, New York 14 April 5, 2019 15 9:36 a.m. 16 17 18 19 20 21 22 Reported by: 23 ERICA L. RUGGIERI, RPR 24 25

Page 69 1 GOETZ 2 Α. Right. 3 Now there could be a Q. 4 variety -- as far as you know, there could be a variety of reasons why 5 6 someone moves because they want a 7 less expensive residence other than 8 a literal inability to pay, correct? 9 That's correct. Α. 10 Q. And you agree with Newman 11 and Wiley that some portion of those 12 under rent pressure or displacement 13 risk have found ways to adapt and 14 survive in an increasingly 15 competitive housing market? 16 Α. That is correct. That is 17 what they say. 18 Right. I understand it's Ο. 19 what they say. Do you agree? 20 Α. I do. 21 Do you know the size of the Ο. 22 group, that group? 23 Α. No. 24 Do you agree with Freeman Q. 25 and Branconi [sic] that it's

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Page 70 1 GOETZ 2 difficult to determine the 3 percentage of those who move to lower their monthly rent burden who 4 5 were actually displaced by 6 gentrification? 7 MS. SADOK: Objection. 8 Α. I agree with that. 9 Ο. Of those who did move to 10 lower their costs, want -- wanted a 11 less expensive residence, do you 12 know the size or proportion of the 13 group that remained in their 14 neighborhood? 15 Α. I don't. 16 Q. Do you know the size or 17 percentage of that cohort who was 18 actually displaced from their 19 starting community district? 20 MS. SADOK: Objection. 21 I don't. Α. 22 Do you know if a household Q. 23 has been displaced from a community 24 district? 25 In -- in this research? Α.

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Page 83 1 GOETZ 2 This is the second and this wrong. 3 third lines of page 18, 4 "Contemporary displacement is likely 5 to force households out of cities 6 entirely and into peripheries of urban areas." Footnote 98. 7 Correct. And then the 8 Α. 9 follow-up. 10 Q. I'm not asking about the 11 follow-up. I'm asking about that 12 proposition. That proposition you 13 provide one authority for. 14 Α. Oh, I'm sorry. 15 Ο. It's not Wiley, is it? 16 I'm sorry, the authority Α. 17 for that is Atkinson, et al., yes. 18 But in fact, Wiley, et al., do 19 mention this as well. 20 The one you cite -- the Q. Atkinson one you cited that was a 21 22 study of Sydney and Melbourne in 23 Australia? 24 Α. I think so. It was -- it 25 was not a U.S. example.

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Page 84 1 GOETZ 2 Q. In the New York City 3 context, an involuntary move out of one's community district might well 4 5 be a relatively short distance move, 6 correct? 7 It could be. Α. 8 Ο. Like from East 102nd Street 9 in East Harlem to East 93rd Street 10 on the Upper East Side? Wherever the boundaries of 11 Α. 12 the community district lay, yeah. 13 Those are two. So that's Ο. 14 not a -- that's not a move to the 15 periphery, that kind of move? 16 Α. No, it's not. 17 And it's a short distance 0. 18 move? 19 Α. That one would be. 20 What about a move from Q. 21 central Brooklyn to downtown 22 Manhattan, is that a move to the 23 periphery or not? 24 Α. My understanding of what a move to the periphery would mean 25

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Page 85 1 GOETZ 2 would not include such a move. 3 Q. Okay. So community 4 preference is designed to get more 5 units to people who live in the 6 community district than would 7 otherwise be the case in the absence 8 of the community preference policy, 9 right? 10 MS. SADOK: Objection. 11 Α. The objective of the 12 community preference policy is to 13 mitigate as much as possible the 14 displacement of people from their 15 community districts. 16 I wasn't asking you about Q. displacement at all. 17 18 Α. Sorry, I misheard the 19 question. 20 Maybe I didn't say it Q. 21 clearly so I'll try it again. 22 You've already described that 23 you don't know what percentage of 24 people either getting community 25 preference or not getting community

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Page 139 1 GOETZ 2 Yes, I do. Α. Yes. And you believe that to be 3 Q. 4 true? 5 Α. Yes. And you believe it's true 6 Q. 7 in New York City in similar ways to 8 the way it's true in other places in the U.S.? 9 Yes, I do. 10 Α. 11 Q. And sometimes community, 12 the unifying principle is based 13 around racial or ethnic identity, 14 correct? 15 Α. 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 What's that document? Q. This document is an article 24 Α. 25 in Societies, the journal Societies

	Page 140
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

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Page 141 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 Α. 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 Yes, I see it. Α. Okay. 14 You see that description? Q. 15 Α. I do. 16 Would you expect that this Q. 17 phenomenon happens in New York City 18 as well? 19 Α. It happens in a number of 20 places, yes. And I would --21 You wouldn't expect that Q. 22 New York City was an outlier? 23 Correct. Α. 24 And then on page 8, "When Q. residents describe" -- this is right 25

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	Page 142
1	GOETZ
2	at the top, "When residents describe
3	their fears of gentrification they
4	do not describe them only in terms
5	of displacement through housing.
6	They also point to the possibility
7	that new development becomes what
8	Anderson describes as 'white
9	space.'"
10	Do you see that?
11	A. Yes, I do.
12	Q. And would you expect that
13	this phenomena occurs phenomenon
14	occurs in New York City as well?
15	A. There's no reason to
16	suspect otherwise.
17	Q. So part of the part of a
18	fear of change, again, just to give
19	a disclaimer, I'm not talking about
20	every I'm not saying every person
21	but I'm talking about what the
22	author is describing here, that kind
23	of thing. Part of the fear of
24	change is the prospect of white
25	incomers is a proxy for anticipated
L	

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Case 1:15-cv-05236-LTS-KHP Document 916-12 Filed 11/06/20 Page 11 of 17

Page 143 1 GOETZ 2 negative developments in the 3 community. MS. SADOK: Objection. 4 5 Α. So the last phrase is kind 6 of vague. Can you be more specific 7 about negative developments? 8 Q. That the community will be 9 less desirable than it had been. 10 Α. For? 11 The incumbents? 0. 12 Α. The incumbents, okay. 13 I thought you meant Sorry. 14 development in terms of land 15 development. This expression, which 16 is fairly common, is an 17 acknowledgment that -- that -- that 18 whites moving in is a sign of -- of 19 impending changes that could mean 20 the -- the displacement of -- of 21 families from the community. 22 The -- well, this is what I Ο. 23 meant by a proxy. I mean it's not 24 that -- that a particular -- it may 25 not be true of particular white

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Page 144 1 GOETZ 2 arrivals, correct? 3 Α. Correct. 4 0. But the race of the 5 arrivals is used as an indirect 6 means, a proxy, to signal bad things 7 may be happening? 8 Α. It is seen as --9 MS. SADOK: Objection. Α. It is seen as evidence of 10 11 the kinds of changes in a 12 neighborhood that enhance 13 displacement possibilities. 14 Ο. In the New York City 15 context, let's say there's a hundred percent affordable development. 16 17 Α. Okay. 18 Actually, I should be clear Q. 19 about it. I'm not talking a hundred 20 percent of AMI. I mean --21 Α. Hundred percent --22 Q. -- all of the -- all of the 23 units in the building are affordable 24 in some level, some lottery level. 25 For that kind of building in a

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Page 156 1 GOETZ 2 We were talking in New York 3 City terms that there's much more 4 demand for affordable housing than 5 there is supply, right? 6 Α. Correct. 7 And that there's intense 0. 8 competition over that limited 9 resource? 10 A. Correct. 11 And so in the face of that Q. 12 competition if some people or groups 13 seek to secure to themselves a 14 greater than proportionate share of 15 that limited affordable housing, 16 isn't that an instance of hoarding 17 resources and depriving others of 18 the resources? 19 MS. SADOK: Objection. 20 So that's a hypothetical of Α. course because we don't know that 21 22 groups are -- are doing this. 23 Q. Well, let's deal with it --24 let's deal with it hypo- -- let's 25 deal with it hypothetically. If --

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Page 250 1 2 STATE OF NEW YORK) 3) : 5 5 4 COUNTY OF NEW YORK } 5 6 I, EDWARD GOETZ, the witness 7. herein, having read the foregoing 8 testimony of the pages of this deposition, do hereby certify it to 9 10 be a true and correct transcript, 1.1 subject to the corrections, if any, 12 shown on the attached page 13 14 15 EDWARD GOETZ 16 17 18 19 Sworn and subscribed to before me, 20 this of 20119 21 22 23 Notary Public AVE MARIA BRENNAN NOTARY PUBLIC, State of New York O ISO No. 24-4527182 Qualified in Kings County Certificate tiled in New York County 24 25 Commission Expires July 31, 198 202 David Feldman Worldwide A Veritext Company 800-642-1099 www.veritext.com

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Page 251 1 2) STATE OF NEW YORK 3 ss.: 4 COUNTY OF NEW YORK) 5 6 I, ERICA L. RUGGIERI, RPR and 7 a Notary Public within and for the 8 State of New York, do hereby 9 certify: 10 That I reported the 11 proceedings in the within-entitled 12 matter, and that the within 13 transcript is a true record of such 14 proceedings. 15 I further certify that I am not related by blood or marriage, 16 17 to any of the parties in this matter and that I am in no way 18 interested in the outcome of this 19 20 matter. IN WITNESS WHEREOF, I have 21 hereunto set my hand this 11th day 22 of April, 2019. 23 24 rica Kugguri ERICA L. RUGGIERI, RPR, CSR, CLR 25

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ERRATA

I, Edward Goetz, wish to make the following changes, for the following reasons:

PAGE LINE

42 23 CHANGE: remove "It". On line 24 add "A." and "It" before "could have" REASON: transcription error. This is the witness responding.

44 23, 25 CHANGE: "Wiley" to "Wyly" REASON: incorrect spelling

55 15 CHANGE: remove the word "than" between "that" and "then" REASON: to clarify the intent of the sentence.

57 16 CHANGE: remove the word "priced" REASON: to clarify the intent of the sentence.

60 14 CHANGE: change the word "is" to "are" REASON: grammatical correction

61 3 CHANGE: "Wiley" to "Wyly" REASON: incorrect spelling

64 13 CHANGE: "Wiley" to "Wyly" REASON: incorrect spelling

69 11 CHANGE: "Wiley" to "Wyly" REASON: incorrect spelling

82 23 CHANGE: "Wiley" to "Wyly" REASON: incorrect spelling

83 15, 18 CHANGE: "Wiley" to "Wyly" REASON: incorrect spelling

92 2 CHANGE: "Livery side" to "Lower East Side" REASON: transcription error

112 9 CHANGE: add the word "in" in between "posed" and "the" REASON: to clarify the intent of the sentence.

122 15 CHANGE: "express" to "expressed" REASON: transcription error

165 6 CHANGE: remove the word "be" REASON: to clarify the intent of the sentence.

1

CHANGE: add a dash ("---") in between "self" and "by definition" 165 21 REASON: to clarify the intent of the sentence.

25 CHANGE: "I" to "it" 169 REASON: to clarify the intent of the sentence.

2 CHANGE: the word "it" to "they" 193 **REASON:** grammatical correction

6 CHANGE: "topology" to "typology" 196 **REASON:** incorrect spelling

20 CHANGE: "there" to "they" 196 **REASON: transcription error**

198 2 CHANGE: "I think that" to "I don't think that" REASON: to clarify the intent of the sentence.

CHANGE: "Best" to "Thus" 200 12 **REASON:** transcription error

203 9 CHANGE: add "- -" between "constraining" and "or"

207 8 CHANGE: "topology" to "typology" REASON: incorrect spelling

210 15 CHANGE: add the word "be" after "would" REASON: to clarify the intent of sentence.

17 CHANGE: "topology" to "typology" 219 REASON: incorrect spelling

23 CHANGE: add the word "lies" after "policy" 227 REASON: to clarify the intent of the sentence.

EDWARD GOETZ

SUBSCRIBED AND SWORN TO BEFORE ME THIS 4th DAY OF unl, 2019.

nennan

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COMMISSION EXPIRES

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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

JANELL WINFIELD, TRACEY STEWART and SHAUNA NOEL,

-----x

Plaintiffs,

-against-

Civil Action No.: 15-CV-5236 (LTS)(KHP) 1

CITY OF NEW YORK,

Defendant.

VIDEOTAPED

DEPOSITION OF ALICIA GLEN

New York, New York

November 3, 2017

9:26 a.m.

Reported by: JUDITH CASTORE, CLR Job No. 52429

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1 GLEN 2 bodega is going to go out of business 3 and it's going to be replaced by, you 4 know, a fancy coffee bar. And whether 5 that's a good idea or bad idea, that is 6 very much what is in the ether, I would 7 say, across the vast majority of 8 neighborhoods right now. 9 Q That's all interesting; but 10 just to help you remember, and I think 11 you remember pretty well, what I was 12 asking you about is the racial tie-in 13 here. 14 MS. SADOK: Objection. 15 Α I'm sure that is a part of 16 it, but I also want to make equally 17 clear that rich black investment 18 bankers coming to Fort Greene is just 19 as worrisome for people in Fort 20 Greene -- and you can certainly ask 21 Laurie Cumbo that -- as it is about 22 anything else. They don't want rich 23 black investment bankers either. Trust 24 me. 25 Q Are you aware of anybody

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59 1 GLEN 2 expressing any concerns that --3 neighborhoods becoming too white? 4 MS. SADOK: Objection. 5 Am I aware of who thinking Α 6 that? 7 Q Anyone. 8 Anyone? Α Yeah. 9 Q 10 Sure. I mean, I have a Α 11 friend who thinks that Harlem is 12 becoming too white. 13 Q Anybody else? 14 I have heard Councilman Α 15 Perkins screaming about that kind of 16 thing. 17 0 Anybody else? 18 I can't think any of Α 19 anybody -- I mean, I don't know what 20 you mean by that. Anybody else? Yeah. Well, let's --21 Q 22 Α I don't know how to answer 23 the question. I mean ... 24 0 The way to -- the way I think 25 to answer the question is you search

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110 1 GLEN 2 Actually, I was asking you --Q 3 it was a combo. It was as a human 4 being and principally as the Deputy 5 Mayor for housing and economic 6 development, which is a very specific 7 subset of human being. 8 So are you aware that 9 New York City's housing patterns were 10 shaped by forces of discrimination and 11 segregation? 12 MS. SADOK: Objection. 13 When I became Deputy Mayor Α 14 for housing and economic development, 15 which I think is what you are trying to 16 get at, racial patterns was not -- or 17 race discrimination issues were not 18 front and center at all with what we 19 were deeming to be the challenges 20 facing the housing market. 21 And so that -- I actually --22 I don't know -- again -- and I haven't 23 seen data and maps on this, as to what 24 you are describing as past practices, 25 how those are correlated -- our focus,

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134 1 GLEN 2 city? 3 MS. SADOK: Objection. 4 No, that would not be in the Α 5 interest of the city to turn down 6 affordable housing projects. 7 Q Would it be in the interest 8 of their own constituents in scenario? 9 MS. SADOK: Objection. 10 Well, to be consistent, I Α 11 would say no. Because it's in the 12 interest of the city to build more 13 affordable housing, and their 14 constituents are part of the city. 15 Q Even in the current world 16 of -- of community preference being in 17 effect, their constituents, who don't 18 get apartments, realize, we'll call 19 perhaps, collateral benefits from there 20 being affordable housing development, 21 right? 22 MS. SADOK: Objection. 23 What's the question? If you Α 24 don't get an apartment, do you still 25 feel like there are collateral

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160 1 GLEN 2 predecessor administration's policy to 3 be? 4 MS. SADOK: Objection. 5 I believe the mayor feels Α 6 pretty strongly that the Bloomberg 7 Administration didn't have policies 8 that were focused on maintaining 9 affordability and keeping people in 10 their houses, and, as you know, he ran 11 on a platform of growing inequality and that he wanted to change that arch. 12 13 And I think he disagrees with a lot of 14 the Bloomberg era policies. That's 15 pretty straightforward. 16 I think so. And he ran on a Q 17 policy that there was growing 18 inequality and that he sought to reduce 19 that inequality, right? 20 I think that's a fair А 21 characterization of the basic theme of 22 his campaign. 23 Okay. Now, in concrete Q 24 terms, the current administration is 25 taking many anti-displacement steps

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259 1 GLEN 2 and ethnic diversity? 3 MS. SADOK: Objection. 4 That's not the official Α 5 intent of the policy. 6 Is it the unofficial Q 7 intent -- is it an in official intent 8 of the policy? 9 А The intent of the policy is 10 to promote permanent affordable housing 11 in New York City. 12 0 So then --13 Α That is the intend of the 14 policy. 15 Q So one of the intents, 16 officially or unofficially, is not to 17 have neighborhoods accept more racial 18 and ethnic diversity? 19 MS. SADOK: Objection. 20 No, to your question. Α 21 So I will rephrase it in a Q 22 way that perhaps both you and Ms. Sadok 23 will prefer. 24 I'm trying to find out all of 25 the different intents of the policy,

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260 1 GLEN 2 whether official or unofficial. 3 Is one of those intents to 4 have neighborhoods accept more racial 5 and ethnic diversity? 6 Α No. 7 MS. SADOK: Objection. 8 А That's not the intent of this 9 policy. 10 Is there more, less, or the Q 11 same amount of displacement, 12 residential displacement, going on in 13 the city now as compared with four 14 years ago? 15 (Clarification by the 16 reporter.) 17 I don't know. Α 18 Who would know in at in city Q 19 government? 20 А I don't believe that there is 21 any agreement as to how exactly you 22 measure displacement. So there is not, 23 like, a person who is a keeper of the 24 displacement number. It's a series of 25 inputs and things that we look at to

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262 1 GLEN 2 as deputy mayor? 3 Α Sure. And the -- you know, how you 4 0 5 talked about the built environment 6 before? 7 Um-hum. Α 8 Talking about the demographic Q 9 environment, if you just sort of now 10 try to visualize that of a city where 11 there is still a lot of residential 12 separation between and among different 13 groups. 14 Is the existence of that racial and ethnic separation a tragedy? 15 16 MS. SADOK: Objection. 17 Α Not necessarily. 18 Q Does the city have a plan for 19 ending residential racial segregation? 20 Α A plan to end racial and 21 ethnic segregation? 22 A plan to end residential Q 23 racial segregation, yes. 24 Not that I'm aware of. Α 25 Q In fact, the mayor is pretty

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264 1 GLEN 2 this? I'm sorry. 3 MS. COURT REPORTER: 62. 4 And if you look on the second 0 5 page, it says, Mr. de Blasio, a 6 Democrat, and the schools chancellor, 7 Carmen Farina, they said they would 8 soon release a plan to decrease 9 segregation in the city's school. In 10 answer to a question about segregation, 11 the mayor suggested that there was not 12 much he can do. Quote: We cannot 13 change the basic reality of housing in 14 New York City, he said. 15 Do you see that? 16 Α Yes. 17 Do you believe that that's 0 18 true? 19 Α I don't know what he really 20 means by "the basic reality of 21 housing." So I can't agree or disagree 22 with it because I don't actually know 23 what he is referring to there. 24 Okay. Is this recognizable 0 25 in terms of things that he has said

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265 1 GLEN 2 about what can and cannot be done in 3 terms of housing patterns in New York 4 City? 5 MS. SADOK: Objection. 6 Α I don't ever recall having a 7 conversation with him about housing 8 patterns in New York City. That is not 9 something we've talked about. 10 Okay. Is it your view, as Q 11 deputy mayor, that there is little to 12 be done, as a matter of city action, in 13 terms of housing patterns as they are 14 currently defined on the basis of race? 15 I haven't really thought А 16 about it. But when you have a 17 functional zero vacancy rate and flat 18 to down production, it's hard to 19 imagine a lot of movement, even if that 20 was your goal. Right? 21 Q Even if it were your goal --22 so I think what you're saying is, even 23 if it were your goal, there are few 24 opportunities to make change. 25 MS. SADOK: Objection.

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288 1 GLEN 2 Α Yes. 3 And you say, a little further Q 4 down on the page at the end of your 5 next answer, I think it's already a value statement to assume that it's bad 6 7 if people move into other neighborhoods 8 these are further away because that 9 just runs afoul of the history of the 10 world. 11 That's your view, correct, 12 that the person who is moving out of 13 Manhattan to another part of New York 14 City should not be viewed negatively? 15 Ά Correct. 16 Q Should not be viewed as a 17 interloper? 18 MS. SADOK: Objection. 19 Yeah, I think that's fair. А 20 Could that person become 0 21 highly invested in and contribute to 22 her new neighborhood in Queens? 23 Objection. MS. SADOK: 24 Sure. Any individual person А 25 could be, and I'm sure there are many

1 GLEN 2 fabulous people who have moved and then 3 become part of another neighborhood 4 because the world is not completely 5 static. That's true, yes. 6 Q I wanted to clarify something 7 you were saying before about 8 displacement, and you were talking 9 about -- you were making a distinction 10 or at least you were raising two 11 things: Fear of displacement and 12 actually occurring displacement. 13 Do you remember that? 14 А Yes. 15 Okay. I want to leave fear Q 16 of displacement completely aside for a 17 moment. Okay? Just talk about 18 actually occurring displacement. 19 Is any actual displacement 20 caused by the residential development 21 that the de Blasio Administration has 22 supported? 23 MS. SADOK: Objection. 24 Α I don't know. 25 Q You haven't been told by

332 1 2 ACKNOWLEDGEMENT Э STATE OF NEW YORK) 4 SS.: ١ COUNTY OF NEW YORK) 5 I, ALICIA GLEN, certify, I have read the 6 7 transcript of my testimony taken under 8 oath in my deposition of November 3, 2017; 9 that the transcript is a true, complete and correct record of what was asked, 10 11 answered and said during this deposition, and that the answers on the record as 12 given by me are true and correct. 13 14 15 ALICIA GLE 16 17 Sworn and subscribed to before me 18 day of December 2017. this 19 20 Notary Public 21 22 KATHERINE P. COCKLIN NOTARY PUBLIC-STATE OF NEW YORK 23 No. 02CO6328584 Qualified in New York County 24 My Commission Expires August 03, 2011 25

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1 2 CERTIFICATION 3 STATE OF NEW YORK) 4) ss.: COUNTY OF NEW YORK) 5 6 I, JUDITH CASTORE, Shorthand Reporter 7 and Notary Public within and for the State 8 of New York, do hereby certify: 9 That ALICIA GLEN, the witness whose 10 deposition is hereinbefore set forth, was 11 duly sworn by me and that this transcript 12 of such examination is a true record of 13 the testimony given by such witness. 14 I further certify that I am not 15 related to any of the parties to this 16 action by blood or marriage and that I am 17 in no way interested in the outcome of 18 this matter. 19 IN WITNESS WHEREOF, I have hereunto 20 set my hand this 8th day of November, 21 2017. 22 23 JUDITH CASTORE 24 25

Page 1 1 2 UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK 3 -----x JANELL WINFIELD, TRACEY 4 STEWART and SHAUNA NOEL, 5 Plaintiffs, -against-6 Civil Action No.: 15-CV-5236 (LTS) (KHP) 7 CITY OF NEW YORK, 8 Defendant. ----x 9 10 11 VIDEOTAPED DEPOSITION OF 12 MARIA TORRES-SPRINGER 13 New York, New York 14 May 10, 2018 15 9:22 a.m. 16 17 18 19 20 21 Reported by: 22 JUDITH CASTORE, CLR 23 24 25

Page 52 TORRES-SPRINGER 1 And this marks the end 2 10:27 a.m. of Media Unit Number 1. 3 (Whereupon, a brief recess 4 was taken.) 5 VIDEOGRAPHER: The time is 6 10:37 a.m. And this begins Media 7 8 Unit Number 2. 9 Ms. Torres-Springer, did you Q speak with your counsel about your 10 11 testimony or prospective testimony 12 during the break? 13 А Yes. 14 May I ask you to look at 0 15 Page 2, the reverse of the exhibit you 16 have in front of you. And particularly 17 at the second full paragraph that 18 begins, regardless of what happens at 19 the national level. 20 Do you see that paragraph? 21 A Yes. 22 0 Later in that paragraph you 23 Opportunity is not shared wrote: 24 equally across the city. What did you 25 mean?

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Page 59 1 TORRES-SPRINGER 2 Is it shared equally across 3 the city or not? MS. SADOK: Objection. 4 I think -- I think it's a 5 Α 6 nuanced answer. And an op-ed only 7 provides so many characters in which to 8 make a point, and so it's generally 9 true but it's also -- I think it's also 10 important to provide the nuance about 11 how opportunity is accessed in New York 12 City. 13 But to some extent 0 14 opportunity is not shared equally 15 across the city; is that true? 16 Again, I think that it's Α 17 generally true but there is -- and we 18 have a lot of work to do, but there is 19 nuance to how we think about who shares 20 or does not share in that opportunity. 21 Q In your mind is it pretty 22 clear cut that African Americans, as a 23 group, do not share equally in 24 opportunity in New York City? 25 MS. SADOK: Objection.

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Page 60 1 TORRES-SPRINGER 2 I don't think there's Α 3 anything clear cut about that question 4 actually. 5 Thank you. Q 6 Could you read out loud the 7 last sentence of that paragraph? 8 Α A legacy of discrimination 9 and segregation has resulted in 10 significant disparities in educational health and economic outcomes. 11 12 So when you were -- when you Q 13 used the term "a legacy of 14 discrimination and segregation", were 15 you there referring to racial and 16 country of origin discrimination and 17 segregation? 18 Α It includes -- certainly 19 includes that. 20 So other than race and 0 21 country of origin discrimination being 22 included in that statement, what other 23 legacies of discrimination and 24 segregation were you trying to talk 25 about?

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Page 61 1 TORRES-SPRINGER 2 Α It was meant to also posit 3 given the comprehensive planning 4 process that we're doing as part of the 5 AFH issues also related to age, to 6 religion, to family composition. And 7 it's a general sentence, but the intent 8 was for it to be inclusive. 9 Q So when you were talking 10 about a legacy of segregation, you were 11 talking in part about a legacy of 12 age-based segregation that has resulted 13 in significant disparities in 14 educational health and economic 15 outcomes? 16 That that is -- that is a --Α 17 I'd say that they're both on 18 discrimination and segregation that 19 there are potentially legacies of 20 policies, I think they differ based on 21 each of the protected classes. 22 Q Okay. 23 But I'm asking you something 24 very specific, Ms. Torres-Springer. 25 I'm asking you what you were referring

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	Page 62
1	TORRES-SPRINGER
2	to in your sentence that includes "a
-	legacy of segregation that results in
4	significant disparities, educational
- 5	health and economic outcomes".
6	I'm just asking whether when
7	you wrote that you were referring, in
8	part, to a legacy of age-based
9	segregation that has resulted in
10	significant disparities in educational
11	health and economic outcomes, yes or
12	no?
13	
14	
	no question that they're meant for a
15	legacy of discrimination and
16	segregation to be inclusive of all of
17	the ways that protected classes may
18	have experienced have experiences
19	that have led to the disparities
20	mentioned in that paragraph.
21	Q Well, it actually is a I'm
22	sorry to disagree, but it actually is a
23	yes or no question about whether you,
24	in writing about a legacy of
25	segregation with particular outcomes,

Page 63 1 TORRES-SPRINGER 2 whether you, in writing the op-ed, were 3 referring in part to a legacy of 4 age-based segregation? I disagree that it's a yes or 5 Α In writing that sentence 6 no question. 7 I was thinking about all of the protected classes. 8 You were thinking about -- in 9 0 part about a legacy of religion-based 10 11 segregation; is that correct? 12 MS. SADOK: Objection. 13 Again, all the protected Α classes I had in my mind as I was --14 15 as -- in this sentence. 16 Including religion? Q 17 Α Including religion, correct. 18 Q And when you were talking 19 about a legacy of discrimination and 20 segregation, were you referencing housing discrimination and housing 21 22 segregation? 23 It is -- there wasn't a Α 24 specific reference in my mind. 25 When you were talking about Q

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Page 64 1 TORRES-SPRINGER 2 this op-ed, which you've said 3 repeatedly is in the context of the 4 Affirmatively Furthering Fair Housing 5 analysis process, you were not thinking 6 specifically of housing discrimination 7 and housing segregation? MS. SADOK: 8 Objection. So the op-ed, of course, had 9 Α 10 that in mind. 11 Okay. Q 12 Α The question was whether I 13 can't remember exactly what I was 14 thinking in writing or approving this 15 particular sentence. 16 Was this op-ed drafted for Q 17 your review? 18 Α Yes. 19 Q By whom? 20 A As far as I know the main writer for this was our assistant 21 22 commissioner for communications, Libby 23 Rofhling. R-O-F-H-L-I-N-G, I think. 24 Q Who else participated in the 25 drafting?

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Page 65 1 TORRES-SPRINGER 2 I don't know who else. Α 3 0 Did you review the op-ed in 4 its entirety before it went out? 5 Α Yes. 6 0 Did you edit it at all? 7 Ά Yes. As far as I can recall 8 I did make edits. 9 Q And you certainly made sure 10 that you were satisfied that everything 11 in the op-ed was true, correct? 12 Α In general that is my 13 approach to reviewing op-eds under my 14 name. 15 Q Okay. 16 What about in this particular 17 case? 18 That is also true. Α 19 Q Okay. 20 So when you were referring to 21 a legacy of discrimination and 22 segregation, weren't you referring to a 23 legacy of housing discrimination and 24 housing segregation? 25 MS. SADOK: Objection.

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Page 66 TORRES-SPRINGER 1 In the review of that 2 Ά particular sentence I can't recall what 3 exactly was going through my head. The 4 op-ed in general, of course, relates 5 to -- has an -- is focused on housing 6 7 issues. Do you think that there's any 8 0 9 reader of this sentence, any reasonable 10 reader who would think that you were 11 referring to anything other than 12 housing segregation and housing 13 discrimination? 14 MS. SADOK: Objection. 15 Α That would -- it's hard for 16 me to speculate what readers will think 17 when they read a sentence. 18 Q Do you think that it's 19 possible for there to be a reasonable 20 interpretation of that sentence other 21 than this is a reference to a legacy of 22 housing discrimination and housing 23 segregation? 24 MS. SADOK: Objection. 25 Again, that would require me Α

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Page 67 1 TORRES-SPRINGER to speculate and that's difficult for 2 me to do. 3 It's difficult for you to 4 0 5 determine whether a reasonable reader would interpret this sentence in any 6 7 way, other than you're talking about a 8 legacy of housing discrimination and 9 housing segregation; that's what's difficult? 10 11 Α Yes. 12 0 I think that as we move away 13 from the text of this maybe there will 14 be a couple of things that we can agree 15 on more easily. I think you believe 16 that racial segregation in housing 17 patterns is extremely pernicious; is that correct? 18 19 MS. SADOK: Objection. 20 I wouldn't -- what do you Α 21 mean by pernicious in that sentence? 22 Bad, maligned, terrible, Q 23 powerfully in conflict with the 24 interest of New York City. 25 Α Thank you. That's helpful.

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Page 69 1 TORRES-SPRINGER 2 what do you mean by residential 3 segregation? 4 A It has -- it's a nuanced 5 It depends on -- we have to be answer. careful about what we mean by it in the 6 7 context -- in the context of what we 8 are or what we're discussing. And so I 9 just want to make sure I'm answering 10 the question as thoroughly as I can 11 given your intent in the question. 12 Well, the pending question 0 13 is, what do you understand residential 14 segregation to mean? 15 Α In a general sense, it is for 16 a group of people to be isolated. 17 Exactly what that means and the 18 measures and the depth of it I think 19 really does depend on specifically what 20 one you're -- what one is trying to 21 look at. 22 When you think about Q 23 residential segregation, do you 24 understand New York City to be 25 characterized by residential

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Page 70 1 TORRES-SPRINGER 2 segregation? 3 I think there is a lot of Α 4 nuance to that question. I think it depends on how, in many ways, you 5 6 define segregation both geographically 7 or over time. And so I think it's 8 complicated. 9 0 That's pretty depressing. 10 Well, let's talk about today. Okay? 11 Do you understand that I'm --12 that's the period that I'm talking 13 about? 14 Ά Yes. 15 Q Today. And the geographical 16 political entity that I'm talking about 17 is New York City. And let's talk about 18 residential segregation as it -- you 19 understand the term as it pertains to 20 what the census bureau would refer to 21 as non-Hispanic blacks or African 22 Americans in relation to non-Hispanic 23 whites. 24 Do you understand the 25 parameters here? We're talking about

Page 71 1 TORRES-SPRINGER 2 New York City, we're talking about the 3 present day and we're talking about 4 non-Hispanic African Americans in 5 relation to non-Hispanic whites. IS New York characterized by residential 6 segregation in that way? 7 8 A Again, I think it depends on 9 how you know exactly is being measured, 10 even today. 11 Q Is there any way that you, as 12 commissioner of HPD, consider New York 13 City to be residentially segregated 14 today? 15 Α I think that if -- it depends 16 on how one is looking at that issue, 17 whether you are looking -- the 18 geography that you're looking at. The 19 question is about whether a block is 20 segregated, a community board is 21 segregated, and by what factors, and so 22 there are -- there are patterns that 23 continue to exist today based on part 24 of a legacy of discrimination. 25 Q We have a limited time today.

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Page 72 1 TORRES-SPRINGER And I'll say to counsel, I'm going to 2 be obligated to ask for more time 3 because this is just not responsive, 4 Ms. Torres-Springer. 5 You wanted to have the 6 time frame identified, I identified it 7 8 as the current day. You wanted the geography we're talking about 9 identified -- I've identified it as New 10 11 York Citv. 12 I'm asking you about how you 13 think about residential segregation; not how I think about it, now how 14 15 anybody else thinks about it, but how 16 you think about it as commissioner of 17 And I'm asking you, in that role HPD. 18 we've established that you think it's a 19 nuance and it's complicated, all that 20 sort of stuff. But I'm just asking you 21 now, is there any way that you consider 22 New York City today to be characterized 23 by residential segregation? 24 MS. SADOK: Objection. 25 And I object to the

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Page 73 TORRES-SPRINGER 1 characterization of Ms. 2 Torres-Springer's responses as 3 being nonresponsive. 4 I've endeavored to be as 5 Α responsive as possible. Given the 6 7 complexity, I think, of these issues it's my responsibility to provide that 8 9 nuance, and so I think it is -- I think it is nuanced. I did mention earlier 10 11 that there are patterns of residential 12 segregation that we continue to live 13 with today. 14 What patterns? 0 15 Α That there -- it depends on 16 how you look at it. It depends on 17 whether you are focused on -- if you're 18 looking at whether certain blocks are 19 segregated, if certain neighborhood --20 entire neighborhoods, entire council 21 districts, entire community board 22 districts. And so I don't think there 23 is -- there is one answer to it. But 24 there are -- and, again, I'll repeat, 25 patterns of residential segregation

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¢ Page 74 1 TORRES-SPRINGER 2 that we -- that have been shaped by our 3 history and we have an obligation to 4 reverse. Well, when you look at it on 5 0 6 a citywide level, housing patterns, are 7 there any citywide housing patterns 8 that you consider reflective of 9 residential racial segregation? 10 MS. SADOK: Objection. 11 Α Again, it's hard to talk 12 about -- it's difficult to talk about 13 such a complicated issue in blunt 14 citywide terms. I think that -- it's 15 an issue that we certainly have to both 16 look at and talk about carefully. 17 Q Have you been told or briefed 18 by anyone at HPD to the effect that New 19 York City is characterized by 20 residential segregation? 21 MS. SADOK: Objection. 22 No one has used those -- no А 23 one has said that to me while I've been 24 at HPD. 25 Q No one said that or words to

Page 75 1 TORRES-SPRINGER 2 that effect; is that right? Correct. 3 Α Has anyone in city government 4 Q 5 outside of HPD told you or briefed you in effect that New York City is 6 7 characterized by residential --8 residential racial segregation? 9 MS. SADOK: Objection. The -- outside of HPD? 10 Α The council member Brad 11 Lander made a report. He did not utter 12 13 those words to me, but it was the 14 subject of his report. 15 0 And in substance Council 16 Member Lander's report was asserting 17 that New York City is characterized by 18 residential racial segregation? 19 Α That's my understanding based 20 on reading the report. 21 Other than Council Member 0 22 Lander's report, anybody else in city 23 government, outside of HPD, brief you 24 or discuss with you or inform you that 25 New York City is characterized by

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Page 76 TORRES-SPRINGER 1 residential racial segregation? 2 MS. SADOK: Objection. 3 Not that I'm aware of. A 4 I'm going to ask that the 5 Q following also from Crain's be marked 6 as Plaintiff's 142. 7 8 (Crain's New York Business article entitled, "Mayor's 9 10 fair-housing pledge doesn't 11 inspire confidence.", was marked 12 Plaintiff's Exhibit 142, for 13 identification, as of this date.) Would you like this back? 14 Α 15 0 Yes. Thank you. 16 Actually, hold onto it. Hold 17 onto it for now. 18 Were you aware that Council 19 Member Torres wrote a letter to the 20 editor of Craine's criticizing your 21 op-ed? 22 Α Yes. 23 One of his assertions, and in 0 24 the middle of the page what I'm counting as the third paragraph 25

Page 77 1 TORRES-SPRINGER 2 beginning with the word New York, do 3 you see that? 4 Α I do. 5 0 Could you just read that 6 first sentence out loud, please? 7 New York remains one of the Ά 8 most segregated cities in the country 9 in part because of racist housing 10 policies both overt and covert, but 11 continue to haunt us today. 12 Q Okay. 13 So given our discussion over 14 the last ten minutes or so, am I 15 correct that your view of his 16 assertion, his first assertion that 17 New York remains one of the most 18 segregated cities in the country is 19 that his assertion is insufficiently 20 nuanced; is that correct? 21 MS. SADOK: Objection. 22 I'm just asking you about, to Q 23 be clear, the part of it where he says 24 New York remains one of the most 25 segregated cities in the country. Ιs

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Page 78 1 TORRES-SPRINGER that statement an insufficiently 2 3 nuanced statement? MS. SADOK: Objection. 4 It's hard for me to pass 5 Α 6 judgment on a sentence in a response by a council member. 7 Is it difficult for you to 8 Q 9 pass judgment on the factual assertion 10 that New York remains one of the most 11 segregated cities in the country? 12 MS. SADOK: Objection. 13 A I don't understand the 14 question. 15 There's a factual -- there's Q 16 a factual assertion, rather there's an 17 assertion of fact, and the assertion of 18 fact is New York remains one of the 19 most segregated cities in the country. 20 Is that assertion true? 21 MS. SADOK: Objection. 22 It's difficult -- I have to Α 23 reread the entire op-ed again. Ι 24 didn't write this, but if -- so I 25 don't -- I don't have a position on

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Page 79 1 TORRES-SPRINGER 2 whether his assertion -- I would want to characterize his assertion. What I 3 4 do know is what I've spoken about 5 previously. But you, yourself, are not 6 0 7 prepared to say that New York remains 8 one of the most segregated cities in 9 the country? 10 MS. SADOK: Objection. 11 I wouldn't characterize it Α 12 that way. 13 Q Are you prepared to say that 14 New York remains one of the most 15 segregated cities in the country? 16 MS. SADOK: Objection. 17 What I have said and have Α 18 tried to explain is that the issue of 19 segregation is a complicated one, and that there are patterns of residential 20 21 segregation that exist because of 22 legacies that we have discussed and 23 that we have the obligation to reverse. 24 To the extent that those 0 25 residential patterns of segregation do

Page 96 1 TORRES-SPRINGER 2 rehabilitation? 3 MS. SADOK: Objection. A I would characterize it there 4 is a need for affordable housing in 5 6 this city. 7 Q I'm asking something more 8 specific than that, or maybe actually 9 different from that which is just 10 housing -- existing housing that is in 11 need of repair and rehabilitation, is 12 there any such housing in New York City 13 today? 14 Α Given the varying physical 15 conditions of buildings, yes, I'm sure 16 there are buildings that -- that would 17 benefit from rehabilitation. 18 Q And to your understanding, as 19 commissioner of HPD, are those 20 buildings randomly situated throughout 21 the city or perhaps more concentrated 22 in some neighborhoods than in others, 23 the buildings that could benefit from 24 rehabilitation? 25 MS. SADOK: Objection.

Page 97 1 TORRES-SPRINGER 2 Α I actually haven't looked at 3 data closely about building conditions 4 by neighborhoods. So it's hard for me 5 -- I can't answer the question. 6 Q Okay. 7 Are aware of any federal 8 regulation to the effect that a 9 community preference policy is a 10 required element of a jurisdiction's 11 obligation to Affirmatively Furthering 12 Fair Housing? 13 MS. SADOK: Objection. 14 Α Can you repeat the question, 15 please? 16 MR. GURIAN: Please read it 17 back. 18 (Whereupon, the record was 19 read.) 20 I'm not aware of a federal Α 21 requirement that states that. 22 0 Are you aware of any other --23 any jurisdictions other than New York 24 City who have affordable housing 25 creation programs?

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Page 202 1 TORRES-SPRINGER first half of the sentence? 2 Let me do -- let me do the 3 0 4 whole thing that way I'll do the whole 5 thing and you'll -- you'll then tell me 6 what council members, if any, you would 7 believe would take the position whether 8 they used the precise words or not. 9 I'm going to deny my 10 constituents and other New York City 11 residents desperately needing 12 affordable housing because HPD is now 13 using a lottery system that gives all 14 New York City households an equal 15 chance to compete in each affordable 16 housing lottery they enter. 17 So it is -- I would -- it's Α 18 asking me to speculate who I think 19 would -- would say those words, which 20 is difficult for me to do, but what I 21 can do is based on --22 Well, I just have to Q 23 interrupt you for a minute because I 24 think I said three or four different times that it wasn't which council 25

Page 203 1 TORRES-SPRINGER 2 members, if any, would say those precise words, but which council 3 4 members would act based on that view. Right. It is still difficult 5 Α for me to predict. 6 7 Q It's speculative? 8 A It's -- who would not even 9 utter those words, but who would 10 generally have that type of view. What 11 I can talk about are what I have in my 12 experience working with speaking to 13 different council members and how they 14 have valued community preference, know 15 for whom it would be a risk whether or 16 not they would vote in favor of a 17 project or the reverse, say that or say 18 that they would jeopardize affordable 19 housing even with the crisis. 20 So when you say that there is Q 21 a risk, does that mean you're saying 22 that you don't know whether they would 23 take the view that I articulated, but 24 you worry that they might take that 25 view?

Page 212 1 TORRES-SPRINGER 2 to answer the previous set of questions, because I know how much they 3 4 care about affordable housing for 5 residents in the community board, I don't necessarily know what they 6 7 believe about all of the other issues 8 since I'm in housing, than the same 9 council members -- there would be a risk for the same set of council 10 11 members. 12 0 Okay. 13 But in this particular 14 circumstance the reason I -- the reason 15 I did it this way was to let's you 16 know, like, the premise here is that 17 there's a particular development and a particular council member, and that 18 19 particular council member has reached a 20 judgment based on everything other than 21 community preference. The benefits the 22 project brings, the burdens the project 23 brings, all of that. That council 24 member has reached the conclusion that 25 on balance the project is a good thing

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TORRES-SPRINGER
for his or her community and for and
for his or her city. That's that's
what I've described to you. That's
what you need to assume for the purpose
of this.
And so what I'm asking you is
what council members, if any, who have
reached that conclusion, a positive
conclusion about the overall merits of
the project would then say, I'm going
to vote against it because there isn't
a community preference policy anymore?
A I understand the question.
It is a difficult hypothetical and I'm
trying very hard for me my to wrap my
head around it. Because my
conversations and interactions with
council members have primarily been
about housing and displacement and the
resident's opportunities. And so if
and so I would say I don't know who
would have that, but if I had to answer
it would be based on the same criteria
I mentioned and it would be the same

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Page 214 1 TORRES-SPRINGER list. 2 You don't know who in those 3 0 4 circumstances say I'm going to vote against it because there isn't a 5 community preference policy anymore? 6 7 Α I'd say more accurately I can't answer -- I can't answer the 8 9 question. 10 It's too much a matter of Q speculation? 11 12 That's correct. But if -- if Α 13 I define it as based on what I 14 previously said, the same criteria as 15 the original group, then it would be 16 that same group. 17 Of that original -- of that 0 group, which is now going to get the 18 19 name of group of seven, blame that on 20 me, of that group of seven do you think 21 that there would be any who might take 22 this view; I strongly regret that there 23 is no more community preference policy, 24 but now I'm going to try to get what 25 other things I can for my constituents?

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Page 256 1 TORRES-SPRINGER 2 issues. 3 I'm just saying that I Α Yes. don't -- that I -- it's hard for me to 4 5 rank them, and so I can't answer that 6 question. 7 0 Do you think that it's fair 8 to characterize any of the city's 59 community districts as being in racial 9 and economic and opportunity terms, are 10 11 any community districts properly 12 characterized as principally wealthy 13 white community districts of 14 opportunity? 15 MS. SADOK: Objection. 16 Α I think there are 17 neighborhoods that one can characterize or that -- that one can characterize as 18 19 high opportunity. I would not myself 20 use white -- what -- the words that you 21 used. 22 Well, are there any high Q 23 opportunity neighborhoods where the 24 demographic fact is that compared with 25 the city as a whole they're

Page 257 1 TORRES-SPRINGER 2 disproportionately white? 3 MS. SADOK: Objection. 4 А I haven't -- I have my own sense of what would define a high 5 opportunity neighborhood and haven't 6 7 seen what that means in terms of 8 demographic -- the demographic makeup 9 of those neighborhoods, so it's hard 10 for me to -- it's difficult to answer 11 that question. I'm sorry. 12 0 It's a little bit difficult 13 for me to accept that answer. 14 There's not one neighborhood 15 in the city that you, in your terms, 16 describe as a high opportunity 17 neighborhood that you also understand to be disproportionately white? 18 19 So that's a different -- is Α the question is there one neighborhood? 20 21 No, not -- well, you were 0 22 saying that you couldn't answer as to 23 any, so I want to first start with 24 whether there are any. 25 So is -- is there at least

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Page 258 1 TORRES-SPRINGER 2 one that, in your mind, qualifies as high opportunity and also is factually 3 disproportionately white as compared 4 5 with the rest of the city? I would have -- there are 6 Α 7 neighborhoods that come to mind, but I 8 think it's -- but I'm hesitating because one might assume, for instance, 9 10 a neighborhood like Chelsea, right, 11 could fall under a high opportunity 12 definition. And I think depending on 13 the block that you're looking at in 14 Chelsea the reality could be different. 15 Q Okay. 16 So let me ask you this 17 question: Because I was asking 18 principally, you know --19 Α I understand. 20 Any of these Q 21 characterizations, right, are not every 22 single block, right? 23 Α Yeah. 24 Would you say that the Upper Q 25 East Side is principally a high

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Page 259 1 TORRES-SPRINGER 2 opportunity neighborhood? 3 Α Yes. Would you say that the Upper 4 Q East Side is a neighborhood that's 5 disproportionately white in comparison 6 7 to the demographics of the city as a whole? 8 9 MS. SADOK: Objection. 10 A That's -- that's likely. 11 I -- I caveat only that because I haven't seen the demographics of the 12 13 Upper East Side. 14 Well, it could turn out that 0 15 you're wrong, but in terms of what your 16 understanding is today, you could be --17 you would think of it as a neighborhood 18 that is disproportionately white in 19 comparison to the rest of the city, 20 right? 21 I think that's the case. Δ 22 But, again, I have not seen the most 23 recent demographic data of the 24 neighborhood. 25 Q And so, again, sticking with

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Page 260 1 TORRES-SPRINGER Is it your 2 the Upper East Side. 3 understanding that it is disproportionately wealthy as -- it's 4 households are disproportionately 5 wealthy as compared with households 6 7 citywide? 8 MS. SADOK: Objection. 9 Α That is likely the case, yes. And why apply community 10 Q 11 preference in -- on the Upper East 12 Side? 13 Our community preference A policy is a citywide policy that we 14 15 have to be able to implement on a 16 citywide basis. 17 0 Whv? In order to both ensure that 18 Α 19 it is implementable and that we are --20 there is a consistent -- consistent 21 standard that applies across all of the 22 districts. 23 Q Any other reasons? 24 Α No. 25 It's a similar question, I Q

Page 265 1 TORRES-SPRINGER 2 fact that even it doesn't happen -- I think even if it doesn't happen there's 3 a real fear of it on the ground? 4 I think that there is --5 Α there is fear sometimes before it 6 7 happens and -- and often that it is --8 the that there is fear because they've 9 seen it happen to their neighbors. But 10 there can be fear before its actually 11 happened to them in any particular 12 neighborhood. 13 But HPD has not documented 0 14 substantial actual displacement, has 15 it? 16 I don't know -- I don't know Α 17 the extent of the analysis that we've 18 done on the topic. 19 I'm concerned about being 0 20 Let says that I'm a displaced soon. 21 person who's concerned about being 22 displaced soon. Imminently. How does 23 community preference specifically help 24 me? 25 Objection. MS. SADOK:

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1	TORRES-SPRINGER
2	A In a couple of ways, I
3	believe. That our ability as a city to
4	create more affordable housing
5	increases the supply of said housing
6	for individuals who otherwise whose
7	rents your rent might otherwise go
8	up and you might have to leave the
9	neighborhood, move to places that could
10	be that could be lower opportunity
11	than the one that you're living in.
12	And then of course it's possible that
13	you, yourself, have qualified for one
14	of the units in an HPD project and with
15	the community preference you're able to
16	access that unit.
17	Q Any other reasons why
18	community preference specifically helps
19	me, a person who's concerned about
20	being displaced imminently?
21	A Those are the main ones.
22	Q Well, are there any others?
23	A Those are the ones I can
24	think of at the moment.
25	Q So in terms of that second

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Page 288 1 New York 2 STATE OF) New York 3) : 5 5 COUNTY OF 4) 5 6 7 I, MARIA TORRES-SPRINGER, the 8 witness herein, having read the foregoing testimony of the pages of this deposition, 9 do hereby certify it to be a true and 10 11 correct transcript, subject to the 12 corrections, if any, shown on the attached 13 page. 14 15 16 MARIA TORRES-SPRINGER 17 18 19 20 Sworn and subscribed to before me, 12 21 this day of 2018. 22 23 24 Notary Public MICHAEL F. CHAU MICHAEL F. CHAU NOTARY PUBLIC, State of New York No. 01CH6072272 Qualified in Queens County Commission Expires April 1, 2000 2.2 25 David Feldman Worldwide 800-642-1099 A Veritext Company www.veritext.com

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	Page 289
1	
2	CERTIFICATION
3	
	STATE OF NEW YORK)
4) ss.:
	COUNTY OF NEW YORK)
5	
6	I, JUDITH CASTORE, Shorthand Reporter
7	and Notary Public within and for the State
8	of New York, do hereby certify:
9	That MARIA TORRES-SPRINGER, the
10	witness whose deposition is hereinbefore
11	set forth, was duly sworn by me and that
12	this transcript of such examination is a
13	true record of the testimony given by such
14	witness.
15	I further certify that I am not
16	related to any of the parties to this
17	action by blood or marriage and that I am
18	in no way interested in the outcome of
19	this matter.
20	IN WITNESS WHEREOF, I have hereunto
21	set my hand this 14th day of May, 2018.
22	
23	Judit Castore
24	JUDITH CASTORE
25	
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ERRATA

I wish to make the following changes, for the following reasons:

PAGE LINE

10 4 CHANGE: "would call" to "recall"

REASON: Deponent stated "recall" but reporter transcribed incorrectly.

24 13 CHANGE: "assistants" to "assistance"

REASON: Deponent stated "assistance" but reporter transcribed incorrectly.

49 16 CHANGE: "in" to "and"

REASON: Deponent stated "and" but reporter transcribed incorrectly.

57 18 CHANGE: "do to" to "to do to"

REASON: Deponent stated "to do" but reporter transcribed incorrectly.

62 14 CHANGE: "that they're meant" to "whether I meant"

REASON: Clarify intent of statement.

64 12 CHANGE: "whether I" to "whether -- I"

REASON: Clarify intent of statement.

69 8 CHANGE: "what we're discussing" to "what we were discussing"

REASON: Deponent stated "we were" but reporter transcribed incorrectly.

71 9 CHANGE: "exactly is" to "exactly it is"

REASON: Deponent stated "it is" but reporter transcribed incorrectly.

71 23-24 CHANGE: "based on part of" to "based in part on"

REASON: Deponent stated "based in part on" but reporter transcribed incorrectly.

79 2 CHANGE: "would want" to "would not want"

REASON: Deponent stated "would not want" but reporter transcribed incorrectly.

96 4 CHANGE: "it there" to "it as there"

REASON: Deponent stated "it as there" but reporter transcribed incorrectly.

100 19 CHANGE: "Cory" to "Corey"

REASON: Correct spelling of name.

130 6 CHANGE: "can" to "did"

REASON: Deponent stated "did you" but reporter transcribed incorrectly.

166 2 CHANGE: "incorrectly" to "correctly"

REASON: Deponent stated "correctly" but reporter transcribed incorrectly.

189 20 CHANGE: "have policy" to "have a policy"

REASON: Deponent stated "have a policy" but reporter transcribed incorrectly.

189 23 CHANGE: "its" to "it's"

REASON: Clarify intent of statement.

193 9 CHANGE: "are part" to "aren't part"

REASON: Deponent stated "aren't part" but reporter transcribed incorrectly.

193 9 CHANGE: "are mapped" to "aren't mapped"

REASON: Deponent stated "aren't mapped" but reporter transcribed incorrectly.

203 12 CHANGE: "with speaking" to "with and speaking"

REASON: Deponent stated "with and speaking" but reporter transcribed incorrectly.

205 21 CHANGE: "Donavon" to "Donovan"

REASON: Correct spelling of name.

208 19 CHANGE: "wast" to "want"

REASON: Deponent stated "want" but reporter transcribed incorrectly.

212 8 CHANGE: "than" to "that"

REASON: Deponent stated "that" but reporter transcribed incorrectly.

213 21 CHANGE: "resident's" to "residents""

REASON: Clarify intent of statement.

215 23 CHANGE: "sure I" to "sure that I"

REASON: Deponent stated "sure that I" but reporter transcribed incorrectly.

215 24 CHANGE: "they" to "that"

REASON: Deponent stated "that" but reporter transcribed incorrectly.

240 18 CHANGE: "that in the" to "that the"

REASON: Clarify intent of statement.

240 19 CHANGE: "is a" to "is"

REASON: Clarify intent of statement.

240 20 CHANGE: "to this that" to "to this in that"

REASON: Clarify intent of statement.

241 18 CHANGE: "affordable" to "unaffordable"

REASON: Deponent stated "unaffordable" reporter transcribed incorrectly.

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242 20-21 CHANGE: a tool that is an important one will" to "a tool, that is an important one, will"

REASON: Clarify intent of statement.

248 24 CHANGE: "the times" to "that time"

REASON: Deponent stated "that time" but reporter transcribed incorrectly.

250 7-8 CHANGE: "I don't -- it is as an impediment" to "I don't -- if it is an impediment"REASON: Clarify intent of statement.

253 15-16 CHANGE: "much so forgetting the scale, forgetting the metric to" to "much, so forgetting the scale, forgetting the metric, to"

REASON: Clarify intent of statement.

265 8 CHANGE: "--the that there is fear" to "--that there is fear" REASON: Clarify intent of statement.

TUNESS' SIGNATURE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 13 DAY OF June, 2018

NOTARY PUBLIC

MICHAEL F. CHAU NOTARY PUBLIC, State of New York No. 01CH6072272 Qualified in Queens County Commission Evenes April 1, 2006 ZZ Case 1:15-cv-05236-LTS-KHP Document 916-15 Filed 11/06/20 Page 1 of 14

Page 1 1 2 UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK 3 -----x JANELL WINFIELD, TRACEY 4 STEWART and SHAUNA NOEL, 5 Plaintiffs, -against-6 Civil Action No.: 15CV5236(LTS)(KHP) 7 CITY OF NEW YORK, 8 Defendant. -----x 9 10 11 DEPOSITION OF DAVID QUART 12 New York, New York 13 June 14, 2018 14 9:33 a.m. 15 16 17 18 19 20 21 Reported by: JUDITH CASTORE, CLR 22 23 24 25 David Feldman Worldwide

	Page 113
1	QUART
2	information about that.
3	Q And when I say specific, I
4	mean based on your experiences at HPD
5	could you conclude that there is any
6	particular council member with whom you
7	worked or interacted who would reject
8	affordable housing if there were no
9	Community Preference Policy in place?
10	MS. DALAL: Objection.
11	A I mean, I could imagine it.
12	I don't have you know, again, I
13	think I can just reiterate that I
14	think it's something that's extremely
15	important to council members to know
16	that it's in place.
17	Q And that's fair and you've
18	said that. And so I just wanted to
19	make sure I understood your testimony,
20	and I think I do, that you don't have
21	any way of knowing what they would do
22	if it did not exist today, you don't
23	have any way of concluding that they
24	would reject affordable housing
25	projects just because the community

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Page 114 1 QUART 2 preference policy is no longer there; 3 is that correct? MS. DALAL: Objection. 4 I mean, my sense is that they 5 Α would, but I don't have a kind of 6 7 factual to compare it to. But given my 8 experience and conversations with 9 community boards, borough president's, 10 council members across the city during 11 my time at HPD, I would say that -- I mean, I can easily see -- but, again, I 12 13 have no proof or specific reason or 14 facts, but I can easily see that if HPD 15 were to say on these "X" number of 16 projects there's no Community 17 Preference Policy, that the outcome would be different. 18 19 Q Okay. 20 But I think -- I'm posing 21 something different. You seem to imply 22 in what you've just said that there 23 might be some projects where community 24 preference existed and some where it 25 didn't exist. And I'm suggesting to

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Page 120 1 QUART 2 times when we -- you know, folks have 3 requested that are not financially 4 feasible or that the city can't do, 5 that -- that that engagement and that 6 dialogue that happens is good for the 7 city overall. 8 Q But we talked about earlier 9 how essentially there can be racial and 10 ethnic opposition to projects, and that 11 can be effectuated through this very --12 through this effective veto that a 13 council member has on land use issues, 14 right; is that correct? 15 MS. DALAL: Objection. 16 That can happen? 0 17 Α Yes, in certain -- well, in certain instances it can happen. 18 19 Q And in certain instances it 20 has happened, correct? 21 Correct. A 22 0 And so I'm asking you now, 23 would it be good to explore ways in 24 which that influence might not be so 25 powerful, that is very micro

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Page 126 1 QUART 2 that sometimes the people who are loudest have the most influence on the 3 4 council in sum or substance; is that 5 right? 6 Α Correct. 7 Q And in your experience are some of the people who are loudest 8 9 sometimes the people who are also the ones who want to maintain the cultural 10 11 identity or ethnic identity of a neighborhood? 12 13 I think that's accurate to Α 14 say. 15 So is it fair to say you were Q 16 trying to explore here how can you have 17 influence on the public conversation in ways that that kind of influence 18 19 doesn't manifest itself as much; is 20 that fair? 21 That's fair. Α 22 Q And what have you explored --23 when you were at HPD what did you 24 explored to do that? I think we explored having 25 Α

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Page 152 1 QUART 2 right? 3 Α It was lowered -- I mean, the 4 Community Preference was -- it was 5 still a 50 percent Community Preference 6 construct but lowered for the community 7 district in which that project was 8 built. 9 Q Right. 10 And that was because of the 11 racial makeup of CB7, right? 12 I don't believe that's the Α 13 I believe that the -- that is case. 14 not the case. 15 So the original agreement on 16 that project when it was committed to become affordable housing had to do 17 18 with two different council members and 19 was related to the Willets Point 20 Project approvals which occurred in 21 And the Council Member that 2013. 22 represented Willets Point wanted to 23 ensure that more affordable housing 24 would be built in the general vicinity 25 of her district. One Flushing was

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	Page 153
1	QUART
2	identified as a potential affordable
3	housing site and it was not in her
4	district. And so it was an agreement
5	made between the council and the
6	administration that for that project
7	that people who were in community
8	Districts 3 and 4 were more of the
9	constituents of Council Member Ferarras
10	would get an opportunity to be part of
11	the Community Preference portion for
12	that building in Community Board 7. So
13	that was the basis of why that
14	agreement occurred.
15	Q But, in other words, there
16	was, at least in this example, a
17	situation where the percentage of the
18	Community Preference was lower with
19	respect to each community district than
20	it normally was and it still was
21	passed; is that correct?
22	A That's correct.
23	Q And so at least that is one
24	example of the Community Preference
25	being lowered and having the project

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Page 154 1 QUART 2 still pass, right? 3 Α It was still a Community 4 Preference of 50 percent. 5 Cross three different --Q 6 A Across three different 7 communities. 8 Q That's right. 9 Α That's right. It was a shared preference. 10 11 So for Community Board 7 it 12 was lowered but 50 percent of the units 13 were still going to be set aside for the three community districts in the 14 15 vicinity of that project. 16 Q Right. 17 But with respect to one 18 particular community board, Community 19 Board 7, they were only getting a 20 preference of 25 percent of the units, 21 correct? 22 Α That's correct. 23 And it still passed, correct? Q 24 Α Yes. 25 And are you familiar at all Q

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Page 215 1 2 ACKNOWLEDGEMENT 3 STATE OF NEW YORK 4) ss.: COUNTY OF NEW YORK) 5 6 I, DAVID QUART, certify, I have read the 7 transcript of my testimony taken under 8 oath in my deposition of June 14, 2018; 9 that the transcript is a true, complete 10 and correct record of what was asked, 11 answered and said during this deposition, 12 and that the answers on the record as 13 given by me are true and correct. 14 15 DAVID QUART 16 17 Sworn and subscribed to before me 18 August, 2018. 0,45 this dav 19 20 21 Notary Public FRANCES SEGARRA Notary Public-State of New York 22 No. 01SE6290604 23 Qualified in Queens County Commission Expires 10/07/2021 24 25 David Feldman Worldwide 800-642-1099 A Veritext Company www.veritext.com

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Page 216 1 2 CERTIFICATION 3 STATE OF NEW YORK 4 SS.:) COUNTY OF NEW YORK) 5 6 I, JUDITH CASTORE, Shorthand Reporter 7 and Notary Public within and for the State 8 of New York, do hereby certify: 9 That DAVID QUART, the witness whose 10 deposition is hereinbefore set forth, was 11 duly sworn by me and that this transcript 12 of such examination is a true record of 13 the testimony given by such witness. 14 I further certify that I am not 15 related to any of the parties to this 16 action by blood or marriage and that I am 17 in no way interested in the outcome of 18 this matter. IN WITNESS WHEREOF, I have hereunto 19 20 set my hand this 25th day of June, 2018. 21 Judix Castore 22 23 JUDITH CASTORE 24 25 David Feldman Worldwide

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ERRATA

I wish to make the following changes, for the following reasons:

PAGE LINE

14 3 CHANGE: "Essence" to "Essex" REASON: Incorrect transcription.

15 2 CHANGE: "came up" to "it came up" REASON: Clarify intent of statement.

16 9 CHANGE: "project which" to "project with which" REASON: Clarify intent of statement.

19 17-18 CHANGE: "Strategy research in communications" to "Strategy Research and Communications" PEASON: Incorrect transcription

REASON: Incorrect transcription.

20 24 CHANGE: "HPD with an interactions" to "HPD with interactions" REASON: Clarify intent of statement.

22 3 CHANGE: "then sort of contract" to "then some contract" REASON: Incorrect transcription.

23 7 CHANGE: "deficiencies" to "efficiencies" REASON: Incorrect transcription.

23 12 CHANGE: "commission of" to "commissioner" REASON: Incorrect transcription.

32 21 CHANGE: "to of" to "to think of" REASON: Clarify intent of statement.

35 15 CHANGE: "secretary" to "second" REASON: Incorrect transcription.

39 4 CHANGE: "is the we" to "is that we" REASON: Incorrect transcription.

40 18 CHANGE: "implications ensuring that" to "implications, ensuring that didn't happen" BEASON: Clarify intent of statement

REASON: Clarify intent of statement.

43 8 CHANGE: "main mission is to build" to "main missions to build" REASON: Clarify intent of statement.

1

47 5 CHANGE: "education with which" to "education which" REASON: Incorrect transcription.

47 9 CHANGE: "some of things" to "some of the things" REASON: Clarify intent of statement.

49 12 CHANGE: "say that" to "I'd say that" REASON: Clarify intent of statement.

50 9 CHANGE: "discussions and still" to "discussions still" REASON: Clarify intent of statement.

55 20 CHANGE: "therefore people" to "therefore help people" REASON: Clarify intent of statement.

56 18 CHANGE: "But f I could it" to "But if I could say it" REASON: Incorrect transcription.

56 20-22 CHANGE: "between economic where families are economically in terms of their income and racial." to "between economic – where families are economically in terms of their income – and racial makeup" REASON: Clarify intent of statement.

61 10 CHANGE: "priority" to "prioritizing" REASON: Incorrect transcription.

62 2 CHANGE: "why" to "with" REASON: Incorrect transcription.

82 9 CHANGE: "would I say" to "what I would say" REASON: Clarify intent of statement.

83 9 CHANGE: "seller" to "cellar" REASON: Incorrect transcription.

83 23 CHANGE: "felling" to "feeling" REASON: Incorrect transcription.

84 13 CHANGE: "that am some" to "that some" REASON: Incorrect transcription.

88 22 CHANGE: "counsel" to "council" REASON: Incorrect transcription.

90 8 CHANGE: "baseless – the word baseless" to "baseless – if the word baseless"

REASON: Clarify intent of statement.

100 22 CHANGE: "institution" to "institutions" REASON: Incorrect transcription.

102 13 CHANGE: "Counsel" to "Council" REASON: Incorrect transcription.

102 20 CHANGE: "showing my this to me" to "showing this to me" REASON: Clarify intent of statement.

111 8 CHANGE: "with" to "will" REASON: Incorrect transcription.

112 22 CHANGE: "counsel" to "council" REASON: Incorrect transcription.

112 22-23 CHANGE: "would project a because" to "would reject a project because" REASON: Clarify intent of statement.

114 6-7 CHANGE: "a kind of factual" to "a counter factual" REASON: Incorrect transcription.

116 6 CHANGE: "Salamanka" to "Salamanca" REASON: Incorrect spelling of name.

127 2 CHANGE: "have, lack of" to "have, for lack of" REASON: Incorrect transcription.

127 24 CHANGE: "end" to "and" REASON: Incorrect transcription.

129 19 CHANGE: "impowering" to "empowering" REASON: Incorrect transcription.

131 2 CHANGE: "end" to "and," REASON: Incorrect transcription.

139 11 CHANGE: "and priced" to "being priced" REASON: Incorrect transcription.

146 2 CHANGE: "their" to "they're" REASON: Incorrect transcription.

147 15 CHANGE: "comb of other authority policy" to "tone of other authors' policy" REASON: Incorrect transcription.

3

148 6 CHANGE: "reading" to "read" REASON: Clarify intent of sentence.

150 25 CHANGE: "end" to "and" REASON: Incorrect transcription.

174 21 CHANGE: "moon" to "meant" REASON: Incorrect transcription.

175 17 CHANGE: "rezoning or" to "rezoning are" REASON: Incorrect transcription.

176 5 CHANGE: "projector" to "project" REASON: Incorrect transcription.

183 12 CHANGE: "end" to "and" REASON: Incorrect transcription.

204 4 CHANGE: "it" to "to" REASON: Clarify intent of sentence.

209 10 CHANGE: "exclusionary" to "inclusionary" REASON: Incorrect transcription.

209 22 CHANGE: "scrapple" to "scrabble" REASON: Incorrect transcription.

213 2-3 CHANGE: "White House holds" to "white households" REASON: Incorrect transcription.

213 3-4 CHANGE: "White House holder's outsiders" to "white households as outsiders" REASON: Incorrect transcription.

WITNESS' SIGNATURE

10-1 9,208

SUBSCRIBED AND SWORN TO BEFORE ME THIS 9th DAY OF AUGUST, 2018

NOTARY PUBLIC FRANCES SEGARRA Notary Public-State of New York No. 01SE6290604 Qualified in Queens County Commission Expires 10/07/2021

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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

----- Х

SHAUNA NOEL and EMMANUELLA SENAT,

-against-

CITY OF NEW YORK,

Plaintiffs, Plaintiffs, Plaintiffs, Plaintiffs, PLAINTIFFS' REQUESTS TO ADMIT

15-CV-5236 (LTS) (KHP)

Defendant.

x

Pursuant to Rule 36(a) of the Federal Rules of Civil Procedure, defendant responds and objects to plaintiffs' Requests to Admit as follows:

GENERAL STATEMENT

1. By responding to any request, defendant does not concede the materiality of the subject to which it refers. Defendant's responses are made expressly subject to, and without waiving or intending to waive, any questions, or objections as to the competency, relevancy, materiality, privilege, or admissibility as evidence or for any other purpose, of any of the documents or information produced, or of the subject matter thereof, in any proceeding including the trial of this action or any subsequent proceeding.

2. Defendant objects to these Requests to Admit to the extent that they demand information which is protected by the attorney-client or work-product privilege, or which constitute material prepared for litigation purposes.

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3. Inadvertent production of any information which is privileged, was prepared in anticipation of litigation, or is otherwise immune from discovery, shall not constitute a waiver of any privilege or of another ground for objecting to discovery with respect to that information, or its subject matter, or of defendant's right to object to the use of any such information during any proceeding in this litigation or otherwise.

4. The production of any information that is otherwise subject to an objection is not a waiver of any objection as to any other information not produced.

5. Defendant objects to these Requests to Admit to the extent that the defined terms, and/or the definitions of those terms vary from those contained in the Second Amended Complaint dated June 14, 2018, the Plaintiffs' First Set of Requests for Production of Documents dated November 1, 2016, the Plaintiffs' First Set of Interrogatories dated March 19, 2018, and/or from the laws and regulations upon which this Action is based.

6. Defendant reserves the right to supplement these responses as additional information becomes available.

7. Defendant objects to the Requests to Admit as overly broad and unduly burdensome to the extent that no time period is identified for the Requests. Unless a different time period is specified in the request or response, the time period for which the Defendant understands is relevant and has formulated its response is the de Blasio administration time period.

8. Defendant objects to Plaintiffs' use of undefined, vague and/or ambiguous terms throughout their Requests. Defendant further objects to Plaintiffs' shifting their responsibility to set forth simple, direct and not vague or ambiguous requests that do not require

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explanation and/or qualifications and/or clarification in the City's responses. Notwithstanding this general objection, the City has also noted specific objections in its responses below.

9. These general responses and objections apply to all of the Requests for Admission, and are incorporated by reference into each and every response set forth below.

ADMISSIONS

ADMISSION NO. 1:

Admit that eligibility for community preference is open to all insiders and is not limited to insiders who:

- a. Have been long-term residents of the community preference area;
- b. Have had to persevere through years of difficult conditions;
- c. Are at risk of involuntary displacement from their household's existing residence; or
- d. Are at risk of involuntary displacement from their household's existing neighborhood.

OBJECTION AND RESPONSE TO ADMISSION NO. 1:

Defendant objects to this request insofar as the terms "long-term residents" and "risk of involuntary displacement" are undefined, vague and unclear. Subject to those objections, Defendant denies this request, and its subparts, except admits that the community preference policy is applicable to any applicant who resides in the community district(s) that is(are) subject to the community preference in a given lottery and is not limited to residents of the applicable community district(s) who: (1) have been long-term residents of the applicable community district(s); (2) have had to persevere through years of difficult conditions; (3) are at risk of involuntary displacement from their household's existing residence; or (4) are at risk of involuntary displacement from their household's existing neighborhood.

OBJECTION AND RESPONSE TO ADMISSION NO. 18:

Defendant objects to this request and subparts insofar as the terms "broad inquiry" and "land-use actions" are vague and unclear. Defendant further objects to this request as it is a compound statement in that it references both affordable housing generally and particular housing developments, which are different issues. Subject to those objections, defendant denies the request, except admits that it is unaware of any polling or broad inquiry of the then sitting Council Members regarding the community preference policy prior to the increase of the community preference policy to 50 percent.

ADMISSION NO. 19:

The requests to admit that come within this Request 19 address the circumstance where the percentage of units in affordable housing projects marketed by HPD or HDC that are subject to community preference has been reduced back down to 30 percent by binding court order. The requests refer to decisions that may come to come before the Council subsequent to such a court-ordered reduction in community preference, with such decisions being in regard to land-use actions needed to facilitate the construction of affordable housing or in regard to approvals of particular affordable housing developments.

- a. Admit that defendant does not know how many CMs, if any, who otherwise would have supported either a land-use action needed to facilitate the construction of affordable housing in their councilmanic districts or particular affordable housing developments in their councilmanic districts, would nevertheless oppose the needed land-use action or affordable housing development because the percentage of units subject to community preference had been reduced by binding court order back down to 30 percent.
- b. Admit that defendant does not know whether any CMs who did oppose a needed land-use action or affordable housing development would do so for each and every action or development that implicated their councilmanic districts.
- c. Admit that defendant does not know how many units of potential affordable housing would be affected by such opposition.

- d. Admit that, in the circumstance of the court-ordered reduction described above, if the CM were successful in his or her opposition, the CM:
 - 1. Would be reducing the availability of affordable housing needed both by his or her constituents and by other residents of New York City; and
 - 2. Would not be effecting any increase in the then-prevailing community preference percentage.

OBJECTION AND RESPONSE TO ADMISSION NO. 19:

Defendant objects to this request, and its subparts, because it exceeds the scope of requests permissible under Federal Rule of Civil Procedure 36(a)(1). This request seeks responses to hypothetical questions or admissions based upon hypothetical scenarios, and does not seek an admission to facts (past or present), the application of law to fact, opinions about either and thus is not properly the subject of a request to admit. Defendant further objects to this request because a response to a hypothetical question lacks probative value. Additionally, Defendant objects to this request and its subparts because, through them, Plaintiffs are improperly seeking to expand discovery and obtain new information by attempting to use this request and subparts as a substitute for interrogatories, requests for production, and/or depositions, as the Court has denied both discovery from and depositions of New York City Council Members in this case.

Defendant also objects to this request and subparts as the term "land-use actions" is vague and unclear.

ADMISSION NO. 20:

The requests to admit that come within this Request 20 address the circumstance where the community preference policy has been eliminated by binding court order. The requests refer to decisions that may come to come before the Council subsequent to such a courtordered elimination of community preference, with such decisions being in regard to land-use

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actions needed to facilitate the construction of affordable housing or in regard to approvals of particular affordable housing developments.

- a. Admit that defendant does not know how many CMs, if any, who otherwise would have supported either a land-use action needed to facilitate the construction of affordable housing in their councilmanic districts or particular affordable housing developments in their councilmanic districts, would nevertheless oppose the needed land-use action or affordable housing development because the community preference policy had been eliminated by binding court order.
- b. Admit that defendant does not know whether any CMs who did oppose a needed land-use action or affordable housing development would do so for each and every action or development that implicated their councilmanic districts.
- c. Admit that defendant does not know how many units of potential affordable housing would be affected by such opposition.
- d. Admit that, in the circumstance of the court-ordered elimination described above, if the CM were successful in his or her opposition, the CM:
 - 1. Would be reducing the availability of affordable housing needed both by his or her constituents and by other residents of New York City; and
 - 2. Would not be effecting any reinstitution of the community preference policy.

OBJECTION AND RESPONSE TO ADMISSION NO. 20:

Defendant objects to this request, and its subparts, because it exceeds the scope of requests permissible under Federal Rule of Civil Procedure 36(a)(1). This request seeks responses to hypothetical questions or admissions based upon hypothetical scenarios, and does not seek an admission to facts (past or present), the application of law to fact, opinions about either and thus is not properly the subject of a request to admit. Defendant further objects to this request because a response to a hypothetical question lacks probative value. Additionally, Defendant objects to this request and its subparts because, through them, Plaintiffs are improperly seeking to expand discovery and obtain new information by attempting to use this

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request and subpart as a substitute for interrogatories, requests for production, and/or depositions, as the Court has denied both discovery from and depositions of New York City Council Members in this case.

Defendant also objects to this request and subparts as the term "land-use actions" is vague and unclear.

ADMISSION NO. 21:

Admit that the best source for providing a CM's own explanation for why he or she would or would not act in the future in the ways referenced by Requests Nos. 19 and 20 is the CM himself or herself.

OBJECTION AND RESPONSE TO ADMISSION NO. 21:

Defendant objects to this request because it exceeds the scope of requests permissible under Federal Rule of Civil Procedure 36(a)(1). This request does not seek an admission to facts (past or present) the application of law to fact, opinions about either and thus is not properly the subject of a request to admit. Subject to these objections, Defendant admits this request.

ADMISSION NO. 22:

This request deals with the circumstance of a CM opposing a land-use action needed to facilitate affordable housing development (or opposing a particular affordable housing development) that the CM would support but for the fact that community preference has been reduced or eliminated by binding court order.

- a. Admit that, if the CM were successful in stymieing the land-use action or affordable housing development as described above, that success would be contrary to defendant's interest.
- b. Admit that, if the CM were successful in stymicing the land-use action or affordable housing development as described above, that success would be contrary to the interests of the CM's constituents.

OBJECTION AND RESPONSE TO ADMISSION NO. 22:

Defendant object to this request, and its subparts, because it exceeds the scope of requests permissible under Federal Rule of Civil Procedure 36(a)(1). This request seeks responses to hypothetical questions or admissions based upon hypothetical scenarios, and does not seek an admission to facts (past or present), the application of law to fact, opinions about either and thus is not properly the subject of a request to admit. Defendant further objects to this request because a response to a hypothetical question lacks probative value. Additionally, Defendant objects to this request and its subparts because, through them, Plaintiffs are improperly seeking to expand discovery and obtain new information by attempting to use this request and subparts as a substitute for interrogatories, requests for production, and/or depositions, as the Court has denied both discovery from and depositions of New York City Council Members in this case.

Defendant further objects to this request as it is a compound statement in that it references both affordable housing generally and particular housing developments, which are different issues. Defendant also objects to this request and subparts insofar as the term "land-use actions" is vague and unclear.

ADMISSION NO. 23:

Admit that when defendant's legislative branch officials decide on whether to support or oppose land-use actions needed to facilitate affordable housing construction or to support or oppose a particular affordable housing development, those CMs consider multiple factors.

a. Admit that one such factor that is common and prominent is how units are allocated between and among different levels of affordability (*e.g.*, what percentage of units are affordable at 40 percent AMI, 60 percent AMI, etc.).

b. Admit that one such factor that is common and prominent is the extent to which the CM's councilmanic district will receive infrastructure or other community improvements or benefits.

OBJECTION AND RESPONSE TO ADMISSION NO. 23:

Defendant objects to this request and subparts insofar as the terms "land-use actions," "prominent," "common" and "benefits" are vague and unclear. Subject to those objections, Defendant denies this request, excepts admits that CMs consider multiple factors when deciding whether to vote to approve or disapprove land use actions needed to facilitate construction of affordable housing or whether to vote to approve or disapprove an application regarding a particular affordable housing development, and two of the factors that may be considered are the levels of affordability of the units and the extent to which needed infrastructure or community improvements or benefits will be provided.

ADMISSION NO. 24:

Admit that, to the extent that a "Councilmanic veto" exists in relation to land-use actions in a CM's councilmanic district – that is, the other members of the Council generally deferring to the CM whose district would be affected by the land-use action – such a tradition or practice is not required by law, regulation, or rule.

OBJECTION AND RESPONSE TO ADMISSION NO. 24:

Defendant objects to this request insofar as the term "land-use action" is vague and unclear. Subject to those objections, Defendant denies this request, excepts admits that there are no laws, regulations or rules that mandate how a Council Member must vote on a land-use action.

ADMISSION NO. 25:

Admit that the practice or tradition described in Request No. 24 has been criticized by one or more CMs.

OBJECTION AND RESPONSE TO ADMISSION NO. 36:

Defendant objects to this request as the premise of the request is vague and unclear, does not correspond to how HPD understands that the racial diversity index is intended to be used as explained in Plaintiffs' Exhibit 41, and is not an index that is used by the City. In light of these objections, defendant cannot answer this request.

ADMISSION NO. 37:

Admit that defendant, in connection with the analyses of impediments to fair housing choice it conducted for its 2002, 2007, and 2012 5-year Affirmatively Furthering Fair Housing (AFFH) Statements, did not analyze citywide the extent to which the community preference policy may cause a disparate impact on the basis of race in affordable housing lotteries or may perpetuate segregation on the basis of race.

OBJECTION AND RESPONSE TO ADMISSION NO. 37:

Defendant objects to this request insofar as the terms "disparate impact" and "perpetuate segregation" are vague and unclear. Defendant further objects to this request as it is a compound statement in that an analysis regarding a potential disparate impact and an analysis on potentially perpetuating segregation are each separate and distinct analyses. Subject to those objections, Defendant admits this request.

ADMISSION NO. 38:

Admit that defendant, prior to 2013, did not otherwise analyze citywide the extent to which the community preference policy may cause a disparate impact on the basis of race in affordable housing lotteries or may perpetuate segregation on the basis of race.

OBJECTION AND RESPONSE TO ADMISSION NO. 38:

Defendant objects to this request insofar as the terms "otherwise" and "disparate impact" and "perpetuate segregation" are vague and unclear. Defendant further objects to this Case 1:15-cv-05236-LTS-KHP Document 916-16 Filed 11/06/20 Page 11 of 20

request as it is a compound statement in that an analysis regarding a potential disparate impact and an analysis on potentially perpetuating segregation are each separate and distinct analyses. Subject to those objections, Defendant admits this request.

ADMISSION NO. 39:

Admit that defendant, in the course of 2014, did analyze the extent to which the community preference policy may cause a disparate impact on the basis of race in affordable housing lotteries or may perpetuate segregation on the basis of race.

a. Admit that defendant's executive branch officials did not share the results of such analysis or analyses with any members of defendant's legislative branch in any form or by any manner.

OBJECTION AND RESPONSE TO ADMISSION NO. 39:

Defendant objects to this request insofar as the terms "disparate impact" and "perpetuate segregation" are vague and unclear. Defendant further objects to this request as it is a compound statement in that an analysis regarding a potential disparate impact and an analysis on potentially perpetuating segregation are each separate and distinct analyses. Defendant also objects to this request, and its subpart, as the response would reveal privileged information or communications. Analysis of the community preference policy in 2014, if any, and any sharing of any results of that analysis would have been undertaken in the context of anticipated litigation and potential settlement of the HUD compliance review, and is thus protected by work product privilege and/or attorney client communication and/or deliberative process privilege.

ADMISSION NO. 40:

Admit that defendant, in the course of 2015, did analyze the extent to which the community preference policy may cause a disparate impact on the basis of race in affordable housing lotteries or may perpetuate segregation on the basis of race.

a. Admit that defendant's executive branch officials did not share the results of such analysis or analyses with any members of defendant's legislative branch in any form or by any manner.

OBJECTION AND RESPONSE TO ADMISSION NO. 40:

Defendant objects to this request insofar as the terms "disparate impact" and "perpetuate segregation" are vague and unclear. Defendant further objects to this request as it is a compound statement in that an analysis regarding a potential disparate impact and an analysis on potentially perpetuating segregation are each separate and distinct analyses. Defendant also objects to this request, and its subpart, as the response would reveal privileged information or communications. Analysis of the community preference policy in 2015, if any, and any sharing of any results of that analysis would have been undertaken in the context of anticipated litigation and potential settlement of the HUD compliance review, and/or litigation strategy and/or settlement of this litigation, and is thus protected by work product privilege and/or attorney client communication and/or deliberative process privilege

ADMISSION NO. 41:

Admit that defendant, in the course of 2016, did analyze the extent to which the community preference policy may cause a disparate impact on the basis of race in affordable housing lotteries or may perpetuate segregation on the basis of race.

a. Admit that defendant's executive branch officials did not share the results of such analysis or analyses with any members of defendant's legislative branch in any form or by any manner.

OBJECTION AND RESPONSE TO ADMISSION NO. 41:

Defendant objects to this request insofar as the terms "disparate impact" and "perpetuate segregation" are vague and unclear. Defendant further objects to this request as it is a compound statement in that an analysis regarding a potential disparate impact and an analysis on potentially perpetuating segregation are each separate and distinct analyses. Defendant also

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objects to this request, and its subpart, as the response would reveal privileged information or communications. Analysis of the community preference policy in 2016, if any, and any sharing of any results of that analysis would have been undertaken in the context of anticipated litigation and potential settlement of the HUD compliance review, and/or litigation strategy and/or settlement of this litigation, and is thus protected by work product privilege and/or attorney client communication, and/or deliberative process privilege

ADMISSION NO. 42:

Admit that defendant, in the course of 2017, did analyze the extent to which the community preference policy may cause a disparate impact on the basis of race in affordable housing lotteries or may perpetuate segregation on the basis of race.

a. Admit that defendant's executive branch officials did not share the results of such analysis or analyses with any members of defendant's legislative branch in any form or by any manner.

OBJECTION AND RESPONSE TO ADMISSION NO. 42:

Defendant objects to this request insofar as the terms "disparate impact" and "perpetuate segregation" are vague and unclear. Defendant further objects to this request as it is a compound statement in that an analysis regarding a potential disparate impact and an analysis on potentially perpetuating segregation are each separate and distinct analyses. Defendant also objects to this request, and its subpart, as the response would reveal privileged information or communications. Analysis of the community preference policy in 2017, if any, and any sharing of any results of that analysis would have been undertaken for litigation strategy and/or settlement of this litigation, and is thus protected by work product privilege and/or attorney client communication, and/or deliberative process privilege

ADMISSION NO. 43:

Admit that defendant, in the course of 2018, did analyze the extent to which the community preference policy as applied to the city overall may cause a disparate impact on the basis of race in affordable housing lotteries or may perpetuate segregation on the basis of race.

a. Admit that defendant's executive branch officials did not share the results of such analysis or analyses with any members of defendant's legislative branch in any form or by any manner.

OBJECTION AND RESPONSE TO ADMISSION NO. 43:

Defendant objects to this request insofar as the terms "disparate impact" and "perpetuate segregation" are vague and unclear. Defendant further objects to this request as it is a compound statement in that an analysis regarding a potential disparate impact and an analysis on potentially perpetuating segregation are each separate and distinct analyses. Defendant also objects to this request, and its subpart, as the response would reveal privileged information or communications. Analysis of the community preference policy in 2018, if any, and any sharing of any results of that analysis would have been undertaken for litigation strategy and/or settlement of this litigation, and is thus protected by work product privilege and/or attorney client communication, and/or deliberative process privilege

ADMISSION NO. 44:

Admit that the results of any analyses as referenced in Request Nos. 39-43 were shared with the then-Commissioner of HPD.

OBJECTION AND RESPONSE TO ADMISSION NO. 44:

In light of the responses to Requests Nos. 39-43, Defendant objects to this request as the response would reveal privileged information. Any analysis of the community preference policy referenced in requests 39-43 and the sharing of any results of any analysis that was done for litigation strategy and/or settlement of this litigation is protected by work product privilege and/or attorney client communication, and/or deliberative process privilege.

ADMISSION NO. 45:

Admit that defendant has known or believed since prior to the commencement of this action that the application of community preference in some community districts would cause a disparate impact on the basis of race and/or perpetuate segregation. Note: this request to admit is not intended to deal with or seek any admission regarding whether the application of community preference in such districts is justified by a legitimate, non-discriminatory, governmental interest.

OBJECTION AND RESPONSE TO ADMISSION NO. 45:

Defendant objects to this request as the response would reveal privileged information. Any disparate impact analysis of the community preference policy prior to the commencement of this action was done in the context of anticipated litigation and potential settlement of the HUD compliance review, and thus, is protected by work product privilege and/or attorney client communication, and/or deliberative process privilege.

ADMISSION NO. 46:

Admit that Mayor de Blasio came to know in the course of his mayoralty that the citywide application of community preference operates to cause disparate impact on the basis of race. Note: this request to admit is not intended to deal with or seek any admission regarding whether the application of community preference in such districts is justified by a legitimate, non-discriminatory, governmental interest.

OBJECTION AND RESPONSE TO ADMISSION NO. 46:

Defendant objects to this request as the response would reveal privileged information or communications. Any analysis of the community preference policy was done in

OBJECTION AND RESPONSE TO ADMISSION NO. 76:

Defendant denies this request.

ADMISSION NO. 77:

Admit that, during the Giuliani administration, defendant did not have a policy to reduce residential racial segregation.

OBJECTION AND RESPONSE TO ADMISSION NO. 77:

Defendant objects to this request as vague and unclear insofar as what is meant by "policy" is not defined. Additionally, Defendant objects to this request because, through it, Plaintiffs are improperly seeking to expand discovery and obtain new information by attempting to use this request as a substitute for interrogatories, requests for production, and/or depositions, thus circumventing prior decision by Court that City's response to a similar inquiry by Plaintiffs be limited to whether HPD had a formal written policy or procedure regarding compliance with AFFH during the de Blasio Administration.

Subject to those objections, Defendant admits that it did not have a policy specifically and explicitly identified as one to "reduce residential racial segregation."

ADMISSION NO. 78:

Admit that, during the tenure of Sean Donovan as HPD Commissioner, neither HPD, City Planning, nor the Office of the Mayor had a policy specifically and explicitly targeted at reducing residential racial segregation.

- a. If the preceding request to admit is not admitted, admit that neither HPD, City Planning, nor the Office of the Mayor had a written policy specifically and explicitly targeted at reducing residential racial segregation.
- b. If the preceding request to admit (No. 78(a)) is not admitted, admit that defendant has not produced any such written document to plaintiffs.

OBJECTION AND RESPONSE TO ADMISSION NO. 78:

Defendant objects to this request, and subparts, insofar as the terms "policy" and "specifically and explicitly targeted" are not defined, vague and unclear. Additionally, Defendant objects to this request, and subparts, because, through it, Plaintiffs are improperly seeking to expand discovery and obtain new information by attempting to use this request as a substitute for interrogatories, requests for production, and/or depositions, thus circumventing prior decision by Court that City's response to a similar inquiry by Plaintiffs be limited to whether HPD had a formal written policy or procedure regarding compliance with AFFH during the de Blasio Administration. Subject to those objections, Defendant admits that it did not have a policy specifically and explicitly identified as one to "reduce residential racial segregation."

ADMISSION NO. 79:

Admit that defendant has represented that "anti-Black racism" is an "invidious and persistent form of discrimination" in, *inter alia*, New York City.

- a. Admit that the representation above is true.
- b. Admit that Mayor de Blasio has believed the representation above to be true throughout his mayoralty.

OBJECTION AND RESPONSE TO ADMISSION NO. 79:

Defendant objects to this request and its subparts as vague and unclear insofar as it does not cite the source of the quoted material. Subject to those objections, defendant admits this request and its subpart a Defendant further objects to subpart b of this request because, through it, Plaintiffs are improperly seeking to expand discovery and obtain new information by attempting to use this request as a substitute for interrogatories, requests for production, and/or depositions, thus circumventing prior decision by the Court that denied a request for a deposition of the Mayor.

ADMISSION NO. 98:

Admit that defendant has known throughout the post- World War II period that fear of and resistance to neighborhood residential racial change is a phenomenon that exists in New York City.

OBJECTION AND RESPONSE TO ADMISSION NO. 98:

Defendant objects to this request insofar as the term "phenomenon" is undefined, vague and unclear. Defendant also objects to this request as overbroad because it requests information on undefined terms for a period spanning almost 75 years. Further, defendant objects to this request because, through it, plaintiffs are improperly seeking to expand discovery and obtain new information by attempting to use this request as a substitute for interrogatories, requests for production, and/or depositions because the discovery time period in the case was established by the Court as extending back generally to January 1, 2010, and only to January 1, 2002 for a very limited and select group of custodians. Subject to those objections, defendant denies this request as to the time period of the de Blasio administration, based on current and former de Blasio administration officials' experiences, that a fear of and resistance to neighborhood residential change is not a phenomenon that exists in New York City, and denies knowledge or information sufficient to respond to this request as to the time period before the de Blasio administration as defendant does not have information regarding the existence of or the extent of the "fear of and resistance to neighborhood residential racial change" dating back to the end of World War II (1945).

ADMISSION NO. 99:

In respect to the period from 1945 through 1990, admit that defendant knows that fear of and resistance to neighborhood residential racial change was a common phenomenon in New York City.

- 61 -

OBJECTION AND RESPONSE TO ADMISSION NO. 99:

Defendant objects to this request insofar as the terms "common" and "phenomenon" are undefined, vague and unclear. Defendant also objects to this request as overbroad because it requests information on undefined terms for a 45 year time period that ended almost 30 years ago. Further, defendant objects to this request because, through it, plaintiffs are improperly seeking to expand discovery and obtain new information by attempting to use this request as a substitute for interrogatories, requests for production, and/or depositions because the discovery time period in the case was established by the Court as extending back generally to January 1, 2010, and only to January 1, 2002 for a very limited and select group of custodians. Subject to those objections, defendant denies knowledge or information sufficient to respond to this request as it does not have information regarding the existence of or the extent of "fear of and resistance to neighborhood residential racial change" from the end of World War II (1945) until 1990.

ADMISSION NO. 100:

Admit that defendant has not identified a point in time when fear of and resistance to neighborhood residential racial change ceased to be a common phenomenon in New York City.

OBJECTION AND RESPONSE TO ADMISSION NO. 100:

Defendant objects to this request insofar as the terms "common" and "phenomenon" are undefined, vague, unclear and unduly burdensome insofar as it seeks an admission of a negative, that is, something the City has "not identified". Defendant also objects to this request as overbroad because it requests information on undefined terms for an undefined time period. Further, to the extent Plaintiffs have framed this request to be requesting information beyond the discovery time period in the case (established by the Court as extending

OBJECTION AND RESPONSE TO ADMISSION NO. 182:

Defendant admits this request.

ADMISSION NO. 183:

Admit that, as a practical and functional matter, a principal mission of NYCHA is

to help achieve defendant's housing policies and priorities.

OBJECTION AND RESPONSE TO ADMISSION NO. 183:

Defendant objects to this request insofar as the terms "practical matter,"

"functional matter" and "principal" not defined, vague and unclear. Subject to those objections,

Defendant denies this request

Dated: New York, New York October 2, 2019

> GEORGIA M. PESTANA Acting Corporation Counsel of the City of New York Attorney for Defendants 100 Church Street, Room 5-143 New York, N.Y. 10007 (212) 356-2172

By:

FRANCES POLIFIONE Assistant Corporation Counsel

TO: ANTI-DISCRIMINATION CENTER, INC. CRAIG GURIAN Co-counsel for Plaintiff 250 Park Avenue, Suite 7097 New York, New York 10177 (212) 537-5824

UNITED STATES DISTRI SOUTHERN DISTRICT OF	
In re: WINFIELD, et al.,	: Docket #15cv5236 : 1:15-cv-05236-LTS-KHP
Plaintiffs,	:
- against -	:
THE CITY OF NEW YORK,	: New York, New York September 14, 2017
Defendants.	:
	:
BY: CRAIG G MARIANN 1745 Broadwa New York, Ne For Defendant - NEW YORK CIT City of New York: BY: MELANIE FRANCES ANTHONY 100 Church S	NE PARKER, MAGISTRATE JUDGE UNATION CENTER URIAN, ESQ. WANG, ESQ. WANG, ESQ. Y, 17 th Floor W York 10019 Y LAW DEPARTMENT SADOK, ESQ. POLIFIONE, ESQ. DeCENZO, ESQ.
Transcription Service: Carole Ludwig 141 East Thir New York, New Phone: (212) Fax: (212) 4 Proceedings recorded by electronic s Transcript produced by transcription	d Street #3E York 10009 420-0771 20-6007 ound recording;

9 1 knowledge these counsel members possess that is relevant to 2 the claims in the case. The outsider restriction policy 3 was not and is not a legislative enactment. It was and is 4 5 a policy established and maintained by mayors administratively. And this argument proves the lack of 6 relevance of the city council members to this dispute. Ιt 7 is HPD, not a city council or its members that's 8 9 responsible for implementing and maintaining the community 10 preference policy.

11 So as a result, it is not clear to this Court 12 what relevant unique facts these counsel members would 13 possess that could not be gathered from other sources, 14 including depositions of other individuals who are 15 responsible for the community preference policy.

And moreover, plaintiffs have not explained to 16 this Court's satisfaction, why and what any individual city 17 18 council member says or thinks about the community 19 preference policy that is relevant to this litigation. 20 Even if city council were responsible for the policy, which it is not, it would be the actions of the counsel as a 21 whole that are relevant and not the subjective beliefs or 22 motivations of any single counsel member. And there I 23 reference Brown v. Gilmore, 200 U.S.D. LEXIS 21623 at 20 24 (E.D. Va., Oct. 26, 2000), aff'd, 258 F.3d 265 (4th Cir. 25

Case 1:15-cv-05236-LTS-KHP Document 916-17 Filed 11/06/20 Page 3 of 3

1	75
2	
3	CERTIFICATE
4	
5	I, Carole Ludwig, certify that the foregoing
6	transcript of proceedings in the United States District
7	Court, Southern District of New York, Winfield, et al.,
8	versus The City of New York, Docket #15cv5236, was prepared
9	using PC-based transcription software and is a true and
10	accurate record of the proceedings.
11	
12	
13	
14	
15	SignatureCarole Ludwig
16	
17	Date: September 18, 2017
18	
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23	
24	
25	

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

JANELL WINFIELD, TRACEY STEWART, and SHAUNA NOEL,

Plaintiffs,

- against -

CITY OF NEW YORK,

DECLARATION OF BILL DE BLASIO IN SUPPORT OF DEFENDANT'S CROSS-MOTION FOR A <u>PROTECTIVE ORDER</u>

15-cv-5236 (LTS)(KHP)

Defendant.

----- X

Bill de Blasio, pursuant to 28 U.S.C. §1746, states that the following is true, under penalty of perjury:

1. I am the Mayor of the City of New York. I am not named, either individually or officially, as a defendant in this action.

2. I submit this Declaration in support of the Defendant's opposition to Plaintiffs' motion to compel and Defendant's cross-motion for a protective order to bar my deposition.

3. As Mayor, I am the chief executive officer for a City with 8.6 million residents and over 380,000 City employees.

4. As Mayor, I set broad objectives and goals, and with the oversight of my Deputy Mayors, the agencies undertake to reach such goals through their own internal policies, procedures and tools. While I am sometimes briefed on specific decisions being made by an agency, I typically do not have unique knowledge on the subject, and base my approval (or disagreement) of the agency's decision upon the information provided to me.

Case 1:15-cv-05236-LTS-KHP Document 916-18 Filed 11/06/20 Page 2 of 5

involved with as Mayor around changing or modifying the community preference policy have been in the context of attempting to resolve this litigation.

8. Plaintiffs attach several articles and transcripts that include statements made by me purporting to show that I have unique, first-hand factual information relevant to this litigation. However, as further explained below, I do not believe I have any factual knowledge relevant to the community preference policy that is not also shared by Deputy Mayor Glen and my current and former HPD commissioners. It is also important to note that I speak with the press at press conferences or events typically once or twice of week, and I give interviews with the press typically two to four times per week on a broad range of topics. As a result, it should not be surprising that there are situations where I do not recall the specific facts and circumstances surrounding a particular statement.

9. For instance, as provided by the City's Fifth Responses and Objections to Plaintiffs' First Set of Interrogatories, I do not specifically recall the basis for my statement "The law says that when we create affordable housing, we have the right to split it 50 percent for people form the surrounding community..." See Pls. Ex. 9. The City's attorney's representation to clarify the City's prior response that "[t]he use of the term "specifically" [in the interrogatory response] was not intended to imply that there was any general recollection of the basis or bases for the statement quoted in the interrogatory" is an accurate statement. See Exhibit E to the Sadok Declaration.

10. As to my statements that community districts are very diverse, or that the vast majority of people applying for affordable housing in their community districts have been in their neighborhoods a long time, see Pls. Ex. 10, it is important to note that those statements

Case 1:15-cv-05236-LTS-KHP Document 916-18 Filed 11/06/20 Page 3 of 5

were not based upon specific facts, statistics, or data, but rather reflect my general impressions having lived and worked in the City for many years.

11. I understand that Plaintiffs seek to ask me questions about my decisions to reject certain alternatives to the community preference policy in follow-up to testimony provided by former HPD Commissioner Been. See Pls Memo at 7; Pls. Ex. 11 at 208-214. Any decisions regarding potential changes to the policy were made for the purposes of resolving this litigation. While certain approaches were not pursued for settlement, I have not considered changing the community preference policy for any reason other than to facilitate resolution of this litigation.

12. To the extent Ms. Been's testimony suggests that I had approved a proposal for small modifications or "tweaks" to the community preference policy which were adopted, I do not recall discussions about small modifications or tweaks, but rather only broad strategic discussions about the litigation in which Law Department attorneys participated. See Pls. Ex. 11 at 213:8-21.

13. It is my understanding that these discussions were initiated at the request of the Law Department, and that the proposals before me had been carefully vetted through the Law Department. Law Department attorneys were always present during these discussions. I am advised that my deliberations and discussions on alternatives or changes to the community preference policy are privileged, and that is how I also understood them. I have not waived the privilege over these discussions and have not authorized anyone else to waive that privilege.

14. I understand that Plaintiffs seek to ask me questions about my email correspondence with Ms. Been regarding the Culver El project. See Pls. Ex. 12. The Culver El project is located in what was once my councilmanic district. The email started with me asking for an update on the overall project, which had been approved by City Council some time ago.

Case 1:15-cv-05236-LTS-KHP Document 916-18 Filed 11/06/20 Page 4 of 5

administration's anti-displacement programs and policies expand upon and add to those programs and policies.

18. It is my understanding that Deputy Mayor Glen, former HPD Commissioner Been and current HPD Commissioner Torres-Springer testified about their opinions on whether affordable housing would be passed through City Council with the elimination or modification of the community preference policy. <u>See</u> Transcript of Alicia Glen, dated November 3, 2017, at 131:10-133:20 and 143:11-145:21, Transcript of Vicki Been, dated April 10, 2018, at 26:1-28:22; Deposition Transcript of Maria Torres-Springer, dated May 10, 2018, at 202:3-204:10, annexed to the Sadok Declaration as Exhibits B, C, and D, respectively. I agree with their statements referenced above, and do not have any unique information to share on this topic given my more limited interactions with City Council members and staff.

19. While I do have regular interactions with the City Council Speaker, currently Speaker Corey Johnson, I have not seen the Speaker's interview with Errol Louis in which he purportedly mentions considering a reduction in the percentage of the community preference policy, nor do I recall Speaker Johnson having expressed such thoughts to me.

20. Plaintiffs also mischaracterize the work the City undertook in response to opposition to MIH. Pls. Memo at 12. We listened to the opposition, and responded to it through modifications to our proposal to the extent feasible and appropriate, in order to garner support for the mandatory construction of affordable housing throughout the City.

21. Deputy Mayor Glen, and former HPD Commissioner Been and former DCP Director Weisbrod were the senior team members that coordinated the administration's substantive response to opposition to MIH. They briefed me on their strategy as needed.

Case 1:15-cv-05236-LTS-KHP Document 916-18 Filed 11/06/20 Page 5 of 5

22. I understand that Deputy Mayor Glen, former HPD Commissioner Been, HPD Commissioner Torres-Springer, and former DCP Director Weisbrod have all been deposed in this litigation. As Mayor, I have relied upon information on the community preference policy provided to me through briefings and other communications by my Deputy Mayors and Commissioners (and Directors) and other senior staff. I have also discussed the rationales behind the community preference policy with the senior members of my team, including Deputy Mayor Glen and former HPD Commissioner Been. During those conversations we were in agreement on the important role of the community preference policy. I have no reason to believe that I have any unique factual information about the community preference policy.

23. Therefore, as my knowledge of the facts surrounding this litigation are not unique, and due to my vast responsibilities and extremely busy schedule serving the people of New York City, I respectfully request that a protective order to be granted barring my deposition in this case and that Plaintiffs' motion to compel be denied in its entirety.

7

Dated: New York, New York July 23, 2018

BILL DE BLASIO

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

JANELL WINFIELD, TRACEY STEWART, and SHAUNA NOEL,

Plaintiffs,

-against-

15 CV 5236 (LTS)(DCF)

CITY OF NEW YORK,

Defendant.

----- x

DECLARATION OF COMMISSIONER VICKI BEEN IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS

VICKI BEEN, declares pursuant to 28 U.S.C. §1746, under penalty of perjury, as follows:

1. I am the Commissioner of the City of New York Department of Housing Preservation and Development ("HPD"), a position that I have held since February 2014. As Commissioner of HPD, I am responsible for leading the nation's largest municipal housing agency. This declaration is based upon my personal knowledge, conversations with employees of the City of New York, and my review of records maintained by the City of New York.

2. I submit this declaration in support of defendant's motion to dismiss the claims asserted in the plaintiffs' First Amended Complaint, and to provide an overview of HPD-sponsored affordable housing programs, tax incentive programs administered by HPD, and the New York State Real Property Tax Law ("RPTL") § 421-a Tax Exemption Program. I also submit this declaration to provide facts regarding the affordable housing lotteries at the developments located at 160 Madison Avenue, New York, New York; 200 East 39th Street, New York, New York; and 40 Riverside Boulevard, New York, New York (the "subject developments"), and plaintiffs' application status at said developments.

CaseCia15-14952365258=KHP Document 19167418061229eP30e2 of 4

of loan programs, tax incentives, disposition of City-owned property, tax credits, and other subsidies and incentives. For example, the City's Voluntary Inclusionary Housing program is designed to preserve and promote affordable housing within neighborhoods where zoning has been modified to encourage new development. In applicable areas, a development may receive a density bonus (allowing the construction of additional market-rate floor area) in return for the new construction, substantial rehabilitation, or preservation of permanently affordable housing.

6. In addition, HPD finances programs such as the Supportive Housing Loan Program, which provides financing to not-for-profit organizations to develop supportive housing for homeless single adults, including people suffering from disabilities such as mental illness and AIDS. Supportive housing is affordable housing with on-site services to serve the needs of the most vulnerable New Yorkers. HPD's Senior Affordable Rental Apartments (SARA) Program supports the construction and renovation of affordable housing for low-income seniors, including a 30% set-aside for homeless seniors.

7. Both for-profit and not-for-profit developers can explore a wide range of opportunities to build or preserve affordable rental and homeownership units on publicly-owned or private sites throughout the City. Developers creating new City-subsidized affordable housing are required to follow HPD marketing and tenant selection procedures. The objectives of these procedures are to create housing opportunities for qualified applicants in a way that is fair, open, and accessible to all; to comply with fair housing and equal opportunity requirements; and to ensure that accessible units are made available to those with mobility, visual or hearing impairments.

8. In some buildings financed through subsidies or density bonuses from New York City, HPD gives eligible current residents of the community district in which a new

-3-

affordable housing development is located priority for 50% of the available affordable units (the "City Community Preference Policy"). The City Community Preference Policy is intended to ensure that local residents, many of whom have deep roots in the community and have persevered through years of unfavorable living conditions, are able to remain in their neighborhoods as those neighborhoods are revitalized. As City investment enables a neighborhood to stabilize and become a more desirable location, housing costs may increase to the point where long-term residents are displaced. This is a harsh and inequitable outcome for people who have endured years of unfavorable conditions, and who deserve a chance to participate in the renaissance of their neighborhoods. The City Community Preference Policy ensures that new affordable units will be offered to these residents. In addition, neighborhoods throughout the City and their elected representatives often resist approving land use actions required to allow greater density or site affordable housing because of concern about the other types of burdens that development may impose. They have legitimate concerns about potential negative effects of development both during construction (such as noise and danger) and afterward (as additional residents strain existing infrastructure, potentially leading to things like traffic congestion and school crowding). The City Community Preference Policy ensures that neighborhoods see that new growth and investments in affordable housing provide some benefits to local residents to offset those burdens. This makes it possible for the City to overcome that resistance and achieve its ambitious affordable housing goals despite neighborhoods' understandable concerns about the difficulties that new construction and growth may pose.

9. If after thorough outreach, the developer is unable to reach the required percentage, it may seek a waiver from HPD with respect to the remaining units. Once the community preference goal is reached or waived, the remaining units are offered to all other

-4-

CaseClais 5- 1:4:9523651238=KHS DOQUMENT 2016 Filed Filed Filed 2/1406/22008 Page 94 of 4

20. Given plaintiffs' positions on the logs at the subject developments, and the small number of available apartments, it is extremely unlikely that the State law regarding community preference for community district residents will influence whether or not they receive an apartment.

21. In any event, the City Community Preference Policy in no way affected the plaintiffs' applications at the subject developments. HPD is simply administering a State program in accordance with the specific requirements of State law. It is not applying the City Community Preference Policy to the subject developments.

Dated: New York, New York October 2, 2015

Sworn to before me this 2^{nd} day of October, 2015.

NOTARY PUBLIC

MATTHE IT SELECTT SHAFTY Notary Public Select of New York No. of SH6042313 Qualified in the York County Commission Like and date 12, 20



Transcript: Mayor de Blasio Appears Live on the Brian Lehrer Show

May 11, 2018

Brian Lehrer: It's the Brian Lehrer Show on WNYC. Good morning everyone. And we begin as we usually do on Fridays with our weekly Ask the Mayor segment, my questions and yours for Mayor Bill de Blasio. And our phones are open at 2-1-1-4-3-3-WNYC, 2-1-2-4-3-3-9-6-9-2. Or you can tweet a question, just use the hashtag #AskTheMayor. Mr. Mayor welcome back to WNYC.

Mayor Bill de Blasio: Thank you very much Brian.

Lehrer: So the big news all across New York State this week is obviously the resignation of Eric Schneiderman after the New Yorker Magazine revealed four women accusing him of intimate partner violence. Are there any legal or policy implications that you see for the city in the short-term with that position being temporarily filled? Like with cases or investigations? That it'll be harder to conclude or anything like that?

Mayor: Well it's a good question Brian. That's not what I think at this moment. I mean Barbara Underwood, who has stepped into the acting role, is tremendously talented and experienced. And I would not expect her to change the direction of the office in the short-term. So you've got a lot of professionals at the Attorney General's office. I think they will continue doing their work. Obviously, you know, there will be a new permanent Attorney General in place in a matter of months. So, you know, I think it – you'll see a lot of continuity.

Lehrer: Were you completely surprised by this Schneiderman story? Or had you heard any inside buzz of like Schneiderman has a big drinking problem or the actual incidents or anything like that?

Mayor: It was shocking. I mean it's truly, literally shocking. As I read the article, I mean it was painful. It was painful first and foremost for the women who suffered, and the way they suffered. And the fact that they were intimidated and told, you know, threatened – told not to say what they knew, which is just disgusting in any situation, but especially from someone who purported to be a progressive and an enforcer of the law. It was sickening. And it was sickening also that someone who a lot of us thought was doing important work proved to be someone very different.

Now let's hasten to say, he will have his day in court and his chance to offer his side. But, you know, when you see that much laid out it's deeply, deeply troubling. And no, I didn't see anything at all that

policy moves, will be strengthened further and we want to do that. But at the same time, you know, the medallion problem is a real problem. So we decided that the best way to address it was to no longer, for the foreseeable future, next few years, do anymore auctions, keep the medallion market fixed to try and bring up the value of each medallion a little bit more.

We think medallions will have value in the long term, we think the market will correct but for now part of what we have to do to move that along is not sell more.

Lehrer: Next question from Twitter and as a little prelude to this, we had the new schools chancellor, Chancellor Carranza, on the program earlier this week for the first time and we talked a lot about segregation and desegregation and this listener writes, "Ask the Mayor why do you refuse to use the word segregation to talk about New York City schools?"

Mayor: I've covered this so many times, I don't know why it still needs to clarified but I'm happy to do it again. And I've spoken to the Chancellor at length and we are absolutely on the same page that we are going to do a series of efforts to address what's going on in our schools. We have two really promising models in District 3 on the West Side of Manhattan and District 1 in the Lower East Side that show a way to diversify classrooms that is based in a real community dialogue and simultaneously focuses on making sure schools are getting better all around.

That is the way forward. I think that model is going to be something we can use citywide. I think we're going to be able to have much more diverse classrooms and we're going to have a bigger plan coming forward about that. But the reason – the terminology point is real simple.

I have no problem saying there is structural racism in New York City and in America. I have no problem saying there's segregation in all facets of our city and our country. I got no problem saying the word.

I have a problem with – and I am asking advocates to acknowledge this so if we want to have semantic debate, I'll push back – I have a problem with people focusing on the end-point in the process rather than root causes. The schools didn't create segregation.

Segregation is based on economics and structural racism and then that plays out in employment and in housing and then eventually all that affects who goes to school where. And I just think that – I have a long, rich history with advocates. I know the vast majority are well-intended but to suggest the schools can solve this problem without first focusing on the root causes, I think it's a mistake.

We can do some very good things and we need to do more. There's definitely much more we need to do to have diverse classrooms. We can't solve the problem to the degree I think a lot of people would like to if we don't go at all those other issues first which is why this administration is entirely devoted to addressing income inequality. The whole theme, the whole concept of the second term is to make this the fairest big city in America.

That is about economics first and foremost.



OPEN VAULT | AUGUST 2019

https://www.stlouisfed.org/open-vault/2019/august/wealth-inequality-in-america-facts-figures

What Wealth Inequality in America Looks Like: Key Facts & Figures

By Ana Kent, Policy Analyst, Lowell Ricketts, Lead Analyst, and Ray Boshara, Senior Adviser and Director, St. Louis Fed Center for Household Financial Stability

The following charts help to illustrate the state of wealth inequality in America.

The St. Louis Fed's Center for Household Financial Stability looks at the relationship between wealth and different demographic characteristics: race or ethnicity, education, and age or birth year. We believe this demographic lens is more informative than looking at wealth by income bands, because while income can (and frequently does) change from year to year, demographics are more stable.

We find that families who are thriving tend to be white, college-educated and/or older. We find that families who are struggling tend to have one or more of these characteristics: black or Hispanic; no four-year college degree; and/or younger.

We also find that many families across the board are striving for more economic security.

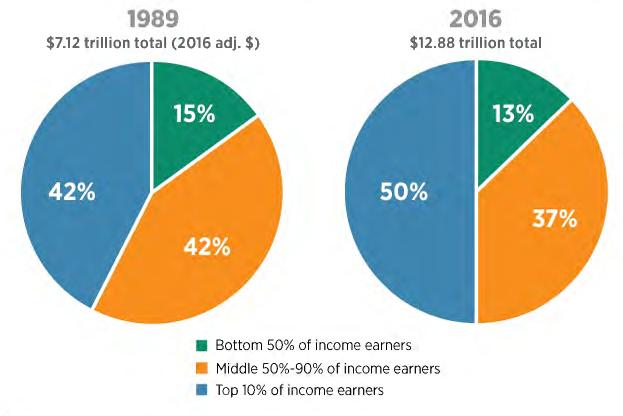
Using data from the Federal Reserve Board's Survey of Consumer Finances, we discuss trends in a series of charts and discuss pathways toward building that security.¹

1) Income inequality has grown.

Income is a fairly common indicator of financial well-being. Let's examine how income inequality has changed from 1989 to 2016, the earliest and latest years for which Survey of Consumer Finances data are available.

Income Distribution (Pre-tax)

How U.S. earners' shares of the total household income pie have changed



FEDERAL RESERVE BANK OF ST. LOUIS

Notes: Totals may not equal 100% due to rounding.

Sources: Federal Reserve Board's Survey of Consumer Finances and authors' calculations.

Description: This figure includes two pie charts. The chart on the left shows the 1989 share of total pretax income for the bottom 50% of income earners, the middle 50% to 90%, and the top 10% of income earners. The values are 15% share, 42% share and 42% share, respectively. The right pie chart shows the 2016 shares of those same groups: a 13% share for the bottom 50% of income earners; a 37% share for the middle group; and a 50% share for the top 10% of income earners.

The charts above show different groups of U.S. income earners:

- 1. The bottom 50% In 2016, households in the 0-50th percentiles had incomes of \$0 to \$53,000.
- 2. The middle 50%-90% These households had incomes between \$53,000 and \$176,000.
- 3. **The top 10%** Households in the 90th percentile had incomes of \$176,000 or above.

Changes to the Rent Stabilized Housing Stock in NYC in 2019

May 27, 2020

Board Members

Chair: David Reiss

Public Members: Christina DeRose • Christian Gonzalez-Rivera Cecilia Joza • Alex Schwartz

Owner Members: Patti Stone • Scott Walsh

Tenant Members: Sheila Garcia • Leah Goodridge

Staff Members

Executive Director: Andrew McLaughlin

Research Director: Brian Hoberman

Deputy Research Director: Danielle Burger

Office Manager: Charmaine Superville **Changes to the Rent Stabilized Housing Stock in NYC in 2019**

5. Subtractions from the Stabilized Housing Stock Due to High-Rent Vacancy Deregulation by Borough, 1994-2019

Year	Bronx	Brooklyn	<u>Manhattan</u>	Queens	Staten Island	<u>Total</u>
1994	3	9	544	9	0	565
1995	1	111	927	8	0	1,047
1996	10	106	1,203	6	0	1,325
1997	6	77	1,121	0	0	1,204
1998	7	116	2,247	14	0	2,384
1999	11	151	3,586	37	0	3,785
2000	7	279	2,586	62	0	2,934
2001	53	294	4,490	145	0	4,982
2002	64	391	5,431	251	7	6,144
2003	83	640	7,048	416	17	8,204
2004	101	758	7,271	697	29	8,856
2005	184	852	7,303	904	29	9,272
2006	217	1,408	7,187	1,106	65	9,983
2007	375	1,409	7,114	1,380	64	10,342
2008	447	1,884	8,600	1,787	82	12,800
2009	537	2,013	8,718	2,195	94	13,557
2010	581	2,154	7,807	2,290	79	12,911
2011	654	2,256	6,378	2,032	44	11,364
2012	281	1,189	4,289	922	32	6,713
2013	197	994	2,924	654	32	4,801
2014	309	1,247	3,572	1,056	51	6,235
2015	432	1,773	4,280	1,510	54	8,049
2016	179	1,132	2,522	824	33	4,690
2017	186	870	1,738	695	28	3,517
2018	175	1,197	2,276	941	39	4,628
2019	310	1,638	4,773	1,111	46	7,878
Total	5,410	24,948	115,935	21,052	825	168,170

Note: Prior to 2014, registration of deregulated units with HCR was voluntary. These totals therefore represent a 'floor' or minimum count of the actual number of deregulated units in these years. Since 2014, the annual apartment registration must indicate that an apartment is permanently exempt. See "High-Rent Vacancy Deregulation" section on page 7 for more information.

Source: NYS Homes and Community Renewal (HCR), Office of Rent Administration, annual registration data.

Changes to the Rent Stabilized Housing Stock in NYC in 2019

6. Subtractions from the Stabilized Housing Stock, 1994-2019

<u>Year</u>	High-Rent High-Income Deregulation	High-Rent Vacancy <u>Deregulation</u>	Co-op/Condo <u>Conversion</u>	421-a <u>Expiration</u>	J-51 <u>Expiration</u>	Substantial <u>Rehab</u>	Commercial/ Professional <u>Conversion</u>	Other	Total
1994	904	565	5,584	2,005	1,345	332	139	1,904	12,778
1995	346	1,047	4,784	990	1,440	334	113	1,670	10,724
1996	185	1,325	4,733	693	1,393	601	117	1,341	10,388
1997	160	1,204	3,723	1,483	1,340	368	109	1,365	9,752
1998	372	2,384	3,940	2,150	1,412	713	78	1,916	12,965
1999	283	3,785	2,822	3,514	1,227	760	110	1,335	13,836
2000	230	2,934	3,147	3,030	884	476	729	1,372	12,802
2001	214	4,982	2,153	770	1,066	399	88	1,083	10,755
2002	262	6,144	1,774	653	1,081	508	45	954	11,421
2003	198	8,204	1,474	651	854	340	59	912	12,692
2004	194	8,856	1,564	493	609	268	79	954	13,017
2005	265	9,272	1,692	451	545	692	111	1,017	14,045
2006	301	9,983	1,567	263	236	350	135	1,139	13,974
2007	309	10,342	1,455	161	270	297	66	1,304	14,204
2008	278	12,800	1,405	376	176	421	56	1,321	16,833
2009	457	13,557	1,153	1,075	286	441	62	1,557	18,588
2010	336	12,911	1,130	657	143	274	32	1,424	16,907
2011	212	11,364	1,098	415	230	174	29	653	14,175
2012	165	6,713	924	336	244	481	74	562	9,499
2013	127	4,801	774	757	188	308	31	611	7,597
2014	186	6,235	789	1,011	137	226	13	416	9,013
2015	109	8,049	618	1,079	287	288	13	369	10,812
2016	146	4,690	665	749	460	216	160	438	7,524
2017	107	3,517	672	1,363	363	211	24	400	6,657
2018	109	4,628	791	1,016	375	209	7	333	7,468
2019	160	7,878	600	892	423	260	12	1,038	11,263
Total	6,615	168,170	51,031	27,033	17,014	9,947	2,491	27,388	309,689

Co-op/Condo Note: Subtractions from the stabilized stock in co-ops and condos are due to two factors: (1) stabilized tenants vacating rental units in previously converted buildings and (2) new conversions of stabilized rental units to ownership.

High-Rent Vacancy Deregulation Note: Prior to 2014, registration of deregulated units with HCR was voluntary. These totals therefore represent a 'floor' or minimum count of the actual number of deregulated units in these years. Since 2014, the annual apartment registration must indicate that an apartment is permanently exempt. See "High-Rent Vacancy Deregulation" section on page 7 for more information.

Source: NYS Homes and Community Renewal (HCR), Office of Rent Administration, annual registration data.

7. Subtractions from the Stabilized Housing Stock by Borough, 2019

	Bronx	Brooklyn	Manhattan	Queens	Staten Island	Total
High Rent/High Income Deregulation	3	63	78	16	0	160
High Rent/Vacancy Deregulation	310	1,638	4,773	1,111	46	7,878
Co-op/Condo Conversion	78	177	211	132	2	600
421-a Expirations	30	55	709	98	0	892
J-51 Expirations	0	101	321	1	0	423
Substantial Rehabilitation	9	151	99	1	0	260
Commercial/Professional Conversion	1	5	4	2	0	12
Other	37	137	823	41	0	1,038
Total Subtractions	468	2,327	7,018	1,402	48	11,263

Source: NYS Homes and Community Renewal (HCR), Office of Rent Administration, annual registration data.



Department of Housing Preservation & Development

Affordable Housing Study (AHS)

Preliminary findings 05.20.2016

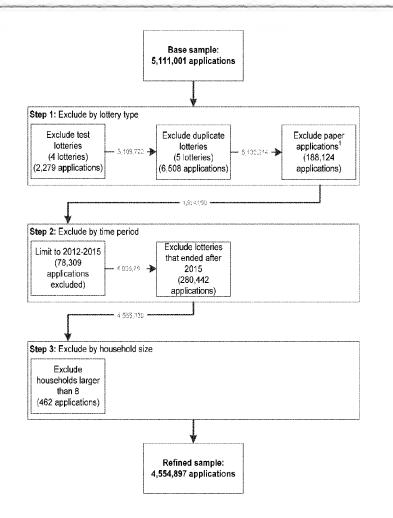
Division of Research & Evaluation Department of Housing Preservation and Development

Overview

- Since its inception, the Housing Connect online portal has become an important and integral part of New York City resident's affordable housing application process
- Despite its short lifetime, the Housing Connect portal's popularity has grown exponentially and allowed for a great increase in the number of applications to HPD's affordable projects
- Although some preliminary analyses have examined things like application volume, Housing Connect still has a wealth of untapped backend data that may be able to help us understand the population that we serve and how they apply to affordable housing
- The Affordable Housing Study will examine several dimensions of the Housing Connect portal through these data, which will in turn benefit HPD's knowledge base as well as inform future policy

Scope of the study

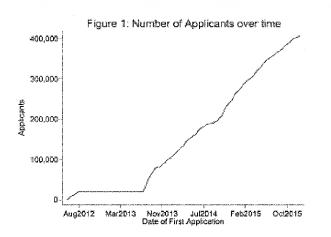
- The goal of this study is to analyze the population seeking affordable housing marketed through Housing Connect
- As of January 11th 2016 there were a little over 5.1 million applications worth of Housing Connect data
- We excluded some applications based on lottery type, time period, and household size (See chart)

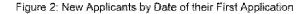


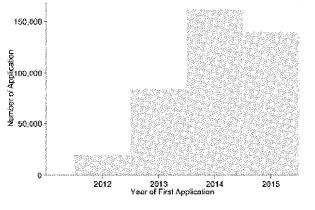
¹ Excluding paper applications limits the scope to rental lotteries because all condo and coop lottories use paper applications.

Applicants over time

- The number of first time Housing Connect applicants grew sharply between 2012 and 2014, but fell in 2015 as compared to 2014
- First application: June 5th, 2012
- 19,515 applications in 2012
- 84,530 applications in 2013
- 161,905 applications in 2014
- 139,770 applications in 2015

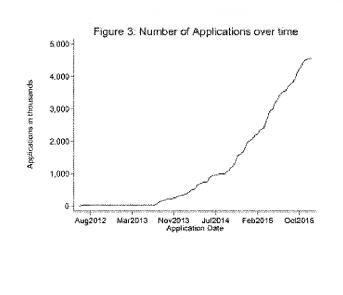


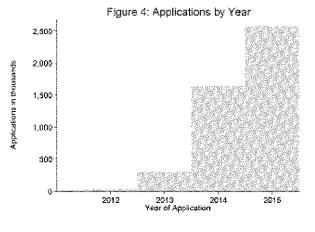




Applications over time

- The volume of applications also grew sharply over the past four years, particularly in 2014 and 2015
- 29,057 applications in 2012
- 304,330 applications in 2013
- 1,644,284 applications in 2014
- 2,577,226 applications in 2015





Who do we serve?

- By understanding who we have served over the past three years we will have a good idea of who we are likely to serve in the future
- Knowing who applies and where they come from will help inform where and what kind of housing we build
- In this section we will try to answer questions about the population we serve:
 - Is the population that we serve representative of the population of New York city as a whole?
 - If not, in what ways does our population differ from the NYC population?
 - How can our policies be improved to better serve this population? or should our policies be changed to serve a more typical NYC population?

Applications and applicants, by borough

From which boroughs do our population normally apply? How does this compare ۲ with the distribution of renters in New York City as a whole?

Borough*	Applications		Unique Applicants		All NYC Renters*	
	Ν	%	Ν	%	Ν	%
Manhattan	965,939	21.2	81,856	20.2	571,836	27.2
Bronx	1,182,142	26.0	94,731	23.4	378,949	18.0
Brooklyn	1,431,088	31.4	122,296	30.1	655,753	31.2
Queens	709,046	15.6	76,631	18.9	435,832	20.8
Staten Island	60,627	1.3	5,714	1.4	57,444	2.7
Outside of NYC	206,055	4.5	24,492	6.0		
Total	4,554,897	100.0	405,720	100.0	2,099,814	100.0

Table 1: Applications, Applicants, and NYC Renters by Borough

* Applicant's borough of residence as captured by Housing Connect.

** Source: 2014 New York City Housing and Vacancy Survey, numbers might not add to totals due to rounding, estimates are subject to sampling and non-sampling error, see census.gov for more details.

- The share of NYC renters living in Manhattan is greater than the share of applications submitted by Manhattan residents
- The share of NYC renters living in the Bronx is smaller than the share of applications submitted by Bronx residents

Race and ethnicity

• Asking the question in terms of race reveals other patterns

Race/Ethnicity	Applications	Unique Applicants			All NYC Renters **		
	N	%	N	%	Ν	%	
White, Non-Hispanic	303,838	6.7	38,901	9.6	746,622	35.6	
Black, Non-Hispanic	1,758,936	38.6	138,038	34.0	480,951	22.9	
Asian, Non-Hispanic	225,409	5.0	29,012	7.2	227,463	10.8	
Hispanic	1,695,891	37.2	143,327	35.3	615,834	29.3	
Other	306,110	6.7	24,415	6.0	28,944	1.4	
Not Reported	264,713	5.8	32,027	7.9			
Total	4,554,897	100.0	405,720	100.0	2,099,814	100.0	

Table 2: Race/Ethnicity*

* All applicants/respondents who indicated that they are Hispanic were classified as Hispanic, only Non-Hispanic applicants/respondents were classified as White, Black, or Asian. Applicants/Respondents who indicated other races or multiple races, but were not Hispanic were classified as Other.

** Source: 2014 New York City Housing and Vacancy Survey, numbers might not add to totals due to rounding, estimates are subject to sampling and non-sampling error, see census.gov for more details.

- White and Asian applicants comprise a smaller proportion of Housing Connect applicants than their proportion of the NYC renter population would suggest
- The opposite pattern appears to be true for Black and Hispanic populations, which make up a larger proportion of the applicant pool, but a comparatively smaller proportion of NYC renters

Household size

Household Size**	Applicat	Applications		licants	All NYC Renters *		
	Ν	%	Ν	%	Ν	%	
1	2,165,616	47.54	228,240	56.26	737,449	35,12	
2	1,198,907	26.32	88,423	21.79	605,880	28.85	
3	700,947	15.39	50,387	12.42	347,424	16.55	
4	353,263	7.76	26,729	6.59	232,076	11.05	
5	99,803	2.19	8,513	2.10	110,310	5.25	
6	28,870	0.63	2,719	0.67	42,071	2.00	
7	6,091	0.13	559	0.14	19,029	0.91	
8	1,400	0.03	150	0.04	5,574	0.27	
Total	4,554,897	100.00	405,720	100.00	2,099,814	100.00	

Table 3: Household Size

* Source: 2014 New York City Housing and Vacancy Survey, numbers might not add to totals due to rounding, estimates are subject to sampling and non-sampling error, see census.gov for more details.

** Households larger than 8 are excluded (462 applications).

- The majority (56%) of first time applicants applied to be single person households and almost 48% of applications were submitted by applicants seeking to be single person households.
- In contrast, single person households account for only 35.1% of renters citywide.

Household composition

Household Composition*	Applications		Unique Applicants		All NYC Renters **	
	Ν	%	Ν	%	Ν	%
Households with Children	1,765,954	38.77	121,611	29.97	616,426	29.36
Households with no Children	2,788,039	61.21	284,021	70.00	1,483,388	70.64
Household Composition Cannot be Determined	904	0.02	88	0.02		
Total	4,554,897	100.00	405,720	100.00	2,099,814	100.00

Table 4: Household Composition

* Children are defined as household members younger than 18.

** Source: 2014 New York City Housing and Vacancy Survey, numbers might not add to totals due to rounding, estimates are subject to sampling and non-sampling error, see census.gov for more details.

- The share of households applying for affordable housing with children is similar to the share households with children in NYC as a whole
- This is interesting when we consider that households applying for affordable housing are smaller on average than NYC renter households

Age of primary applicant

Age group	Applications Uni		Unique App	licants	All NYC Ren	ters **
	Ν	%	N	%	N	%
Under 25	810,889	17.8	83,337	20.5	102,263	4.9
25-34	2,021,414	44.4	161,805	39.9	515,184	24.5
35-44	848,597	18.6	74,038	18.3	461,785	22.0
45-61	733,607	16.1	69,908	17.2	590,325	28.1
62 and over	132,623	2.9	15,753	3.9	430,257	20.5
Age cannot be determined*	7,767	0.2	879	0.2		
Total	4,554,89 7	100.0	405,720	100.0	2,099,814	100.0

Table 5: Age Group

* For Housing Connect applicants and household members age is determined using date of birth and application submission date. Applicants who appeared to be younger than 18 and older than 90 are excluded.

** Source: 2014 New York City Housing and Vacancy Survey, numbers might not add to totals due to rounding, estimates are subject to sampling and non-sampling error, see census.gov for more details.

- Affordable housing applicants tend to be younger than NYC renters
- The majority of primary applicants are younger than 35 years of age
- Strikingly, seniors 62 years of age or older, who account for over 20% of NYC renter householders, only comprise about 3% primary applicants

Households with seniors

Household Composition	Applications		Unique Applicants		All NYC Renters **	
-	Ν	%	Ν	%	Ν	%
Senior Applicants	132,623	2.9	15,753	3.9	430,257	20.49
Households with Seniors	207,412	4.6	22,431	5.5	506,475	24.1
Total	4,554,897	100.0	405,720	100.0	2,099,814	100.0

Table 6: Seniors*

* Seniors are defined as individuals 62 years of age or older.

** Source: 2014 New York City Housing and Vacancy Survey, numbers might not add to totals due to rounding, estimates are subject to sampling and non-sampling error, see census.gov for more details.

- Not only are primary applicants younger than NYC renters, but it is also less common for households applying for affordable housing to include one or more seniors.
- While 24% of NYC renter households include one or more seniors, less than 6% of applicant households included seniors at the time of their first application

Gender of primary applicant

Gender	Applicati	ons	Unique App	e Applicants All NYC Renters *		
	Ν	%	Ν	%	Ν	%
Male	1,305,457	28.7	122,665	30.2	944,761	45.0
Female	2,910,086	63.9	247,230	60.9	1,155,052	55.0
Not Reported	339,354	7.5	35,825	8.8		
Total	4,554,897	100.0	405,720	100.0	2,099,814	100.0

Table 7: Gender

* Source: 2014 New York City Housing and Vacancy Survey, numbers might not add to totals due to rounding, estimates are subject to sampling and non-sampling error, see census.gov for more details.

- Over 60% of affordable housing primary applicants were female and 64% of all applications were submitted by female primary applicants
- However, females account for only about 55% of renter householders citywide.

Household size by gender of primary applicant

		Applications				Unique Applicants			
Household Type	Female	Male	Not Reported	Total	Female	Male	Not Reported	Total	
	%	%	%	%	%	%	%	%	
Single person households	55.1	36.7	8.2	100.0	55.5	35.1	9.4	100.0	
Households with Children	76.1	17.5	6.4	100.0	72.9	19.5	7.6	100.0	
Households without Children	59.9	32.4	7.7	100.0	57.4	33.5	9.2	100.0	
Household Composition Cannot be Determined	50.8	40.4	8.8	100.0	42.0	39.8	18.2	100.0	
Total	63.9	28. 7	7.5	100.0	60.9	30.2	8.8	100.0	

 Table 8: Household size by Gender of the Primary Applicant*

* Source: 2014 New York City Housing and Vacancy Survey, numbers might not add to totals due to rounding, estimates are subject to sampling and non-sampling error, see census gov for more details.

- The share of female primary applicants is higher among households with children than among households without children
- Females account for 73% of first time applicants, and 76% of applications from households with children
- At the same time females account for only 55% of applications submitted by single applicants, and 60% of applications submitted by multiple adult households without children

Income and rent

- Although our affordable housing is designed to include certain numbers of households with income within specific ranges, the population that applies to our housing exists somewhat independently of these specifications
- In this section we will attempt to shed light on questions about our populations financial situations:
 - What are the typical incomes of the households that apply for housing on Housing Connect?
 - What is their rent?
 - Are then rent burdened?
 - How do these measures compare with what is typical for New York City renters?

Applicants and applications by income band

Income Band	Applicati	Applications		Unique Applicants		All NYC Renters *		
	Ν	%	Ν	%	Ν	%		
No Income Reported**	242,440	5.3	60,761	15.0				
Extremely Low Income	864,872	19.0	88,797	21.9	592,230	28.2		
Very Low Income	1,667,567	36.6	122,515	30.2	351,737	16.8		
Low Income	1,526,289	33.5	101,610	25.0	358,515	17.1		
Moderate Income	207,268	4.6	22,612	5.6	309,450	14.7		
Middle Income	34,249	0.8	6,636	1.6	186,279	8.9		
Above Middle Income	12,212	0.3	2,789	0.7	301,603	14.4		
Total	4,554,897	100.0	405,720	100.0	2,099,814	100.0		

Table 9: Applications, Applicants, and NYC Renters by Income Band

* Source: 2014 New York City Housing and Vacancy Survey, numbers might not add to totals due to rounding, estimates are subject to sampling and non-sampling error, see census.gov for more details.

** Income either missing or reported as \$0

- A disproportionally large shares of affordable housing applicants belong to low and very low income groups
- Households with extremely low income, who are ineligible for most of the affordable housing marketed through Housing Connect still account for 22% of unique applicants, though this is less than the 28% of NYC renter households that they make up
- In contrast, 23% of NYC renters belong to the middle and above middle income groups, yet these groups make up less than 3% of applicants

Length of residence

Length of Residence at Current Address	Applicati	0 ns *	Unique Appl	licants*	All NYC Rea	nters **
	Ν	%	Ν	%	Ν	%
Less than a year	704,169	15.5	53,255	14.2	80,683	3.8
One year	558,057	12.3	48,298	12.9	317,873	15.1
Two-Three Years	819,291	18.0	74,051	19.8	412,671	19.7
Four to Six Years	635,173	13.9	57,741	15.4	357,492	17.0
Seven - Ten Years	501,801	11.0	46,141	12.3	250,684	11.9
Eleven-Twenty Years	612,398	13.4	56,232	15.0	343,846	16.4
Twenty One or more Years	453,193	9.9	38,512	10.3	336,564	16.0
Not Reported	270,815	5.9	31,490	7.8		
Total	4,554,897	100.0	405,720	100.0	2,099,814	100.0

Table 10 : Applications, Applicants, and NYC Renters by Length of Residence Annliantions *

* Length of residence for Housing Connect applicants is collected with the following question: "How long have you lived at this address?".

** Source: 2014 New York City Housing and Vacancy Survey, numbers might not add to totals due to rounding, estimates are subject to sampling and non-sampling error, see census.gov for more details.

- Housing Connect applicants have shorter length of residency at their apartments than renters citywide.
- 15.5% of first time applicants have been at their current address for less than a year, ۲ compared with only 4% of NYC renters as a whole
- Similarly, a smaller a percentage of affordable housing applicants than NYC renters have been living at their address for over 10 years

Borough	Applications**	Unique Applicants * *	All NYC Renters ***
	Median	Median	Median
Manhattan	941	1,000	1,750
Bronx	1,000	1,000	1,033
Brooklyn	1,000	1,050	1,135
Queens	1,153	1,200	1,300
Staten Island	1,000	1,000	1,000
Outside of NYC	999	1,000	
Total	1,000	1,044	1,200

Contract rent

* Adjusted to 2014 dollars based on NYMSA Consumer Price Index

** For Housing Connect applicants and applications we use answers to

the question: "How much do you contribute to the total rent of the apartment?" as their contract rent values.

*** Source: 2014 New York City Housing and Vacancy Survey, numbers might not add to totals due to rounding, estimates are subject to sampling and non-sampling error, see census.gov for more details.

- While affordable housing applicants tend to belong to very low income or low income groups, they live in units with contract rents very similar to contract rents paid by NYC renters as a whole
- Manhattan is the only borough where median contract rent among all renters is substantially higher than median contract rent among affordable housing applicants

Contract rent burden

	Applications*	Unique Applicants*	All NYC Renters **
	%	%	0⁄0
Rent Burdened	43.4	48.9	51.4
Severely Rent Burdened	16.0	20.6	29.3

Table 13: Contract Rent Burden

* For Housing Connect applications and applicants we use monthly rent contribution and individual income

** Source: 2014 New York City Housing and Vacancy Survey, numbers might not add to totals due to rounding, estimates are subject to sampling and non-sampling error, see census.gov for more details.

- Rent burden levels are actually lower among affordable housing applicants than among renters citywide
- However, that might be caused by the large share of small households applying for affordable housing. These small households applying for affordable housing might be living in a shared accommodation with relatively low monthly rent contributions, but unable to afford their own units.
- In fact, among single households that indicated at least one reason for moving, 55% of applications submitted included living with parents or other family members as one of their reasons

Applicants from public housing

	Housing Subsidy*	Applications		Unique App	licants	All NYC Renters **	
		Ν	%	Ν	%	Ν	%
Yes		327,040	7.2	25,133	6.2	232,901	11.1
	HPD Section 8	45,295	1.0	3547	0.9	142.002	6.8
	NYCHA Section 8	139,557	3.1	12,976	3.2	142,093	
	Other	142,188	3.1	8,610	2.1	90,808	4.3
No		4,227,857	92.8	380,587	93.8	1,866,913	88.9
Tota	l	4,554,897	100.0	405,720	100.0	2,099,814	100.0

Table 11: Housing Subsidy

* Values based on self-reports.

** Source: 2014 New York City Housing and Vacancy Survey, numbers might not add to totals due to rounding, estimates are subject to sampling and non-sampling error, see census.gov for more details, respondents who reported receiving both Section 8 and other housing subsidy are listed as receiving Section 8

- 4% of applicants reported having Section 8 vouchers and 2.1% of applicants reported having some other housing subsidy
- These numbers are lower than renters citywide with 11% of NYC renters reporting having either Section 8 voucher or another rental subsidy

Eligibility

- Understanding the population that applies to housing on Housing Connect can aid our policy and marketing strategies
- Unfortunately, a large portion of the millions of applications that we receive for our affordable projects may not be eligible for the units offered in the projects where they apply
- The primary reasons that a household may not be eligible for a unit are the size of the household, and the income of the household
- In this section we will consider the population that we serve as two groups: one that is eligible for the housing for which they apply and one that is not
- We will examine eligibility through various dimensions to ty to get a better sense of who might or might not be a part of the next step in the application processes

Ineligibility due to household size

Table

		Applications				
Eligibility based or	n Household Size	Ν	%			
Eligible		4,259,204	93.5			
Ineligible		295,693	6.5			
	too small	92,497	2.0			
	too large	203,196	4.5			
		4,554,897	100.0			

- While a large volume of applications is submitted through the Housing Connect portal, many of the applications are not eligible for any of the units available through the lottery for which they were submitted.
- Some of the applications are not eligible for any of the available units simply because the household size on the application is too small or too large for any of the available units.

Ineligibility due to income

Table

Applications			
Ν	%		
2,570,254	56.4		
1,432,923	31.5		
551,720	12.1		
4,554,897	100.0		
	N 2,570,254 1,432,923 551,720		

*Apparent Eligibility Cannot be Determined for applicants who Lotteries 1 and 2 are excluded as 90% of applications have

- The majority of submitted applications were apparently ineligible for all of the units available through the lottery for which they were submitted when household size and household income are taken into account
- While 56% of all applications were apparently ineligible, the share of ineligible applications jumps to 64% if we consider only the 4,001,341 applications for which apparent eligibility can be determined

Eligibility by household size

Table

- The percentage of apparently eligible applications varied greatly by the household size
- Applications from two and four person households had the highest percentages of apparently eligible applications, 41% and 43% respectively
- In contrast, only 3% of applications from seven and eight person households were apparently eligible

Household	Percentage of
size	Eligible Applications
1	34%
2	41%
3	32%
4	43%
5	18%
6	25%
7	3%
8	3%
Average	36%

Eligibility by income band

Table

Percentage of Eligible Applications
N/A
2%
39%
51%
22%
29%
12%
36%

- Applications from Low Income households had the largest percentage of apparently eligible applications.
- A smaller percentages of eligible applications were characteristic of applications from both Extremely Low Income and Above Middle Income groups.

Eligibility by age

Age Group	Percentage of Eligible Applications
Under 25	32%
25-34	38%
35-44	37%
45-61	34%
62 and over	31%
Age cannot be determined	34%
Average	36%

- The percentage of apparently eligible applications varies slightly by age group of primary applicant
- 38% of applications that came from the 25-34 age group were eligible
- By contrast, only 31% of applications submitted by primary applicants 62 years of age or older were apparently eligible

Eligibility for multiple unit types

 Table X: Multiple Eligibility

Applications

Number of unit types application is

eligible for within a lottery		Ν	%
	0	2,569,144	64.21
	1	893,494	22.33
	2	481,864	12.04
	3	42,232	1.06
	4	8,181	0.20
	5	2,873	0.07
	6	2,262	0.06
	7	590	0.01
	8	701	0.02
Total*		4,001,341	100.00
Apparent Eligibility Cannot be Determin	ed	553,556	N/A
All Applications		4,554,897	

* Excluding recipients of housing subsidies as well as applications with no reported income.

- 13% of all applications are eligible for more than one unit type
- This means, that more than a third of 1.4 million apparently eligible applications is eligible for more than one unit type.

Preference groups and set aside units

Table X

	Applicat	tions	Unique Applicants		
Preference Group*	Ν	%	Ν	%	
Disability	250,058	5.5	21,319	5.3	
mobility	43,172	1.0	3,751	0.9	
vision or hearing	221,058	4.9	18,750	4.6	
City Employee	544,670	12.0	41,412	10.2	
CD Preference	212,227	4.7	38,797	9.6	
No Preference	3,604,233	79.1	311,787	76.8	
Total	4,554,897	100.0	405,720	100.0	

*Numbers do not add up to 100% as some applicants and applications are eligible for multiple preferences/set asides.

- 5% of applicants reported having someone with vision or hearing disability, and 1% reported having someone mobility-disabled in the household with which they are applying to live
- 10% percent of applicants reported living in the Community District in which the project was constructed or preserved
- 10% of applicants reported that they, or someone in their household, were a municipal employee.
- When it comes to applications, 1% were eligible for mobility set aside units, 5% for vision or hearing set aside units, 12% had a city employee preference, and 5% had Community District preference.
- The chances of some applicants being selected for an interview are increased even further by qualifying for multiple preferences and/or set asides.

Demand and Supply

- In this section we will continue to look at the population that is eligible for our housing but we will examine it in the context of what we are offering
- At the most basic level, a look at the demand and supply of affordable housing shows us that there is great demand, in fact, much more demand than we are realistically able to supply
- Taking a closer look however, can tell us more specifically which types of housing and units are most needed and which are less sought after

Supply by bedroom size

Ν	%
1,130	19.4
2,194	37.6
2,226	38.1
276	4.7
11	0.2
5,837	100.0
	2,194 2,226 276 11

- Of the 104 lotteries and 5,837 units that we analyze, one and two bedroom units are built or preserved more often than units of other sizes and account for 37.6% and 38.1% of all units, respectively
- Studios account for 19.4% of all units, and three and four bedroom apartments account for less than 5% of all units

Supply by borough

Table

	Number of P	rojects	Number of Units			
Borough	Ν	%	Ν	%		
Manhattan	31	29.8	1,568	26.9		
Bronx	30	28.9	1,773	30.4		
Brooklyn	37	35.6	1,225	21.0		
Queens	6	5.8	1,271	21.8		
Staten Island	0	0.0	0	0.0		
Total	104	100.0	5,837	100.0		

• While the largest number of projects was built or preserved in Brooklyn, the greatest share of affordable units was located in Bronx

- Most projects were built or preserved in Brooklyn, followed by Manhattan and Bronx.
- While the most affordable units were built or preserved in the Bronx followed by Manhattan
- While only 6 (5.8%) projects were located in Queens, as many as 22% of units were located in Queens. This is mostly due to the Hunters Point South Living project which provided 924 affordable units

Supply by year

Table						
	Numbers of l	Projects	Numbers of Units			
Lottery End Date	Ν	%	Ν	%		
2013	9	8.7	589	10.1		
2014	41	39.4	2,448	41.9		
2015	54	51.9	2,800	48.0		
Total	104	100.0	5,83 7	100.0		

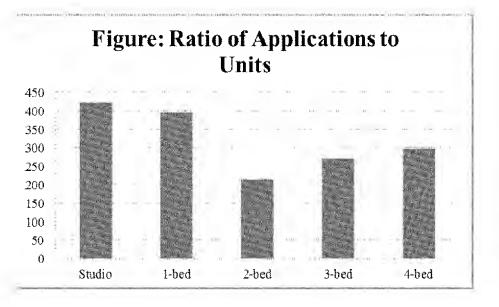
- More lotteries were marketed through the Housing Connect portal in 2015 than in either 2014 or 2013
- Both the number of rental lotteries and the number of units marketed through them has grown each year from 2013 through 2015

Supply by development type

Table					
	Number of P	rojects	Number of Units		
Development Type	Ν	%	Ν	%	
New Construction	85	81.7	5,439	93.2	
Preservation	19	18.3	398	6.8	
Total	104	100.0	5,837	100.0	

- The majority of lotteries marketed through the Housing Connect portal offer units in newly constructed buildings as opposed to preserved units
- New construction projects accounted for 82% of lotteries and 93% of affordable units marketed through the Housing Connect portal in years 2013-2015
- This means that preservation projects are not only less common, but also smaller on average than new construction projects

Ratio of applicants to units



- We analyzed 104 lotteries and 5,837 units
- 4,001,341 applications were either eligible or ineligible, a ratio of applications to units of 685.5:1
- 1,432,923 applications were apparently eligible, a ratio of applications to units of 245:1
- Eligible applications to units by unit size varied from 423:1 (for studios) to 215:1 (for 2bedrooms)

Distribution of units by size and income band

Table

Distribution of Available Units 5,387

_						Inc	ome Band						
Unit Size	30%	40%	50%	60%	70%	80%	90%	100%	110%	120%	130%	140%+	Total
Studio	0.1%	2.0%	3.8%	7.1%	N/A	0.5%	0.1%	0.2%	0.0%	0.2%	0.1%	5.4%	19.4%
1-be d	0.1%	2.4%	6.0%	17.8%	0.3%	1.3%	0.8%	1.2%	0.1%	0.7%	0.0%	6.8%	37.6%
2-bed	0.1%	1.8%	4.2%	20.0%	0.1%	1.4%	0.6%	1.3%	1.0%	0.5%	0.2%	6.9%	38.1%
3-bed	0.0%	0.3%	0.5%	2.5%	N/A	0.2%	0.0%	0.2%	0.1%	0.1%	N/A	0.9%	4.7%
4-bed	N/A	0.0%	0.0%	0.1%	N/A	N/A	N/A	0.0%	N/A	N/A	N/A	N/A	0.2%
Total	0.2%	6.6%	14.5%	47.6%	0.4%	3.3%	1.6%	2.9%	1.2%	1.5%	0.3%	20.0%	100.0%

• Two bedroom units at 60% HUD income level are built more often than any other combination of unit size and income limit

- A large portion of affordable units are built or preserved for households with middle income or above
- 20% of all affordable units are built for households in the 140% HUDIL band, while just over 10% were built for households in the 70-130% range

Distribution of eligible applications by size and income band

Table

	C					Inco	ome Band						
Unit Size	30%	40%	50%	60%	70%	80%	90%	100%	110%	120%	130%	140% +	Total
Studio	0.1%	4.2%	4.5%	10.6%	0.0%	1.9%	1.3%	0.9%	0.3%	0.4%	0.3%	0.5%	25.1%
1-bed	0.3%	5.9%	8.8%	22.8%	2.0%	1.8%	0.9%	1.0%	0.4%	0.8%	0.1%	0.5%	45.4%
2-bed	0.1%	3.1%	5.0%	13.1%	0.2%	1.5%	0.9%	0.5%	0.2%	0.3%	0.1%	0.4%	25.4%
3-bed	0.0%	0.7%	0.7%	2.1%	0.0%	0.1%	0.0%	0.1%	0.0%	0.0%	0.0%	0.0%	4.0%
4-bed	0.0%	0.0%	0.0%	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.2%
Total	0.5%	14.1%	19.1%	48.7%	2.2%	5.4%	3.2%	2.6%	0.9%	1.5%	0.4%	1.4%	100.0%

Distribution of 'Eligible' Applications* 2,032,574

- The distribution of apparently eligible applications does not necessarily follow the distribution of built or preserved affordable units
- Looking at the two previous tables together we can see that the share of applications eligible for studios is greater than the share of studios built or preserved
- Similarly, the share of applications that are eligible for units at 40% and 50% HUD Income Limit is greater than the shares of units affordable to household at those income levels
- By contrast, while 20% of newly constructed or preserved units are at the 140% level of HUD Income Limits, only 1.4% of eligible applications fell into this category

Ratio of applications to units available by unit size

Table

Ratio of Applications : Available Units

_		Income Band											
Unit Size	30%	40%	50%	60%	70%	80%	90%	100%	110%	120%	130%	140% +	Total
Studio	483.6	738.1	420.6	523.7	N/A	1,456.5	3,306.0	1,687.9	6,373.0	773.8	1,065.0	30.7	451.4
1-bed	1,388.5	841.2	511.9	445.3	2,256.3	497.6	395.6	306.6	897.4	393.2	659.0	27.7	420.2
2-bed	512.8	607.8	414.2	228.4	1,481.3	386.1	512.9	132.7	68.9	173.8	94.8	17.9	232.2
3-bed	939.0	794.8	478.4	288.8	N/A	281.6	341.5	274.3	160.0	164.4	N/A	16.7	291.0
4-bed	N/A	883.0	880.0	170.7	N/A	N/A	N/A	181.0	N/A	N/A	N/A	N/A	301.8
Total	783.0	744.0	459.1	356.7	2,145.6	576.7	685.2	314.1	257.5	344.3	409.5	24.7	348.2

• The differences between the distribution of units and the distribution of apparently eligible applications across unit size and income level create a variation of ratios that range from 16.7 to 3,306 with the overall eligible application to unit ratio of 348:1

- Studios and one bedroom units have higher application to unit ratios than larger sized units
- The units with lower HUD Income Limits tend to have higher application to unit ratios than the units available to middle and above middle income applicants
- It appears that applications submitted for units with income bands of 140% or above have a particularly good chance of being selected for an interview.
- This number is higher than the previously discussed number of 245:1 as some applications are counted multiple times in this approach.

Distribution of units by household size and income band

Table

Distribution of Available Units 13,474

_		Income Band											
House hold Size	30%	40%	50%	60%	70%	80%	90%	100%	110%	120%	130%	140% +	Total
1	0.1%	1.9%	4.2%	10.8%	0.1%	0.7%	0.4%	0.7%	0.4%	0.4%	0.1%	5.8%	25.7%
2	0.1%	1.8%	4.4%	16.4%	0.2%	1.2%	0.7%	1.1%	0.5%	0.5%	0.1%	5.9%	33.0%
3	0.0%	0.9%	2.0%	9.6%	0.0%	0.6%	0.3%	0.6%	0.5%	0.2%	0.1%	3.4%	18.3%
4	0.0%	0.9%	2.0%	9.8%	0.0%	0.7%	0.3%	0.7%	0.5%	0.3%	0.1%	3.4%	18.6%
5	0.0%	0.1%	0.2%	1.1%	N/A	0.1%	0.0%	0.1%	0.0%	0.0%	N/A	0.4%	2.1%
6	0.0%	0.1%	0.2%	1.2%	N/A	0.1%	0.0%	0.1%	0.0%	0.0%	N/A	0.4%	2.1%
7	N/A	0.0%	0.0%	0.1%	N/A	N/A	N/A	0.0%	N/A	N/A	N/A	N/A	0.1%
8	N/A	0.0%	0.0%	0.1%	N/A	N/A	N/A	0.0%	N/A	N/A	N/A	N/A	0.1%
Total	0.2%	5.9%	13.2%	48.9%	0.3%	3.4%	1.7%	3.3%	2.0%	1.5%	0.4%	19.2%	100.0%

Source: Housing Connect

Notes: Units were classified into HUD Income Limits based on the maximum HUD income level qualifying for a given unit rounded to the nearest 10% or placed into 140% or over buckets.

Double counts units accepting households of various sizes.

- Looking at distribution by household size of application rather than unit size avoids double counting applications. Some households are double counted when they qualify for multiple unit sizes, but overall, less double counting occurs using the latter method
- Looking at the breakdown of units by household size, we can see that the largest percentage of units is available to two person households
- Seven or eight person households have only 0.1% of units available to them, as they could only be eligible for four bedroom units

Distribution of eligible applications by household size

Table

Distribution of 'Eligible' Applications* 1,521,593 **Income Band** Household 70% 100% 110% 30% 40% 50% 60% 80% 90% 120% 130% 140% + Total size 1 0.23% 6.43% 7.97% 19.94% 1.64% 2.77% 1.24% 1.28% 0.35% 0.91% 0.25% 0.67% 43.67% 2 0.17% 1.92% 0.73% 0.29% 0.37% 31.94% 3.49% 6.25% 16.07% 1.10% 0.93% 0.48% 0.16% 3 13.21% 0.05% 1.62% 2.59% 7.07% 0.11% 0.73% 0.44% 0.22% 0.08% 0.12% 0.03% 0.13% 4 0.03% 1.16% 2.03% 5.20% 0.05% 0.51% 0.33% 0.17% 0.06%0.09% 0.02%0.09% 9.73% 5 0.01% 0.18% 0.16% 0.57% 0.00% 0.04% 0.01% 0.03% 0.01% 0.01% 0.00% 0.01% 1.01% 6 0.00% 0.06% 0.07% 0.25% 0.00% 0.02% 0.00% 0.01% 0.00%0.00% 0.00% 0.00% 0.42% 7 0.00% 0.00% 0.00% 0.01% 0.00% 0.00% 0.00% 0.00% 0.00% 0.00% 0.00% 0.00% 0.01% 8 0.00% 0.00% 0.00% 0.00% 0.00% 0.00% 0.00% 0.00% 0.00% 0.00% 0.00% 0.00% 0.00% Total 0.49% 12.94% 19.08% 49.11% 2.90% 5.98% 2.95% 2.44% 0.79% 1.62% 0.45% 1.27% 100.00%

Source: Housing Connect

Notes: Counts are for total households within 104 lotteries that were 'aparently eligible' for one or more available units, defined as having hosehold size and corresponding self-reported income required for a given unit.

Units were classified into HUD income limits based on the maximum HUD income level qualifying for a given unit rounded to the nearest 10% or placed into 140% or over buckets.

* May double count households that appear to be eligible for units with different HUD Income Limits.

- The greatest share of applications, 44%, were submitted by one person households . followed by two person households which accounted for 32% of applications
- The share of eligible applications submitted by seven and eight person households was smaller than 0.02%.

Ratio of applications to units available by household size

	Income Band												
Household Size	30%	40%	50%	60%	70%	80%	90%	100%	110%	120%	130%	140% +	Total
1	391.1	376.3	213.1	208.8	1,383.9	416.9	336.5	216.9	89.4	266.0	533.9	13.1	192.2
2	316.3	214.1	159.6	110.9	795.8	176.8	160.6	73.9	62.2	98.8	141.2	7.0	109.4
3	147.4	199.1	144.6	83.2	538.3	132.8	173.2	39.5	19.3	58.8	33.5	4.5	81.4
4	96.2	141.0	112.4	59.9	275.3	86.4	127.4	29.3	13.7	37.9	22.0	2.9	59.0
5	143.0	134.1	84.2	56.7	N/A	62.9	54.5	34.6	19.6	41.6	N/A	1.7	54.0
6	51.0	48.0	37.4	24.3	N/A	27.6	20.5	10.5	5.8	13.8	N/A	0.3	22.3
7	N/A	18.0	31.0	13.0	N/A	N/A	N/A	3.0	N/A	N/A	N/A	N/A	13.3
8	N/A	12.0	12.0	4.3	N/A	N/A	N/A	0.5	N/A	N/A	N/A	N/A	5.0
Total	257.3	246.5	163.8	113.3	979.2	199.0	198.4	84.3	45.1	120.5	141.7	7.4	112.9

Table X: Ratio of Applications : Available Units

Source: Housing Connect

Notes: Counts are for total households within 104 lotteries that were 'aparently eligible' for one or more available units, defined as having hosehold size and corresponding self-reported income required for a given unit.

Units were classified into HUD income limits based on the maximum HUD income level qualifying for a given unit rounded to the nearest 10% or placed into 140% or over buckets.

* May double count households that appear to be eligible for units with different HUD Income Limits.

- This way of counting units and applications leads to a rather substantial drop in the number of eligible applications per unit because double counting occurs less often using this method
- The ratio of applications to units drops to 112.9:1 from 348.2:1 applications per unit in the unit size approach

Where we build: Neighborhood metrics

- The units we build or preserve are the most salient aspect of our projects at HPD, but they are not the only part
- Indeed, housing is much more than a unit or a building and where we live likely affects us in more ways than we are aware
- In this section we will look at where our projects are built and certain metrics of these neighborhoods that have the potential to improve or hinder the success of the population we serve
- In this section of the analysis we focus solely on new construction projects for a total of 80 projects or 4,694 units
- We consider three categories of neighborhood metrics
 - Structural advantage/disadvantage
 - Quality of life
 - Social organization
- We classified neighborhoods into one of three levels for each metric in such a way that 20% of geographies were classified as high opportunity neighborhoods, 20% were classified as low quality neighborhoods and the 60% in the middle were classified as average

Structural disadvantage: Poverty levels

	Proje	cts	Units		
Neighborhoods by Poverty Levels	Ν	%	Ν	%	
High Opportunity Neighborhoods	4	5.06	239	5.32	
Average Neighborhoods	64	81.01	3,741	83.26	
Concentrated Poverty	11	13.92	513	11.42	
Total	79	100.00	4,493	100.00	

Table X: Poverty

Source: American Community Survey 2010-2014. Neighborhoods classified based on poverty levels in Neighborhood Tabulation Areas. One project was constructed in an NTA for which data were not available and was therefore excluded.

- Areas with less than 10% of households falling below poverty line are labeled as High Opportunity Neighborhoods
- Areas with 40% or more of households falling below poverty line are labeled as neighborhoods with concentrated poverty
- In this way we categorized 19% of Neighborhood Tabulation Areas as High Opportunity Neighborhoods, and 6% as Neighborhood Tabulation Areas having concentrated poverty
- 5% of projects and units were constructed in neighborhoods with less than 10% of households falling below poverty line
- 14% of projects and 11% of units were constructed in neighborhoods with concentrated poverty
- On average projects are built in neighborhoods not worse than the NYC average

Structural disadvantage: Affluent households

Neighborhoods by Percent of	Proje	cts	Units		
Affluent Families	Ν	%	Ν	%	
High Opportunity Neighborhoods	12	15.19	867	19.30	
Average Neighborhoods	38	48.10	2531	56.33	
Low Quality Neighborhoods	29	36.71	1095	24.37	
Total	7 9	100.00	4493	100.00	

Table X: Percent of Affluent Households

Source: American Community Survey 2010-2014. Neighborhoods classified based on percent of Households with income of \$150000 or over in Neighborhood Tabulation Areas. One project was constructed in an NTA for which data were not available and was therefore excluded.

- While percent of people living below poverty level informs us about the low end of income distribution, it is also valuable to know the share of more affluent families living in a given neighborhood as it speaks to popularity of the neighborhood among people who have means to choose where they want to live
- Neighborhood Tabulation Areas in top 20% in terms of percent of households with income of \$150,000 or above are considered to be High Opportunity Neighborhoods, and 20% of Neighborhood Tabulation Areas with the lowest shares of affluent households are classified as low quality neighborhoods.
- 15% of projects and 19% of units were constructed in High Opportunity Neighborhoods
- 37% of projects and 24% of affordable units were constructed in low quality neighborhoods. This
 suggests that disproportionately high number of projects and units was constructed in low quality
 neighborhoods

Structural disadvantage: Percent of people not employed

	Proje	cts	Units		
Neighborhoods by Percent of Not Employed Adults	N	%	N	%	
High Opportunity Neighborhoods	22	27.85	2077	46.23	
Average Neighborhoods	28	35.44	1178	26.22	
Low Quality Neighborhoods	29	36.71	1238	27.55	
Total	7 9	100.00	4493	100.00	

Table X: Not Employed

Source: American Community Survey 2010-2014. Neighborhoods classified based on share of unemployed and not in labor force individuals 16 years of age or older in Neighborhood Tabulation Areas. One project was constructed in an NTA for which data were not available and was therefore excluded.

- Another characteristic of neighborhoods that describes their socio-economic composition is the share of adults who are not employed
- As many as 28% of projects and 46% of units were constructed in High Opportunity Neighborhoods
- As many as 37% of units and 28% of projects were constructed in low quality neighborhoods suggesting disproportionately high number of units built in both High Opportunity Neighborhoods and low quality neighborhoods.

Structural disadvantage: Rent burden and severe rent burden

- Considering either rent burden or severe rent burden, a disproportionately high number of projects in low quality neighborhoods
- This effect is more pronounced when considering units

Table X: Percent of Rent Burdened Households

	Proje	cts	Units		
Neighborhoods by Percent of Rent Burden Households	Ν	0⁄0	Ν	0/0	
High Opportunity Neighborhoods	21	26.25	734	15.64	
Average Neighborhoods	34	42.50	2,376	50.62	
Low Quality Neighborhoods	25	31.25	1,584	33.75	
Total	80	100.00	4,694	100.00	

Source: NYC Housing and Vacancy Survey 2014. Neighborhoods were classified based on percentages of Rent Burden households in PUMAs.

Table X: Percent of Severely Rent Burdened Households

	Proje	cts	Units		
Neighborhoods by Percent of Severely Rent Burden Households	Ν	%	N	%	
High Opportunity Neighborhoods	13	16.25	512	10.91	
Average Neighborhoods	41	51.25	2,600	55.39	
Low Quality Neighborhoods	26	32.50	1,582	33.70	
Total	80	100.00	4,694	100.00	

Source: NYC Housing and Vacancy Survey 2014. Neighborhoods were classified based on percentages of Severely Rent Burden households in PUMAs.

Structural disadvantage: Median rent for recent movers

	Proje	Projects		Units	
Neighborhoods by Median					
Rent for Recent Movers	N	%	N	%	
High Opportunity Neighborhoods	22	27.50	1,193	25.42	
Average Neighborhoods	34	42.50	2,280	48.57	
Low Quality Neighborhoods	24	30.00	1,221	26.01	
Total	80	100.00	4,694	100.00	

Table X: Median Rent for Recent Movers

Source: American Community Survey 2010-2014. Neighborhoods were classified based on the median rent for households that moved within last 5 years in PUMAs.

- To assess the desirability of neighborhoods we looked at median rent for households which moved into a given neighborhoods within last 5 years
- Neighborhoods with highest median rent are considered desirable and therefore classified as High Opportunity Neighborhoods
- A disproportionately high numbers of units were constructed in both High Opportunity and low quality neighborhoods

Quality of life: Clean streets

	Proje	cts	Units	
Neighborhoods by Percent of Acceptably Clean Streets	Ν	%	Ν	%
High Opportunity Neighborhoods	3	3.75	324	6.90
Average Neighborhoods	60	75.00	3,798	80.91
Low Quality Neighborhoods	17	21.25	572	12.19
Total	80	100.00	4,694	100.00

Table X: Percent of Acceptably Clean Streets

Source: Mayor's Office of Operations

(http://www1.nyc.gov/site/operations/performance/scorecard-streetsidewalk-cleanliness-ratings.page). Neighborhoods classified based on the percentages of acceptably clean streets in Community Districts in 2014 FY.

- The Community Districts with highest shares of acceptably clean streets and sidewalks are classified as High Opportunity Neighborhoods
- Disproportionately few affordable units were constructed in either High Opportunity Neighborhoods or low quality neighborhoods
- The number of units constructed in low quality neighborhoods was comparatively lower than the number of projects in low quality neighborhoods

Quality of life: Percent of children with passing math scores

	Projects		Units		
Neighborhoods by Quality of Schools	Ν	%	Ν	%	
High Opportunity Neighborhoods	15	18.75	1,134	24.16	
Average Neighborhoods	48	60.00	2,864	61.01	
Low Quality Neighborhoods	17	21.25	696	14.83	
Total	80	100.00	4,694	100.00	

Table X: Percent of Passing Math of All Grades

Source: Match scores for 2014 for grades 3-8, NYC Department of Education (http://schools.nyc.gov/Accountability/data/TestResults/ELAandMathTestResults). Neighborhoods classified based on percent of students passing math in grades 3-8 in school districts.

- We use percent of third- through eighth-graders passing math exams in 2014 as a measure of quality of school districts
- School districts with highest percentages of students passing math test are classified as High Opportunity Neighborhoods
- 24% of affordable units were constructed in High Opportunity Neighborhoods and only 15% were constructed in low quality neighborhoods.

Quality of life: Maintenance deficiencies

	Proje	cts	Uni	ts
Neighborhoods by Percent of Units with Maintenance Deficiencies	Ν	%	Ν	%
High Opportunity Neighborhoods	4	5.00	197	4.20
Average Neighborhoods	51	63.75	3,295	70.20
Low Quality Neighborhoods	25	31.25	1,202	25.61
Total	80	100.00	4,694	100.00

Table X: Percent of Units with 3+ Deficiencies

Source: NYC Housing and Vacancy Survey 2014. Neighborhoods classified based on percent of units with 3 or more maintenance deficiencies in PUMAs.

- We measure quality of housing stock in a neighborhood with a share of renter occupied units with 3 or more maintenance deficiencies with High Opportunity Neighborhoods having the fewest units with maintenance
- 5% of projects and 4% of units were constructed in neighborhoods with the best housing stock

Quality of life: Crime

Table X: Crime Levels					
	Proje	Projects		Units	
Neighborhoods by Levels of Crime	Ν	%	Ν	%	
High Opportunity Neighborhoods	12	15.00	857	18.26	
Average Neighborhoods	42	52.50	2,287	48.72	
Low Quality Neighborhoods	26	32.50	1550	33.02	
Total	80	100.00	4,694	100.00	

Source: NYPD

(http://www.nyc.gov/html/nypd/html/analysis_and_planning/historical_nyc_crim e_data.shtml). Data were available in four separate tables covering: 1) Seven Major Felony Offences, 2) Non-Seven Major Felony Offences, 3) Misdemeanor Offences, and 4) Violation Offences. A composite measure was built using the 2014 data for 34 different criminal offences and used to classify 78 precincts into different types of neighborhoods.

- One of the major quality of life issues is neighborhood safety. We use NYPD crime statistics for 2014, and create a composite measure based on 34 felonies, misdemeanors, and violations
- 15% of projects and 18% of units were built in High Opportunity Neighborhoods
- 33% of projects and units were constructed in low quality neighborhoods

Social organization: Average length of residence

	Proje	cts	Units	
Neighborhoods by Average Length of Residence	Ν	%	Ν	%
High Opportunity Neighborhoods	8	10.00	365	7.78
Average Neighborhoods	59	73.75	3,720	79.25
Low Quality Neighborhoods	13	16.25	609	12.97
Total	80	100.00	4,694	100.00

Table X: Average Length of Residence

Source: NYC Housing and Vacancy Survey 2014. Neighborhoods were classified based on average length of residence in PUMAs.

- Neighborhood level social organizations are more likely to be formed by longtime residents with ties to the community
- Only 10% of projects and less than 8% of units were built in residentially stable neighborhoods
- A disproportionate number of projects and units are constructed in the least residentially stable neighborhoods

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

JANELL WINFIELD, TRACEY STEWART and SHAUNA NOEL,

-----x

Plaintiffs,

-against-

Civil Action No.: 15-CV-5236 (LTS)(KHP) 1

CITY OF NEW YORK,

Defendant.

VIDEOTAPED DEPOSITION OF

CARL WEISBROD

New York, New York

July 27, 2017

9:06 a.m.

Reported by: THERESA TRAMONDO, AOS, CLR JOB NO. 51315

Case 1:15-cv-05236-LTS-KHP Document 916-24 Filed 11/06/20 Page 2 of 7

99 1 Weisbrod 2 housing, to the best of my recollection, 3 with everybody in the administration was 4 focused on economic diversity. 5 Q. My question, however, has to 6 do with a reluctance more generally in 7 the administration to talk about racial 8 change. 9 MR. VIDAL: Objection. 10 MR. GURIAN: I haven't 11 finished my question, so you will 12 probably want to wait for that. 13 MR. VIDAL: Excuse me. 14 Were there any discussions 0. 15 with anybody in the administration about 16 the potential political pitfalls of 17 discussing programs in terms of potential racial change that might ensue? 18 19 Not that I can recall. Α. 20 MR. VIDAL: Objection. 21 Please proceed. 22 Q. During your time in the 23 de Blasio administration, were you aware 24 of there being any racial politics at 25 play in the City?

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100 1 Weisbrod 2 Α. Over 50 years of working in 3 New York City, racial politics are always 4 in the ether, so. 5 Ο. And that includes these last 6 few years, yes? 7 In the City generally. Α. 8 I think that's a fact of life in this 9 country and a fact of life in the City. 10 So how does that in 0. 11 current-day terms manifest itself in the 12 City? 13 Α. I don't know. I mean, I did 14 not -- I just don't know how to answer 15 that question. 16 Q. What do you understand "racial 17 politics" to be? 18 My understanding of racial Α. 19 politics is that as in a pluralistic 20 city, like New York, interest groups of 21 various kinds, whether they're racial, 22 ethnic, religious, gender-related or 23 whatever, have perspectives on what 24 should happen in the City and how, and 25 that's just the reality of politics.

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101 1 Weisbrod 2 Q. Sticking with the racial and 3 ethnic groups for a moment, when you say 4 "what should happen in the City," what 5 are you referring to? Does that include 6 electoral politics? 7 I think it includes a host of Α. 8 different things. It includes things 9 that are related to government, things 10 that are related to the private sector, 11 things that are related to the 12 marketplace. It is the reality that a 13 variety of interest groups have their own 14 perspectives on things and also their own 15 advocates, and that's reflective in 16 social discourse in the City. 17 Advocacy in relation to 0. 18 housing policy is not immune from that, 19 is it? 20 Α. No. 21 Ο. Is there resistance to change 22 in the racial composition of 23 neighborhoods? 24 MR. VIDAL: Objection. 25 I don't know, and I did not Α.

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1 Weisbrod 2 more common interest now between the City 3 and the Regional Plan Association than 4 there has been in the past, and I think 5 the Regional Plan Association would say 6 the same about -- certainly about City 7 Planning. 8 0. You've described one way that 9 the City is hurt by the suburbs' failure 10 to step up in terms of workforce housing. 11 Are there other ways that the City is 12 hurt by the suburbs' failure to step up 13 on the affordable housing front? 14 Α. I'm sure there are. I 15 can't -- the more housing that is 16 produced in the region generally the 17 better off we are. The laws of supply 18 and demand still hold in my view. 19 In addition to that, though, ο. 20 to the extent that New York City within 21 the region has a disproportionate 22 percentage of households at the very 23 lowest incomes, doesn't that mean that 24 New York City has a disproportionate 25 share of social services burdens?

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287 1 Weisbrod 2 Α. Thank you. 3 THE VIDEOGRAPHER: Here ends 4 video recording number 2. This 5 concludes the video recorded 6 deposition of Carl Weisbrod taken 7 by the plaintiffs on Thursday, July 8 27, 2017. The time is 1722. We 9 are going off the record. 10 (Time noted: 5:23 p.m.) 11 12 CARL WEISBROD 13 14 Subscribed and sworn to before me **)** day of **)** this 15 2016 17 18 Notary Public 19 20 76448 884 21 22 23 24 25

Case 1:15-cv-05236-LTS-KHP Document 916-24 Filed 11/06/20 Page 7 of 7

288 1 2 CERTIFICATE 3 STATE OF NEW YORK) 4 : ss. 5 COUNTY OF NEW YORK) 6 7 I, THERESA TRAMONDO, a Notary 8 Public within and for the State of New 9 York, do hereby certify: 10 That Carl Weisbrod, the 11 witness whose deposition is 12 hereinbefore set forth, was duly sworn 13 by me and that such deposition is a 14 true record of the testimony given by 15 the witness. 16 I further certify that I am 17 not related to any of the parties to 18 this action by blood or marriage, and 19 that I am in no way interested in the 20 outcome of this matter. 21 IN WITNESS WHEREOF, I have 22 hereunto set my hand this 31st day of 23 July, 2017. 24 25

10/26/2020	Case 1:15-cv-05	236-HIATISAKubl Res @ WIMEAN teg Inding 5r HEileg Naul 106/20 CiP agree 1 agree 1
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Mayor de Blasio Announces City Will Advance Funding for Housing New York Plan

October 22, 2020

NEW YORK—Mayor Bill de Blasio today announced the acceleration of capital funding within the City's affordable housing plan, a major step toward ensuring a fair recovery from the COVID-19 crisis. The City will shift \$466 million to the current fiscal year's capital budget during the upcoming Preliminary Plan to address urgent affordable housing needs, bringing the capital investment this fiscal year to over \$1.4 billion. Significantly, the Housing New York goal of creating and preserving 300,000 affordable homes by 2026 remains on track.

This week, New York City released the Where We Live NYC Plan, the City's blueprint for fair housing in the five boroughs to break down barriers to opportunity and build more integrated, equitable neighborhoods.

"Rebuilding a fairer and better New York City means investing in affordable housing and making our neighborhoods more inclusive," said **Mayor Bill de Blasio**. "There's no surer or more important investment than safe and livable communities, anchored by affordable housing. We're proud to keep our affordability and preservation goals on track."

"Stable, affordable housing is critical to the health and well-being of New Yorkers, and we are doubling down on our ambitious housing goals," said **Deputy Mayor for Housing and Economic Development Vicki Been**. "These funds will maximize our production pipeline, prioritizing NEW housing for those who are most in need, while also putting people back to work and furthering projects sponsored by our M/WBE and non-profit developers to ensure our economic recovery is robust and fair."

In March, the City moved \$466 million from HPD's Fiscal Year 2021 capital budget into Fiscal Years 2022 through 2024. To support both the ongoing recovery effort and this critical program, the City will be moving these funds back to Fiscal Year 2021.

Since the pandemic began, the City has advanced a robust affordable housing pipeline. The Department of Housing Preservation and Development (HPD) continued to support projects with limited

From:	Trimble, Eva (HPD)	PII	
	>		
Sent:	May 03, 2016 4:32 PM		
То:	Grace, Melissa (HPD); Murphy, Matthew (I	HPD)	
Cc:	Rohlfing, Elizabeth (HPD)		
Subject:	RE: NYT Edit Board Briefing near final		
Attachments:	H3 - Section 8 Program Indicators_ April 1	. 2016.pdf	

Q: How is HPD different from NYCHA? [not super public]

- NYCHA is the housing agency of NYC that has a public waiting list for S8. If you call 311 and ask for rental assistance you are referred to NYCHA not HPD.
- HPD administers a S8 voucher program that is "closed" in order to receive a voucher from HPD you need to be in one of our financed projects or in a project under our APM portfolio (see Q below).

Q: How does HPD use Section 8 in HNY?

- Section 8 vouchers are a resource that HPD uses to underwrite the financing for preservation and new development of affordable housing. It's one of many tools including our capital budget funding, state bond cap, and tax credits.
- We can project base (PBV) up to 20% of our total budget each year, which allows projects to achieve more rental income because the federal funding provides the rent. PBV are targeted to our senior and supportive housing programs and therefore directly serve homeless shelter clients, very and extremely low income people.
- We use tenant based vouchers to prevent displacement as a result of preservation projects where landlords need to rehab a building and require funding. Rents need to increase in order to cover the cost of construction and the vouchers pay the increased rent so that the existing tenants are protected from a rent increase.
- These are a limited resource and so we do not reach every tenant in every building. When a voucher is not available we have other tools such as preferential rent setting and additional capital subsidy.
- In addition we use vouchers in our Office Asset & Property Management by providing vouchers to rent burdened tenants in Mitchell Lama portfolio as well as our Asset Management portfolio and to clients in our HPD shelters.

Q: How does HPD deal with mobility issues within the Section 8 clients?

- [We're doing bare bones basic required] HPD is required to brief all Section 8 applicants as part of their application process for a voucher. As part of that briefing we are required to inform the applicant that Housing Choice Vouchers means they get to "choose" where to live, either in NYC or anywhere in the Country. We are required by HUD to provide information on high opportunity areas and neighboring jurisdictions. HPD includes a map of high opportunity areas within NYC in the briefing book as well as a list of links and resources for neighboring jurisdictions.
- [What we're working to make a reality because mobility is an important fair housing goal] We are also working on developing a new mobility counseling program. This will broaden our efforts to include proactive conversations with applicants about what they may want from a neighborhood and then connecting them with relevant resources. In addition, we are participating in the research project with Cambridge Housing Authority and Raj Chetty and his researcher team to possibly develop further intervention strategies to promote mobility.

Q: Why are voucher holders concentrated in areas of poverty?

- Most participants choose to stay in their neighborhoods where they have social connections and support networks.
- Important to note that for HPD, only about 30% of our households are families with children. Traditionally the definition of higher opportunity has been synonymous with better educational opportunity. For HPD clients, 30% of which are single adults and 30% are seniors, opportunity could also be defined as access to jobs, transportation, and health care facilities.

From: Grace, Melissa (HPD)
Sent: Tuesday, May 03, 2016 12:22 PM
To: Trimble, Eva (HPD); Murphy, Matthew (HPD)
Cc: Rohlfing, Elizabeth (HPD)
Subject: FW: NYT Edit Board Briefing near final

Eva,

(adding matt who worked on the NYT talking points, which were focused more broadly, on HNY and AFFH.)

Vicki is going to be interviewed by WNYC tomorrow at 11:30 a, about Section 8 vouchers. Reporter is asking for a big picture discussion of what role Section 8 plays in the larger HNY scheme.

She asks specifically, are there a trade-off? This because Section 8 is typically seen as way to integrate neighborhoods, but it hasn't worked out that way in NYC, but it's a way to house the poorest people in the city, she said.

The answer should be: no to trade-offs, why Section 8 vouchers re an important tool for Housing NY, making this city affordable, and following Fair Housing rules, including as a buttress to displacement, but also as offering mobility. (if that is correct?)

Attached is lots of info, but the two related to Talking points are the ones you want to look at, also the talking points copied and pasted below. The ones above were for the NYT editorial board interview that Carl and Vicki did. The ones below were for when Vicki spoke to <u>NYT reporter Mia Navarro on fair housing and HNY</u>. (Please read as she discusses openly that Section 8 holders are largely in the poorest communities.)

1. Talking points/summary provided Vicki (not sent to Mia):

There is no conflict between HNY and HUD's Affirmatively Furthering Fair Housing rule. <u>HNY was specifically designed as a vehicle to promote fair housing policy</u>. This <u>ahead-of-the-curve plan</u> is designed to achieve our nation and City's important fair housing goals, rules and laws, while combating displacement.

HNY affirmatively furthers fair housing by fostering inclusive communities everywhere. How and where we are providing affordable housing under HNY furthers and is in compliance with HUD's rule. We have and will continue to use the rule's release to ensure that we are taking every step that we can to affirmatively further fair housing.

Segregation is unacceptable.

• HNY will significantly <u>change</u> that. It specifically promotes fair housing. It does so by providing affordable housing for a broader range of New Yorkers than ever before and <u>pushing economic diversity</u> in <u>every neighborhood</u> while also <u>pushing</u> <u>back against forces of displacement</u>.

HNY offers choice, and is a "<u>BOTH/AND</u>" approach. We are investing <u>BOTH</u> in communities that have suffered from disinvestment, <u>AND</u> providing more affordable housing in high-opportunity neighborhoods. HNY does not choose just one type of neighborhood to invest in.

We do that by promoting strong, mixed-income neighborhoods. That includes big investments, including in communities that have been overlooked. The goal is to anchor all neighborhoods with permanent affordable housing.

• This plan refuses to allow underserved neighborhoods to remain underserved. We aren't going to be able to fight the forces of segregation only by building affordable housing in some neighborhoods. We must build them in all neighborhoods.

• The only thing that is hurting us on fair housing right now is the state's failure to renew 421-a. Because it significantly increased our ability to build affordable housing, especially in the strongest real estate markets at the least cost to the tax payer, the tax program offered a significant fair housing bonus. Without it, it will simply be more expensive to abide by fair housing rules. I urge our elected officials in Albany to act now.

-Any questions on community preference: No comment, pending litigation

Vicki has done two interviews on fair housing – one with the <u>NYT edit board</u> (which ended up not speaking to fair housing) – the attachments here were prep for that. The other was with NYT affordable housing reporter <u>Mia Navarro</u>, which is much more on point and alludes to section 8 a bit.

Please read Mia's linked story, but here are relevant excerpts (including that most Section 8 serves people in poorer neighborhoods:

"There are difficult trade-offs to grapple with. Redeveloping low-income areas can increase diversity by bringing in higherincome residents. But it can also end up pricing out existing residents. Doing the reverse — investing in affordable housing in more expensive areas — can draw in low-income residents. But government subsidies often do not go as far in such neighborhoods, with the potential result that fewer rental units are priced at affordable rates.

...Ms. Been also cited the construction of mixed-income buildings, financed through a combination of city, state and federal money, as well as the opening up of more housing choices for recipients of Section 8, the federal rental-assistance program, as effective integration tools.

"With economic diversity comes racial diversity," Ms. Been said.

The cost of housing in the city poses an obstacle. Section 8 vouchers are meant to give renters a choice of neighborhoods to live in, but the voucher amounts are too low in most cases to pay for housing in anywhere other than lower-income areas. Similarly, affordable housing financed by the city is usually concentrated in parts of the city with higher-than-average poverty rates, where land is cheaper, Furman Center research shows.

The city <u>recently adopted</u> a mandatory inclusionary housing <u>policy</u> that requires developers to set aside up to 30 percent of all units in new market-rate buildings for lower-rent apartments if they want to build in neighborhoods rezoned for new residential development.

BOOK REVIEW

SPIRALING: EVICTIONS AND OTHER CAUSES AND CONSEQUENCES OF HOUSING INSTABILITY

EVICTED: POVERTY AND PROFIT IN THE AMERICAN CITY. By Matthew Desmond. New York, N.Y.: Crown Publishers. 2016. Pp. xi, 418. \$28.00.

Reviewed by Vicki Been and Leila Bozorg*

INTRODUCTION

Our discussions about the nation's housing affordability crisis usually begin with challenges in the market: the population of renters is increasing in metropolitan areas across the United States, the supply of rental housing is not keeping pace, and the supply that does exist is increasingly priced out of reach for the typical renter. Changes in income have lagged behind increases in rent, leaving many low-income renters severely rent burdened (paying more than 50% of household income on rent).¹ Just as we speak of the causes of the crisis in market terms, our policy responses too focus on market interventions. On the supply side, government agencies (federal, state, and local) provide subsidies and tax relief to encourage the private market to develop and rehabilitate affordable housing units.² On the demand side, rental subsidies allow tenants to pay only 30% of their income toward rent,



^{*} Commissioner, New York City Department of Housing Preservation and Development, on leave from New York University School of Law; Chief of Staff, Housing Preservation and Development. We would like to thank Professor Matthew Desmond, along with Dinsiri Fikru, Laurie LoPrimo, Deborah Rand, and Eva Trimble for their thoughtful suggestions about this Book Review.

¹ INGRID GOULD ELLEN & BRIAN KARFUNKEL, NYU FURMAN CTR./CAPITAL ONE NAT'L AFFORDABLE RENTAL HOUS. LANDSCAPE, RENTING IN AMERICA'S LARGEST METROPOLITAN AREAS 22 (2016), http://furmancenter.org/files/NYU_Furman_Center_Capital _One_National_Affordable_Rental_Housing_Landscape_2016_9JUNE2016.pdf [https://perma .cc/37JN-4QZE]. This report studied the eleven largest metropolitan areas in the United States (Atlanta, Boston, Chicago, Dallas, Houston, Los Angeles, Miami, New York City, Philadelphia, San Francisco, and Washington, D.C.) between 2006 and 2014, and found that in all eleven areas the renter population grew faster than the stock of rental units, *id*. at 6; that the median gross rent rose in ten of the eleven areas, in both central cities and surrounding suburbs, *id*. at 5; that seven out of the eleven areas became less affordable to the typical renter, *id*. at 16; that in 2014 onequarter of all renters in seven metro areas nationwide were severely rent burdened, *id*. at 21; and that a vast majority of low-income renters were severely rent burdened, *id*. at 22.

 $^{^2\,}$ See, e.g., ALEX F. SCHWARTZ, HOUSING POLICY IN THE UNITED STATES 6–8 (2d ed. 2010).

2017] SPIRALING: EVICTION AND HOUSING INSTABILITY 1431

B. Helping Households Choose Better Neighborhoods

Mobility counseling must be made more robust, to help voucher holders sort through their various needs and values, identify neighborhoods that might meet those needs, and find landlords with available units who are ready and willing to accept the voucher. Because we know very little about what helps families make these decisions, experiments to find the most useful way to present information to help households choose neighborhoods that have better schools (for example) should be tested.⁷⁶

Mobility counseling also needs to be expanded to include financial empowerment services: helping families put aside the money needed for the move (moving costs, security deposits, expenses of outfitting a different unit, etc.), working with them to repair credit records, and putting the documents they will need to secure and use the voucher in order.⁷⁷ This type of preparation is incredibly time intensive, and putting this information together may be a substantial barrier for some households. PHAs should be incentivized to share data about families across agencies, to reduce the difficulty voucher holders and case managers have in compiling the voucher holders' application files and keeping them current.

Because research shows the critical importance of moving children early in their lives to higher-opportunity neighborhoods and into better schools, special consideration should be given to the needs of families with children. PHA wait lists could give priority to households with children approaching school age, so that households can choose schools when they first seek to use their voucher and avoid disruptive moves once the child has started school. Or, because households with children need to move during the summer months to avoid disruption in school, those households could be prioritized to receive vouchers in time to move during the summer. HUD should fund, and PHAs should offer, counseling to help families navigate the school system and select the best school for their children (and then to help the family find housing near the school they prefer).

Even absent mobility counseling, PHAs should be encouraged to provide more robust listing services, specialized brokerage services, and other assistance to voucher holders looking for suitable apart-

⁷⁶ HUD has begun to make progress on this front, partnering with nonprofit GreatSchools' initiative to provide voucher holders with information about schools. *See* Press Release, U.S. Dep't of Hous. & Urban Dev., HUD, GreatSchools Team Up to Give Public Housing, Voucher Families Tools to Make Informed School Choices (Dec. 6, 2011), https://portal.hud.gov/hudportal /HUD?src=/press/press_releases_media_advisories/2011/HUDN0.11-285 [https://perma.cc/Q396 -7D37].

⁷⁷ See NYC DEP'T OF HOUS. PRES. & DEV. & NYC DEP'T OF CONSUMER AFFAIRS, IM-PROVING ACCESS TO AFFORDABLE HOUSING OPPORTUNITIES (2016).



Transcript: Mayor de Blasio Presents 2017 State of the City

February 13, 2017

Mayor Bill de Blasio: Can't compete with Gershy, can you?

I want to welcome you all to the Apollo Theater.

It is a joy to be here with you. I want to thank everyone at the Apollo Theater for welcoming us and hosting us. Now, I want you to know I just rubbed the Tree of Hope, so I'm feeling very good about things tonight.

Here is what I love about the Apollo Theater – it's not just that it's famous, it's not just that it's quintessentially New York. It's a symbol to people all around the world of how great this city is. I love the Apollo Theater because if you get up here on the stage, whether you are wealthy or not, whether you are connected or not, whether you are famous or not, you had an opportunity on this stage. It was for everyone. And what is more New York than that?

I want to thank all of the leaders are here, all the elected officials – our Council Speaker Melissa Mark-Viverito; our Public Advocate Tish James; Comptroller Scott Stringer; our Borough Presidents; our District Attorneys; members of Congress; members of State Legislature; members of the City Council. Let's thank them all for all they do for New York City.

Well, I think I should now thank the love of my life and our First Lady. I want to thank her for all she has done for this city, but I particularly want to thank her for having made it her mission to break down the stigma that surrounds mental health. She believed that if we had a different conversation in this city, that if people in need could actually come forward and talk about their problems without fear of being shunned to the side, without feeling like there was something wrong with them, that we could actually help a lot more people, help a lot more families, we could avoid so many of the things that plague our society if we could just listen and respect people who have a problem. It's just part of human life.

So, she created Thrive NYC and it's changing things all over this city.

Now, if Chirlane were standing here again, she would want me to remind you that any New Yorker who needs help with mental health services, whatever the challenge is, or even someone who wants to reach out on behalf of a friend or loved one, all you have to do is call a real simple number, 1-888-

People -- so many people in this city are afraid that they cannot stay in the city they love. They're afraid they will not be able to afford the very place they have given so much to. And we have to talk about the city in new and different ways because all those wonderful people you saw in that video, they represent millions and millions of New Yorkers. And all those millions of New Yorkers need to know this is still their city. That's all of our jobs to make that true.

You know, last year we showed a similar video. There's a beautiful moment in it. Some of you may remember a very energetic woman from Brooklyn named Luz Santiago. She's got a fan club here. I watched the video like seven times and I teared up every time because she talked about the change in Brooklyn. She said the Brooklyn of today – the Brooklyn of the art galleries and the cafes – that's good. But she said a simple statement. She said, but this is my Brooklyn too.

In that video you saw the happy ending. Luz Santiago got affordable housing through the initiatives of this city and she will be in that affordable housing, something she can truly afford for decades to come. But I remember another story around the same time. I was at a homeless shelter on the Lower East Side. I met a woman who told me that just months earlier she had been evicted from her apartment. She had been renting the same apartment for almost 40 years. And when she told me the details, it was quite clear she had been wrongly evicted. I felt almost a physical pain for her, but also for our city. I felt if only we could have gotten there sooner, if only we had met her sooner we could have kept her in that place that was hers. In those two stories are two different realities and a choice we have to make – whether we're going to look away in the face of crisis or whether we're going to act in time so more and more New Yorkers can call this magical place their home.

This affordability crisis threatens who we are, threatens the very soul of this city. And people have told me so many times with such passion they feel their own city slipping away. We came here three years ago into this administration working with this City Council. So many people I've had the privilege to serve with, so many dedicated public servants. We came here with a very clear understanding, we have to heal some wounds of the past. We have to right some wrongs. We have to fight an inequality that had grown. New Yorkers are waiting to hear from us confirmation on what this can expect going forward. My message to all New Yorkers tonight is very simple and I hope clear. This is your city. It's your city. You made it what it is. It's our job to protect that.

I want to tell you up front this will not be a traditional State of the City address in the sense that I am not going to go through topic after topic. There's not going to be a lot of bells and whistles. I'm not going to try to tell you every fact, every statistic. It won't go on as long as it's been in the past. Are you okay with that?

The people have spoken.

There are some very serious topics that I'll tell you up front I'm going to speak to and my administration is going to speak to in just the next weeks, but not tonight.

We have a lot we have to say and a lot we have to do on homelessness. That will come in the coming days. We have to address head on the challenge of opioids gripping the city and this

Page 1 UNITED STATES DISTRICT COURT 1 SOUTHERN DISTRICT OF NEW YORK 2 3 -----x JANELL WINFIELD, TRACEY STEWART 4 and SHAUNA NOEL, 5 Plaintiffs, 6 -against-Civil Action No.: 15-CV-5236 (LTS) (KHP) 7 CITY OF NEW YORK, 8 Defendant. -----x 9 10 April 10, 2018 11 9:20 a.m. 12 13 14 VIDEOTAPED DEPOSITION of VICKI BEEN, held at the law offices of the Anti-Discrimination 15 16 Center, located at 1745 Broadway, New York, New 17 York 10019, before Anthony Giarro, a Registered 18 Professional Reporter and a Notary Public of the 19 State of New York. 20 21 22 23 24 25

Case 1:15-cv-05236-LTS-KHP Document 916-29 Filed 11/06/20 Page 2 of 16

Page 22 1 VICKI BEEN 2 at you and say, Well, what do you mean by 3 that? 4 But if you ask people, would 5 you like a more economically, racially 6 ethnically diverse community? Then I 7 think there is support for that. I think 8 there is a lot of support for that. 9 Q So getting community support 10 for that is not difficult? 11 Α No. I don't think it's -- I 12 mean, does everybody support it? No. 13 But is it difficult? No. I don't think 14 so. 15 Q Did you come to understand 16 during your tenure as HPD commissioner 17 that there are parts of the city where 18 opposition to racial or ethnic 19 integration is particularly high? 20 MS. SADOK: Objection. 21 Α I think that opposition to 22 racial, ethnic, religious integration in 23 some parts of Brooklyn that are heavily 24 occupied by the Jewish community is 25 sometimes difficult.

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Page 24 1 VICKI BEEN 2 disproportionate impact. But the best 3 tool that we have to present displacement 4 is the Community Preference which 5 litigation like this claims is also a 6 So it feels like Fair Housing problem. 7 there's tension there, or there's --8 there's a difficulty in serving both 9 purposes. 10 Q I just want to make sure I 11 understood your answer. And I just want 12 to go back to what I think that you had 13 said. 14 Did I hear you correctly to 15 say that Community Preference is the best 16 tool that you have for fighting 17 displacement? 18 MS. SADOK: Objection. 19 Α I think that I have Yeah. 20 said it's the best tool we have for 21 fighting displacement. It's not the only 22 And it doesn't work by itself. tool. 23 But it's one of the tools and in 24 combination with rent reg, et cetera. 25 I think we've made the Q

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Page 40 1 VICKI BEEN 2 Why did you want to get the 3 racial and economic demographics of the two community boards? 4 My recollection is that I 5 А 6 wanted to make the point that the project 7 was right at the border, if I have the 8 project correct. The project was right at the intersection. 9 And we normally --10 we would often split the Community 11 Preference in that circumstance. 12 And I also wanted to make 13 the point to her that these were 14 different districts in terms of their 15 racial and economic demographics and that 16 in those instances, it made sense when 17 you're on the border to split the 18 Community Preference and that she should 19 ignore the -- what seems to be the 20 hullabaloo in the community board, the 21 controversy in the community board about splitting the Community Preference. 22 23 0 What was the salience of the 24 fact that the community boards had 25 different demographic profiles?

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Page 41 1 VICKI BEEN 2 Α That in that instance, it 3 could be more -- it could promote 4 integration to share the Community Preference. 5 6 When you wrote for the sake Q 7 of preserving the community board 8 preference, were you suggesting that the 9 community board preference was at risk in 10 some way? 11 MS. SADOK: Objection. 12 Α I'm sorry. When did you 13 file the litigation? 14 Q July '15, July 2015. 15 Α I mean I may have been 16 relating it to the litigation. I don't 17 recall what I meant. 18 Is what you've related to me 0 19 what you explained to the borough 20 president? 21 MS. SADOK: Objection. You 22 may answer. 23 Α I actually don't recall 24 speaking to the borough president. Ι 25 don't know whether I did or didn't. But

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Case 1:15-cv-05236-LTS-KHP Document 916-29 Filed 11/06/20 Page 6 of 16

Page 76 1 VICKI BEEN 2 right, that it's more likely that the 3 Fair Housing will pencil out. 4 0 And conversely in a 5 downzoning circumstance, it's less likely 6 that the Affordable Housing or as much 7 Affordable Housing would pencil out; is 8 that fair? 9 MS. SADOK: Objection. 10 That is correct. Α 11 So may I ask you to look at Q 12 page 9 of the report? I quess I should 13 say this also, though not quite as vivid 14 as Housing 2.0 is also a very handsome 15 report. 16 Do you see in that last 17 paragraph where it says, "Upzoned lots 18 tended to be located in census tracks 19 with a higher proportion of non-white 20 residents than the median track in the 21 city. Downzoned lots, on the other hand, 22 were more likely to be located in tracks 23 with a higher share of non-Hispanic white 24 residents than the city median. And 25 contextual only rezoned lots were located

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Page 77 1 VICKI BEEN 2 in areas with still higher shares of 3 non-Hispanic white residents." Do you 4 see that? 5 Α Mm-hmm. 6 0 You believe those findings 7 to be true? 8 MS. SADOK: Objection. 9 Α Yes. 10 Q And then continuing on page 11 10, "The opposite trend exists for both 12 black and Hispanic residents. Upzoned 13 lots were more likely to be in areas that 14 have a higher share of black and Hispanic 15 residents than the city median while 16 downzoned and contextual-only rezoned 17 lots both were in areas with smaller 18 shares of black and Hispanic residents." 19 Do you see that? 20 Α Mm-hmm. 21 Is that true? 0 22 MS. SADOK: Objection. 23 **A** True, to the best of my 24 ability, yes. 25 Q And lastly, if I may ask you Case 1:15-cv-05236-LTS-KHP Document 916-29 Filed 11/06/20 Page 8 of 16

Page 78 1 VICKI BEEN 2 to turn to page 16. 3 I'm sorry. I just need to A 4 understand if this is -- is this the 5 report that was based upon the regression Just one second. Okay. 6 analysis? Go 7 ahead. 8 Q On page 16, that last 9 sentence, you and your colleagues wrote, 10 "The variation in the patterns of 11 rezonings among communities with 12 different socioeconomic characteristics 13 calls for a larger conversation about how 14 the benefits and burdens of development 15 should be shared across the city." Do 16 you see that? 17 A Yes. 18 When the term "socioeconomic 0 19 characteristics" was used, was that 20 intended to encompass racial 21 characteristics? 22 Yes. A 23 Q Thank you. I'll take those 24 two back, if you don't mind. 25 A (handing.)

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Page 112 1 VICKI BEEN think it serves, would I have the 2 3 Community Preference if my main goal was 4 to reduce the city's racial segregation 5 as much as possible; is that the 6 question? 7 Q No. 8 Α Okay. I'm sorry. Where am 9 I going off the rails in terms of your 10 question? 11 I understand and the record 0 12 reflects that there are premises that you 13 I just want to make don't agree with. 14 sure that I can pose the question in a 15 way and you could answer it in a way, so 16 that the question and answer are clear. 17 So we're saying for the 18 purposes of thinking about this question 19 that the absence or a lowered Community 20 Preference would not reduce the amount of 21 Affordable Housing being built and that 22 in this particular circumstance, your 23 only concern, your only policy concern is 24 reducing racial segregation as much as 25 possible. Do you understand those two

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Page 113 VICKI BEEN 1 2 premises? 3 MS. SADOK: Objection. 4 Α I think so. So you're 5 assuming that my only concern is reducing 6 racial segregation. So I don't have a 7 concern about displacement. I don't have 8 a concern about fear of displacement. 9 Q I'm not trying to disguise 10 anything. Your only concern is reducing 11 racial segregation to the maximum extent 12 you can. 13 Would you retain a 14 50 percent Community Preference? 15 MS. SADOK: Objection. 16 A I don't think so. But I'd 17 want to be sure that I had gone through 18 all the analysis which I haven't done 19 here today. But I don't think so if it 20 were serving none of those purposes. And 21 my only concern was reducing racial 22 segregation. 23 Q This next document may be a 24 little confusing. So it's going to take 25 a couple of minutes. Ms. Sadok may have

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Page 230 1 VICKI BEEN -- CONFIDENTIAL 2 don't know what -- what consideration she 3 put into drafting this or whoever drafted 4 it in terms of the particular project that was at issue here. So I can't 5 6 answer your question. 7 On No. 3, the question from Q 8 HCR is, "How do you plan to periodically 9 evaluate your Community Preference to 10 ensure that it does not perpetuate a 11 discriminatory impact for protected 12 classes?" 13 Had you seen that HCR 14 question before today to your 15 recollection? 16 Α No. I have no recollection 17 of that question. 18 Q So what I want you to do 19 is -- one last time, at least for 20 today -- to put back on your HPD 21 commissioner hat and tell me how you 22 interpret what HCR was asking about. Ι 23 asked you that question. Just to be 24 clear, there aren't any tricks here. То 25 me, the answer doesn't match the

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Page 231 VICKI BEEN -- CONFIDENTIAL 1 2 question. 3 Α I agree. What do you think that HCR 4 Q 5 was asking? 6 Α I think HCR was asking, have 7 you evaluate and will you continue to evaluate whether the Community Preference 8 9 does not perpetuate a discriminatory impact. 10 11 The policy? Q 12 (Continued on the following page.) 13 14 15 16 17 18 19 20 21 22 23 24 25

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	Page 232
1	
2	A Right.
3	MR. GURIAN: With that, I
4	think we can conclude for today.
5	THE VIDEOGRAPHER: Here ends
6	Video Recording No. 2. This
7	concludes Volume 2, video recorded
8	deposition of Vicki Been taken by the
9	plaintiffs on Tuesday, April 10,
0	2018. The time is 1717. We're going
1	off the record.
2	(Time noted: 5:17 p.m.)
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Page 233 1 STATE OF NEW YOK 2 3) : 5 5 4 COUNTY OF NOUMON 5 6 7 I, VICKI BEEN, the witness 8 herein, having read the foregoing 9 testimony of the pages of this deposition, 10 do hereby certify it to be a true and 11 correct transcript, subject to the 12 corrections, if any, shown on the attached 13 page. 14 100 15 16 VICKI BEEN 17 18 19 Sworn and subscribed to before me, 20 day of May 2018. 21 this 22 ahitu Ellero KRISTIN & SILBERMAN 23 NOTARY PUBLIC STATE OF NEW YORK NEW YORK COUNTY 24 Notary Public 116 COMM. EXF 25 David Feldman Worldwide 800-642-1099 A Veritext Company www.veritext.com

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Page 236 CERTIFICATION I, ANTHONY GIARRO, a Shorthand Reporter and a Notary Public, do hereby certify that the foregoing witness, VICKI BEEN, was duly sworn on the date indicated, and that the foregoing, to the best of my ability, is a true and accurate transcription of my stenographic notes. I further certify that I am not employed by nor related to any party to this action. ANTHONY GIARRO

ERRATA

I wish to make the following changes, for the following reasons:

PAGE LINE

12 25 CHANGE: "texted" to "e-mailed"

REASON: The City has filed a Declaration by the deponent (ECF Document 362-1) to clarify misstatements by deponent regarding the existence of text messages which, upon subsequent reconsideration and recollection by deponent and explained in greater detail in the aforementioned Declaration, were actually e-mail communications and not text messages.

24 3 CHANGE: "present" to "prevent"

REASON: Deponent stated "prevent" but reporter transcribed incorrectly.

30 10-11 CHANGE: "math" to "map"

REASON: Deponent stated "map" but reporter transcribed incorrectly.

32 20 CHANGE: "forward" to "hard"

REASON: Deponent stated "hard" but reporter transcribed incorrectly.

48 23 CHANGE: "mentioning" to "mandatory"

REASON: Deponent stated "mandatory" but reporter transcribed incorrectly.

72 20-22 CHANGE: "whether -- to the best of my knowledge, I haven't looked at it recently. The new construction..." to "whether-- to the best of my knowledge, I haven't looked at it recently -- the new construction..."

REASON: Clarify intent of statement.

115 18 CHANGE: "there" to "their"

REASON: Clarify intent of statement.

117 20 CHANGE: "rooted" to "routed"

REASON: Deponent stated "routed" but reporter transcribed incorrectly.

231 7 CHANGE: "evaluate" to "evaluated"

REASON: Deponent stated "evaluated" to reflect past tense but reporter transcribed incorrectly.

Dice Be

WITNESS' SIGNATURE

<u>May 25, 2018</u> DATE Previously Produced in Volume NYCPROD011 Case 1:15-cv-05236-LTS-KHP Document 916-30 Filed 11/06/20 Page 1 of 38

Affirmatively Furthering Fair Housing: A Preliminary Guide to NYC's Submission

Strategic Planning September 2016

> Department of Housing Preservation & Development

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NYC_0021052

Presentation Overview

- 1. Fair housing efforts to date (Strategy, Research and Communications)
- 2. AFFH submission requirements
- 3. AFH preliminary analysis: key takeaways
- 4. Data issues and preliminary findings
- 5. Contributing factors of segregation
- 6. "Balanced approach" to fair housing
- 7. Defining "concerted community revitalization" (CCR)
- 8. Next steps for NYC's AFH process
- 9. Appendix



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1.Fair Housing Efforts to Date: Strategy, Research, and Communications

• AFH preliminary preparation

- Identify major data issues
- Highlight potential political / legal concerns

• Enterprise fair housing working group

- Two meetings so far with Enterprise and advocates
- Third meeting will discuss national Qualified Allocation Plans (QAPs) and prioritization of "concerted community revitalization" factors

Community District preference

Ongoing background research and preparation

HPD regulatory compliance

- Use of fair housing funds for future trainings, educational materials, or community engagement

• SAFMR comments

- Lack of policy alignment with AFFH



2. What does NYC have to submit for the AFH?

Assessment of Fair Housing (AFH)

- Initial submission due February 18, 2019
 (270 days prior to the submission deadline for the next Consolidated Plan)
- Extensive analysis of federally funded housing, using HUD's data and mapping tool, supplemented with local data and knowledge
- Significant community outreach and participation requirements
- Coordination with NYCHA and other City agencies, potential to collaborate regionally
- Outline fair housing goals and priorities for HPD and the City



3. AFH Preliminary Analysis: Key Takeaways

- 1. Data issues present the most significant challenge to completing the AFH, both conceptually and in terms of data accuracy.
- 2. "Contributing factors" of segregation are politically and legally sensitive. Identification of "high priority" factors will require a balance between relevance and practical feasibility.
- 3. HPD needs to define "concerted community revitalization" to support our "balanced approach" to fair housing.



4. AFH data issues and preliminary findings

➢ RECAPs

- Segregation / Integration measures
- > Opportunity measures
- > Publicly supported housing demographics
- People with disabilities



4. AFH Data: RECAPs as a fair housing analysis tool

RECAP: A census tract with a non-white population of 50 percent or more and a poverty rate that either exceeds 40 percent or is three or more times the average tract poverty rate for the metropolitan area, whichever threshold is lower.

- NYC will use 40 percent threshold, which is lower than three times the city's poverty rate.
- RECAPs vs. concentrated poverty generally
 - Including areas of concentrated poverty that are not racially concentrated
- Public housing concentrated in RECAPs
 - The presence of public housing can define a census tract as a RECAP
- Non-RECAP status is not a meaningful measure of opportunity
 - Poverty is a continuum, not a cut-off
 - 40% threshold and non-RECAP areas: 39% poverty areas, for example, not included in HUD's analysis
- Speaks to the need to have a local definition of opportunity areas
 - HPD to work towards definitions that make sense for NYC

4. AFH Data: Segregation/Integration trends

Table 3 - Racial/Ethnic Dissimilarity Trends

Racial/Ethnic Dissimilarity Index	2 .	NY CDBG, HO urisdiction	ME, ESG)	(New York-Newark-Jersey City, NY- NJ-PA CBSA) Region			
	1990	2000	2010	1990	2000	2010	
Non-White/White	67.72	66.11	65.66	65.97	63.53	61.73	
Black/White	83.45	83.12	83.36	80.30	78.88	78.80	
Hispanic/White	65.51	67.08	67.39	66.07	65.23	63.11	
Asian or Pacific Islander/White	47.65	49.02	54.20	47.63	50.39	54.21	

Note 1: Data Sources: Decennial Census

Data Issues

Preliminary

Findings

Note 2: Refer to the Data Documentation for details (www.hudexchange.info).

The dissimilarity index measures the degree to which two groups are evenly distributed across a geographic area. Generally, dissimilarity index values indicate:

0 - 39: low segregation 40 - 54: moderate segregation 55 - 100: high segregation

• These measures do not capture all dimensions of segregation and integration in NYC.

- HPD could apply alternative measures of segregation and integration
- NYC scores in the "high segregation" category for all ethnicities, at all time periods, with the exception of Asian or Pacific Islander/White.
- Within NYC, levels of segregation have remained mostly constant over the last 20 years, with the exception of Asian or Pacific Islander/White, which has become more segregated.
- Within the region, levels of segregation have decreased very slightly, again with the exception of Asian or Pacific Islander/White, which has become more segregated.

4. AFH Data: Disparities in access to opportunities

HUD's five opportunity indicators:

- 1) Access to education
- 2) Employment
- 3) Transportation
- 4) Low poverty exposure
- 5) Environmentally healthy neighborhoods

Table 12 - Opportunity Indicators, by Race/Ethnicity

		School			Low	lobs	
(New York, NY CDBG, HOME, ESG)	Low Poverty	Proficiency	Labor Market		Transportation		Environmental
Jurisdiction	Index	Index	Index	Index	Cost Index	Index	Health Index
Total Population							
White, Non-Hispanic	56.00	63.47	67.03	97.42	93.88	56.05	3.95
Black, Non-Hispanic	32.33	28.62	35.25	97.69	94.16	34.94	3.85
Hispanic	26.86	36.06	36.13	98.06	95.76	42.82	2.80
Asian or Pacific Islander, Non-Hispa	43.45	61.51	54.01	97.63	94.50	51.87	3.73
Native American, Non-Hispanic	34,73	39.40	39.28	97.52	93.85	40.84	4.17

Definition of opportunity indicators:

Higher values for a particular race/ethnicity indicate a greater likelihood that they reside in Census tracts with greater access to that opportunity indicator. The indices values range from 0 to 100. **The higher the value, the greater the access to opportunity.**



4. AFH Data: Disparities in access to opportunities

- Many issues with HUD's opportunity measures, both conceptually and with the data used. Our AFH will likely focus on education, employment and low poverty exposure because measures of transportation access and environmentally healthy neighborhoods are virtually a non-issue, at least in the HUD data
 - Our analysis may include other opportunity indicators, like crime.
 - Black and Hispanic individuals have the lowest likelihood of living in census tracts with low poverty, good schools, and a high labor-market index.
 - Black individuals have less access to good schools than Hispanic individuals, despite having a greater chance of living in a low poverty neighborhood.
 - Regional analysis shows all groups performing better on these indexes than Black individuals, with Hispanics also disproportionately likely to live in tracts with good schools (compared to their exposures to low-poverty neighborhoods, which are equal).



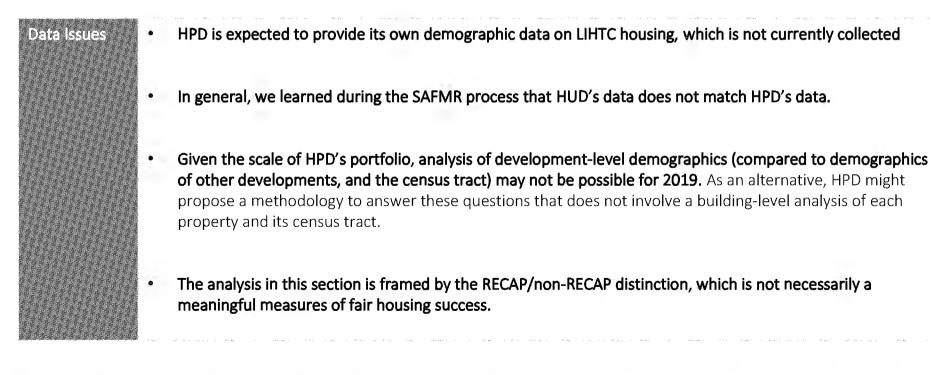
Data Issues

Preliminary Findings

4. AFH Data: Publicly supported housing analysis

HUD provides demographic data on four types of publicly supported housing:

- NYCHA public housing
- Project-based Section 8
- "Other Multifamily" (Section 202, Section 811)
- Housing Choice Vouchers (HCV)



4. AFH Data: Publicly supported housing analysis

- **Overall, publicly supported housing is not concentrated within RECAPs.** Each program has a higher percentage of units in non-RECAPs than in RECAPs. Only 35% of all households are in RECAPs.
 - NYCHA makes up a high proportion of RECAP households: of all measured households in RECAPs, 64% are in NYCHA public housing. Public housing is also the only program with a higher share of Black households and families with children within RECAPs than outside of them.
 - HCV has the lowest share of households (22%) inside of RECAPs compared to other programs. White households make up a larger share of HCV households than any other group (43% of all households).
 - **Hispanic households appear to be underserved by HCV.** Hispanics make up only 12% of HCV households. They are underrepresented compared to their share of the city's low-income and overall population.

(Refer to Appendix slides 34 – 35 for original data tables.)



Preliminary

(excluding LIHTC)

Findings

4. AFH Data: Disparities in access for people with disabilities

Why disability analysis in the AFFH?

- <u>Historical discrimination against people with disabilities</u> that has limited their opportunity to live independently with appropriate supports and required them to live in institutions or other segregated settings.
- <u>"Integration" here means that individuals with disabilities can interact with persons without disabilities to the fullest extent possible</u>, consistent with the requirements of the Americans with Disabilities Act

What is NYC supposed to present?

• <u>To what extent persons with disabilities reside in segregated or integrated settings</u>, as well as the range of options for persons with disabilities to access affordable housing and supportive services in community-based settings.

This section must rely on local data, with significant input from our legal department and perhaps handled by Mayor's Office for Disabilities. Data we need includes:

- Length of wait lists for accessible units in publicly supported housing
- Availability of accessible units in non-publicly supported housing available to HCV participants, whether public funding or tax credits
- Whether accessible units are occupied by households requiring accessibility features
- Whether publicly supported housing is in compliance with accessibility requirements

5. AFH Contributing Factors of Segregation

- Community opposition
- Displacement of residents due to economic pressures
- Lack of community revitalization strategies
- Lack of private investments in specific neighborhoods
- Lack of public investments in specific neighborhoods, including services or amenities
- Lack of regional cooperation
- Land use and zoning laws
- Lending Discrimination
- Location and type of affordable housing
- Occupancy codes and restrictions
- History of segregation in NYC
- Cost to build and cost of available land
- Admissions and occupancy policies and procedures
- Impediments to mobility
- Quality of affordable housing information programs
- Siting selection policies, practices and decisions for publicly supported housing
- Policies that segregate the disabled.

5. AFH Contributing Factors: Contributing factors directly related to HPD's work

Displacement of residents due to economic pressures

• <u>Anti-displacement strategy</u>: Can we justify anti-displacement strategies because rising rents create neighborhoods of opportunity? Do neighborhoods with rising rents always equal neighborhoods of opportunity? We don't know to what locations are residents displaced.

Lack of community revitalization strategies / lack of public investments in specific neighborhoods

- <u>"Siloed" LIHTC developments:</u> our LIHTC developments are not always intentionally sited in neighborhoods as part of broader revitalization strategy, and if they are, this is not clearly defined.
- <u>Concerted community revitalization strategy:</u> Such a strategy would clarify the other public neighborhood investments in that neighborhood that accompany new housing.

Location and type of affordable housing / land-use and zoning laws

- MIH in low-income neighborhoods
- LIHTC potentially concentrated in RECAPs, and who tends to apply to live in LIHTC housing?
- SAFMR: where can voucher holders afford to live?



5. AFH Contributing Factors: Big picture contributing factors

Lack of regional cooperation

- <u>HPD focus on displacement:</u> New York City's focus on keeping residents in the city-may not be justified from a regional fair housing perspective even though it is a major theme of our housing plan.
- <u>Mobility counseling outside NYC?</u> Should the city be using mobility counseling to encourage residents living in low-income neighborhoods to move to suburbs with better performing schools?
- <u>Regional collaboration</u>: Regional collaboration could provide more opportunities to supply affordable housing in high opportunity areas outside of NYC, but too many decisions are out of our control.

History of segregation in NYC

- <u>Past HPD efforts in the South Bronx</u>: For example: justifying the past and present creation of affordable housing in neighborhoods with concentrations of non-white households, which may have perpetuated segregation, but also provided opportunities for households to stay in those neighborhoods.
- <u>Segregation shaped by federal policy</u>: Acknowledging that much of segregation in NYC was created through discriminatory lending practices allowed by the federal government and urban renewal policies.

6. "Balanced Approach" to fair housing

HUD's definition of the "balanced approach":

"HUD supports a balanced approach...that connect housing and community development policy and investment planning with meaningful actions that affirmatively further fair housing."

HUD's examples of the balanced approach include:

- **Reducing disparities in access to community assets**, such as quality schools, employment, and transportation by enhancing opportunity in underserved areas where recent investments have not been made or by providing greater housing choice in areas with existing access to opportunity.
- Using place-based strategies in an area lacking access to opportunity to improve opportunity in that area by investing in community revitalization and preservation of existing affordable housing.
- **Providing significant affordable housing in areas with existing opportunity** that lack affordable housing in order to address segregation.
- A mixed place-based and mobility approach: address a racially or ethnically concentrated area of poverty through both place-based solutions to revitalize the area, as well as solutions that increase mobility for the area's residents.



6. Balanced Approach: HUD's definition of Place-based vs. Mobility-based strategies

Place-Based Strategies

Investments in in racially or ethnically concentrated lowincome neighborhoods.

These types of strategies may include:

- Building rehabilitation as a part of a concerted community revitalization effort
- New construction of mixed income housing designed to integrate R/ECAPs
- **Commercial redevelopment** to attract jobs, access to financial services, grocery stores, and other businesses
- **Government interagency coordination** to address multiple needs including housing, schools, criminal justice, transit, access to health care, etc., to reduce disparities in access to opportunity

Mobility Strategies

Investments that allow residents of segregated areas to move to areas with greater access to opportunity.

These types of strategies may include:

- HCV strategies, including mobility counseling, increased landlord participation, exception rents, regional coordination, etc
- Increasing the stock of scattered site affordable housing in integrated areas and areas of opportunity
- Increasing the availability of affordable housing, including mixed income housing, in areas of opportunity
- Increasing access for individuals with protected characteristics to existing affordable housing in higher opportunity areas

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6. Refining place-based & mobility strategies: City of New York's work in the context of balanced approach

	Housing located in high-opportunity neighborhoods	Housing located primarily in <i>low-income neighborhoods</i>	Housing located in both types of neighborhoods
emand trategies	- Potentially small-area FMR (SAFMR) Section-8 vouchers.	 Section 8 vouchers (non-SAFMR) City-funded vouchers, i.e. LINC 	
upply trategies	 Voluntary Inclusionary 421a (if it is renewed) 	LIHTC 9 percent tax credit projectsProject Based Section-8	 LIHTC 4 percent tax credit projects Mandatory Inclusionary Housing
	- Tax exempt bonds (altogether commonly referred to as 80/20s)	 NYCHA housing generally (though no new units) 	 Preservation efforts Rent stabilized units Non-421a tax-exemptions NYCHA infill projects
			 Supportive housing Other HPD programs (Hunters Point South, Seward Park, etc.)

 Moderate income: M^2 Mix and Match

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7. Concerted Community Revitalization

Two different terms for community development:

- 1. LIHTC statute requires allocating agencies to include a preference for projects in QCTs and contribute to a "concerted community revitalization" (CCR) plan.
 - But statute provides no definition of this term, and states have interpreted it in different ways.
 - City of New York assigns an additional points for projects that that have the following: high performing schools, low crime, or less than 10% poverty.

2. In the AFFH, HUD uses the term "comprehensive community revitalization," defined as:

"Realistic planned activities to improve the quality of life in areas that lack public and private investment, services and amenities, have significant deteriorated and abandoned properties, or other indicators of community distress." Such as:

- Rehabilitating housing
- Offering economic incentives for housing developers/sponsors, businesses
- Securing financial resources to fund housing improvements, community facilities and services, and business
 opportunities in neighborhoods in need of revitalization
- *Preserving affordable housing* when a community is being revitalized to promote integration

7. Concerted Community Revitalization: Questions for further discussion

- What types of neighborhood indicators and community development plans should HPD consider when financing affordable housing?
 - Possible indicators include: Education, Transportation, Public safety, Health, Employment, Market Context, but the choice is local
 - Such a plan would not only invest in neighborhoods with these attributes but consider them as part of the decision to site affordable housing.
- Scale: At what scale should we consider a CCR strategy? (e.g. community district, or more local?)
- **Prioritization**: How to weigh or prioritize certain CCR components over others? (e.g. the relative value of transit access vs. school quality)
- **QCT/DDA interaction:** How does a CCR strategy interact with static policies, such as qualified Census Tract (QCT) / Designated Development Area (DDA) designation and the basis boost?
- Integrating CCR into the AFH: Although CCR is specific to LIHTC and the QAP, how can we integrate the concept into other types of housing investments, and documents such as the AFH?



8. Next Steps

Next steps in the AFH process:

- 1. NYCHA/regional submission decision
- 2. Other inter-agency coordination
- 3. Community engagement

How to use the AFH:

- 1. Set fair housing goals for HPD and the City:
 - Comprehensive analysis of federally funded housing program outcomes
 - Pair housing with other needed investments
- 2. Propose new policies, such as:
 - Including concerted community revitalization and fair housing goals in LIHTC underwriting
 - Regional collaboration to improve access to opportunity
- 3. Use as opportunity to create better measurement tools:
 - Compile demographic data on publicly supported housing
 - Create better, more meaningful, and more consistent measures of low and high opportunity areas

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9. Appendix

- 1. AFH submission requirements
- 2. Contributing factors case studies of particularly challenging examples
- 3. Concerted community revitalization (CCR) draft framework
- 4. AFH tables and maps:
 - Regional map area
 - School proficiency index
 - Labor market index
 - Opportunity indicators by race/ethnicity
 - Publicly supported housing residents by race/ethnicity
 - RECAP and non-RECAP demographics by housing type
 - Examples of map-based questions
 - Local data on people with disabilities



9. Appendix: AFH submission requirements

1. Fair Housing Analysis

- A. Demographic Summary
- B. General Issues
 - i. Segregation/Integration
 - ii. Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs)
 - iii. Disparities in Access to Opportunity
 - iv. Disproportionate Housing Needs
- C. Publicly Supported Housing Analysis
- D. Disability and Access Analysis
- E. Fair Housing Enforcement, Outreach Capacity, and Resources Analysis

2. Community Participation Process

- A. Public hearing + comment period
- B. More extensive public outreach than previously required for the Consolidated Plan submission
- C. Must encourage participation of traditionally underrepresented communities

3. Fair Housing Goals and Priorities

- A. Establish metrics, milestones, and timeframe for achievement
- B. Identify responsible program participants (e.g. specific City agencies)

Community opposition

- Difficulty: High
- Issues: Securing community buy-in for fair housing is very difficult.
 - Both low and higher income areas don't necessarily support integration (AMIs not low enough vs. AMIs are too low)
 - For publicly supported housing: Opposition can be high in higher opportunity areas (e.g. Queens, Staten Island) except for senior housing.
 - However, many communities also advocate for low income housing siting

Displacement of residents due to economic pressures

- *Difficulty:* High
- Issues: Implications for preservation strategy: justify anti-displacement because gentrification creates neighborhoods of opportunity? Or justify through balanced approach.
 - Gentrifying neighborhoods = neighborhoods of opportunity? Need a finer measure of opportunity/what neighborhoods would qualify for alignment with fair housing goals.
 - To where are residents being displaced?
 - Debate about the extent of gentrification and whether it's always bad for existing residents.



Lack of community revitalization strategies

- Difficulty: Moderate
- Issues: Revitalization as gentrification
 - Over-investment in building housing in low-income neighborhoods: New York City could be accused by some fair housing advocates as being overly focused on low-income communities instead of providing access to opportunity.
 - "Siloed" LIHTC developments not necessarily situated in places as part of broader revitalization strategy.

Lack of public investments in specific neighborhoods, including services or amenities

- Difficulty: High (for schools). Also not HPD's role coordinate with DOE
 - Huge disparities in schools, especially pronounced for LIHTC developments
 - Huge disparities in public safety across neighborhoods, with LIHTC projects, and subsidized housing generally, built in less safe neighborhoods, and with access to worse schools than other subsidized housing.
 - "CCR" strategy would ensure that new housing is accompanied by other neighborhood investments



Lack of regional cooperation

- Difficulty: Very high
- *Issues:* New York City's focus on keeping residents in the city, while justified from a city perspective, may not be justified from a fair housing perspective.
 - Should the city be using mobility counseling and encouraging residents living in low-income neighborhoods to move to suburbs outside NYC w/ better schools? What types of resources are lost when families leave the city (social, institutional etc.)
 - Regional collaboration could provide more opportunities to build affordable housing in high opportunity areas outside of NYC
 - NY State does not have requirements for jurisdictions to build affordable housing (as in NJ), but this is out of our control

Land use and zoning laws

- Difficulty: High
- Issues: MIH targeting low-income neighborhoods
 - Exclusionary Zoning in NYC
 - Exclusionary zoning outside NYC



Location and type of affordable housing

- Difficulty: Very high
- *Issues:* Disproportionate LIHTC developments in R/ECAPS. Where are we building it? demographically, who applies to live in LIHTC housing?
 - Where can voucher holders afford to live?
 - Public housing in disproportionately low-income neighborhoods.
 - MIH in low-income neighborhoods.
 - History of New York City building affordable housing in low-income neighborhoods (i.e. South Bronx).
 - Definition above seems to incorporate both naturally occurring affordable housing and subsidized affordable housing.

History of segregation in NYC

- *Difficulty:* High
- Issues:
 - Justifying past and present creation of affordable housing in minority neighborhoods (i.e. the Bronx) which may perpetuate segregation.
 - Acknowledging that much of segregation in NYC was created through federal policies (redlining, urban renewal).



9. Appendix: Concerted community revitalization

HPD draft framework:

What does affordable housing contribute to a broader CCR strategy?

Project Type	Immediate benefit	Direct benefit	Indirect benefit
New Construction	-High quality housing	-Develops vacant lots	-Displacement prevention (MIH)
	-New community space or facilities	-Provides housing stability	-Promote economic diversity (depending on context)
			-Promote private investment and increased property values
Preservation	-Improved housing quality through rehabilitation	-Provides housing stability	-Displacement prevention
			-Promote economic diversity (gentrifying or high opportunity neighborhoods)
			-Promote private investment and increased property values



9. Appendix: Concerted community revitalization

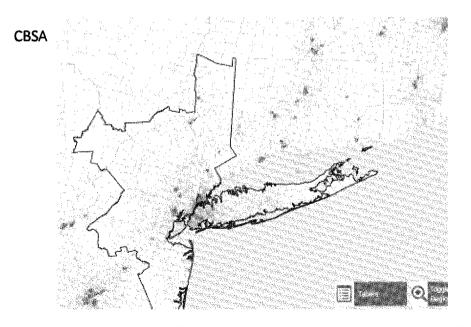
HPD draft framework:

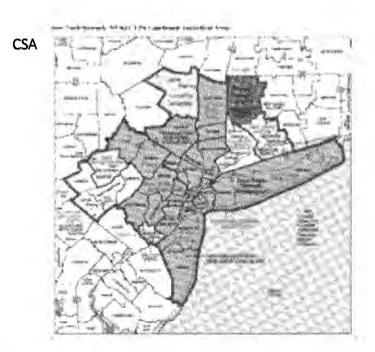
HPD could work to understand more about these attributes at the neighborhood level in order to rationalize and explain our investment decisions at the development level:

- <u>Education</u>: Quality of existing schools, investment in new schools, after-school opportunities.
- <u>Transportation</u>: existing and planned transit access
- <u>Public safety</u>: trends in crime, street lighting, public space/park improvements
- <u>Health</u>: access to and quality of medical facilities/parks/rec facilities/FRESH zones
- <u>Employment</u>: investment in local econ development, job training, local hiring, access to jobs
- <u>Market Context</u>: neighborhood gentrifying, with loss of affordable housing? Existing affordable?
- <u>Other neighborhood amenities</u>: cultural institutions retail, non-profits, existing plans/activism

9. Appendix: Determining the appropriate region

- The AFH requires an analysis at the jurisdictional *and* regional levels.
- HUD uses "Core Based Statistical Area" (CBSA) that excludes Connecticut entirely but includes parts of NJ.
- The Combined Statistical Area (CSA), for example, would include parts of Connecticut.





9. Appendix: School proficiency index

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Name: Map 9 - Demographics and School Proficiency

Description: School Proficiency Index for Jurisdiction and Region with racerethnicity, national origin, family status, and R/ECAPs Jurisdiction: New York (CDBG, HOME, ESG)

Region: New York-Newark-Jersey City, NY-NJ-PA

Demographics 2010 1 Dot = 75 People Black, Non-Hispanic Hispanic

School Proficiency Index

0 - 10
10.1 - 20
20.1 - 30
30.1 - 40
40.1 - 50
50.1 - 60
60 1 - 70
70.1 - 80
60.1 - 90
90.1 - 100

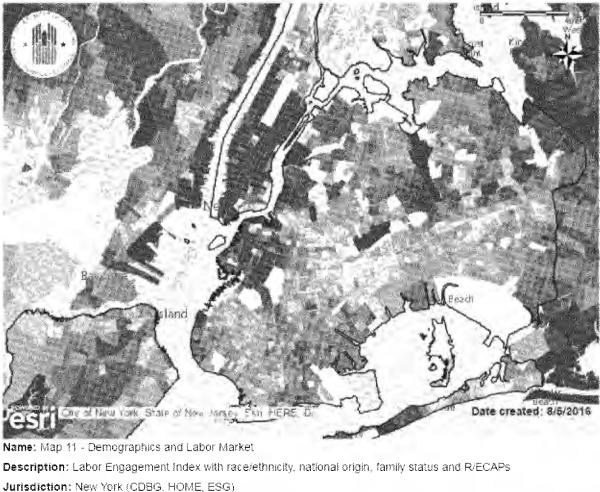
School Proficiency Index is determined based on the performance of 4th grade elementary students on state exams.

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9. Appendix: Labor market index

Region: New York-Newark-Jersey City, NY-NJ-PA

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



70.1 - 80 80.1 - 90 90.1 - 100 The Labor Market Index measures unemployment rate, labor-force participation rate, and percent of the population age 25 and above with at least a bachelor's degree, by census tract. Darker indicates a higher

labor market index.

Labor Market Index

0 - 10 10.1 - 20 20.1 - 30 30.1 - 40 40.1 - 50 50.1 - 60 60.1 - 70

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9. Appendix: Racial / ethnic breakdown by housing type

	Race/Ethnicity									
(New York, NY CDBG, HOME, ESG) Jurisdiction	White		Black		Hispan	le	Asian or Islanc	이 가까지 갑작지		
Housing Type	#	%	#	%	#	%	#	%		
Public Housing	8,245	4,94	75,552	45.28	75,576	45.29	7,457	4.47		
Project-Based Section 8	6,111	13.18	14,307	30.86	23,050	49.71	2,725	5.88		
Other Multifamily	1,735	17.12	3,349	33.04	3,539	34.92	1,488	14.68		
HCV Program	51,548 🔇	42.96	\$ 50,736	42.28	14,897 🔇	12.41	2,165	1.80		
0-30% of AMI	182,985	26.15	181,195	25.89	249,070	35.59	73,500	10.50		
0-50% of AMI	274,935	24.54	285,300	25.46	381,530	34.05	122,580	10.94		
0-80% of AMI	437,590	26.96	419,905	25.87	521,530	32.13	177,300	10.92		
(New York, NY CDBG, HOME, ESC	2,722,904	33.31	1,861,295	22.77	2,336,076	28.58	1,030,914	12.61		
Note 1: Data Sources: Decennial C	ensus; APSH; C	HAS				************************				
Note 2: #s presented are number:	s of households	not indiv	iduals.							
Note 3: Refer to the Data Docume	ntation for det	ails (www	hudexchange.i	nfo).						

Table 6 - Publicly Supported Housing Residents by Race/Ethnicity

Percentage values indicate share of households of each race/ethnicity in each housing type.



9. Appendix: Demographic breakdown by RECAP / non-RECAP

Table 7 - R/ECAP and Non-R/ECAP Demographics by Publicly Supported Housing Program Category

(New York, NY CDBG, HOME,	Total # units		% with a				% Asian or	% Families
ESG) Jurisdiction	(occupied)	% Elderly	disability*	% White	% Black	% Hispanic	Pacific Islander	with children
Public Housing								
R/ECAP tracts	81,156	35.27	21.07	4.59	48.85	42.58	3.95	37.20
Non R/ECAP tracts	89,301	39.46	22.73	5.26	42.03	47.75	4.93	33.25
Project-based Section 8				and the second				
R/ECAP tracts	13,185	38.18	15.03	2.54	28.66	68.34	>	34.40
Non R/ECAP tracts	37,896	51.49	15.07	17.33	31.71	42.44	8.00	23.95
Other HUD Multifamily								
R/ECAP tracts	4,544							
Non R/ECAP tracts	11,072	83.37	8.67	17.30	29.23	36.03	17.17	
HCV Program				Same Sugar Station				
R/ECAP tracts	28,122	22.55	24.85	33.92	> 48.03	C 16.59	> 1.02	45.44
Non R/ECAP tracts	106,261	32.80	30.88	45.50	40.77	11.15	2.01	37.60
Note 1: Disability information is	often reported	for heads	of househol	d or spous	e/co-head	d only. Here,	the data reflect i	information
on all members of the househol	d.							
Note 2: Data Sources: APSH								

Note 3: Refer to the Data Documentation for details (www.hudexchange.info).

Percentage values indicate share of households of each demographic group in RECAP/non-RECAP, in each housing type.

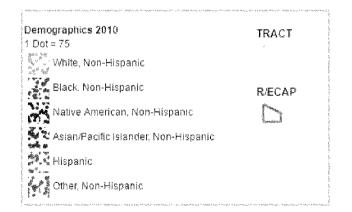


9. Appendix: Map-based questions

Central Brooklyn: Project-based Section 8 (top) and NYCHA public housing (bottom)



- Maps show siting of housing in segregated areas, in or adjacent to RECAPs, although not exclusively.
- Maps do not reflect volume of units



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9. Appendix: Map-based questions

Central Brooklyn: HCV use rate by census tract



- High HCV concentration does not always occur inside RECAPs, but often in close proximity.
- High voucher (but not RECAP) concentration in predominantly white areas.

Demographics 2010	TRACT	Perce
1 Dot = 75	I FXAG I	
White, Non-Hispanic		
Black, Non-Hispanic	R/ECAP	
Native American. Non-Hispanic	Constrained in the second	
Asian/Pacific Islander, Non-Hispanic		
Hispanic		
Other, Non-Hispanic		
Enclary and a local mean memory and a strained among pression with a strained and used and a strained and an original	INVESTIGATION STATEMENT OF AND ADDRESS STATEMENTS	S Strangerous and

Percent Voucher Units
< 5.72 %
5.73 % - 11.18 %
11.19 % - 19.01 %
19.02 % - 39.01 %
> 39.01 %

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9. Appendix: Local data on people with disabilities

This section must rely on local data, perhaps handled by Mayor's Office for Disabilities.

Data we would need:

- length of wait lists for accessible units in publicly supported housing,
- availability of accessible units in non-publicly supported housing available to HCV participants, whether public funding (e.g. CDBG funds) or tax credits are available for reasonable modifications in rental units and/or for homeowners,
- whether accessible units are occupied by households requiring accessibility features,
- whether publicly supported housing is in compliance with accessibility requirements.

Data Source for HUD provided data:

American Community Survey (ACS), 2009-2013; Inventory Management System (IMS)/ PIH Information Center (PIC), 2013; Tenant Rental Assistance Certification System (TRACS), 2013



Affirmatively Furthering Fair Housing: A Guide to NYC's Submission and Potential Issues

Strategic Planning August 2016 THIS IS A DRAFT DOCUMENT NOT FOR DISTRIBUTION

Department of Housing Preservation & Development

NYC_0105010

Presentation overview

Introduction

- 1. What are the CLARIFIED AFFH requirements?
- 2. Overview of RECENT STRATEGY, RESEARCH, AND COMMUNICATONS' fair housing WORK

Assessment of Fair Housing – Broad Topics

- 1. AFH submission requirements
- 2. Issues with HUD's metrics
- 3. The "balanced approach" to fair housing
- 4. Supply strategies in low-income neighborhoods ("place-based" strategies)
- 5. Defining comprehensive community revitalization
- 6. HPD's role in comprehensive community revitalization

Assessment of Fair Housing – Preliminary ANALYSIS

- 1. Segregation / Integration trends
- 2. Contributing factors of segregation, RECAPs, and patterns of publicly supported housing location and occupancy
- 3. Disparities in access to opportunities
- 4. Publicly supported housing analysis
- 5. Access to opportunity for people with disabilities
- 6. Next steps

Appendix: Analysis of high priority contributing factors



What is Affirmatively Furthering Fair Housing (AFFH)?

HUD funding recipients have an obligation to reduce barriers to fair housing, as established by the Fair Housing Act of 1968.

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HUD's Final Rule on Affirmatively Furthering Fair Housing, released July 16, 2015:

- Seeks to enhance the capacity of HUD grantees to incorporate fair housing objectives into their work
- Outlines a "balanced approach" that allows for both mobility and place-based strategies
- Requires grantees to create an Assessment of Fair Housing (AFH) report designed to diagnose fair housing issues and guide investment decisions



What does NYC have to do and when?

Assessment of Fair Housing (AFH)

- Initial submission due February 18, 2019 (270 days prior to submission deadline for the next Consolidated Plan)
- Requires extensive analysis of federally funded housing, including NYCHA public housing, Housing Choice Vouchers, LIHTC, Project-based Section 8, Other HUD multifamily housing
- Significant community outreach and participation requirements
- Coordination with NYCHA and other City agencies



STRATEGY, RESEARCH, AND COMMUNICATIONS Fair housing efforts TO DATE and related projects

AFH PRELIMINARY preparation

- Identify major data issues
- Highlight potential political / legal concerns

• Enterprise fair housing working group

- Two meetings so far with Enterprise and advocates
- Third meeting will address QAPs and prioritization "concerted community revitalization" factors

Community District preference

- Ongoing background research and preparation

• HPD Regulatory Compliance

- Use of fair housing funds for future trainings or educational materials

SAFMR comments

- Lack of policy alignment with AFFH



What is REQUIRED TO SUBMIT?

1. Fair Housing Analysis

- A. Demographic Summary
- **B. General Issues**
 - i. Segregation/Integration
 - ii. Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs)
 - iii. Disparities in Access to Opportunity
 - iv. Disproportionate Housing Needs
- C. Publicly Supported Housing Analysis
- D. Disability and Access Analysis
- E. Fair Housing Enforcement, Outreach Capacity, and Resources Analysis

2. Community Participation Process

- A. Public hearing + comment period
- B. More extensive public outreach than previously required for the Consolidated Plan submission
- C. Must encourage participation of traditionally underrepresented communities

3. Fair Housing Goals and Priorities

- A. Establish metrics, milestones, and timeframe for achievement
- B. Identify responsible program participants (e.g. specific City agencies)

Issues with HUD metrics

Problems with RECAPs as one of main units of analysis:

- 40% threshold and non-RECAP areas, including spillover effects.
- Public housing in RECAPs
- Propose our own definition of opportunity?

Development-level demographics:

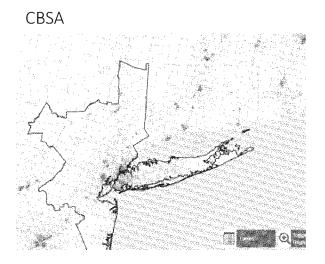
- Given the scale of NYC's housing programs, analyzing each project individually is not realistic
- LIHTC demographic data not collected
- HPD will need to propose a methodology to answer these questions that does not involve a buildinglevel analysis of each property and its census tract. This could involve a comparison of the averagedevelopment demographic breakdown to that of the average census tract.
- Also questions of whether we're examining expected/actual tenants.



Issues with HUD metrics

Determining the appropriate region:

HUD suggests "Core Based Statistical Area" that excludes Connecticut entirely but includes most of NJ.
 Combined Statistical Area would include parts of Connecticut.





Other issues:

- Census undercounting
- Implications of Community District preference





The "balanced" approach

HUD's definition of the "balanced approach:"

"HUD supports a balanced approach to affirmatively furthering fair housing...which encourages a variety of activities that connect housing and community development policy and investment planning with meaningful actions that affirmatively further fair housing."

HUD's examples of the balanced approach include:

- Reducing disparities in access to community assets, such as quality schools, employment, and transportation by enhancing opportunity in underserved areas where recent investments have not been made or by providing greater housing choice in areas with existing access to opportunity.
- Using place-based strategies in an area lacking access to opportunity to improve opportunity in that area by investing in community revitalization and preservation of existing affordable housing.
- **Providing significant affordable housing in areas with existing opportunity** that lack affordable housing in order to address segregation.
- A mixed place-based and mobility approach: address a racially or ethnically concentrated area of poverty through both place-based solutions to revitalize the area, as well as solutions that increase mobility for the area's residents.



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HPD's work in the context of the "balanced approach"

	Housing located in high-opportunity neighborhoods	Housing located primarily in <i>low-income</i> neighborhoods	Housing located in both types of neighborhoods
Demand strategies	-Potentially small-area FMR (SAFMR) Section-8 vouchers.	-Section-8 vouchers (non-SAFMR) -City-funded vouchers, i.e. LINC	
Supply strategies	- Voluntary inclusionary zoning -421a (if it is renewed) -80/20 projects a. Tax exempt bonds	 - LIHTC 9 percent tax credit projects -Project Based Section-8 -NYCHA housing generally (though no new units) 	 LIHTC 4 percent tax credit projects (tax-exempt bond financing) Mandatory inclusionary HOUSING Preservation efforts Rent stabilized units Non-421a tax-exemptions NYCHA infill projects Supportive housing Other HPD programs (Hunters Point South, Seward Park, etc.)
		10	-Moderate income: M^2 Mix and Match

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Supply strategies in low-income neighborhoods: Different terms for community development

1. LIHTC statute requires states to include a preference for projects in QCTs and contribute to a "<u>concerted</u> <u>community revitalization</u>" (CCR) plan.

- But statute provides no definition of this term, and states have interpreted it in disparate ways.
- New York has no definition.

2. In the AFFH, HUD uses the term "comprehensive community revitalization", defined as:

"Realistic planned activities to improve the quality of life in areas that lack public and private investment, services and amenities, have significant deteriorated and abandoned properties, or other indicators of community distress." Such as:

- Rehabilitating housing.
- Offering economic incentives for the revitalization effort.
- Securing financial resources to fund housing improvements, community facilities and services, and business opportunities in neighborhoods in need of revitalization.
- When a community is being revitalized, the preservation of affordable housing units can be a strategy to promote integration.



Comprehensive Community Revitalization HPD draft definition

What does HPD housing contribute to a broader CCR strategy?

Project Type	Immediate benefit	Direct benefit	Indirect benefit
New Construction	-High quality housing	-Develops vacant lots	-Displacement prevention (MIH)
	-New community space or facilities	-Provides housing stability	-Promote economic diversity (depending on context)
			-Promote private investment and increased property values
Preservation	-Improved housing quality through rehabilitation	-Provides housing stability	-Displacement prevention
			-Promote economic diversity (gentrifying or high opportunity neighborhoods)
			-Promote private investment and increased property values

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Comprehensive Community Revitalization HPD draft definition

HPD should identify neighborhoods with these attributes and consider financing affordable housing in them:

- Education: Quality of existing schools, investment in new schools, after-school opportunities.
- *Transportation:* existing and planned transit access
- *Public safety:* trends in crime, street lighting, public space/park improvements
- *Health:* access to and quality of medical facilities/parks/rec facilities/FRESH zones
- *Employment:* investment in local econ development, job training, local hiring, access to jobs
- *Market Context*: neighborhood gentrifying, with loss of affordable housing? Existing affordable?
- Other neighborhood amenities: cultural institutions retail, non-profits, existing plans/activism

Such a plan would not only invest in neighborhoods with these attributes but consider them as part of the decision to site affordable housing.

Questions for further discussion on Comprehensive Community Revitalization strategy

- At what scale should we consider a CCR strategy? (e.g. community district or smaller?)
- *How to weigh or prioritize certain CCR components* over others? (e.g. transit access vs. school quality)
- How does a CCR strategy interact with Qualified Census Tract (QCT) / Designated Development Area (DDA) designation and the basis boost?
- Although CCR is specific to LIHTC and the QAP, how can we integrate the concept into other types of housing investments, and documents such as the AFH?



Segregation/Integration trends

Table 3 - Racial/Ethnic Dissimilarity Trends

	(New York, NY CDBG, HOME, ESG) Jurisdiction			(New York-Newark-Jersey City, NY- NJ-PA CBSA) Region				
Racial/Ethnic Dissimilarity Index	1990	2000	2010	1990	2000	2010		
Non-White/White	67.72	66.11	65.66	65.97	63.53	61.73		
Black/White	83.45	83.12	83.36	80.30	78.88	78.80		
Hispanic/White	65.51	67.08	67.39	66.07	65.23	63.11		
Asian or Pacific Islander/White	47.65	49.02	54.20	47.63	50.39	54.21		

Note 1: Data Sources: Decennial Census

Note 2: Refer to the Data Documentation for details (www.hudexchange.info).

Findings:

- NYC scores in the "high segregation" category for all ethnicities, at all time periods, with the exception of Asian or Pacific Islander/White
- Within NYC, the levels of segregation have remained mostly constant over the last 20 years, with the exception of Asian or Pacific Islander/White which has become more segregated.
- Within the region, levels of segregation have decreased slightly, again with the exception of Asian or Pacific Islander/White which has become more segregated

The dissimilarity index measures the degree to which two groups are evenly distributed across a geographic area.

Generally, dissimilarity index values between

(

2

<u>) - 39</u> : low segregation
4 <u>0 – 54</u> : moderate segregation
<u>55 – 100</u> : high level of segregation

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Contributing factors of segregation, RECAPs, and patterns of public housing

Definition of "contributing factors of segregation, RECAPs, and patterns of public housing: "Why members of particular protected classes may experience restricted housing choice due to segregation, R/ECAPs, disparities in access to opportunity, disproportionate housing needs, or other fair housing issues."

Under the AFFH rule, program participants must:

- Identify fair housing issues and significant contributing factors;
- *Prioritize contributing factors,* giving highest priority to those factors that limit or deny fair housing choice or access to opportunity or negatively impact fair housing or civil rights compliance;
- Set priorities and goals to address the identified contributing factors and related fair housing issues.



List of contributing factors of segregation (see appendix)

- Community opposition
- Displacement of residents due to economic pressures
- Lack of community revitalization strategies
- Lack of private investments in specific neighborhoods
- Lack of public investments in specific neighborhoods, including services or amenities
- Lack of regional cooperation
- Land use and zoning laws
- Lending Discrimination
- Location and type of affordable housing
- Occupancy codes and restrictions
- History of segregation in NYC
- Cost to build and cost of available land
- Admissions and occupancy policies and procedures
- Impediments to mobility
- Quality of affordable housing information programs
- Siting selection policies, practices and decisions for publicly supported housing
- Policies that segregate the disabled.



Disparities in access to opportunities

The AFH requires an analysis of "disparities in access to opportunity"

Defined as: "how a person's place of residence, locations of different opportunities, and related policies contribute to fair housing issues on the basis of protected class." HUD's five main factors:

- 1) Access to education
- 2) Employment
- 3) Transportation
- 4) Low poverty exposure
- 5) Environmentally healthy neighborhoods

Our AFH will focus on access to education, employment, and low poverty exposure, because measures of transportation access and environmentally healthy neighborhoods ARE VIRTUALLY A NON-ISSUE, AT LEAST IN THE DATA provided by HUD.



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School Proficiency Index

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Name: Map 9 - Demographics and School Proficiency

Description: School Proficiency Index for Jurisdiction and Region with racerethnicity, national origin, family status, and R/ECAPs

Jurisdiction: New York (CDBG, HOME, ESG)

Region: New York-Newark-Jersey City, NY-NJ-PA

Demographics 2010 1 Dot = 75 People Black, Non-Hispanic Hispanic

Index

Scho	ol Proficiency
	0 - 10
	10.1 - 20
	20.1 - 30
è.	30.1 - 40
1	40.1 - 50
	50.1 - 60
-	60 1 - 70
1	70.1 - 80
	80.1 - 90
	90.1 - 100

School Proficiency Index is determined based on the performance of 4th grade elementary students on state exams.

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Labor market index

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Description: Labor Engagement Index with race/ethnicity, national origin, family status and R/ECAPs Jurisdiction: New York (CDBG, HOME, ESG)

Region: New York-Newark-Jersey City, NY-NJ-PA

Lab	or Market Index
	0 - 10
illen Even	10.1 - 20
	3 20.1 - 30
	30.1 - 40
\overline{h}	40.1 - 50
	50.1 - 60
63	60.1 - 70
h	70.1 - 80
	80.1 - 90

90.1 - 100

The Labor Market Index measures unemployment rate, labor-force participation rate, and percent of the population age 25 and above with at least a bachelor's degree, by census tract. Darker indicates a higher labor market index.

Confidential

Trends in disparities in access to opportunities

	anananangan anananana anananan anananan anananan	school	
(New York, NY CDBG, HOME, ESG)	Low Poverty Pri	oficiency Labo	n Market
Iurisdiction	Index	Index	Index
Total Population			
White, Non-Hispanic	56.00	63.47	67.03
Black, Non-Hispanic	32.33	28.62	35.25
Hispanic	26.86	36.06	36.13
Asian or Pacific Islander, Non-Hispa	43.45	61.51	54.01
Native American, Non-Hispanic	34.73	39.40	39.28
Population below federal poverty line			
White, Non-Hispanic	37.71	54.92	54.43
Black, Non-Hispanic	20.07	25.59	26.96
Hispanic	17.90	29.53	28.26
Asian or Pacific Islander, Non-Hispa	32.57	56.16	46.67
Native American, Non-Hispanic	21.35	35.52	33.98

Table 12 - Opportunity Indicators, by Race/Ethnicity

Definition of opportunity indicators: Higher values for a particular race/ethnicity indicate a greater likelihood that they reside in Census tracts with greater access to that opportunity indicator. The indices values range from 0 to 100. **The higher the value, the greater the access to opportunity.**

Findings:

- Blacks and Hispanics have the lowest likelihood of living in census tracts with low poverty, good schools, and a high labor-market index.
- Blacks have less access to good schools than Hispanics, despite having a greater chance of living in a low poverty neighborhood.
- Regional analysis (not pictured) shows all groups performing better on these indexes, with Hispanics also disproportionately likely to live in tracts with good-schools than African Americans (compared to their exposure to low-poverty neighborhoods, which are equal)



Publicly supported housing analysis: Racial / ethnic breakdown by housing type

Race/Ethnicity									
(New York, NY CDBG, HOME, ESG) Jurisdiction	White		Black		Hispan	le	Asian or P Island		
Housing Type	#	*	#	%	#	%	Ħ	%	
Public Housing	8,245	4.94	75,552	45.28	75,576	45.29	7,457	4.47	
Project-Based Section 8	6,111	13.18	14,307	30.86	23,050	49.71	2,725	5.88	
Other Multifamily	1,735	17.12	3,349	33.04	3,539	34.92	1,488	14.68	
HCV Program	51,548 🤇	42.96	50,736	42.28	14,897 🔇	12.41	2,165	1.80	Percentage values
0-30% of AMI	182,985	26.15	181,195	25,89	249,070	35.59	73,500	10.50	indicate share of
0-50% of AMI	274,935	24.54	285,300	25.46	381,530	34.05	122,580	10.94	households of each
0-80% of AMI	437,590	26.96	419,905	25.87	521,530	32.13	177,300	10.92	race/ethnicity in eac
(New York, NY CDBG, HOME, ESC	2,722,904	33.31	1,861,295	22.77	2,336,076	28.58	1,030,914	12.61	housing type.
Note 1: Data Sources: Decennial (Census; APSH; C	HAS							and on the second of the second second the second
Note 2: #s presented are number	s of households	not individ	uals.						
Note 3: Refer to the Data Docume	ntation for det	aile fuvuru h	udexchange.i	nfo).					

Table 6 - Publicly Supported Housing Residents by Race/Ethnicity

Findings:

- White households make up a larger share of HCV holders than any other demographic group (43% of all households).
- Hispanics make up only 12% of HCV households. They are underrepresented compared to their share of the city's low-income and overall population.



Publicly supported housing analysis: Demographic breakdown by RECAP / non-RECAP

Table 7 D/ECAD and Non D/ECAD Comparantics by Outlink Comparison Hausing Dragram Catagon

ane consistent consistent and a second and a second and a second second and a second second second second second			disability*	IN BETHER.	70 DIECK	% mispanic	Pacific Islander	with children	
ublic Housing			9001900000.000100009999900000099990			neonne consistentine anno sur said anna su			
R/ECAP tracts	81,156	35.27	21.07	4.59	48.85	42.58	3.95	37.20	
Non R/ECAP tracts	89,301	39.46	22.73	5.26	42.03	47.75	4.93	33.25	
roject-based Section 8				and the second second					
R/ECAP tracts	13,185	38.18	15.03	2.54	28.66	68.34	2	34.40	ge addression an addressionen beranderen an araber bet in Odrabbarnen
Non R/ECAP tracts	37,896	51.49	15.07	17.33	31.71	42.44	8.00	23.95	Percentage values
her HUD Multifamily									indicate share of
R/ECAP tracts	4,544								households of eac
Non R/ECAP tracts	11,072	83.37	8.67	17.30	29.23	36.03	17.17		
CV Program									demographic grou
R/ECAP tracts	28,122	22.55	24.85(33.92	> 48.03	(16.59) 1.02	45.44	RECAP/non-RECAP, in each housing type.
Non R/ECAP tracts	106,261	32.80	30.88	45,50	40.77	11.15	2.01	37.60	
lote 1: Disability information is ofte	en reported	for heads	of household	t or spous	e/co-head	l only. Here,	the data reflect i	nformation	france consequences conserves to accuse was conserved reaction as
n all members of the household.	v			,		y			

Findings:

- Hispanic households have a high concentration in Project-based Section 8 housing overall, but are much more concentrated in RECAPs than other groups.
- White households make up a larger share of all HCV households in RECAPs (compared to Hispanic households). But this may simply reflect the much higher share of white households in the HCV program overall.



Publicly supported housing analysis: Issues with RECAP vs. non-RECAP distinction

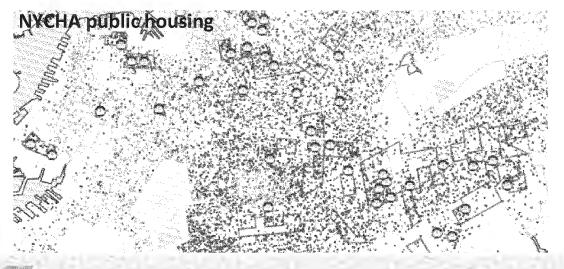
The AFH asks us to compare RECAP vs. non-RECAP demographics, this type of analysis may have limited value in assessing fair housing outcomes of publicly supported housing programs in NYC:

- All programs have a higher number of units in non-RECAPs than in RECAPs.
 - Cumulatively, only 33% of all households in publicly supported housing included in this data are in RECAPs (67% in non-RECAPs).
- HCV has the highest share of units in non-RECAPs.
 - All demographic groups in HCV have a greater proportion of residents in non-RECAPs.
- Public housing has the highest % of units in RECAPs.
 - This could stem from the fact that the very presence of public housing can define a RECAP tract.
- RECAP status for white households is not a meaningful measure. RECAPs by definition cannot have a
 majority of white households.
- Non-RECAP status is not a meaningful measure of opportunity.

Publicly supported housing analysis: Map-based questions

Central Brooklyn



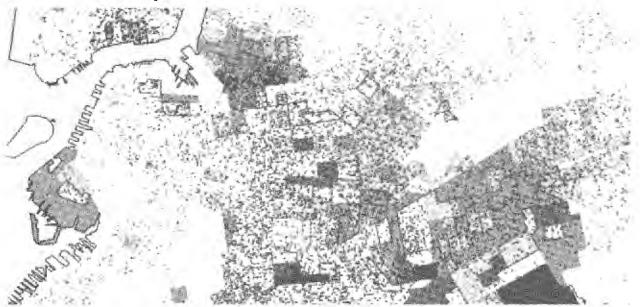


- Maps show siting of housing in segregated areas, in or adjacent to RECAPs, although not exclusively.
- Maps do not reflect volume of units

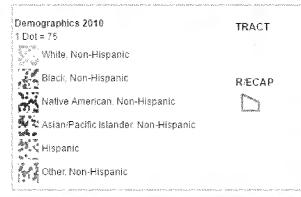
Demographics 2010	TRACT
1 Dot = 75	F K NF K SP K
White, Non-Hispanic	
Black, Non-Hispanic	R/ECAP
Native American, Non-Hispanic	(market and the second
Asian/Pacific Islander, Non-Hispanic	
Hispanic	
Other. Non-Hispanic	
A CONTRACT OF MALE AND ADDRESS OF AN ADDRESS OF ADDRESS	The second s

Publicly supported housing analysis: Map-based questions

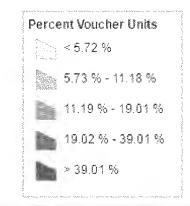
Central Brooklyn



Housing Choice Voucher use rate by census tract



- High HCV concentration does not always occur inside RECAPs, but often in close proximity.
- To the extent that RECAPs are dominated by NYCHA public housing, voucher holders may not be able to live in them anyway.
- High voucher (but not RECAP) concentration in predominantly white areas.



Confidential

Disparities in access for people with disabilities

Why disability analysis in the AFFH?

 Historical discrimination against people with disabilities that has limited their opportunity to live independently in the community with appropriate supports and required them to live in institutions or other segregated settings.

5-KHP Document 916-31 Filed 11/06/2

What is NYC supposed to present?

Assess to what extent persons with disabilities reside in segregated or integrated settings, as well as the range
of options for persons with disabilities to access affordable housing and supportive services in communitybased settings within the jurisdiction and region.



Local data on people with disabilities

This section must rely on local data, perhaps handled by Mayor's Office for Disabilities.

Data we will need:

- » length of wait lists for accessible units in publicly supported housing,
- » availability of accessible units in non-publicly supported housing available to HCV participants, whether public funding (e.g. CDBG funds) or tax credits are available for reasonable modifications in rental units and/or for homeowners,
- » whether accessible units are occupied by households requiring accessibility features,
- » whether publicly supported housing is in compliance with accessibility requirements.
- Data Source for HUD provided data: American Community Survey (ACS), 2009-2013; Inventory Management System (IMS)/ PIH Information Center (PIC), 2013; Tenant Rental Assistance Certification System (TRACS), 2013



Next steps

1. Next steps in process

- a. NYCHA/regional decision
- b. Other inter-agency coordination
- c. Community engagement

2. Policy recommendations that could come out of AFH

- a. How to use the AFH
 - Set program-specific fair housing goals
 - Compile demographic data on publicly supported housing
- b. Better or more meaningful measures of low and high opportunity areas



Appendix: High priority contributing factors

Community opposition

- *Difficulty*: High
- *Issues:* Securing community buy-in for fair housing is very difficult.
 - Groups on *both* sides don't necessarily support integration (anti-displacement, ethnic solidarity).

5-KHP Document 916-31 File

- For Public housing: Opposition can be high in higher opportunity areas (e.g. Queens, Staten Island) except for senior housing
 - However, many communities also advocate for low income housing siting

Displacement of residents due to economic pressures

- *Difficulty:* High
- *Issues:* Implications for preservation strategy: justify anti-displacement because gentrification creates neighborhoods of opportunity? Or justify through balanced approach.
 - Gentrifying neighborhoods = neighborhoods of opportunity? Need a finer measure of opportunity/what neighborhoods would qualify for fair housing.
 - Where are residents being displaced to?
 - Debate about the extent of gentrification and whether it's always bad for existing residents.

High priority contributing factors

Lack of community revitalization strategies

- *Difficulty*: Moderate
- Issues: Revitalization as gentrification
 - Over-investment in building housing in low-income neighborhoods: New York City could be accused by some fair housing advocates as being overly focused on low-income communities instead of providing access to opportunity.
 - "Siloed" LIHTC developments not necessarily situated in places as part of broader revitalization strategy.

Lack of public investments in specific neighborhoods, including services or amenities

- *Difficulty*: high (for schools). *Also not HPD's role coordinate with DOE*
 - Huge disparities in schools, esp pronounced for LIHTC developments
 - Huge disparities in public safety across neighborhoods, with LIHTC projects, and subsidized housing generally, built in less safe neighborhoods, and with access to worse schools than other subsidized housing.
 - "CCR" strategy would ensure that new housing is accompanied by other neighborhood investments



High priority contributing factors

Lack of regional cooperation

- Difficulty: Very high
- *Issues:* New York City's focus on keeping residents in the city, while justified from a city perspective, may not be justified from a fair housing perspective.
 - Should the city be using mobility counseling and encouraging residents living in low-income neighborhoods to move to suburbs outside NYC w/better schools? What types of resources are lost when families leave the city (social, institutional etc.)
 - Regional collaboration could provide more opportunities to build affordable housing in high opportunity areas outside of NYC
 - NY State does not have requirements for jurisdictions to build affordable housing (as in NJ), but this is out of our control

Land use and zoning laws

- Difficulty: High
- *Issues:* MIH targeting low-income neighborhoods
 - Exclusionary Zoning in NYC
 - Exclusionary zoning outside NYC

High priority contributing factors

Location and type of affordable housing

- *Difficulty :* Very high
- *Issues:* Disproportionate LIHTC developments in R/ECAPS. Where are we building it? Who tends to apply to LIHTC?
 - Where can voucher holders afford to live?
 - Public housing in disproportionately low-income neighborhoods.
 - MIH in low-income neighborhoods.
 - History of New York City building affordable housing in low-income neighborhoods (i.e. South Bronx).
 - Definition above seems to incorporate both naturally occurring affordable housing and subsidized affordable housing.

History of segregation in NYC

- Difficulty: High
- Issues:
 - Justifying past and present creation of affordable housing in minority neighborhoods (i.e. the Bronx) which may perpetuate segregation.
 - Acknowledging that much of segregation in NYC was created through federal policies (redlining, urban renewal).

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1

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK -----X JANELL WINFIELD, TRACEY STEWART and SHAUNA NOEL, Plaintiffs, -against-Civil Action No.: 15-CV-5236 (LTS)(KHP) CITY OF NEW YORK, Defendant. _____X VIDEOTAPED DEPOSITION OF MATTHEW PETER MURPHY New York, New York March 16, 2018 9:28 a.m. Reported by: JUDITH CASTORE, CLR Job No. 53970

Case 1:15-cv-05236-LTS-KHP Document 916-32 Filed 11/06/20 Page 2 of 6

122 1 MURPHY 2 This is an e-mail from you to 3 Mr. Capperis? 4 А Yes. 5 It's not dated. Are you able Q 6 to tell the period? 7 А Well, because I can't see the 8 date, I don't know the exact time 9 period. But from what is discussed 10 here, it was likely to be summer of 11 2017 or before that. 12 Again, to go by the metadata 0 13 that was included with its production, 14 there is a -- there's a sort date of 15 July 2016, July 12, 2016. 16 Does that make sense? 17 А That's -- yeah, that's 18 possible, yeah. Or that makes sense, 19 yes. 20 0 And is this the same 21 Community Preference working group that 22 we have been -- you said there wasn't a 23 Community Preference working group. 24 What's this? 25 MS. SADOK: Objection.

> DAVID FELDMAN WORLDWIDE, INC. - A VERITEXT COMPANY 330 Old Country Road - Ste. 300, Mineola, NY 11501 1.800.727.4396

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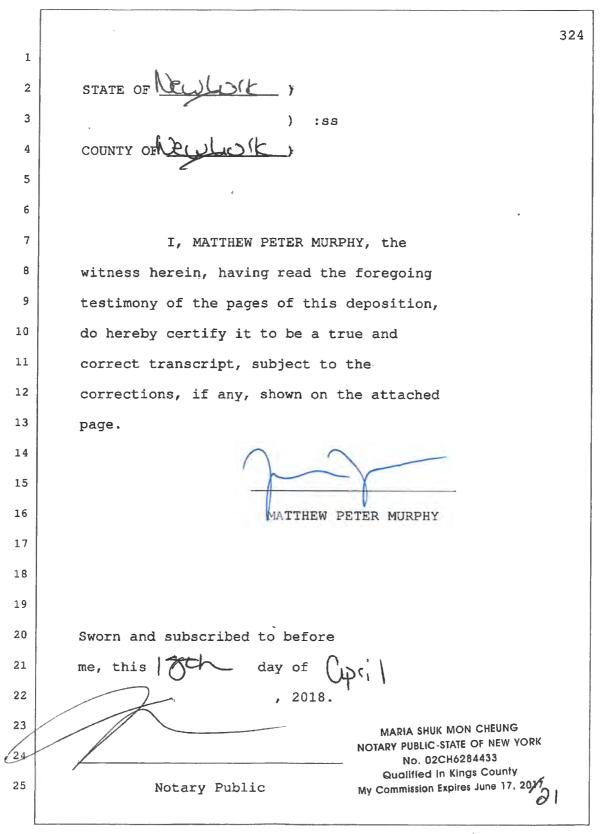
215 1 MURPHY 2 neighborhood they feel like they know. 3 0 So I just want to make sure 4 we're talking about current day. Ι 5 appreciate the history lesson, but in 6 today's New York there are people --7 not everybody, but there are people 8 both in white neighborhoods and in 9 neighborhoods dominated by other racial 10 groups that -- where racial change or 11 the prospect of racial change makes 12 them feel uncomfortable; is that right? 13 MS. SADOK: Objection. 14 Again, I can't speak for Α 15 every resident. I think it's likely 16 and I think people correlate that 17 change to development, new housing 18 development. So as a result they 19 oppose housing development, especially 20 Affordable Housing development. 21 Q Is there anything politically 22 sensitive about broaching the idea of 23 desegregating neighborhoods that are 24 currently segregated by race or 25 ethnicity?

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216 1 MURPHY 2 MS. SADOK: Objection. 3 А I believe so, yes, especially 4 voting against Affordable Housing 5 projects. 6 MR. GURIAN: Could you read 7 back both my question and the 8 answer, please. 9 (Whereupon, the record was 10 read.) 11 I would like you to take a 0 12 look at -- actually, before you do 13 that, sorry. 14 You're familiar with the one, 15 O-N-E, Flushing Development in Queens? 16 Α I'm vaguely familiar with it, 17 yes. 18 That was a project where the 0 19 idea was to split Community Preference 20 among three community districts? 21 А Okay. 22 MR. GURIAN: Would you show 23 the witness what's been marked 97, 24 please? 25 Q Do you recognize that as an

> DAVID FELDMAN WORLDWIDE, INC. - A VERITEXT COMPANY 330 Old Country Road - Ste. 300, Mineola, NY 11501 1.800.727.4396

Case 1:15-cv-05236-LTS-KHP Document 916-32 Filed 11/06/20 Page 5 of 6



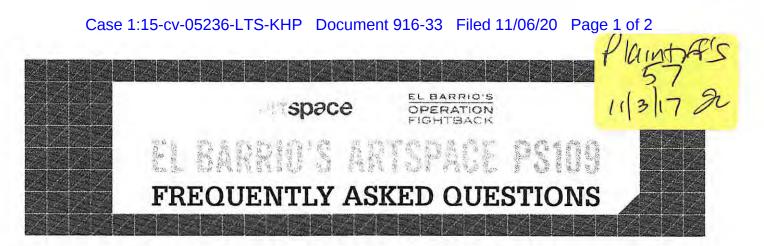
DAVID FELDMAN WORLDWIDE, INC. - A VERITEXT COMPANY 330 Old Country Road - Ste. 300, Mineola, NY 11501 1.800.727.4396

Case 1:15-cv-05236-LTS-KHP Document 916-32 Filed 11/06/20 Page 6 of 6

1 2 CERTIFICATION 3 STATE OF NEW YORK) 4) ss.: COUNTY OF NEW YORK) 5 6 I, JUDITH CASTORE, Shorthand Reporter 7 and Notary Public within and for the State 8 of New York, do hereby certify: 9 That MATTHEW PETER MURPHY, the 10 witness whose deposition is hereinbefore 11 set forth, was duly sworn by me and that 12 this transcript of such examination is a 13 true record of the testimony given by such 14 witness. 15 I further certify that I am not 16 related to any of the parties to this 17 action by blood or marriage and that I am 18 in no way interested in the outcome of 19 this matter. 20 IN WITNESS WHEREOF, I have hereunto 21 set my hand this 19th day of March, 2018. 22 23 24 25

> DAVID FELDMAN WORLDWIDE, INC. - A VERITEXT COMPANY 330 Old Country Road - Ste. 300, Mineola, NY 11501 1.800.727.4396

325



Q: What is El Barrio's Artspace PS109?

PS109 will contain 90 units of affordable live/work housing for artists and their families, and 10,000 square feet of nonresidential space for arts and cultural organizations on the ground floor and lower level. It will serve the El Barrio community by creating permanently affordable housing in a neighborhood at risk of gentrification. To help the area retain its traditional Latino identity, Artspace will reserve at least 50% of the units for current El Barrio residents.

Q: What is the definition of a "live/work" project?

A.* A live/work project is a residential building in which each dwelling has extra space [100 to 150 square feet] that the artist can use as a studio. Live/work units by Artspace have consistent design elements, such as high ceilings, large windows, durable surfaces and wide doorways. These spaces are designed to accommodate and foster a variety of creative processes. Artspace live/work projects also include common spaces such as galleries, meeting rooms and green space that encourage tenant engagement, cooperation and community involvement. Most Artspace live/work projects are mixed-use buildings with housing on the upper floors and non-residential space on the lower floors.

Q: How much does it cost to live in an Artspace project?

A: In setting our rents, we adhere to affordable housing guidelines established by the U.S. Department of Housing and Urban Development. HUD uses a formula based on the local area median income (AMI), the degree of affordability of any given unit (expressed as a percentage of the AMI), the number of bedrooms in the unit, and the number of people in the household. While rents vary by community, our goal is to provide affordable space that is adequate for artists both to live and to work in their units. Artspace buildings provide live/work spaces that are larger than other affordable spaces and usually less expensive than other comparable spaces. And as part of our sustainability model, Artspace buildings remain affordable in perpetuity.

Q: What are the income qualifications for this project?

A: The income qualifications can be found on HPD's website. http://goo.gl/mD9aN

Q: Are these the guidelines for all projects every year?

A: No. The guidelines are set by HPD and change every year.

Q: Are there housing preferences to live at PS109?

A: Yes. The first applications processed must be those that meet one of the approved housing preferences:

- > Non-residents of New York City can only be considered after all eligible, current New York City residents have been processed.
- > Community preference: To help the area retain its traditional Latino identity, Artspace will reserve at least 50% of the units for current El Barrio residents.
- > Disability preference
- > Municipal employee preference
- > Artist preference

Q: Do you have to be an artist to live in an Artspace live/work project?

A: Anyone who qualifies for affordable housing may apply for residency in an Artspace project, but we give preference to those applicants who participate in and are committed to the arts. Applicants need not derive their income from their art.

FREQUENTLY ASKED QUESTIONS

Q: How does Artspace determine who is an artist?

A: We define the term "artist" broadly to encompass a wide variety of creative pursuits, including traditional art forms and those as diverse as clothing design, weaving and even canoe making. A community-based Selection Committee interviews all applicants. The committee looks for evidence that applicants are seriously committed to their art and that they will be mindful and positive contributors to the building and community. The application and qualification process does not include judgment of quality of work.

O: Can I have roommates?

 A^{\star}_{*} An applicant can apply with a roommate ONLY if they were roommates in the past.

Q: Can I be a full time student and head of household?

A: No. A full time student cannot be the head of household. Low-income units in the tax credit program are not to be occupied exclusively by students. For Low-Income housing tax credits, the IRS defines a "student" as a full-time student during five (5) calendar months of the calendar year at an educational institution, other than a correspondence school, with regular faculty and students.

Q: How big are the units?

A: The studio, one bedroom, and two bedroom units range in average from approximately 480 square feet to approximately 980 square feet.

O: Will there be community space available?

A: Yes. There is gallery/exhibition space available for residents.

Q: Is there commercial space for rent?

A: There is space available for rent for non-profits and community organizations. There are two offices dedicated for non-profit organizations as well as flexible use space for community, arts and non-profit organization.

Q: When can I apply and when can I move in?

A: The applications will be available Spring 2014. Qualified applicants selected out of the lottery can move in Fall 2014.

Q: Is there an application fee?

A: There is not an application fee, but there is a credit check fee of \$45.

Q: When will the next information session be?

A: Fall of 2013. Please sign up for the property updates to receive further information once we announce the session.

EL BARRIO'S OPERATION FIGHTBACK

El Barrio's Operation Fightback Inc., (EBOF), located in the Northern Manhattan community of East Harlem, was founded in 1983 out of the struggles of tenants and community residents to secure decent affordable housing for neighborhood families in the glaring context of housing neglect, abandonment, arson, crime and drug proliferation.

Incorporated in 1986, El Barrio's Operation Fightback Inc. today focuses on the housing, economic development and social service needs of East Harlem's diverse and growing community. Additional information is available at **www.ebofb.org**.



America's Leader in Artist-Led Community Transformation

For more than 30 years, Artspace has brought its hard-earned expertise to more than 200 cultural facility planning efforts from coast to coast. Of these projects, more than 35 have been developed and are owned and operated by Artspace itself, representing a unique, \$500 million investment in America's arts infrastructure. With headquarters in Minneapolis and offices in New York, Seattle, New Orleans, Los Angeles and Washington D.C., Artspace is America's leading developer of arts facilities. To date we have completed more than a thousand affordable live/work units for artists and their families as well as more than a million square feet of non-residential space for artists and arts organizations. Additional information is available at artspace.org.

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From:	Press, Jordan (HPD)	РП	
Sent:	January 31, 2018 3:00 PM		
To:	Tauber, Lacey (HPD);Kawitzky, Simon (HPD);Stark, Dwan (HPD);Sandler, Michael (HPD);Bozorg,		
Leila (HPD)			
Subject:	Inwood White paper		
Attachments:	NMN45 Uptown Zoning White Paper.pdf		

Jordan Press Executive Director of Development & Planning - Office of Government Affairs NYC Department of Housing Preservation & Development PII

------ Original messag-From: Charlie Samboy Date: 1/31/18 1:52 PM (GMT-05:00) To: "Press, Jordan (HPD)" < PII Subject: RE. White paper

Attached.

Best, Charlie

CHARLIE E SAMBOY (ASSISTANT VICE PRESIDENT, GOVERNMENT & COMMUNITY RELATIONS New York City Economic Development Compliance

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From: Press, Jordan (HPD)PIISent: Wednesday, January 31, 2018 1:51 PMTo: Charlie SamboyPIISubject: White paper

Can you send?



Jordan Press Executive Director of Development & Planning - Office of Government Affairs NYC Department of Housing Preservation & Development PII <u>i</u>

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WHITE PAPER Northern Manhattan is Not for Sale/ Alto Manhattan No Se Vende Principles of Equitable Development, Affordable Housing, and a Just Rezoning for Inwood

OUR COMMUNITY

We live in Inwood and Washington Heights, a working- and middle-class, largely Dominican and Spanishspeaking, residential community in New York City, rich in indigenous Lenape history, where small businesses and a longstanding artistic community thrive. Surrounded by forest, caves, salt marshes, and parks, Northern Manhattan stands out among Manhattan and greater NYC neighborhoods for its natural and demographic diversity. Our community deserves preservation of existing housing, equilable development of truly affordable new housing, and protection for small businesses through innovative rezoning.

CURRENT CHALLENGES

Our housing, the largest rent-regulated housing stock in Manhattan, faces pressure from snowballing deregulation and speculators seeking to build taller, as-of-right market-rate buildings. Small businesses integral to our community are set to receive no protections from rent hikes which will drive them out and make room for higher-paying chain stores. Over-full schools and public transit and crumbling subsurface infrastructure cannot handle any population increase without immediate renovation.

INWOOD NYC: A FLAWED PLAN

The Inwood NYC plan, an initiative of the Economic Development Corporation, advocates a rezoning that does not address the needs of our community. In effect, Inwood NYC is a plan for hyper-participation of our neighborhood. Our primary concerns with this plan include:

- Inwood NYC has not given our community opportunities for doliberative engagement, and imposed many ways it has been a top-down plan that was created prior to community input and imposed on our neighborhood.
- Preservation proposals fail to address existing displacement pressures, which will skyrocket with any actual rezoning. The plan does not include meaningful protections for current tenants in
- affordable housing beyond legargid limited to only one zip code in our community.
- . The overwhelming majority of new housing constructed will be market rate and the small amount of affordable housing will be out of reach to the majority of people in our community.
- Vast small business displacement will occur from the proposed upzoning of major commercial corridors. This upzoning will increase property values and continue the trand of rising rents on existing small businesses—these local businesses receive no protections from rent hikes and bigbox stores in the current plan.
- The auto and wholesale industry east of 10th Ave., which services bodegas, restaurants and the taxi industry, will be displaced as zoning is changed from industrial and manufacturing to commercial and residential.
- Inwood NYC plan predicts a population increase of up to 14,000 new residents in its scoping
 document but does not address the severe infrastructural challenges that will result in a
 neighborhood where schools and transit are already overburdened and much of the subsurface
 infrastructure dates back 80–100 years.
- There are no guarantees that jobs created by Inwood NYC will go to members of our community, despite the precedent for local hire and pre-apprenticeship programs and support for these programs from the Building Trades unions.

WHAT WE STAND FOR

Our coalition, Northern Manhattan is Not for Sale/Alto Manhattan No Se Vende, is dedicated to promoting housing justice in the communities of Washington Heights, Inwood, and Marble Hill and defending the rights of tenants, residents, and small business owners from exploitation by landlords, real estate developers and the politicians who support them. We formed two years ago in the fail of 2015 to devise a community-led alternative to the proposed Inwood NYC rezoning. We are a coalition of community

groups, non-profits, faith communities, tenant associations, small businesses, and other residents of Northern Manhaltan.

We believe:

- 1. First and foremost, that housing is a human right.
- In preserving and increasing Northern Manhattan's supply of public, rent controlled, and rent stabilized housing, and in strengthening the laws that protect the rights of tenants.
- 3. That public assets should *always* remain in the hands of the public, and never be sold to private developers.
- That all new housing developments should be 100% affordable to the people who live in our communities and we oppose all luxury development.
- 5. That tenant associations and unions form the foundation necessary to protecting housing rights.
- 6 That, due to the historical discrimination in housing towards the Black and Latino population, we should fight harder to secure and increase access to equitable housing for this community.
- 7. In preserving the cultural identity of Northern Manhattan.
- In the importance of encouraging Latinx people to use their cultural identity as a tool for resistance, for political mobilization, and as symbolic territory to create spaces for meaningful participation in the urban planning and development process.

1

OUR ALTERNATIVE: A 6-POINT COMMUNITY PLAN ADDRESSING COMMUNITY PRIORITIES

1. Protect Existing Housing

Inwood has the largest rent regulated housing stock in Manhattan: as per the EDC's own Neighborhood Snapshot, 61% of rental units in Inwood are rent-regulated versus only 39% across Manhattan; Many converging factors have put these units at risk, including vacancy decontrol, lack of oversight on deregulation, and tenants unaware of their legal rights and unable to access legal representation; These factors have resulted in increasing loss of regulated units and an as-yet unknown amount of illegally deregulated units. Northern Manhattan consistently has the highest rates of housing code violations, with an astounding \$0% of cases in Manhattan Housing Court housing court. Additionally, up to 30% of Inwood regulation increases.

Our plan to protect existing housing involves four sets of actions that must occur before any rezoning takes place:

A. Prioritize long-term affordability

The City must set aside a fund to purchase distressed, under-utilized or vacant, and/or rentstabilized buildings from for-nrofit landlords that are: closest in proximity to up-zoned areas, occupied by severely rent-burdened tenants, being held vacant and off of the market, and/or sites of known landlord abuses. The passage of the Housing not Warehousing acts provides a legal framework through which the city could maintain an accurate track of vacant or underutilized properties in Northern Manhattan, and the mayor's recent statements committing to the use of eminent domain for public good, especially in regards to housing affordability, provide a framework through which the city could acquire these buildings. These acquisitions should join other public land in portfolios of community land trusts (CLTs), including the Northern Manhattan CLT, as specified in 3C below.

8. Enforce the rent laws

The City of New York must take aggressive steps to enforce the rent laws in the rezoning area. This enforcement effort should include:

 Conducting an assessment of all rent stabilized building in Inwood above 155th St. to identify landlords who routinely abuse rent laws and then working with the State DHCR to audit these

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same property owner's entire multi-family portfolios in NYC for such abuses, including false or inflated establishment of "legal" and "preferential" rents, inflated rule of 40 rental adjustments, and other unscrupulous ways of doing business intended to raise rents beyond what would be legally allowed. Make these registered rents public so advocates can also identify patterns and intervene.

- Extending funding for legal services and tenant organizing to all of Inwood and Washington Heights—ZIP codes 10034, 10040, 10033, and 10032— and cover all tenants who are rent burdened, regardless of income or language of choice. Ensure robust outreach and guarantee funding for a decade.
- Putting political might behind real rent reform, including lobbying for preferential rent reform and the repeal of the vacancy bonus and vacancy decontrol at the State level.

C. Immediately apply the Right to Counsel and the Certificate of No Harassment:

- All of Inwood and Washington Heights should be immediately included in the pilot Right to Counsel program. Current city-mandated Manhattan legal aid only covers Harlem and over a 5-year rollout plan.
- Ensure immediate application of the newly passed Certificate of No Harassment (CONH) legislation. While it is an important victory that Inwood and Washington Heights are included in the first phase of the CONH pilot, city-led programs for implementation including funding for non-profit organizer staff outreach and city-led outreach to tenants and landlords should be ensured before the rezoning can take place. CONH functions most effectively as a

preventative measure, and therefore will be less effective unless implemented prior to the rezoning.

Extend the contextual re-zoning: While we are glad that contextual zoning will protect the bulk of residential blocks west of 10th Ave. the R7-A zoning should be extended to apply to residential blocks south of Dyckman St, and north of Hillside Ave, and 190th St, to preserve the character and affordability of the neighborhood and to discourage deregulation in response to market pressures that the potential for taller buildings preates.

2. Create truly-affordable, community-controlled housing

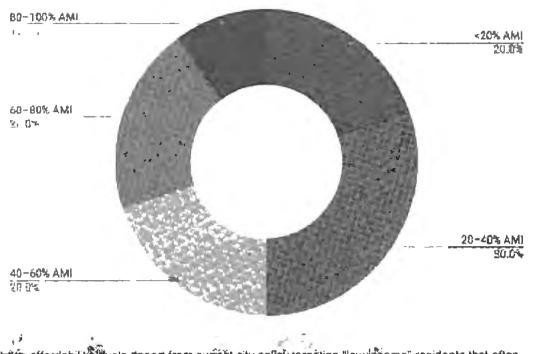
Any new housing developed on rezoned land should strive to fix the housing crisis, not exacerbate it. New residential development must be *permanently* affordable for our community, which currently has a median income of \$41,687 or 48% of the Area Median Income (AMI), with over one quarter of families earning less than \$24,500, or 30% of AMI (taken from the EDC's own report on Inwood, called the Inwood NYC 2017 Action Plan).

A. The city must Invest in deep affordability by committing significant resources to incentivize developers to go beyond the affordability levels of Mandatory Inclusionary Housing. In addition, there must be a mechanism to guarantee that developers will take advantage of city subsidies.

To best meet the needs of our community, we seek the following affordability levels for all new housing development in the rezoning area:

20% of new units for families earning 20% AMI or below (\$17,000) 30% of new units for families earning 20–40% AMI (\$17,000–\$34,600) 20% of new units for families earning 40–60% AMI (\$34,600–\$51,400) 20% of new units for families earning 60–80% AMI (\$51,400–\$68,750) 10% of new units for families earning 80–100% AMI (\$68,750–\$85,400)

In addition, we seek at least 10% of new units reserved for seniors, at least 10% of new units reserved for people currently experiencing homelessness, and at least 50% of new units reserved for current and former Inwood residents who have been displaced due to high rents.



These affordability levels depart from current city policy tangeting "low income" residents that often overpooks "very low and "extremely low" income residents who make up the majority of our community (see p. 11 of <u>Housing New York 2.0 report</u>). Our proposed affordability levels would result in a building average of 48% AMI. This number matches the a gradie AMI of our neighborhood and we believe it is financially feasible with modest increases to existing policies supporting creation of new affordable not sing.

Achieving the affordability levels our community needs will require additional policies for buildings on privately-held land and built by for-profit developers, as well as a diverse array of developers with an emphasis on non-profits. Existing tax credits, including the LIHTC at the federal level and the 421-A revamp at the state level, will be important to this calculus. In addition, we recommend the City come up with a new term sheet to be piloted during the Inwood rezoning that meets the aforementioned levels to ensure deeply and permanently affordable housing.

B. Any rezoning in Inwood must mandate MIH Option A and Alternative 1 in combination. The Mandatory Inclusionary Housing (MIH) program will not suffice in isolation to meet the needs of our community but provides a starting point for achieving these levels of affordability. Option A and Alternative 1 are the only options that would build at least some housing affordable to our community with a median income of \$37,000.

MIH Options (permanently affordable)			
•	Option A: 10% at 40 AMI (\$34,500) and 15% higher but average of		
4	all affordable units must be 60% AMI (\$51,800)		
•	Option B: 30% of apts at an avg. of 80% AMI (\$69,000)		
•	Alternative 1: 20% of Apts at an avg. of 40% AMI (\$34,500)		
•	Alternative 2: 5% at 70 AMI (\$60,400), 5 % at 90 AMI (\$77,700) and the		
1	rest higher with all 30% affordable units averaging to 115 AMI		
1	(\$95,000).		
·			

C. Build Affordable, Community-Controlled Housing on Public Land

Prioritize housing development on public land where the city has greater leverage to require deep affordability. The city should include the Con Edison site in the rezoning area which was previously destined for sale to the community as per a <u>2007 Memorandum of Understanding</u>, as well as make plans to develop the Department of Highways building on 206th St and the DOT Safety City site in Washington Heights. These parcels should be developed by a non-profit developer and/or the Northern Manhattan Community Land Trust as deeply and permanently affordable housing.

3. Protect small businesses

According to <u>Neighborhood 360: Inwood Manhattan Commercial District Needs Assessment Report</u>, 94% of Inwood's small businesses lease their space, and 53% of Inwood's small business owners say their rent is "barely affordable" right now. It is crucial that the neighborhood plan protect local small businesses from closing due to high rents (<u>New York Times</u>, November 2017). The up-zoning to C4-4D and C4-5D proposed for the commercial "U" of 207th, Broadway and Dyckman spells disaster and displacement for our immigrant-owned businesses as increased property values and development potential will lead to higher rents and eviction.

We demand that any plan include protections for small and local businesses, particularly those that serve and employ the working class and Latino community in and around the rezoning area. Any plan must acknowledge how small businesses depend on each other and on low-income consumer preferences for survival. We want our small businesses to continue to thrive here and our residents to be able to afford to shop here. As such, any plan to rezone would need to meet two sets of demands.

A. Do not destroy small businesses along Dyckman, Broadway, 207th and 10th Ave, by upzoning the "commercial U" and the "upland wedge" to C4-4D and C4-5D; use R7-A commercial overlays instead.

B. Pass the Small Business and Jobs Survival Act (SBJSA) in order to make the commercial lease renewal for small businesses a more just process through mandatory negotiation and mediation period for storefront tenants and their landlords.

- C Increase property taxes for empty commercial space smaller than 5,000 sq ft after a period of vacancy exceeding 180 days to incentivize occupied storefronts.
- D. Create a mechanism to facilitate the legalization of long standing general vendors and protect them from ongoing Business Improvement District (BID) harassment during transition.
- E. Establish an application, approval, and permitting process before a chain or formula outlet can locate in Inwood with an eye toward limiting chain pharmacies and banks.
- F. Include protections for small business owners like residential anti-harassment penalties, such as penalizing landlords for harassment of small business owners and denial of demolition or construction permits when harassment is found.
- G. Enact the common-sense policy changes included in the City Council's December 2017 Planning for Retail Diversity report, including:
 - a. Collect data on storefront retail to study the re-zoning's potential to displace small businesses and affect street vendors (Rec. #3, p. 28)
 - Apply Special Enhanced Commercial Districts to portions of the "commercial U" to limit banks and large format retailers on the ground floor, which would also disincentivize the warehousing of small retail space by landlords hoping to attract such a client (Rec. #8, p. 43)
 - c. Relatedly, enact formula retail restrictions along the "commercial U" (Rec. #9, p. 44)
 - Pilot an "inclusionary affordable commercial space zoning tool" analogous in principle to MIH with neighborhood input determining the the types of businesses eligible for the zoning bonus (Rec. 10, p. 45)
 - e. Provide incentives, including tax abatements and direct subsidies, for landlords to renew affordable leases in good faith with small business owners (Rec. #19, p. 60)

f. Require storefront vacancy reporting (Rec. #4, p. 29),

4. Replace crumbling infrastructure

The existing human services for Inwood are already stretched to their maximum, with overcrowding of schools and subway trains and buses. A substantial increase in population without increasing capacity will lead to overflowing classrooms and will tax schedules such as morning lunches in schools and further crowding and delays in public transit. In addition, the subsurface infrastructure of Inwood has degraded to a critical point: 90+ year-old electrical cables put large swaths of Manhattan at risk of blackout should they fail, lead has been leaching into our schools' water supply, and unrepaired gas lines pose risk of explosion. An increase in population will push this crumbling infrastructure over the edge. Expansion of schools and transit options, along with complete overhaul of subsurface utilities including electricity, gas, water, and sewage must occur before any rezoning can take place.

5. Provide jobs for our community

New developments and renovated infrastructure need to create good construction jobs at prevailing wages for local residents. At least 30% of construction jobs must go through local hire to Inwood residents through pre-apprenticeship training for long-term career development in the building trades unions. There is precedent for this type of pre-apprenticeship program, based on the Build it Back plan used to rebuild from the detritus of Hurricane Sandy, and from the commitment of the Building Trades unions to invest in community training and growth. There is also precedent and legal coursel to include this in the zoning code due to the environmental impact of the wide variety of construction jobs that will be created by development. We must ensure that development in our community provides a long-term pathway for better employment and better quality of life.

6. Engage the community

Over the past two years, our coalition has engaged and educated over 1,200 community members through monthly meetings, and forums, withhave held-city equincil town halls and candidate forums with over 300 attendees at each session, we have spoken at services with congregants of the majority of faith communities in the neighborhood who total a membership of over 10,000 upfown residents. The information above was culled from the responses of community members engaged in our process, the majority of whom were unaware of the rezoning until our outreach efforts.

11. 通行 1 图 10 - 17

Out first platform point starts from the discritive tween our entroper process and that of inwood NYC. The City's engagement strategy has failed to engage the majority of the community, specifically low-income, Spanish-speaking residents who will be most negatively impacted by the proposed rezoning. Further, the EDC workshops soliciting community feedback in late 2015 and early 2016 perpetuated problems by restricting so-called "interactive discussions" to pre-determined formats. First, these workshops made no space for the formal expertise many members of our community possess in areas related to planning, housing financing, zoning, and sub-surface and human services infrastructure. Second, and more concerning, these workshops' superficial opportunities for providing input presume an inability of community members allerge to engage on the same level as EDC with the complex issues we as residents face every single day. Third, there was no quantitative tracking of participants' responses or qualitative tracking of the changes made based on their responses, leading to obfuscation of community input and a lack of transparency of the utility of this input. While the EDC made attempts at engaging with community members, the lack of open scope for feedback and the low link between community input and changes to the plan mean that the plan can be vasily improved by truly incorporating the feedback gathered during EDC charrettes and the feedback we have culled.

Many of the community members that our nonprofit groups, tenant and community organizers, and coalition members have engaged still do not have a clear understanding of the Inwood NYC plan and have not received notices by the City about the Inwood NYC meetings and events. Many community members have learned about these opportunities only to come to an Inwood NYC event and be told there was not sufficient space to enter the room, to find no interpretation provided, or to feel that their comments were not taken seriously by the facilitators. These types of experiences make it less likely for people to return to another meeting in the future, discouraging meaningful engagement. Beyond this, a vast additional number of community residents have yet to receive any engagement or information from EDC or other city-affiliated departments about the rezoning—particularly the working-class, primarily

Dominican and Spanish-speaking community east of 10th Ave. in whose backyards the most oramatic rezoning is slated to occur. <u>We have the right to a deliberative engagement process that attends to the real needs of our community.</u>

Going forward, we need:

- Advance notice of all meetings; a minimum of 3 weeks in order to work with local nonprofits, community organizers, tenant associations, and faith communities to assist in developing an outreach plan that allows at least 2 weeks to implement and actually engage in community outreach
- Meetings scheduled in the evenings or on weekends to accommodate the working class fabric of our community
- City agency outreach that includes notices in local newspapers, especially Spanish-language
 media, as well as City agency street outreach to pass out flyers in the same way and with the
 same zeal that political candidates canvass prior to elections; this includes a focus on NYCHA
 buildings that will be among those most affected by the proposed rezoning
- All meetings, hearings, and town halls scheduled in venues that hold 300+ people and can
 adequately accommodate active participation from community members, with the City paying for
 space rental as needed
- All key meetings and public hearings in the ULURP must be located in Inwood or Washington.
 Heights rather than downtown (e.g. City Planning hearing, City Council votes, etc.)
- Formal consultation with Lenape people must occur concerning the proposed rezoning of the North Cove, site of a sacred burial ground.
- Image equity, including translated Spanish-language materials at the same time the English materials are released and interpretation services at every meeting and for the full duration of the
- 🗧 meeting 🖓 们

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- Furthermore, in response to requests from local community members and faith leaders and acknowledging the fact that the majority of the community speaks Spanish.
- meaningful community engagement would include additional information sessions and inperson Town Hall meetings held primarily in Spanish, with English interpretation (N.B. multiple churches have requested and offered to host such a session, and the Nishthern
 - Manhattan is Not for Sale coalition has also held several forums in this format)
- Community forums that provide both 1) full information and accurate data on the state and needs of the community and 2) opportunities to comment on the whole plan, including various rezoning efforts and Inwood library redevelopment, without forcing separate feedback on each part
- Deliberate engagement with community members and transparency to show how their input is taken into account. For instance, preservation is the top community need identified through EDC's own findings, so Inwood NYC plan should focus on preservation rather than rezoning and new construction.

If these measures cannot be guaranteed going forward, the process must cease until resources are provided for meaningful, deliberate engagement with the community.

CONCLUSION

The idea to better utilize underdeveloped land to benefit a community badly in need of more affordable housing is not a bad one. In fact, the communities that make up our groups deeply support the urgency of addressing the chass of decreasing affordable housing stock in inwood and Washington Heights, one of the last remaining affordable neighborhoods and last bastions for working class people in Manhattan However, we take issue with a top-down city plan that does not adequately incorporate our community's ability to dream and vision the sort of neighborhood we want for oursetves.

Before we usher in the type of speculation we have seen in Williamsburg, Downtown Brooklyn, Flushing, Bushwick, and other neighborhoods before a rezoning occurs, we must prioritize preservation. There are numerous strategies that can protect not only our many tenants who live in existing affordable housing stock, but also our vacant units that could be affordable, our land that makes up the character of our neighborhood, and the small businesses that make our community thrive.

Preservation of these existing resources is not in opposition to ethical and comprehensive development. It is a necessary complement. But for this development to be acceptable to our community, it must be affordable for our community. Our members have done the work: the financial models of non-profit developers show that we can, and that we must, build affordable housing in buildings that can still cover their operating costs and function well. And we must be more creative than the strategies dictated to us. We have a host of remedies for deeply affordable housing, like community land trusts and eminent domain, that have both political will and popular support.

We must also ensure that our community development plan is holistic. We can protect our small businesses in our revisioning of our neighborhood by enacting measures that are already in place and working downtown. We can create jobs that are both living-wage and safe through partnerships with our unions who have already expressed support, and we must do this to ensure that the job growth that occurs through development revitalizes our community members' futures as well. And we cannot continue with development plans if we do not bring our infrastructure up to speed, ensure school desks for the children of our new residents, and comprehensively prevent safety risks like MTA overcrowding, fires from broken gas lines, contaminated water supply, or inundation of shifting floodplains. We have seen the risks of out of control development in neighborhoods that lack infrastructure. These cautionary tales should urge us into prophylactic and already overdue revamping of our hundred-year-old infrastructure.

Finally, we must have true and overarching community input. Our community has shown what it means to be heard: it means creating a plan in collaboration, that follows our desires and concerns for our neighborhood, rather than pigeonholing our responses into a predetermined list of options. It means engagement from the beginning in the languages that we speak, at the spead at which we can ensure the participation of working tolks, young tamilies, and all who live in the pontinulity. And this community participation is the bedrock of what neighborhood planning means: we cannot plan for a neighborhood if we do not plan with our neighbors.

Each priority outlined in this white paper is viable. It is legally possible mandally leasible, and politically actionable at the local level. Enacting these demands merely requires a willingness to collaborate with our community. And it requires a willingness to be truly creative, to learn from the lessons of our fellow neighborhoods and our fellow advocates across the country who have come up with unconventional solutions and found that they work when we work together. We know that nothing can be for us if it is about us but without us, so we hope that this research over the past two years is a call for the city to truly act with us, to incorporate our suggestions and demands, and to be as accountable as they can be to us, the people of Inwood and Washington Heights.

ACKNOWLEDGEMENTS

This paper was written by members of the leadership council of Northern Manhattan is Not For Sale, including Ava Farkas and Nova Lucero of the Metropolitan Council on Housing, Tiffany Lee of Attagracia Obras de Fe y Justicia, Maya Bhardwaj of Faith in New York, and Chris Nickell. We are deeply grateful to the technical assistance providers at the Pratt Center on Development, the Urban Justice Center, and the Association for Neighborhood Housing and Development, as well as counsel from staff at the Fifth Avenue Committee, the Parodneck Foundation, the Northwest Bronx Community Clergy Coalition, and CASA New Settlement. This paper would not have happened without the feedback from allied neighborhood groups including the Northern Manhattan Alliance, the Inwood Small Business Coalition, Inwood Preservation, the Northern Manhattan Community Land Trust, the Upper Manhattan Interfaith Leaders Coalition, and Community Board 12.

(from #2 Preserve existing housing) We oppose an up-zoning of the business corridors.

(1/12/18 version of #3 and #41

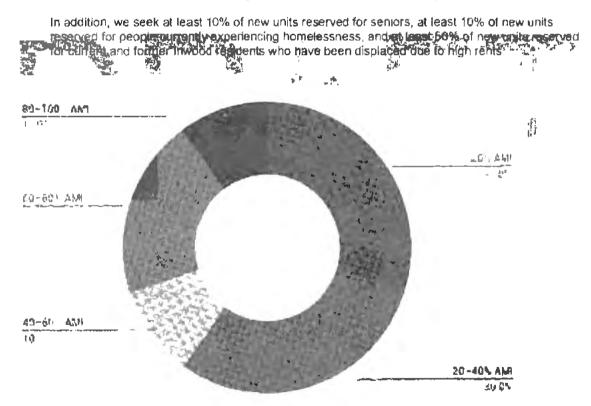
3. Build truly-affordable new housing

From Ken Wray

Any new housing development should strive to fix the housing crisis, not exacerbate it. New residential development must be *permanently* atroidable for our community, which currently has a median income of \$41,687 or 48% of the city's Area Median Income (AMI), with over one quarter of families earning less than \$24,500, or 30% of AMI (taken from the EDC's own report on Inwood).

To best meet the needs of our community, we seek the following affordability levels for all new housing development in the rezoning area:

30% of new units for families earning 20% AMI or below (<\$17,000°) 30% of new units for families earning 20–40% AMI (\$17,000–\$34,600) 10% of new units for families earning 40–60% AMI (\$34,600–\$51,400) 20% of new units for families earning 60–80% AMI (\$51,400–\$68,750) 10% of new units for families earning 80–100% AMI (\$68,750–\$65,400)



These affordability levels depart from current city policy targeting "low income" residents that often leaves out "very low" and "extremely low" income residents who make up the majority of our community (see p. 11 of <u>Housing New York 2.0 report</u>). Our proposed affordability levels would result in a building average of 45% AMI, which we believe to be financially feasible with modest increases to existing policies supporting creation of new affordable housing

The Mandatory Inclusionary Housing (MIH) program will not suffice in isolation to meet the needs of our community but provides a starting point for achieving these levels of affordability. According to the MIH options below, we will only consider a recording that mandates Option A and Alternative 1 in combination.

> MIH Options (permanently affordable) Option A: 10% at 40 AMI (\$34,500) and 15% higher but average of all affordable units must be 60% AMI (\$51,800) Option B: 30% of apts at an avg. of 80% AMI (\$69,000) Alternative 1: 20% of Apts at an avg. of 40% AMI (\$34,500) Alternative 2 5% at 70 AMI (\$60,400). 5 % at 90 AMI (\$77,700) and the rest higher with all 30% affordable units averaging to 115 AMI (\$95,000).

The affordability levels our community needs will require additional policy work as well as a diverse array of non-profit, for-profit, and community-controlled development. Existing tax credits including the LIHTC at the federal level and the 421-A revamp at the state level will be important to this calculus. In addition, we recommend the City come up with a new term sheet to be piloted during the Inwood rezoning that meets the aforementioned levels to ensure deeply and permanently affordable housing.)

(From Real Affordability for Up-Zoned Areas above) Include research here on:

We need more analysis about the anjount of public in that NYS and UES government can pass and implement for approable happing development

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a,

- What is market rate here and now? . 13 Ť,
- Mean vs. median? ٠
 - More community surveying for local the primore odividual data on rent
 - More data on numbers of percentages of rent burdened, units lost, etc.

421-A (tax break with non-permanent affordability requirements)-need to add content here!

During the 2014-2015 school year, 3,287 Pre-K to high school students in City School District 6 Manhattan were homeless, which includes 518 who were sheller homeless and 2,667 who were doubled up. Research shows that 1 in 5 students in this district experienced homelessness in the past 5 years, with 20-30%

homeless by school

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4. Create community-controlled housing

No zoning changes should be approved until the City of New York has taken steps to first the source of the source term affordability of naturally occurring affordable housing th the community by working to francial ownership of at least (??) 15%'?? of areas rent stabilized units from for profit landlords to non-profit &/or public ownership that will be required to ensure permanent affordability of these units.

Buildings to acquire and the second second second ad building a containation of the tolowing only a

Buildings in closest proximity to areas zoned for new development that will be subject to the preatest market pressure.

Buildings where the majority of tenants are severely rent burdened

Buildings that identified as problem properties by the UNHP's Building Indicator Project (BIP), Buildings where fandlords are known to abuse rent laws through a combination of common tactics such es unsubstantiated rule of 40 rent increases, unsubstantiated high preferential rents, harassment of longterm lenants, etc.

Land including the Safety City parcel, the Department of Highways building on 206th St., and the ConEd property destined for sale to the community per a 2007. Memorandum of Understanding should be redeveloped as deeply and permanently affordable housing. This fast parcel carries the added weight of having enabled ConEd to operate city- and state-wide at the expense of polluting the land of our community. Development on any public land should be done by a Community control, Requests for Projects should continue to emphasize the importance of community development experience, and for-profit partners should be strongly encouraged to set aside money up front for projects that will revert to community control after a number of years.

Infrastructure improvements are much needed in Inwood, and are essential with any increased density. Our core needs are in mass transit, energy supply and delivery systems, water treatment and sewage systems, schools, child care centers, parks and natural areas. Critical needs in these areas have not been met for the existing population of Inwood. A substantial increase in population will: result in crowding and delays in subways and buses; load to crowding and inappropriate use of school space, with taxing schedules such as morning lunches; a public health need for outdoor recreational and natural areas; blackouts and accidents in our utility systems; and, a severe reduction in water quality due to increased dumping of raw sewage into the Harlem and Hudson Rivers.

Exceptionary the North Cove area, a sacred Lenape bunal ground. Based on numerous reports of indigenous leaders in the community and the continued sacred and religious practices of these

- groups, as well as excavations that have taken place, the burial grounds of the Lenaperbacities
- including the North Cove, have not been respected or protected from development ("The Indian
- Life Reservation," Reginald Bolton). This area is still used for sweat todge and ceremonies by the modern-day indigenous community (Luis Ramos, Taino Community). Development on base
- ands would constitute a wiliful disavowal of history where we have an opportunity to mentionalize
- .* the presenter of the original inhabitants of Inwood, and would also be a violation of UN law on the
- protection of native lands. The North Cove area and any other areas that constitute sacred bural
 - Provide the advantage of the stand of the standard following a process similar to the process to protect the Advicant burial grounds on 126th St in East Harlem and protected from development through the proposed rezoning.

Preservation

Does preferential rent-fil² Grewth-needs to be controlled Lower atterdability levels, with feelings the current data are not accurate Economic diversity Emphasis on precurving housing SCRIE/DRIE for attordable-housing for semare² Better city data and reporting on rent burden loss of afferdable units Require tenant education More specific literature about only resources Put onus on the sity

- Mandate audit of all existing landlerds
- Target landlerds in volation of J-51 tax abatement terms.
- Random audits of apartment upgrades and MCIs for fraudulent charges.

Gemininity Engagement

4.-- Any-clarifying Ge7

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2. What divil you like?

Evendming is good. Add to the Core Behofs!!

(General-spenness that the first-section of the while paper notes the situation of all ris — like(-that (xxt))

3. Is there anything you'd like to change?

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\$/nall-Businesses

44-want controlled rends-(for-businesse) Committee to regulate-ounimensial rents Protections for wheet vendors

Small Business and Jobs

Lease Renewal Mediation , 1 year aidra - modify?

- Specific zoning to limit store rental space on the ground
- Low density corridors

Small businesses need significant and functional representation

- Survey the businesses
- MM/BE (Minority and Women Business Enterprise) -- construction jobs

Apprenticeship needs to include management skills to ensure equity in access to positions

A CANADA

Where We Live NYC Topic-Based Roundtable C: Education Qualitative Data Synthesis

This document summarizes the feedback we heard from stakeholders at the Education Learn Phase Roundtable that took place on June 5, 2018.

(++) indicates that this idea was discussed at multiple tables

Key Takeaways

- Participants expressed that the combination of school zoning and choice policies are major drivers of segregation and disparities in educational opportunities. Lower-income families, immigrants, and homeless families do not always have the knowledge or ability to exercise choice, due to language barriers, limited time and resources, and physical distance. White affluent families move into high performing school zones (dominating the housing market and pricing out lower income families) or exercise choice to send their kids out of low-performing school zones.
- Participants noted that neighborhood conditions impact school conditions and student performance. Areas with a high concentration of poverty have schools with deteriorating conditions, concentration of students that face compounding challenges, and limited school resources. Meanwhile, schools in affluent areas with mostly White populations have better conditions, supplemental services, and are more likely to have facilities accessible to students with disabilities.
- Participants shared that the lack of diversity and cultural competency of staff/teachers within schools can also reinforce both segregation and inequities in access to quality education.
- Participants had mixed opinions on the impacts of gentrifying neighborhoods on schools. Some noted
 that it may give the appearance of integration, though it may be in transition, while others noted that
 gentrifying parents are exercising choice to send their kids to school in better performing zones. Some
 also noted that gentrification and the pricing out of low-income families might cause under-enrollment in
 schools (as new families send children to out-of-zone schools).
- Overall, here are the top five contributing factors to disparities in access to quality education:
 - Location and type of affordable housing: High concentration of public housing leads to high concentrations of poverty, influencing a student's school performance and the resources allocated to schools in these neighborhoods. Higher income neighborhoods with high proficiency schools do not see a lot of affordable housing developments or often oppose them perpetuating segregation in housing patterns and schools.
 - Location and type of proficient schools and school assignment policies: Lower income neighborhoods usually have lower quality facilities and greater challenges due to concentrated poverty. The combination of zone and choice system can reinforce segregation due to the disparities between low-income and wealthy families in their ability to exercise choice.
 - Community opposition: Zoning of schools and school integration are often controlled by wealthy parents, often excluding low-income children in low performing schools and reinforcing divide. Many parents support the status quo and NIMBYism does not allow for the integration of schools and neighborhoods.
 - Impediments to mobility to integrated and/or high opportunity areas: Voucher holders face rent limits, discrimination, as well as cultural divides when using vouchers to move to opportunity neighborhoods. There is also a lack of knowledge by parents of school opportunities or housing services available to them.
 - Loss of affordable housing: There has been a lot of housing lost to gentrification, which has caused families to have to move and enroll in other schools, often in areas with more concentrated poverty. There is not enough affordable housing in higher income neighborhoods, preventing low-income families from moving into neighborhoods that could give them access to higher performing schools.



- Rise of charter schools in low-income neighborhoods: Low-income families, who often do not exercise choice within the public school system, are more and more likely to send their children to charter schools. More families sending their children to their local charter takes away from investment in low performing public schools, decreasing resources.
- Location of well-resourced schools is concentrated in mostly in White, affluent neighborhoods that lack socioeconomic and racial diversity. There is a lack of investment in the quality of schools in lowincome neighborhoods.

Community opposition (13 votes)

- Integration efforts ++: Predominantly White and affluent communities often block attempts for
 integration in schools that would provide low-income communities increased access to quality schools
 (e.g., rezoning of schools, bussing students, or shelters in their neighborhood). Often school integration
 efforts are viewed by White families as taking opportunities away from their kids. NIMBYism is often
 centered on not wanting particular groups of people in a neighborhood, and there is a lack of
 willingness to have conversations about racial tension.
- Inequity around civic participation: Parents that have lower educational attainment or need to spend extended hours at work face barriers in advocating for their children and fighting community opposition. Advocacy voices often do not represent broad interests or interests of those in with the most need.
- Bullying as a form of student opposition that reinforces segregation: Discrimination within schools
 through bullying can lead families to remain within their segregated neighborhoods instead of
 exercising choice.

Impediments to mobility to integrated and/or high opportunity areas (11 votes)

- Lack of education and assistance for parents with vouchers ++ on how to use their voucher to direct their children to opportunity schools.
- Vouchers cannot be used to access neighborhoods with great schools ++: Vouchers can limits
 access to high opportunity neighborhoods, which are often more expensive. Voucher holders also face
 private source-of-income discrimination, and voucher holders are often not aware of or choose not to
 exercise their rights to fight discrimination. Participants believe the City lacks an expansive program to
 encourage mobility.
- **Counseling parents on services:** Low-income families that move to high income neighborhoods do not get enough counseling around services and often face stigma when accessing services.
- Lack of counseling and support for families to integrate with cultural barriers: Meaningful mobility
 is more than spatial; mobility demands that residents cross cultural divides, and government often fails
 to understand this dynamic.

Loss of affordable housing (11 votes)

Table 2 combined this contributing factor with public private investment and lack of access to opportunity due to high housing cost.

Table 3 combined loss of affordable housing with location and type of affordable housing, and lack of access to opportunity due to high housing cost. Table 1 did not get to discuss.

Private discrimination (10 votes)

- Lack of enforcement of anti-discrimination laws make it challenging for protected classes to access
 areas with quality schools. Enforcement is difficult because people are covertly discriminating.
- Discrimination presents itself in different ways and people are not always aware that they are being discriminated against, but testing shows that it still exists. Discrimination is happening based on race, criminal record, economic status, credit history, and source of income, which disproportionally affect people of color.
- Access to brokers for higher income families can facilitate racial steering. Some affluent families
 hire consultants to help them decide where to invest in real estate for their children or future children to
 have access to a "good school zone."

09/05/18

From:	Murphy, Matthew (HPD)	PII		
Sent:	September 15, 2016 9:47 AM			
To:	Been, Vicki (HPD);Mun, Christina (HPD);Capperis, Sean (HPD);Rohlfing, Elizabeth (HPD);Bozorg,			
Leila (HPD);Quart, David (HPD);Hernandez, Daniel (HPD);Hess, Patrick (HPD);Straughter, Perris (HPD)				
Subject:	RE: Talking points			
Attachments:	Main Points vb_mm.docx			

Thanks Vicki- attached version with some changes. Addressing some of your comments that need follow up, with two questions highlighted for the group to please chime in on:

- **Comment 1:** On the point that 24% of HHs in the CB are severely rent burdened vs. 28.6% in the FC report, we received the data directly from Research, who pulled from the 2014 HVS data. We will use the 24% number.
- Un-numbered comment: Can we call this an underused manufacturing district?
- Comment 4: Does Phipps use PW construction, and do they have a good MWBE record?
- **Comment 6:** This 4% number is only for gov't assisted properties, meaning that it falls under an income restricted affordable housing program. It does not include rent stabilized units alone. Because this falls under the points about confronting economic and racial segregation, we do not think that the rent stabilization numbers are as strong as the affordable housing ones.

From: Been, Vicki (HPD)

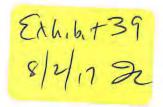
Sent: Thursday, September 15, 2016 8:26 AM

To: Mun, Christina (HPD); Murphy, Matthew (HPD); Capperis, Sean (HPD); Rohlfing, Elizabeth (HPD); Bozorg, Leila (HPD); Quart, David (HPD); Hernandez, Daniel (HPD); Hess, Patrick (HPD); Straughter, Perris (HPD) **Subject:** Re: Talking points

I've attached with my comments. But a couple of big picture points:

- 1) We should not be sending this around, or forwarding beyond this list. These are things we can talk through with people on the phone, but no document should go around beyond the people on this list (and adding Patrick and Perris).
- 2) We should not be playing into arguments that we don't believe in e.g., no arguments about nonprofits versus for-profits
- 3) We should make the connection between voting down affordable housing and displacement. Displacement results when supply doesn't meet demand. Limiting supply in the face of increasing demand causes displacement.
- 4) It is always better to talk about our commitment to diverse communities, and our goal of ensuring that affordable housing is available in every neighborhood, than to go the legal route and talk about fair housing. Best to just avoid references to fair housing. No community is an island, every community has to provide affordable housing – that's what makes NYC great. Reducing inequality and ensuring diverse and thriving neighborhoods are core values that this council has repeatedly called for.
- 5) In general, positive rather than negative framing is more effective. We need certainty; ensuring predictability through MiH was a key goal.

Thanks, Vicki



NYC 0028772

Confidential

 From:
 PII
 v

 Date:
 Wednesday, September 14, 2016 at 7:31 PM

 To:
 Matt Murphy <</th>
 PII
 "Capperis, Sean (HPD)" <</th>
 PII
 , Libby Rohlfing

 PII
 •, Vicki Been < beenv@hpd.nyc.gov>, Leila Bozorg
 PII
 , David Quart

 <</th>
 PII
 •, Daniel Hernandez
 PII
 >

Subject: Talking points

Hi Team,

Here's a first cut at talking points for your review.

The first page is a general background that could be shared with all stakeholders. The remaining pages are targeted messages organized by stakeholder group.

Thanks, Christina

Christina Mun Division of Strategic Planning Department of Housing Preservation & Development



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General Background to share with all our stakeholders

Statement: (a few options below)

<u>As We agree with Councilmember Van Braemer has stated:</u> ""We must make sure that we have enough affordable housing for this to remain a city for all, and not just for the rich." MIH was designed, and approved by the City Council, to do just that. We need affordable housing in every part of the City, and a vote against this 100% affordable housing project in Sunnyside is <u>inconsistent with both MIH and with</u> the commitment to a vote against affordable housing more equitable <u>City that this Council has</u> repeatedly made everywhere.

If this 100% affordable housing project is blocked because a few people don't want to share their neighborhood (OR give up their parking, views, fill in the blank), what hope do we have for affordable housing in any of our neighborhoods?

ABy-acquiescing to NIMBYism on this project -- one that provides 100% affordable housing for residents at a range of incomes in place of an unsightly_underused-surface parking lot <u>next to train tracks</u> - woulde undermine our ability to develop affordable housing <u>every</u> anywhere in the city. The objections that have been raised to the proposal - general calls for different levels of affordability than MIH requires (and which the Council debated at length in the review of MIH); unspecified concerns about height; vague and unsubstantiated complaints about maintenance in other buildings owned by one of the City's oldest and most revered non-profits - are typical of arguments made against affordable housing in exclusionary suburbs across the United States. But that is not, and should be not become, NYC's ethos. Diversity has always been our strength. Change and growth have always been essential to our success. Each and every resident of NYC participated in that change and growth, and no one has the right to demand that now that they have a comfortable life, growth should stop and the parking lot across the street, or several blocks away should never change.

If we are willing to squash a good project because a few people don't want to give up their privileges, then there's no hope for affordable housing across the City

Working families across the City are being pushed out by rising rents. Voting against a 100% affordable housing project is a vote against these families in favor of parking.

Primary Talking Points:

- 100% affordable project
- Serving There will be a range of incomes to promote economic diversity in the neighborhood and the building
- <u>To The project will</u> replace a surface an underutilized (confirm) parking lot in an underused [manufacturing?] district
- With the MIH units XX30% of the total permanently affordable

Commented [MM1]: Need group to weigh in

- <u>Developed and operated by a non-profit, owned by this mission-oriented based</u> developer with a track record over XX40 years
- Some units will be permanently affordable

Secondary Talking Points:

- Transit-oriented site (confirm)
- Providing twice the required minimum parking
- The community needs affordable housing

 - o_XX# of shelter residents come from this community
 - <u>Rents have been rising in the Community District J would benefit from affordable housing in the face of rising rents since 2005, rents have been rising in this Community District faster than the City as a whole since 2005, "Without new housing supply, especially affordable housing, this trend will continue even if no new development happened.</u>

●<u>O</u>

- Phipps has a strong track record, and this is a "home run" project
- Developer has been responsive to community needs and open to further discussion, despite the Council Member's refusal to meet until the media focused on the issueunreceptive GM
- Providing twice the required minimum parking to address the community's concerns about losing the surface parking lot

Targeted messages for individual stakeholders by category

Affordable Housing Groups

- This is an ideal project a slam dunk.
 - o Leading mission-driven nonprofit developer
 - 100% affordable project is appropriate to local needs, reaching working families at a diverse range of incomes, is at the right scale for the block, and improves upon current conditions (an underused parking lot next to a train track)
- Voting down this ideal 100% affordable project will set a dangerous precedent for all affordable housing. Too much rezoning uncertainty will lead to less affordable housing developed.
 - The City encourages land acquisition for AH (NYAF); the only viable sites that AH developers can secure will require rezoning
 - If any NIMBY CM can kill any affordable project that requires rezoning (nearly all will), then there is <u>huge uncertainty no point</u> for AH developers <u>and their financiers</u> to acquire land

1 20% in the CD vs. 18% for the city as a whole

Commanised [VB2]: Furman Center says 28.6% -- which is right? MM: This stat comes directly from the HVS, so the 24% number is correct.

- Given how little public land remains, this precedent <u>will</u> severely limit<u>or increase the costs of s-new affordable housing opportunities</u>
- We are missing out on the opportunity to gain *permonently* affordable units from MIH through rezonings
- Neighborhood and private site rezonings are integral to providing affordable housing in high
 opportunity neighborhoods. Blocking these important projects undermines our efforts to create
 more inclusive neighborhoods.

Non Profit Developers

- State their mission. We are in a housing emergency.
 - Incredible demand for AH housing: 1000 applications per unit examples, respectivily family housing
- Voting down this ideal-100% affordable project will set a dangerous precedent for all affordable housing. If it can happen to another non-profit, it can happen to me. This isn't anti-for profits, its anti-affordable housing development.
 - The City encourages land acquisition for AH (NYAF). It's already challenging to buy land, and the only viable sites that AH developers can secure will require rezoning.
 - But if any NIMBY group can pressure the CM to kill any affordable project that requires rezoning (nearly all will), then it becomes <u>even more</u>too risky for AH developers to acquire land
 - Given how little public land remains, this severely limits new affordable housing opportunities
- ____MIH was designed to provide certainty around financially and legally sustainable set a floor for
- affordable housing requirements. -<u>A council member's vague rejection of MIH requirements</u> replaces the This project shows that there are no ground rules, undermining a process that should be open, fair and honest debates we had during the more than one year spent crafting the right plan. - and honest

For Profit Affordable Housing Developers

- We need certainty, or in the very least a reasonable expectation to have a negotiation. Uncertainty will limit lending/investments/acquisitions
- See Affordable Developer section

M/WBE Developers

- Phipps strong history of partnerships and fostering prevailing wage and M/WBE support
- The City is creating opportunities for MWBEs and this is undermining those efforts just as we are making headway.
- See Affordable Developer section

Commented [VB3]: NOI, we are not playing into that argument

Commented [VB4]: Again, this is not an argument that we want to be espousing - MiH, sets the rules, not the floor!

Commented [VB5]: Is this accurate – they don't use PW on construction, do they? And to they have a good MWBE record?

Business Interests (Patrick)

- Worker housing needs locking in affordable housing opportunities for the long term
- Keep Queens competitive for commercial interests
- I want to hire local workers, and so support residential development in our communities—far more valuable than parking.

Fair Housing Advocates

- Opposing the siting of affordable housing with no rationale or <u>vague hidden</u>-rationales (parking, height, bulk, <u>AMIs aren't perfect</u>, doesn't benefit my constituents) – is a well-honed tactic that typically suburban communities have used to exclude affordable housing and maintain privilege and economic and racial segregation. That is inconsistent with everything NYC stands for. Violates the objectives of the fair housing act, including a rule change that encourages municipalities to build affordable housing in higher cost areas.
- Neighborhood and private site rezonings are integral to providing affordable housing in high opportunity neighborhoods. Blocking these important projects undermines our <u>commitment to</u> <u>economic and racial diversity in all neighborhoods.</u> fair housing goais.
- With each project, the City is working to address two fair housing issues: housing affordability and economic segregation. This project tackles both: we can't vote it down because a few people have to give up their parking, or views or have to share their neighborhoods.
- The community District where this development would be located Summariale has little does not have its fair share of affordable housing — only 4% of the total housing stock is currently government-basisted, meaning that it fails under an income restricted affordable housing program.

Faith-Based Groups

- Specific community needs

Senior Advocates

- -____Specific community needs
- Not a specifically senior building, but of course, all our buildings include seniors
- Threatens the wins we achieved in ZQA, because much of the land on campuses like Mitchel!
 Lama buildings or Section 202 projects may also need Council approval for some aspect of the project or for tax incentives.
- Undermines MIH/ZQA

Local Community/Neighbors

- Happy with Phipps Housing

Commented [VB6]: No! No statements about FHA , violations!

Commented [VB7]: Is this number for CD2? It's only gov't assisted? Doesn't include rent-regulated but not gov't assisted?

November 24, 2014

Regulations Division Office of General Counsel U.S. Department of Housing and Urban Development 451 7th Street SW., Room 10276 Washington, DC 20410-0500

RE [Docket No. FR-5173-N-02, Affirmatively Furthering Fair Housing Assessment Tool: Solicitation of Comment--60-Day Notice Under the Paperwork Reduction Act of 1995]

To Whom It May Concern:

This letter sets forth the comments of the City of New York (City) on the above-referenced proposed draft Assessment Tool.

The City is the largest municipal developer of affordable housing in the nation and is currently engaged in a new plan to build and preserve 200,000 affordable units across all five boroughs of the City. The City's Department of Housing Preservation and Development (HPD), the Mayor's Office for People with Disabilities, the Department of City Planning and the New York City Housing Authority (NYCHA) contributed to the comments below. HPD and NYCHA are directly responsible for siting, creating and preserving affordable housing opportunities, and both administer Section 8 programs and use other federal funding streams. NYCHA owns and operates the largest public housing program in the nation, serving over 403,120 residents.

The City wholeheartedly shares the goal of increasing access to high-opportunity neighborhoods for historically marginalized populations. Indeed, our *Housing New York* plan commits the City to "foster diverse and thriving neighborhoods." Unfortunately, the proposed Assessment Tool (the Tool) may have the unintended effect of leading local governments to take actions that may not serve the needs and priorities of their communities, and does not recognize the real-world constraints under which local governments operate. We are deeply concerned that completion of this tool will interfere with our ability to make fair and locally based decisions about the most pressing needs facing our City.

To improve the Tool's utility and its ability to further fair housing opportunity, while also ensuring that localities not become overburdened with excessive regulations, the City provides the following comments.

1. Timing of release of the proposed tool

The proposed Tool is presented as the mechanism by which program participants will conduct an Assessment of Fair Housing (AFH), as outlined by the 2013 Proposed Rule regarding the obligation to affirmatively further fair housing. The proposed Tool also would replace the Analysis of Impediments (AI) process currently in use.

On September 17, 2013, the City submitted extensive comments to HUD on the Proposed Rule. While expressing support for the goal of increasing access to high-opportunity

PLAINTIFF'S EXHIBIT

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neighborhoods for historically marginalized populations, the City expressed a number of reservations and concerns about the Proposed Rule. Because neither a revised nor Final Rule has been published, program participants including the City have received no indication on whether the concerns expressed have been or will be addressed.

Asking for public comment on specific aspects of the Tool implementing a non-Final Rule, without having first addressed the comments offered on that proposal, is premature and we urge another opportunity to comment be offered once the Final Rule is published.

2. Format of the Tool

While the City appreciates HUD's goal of providing a Tool to help guide respondents' analysis of their communities' progress in affirmatively furthering fair housing, the City is deeply concerned about the Tool's format. The format is particularly problematic if HUD intends to develop and release the Tool as a pre-formatted template similar to the IDIS Consolidated Planning formulation and submission tool (eConPlan). The City found using the eConPlan template difficult because each response box for the pre-formulated question was limited to 4,000 characters in total. (The limit not only included alpha-numeric and punctuation characters but also special formatting characters such as Bold On/Off which further decreased the amount of characters available.) This system limitation in some cases restricted the City's ability to provide an in-depth comprehensive response to the question asked.

Short- or limited-capacity windows for narratives restrict a respondent's ability to fully answer questions. Equally limiting are multiple-choice options which provide insufficient opportunity to reflect the housing realities of large communities. In particular, the Tool does not include a way for large communities, with complex data and many neighborhoods with different ethnic and religious concentrations to adequately describe the circumstances and nature of their communities. In some circumstances, religious, immigrant or ethnic enclaves may result from residents' preferences, not segregation, and it is important that the Tool provide the opportunity to include such descriptions. Throughout the Tool we find instances of needing to describe these situations in a narrative form, and to include documentation regarding local housing conditions.

As another example, the draft Tool limits respondents' ability and opportunity to report critical information such as HUD recognitions of de-concentration attainments.

3. Sources of data and information to complete the Assessment of Fair Housing

HUD specifically seeks public comment on whether the Notice's description of available local data and local knowledge helps program participants understand how these terms are being used and also whether program participants understand the extent of their obligations to obtain and use data and other information. HUD also seeks comment on whether it has described clearly the circumstances under which a program participant may need to respond that there is no relevant data or local knowledge that allows the question to be accurately addressed.

As a municipality that expends tremendous resources to chart our housing demographics via the City's Housing Vacancy Survey (HVS), we appreciate HUD's recognition of the importance and

7. Lists of Determinants

As stated above, notably absent from the draft Tool's list of possible determinants are market forces and affordability. The Tool does not reflect a recognition or acknowledgment of the historical and multifaceted factors, characteristic of New York and other larger cities, that may cause immigrant and second-generation populations to choose housing options in communities or enclaves offering culturally defined businesses, social services and/or religious institutions. Nor does it give the City the opportunity to indicate the presence of these factors here. Consideration of such factors is essential to make a meaningful assessment of the fair housing landscape in the City.

The City is troubled by the failure of the Tool to distinguish between areas marked by intentional, discrimination-based segregation and racially/ethnically concentrated areas of poverty. For this reason, the City objects to HUD's use of the term "segregation" in reference to areas where particular populations are concentrated. There are non-invidious reasons for a particular ethnic group to be concentrated in a particular area. For this reason, we propose that HUD substitute "concentration" for "segregation."

The City recommends that those questions in the Tool seeking information about both segregated housing and R/ECAPs be divided into two separate inquiries to yield more useful guidance in developing an affirmative fair housing plan. For example, Question 5 of the Tool, "Determinants of Segregation/R/ECAPs," asks about the extent to which the factors listed contributed to "segregated housing patterns or R/ECAPs." A separate question for each type of housing pattern is likely to yield more valuable data.

8. Addressing Disability and Access Issues Separately

The City commends HUD for seriously examining specific issues related to challenges encountered by people with disabilities when seeking housing. We appreciate that HUD well understands the fact that high-cost markets such as the City's pose challenges of affordability.

People with disabilities face the same issues as those without disabilities – the affordability of the housing, segregation by race, ethnic or national origin, and discrimination against families with children -- but a disability often means that those problems are exacerbated. It therefore would be useful to include people with disabilities as a group to be considered when discussing general topics such as affordability, integration and family status.

We agree with HUD that it is crucial to include the sections of the Assessment Tool that focus on information specific to people with disabilities, such as the number of accessible units, location of accessible units throughout the jurisdiction, and ease of reasonable accommodation requests. That said, the City questions whether HUD has the capacity to provide program participants with sufficiently comprehensive demographic data on housing patterns of persons with disabilities given the large number of physical and mental health and mobility problems encompassed within federal disability definitions. The Tool directs program participants to "solicit input" from individuals with disabilities and from disability advocates. While advocacy groups can provide useful recommendations pertaining to housing opportunities for individuals

The cover page of the Tool requires a signature affirming that, "the program participant(s) have prepared an assessment that fulfills the requirements at 24 CFR §§ 5.150-5.164 or comparable replacement regulations of the Department of Housing and Urban Development." The affirmation's referral to "comparable replacement regulations" is unclear. If a City official or employee is to affix his or her signature to a pre-prepared statement, the statement should clearly reference what the employee is signing off on.

12. Conclusion

The City's primary concern with the draft Assessment Tool is its requirement that respondents identify "determinants" of fair housing issues. While data and local knowledge may be sufficient to draw correlations, grantees will be hard-pressed to ascertain causal relationships, as the Tool compels participants to do. The Tool encourages, and may be used to require, grantees to create policy on the basis of incomplete information and personal and anecdotal perceptions. While local governments frequently have to make policy decisions on the basis of incomplete information, a tool that forces localities to assume unproven causal conclusions will not necessarily further grantees' ability to effectively increase fair housing choice and could lead to policies with negative unintended consequences. The stakes of drawing unsupported causal conclusions are high because of the critical importance of these issues, and the difficulty of having thoughtful discussions about the issues against the backdrop of local politics.

The stakes also are unknown, given the lack of clarity about the potential uses of the implications of causality the Tool asks localities to draw. It is unclear, for example, whether and how grantees' future funding could be affected by such implications. Continued federal support for local housing programs is essential to the nation's efforts to affirmatively further fair housing. At a minimum, to assure local governments across the nation that the tool will be used to help localities develop more effective programs, rather than serving as a basis for litigation and punitive actions, the tool should make clear that localities will be given a safe harbor period in which to further evaluate any causal implications drawn from the assessment and to formulate appropriate responses to any problems the assessment reveals.

The City appreciates the opportunity HUD has offered to receive stakeholders' views on this important policy initiative. If you have any questions or concerns, please do not hesitate to contact HPD's Director of Legislative Affairs and Federal Policy, Jordan Press, at pressj@hpd.nyc.gov.

Sincerely,

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Vicki Been Commissioner, New York City Department of Housing Preservation and Development

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Carl Weisbrod Director, New York City Department of City Planning

Case 1:15-cv-05236-LTS-KHP Document 916-38 Filed 11/06/20 Page 1 of 4

From:

Kensky, Susan (HPD) <,

PII

Sent:August 22, 2014 10:00 AMTo:Been, VickiCc:Press, JordanSubject:Re: Culver El, Boro Park, Bklyn

OK; back on Monday.

Susan Kensky Assistant Commissioner / New Construction NYC Department of Housing Preservation and Development 100 Gold Street 9M4 NY NY 10038

From: Been, Vicki Sent: Friday, August 22, 2014 07:45 AM To: Kensky, Susan (HPD) Cc: Press, Jordan Subject: Re: Culver El, Boro Park, Bklyn

Susan,

Let's talk about this when you get settled back in.

Thanks. Vicki

From: <Kensky>, "Susan (HPD)" PII Date: Wednesday, August 20, 2014 at 5:14 PM To: Vicki Been < PII Subject: Re: Culver El, Boro Park, Bklyn

According to Jack Hammer, we have projects that have included 4 bedroom units, but not exclusively 4 bedrooms. Brad Lander was the council member when this project went through ULURP, and he doesn't think that the size of the proposed homes was an issue at that time. If memory serves correctly, the household size in this CD iS the highest in the city.

Susan Kensky Assistant Commissioner / New Construction NYC Department of Housing Preservation and Development 100 Gold Street 9M4

Exhibit 43 8/2/17 22

NYC_0053602

Case 1:15-cv-05236-LTS-KHP Document 916-38 Filed 11/06/20 Page 2 of 4

NY NY 10038

From: Been, Vicki Sent: Wednesday, August 20, 2014 07:48 AM To: Kensky, Susan (HPD) Subject: Re: Culver El, Boro Park, Bklyn

Thanks. Sorry to keep asking Qs on this, but what is the history of the 4 br condo design? Have we done that elsewhere? Did we or they do any market analysis to support?

I'm concerned about fair housing issues.

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 From: <Kensky>, "Susan (HPD)" <</td>
 PII

 Date: Tuesday, August 19, 2014 at 9:10 AM

 To: Vicki Been
 PII

 Zc: Eric Enderlin <</td>
 PII

 David Quart <</td>
 PII

 Subject: Re: Culver El, Boro Park, Bklyn

AHC, NYCHP, and Bank of Princeton are requiring phased closing because of market risk. The bank is requiring benchmarks of units sold as a condition of funding phase 2. As a matter of policy we don't convey property if financing is required but not secured.

Susan Kensky Assistant Commissioner / New Construction NYC Department of Housing Preservation and Development 100 Gold Street 9M4 NY NY 10038

From: Been, Vicki Sent: Tuesday, August 19, 2014 08:27 AM To: Kensky, Susan (HPD) Cc: Enderlin, Eric (HPD); Quart,David Subject: Re: Culver El, Boro Park, Bklyn

Susan,

What would be required to move it to a one-phase project? The developer needs to get financing, or he has it lined up and we need to close on it?

PII

Thanks, Vicki

Sent from my iPad

On Aug 19, 2014, at 2:36 AM, "Kensky, Susan (HPD)"

wrote:

We have bank financing only on the first phase.

I am trying to find out if Bloomberg was in the negotiations. This project was approved by the current mayor when he was the council member, but not sure to what extent he was personally involved.

Susan Kensky Assistant Commissioner / New Construction NYC Department of Housing Preservation and Development 100 Gold Street 9M4 NY NY 10038

From: Been, Vicki Sent: Monday, August 18, 2014 03:50 PM To: Enderlin, Eric (HPD); Kensky, Susan (HPD) Cc: Quart,David Subject: Re: Culver El, Boro Park, Bklyn

I was too cryptic in my FYI -- the issue is whether we can go forward with both phases together? Also, how did it come to be that the units are all 4 bedroom condos -- was that negotiated with the mayor's involvement? Is there any precedent for that?

Vicki

Sent from my iPad

On Aug 18, 2014, at 11:21 AM, "Been, Vicki"

PII

wrote:

The surface of the state of the

fyi

Sent from my iPad

Begin forwarded message:

From: B PII Date: August 18, 2014 at 10:48:07 AM EDT To: "Been, Vicki" · PII Cc: "Glen, Alicia" · PII "Wolfe, Emma" PII Subject: Re: Culver El, Boro Park, Bklyn

Agree with your plan, but want it to move fast. This is long overdue. I can help with the community

----- Original Message -----From: Been, Vicki (<u>mailto:</u> PII Sent: Sunday, August 17, 2014 03:24 PM To: B Cc: Glen, Alicia; Wolfe, Emma Subject: Re: Culver El, Boro Park, Bklyn

We were about to close on the first phase of the project, but the closing is on hold for the moment. That is one of the community boards that is the least racially diverse in the City, and would therefore have to share the community board preference with adjacent boards under the agreement we are negotiating with HUD to end their fair housing investigation of HPD and City Planning. CM Greenfield is very unhappy about having to share the preference, but I have explained to him, to CM Lander (it is in his council district) and to the speaker's team that to go ahead with a preference only for CB12 will end any chance of our settling the investigation with HUD, and result in an immediate new lawsuit (which we would likely lose). We are meeting with the Speaker, then with CM Greenfield in the next week to talk through options.

I'm looping in Alicia and Emma because we have all been talking through the strategy.

Vicki

Sent from my iPad

On Aug 17, 2014, at 2:41 PM, "B" <

PII

wrote:

Could you pls get me an update on this affordable housing project? I've been working on it since I was in the City Council and I hear there are still no shovels in the ground

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LOG IN

OPINION

A price we can't afford: Requiring affordable housing projects to pay prevailing wage would hurt New Yorkers who badly need help

By LILLIAM BARRIOS-PAOLI, VICKI BEEN, RAFAEL E. CESTERO, JERILYN PERINE, RICHARD ROBERTS and MATHEW WAMBUA

MAR 05, 2019 AT 12:30 PM



FEEDBACK



New York City Mayor Bill de Blasio stands in front of a residential construction site while unveiling his affordable 'Housing New York - A Five-Borough Ten-Year Plan', billed by his office as the most ambitious affordable housing plan in U.S. history, (John Moore / Getty Images)

Almost every debate on public policy comes down to the tradeoffs involved, and that's always the case with affordable housing.

FEEDBACK

Whether the debate is about where to build it, who to build it for or how energy efficient it should be, the decisions are always difficult when there are a diversity of legitimate interests competing for limited resources.

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As former housing commissioners spanning the Giuliani, Bloomberg and de Blasio administrations, in the face of such debates, we tried to juggle multiple interests and goals, and hoped to end up with a balance that served the greater good. Before making a decision, we collected the facts and weighed our options.

The affordable housing community, state Legislature and New York City should do the same in thinking through the current debate over whether we should require prevailing wages to be paid on affordable housing projects.

FEEDBACK

We worry that this is a bad, in fact very bad, idea.

Let's look at the facts.

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A 2016 report by the Independent Budget Office (IBO) found that generally, "prevailing wage increases total construction costs by an estimated 23%." When you increase construction costs that drastically, you're left with two choices: either increase taxpayer funding, or create less housing for low-income households.

Indeed, preliminary estimates shared by the New York Housing Conference suggest that prevailing wage would one, add approximately \$875 million in additional costs to the city's affordable housing program annually; or two, reduce the amount of affordable housing created and preserved by 9,200 units annually.

In only a few years' time, we'd need to find billions of additional taxpayer dollars, or cut tens of thousands of affordable units from the city's housing plan.

The office of state Sen. Jessica Ramos, who sponsors the legislation that would require prevailing wage in subsidized affordable-housing projects, recently said that this is needed "to ensure that workers are not being underpaid and cannot be exploited."

We believe her intentions are good, but good intentions don't always equal good policy.

We're not talking here about the difference between a poverty-level wage and a living wage; we're talking about the difference between healthy paychecks and paychecks that we should not be routinely subsidizing with public dollars.

U.S. Department of Labor data shows that the New York City mean wage for full-time work in 2018, for bricklayers was approximately \$82,000; under prevailing wage, that would jump to \$114,600. A plumber made \$78,000 in 2018; under prevailing wage, that would increase to \$141,000.

In contrast, the typical renter household — the people we're trying to aid by building this affordable housing — earns only about \$47,200 per year. And even though the city- and state-financed 277,600 new and preserved affordable housing units over the last 15 years, more than half of New York City renters are rent-burdened (one-third are severely rent-burdened).

Vulnerable populations who traditionally need access to affordable housing are continuing to grow. For example, the number of senior citizens, often living on fixed incomes, has grown by 19.2% from 2005-2015 according to a 2017 report by the city controller's office, and recent data from the city's Department of Homeless Services shows there are now 60,700 homeless (including more than 22,000 children) in our shelter system.

Additionally, we have a crumbling public housing system in need of \$45 billion to repair its 176,000 units of deeply affordable housing that serve roughly 400,000 people. According to the Regional Plan Association, the average income for a family in NYCHA housing is \$24,300. They make up approximately 5% of the city's total population and 15% of its low-income renters.

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There are currently 200,000 people on the waiting list for public housing.

To be clear, we are fully supportive of any industry advocating for a fair wage and fair treatment. However, a prevailing wage that increases the pay for workers earning more than double a typical renter household and more than four times that of a family waiting for public housing, isn't where the discussion about fair wages should begin.

The state Legislature's proposal has other consequences beyond those impacting the New Yorkers who are struggling to find an affordable home.

At a time when both city and state government are rightfully working to enhance opportunities for small women and minority-owned businesses and mandating their participation in affordable housing, we should not be cutting them off at the knees by making it impossible for them to expand their capacity and grow their business.

The specialized personnel needed and the costs associated with the administrative burdens required to undertake a prevailing wage project will mean that these smaller, less well-capitalized construction companies will not be able to compete for work on affordable housing jobs.

Some of our most progressive elected leaders have long called for government to increase investments in affordable housing, to build more for the most vulnerable and lowest incomes, and to broaden competition and inclusion within the industry.

With that investment having reached historic levels in recent years and progress being made towards many of those goals, why would they now push a policy that would undercut those efforts?

In the thick of today's affordability crisis and with so many people in need, this is no time to be diverting funding away from our city's many critical affordable housing priorities. A sweeping prevailing wage mandate would do just that. Perhaps our legislative leaders should instead consider a minimum wage requirement for affordable Casewil:an5aftdrd. OS20365 LiffiSable Holling Documenter Salis 39ge ville out 11/06/22 will Bage nee Ofer - New York Daily ...

housing that would serve to lift the wages of the lowest income construction workers while not critically wounding our city's drive to create and preserve affordable housing.

The Daily News Flash Newsletter

Weekdays

Catch up on the day's top five stories every weekday afternoon.

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Barrios-Paoli, HPD commissioner under Mayor Giuliani, is senior adviser to the president of Hunter College. Been, HPD commissioner under Mayor de Blasio, is a professor at NYU School of Law and NYU Wagner Graduate School of Public Service. Cestero, HPD commissioner under Mayor Bloomberg, is CEO of the Community Preservation Corp. Perine, HPD commissioner under Giuliani and Bloomberg, is senior policy fellow at Citizens Housing Planning Council and on the board of directors at West Side Federation of Senior and Supportive Housing. Roberts, HPD commissioner under Giuliani, is managing director of Red Stone Equity Partners and a board member at Community Preservation Corp. Wambua, HPD commissioner under Bloomberg, is president of RICHMAC Funding and co-chair of the New York Housing Conference.

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UNITED STATES DISTRICT C	OURT			
SOUTHERN DISTRICT OF NEW	YORK			
x				
JANELL WINFIELD, TRACEY STEWART and SHAUNA NOEL,				
Plaintiffs,				
-against-	Civil Action No.: 15-CV-5236 (LTS)(KHP)			
CITY OF NEW YORK,	13-CV-5256 (L15)(KHP)			
Defendant.				
	x			
DEPOSITION OF JERILYN P	DEPOSITION OF JERILYN PERINE			
New York, New York				
October 26, 2017				
9:15 a.m.				
Reported by:				
JUDITH CASTORE, CLR Job No. 52427				

1

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18 1 PERINE 2 your obligations are today. 3 It's to answer truthfully, to А 4 tell the whole truth and nothing but 5 the truth. I think that is my 6 obligation. 7 0 When did you first work at 8 HPD? 9 Α Well, I started in 1986; I 10 started in city government probably in 11 1978; I came from another agency to HPD 12 in 1986. 13 0 That was during the Koch administration? 14 15 Α It was. Did you participate at all in 16 Q 17 the formulation of the original version 18 or incarnation of the Community 19 Preference Policy? 20 I did not. I came in as a Α 21 director which was, you know, a 22 relatively, sort of, low kind of 23 position. And, to my recollection, the 24 policy was already in place. 25 During your tenure at HPD in Q

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1 PERINE 2 the Koch administration, did you come 3 to learn of the reason or reasons for 4 the Community Preference Policy? 5 Α Yeah. My understanding --6 and I had different positions during 7 all that time, but my understanding 8 was, of course, at that time we had a very huge inventory of tax foreclosed 9 10 property, which we called in rem, which 11 was derelict, which probably at that 12 time maybe half the buildings were 13 vacant and maybe the other half were 14 occupied with people in them. 15 At that time, there had also been a recent change to the tax law to 16 17 create the low income housing tax 18 credit. So the Koch administration was 19 able to create the ten-year plan using 20 city capital and other money. But it 21 focused initially on the vacant buildings. So a situation evolved 22 23 where you had tenants living in very 24 poor conditions in these in rem 25 buildings that were often derelict and

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20

1	PERINE
2	just not in good shape, and there
3	wasn't a lot of money to take care of
4	them properly. And then they would see
5	these vacant buildings that they had
6	lived with sometimes for ten
7	years getting fixed up and other
8	people moving in.
9	So then the question became,
10	well, why can't I get access to that
11	nicer building that's now fixed up and
12	I am still remaining in these terrible
13	conditions?
14	So there was a lot of
15	advocacy from community organizations
16	and from tenants themselves. And so
17	then it was my understanding that the
18	Community Preference Policy really grew
19	out of a desire to give people in those
20	neighborhoods an ability, which at that
21	time, of course, the neighborhoods were
22	really in bad condition, and so to give
23	them an opportunity to access those
24	units and get a preference for what was
25	then, I think, 30 percent. I don't

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21

1 PERINE 2 know if it -- I don't know what 3 happened -- I don't know if it started 4 at a lower number at a different point 5 in time. 6 Q Any other reasons that you 7 are aware of for the initial Community 8 Preference Policy during the Koch 9 administration? 10 That was my understanding. Α 11 Again, I didn't -- I wasn't in charge 12 of it or part of shaping it. But that 13 was my understanding at the time. 14 Q So you are not aware of any 15 other reason? You were not aware of 16 any other reasons for that original 17 policy during the Koch administration? 18 Α That was my understanding of 19 it, yeah, that's the extent of it. 20 Did you later come to be Q 21 aware of any other reasons than the one 22 you stated for the Koch administration Community Preference Policy? 23 24 Well, neighborhoods change Α 25 over time. It certainly became as

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22 1 PERINE 2 communities improved during those years 3 and this went well beyond Koch. 4 I'm only asking about Koch. 0 5 I'm only asking about the Koch 6 administration policy. 7 Α I don't really -- I guess I 8 don't really recall anything different. 9 Q I understand what you are 10 saying about different periods and 11 we'll get to different periods. I'm 12 just asking you about Koch now. 13 There is something I didn't 14 understand about your answer in terms 15 of people seeing buildings that were 16 vacant. 17 Were these people who had 18 been displaced from those buildings? 19 MR. VIDAL: Objection. 20 А That would be impossible for 21 me to know that. They were people 22 still living in that community. They 23 may have been displaced from other 24 buildings. It's always possible. 25 Buildings were in such poor conditions.

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1 PERINE 2 -- about Community Preference Q 3 and I am asking you to think about what 4 the agency's normal practice was in 5 your tenure when it came to important 6 decisions. This was an important 7 decision, right, raising it from 30 to 8 50 percent? 9 MR. VIDAL: Objection. 10 Α It was a decision. 11 Was it an important decision? 0 12 MR. VIDAL: Objection. 13 It was a decision that was Α one of million decisions. 14 15 It was one of a million Q 16 decisions. It wasn't -- when you were 17 making the decision, you didn't think 18 that it was consequential decision? 19 MR. VIDAL: Objection. 20 I hope that it would have Α 21 impact. 22 Do you think it was a Q 23 consequential decision? 24 MR. VIDAL: Objection. 25 I hoped that it would have Α

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180 1 PERINE 2 impact. 3 Q What do you understand the 4 word "consequential" to mean? 5 This was not the biggest Α 6 issue I was dealing with at the time. 7 So I certainly wanted it to happen and 8 I thought it was a good idea. It was 9 one of a million things. And it was 10 not, you know -- we were also preparing 11 the housing plan at the time. We were 12 doing lots of other things. Could 13 there have been more written material? 14 There could have been. I am not going 15 to recall that now. I mean -- and it 16 certainly was discussed with my boss 17 but I'm not going to recall every --18 whether or not there were memos, I 19 don't know. I can't remember that. 20 0 Just to repeat my question: 21 What do you understand the 22 word "consequential" to mean? 23 I would equate that with Α 24 being extremely significant. And I 25 guess I'm just saying in the context of

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181 1 PERINE 2 this time this was something I cared 3 about and I wanted to see it work and 4 be successful. It was not the biggest 5 decision in front of me. 6 Q Was it an extremely 7 significant decision? 8 MR. VIDAL: Objection. 9 А It was just a decision. Ι 10 mean, I had 3,200 employees; I had a 11 housing plan that I was creating for 12 the Mayor. There was a lot going on. 13 It was a decision. It was a good one. 14 Did Deputy Mayor Doctoroff Q 15 raise any concerns about increasing the 16 percentage? 17 Not that I recall. Α 18 0 Did anyone else at HPD -- I 19 said that wrong. 20 Did anyone at HPD raise any 21 concerns with you about increasing the 22 percentage? 23 MR. VIDAL: Objection. 24 Not that I really remember. Α 25 I mean, it was more just about -- a

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1 PERINE wasn't that they specifically asked 2 3 about Community Preference. 4 0 I understand. 5 Did any organizations ask 6 specifically about Community 7 Preference, that is, please increase 8 it? 9 Well, I said HCCI they came Α 10 It wasn't -- I don't remember in. 11 exactly what they proposed but it 12 certainly had to do with Community Preference and their desire to see it 13 14 be more. But I don't remember the --15 it wasn't what we ended up doing but it 16 was a different set of things that they 17 were concerned about. 18 Any other organizations who 0 19 specifically were advocating for an 20 increase in Community Preference? No. I didn't have -- that 21 Α 22 wasn't what people were asking for. 23 They were, sort of, asking for a 24 solution. They didn't necessarily 25 propose one.

184 1 PERINE 2 What about city council Q 3 members? I should ask you first: 4 Did you have occasion, not 5 specifically on Community Preference 6 but across a wide range of HPD issues, 7 did you have occasions where council 8 members sought you out to share their 9 views about what housing policy should 10 be? 11 Α Yes. 12 Q Any council members ask for 13 the percentage to be increased? 14 Α No. Again, people raised the problem without providing a solution. 15 16 Q Did advocacy -- do you know 17 who Bill Perkins is? 18 Α I do. 19 In what roles? I'm not 0 20 asking anything personally but in what 21 public roles do you know him? 22 Well, he used to work at HPD; Α 23 and then he was something, 24 councilperson. 25 Did you know that he was a 0

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185 1 PERINE 2 state senator at one point? 3 He wasn't when I was А 4 involved. 5 When you were the 0 6 commissioner, do you recall if he was a 7 public official of any type an elected 8 official of any type? Yeah. I don't remember when 9 Α 10 he got elected to the city council. Ι 11 certainly remember that he was elected 12 to the city council but he might have 13 been on the city council then. I --14 Well, did Bill Perkins have Q 15 any influence on the decision to go 16 from 30 percent to 50 percent? 17 I don't remember speaking to Α 18 him about it. 19 Whether or not you spoke to 0 20 him, are you aware of any influence that he had on the process? 21 22 I'm not. Α 23 You have mentioned HCCI. 0 24 Let me just understand, was 25 the city's responsiveness to --

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188 1 PERINE 2 Α Look at it beyond what I 3 already knew it to be? 4 Well, look at it in any way? 0 5 Α Well, I already knew what the 6 thinking was so --7 0 Just so we can clarify, you 8 knew why the percentage was 30 percent 9 and not 50 percent and not 70 percent? 10 А No. Sorry. I thought you 11 just meant Community Preference. 12 No, I don't know why it was 13 30 and not some other number. 14 So you didn't investigate 0 15 that --16 Α No. 17 Q -- question at the time? 18 Α Not that I remember. I don't 19 remember the details of this so you 20 have to forgive me a little but --21 For whatever it's worth, I 0 22 will forgive you a little. 23 What, if anything, did you 24 try to do to determine what the impacts 25 of going from 30 to 50 percent would

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190 1 PERINE 2 Α Because I thought it was 3 fair. 4 So you thought that 0 5 60 percent would not be fair? 6 Α I didn't think they should --7 yeah, I thought 50 percent was fair. 8 Why would 60 percent not have 0 9 been fair? 10 Α Because then it tipped over 11 to a majority of one way or the other. 12 I just thought 50 percent was fair. 13 Why would it be unfair to tip Q 14 it into a majority when you have 15 explained that the concern was to help 16 residents of improving neighborhoods 17 get access, that is, be awarded a 18 greater percentage of apartments? 19 А Because that's what I thought 20 was fair. I mean -- I mean, you want 21 an answer in the negative but I can 22 only give it to you in the way I can 23 give you it to you which is to say I 24 thought that that was fair, it was a 25 fair accommodation. There was still

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1 PERINE 2 going to be the same number of units 3 that were available for eligible people 4 citywide and I thought it was fair. 5 0 Was --6 Α -- because it was half. 7 0 Right. 8 Was part of your thinking on 9 this that going higher had the risk of 10 perpetuating segregation? 11 MR. VIDAL: Objection. 12 Α No. 13 So did it occur to you that 0 14 going from 30 to 50 percent could 15 increase the risk of perpetuating 16 segregation? 17 Α No, never. 18 What, if anything, did you do 0 19 or cause to be done to explore whether 20 that risk existed, the risk of 21 perpetuating segregation more from 22 going from 30 to 50 percent? 23 Well, other than just my Α 24 experience in working in these 25 communities and working with people who

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		192
1	PERINE	
2	were directly on the ground, this issue	
З	was never raised. And it never dawned	
4	on me that this would be have	
5	anything to do with Community	
6	Preference.	
7	MR. GURIAN: Let's take a	
8	lunch break.	
9	VIDEOGRAPHER: The time is	
10	1:15 p.m. and we're off the	
11	record.	
12	(Whereupon, a lunch recess	
13	was taken at 1:15 p.m.)	
14		
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211 1 PERINE 2 information about how long they lived 3 someplace. 4 Q So in plain terms, did you or 5 did you not have to be someone who 6 persevered through long years of 7 unfavorable conditions in order to be 8 eligible for the Community Preference; 9 ves or no? 10 Ά The standard was that you had 11 live within that community board. 12 0 That sounds like there was 13 not a requirement that you had to have 14 persevered through long years of 15 unfavorable conditions? 16 Α There was no requirement to 17 present that information to us, no. 18 0 I understand about not 19 presenting the information. But was 20 there any requirement that someone have 21 persevered through long years of 22 unfavorable conditions? 23 Α No. And it's the same thing. 24 We would only know what people give us. 25 How long -- when you describe Q

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336 STATE OF Neur York) 1 2 :ss 3 COUNTY OF ġ 5 ฐ I, JERILYN PERIME, the witness herein, having read the foregoing : testimony of the pages of this deposition, 8 do hereby certify it to be a true and 9 10 correct transcript, subject to the 11 corrections, if any, shown on the attached 12 page. 13 14 15 ERILYN PERINE 16 17 19 Sworn and subscribed to before 19 1314 day of 20 me, this December, 2017. 21 22 23 Zern LOUISE LIPPIN Notary Public, State of New York Registration #02L14992429 24 Notary Public Qualified in Kings County Commission Expires 2/2 2.5 DAVID FELDMAN WORLDWIDE, INC.

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2	STATE OF NEW YORK)	
3) ss.: County of new York)	
4	I, JUDITH CASTORE, Shorthand Reporter	
5	and Notary Public within and for the State	
6	of New York, do hereby certify:	
7	That JERILYN PERINE, the witness	
8	whose deposition is hereinbefore set	
9	forth, was duly sworn by me and that this	
10	transcript of such examination is a true	
11	record of the testimony given by such	
12	witness.	
13	I further certify that I am not	
14	related to any of the parties to this	
15	action by blood or marriage and that I am	
16	in no way interested in the outcome of	
17	this matter.	
18	IN WITNESS WHEREOF, I have hereunto	
19	set my hand this 9th day of November,	
20	2017.	
21		
22	Judith Castore	
23	JUDITH CASTORE	
24		
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Document 1 of 1

Brokering deal for affordable housing uptown

Author: J. Zamgba Browne

ProQuest document link

Abstract (Abstract): Councilman Bill Perkins (D-Harlem) has brokered an accord with officials at the city's Department of Housing Preservation and Development (HPD) to make housing opportunities more affordable to Harlem residents.

Perkins charged that for too long, HPD has been "disposing of these properties for development, only to yield apartments that are far too expensive for residents to rent or own."

Links: Check Columbia Libraries for fulltext

Full text: Councilman Bill Perkins (D-Harlem) has brokered an accord with officials at the city's Department of Housing Preservation and Development (HPD) to make housing opportunities more affordable to Harlem residents.

Initially, he was able to gain the support of his colleagues on the Planning and Disposition Subcommittee to disapprove the project because of rents he believed were unaffordable to his constituents.

Under the project, Perkins explained that HPD would dispose of a city-owned property to a private developer to build 41 units of rental housing on West 112th Street.

Perkins charged that for too long, HPD has been "disposing of these properties for development, only to yield apartments that are far too expensive for residents to rent or own."

The councilman reported that following heated discussions and negotiations at a Council's Land Use Committee hearing, the project was ultimately approved with a number of conditions. He did not elaborate.

"Hopefully, now, we can start to reverse that trend and provide neighborhoods with the kid of housing opportunity that makes sense for them." Perkins declared.

Specifically, Perkins said he persuaded HPD to raise the community preference requirement from 30 percent to 50 percent for all new housing development projects, thereby increasing access for residents who already live in the area.

He said this increase reflects a change in an 18-year-old policy begun under the Koch administration. In addition, the councilman said he convinced HPD and the selected developer to lower the rent by some \$125 per month for a two-bedroom unit.

Perkins finally initiated the beginnings of a task force to work jointly with HPD to further address the lack of affordable housing in the community.

Subject: Housing; Law;

Ethnicity: African American/Caribbean/African

Publication title: New York Amsterdam News

Pages: 4

Publication year: 2002

Publication date: Aug 29, 2002

Year: 2002

Publisher: New York Amsterdam News

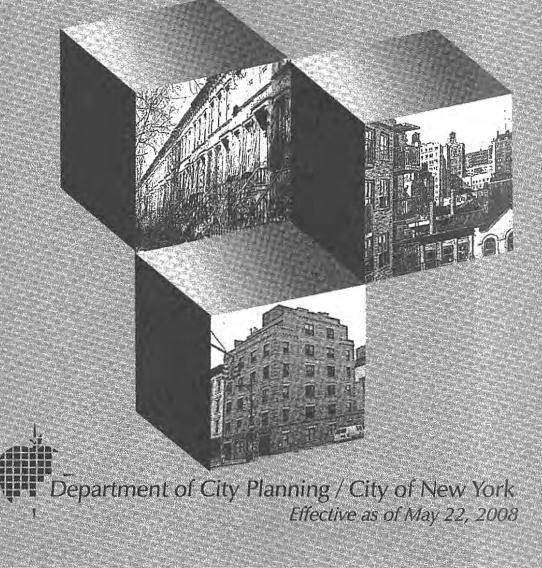
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Consolidated Plan Annual Performance Report 2007

Affirmatively Furthering Fair Housing Statement





New York City Housing Authority's Response to Gloria Chao

In February 2007, NYCHA temporarily reopened the Section 8 waiting list for non-emergency applicants. Applications for Section 8 Housing Assistance were made available at various locations including NYCHA's offices at 125th Street. Building management will not allow NYCHA to leave applications in the lobby. NYCHA has many applicants on its waiting list. Applicants are scheduled for Section 8 interviews based on priority and date of application. Applicants should contact the Applications Office in their borough to report change of address, family composition, and change of income. The collection of information on race and ethnicity is required by the Department of Housing and Urban Development for statistical purposes only and to insure non-discrimination.

Department of Housing Preservation and Development response:

The core mission of HPD is to promote quality housing and livable neighborhoods for all New Yorkers. One important way HPD fulfills this mission is by enforcing compliance with the City's Housing Maintenance Code and New York State's Multiple Dwelling Law. HPD seeks to support the preservation of privately owned housing by making both tenants and landlords aware of their rights and responsibilities.

An innovative new tool intended to target and fix some of the City's most distressed residential buildings, the Alternative Enforcement Program allows HPD to focus on that small percentage of buildings which generate a disproportionate percentage of HPD's enforcement activity.

If your building owner fails to maintain your apartment and provide essential services, you may report the condition to the City's Citizen Service Center at 311 (311 can be accessed outside of New York City by dialing (212) NEW YORK). For the hearing impaired, the TTY number is (212) 504-4115. The Center also provides immediate access to translation services in over 170 languages. The Center is open 24-hours a day, seven-days a week. We urge all New Yorkers to take advantage of 311 services.

3. Comments Received During the 15-day Public Comment Period on the Proposed 2007 Annual Performance Report / Affirmatively Furthering Fair Housing Statement, March 12, 2008 through March 26, 2008

Craig Gurian, Executive Director, Anti-Discrimination Center, Inc.

The Center submitted the following opinions and comments regarding the Proposed Statement:

- 1. The writer indicated the City did not successfully place the Proposed Statement of its website in a timely manner;
- 2. The 2007 Statement tracks the 2002 AFFH statement;
- 3. The Statement ignores Census data available to quantify the scope of housing segregation thorough the provision of mapped data;
- 4. The Statement does not attempt to address housing segregation that has historically operated on a regional level;
- 5. The Statement fails to address the causes of residential segregation, although it makes the assumption that segregation is caused by market or community forces;
- 6. The Statement fails to specify those market or community forces or the role of the government action or inaction in respect of those forces (e.g., the impact of the attempt to destroy rent regulation);
- 7. The Statement fails to assess - because the City has failed to survey its residents on this point what housing preferences different people currently have, what factors inform those preferences, the extent to which race acts as a proxy for other factors informing those preferences, the extent to which other factors (sic) as a proxy for race, or, most importantly, what can be done to change external variables to allow people's preferences to change over time;
- 8. The Statement ignores the City's historical role in creating and maintaining segregated neighborhoods. For example, it ignores the fact that the City made decisions on where to site public housing while invoking explicitly race-based concerns. See, e.g., Wendell Pritchett, Brownsville Brooklyn;

- 9. The Center was of the opinion recent downzonings, initiated to "preserve neighborhood character", have reduced the possibility of affordable housing in a variety of these neighborhoods;
- 10. The Statement fails to acknowledge the 50% set aside for residents for projects built under the New Housing Marketplace perpetuates segregation in those neighborhoods and is violation of the Fair Housing Act;
- 11. The Statement fails to recognize the mechanism for distributing applications for the New Housing Marketplace opportunities is antiquated and not designed to facilitate the fullest City-wide participation;
- 12. The Statement reports on the various efforts of government enforcement agencies, but doesn't bother to consider why, 40 years after the passage of the Fair Housing Act, these efforts have not been effective in ridding the City of residential segregation. Likewise, the Statement fails to propose any change in strategy to accomplish better results;
- 13. The Statement fails to report that the number of City-funded positions at the Human Rights Commission is more than 85% below the City-funded staffing level at that agency at the start of the 1990s, and, is lower than the lowest levels of the Giuliani Administration;
- 14. The Statement fails to account for what happens to all the discrimination complaints received by the 311 system (and referred to the Human Rights Commission). According to the Mayor's Management Report, in just the first four months of Fiscal Year 2008, the 311-system agency received over 3,000 inquiries dealing with discrimination complaints. In contrast, the aggregated number of complaints filed at the Human Rights Commission with what that agency calls "pre-complaint resolutions," accounts for only 182 people;
- 15. The Statement fail to describe a mechanism which the City assesses whether is own policies, program, laws and regulations is segregation-perpetuating, -neutral or -reducing;
- 16. The Statement fails to set out as City policy a determination to counteract past instances in segregation in residential housing;
- 17. The Statement fails to set out as City policy a determination to refrain from acting in any way that would perpetuate segregation in residential housing on the neighborhood, borough, City, or regional levels;
- 18. The City has failed to enact mandatory inclusionary zoning in all neighborhoods;
- 19. The City has failed to utilize its own property throughout the City and, by the same means, reduce segregation at its disposal to create affordable housing to create sorely needed affordable housing and, by the same means, reduce segregation;
- 20. The City's new Building Code has actually reduced accessibility requirements for people with disabilities;
- 21. The City's Buildings Department fails to identify barriers to accessibility in the course of inspections that it is already done, has failed to create a database of inaccessible housing and public accommodations based on such inspections, and fail to forward to the Human Rights Commission (or to covered entities) findings of inaccessibility; and,
- 22. The City fails to inform those covered by the housing and public accommodations provisions of the City's Human Rights Law of their obligations under the Law. The Center recommended the inclusion of informational material regarding the obligation to comply with the Law in one of the regularly scheduled mailings the Department of Finance makes to all property owners.

Department of City Planning response:

The Department of City Planning concedes there were technical difficulties which delayed placing the Public Comment version of the Proposed Statement on its website. However, the hard copy version of the Proposed Statement, the City of New York's official document, was made available in the Department's Bookstore, and in its Borough Offices at the start of the public comment period. Regarding the non-placement of a notice announcing the release of the Proposed Statement for public comment on the "Notices and Updates" section of City Planning's homepage, the please be advised that notice was placed on the website's "All Updates:" webpage. The "All Updates" webpage lists all Departmental events and activities undertaken by the Department in chronological order which they occur. Therefore, the City's Proposed Affirmatively Furthering Fair Housing Statement was compliant with federal Consolidated Plan citizen participation regulations.

• NYCHA's new initiative, in cooperation with the City's Department of Housing Preservation and Development (HPD), to expand affordable housing and promote economic integration by redeveloping some of its properties as mixed-income developments.

Comment #17

This comment is inaccurate, as shown in the Response to Comment No. 6 above. The City's anti-discrimination policy is also expressly stated on page 1 of the Statement.

As for NYCHA, its Tenant Selection and Assignment Plan is specifically designed to prevent the perpetuation of racial segregation. Adopted in 1992, it has been declared nondiscriminatory by HUD, the U.S. Department of Justice and a federal court.

Comment #19

From its creation, NYCHA has utilized all of its own property to create decent, safe, secure, and affordable housing for low and moderate income families throughout the five Boroughs of New York City. Furthermore, in partnership with the City, NYCHA currently has 2,500 apartment units in the pipeline for redevelopment as mixed-income housing, to expand affordable housing and to promote economic integration.

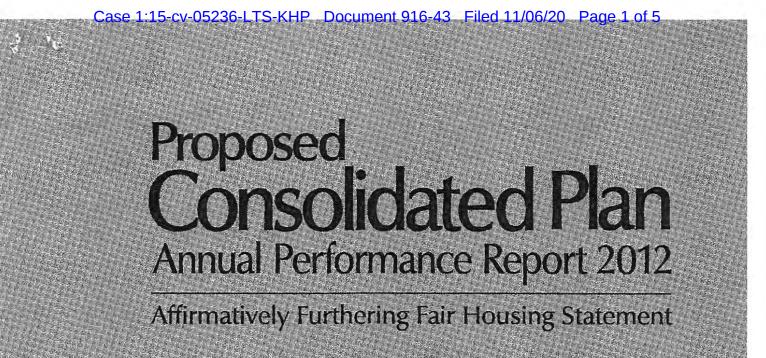
Department of Housing Preservation and Development response:

HPD gives preference for either the sale or rental of 50% of all homes, co-ops, condominiums and rental apartments it creates or rehabilitates to current residents of the community board district where the homes are located. The community preference was established in 1988 to provide greater housing opportunities for longtime residents of those New York City neighborhoods where HPD has made a significant investment in housing. These long-time residents have deep roots in the community and have persevered through years of unfavorable living conditions. The community preference gives local residents the opportunity to rent or purchase a quality home during a time when public and private investments are revitalizing their community. As a neighborhood stabilizes and becomes more desirable, housing costs may increase to the point where long-term residents are displaced. This is a harsh and inequitable outcome for people who have endured years of unfavorable conditions and who deserve a chance to participate in and benefit from neighborhood revitalization. The community preference ensures that affordable, high quality units will be offered to these residents. At the same time, every development is also marketed throughout the City, to ensure that all residents have an opportunity to become a part of communities that are benefiting from public sector investments. All applicants must meet the same threshold requirements to be eligible and all are selected by lottery. The preference is not a set-aside, but a goal; should the 50% preference not be met by the pool of eligible community applicants, the remaining units are distributed via the general lottery. Therefore, the lottery system described herein complies with fair housing laws.

The NYC Department of Housing Preservation and Development (HPD) and the Housing Development Corporation (HDC) offer potential applicants the ability to access the Affordable Housing Hotline in those languages most commonly spoken in the City – English, Spanish, Mandarin, Cantonese, Haitian Creole, Korean and Russian. The hotline provides listings of affordable homes and apartments available for sale or for rent through the City's Housing Lottery system. Potential applicants can find out about open lotteries by calling 311 and asking for the Affordable Housing Hotline in any of the languages available. The hotline can be also accessed by dialing directly the following numbers:

- English, 212-863-5610
- Spanish, 212-863-5620
- Mandarin, 212-863-8924
- Cantonese, 212-863-8925
- Russian, 212-863-8936
- Haitian Creole, 212-863-8939
- Korean, 212-863-8979

AFFH-51





DEPARTMENT OF CITY PLANINING CITY OF NEW YORK

Effective as of July 12, 2013



NYC_0014444

VII. Citizen Comments

On October 25, 2012 the New York City agencies which formulated the AFFH conducted a public forum. The purpose of the forum was to gather information from the communities on the impediments to fair housing choice in the City's neighborhoods. The public was informed of the event in several ways. Over 2,600 notices were mailed to citizens, public offices and organizations concerned with affirmatively furthering fair housing. In addition to the English-language version of the notice, Spanish-language and Chinese-language versions were included in the mailing. The three respective versions of the notice were posted on the Department of City Planning's Consolidated Plan-related internet webpage. The public notices appeared in three newspapers with city-wide circulation, an English-language, a Spanish-language and a Chinese-language. Lastly, each version of the notice was placed as a public service message on the New York City-operated local cable television access channel.

In addition, the City provided the opportunity to members of the public who were unable to attend the forum to submit written comments. Originally, the opportunity for the public to submit their fair housing comments and concerns was scheduled to close on November 1, 2012. However, as a result of Hurricane Sandy which caused power outrages and telecommunication/computer disruptions in several communities within New York City, the submission deadline was extended to November 23, 2012. Lastly, comments submitted in the writer's (non-English) language were translated.

The citizens' comments have been summarized and responses to the comments by the respective City Agency are provided.

1. Testimony from Public Forum on Fair Housing Issues and Concerns, October 25, 2012

Mr. Juan Ramos, Chair, Broadway Triangle Community Coalition (BTCC)

Mr. Ramos submitted written comments in his role as Chair of the Broadway Triangle Community Coalition (BTCC), which he describes as a group of more than 40 community organizations and individuals. He claims that members of the Coalition were excluded and discriminated against by the City of New York in the process of rezoning and planning for the development of land in the Broadway Triangle Urban Renewal area in Williamsburg and Bedford-Stuyvesant, Brooklyn. The BTCC asserts that the City is not in compliance with its obligations under the Fair Housing Act (FHA) because the City did not undertake a specific analysis of the Broadway Triangle rezoning or of three proposed HPD-funded housing projects within the rezoned area as to whether they met the requirements of the FHA. Furthermore, the BTCC asserts that the City of New York excluded "huge segments of our community, including the Latino and African American residents of our community," from the rezoning process from its inception in 2006.

The BTCC and other parties (hereafter, BTCC) have brought suit against the City of New York, asserting claims including those described above. The commenter states that the BTCC demonstrated, in hearings in New York State Supreme Court, that before the planning process began, the City did not consider or analyze how severely segregated the Broadway Triangle area currently is or how various affordable housing plans or rezoning proposals could either perpetuate or lessen segregation. The BTCC asserts that the practices the City follows in the development of the Broadway Triangle would have segregative effects, specifically that the City would be funding what BTCC believes would likely be housing designed only for, or primarily for, the Hasidic community. The effect, the BTCC says, would be "to keep out the rest of us, and to keep segregation alive and well."

thus reflecting a state policy determination that more affordable large apartments are needed statewide. The larger apartments to be constructed are to be available to applicants from anywhere in the City.

The City has collected actual initial rent-up data for two recent HPD-funded developments in Williamsburg. The data for the initial occupancy of large apartments show that people from the non-white constituency BTCC purports to represent and who BTCC claims need only smaller apartments, sought and qualified for large apartments in Williamsburg projects that were rented up by the same lottery system that would be used for the projects challenged by BTCC:

Schaefer Landing 3- and 4-bedroom apartments: 45 white households 30 Hispanic households 6 Asian households 5 black households Palmer's Dock 3-bedroom apartments: 17 Hispanic households

9 Asian households
3 households for which race/ethnicity is unknown
2 black households
1 white household

The City of New York employs a standing policy to give preferential treatment, that is, to be first in line, for 50% of new affordable apartments to residents of the community district in which an affordable development is located. Community districts throughout the City with large black and Hispanic populations want this community district preference so as to ensure that their black and Hispanic residents are not shut out by applicants – both fellow minority members and whites – from outside the community when new and desirable affordable housing is built. The community district preference is race-neutral, as it is used across the board in every community district in which affordable housing is built, which is often in neighborhoods with high numbers of poor members of minority groups. The preference was raised from 30% to 50% in 2002 to meet the need expressed throughout the City. In the case of the Broadway Triangle, the community district preference gives some advantage to Hispanic residents of Williamsburg over residents of other areas of the City, including the neighboring Bedford-Stuyvesant community. It should be noted that Bedford-Stuyvesant residents were the beneficiary of the community district preference in the past when numerous affordable apartments were built there.

Finally, Mr. Ramos complains that the City is supposedly "allowing" private landowners in the Broadway Triangle to develop housing primarily for the Hasidic community. However, he provides no information about which properties are supposedly being developed or what form this purported discrimination is taking. It goes without saying that the City cannot control what private owners do with their property. And it further goes without saying that anyone believing that any particular owner is discriminating against him or her should immediately report such discrimination to one of the various governmental agencies responsible for taking enforcement action against discrimination.

Commission on Human Rights response:

Please refer to CCHR response to Fred Frieberg, Executive Director, Fair Housing Justice Center below (submitted comments).

Department of City Planning response:

The City's Consolidated Plan need not analyze particular neighborhoods, nor would it be possible to analyze every neighborhood. The City's Consolidated Plan does evaluate the Fair Housing status of the City overall. As indicated in the Furman Center's report <u>The Changing Racial and Ethnic Makeup of New York City</u> <u>Neighborhoods</u> the City is still segregated with respect to race and Hispanic origin. However, the report's AFFH-61

New York City Housing Authority response:

There is no minimum income that a family must have to qualify for public housing. However, NYCHA does have a Dual Preference Priority system (Working Family and Need Based) in which it ranks each applicant. An applicant may be assigned a priority in either, both or neither preference. As a working family residing in substandard housing, you would qualify for both the working family and need based preference.

Fred Freiberg, Executive Director, Fair Housing Justice Center (FHJC)

The Center, a locally-based, non-profit, civil rights organization submitted the following comments regarding the persistence of discriminatory barriers in the New York City housing market and the City's activities to affirmatively further fair housing. The writer was of the opinion:

- Systemic discrimination in the housing market continues to restrict the housing choices of New Yorkers.
 - The writer indicated that new multifamily housing in the local housing market is not being designed and constructed in compliance with the accessibility requirements contained in the federal Fair Housing Act even though these requirements have been in effect for over twenty years. The continued non-compliance limits current and future housing opportunities available to persons with mobility impairments in New York City.
 - The ability of persons with disabilities and persons with rental subsidies to locate accessible and affordable housing in New York City continues to prove very challenging.
- City housing policies reinforce residential segregation and perpetuate inequalities.
 - Mr. Freiberg stated the City's mandated use of a residency preference for its affordable housing developments perpetuates residential segregation. According to City policy, a 50% preference for all affordable units is applied to applicants living within the Community District where the housing is located. As a result, minorities from other Community Districts are at a disadvantage in obtaining affordable housing within the given CD thereby reinforcing current residency patterns.
 - The Center cited the Broadway Triangle Community Coalition's lawsuit against the City and the preliminary ruling that the City's housing plan for the area would discriminate against on the basis of race and national origin thereby perpetuating the neighborhood's current pattern of residential segregation.
- The New York City is unwilling to change its Human Rights Law to be "substantially equivalent" to the federal Fair Housing Act. As a result, the City is ineligible for federal funds for fair housing enforcement.
 - The Center is of the opinion that the City Commission on Human Rights enforcement process lacks a formal complaint mechanism and stresses early "intervention" on a case-by-case basis prior to accepting a complaint. While early interventions may help to resolve an issue for an individual complainant, they do not eliminate the discriminatory policies or practices that will adversely impact others going forward. The writer further opinioned that the Commission's intake and investigative process has deficiencies and needs to be revamped to ensure greater effectiveness, fairness, and equity. The writer claimed the Commission does not vigorously enforce the Human Rights Law or work to remove barriers to housing choice and eliminate systemic discrimination in the housing market of New York City. According the Mr. Freiberg, that despite public statements by the Commission that it has a testing program, a review of its enforcement activity offers no evidence to support this claim. He stated there is no indication that the Commission is experienced in conducting testing investigations or using the results to challenge systemic housing discrimination in New York City.

In conclusion, the FHJC is of the opinion that the City of New York is unsuccessful in affirmatively further fair housing for its housing and community development activities by:

- It s inaction to climinate systemic housing discrimination that persists in New York City neighborhoods;
- Engaging in planning and community development activities that reinforce racial segregation and concentrated poverty: and
- Its non-enforcement of fair housing laws to assist New Yorkers exercise their fair housing rights.

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Commission on Human Rights response:

The Commission congratulates the Fair Housing Justice Center and similar groups for their hard work on behalf of all New Yorkers. The New York City Human Rights Law, by providing a private right of action for violations, acknowledges that the New York City Commission on Human Rights is not, and can not, be the sole venue to prosecute discrimination claims. I would point out that unlike these groups; the Commission does not have the luxury of focusing on one type of discrimination. The law requires the Commission to investigate and prosecute discrimination in employment, housing and public accommodations (stores, restaurants or any business open to the public). In addition, the Commission is also mandated to educate the public about the New York City Human Rights Law and foster positive intergroup relations. More than half our budget is dedicated to this purpose and we reach approximately one million people a year with our educational and outreach efforts.

The current Executive Staff of the New York City Commission on Human Rights has over 60 years of combined experience in criminal, as well as, discrimination investigations. Since 2002, we have had at least one and sometimes two retired New York City Police Officers on staff to assist with the training and supervision of testers. The Commission has conducted close to 1,000 tests for discrimination since the end of 2006, the majority of which involved housing, and 12% of which resulted in Commission initiated complaints. These numbers do not include testing done as part of an employment discrimination study with Princeton University or a housing discrimination study currently underway with Colombia University.

In addition, the Commission filed 4,393 complaints of discrimination since 2002; 972 involving housing discrimination. During the same period, the Commission closed 662 discrimination complaints in favor of the complainant; obtaining almost ten million dollars in monetary damages for complainants, over 1.3 million dollars in fines to the city, and Ordering 1,726 modifications allowing the disabled to continue in employment, and have access their homes and everything else that New York City has to offer.

The Commission does, in appropriate cases, attempt pre-complaint intervention and has been successful in almost 1,000 cases since 2002. Not all cases involve systemic discrimination and in many instances it is more important to get an individual their job back immediately to provide for their family or have a ramp built so they can get in and out of their apartment.

The Commission does claim that we are responsible for enforcing the most comprehensive civil rights law in the nation. What makes the law more comprehensive; however, is not just the number of protected classes as Mr. Freiberg contends; but rather the expansive view of what the law considers to be a disability, the fact that no accommodation is automatically considered to be unreasonable on its face, and the fact that the employer, housing provider or public accommodation is always required to pay for a disability accommodation; to name a few.

Lastly, substantial equivalency will not strengthen the law or enhance our enforcement. It would however, bring additional money into the agency, making it an attractive option in these difficult economic times. Becoming substantially equivalent to the Fair Housing Act would require amendments to the New York City Human Rights Law. These amendments are outside the control of the Commission.

The remainder of Mr. Freiberg's statements regarding the Commission's intake and investigative process, our complaint mechanism, and our general ability to enforce the law are clearly belied by the above-stated facts.

Department of Housing Preservation and Development response:

Please see the Department's response to Juan Ramos, Chair, Broadway Triangle Community Coalition (BTCC).

AFFH-70



FURMAN CENTER FOR REAL ESTATE & URBAN POLICY NEW YORK UNIVERSITY



POLICY BRIEF

How Have Recent Rezonings Affected the City's Ability to Grow?

In October 2009, the Bloomberg Administration celebrated its 100th rezoning, a significant milestone for a massive and unprecedented rezoning agenda that has affected more than one-fifth of the City and has significant implications for the City's development landscape.¹ These rezonings reflect a wide range of goals: advancing the City's economic development agenda; accommodating expected population growth (PlanNYC 2030 estimates the City will grow by one million new New Yorkers by 2030 over its 2000 population); and responding to the varied needs and preferences of the City's diverse neighborhoods.

Some of these rezonings apply to only a few blocks, while others cover large stretches of land and have major implications for development at a neighborhood and even borough level. As individual rezonings were proposed and debated, each faced scrutiny, and sometimes a great deal of controversy, within the communities they would affect. Yet despite the close attention local stakeholders paid to each rezoning, there has been no comprehensive analysis of the net impact these land use decisions have had on the City's overall ability to accommodate

¹ The "one-fifth" calculation excludes the City's park land. See press release, celebrating the 100th rezoning for more detail: http://nyc.gov/html/dcp/html/about/pr102809.shtml. new growth, or on how the outcomes of these rezoning actions square with the City's stated development, environmental and transportation goals. The Furman Center has filled this gap by conducting the first statistical analysis of the cumulative impact of New York City's recent rezonings. We set out to answer several key questions:

- How have the rezonings changed the City's capacity for new residential development?
- Where has new residential capacity been added? Where has existing capacity been lost?
- What are the characteristics of communities that gained capacity?
 Of those that lost capacity?
- How does the location of new/lost capacity relate to the City's public transportation infrastructure?
- Does the location of new/lost capacity correspond to market demand and population growth?
- How likely is it that new capacity will be developed for residential use?

This policy brief summarizes our findings for each of these questions, and identifies areas where researchers and policymakers ought to explore these issues in greater detail.





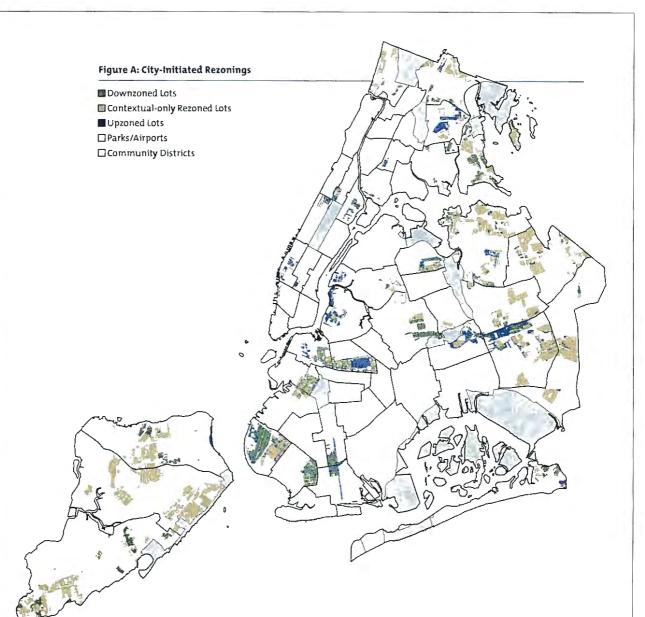
Overview of rezoning activity in NYC

The current Zoning Resolution, which sets the parameters for what can be built in the City, was enacted in 1961. It replaced the City's original zoning ordinance, adopted in 1916, which was the first comprehensive municipal zoning ordinance in the nation. Many have criticized the Resolution as being indifferent to whether and how existing neighborhood context should determine what else can be built. Since 1961, there have been several amendments to the Resolution as well as some more ambitious attempts to rewrite and update it to address this concern. The most recent such attempt was the Unified Bulk Program proposed by the New York City Department of City Planning (DCP)² in 1999. It proposed a rewrite that would require new development to be more consistent with existing neighborhood characteristics, but it faced significant opposition from real estate developers and was never adopted.

Since Mayor Bloomberg took office in 2002, the City has eschewed a comprehensive rewrite of the Resolution and focused instead on using its existing powers to initiate neighborhood rezonings. While previous administrations have had the authority to propose neighborhood rezonings, they used this power less frequently, instead generally focusing on proposals that private developers submitted to rezone small areas. The DCP can propose zoning changes either as a result of its own planning activities or in response to a request from Community Boards, elected officials, or other local stakeholders.

For each individual rezoning initiative, the DCP cites specific planning goals, ranging from protecting existing residential neighborhoods against out-of-context development to encouraging economic and residential development. Inherent in this process is some tension between the localized goals of individual zoning changes and the City's overall development strategies and goals. One of DCP's key challenges is balancing those competing interests.





Data and methodology

Our research looks at the impact of 76 rezonings that took place between 2003 and 2007, the most recent year for which we had data when we began this research. We focus only on lots that already were, or would be (by 2007), zoned to permit residential use. To provide a sense of the scale of the rezoning activity: of the 816,000 lots that existed in 2003, approximately 188,000 were subject to a City-initiated rezoning action by the end of 2007.³ Figure A reveals how these rezonings were distributed throughout the City.

To measure residential development capacity, we use the lot's Floor Area Ratio (FAR), which limits a building's size to a multiple of the area of the lot. For example, a building on a 10,000 square foot lot that is in a zoning district with a FAR of 2.0 would be

³ We exclude streets, parks, airports and other large public facilities.

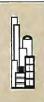


Figure B: An Illustration of How a Lot's FAR Corresponds to Built Area

FAR=2.0 20,000 sf building covering 100% of lot FAR=2.0 20,000 sf building covering 50% of lot FAR=2.0 20,000 sf building covering 25% of lot

allowed to have 20,000 square feet of usable floor area (2.0 FAR x 10,000 sq. ft. lot area). As illustrated in Figure B, a developer could choose to use that allowable buildable area by constructing a 20,000 square foot single story building, a two-story building with 10,000 square feet on each floor, a fourstory building with 5,000 square fect on each floor, and so on, depending on other regulations for that lot, such as height limits. While these other restrictions may affect the size of a development, a lot's FAR is the primary determinant.

For the 188,000 lots that were rezoned between 2003 and 2007, we first determine what the residential development capacity was for each lot in 2003. To do so, we begin with the default maximum FAR for the zoning district the lot was in as of 2003 and then adjust it based on other lot characteristics the Zoning Resolution takes into account, such as whether the lot is on a wide street or a side street, whether it is on a waterfront, or whether it was in a "special purpose district" (an area with special zoning regulations that may change the allowable building form, use, and floor area). We then multiply the lot's maximum FAR by the lot's size to calculate its maximum buildable area as of 2003. By following these same steps for the lot as of 2007, we can measure the change in that lot's residential development capacity over our study period. Based on the change we measure, we then classify the lot as either "upzoned," "downzoned," or "contextual-only rezoned." Specifically, we define each of those categories as follows:

- Upzoned. We define a lot as upzoned, if the rezoning increased its residential development capacity to at least 10% more than its pre-rezoning capacity.
- Downzoned. We define a lot as downzoned if the rezoning decreased its residential development capacity to less than 90% of its pre-rezoning capacity.
- Contextual-only rezoned. We define a lot as "contextual-only rezoned" if the rezoning changed some aspects of what can be built on the lot, but did not significantly change its residential development capacity (specifically, by more than 10%). A more complete discussion of contextual-only rezonings can be found on page 5.



WHAT IS A CONTEXTUAL-ONLY ZONING CHANGE?

Our analysis classifies as "contextual-only" any zoning change to a lot that does not increase or decrease its residential development capacity by more than 10%. Most of the lots rezoned between 2003 and 2007 fall into this category (particularly in Staten Island and Queens).

Our estimates of residential development capacity are based on the maximum FAR that the Zoning Resolution assigns to different lots. But the Zoning Resolution regulates development in a number of other ways as well, through height limits, front, side and rear yard requirements, lot coverage limits and minimum off-street parking requirements, for example. FAR limits the total size of a new building, but these other regulations help determine its shape and placement on its site. If a zoning change doesn't alter a lot's maximum FAR, it is likely changing some of these other types of regulations. We call these zoning changes "contextual-only" because these kinds of changes are usually enacted to ensure that new development more closely matches the existing context of a neighborhood.' DCP's strategic plan identifies "protecting neighborhood character" as one of its key goals; contextual-only rezonings can be thought of as responding to that goal.

¹ Zoning changes that increase or decrease a lot's maximum FAR also may impose regulations intended to ensure that new development is sensitive to neighborhood context, but because the lot's residential development capacity changed, we classify these as upzonings or downzonings. For example, the 2005 City-initiated rezoning of Cambria Heights in eastern Queens placed hundreds of mostly single-family homes into new zoning districts. While the maximum FAR remained the same, the rezoning imposed deeper front yard requirements, reduced the maximum height of the front-facing wall of homes, and capped total building height.

Other "contextual-only" zoning changes restrict the building types that can be developed, even if the resulting density is no different. As part of the 2007 Dyker Heights rezoning in southwestern Brooklyn, for example, several blocks were rezoned to permit only detached and semi-detached homes, the predominant existing building types on the blocks. While in most cases the new zoning didn't explicitly change the amount of residential capacity, by restricting new buildings to detached and semi-detached homes, it barred the construction of row houses and apartment buildings, both of which were previously permitted.

In some cases, the changes that result from a "contextual-only" zoning likely have a practical impact on development capacity that we currently are unable to measure because we focus only on maximum FAR. The combined impacts of height limits and required yard dimensions, for example, could make it practically impossible to develop some lots to their full FAR. We will continue to analyze the contextual zoning districts to better understand the role these non-FAR regulations may play in determining how intensely lots in New York City are developed.



We conduct this research on a lot-by-lot basis, because most rezonings include different types of changes—upzoning or downzoning some lots while contextualonly rezoning others. In order to understand the net impact on the City, therefore, we needed to aggregate the changes made to individual lots.

The City's Zoning Resolution is massive and complicated. While our calculations represent the first attempt to systematically map cumulative changes in residential capacity, our methodology has some limitations. We simplycouldnotadjustforeverydevelopment and regulatory characteristic that may affect what can be built on a lot. In some cases, our capacity calculations may overstate capacity because we can't adjust for parking requirements and other development requirements that would reduce the actual buildable area. On the other hand, we are also unable to adjust for regulations that might increase the actual buildable area, at least for certain owners, such as community facility or inclusionary zoning bonuses. It is also important to note that our residential development capacity calculations are estimating the "paper" capacity of lots. Whether or not that capacity can or is likely to be used depends on a number of other factors, which we discuss later in the report. So, for example, a downzoning may remove capacity from a lot that was unlikely to have been used, perhaps because the lot was already developed with a high-value home. In such cases, our calculation of lost "paper" capacity will overstate the practical impact of the zoning change change on that area's ability to accommodate new development.

Why rezone a neighborhood?

Rezonings have the potential to dramatically change the City's development landscape, and the nature and quality of life of different kinds of neighborhoods. But whether a particular type of rezoning will benefit or burden local residents is not always clear. There are pros and cons to any kind of rezoning, and the way a rezoning ultimately affects a neighborhood will likely depend upon market demand, developer behavior, the City's investment in local infrastructure and economic development, and many other factors. Below we outline typical justifications for rezonings, and the potential benefits and burdens various kinds of rezonings might bring.





Upzonings

DCP frequently cites economic development as a rationale for upzoning an area. Allowing the land to be developed more intensely, the logic goes, will bring new investment to the area. The benefits of such investment may include new housing stock, businesses, jobs, and retail services, all of which could improve the quality of life for existing residents. Of course, new housing and new businesses also may bring increased traffic and congestion-potential burdens for residents. In addition, if such improvements make an area more desirable, rents and housing prices may increase, and the neighborhood may become less affordable for the current residents.

Downzonings

One of the most commonly cited reasons for downzoning an area is neighborhood preservation. As discussed above, many critics of the Zoning Resolution claim that it pays insufficient attention to neighborhood context; downzonings are seen as a way to amend the Resolution at a neighborhood level to ensure that new development will not be at a scale much larger than the existing context. Limiting future development can be seen as a benefit because it preserves the existing character of the neighborhood, and prevents new uses that may be undesirable or tax a neighborhood's existing infrastructure. For the same reasons, however, preservation can be seen as a burden because it limits the growth of new housing or businesses and may limit owners' ability to capitalize on the development capacity of their lots.

Contextual-only rezonings

Like downzonings, contextual-only rezonings often are motivated by a desire to preserve a neighborhood's existing character by preventing other uses or development styles from being introduced. Residents who do not want change are likely to see a contextual-only rezoning as a boon. Residents more interested in, or accepting of, seeing their neighborhood accommodate diverse kinds of development, on the other hand, may see the rezoning as a drawback.





What is the net impact of these rezonings on the City's residential capacity?

We estimate that in 2003, the Zoning Resolution allowed for approximately 6 billion square feet of residential development capacity citywide; Brooklyn had the highest capacity, followed by Manhattan, then Queens. Between 2003 and 2007, the City rezoned almost 18% of the City's total lot area. Of the 188,000 lots that were included in a City-initiated rezoning action, almost 63% were subject to a contextualonly rezoning, 23% were downzoned and 14% were upzoned.

Even though they made up only 14% of all the rezoned lots in the City, the new residential capacity added to upzoned lots outweighed the capacity lost from lots that were downzoned or contextual-only rezoned. As a result, the net effect of these rezonings was to increase the City's total residential development capacity "on paper" by about 1.7%. This represents almost 100 million additional square feet of residential development capacity—or enough space, at least "on paper," for about 80,000 new units or 200,000 new residents.

Outside of the large-scale City-initiated rezonings that we analyze, there are dozens of other, smaller rezonings proposed every year, many of which successfully navigate the City's complex land use process. Landowners propose rezonings in order to develop buildings that are larger or would be a different use than the current zoning district permits. Community groups or individual City council members also propose rezonings. While our focus is on the City-initiated rezonings, in order to provide some context, we estimated the impact of these other non-DCP actions. Between 2003 and 2007, we found that rezonings resulting from applicants other than DCP increased the City's residential development capacity by less than one percent.

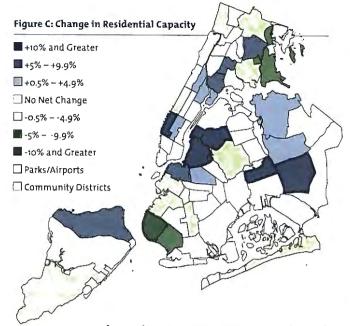
How is the new capacity distributed? What are the characteristics of the residents of communities that gained capacity, compared to those of neighborhoods that lost capacity?

The capacity added by the rezonings varied a great deal among the boroughs. As Table A shows, Queens and Manhattan accounted for three-quarters of the City's net gain in residential capacity. Specifically, residential capacity in Queens and

	Residential Capacity, by Sq Ft (2003)	% Land Area Rezoned	Change in Residential Capacity, by Sq Ft (as of 2007)	% Capacity Change
The Bronx	980,000,000	18.4%	290,000	0.0%
Brooklyn	1,606,000,000	13.9%	19,950,000	1.2%
Manhattan	1,466,000,000	5.3%	34,150,000	2.3%
Queens	1,342,000,000	19.0%	37,850,000	2.8%
Staten Island	435,000,000	22.9%	5,980,000	1.4%
NYC	5,829,000,000	17.7%	98,220,000	1.7%

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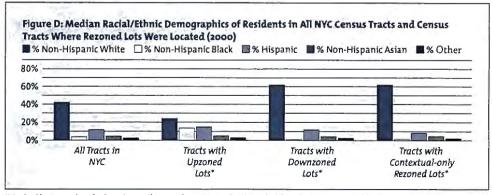
Manhattan increased by 2.8% and 2.3% respectively, while Staten Island and Brooklyn saw more modest net increases (1.4% and 1.2% gains, respectively).4 Residential capacity in the Bronx was static. We have looked at these changes at the community district level as well. As seen in Figure C, there was a significant range among community districts: those in South East Queens had the biggest gains in residential capacity and those in South West Brooklyn had the greatest declines.



But looking at the borough or even the community district totals does not tell us enough about what kinds of neighborhoods gained or lost capacity or the characteristics of the residents of the communities that gained or lost residential capacity. To do this, we studied the socioeconomic characteristics of the census tracts in which the rezoned lots were located, and compared them to the characteristics of the median census tract in New York City.⁵ We found several significant differences.

First, as Figure D shows, upzoned lots tended to be located in census tracts with a higher proportion of non-white residents than the median tract in the City. Downzoned lots, on the other hand, were more likely to be located in tracts with a higher share of non-Hispanic white residents than the City median, and contextual-only rezoned lots were located in areas with still higher shares of non-Hispanic white residents.

⁵ We use median values rather than mean values because of the great variation among New York City neighborhoods. Using a mean value for some of these variables skews the values upwards or downwards depending on the variable. For information about how we calculate socioeconomic and demographic characteristics of tracts where rezoned lots were located, see the methodological notes at the end of this document.



*Weighted by the number of indicated type of lots in each census tract. See the methodological notes at the end of the document for more information.

⁴ In 2004, the City adopted changes to the Zoning Resolution designating much of Staten Island a "Lower Density Growth Management Area." This action added or enhanced several requirements for new residential development in affected areas, such as minimum off-street parking and rear yard dimensions. This resulted in an effective net decrease in capacity in Staten Island that is not reflected in our results, because the changes did not move lots into different zoning districts or explicitly alter their maximum FAR.



The opposite trend exists for both black and Hispanic residents. Upzoned lots were more likely to be in areas that have a higher share of black and Hispanic residents than the City median, while downzoned and contextual-only rezoned lots both were in areas with smaller shares of black and Hispanic residents than the City median. The share of Asian residents did not vary greatly from one kind of rezoned area to another.

Table B compares the average median income for the census tracts in which rezoned lots were located to the City's median income. It shows that on average, upzoned lots were located in areas with significantly lower income than the City median (\$44,444 compared to \$53,724). Downzoned lots also were located in areas with lower median income than the City, though they were more affluent than upzoned areas. On average, contextual-only rezoned lots were in areas with a median income much higher than that of the City (\$65,489 compared to \$53,724).

Finally, we looked at the homeownership rate of rezoned areas, and found a pattern similar to that of household income. As Table C shows, upzoned lots were located in areas with a much lower homeownership rate than the City median (30.8% compared to 44.8%). Downzoned lots also were in areas with homeownership rates that were lower than the City median, but slightly higher than the rate for upzoned areas. Again, the biggest difference was for the contextual-only rezoned lots, which were located in areas with very high rates of homeownership (65%).

Unpacking all of the causes and implications of these socioeconomic differences is beyond the scope of this paper, but the differences between the populations of areas subject to the different types of rezonings raises important questions about public participation in the land use process that the Furman Center plans to address in future work.

How well does the location of new capacity relate to the City's public transportation infrastructure?

The City's PlaNYC 2030 articulates a goal of creating housing by "continu(ing) publiclyinitiated rezonings (that) pursue transitoriented development." As Table D reveals, for the most part, it looks like the upzonings have done just that: 73% of upzoned lots are

All Tracts in NYC	Tracts with Upzoned Lots*	Tracts with Downzoned Lots*	Tracts with Contextual-only Rezoned Lots*
\$53,724	\$44,444	\$51,195	\$63,550
Table C: Median Hon	neownership Rate for Census	Tracts Where Rezoned Lots V Tracts with	Vere Located (2000) Tracts with
All Tracts in NYC	Upzoned Lots*	Downzoned Lots*	Contextual-only Rezoned Lots
44.8%	30.8%	35.7%	63.5%
State and	ezoned Lots Within 1/2 a Mile	of a Rail Station Entrance (a	007)
Table D: Percent of R		Downzoned	Contextual-only
Table D: Percent of R All NYC	Upzoned	DOWIZONEL	
Service 1	Upzoned Lots	Lots	Rezoned Lots

"Weighted by the number of indicated type of lots in each census tract. See the methodological notes at the end of the document for more information.



within half a mile walk of an entrance to a rail station operated by New York City Transit Subway, Staten Island Railway, Metro North or Long Island Rail Road. These results indicate that the upzonings seem to be in keeping with the City's broader sustainable development goals of increasing density in areas accessible by public transit.

The downzonings, however, are less consistent with those goals, because in most cases, they took capacity away from communities well-served by rail transit: a majority of downzoned lots (59%) were within a half mile of a rail station entrance. It is possible that these areas had other impediments to development, or other infrastructure challenges, that would make future growth undesirable or that some of this lost capacity was not practically usable because of the existing building patterns in these areas. But just looking at rail transit access, the fact that a majority of the downzoned lots were in transit rich areas seems inconsistent with the principles the City articulated in PlaNYC 2030.

Finally, only about 29% of the lots that were contextual-only rezoned were within a half mile of rail transit. These rezonings appear to be consistent, by and large, with the City's long-term goals of not increasing residential capacity in areas poorly served by transit.

Even though most downzoned lots were located near transit stations, the overall impact of the rezonings we studied appears consistent with the City's stated goal, because the upzonings near transit added much more capacity than the downzonings near rail stations took away. Specifically, upzoned lots near transit gained about 181 million square feet of residential capacity and downzoned lots near transit lost only about 89 million square feet of capacity. As a result, rezoned lots near transit accounted for a vast majority of the citywide net increase in capacity. Furthermore, of the capacity added to upzoned lots further away from rail stations, a large portion was in the proposed Hudson Yards project area in Manhattan, where an extension of the 7 line subway is currently underway. If we exclude the Hudson Yards rezoning, the rezonings we studied actually resulted in a small net decrease in residential development capacity in areas further away from rail stations, consistent with the City's goals.

How well does the location of new capacity correspond to population growth and market demand?

In deciding where to channel growth, another key criteria policymakers should use is the strength of market demand to live in these neighborhoods. Market demand is one (if not the most) important signal about how likely it is that new capacity actually will be developed. To better understand whether the City's rezonings created new capacity in areas primed for growth, we look at three measures of demand prior to the rezonings: population growth, the number of new certificates of occupancy issued, and the rate of house price appreciation.

Looking first at population growth, we find that less than 25% of all upzoned lots were among the top quartile of all New York City lots in terms of census tract-level population



All NYC	Upzoned	Downzoned	Contextual-only
Lots	Lots	Lots	Rezoned Lots
25.0%	23.0%	19.3%	20.8%
	Price Change in Community	Districts Where Rezoned Lots	Were Located
(1998-2003)		<u></u>	and the second second
	CDs with	CDs with	CDs with
All CDs in	Upzoned	Downzoned	Contextual-only
NYC	Lots*	Lots*	Rezoned Lots*
58.4%	62.5%	54.9%	59.9%
able G: Median Cert Vas Located (1998-20	fficates of Occupancy Issued 103)	in Community Districts Whe	rre Rezoned Lot
	CDs with	CDs with	CDs with
	Winner and	Downzoned	Contextual-only
All CDs in	Upzoned		
All CDs in NYC	Upzoned Lots*	Lots"	Rezoned Lots*

"Weighted by the number of indicated type of lots in each community district. See the methodological notes at the end of the document for more information.

growth between 1990 and 20006 (see Table E). In other words, upzoned lots were slightly less likely than the average City lot to be located in a high growth area. Even smaller percentages of downzoned lots and contextual-only rezoned lots were among the City's top quartile in terms of population growth, meaning these lots were even less likely to be in high growth areas. The implications of this finding are mixed. On the one hand, it might show that upzonings are not particularly targeted to areas seeing unusual population growth. On the other hand, given that the upzoned lots weren't particularly concentrated in high growth areas, it may suggest that many upzoned areas were appropriate targets for the City's economic development initiatives. Ultimately, it is unclear whether rezonings are driving or responding to growth.

Next, we look at house price appreciation between 1998 and 2003 in the community districts where rezoned lots were located. As Table F shows, upzoned lots were located⁷ in areas with slightly stronger house price appreciation than the City as a whole, but there was not a great deal of difference between areas containing upzoned, downzoned or contextual-only rezoned lots. Again, the lack of variation between the lots upzoned, downzoned or contextual-only rezoned makes the implications ambiguous. It indicates that unusually rapid price appreciation isn't signaling consumer demand for the upzoned areas, but nor are those areas lagging so far behind that the upzoning can be explained by an unusual need for economic development.

Finally, we look at demand by examining the rate of new construction in the community districts where rezoned lots were located. Specifically, we look at the number of certificates of occupancy—the final permit issued by the City before a residential building can be occupied—issued between 1998 and 2003.⁸ As Table G reveals, upzoned lots were

⁶ Unfortunately, we are limited by population estimates at census tract level from the decennial census, so we are only able to look at population changes from 1990 to 2000. For information about how we calculate population growth of tracts where rezoned lots were located, see the methodological notes at the end of this document.

⁷ For information about how we calculate house price appreciation in community districts where rezoned lots were located, see the methodological notes at the end of this document.

⁸ For information about how we calculate the number of certificates of occupancy where rezoned lots were located, see the methodological notes at the end of this document.



located in areas that had about the same level of development as the City during that time (as measured by the number of certificates of occupancy issued). Downzoned lots were in areas that saw significantly less building activity, while contextual-only rezoned lots were in areas that had much higher rates of development than the City median. These findings have several important implications. The fact the upzonings took place in areas with average levels of development may signal that the upzonings will have to lead, rather than follow, the market. It may be appropriate for upzonings to try to channel growth into areas where the market has not yet signaled interest if, for example, the City believes infrastructure in those areas is underused, or if the City plans to upgrade infrastructure it believes was holding development back. On the other hand, it could be that the average development patterns in the areas with upzoned lots signals that the market isn't interested in the area for reasons that City initiatives won't cure.

The fact that downzonings were in areas with lower building activity than the City median indicates that downzonings were not necessarily a response to particularly high rates of new building. Perhaps the most interesting finding is that the areas that saw the greatest demand were the areas that were contextual-only rezoned. As discussed above, the precise impact of a contextual rezoning can vary a great deal. It may not limit development, but it may limit developers' flexibility to provide building designs that the market prefers or that would be more affordable.

How likely is it that new capacity will be developed for residential use?

The 100 million square feet increase in residential capacity we calculated was the net result of upzonings and downzonings in different types of neighborhoods and involving different types of zoning districts. In areas that were rezoned from various non-residential districts to residential-only districts, we identified an increase in capacity of about 40 million square feet. This increase was offset, however, by an approximately 40 million square feet decrease in traditionally residential areas (areas that were already zoned for residential only uses in 2003). The 100 million square feet net gain, then, was effectively concentrated in areas that were rezoned from a commercial or manufacturing district to a mixed-use district. While permitting residential development in mixed-use areas is consistent with many planning principles and may be an attractive way for New York City to grow, not all zoning capacity in mixed use areas will be used for residential development. To the extent that City policymakers are depending on mixed-used districts to accommodate residential growth, it is important to recognize that the amount of residential space that actually will be built in those districts will depend in part upon how the different uses will compete for finite land area.

While it is impossible to predict how much new growth will take place or what it will look like, we can look to the past for some clues as to what development patterns in these mixed-use districts might look like. Using building construction data, we identified more than 800 lots in districts permitting both residential and other types of uses that were developed between 2003 and 2007. We found that nearly half (47%)



were built for primarily residential use; about 12% were built for a combination of uses, and 41% were built for primarily nonresidential use.⁹ These results varied somewhat by borough. In Brooklyn, for example, 60% of buildings built in mixed-use areas during this time period were primarily residential and only 24% were primarily nonresidential. In Manhattan, on the other hand, only 35% were primarily residential, and 51% were primarily non-residential.

Again, it is impossible to predict future development patterns. But the fact that 40% of recent development in mixed-use areas included almost no residential component indicates that the potential 100 million square feet resulting from the rezonings should be significantly discounted to estimate how many new residential units it might produce.

There are several other barriers that would influence the likelihood of this new capacity being developed, including available subsidies and "soft," or underdeveloped sites. Soft sites are lots that are vacant or built out at far below what existing zoning would allow, and therefore tend to be the most viable lots for redevelopment (the Furman Center defines a site as soft if it is built out at less than 50% of its development capacity). About 80% of all new construction building permits issued between 2003 and 2007 were for soft sites, highlighting their crucial role in the City's development pipeline.¹⁰ But when we compare the soft sites in 2003 to the soft



sites in 2007, we see only a 25 million square feet increase in residential development capacity. Some soft sites disappeared during this period because they were the location of new development. More significantly though, a lot of the capacity being added through upzonings was not enough to make the affected lots soft. In other words, even after being upzoned, some of these lots were still already developed at close to their full capacity, so were unlikely to be redeveloped with new housing in the near future. At the same time, by removing development capacity, the City's downzonings made many other lots that had been soft in 2003 more or less fully developed as of 2007.

The existing subsidy framework, such as the availability of the 421-a tax abatement program, likely impacts the development potential of this new capacity as well. Evaluating the extent to which recent changes to the 421-a program might influence new development in affected areas is beyond the scope of this report. However, our research indicates that approximately 22% of the upzoned lots, and about 37 million of the 100 million square feet of net increase in residential development capacity, were located in parts of the City that were newly excluded from this frequently used program in 2008.

⁹ We define "primarily residential" as buildings where more than 90% of the building's square footage was used for residential purposes; "multi-use" is defined as buildings with 10-90% of the square footage dedicated for residential use; and "primarily non-residential" is defined as building having less than 10% of residential space.

¹⁰ The Furman Center is conducting research to better understand urban redevelopment by compiling and analysing a large database of underdeveloped lots in New York City. In our initial analysis of our database, we identified about 200,000 soft sites as of 2003 that were built out at less than 50% of their zoning capacity, representing about 25% of all residentially zoned lots in the City. Of these 200,000, approximately 8% were subsequently redeveloped during the following four years. For more see: http://furmancenter.org/files/publications/Underused_Lots_in_New_York_City_Small.pdf.



Areas for future research

This research sheds new light on the net impact the City's recent rezoning activity has had on its capacity to accommodate new growth, and provides new detail on where new capacity has been added around the City. There are a lot of thought-provoking findings here, but in many ways, these findings raise more questions than they answer. With the foundation we've now built, the Furman Center is studying several questions we think are important to explore.

The impact of rezonings

Earlier we discussed the potential benefits and burdens that upzonings and downzonings present for communities, but there is little empirical work examining how rezonings actually affect a neighborhood. With the data we've compiled about the zoning changes, coupled with the rich data the Furman Center has on New York City's housing and neighborhoods, we now have a unique opportunity to track impacts over time. We will examine such questions as: What effects do the rezonings have on the amount and type of development activity? How do the rezonings affect property values? Are rezonings followed by changes in the demographics or other characteristics of the neighborhood? We are particularly interested in the effects contextual rezonings will have on the amount, type, and price of new housing in the neighborhood, and in the effects such rezonings will have on the condition and price of existing housing.

Additional measures of infrastructure capacity

The research we report here begins to explore whether new capacity is being added in areas that have the infrastructure to support growth (and whether capacity is being reduced in areas that had infrastructure that could handle additional growth). We started this investigation by looking at access to transit, but transit is only one of the many types of infrastructure needed to support residential development. In future work, we will explore the relationship of rezonings to other critical infrastructure assets such as parks, school capacity and quality, and sewer capacity. We also plan to build on this analysis of transit access by looking not just at proximity, but also at the capacity of lines serving these neighborhoods, and to expand the analysis to include express buses.

The interplay between rezonings and parking requirements

Some of the contextual-only rezonings add requirements for parking that effectively reduce the potential for new development. To better understand the interplay between minimum parking requirements and housing capacity in the City, the Furman Center is investigating the impact such requirements may have on the City's ability to accommodate new growth and on its ability to reduce pollution and other problems created by auto use.

The role of political and community participation

Obviously, the Department of City Planning and the City Planning Commission are not alone in thinking about how land within the City should be used. The rezoning process involves community boards, Borough Presidents, the City Council and a wide variety of community and industry groups. To better understand the process, we need a better empirical basis for assessing the relationship between political activity and other forms of participation, and rezoning outcomes. That assessment also may provide guidance about how the rezoning process can be improved to ensure that the benefits and burdens of growth are fairly distributed.



Policy Implications

This on-going research agenda will improve our understanding of how the recent rezonings have affected residential development, and point to ways in which the land use process might be improved to ensure efficient and fair zoning changes. But even these preliminary findings suggest some important lessons for policymakers.

Do not rely on rezonings alone to generate new housing

Given competing development pressures in areas where new residential capacity has been added, there is good reason to be concerned that these types of rezonings may not generate adequate numbers of new units. Additional tools, such as subsidies, reforms to tax policy, reducing other regulatory barriers, and increasing City investment in housing may be required to produce the number of new housing units the City needs to grow.

Rezoning decisions should be tied to a comprehensive plan for infrastructure development

The fact that a majority of downzoned lots were located near transit, despite the City's announced goal of channeling growth to transit rich neighborhoods, raises questions about whether rezoning decisions are sufficiently coordinated with infrastructure planning. Such coordination can be difficult without a bird's eye view of the cumulative effect of each of these individual rezonings, but we hope this comprehensive analysis of the 2003 to 2007 rezonings will spur new thinking about the kinds of questions that must be asked during each individual rezoning study. The Mayor recently announced new efforts to improve interagency coordination; those efforts could provide an opportunity for the City to approach rezonings through more of a multi-agency lens.

Similarly, these findings raise questions about the appropriate timing of new infrastructure investment. Should upzonings lead or follow investment in infrastructure or other economic development activities? Should agencies like the Department of Environmental Protection, the Department of Education, the Metropolitan Transit Authority, or the Department of Transportation be required to develop infrastructure plans to accompany large-scale upzonings? Similarly, should agencies like the Department of Housing Preservation and Development and the New York City Economic Development Corporation be required to develop plans for investing in affordable housing and business development to ensure that the upzonings succeed in bringing development to the area?

Ensure that the benefits and burdens of growth are fairly distributed

Rezonings involve some tension between the goals of an individual neighborhood and the needs of the City as a whole. If an individual downzoning preserves one neighborhood's character, for example, it may either limit the City's growth, or shift the burden of accommodating the City's growth to some other neighborhood. Our finding that the demographics of contextual-only rezoned areas differ dramatically from those of upzoned areas raises many questions. As discussed above, there is no general agreement on whether it is good or bad for one's neighborhood to be upzoned or downzoned. However, the variation in the pattern of rezonings among communities with different socio-economic characteristics calls for a larger conversation about how the benefits and burdens of development should be shared across the City.



Notes on Methodology

We estimate changes in residential development capacity at the lot level. Accordingly, all estimates of capacity changes for the City, community districts, boroughs and other geographic areas, including area within and beyond a half mile walking distance from rail transit, are aggregations of lot-level data.

To estimate median values of socioeconomic characteristics (including racial/ethnic percentages, median income and homeownership rate) for areas where different types of rezoned lots were located (as reported in Figure D and Tables B, C and D) , we use 2000 census tract boundaries and data. For our "baseline" median New York City tract, we report the median value of each characteristic for all census tracts in New York City. For the tracts in which upzoned, downzoned or contextual-only rezoned lots were located, we use the median for all tracts in which at least one of that type of rezoned lot was located, weighted by the number of lots of that type in the tract. For example, if a tract contains 10 upzoned lots, we include that tract's value 10 times when calculating the median characteristic for tracts with upzoned lots.

We calculate median tract-level characteristics for each type of rezoned lot separately. Accordingly, a single tract's data is included in the median characteristic calculation for upzoned lots, downzoned lots and contextualonly rezoned lots if the tract contains at least one of all three types of rezoned lots. As a result, the median characteristic of tracts containing upzoned lots is not affected if the tract also contains downzoned lots and vice versa.

To estimate the median percentage change in house prices and number of certificates of occupancy issued for community districts containing different types of rezoned lots (reported in Tables F and G), we use a weighting process similar to our calculations for census tract-level data. For our "baseline" median house price change we report the median community district-level percentage change in house prices between 2003 and 2007 for all 59 community districts, based on the repeat sales index maintained by the Furman Center. For our "baseline" number of certificates of occupancy issued, we report the median number issued in a community district between 1998 and 2003 for all 59 community districts. For the community districts in which upzoned, downzoned or contextual-only rezoned lots were located, we use the median price change or number of certificates of occupancy for all community districts in which at least one of that type of rezoned lot was located, weighted by the number of lots of that type in the community district.

We calculate median community districtlevel characteristics for each type of rezoned lot separately. Accordingly, a single community district's data is included in the median characteristic calculation for upzoned lots, downzoned lots and contextual-only rezoned lots if the community district contains at least one of all three types of rezoned lots. As a result, the median characteristic of community districts containing upzoned lots is not affected if the tract also contains downzoned lots and vice versa.

Authored by Amy Armstrong, Vicki Been, Josiah Madar, Simon McDonnell

THE FURMAN CENTER FOR REAL ESTATE AND URBAN POLICY

is a joint research center of the New York University School of Law and the Robert F. Wagner Graduate School of Public Service. Since its founding in 1995, the Furman Center has become a leading academic research center dedicated to providing objective academic and empirical research on the legal and public policy issues involving land use, real estate, housing and urban affairs in the United States, with a particular focus on New York City. More information about the Furman Center can be found at www.furmancenter.org.



MARIA TORRES-SPRINGER, HPD COMMISSIONER

MEMORANDUM

To: Maria Torres-Springer

From: Matthew Creegan

CC: Libby Rohlfing, Juliet Pierre-Antoine

Subject: D.C. Trip: Interview with Glenn Thrush at NYT & The Atlantic Fair Housing Forum

New York Times Reporter Glenn Thrush will interview Commissioner Torres-Springer on fair housing, specifically Where We Live NYC and New York City's relationship with U.S. Department of Housing and Urban Development (HUD).

WHEN: Thursday, April 19th at 5:30 p.m.

WHERE: TBD

The Atlantic Magazine is hosting a forum to explore the current state of fair housing 50 years after the Fair Housing Act. The forum will look at the history behind the Act, what progress has been made, what still needs to be done, and the path forward. The event will consist of a series of interviews conducted by Atlantic journalists in front of a live audience.

HPD Commissioner Torres-Springer will sit on the "National Challenges, Local Solutions" Panel. The topics covered by the panel will include the status of fair housing in the New York City, the challenges the City faces on the issue, and the strategies HPD is pursuing to advance fair housing, as well as the role of other stakeholders in the issue, such as private companies and nonprofits.

WHEN: Friday, April 20th at 8:30 a.m. Event StartsPanel: "National Challenges, Local Solutions" begins 10:05 a.m.Panel speakers to arrive no later than 9:20 a.m.

WHERE: Newseum, 555 Pennsylvania Ave NW, Washington, DC 20001

PANEL PARTICIPANTS:

- HPD Commissioner Maria Torres-Springer
- Rob Breymaier, Executive Director, Oak Park Regional Housing Center
- Vann Newkirk, Staff Writer at The Atlantic (Moderator)

GLENN THRUSH:



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Glenn Thrush is a reporter for the New York Times, and was previously the White House correspondent for the paper. He is also a contributor for MSNBC, and was previously chief political correspondent at Politico and a senior staff writer for Politico Magazine. Before reporting in Washington D.C., he worked as a journalist in New York City, and covered HPD in the early 2000s. He held prior positions at Bloomberg News, City Limits and was the City Hall reporter at Newsday covering Mayor Bloomberg.

In November 2017, The New York Times announced that the newspaper was suspending Thrush while the paper investigated allegations of sexually inappropriate behavior <u>reported in Vox</u>. The paper suspended Thrush and removed him from the White House Correspondent position. He began his current role as a reporter covering the federal government in January 2018.

Glenn Thrush sample articles:

Under Ben Carson, HUD Scales Back Fair Housing Enforcement

'I Take Responsibility,' Carson Says of \$31,000 Furniture Purchase

Trump Signs Order to Require Recipients of Federal Aid Programs to Work

Anticipated topics of discussion:

- NYC Government's working relationship with HUD and Lynn Patton, specifically.
- How the Federal Government/HUD is interfacing with the fair housing space and how that's affecting New York City officials.
- Fair Housing implementation in NYC.
- The Mayor's Housing Plan.

THE ATLANTIC FORUM ON FAIR HOUSING

RUN OF SHOW:

- 8:30 AM Guest Arrival, Registration, Networking
- 9:00 AM Welcome
 - Emily Akhtarzandi, Managing Director, AtlanticLIVE
- 9:05 AM The Story of the Contract Buyers League
 - Sandra York, Daughter of a Participant in the Contract Buyers League
 - Peter Blessing, Student Organizer in the Contract Buyers League
 - With Vann Newkirk II, Staff Writer, The Atlantic
- 9:25 AM The Act: In Search of a Legacy
 - Vanita Gupta, President and CEO, The Leadership Conference
 - Howard Husock, Vice President, Manhattan Institute
 - Dave Stevens, President and CEO, Mortgage Bankers Association
 - With Gillian White, Senior Editor, The Atlantic

9:55 AM FHA at 50: How Far We Have Come, and the Way Forward

- The Hon. Carlos C. Campbell, former Assistant Secretary for Economic Development, U.S. Department of Commerce
- Jeffery Hayward, Executive Vice President and Head of Multifamily, Fannie Mae
- 10:05 AM National Challenges, Local Solutions
 - Maria Torres-Springer, Commissioner, NYC Department of Housing Preservation and Development
 - Rob Breymaier, Executive Director, Oak Park Regional Housing Center
 - With Vann Newkirk, The Atlantic

10:30 AM Measuring the Ripple Effects

- Sheryll Cashin, Carmack Waterhouse Professor of Law, Civil Rights and Social Justice, Georgetown Law
- Sherrilyn Ifill, President, NAACP Legal Defense Fund
- Mayor Allison Silberberg, Alexandria, VA
- With Gillian White, The Atlantic
- 10:55 AM Closing Thoughts
 - Emily Akhtarzandi, The Atlantic

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MODERATOR:



Vann Newkirk Staff Writer at The Atlantic

Vann Newkirk is a staff writer at TheAtlantic.com on politics and policy, with a special focus on health policy. Prior to work at The Atlantic, Vann was at Daily Kos, where he focused on justice and health issues, focusing on the intersection of policy, race, class, and culture. He also has contributed articles, essays, and photography to sites such as GQ, Gawker, Grantland, and Ebony. Vann is also the founder of Seven Scribes and a contributing editor.

Vann has also worked as a data-centered policy analyst with a focus on

researching health policy issues, most specifically those dealing with disadvantaged and under-resourced communities. He holds a Master's degree in Health Policy and Management from UNC Chapel Hill and a Bachelor's degree in Biology from Morehouse College.

CO-PANELIST:



Rob Breymaier Executive Director at the Oak Park Housing Center

Rob Breymaier has been working on fair housing policy for nearly 20 years. As the Executive Director of the Oak Park Regional Housing Center, in Oak Park, IL. He leads the nation's most successful effort to promote integration and the affirmative furthering of fair housing in the private housing market.

Through the efforts of the Housing Center, Oak Park has established and sustained a racially integrated community that has produced multiple benefits for residents.

In his previous role as the President of the Chicago Area Fair Housing Alliance, Rob oversaw the production of the Fair Housing and Equity Assessment for the Chicago region. This document has been cited repeatedly as a model document on identifying strategies to promote regional equity.

Rob collaborates on many national and regional efforts to promote integration, fair housing, and community development. He speaks regularly about the value of integration and equal opportunity for conferences and forums. He has been published in the Cleveland State University Law Review, provides periodic articles and opinion pieces for local newspapers, and has been interviewed for a variety of media outlets including Marketplace, The Economist, The National Review, NPR, and the Chicago Tribune.

Rob has a Master's degree in Geography and Planning from the University of Toledo.

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ANTICIPATED QUESTIONS:

Q: What is Where We Live NYC?

- Where We Live NYC is the comprehensive fair housing planning process for the City of New York.
- HPD is partnering with the New York City Housing Authority (NYCHA) to study, understand, and address patterns of residential segregation and how these patterns impact New Yorkers' access to opportunities including jobs, education, safety, public transit, and positive health outcomes.
- Where We Live NYC will culminate with the release of a public report that will be informed by extensive community participation as well as data and policy analysis. The report will also include measurable goals and strategies that are designed to foster inclusive communities, promote fair housing choice, and increase access to opportunity for all New Yorkers. We look forward to using this process to make our city stronger, fairer, and more equitable.
- Despite the federal government's decision, earlier this year, to delay implementation of a requirement that cities, states, and public housing authorities perform an Assessment of Fair Housing or AFH if they want to receive federal funding, New York City is committed to pushing forward with a data-driven, collaborative fair housing planning process consistent with the original intent of the AFH.
- As part of this process, we will examine how residential living patterns relate to jobs, economic opportunity, education, safety, public transit, positive health outcomes, and other opportunities.
- We also seek to better understand the needs of specific groups of New Yorkers protected by fair housing law including but not limited to immigrants, people with disabilities, seniors, LGBTQ individuals, and individuals with different racial, ethnic, and religious backgrounds to determine how we can promote greater access to opportunity for all.

Q: What is the status of fair housing in New York City?

- We know that New York City is a city of opportunity, but opportunity is not shared equally by all New Yorkers because of historical and contemporary injustices, including housing discrimination and segregation.
- As the City of New York, we take seriously our obligation to affirmatively further fair housing, and we are working to combat individual housing discrimination, as well as ensuring our housing and community development investments are creating greater access to opportunity and housing choice.

Q: What are some of the challenges the city faces on the issue?

- NYC is a very expensive city, so affordability is a huge challenge that intersects with our fair housing goals. We have a huge stock of public housing and rent-regulated housing, and have benefited from a long history of innovation in housing policy that has provided us with a wide set of tools, but there are also obstacles.
- We face high land and development costs, and have less public land than in the past.
- We also face enormous community opposition to affordable housing projects across the board; opposition that is often couched as concerns about parking, infrastructure, density, public safety, but many of these are just code words for "I don't want people in my neighborhood."
- But we don't just face this opposition in wealthy neighborhoods, many low-income communities also want more or exclusively low-income units, even thought that rubs up against our fair housing goals.

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• Trying to mimic the affordability of the neighborhood as it is today doesn't advance fair housing goals, and doesn't always necessarily reflect the need. For example, if an area has a lot of public or otherwise regulated housing, the median income is low because of the housing stock, not necessarily because of the need.

Q: What has the City done to date to affirmatively further fair housing?

- The City of New York is committed to its obligation to affirmatively further fair housing.
- We are using balanced approach of advancing policies and providing financial incentives to build in high opportunity neighborhoods, while also working to revitalize traditionally underserved neighborhoods.
- Through the current Mayor of New York City's ambitious housing plan, Housing New York, we are committed to increasing mobility.
 - As indicated by passing the strongest mandatory inclusionary housing policy in the country, requiring affordability in all new developments through tax incentives (421-a), and building on the few remaining public sites we have in neighborhoods like Nolita (Haven Green) and Chelsea (Fulton Houses).
- We are also making place-based investments to ensure that affordable housing in neighborhoods that have long been neglected such as Brownsville and the Rockaways get the public investments they need to thrive.
- We look forward to using this process to improve upon what we're already doing.

Q: How is Where We Live NYC connected to the City's Housing New York Plan and rezoning efforts?

- Right now, the City is making unprecedented investments in affordable housing and we are committed to ensuring that these investments further access to opportunity for all New Yorkers.
- Where We Live NYC is an opportunity to take a step back and conduct a comprehensive fair housing planning process to ensure we are doing everything we can to take meaningful actions to affirmatively further fair housing in our investments.
- Housing New York represents a balanced approach to our investments in housing and neighborhoods.
- We are creating affordable housing in high opportunity neighborhoods by requiring affordability in all new developments through 421-a, and building on the few remaining public sites we have in neighborhoods like Nolita (Haven Green) and Chelsea (Fulton Houses).
- We are also investing heavily in affordable housing, parks, schools, and employment in traditionally underserved neighborhoods, like Brownsville and the Rockaways as well as many of those slated for rezoning.
- We look forward to using this process to improve upon what we're already doing.

Q: What types of goal and strategies can be expected to come out of this process?

- Through this process, we will develop measurable goals and strategies that promote a balanced approach to fair housing
 - o Focusing on creating opportunities for New Yorkers to have mobility and housing choice

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- As well as making place-based investments to ensure neighborhoods have more equitable access to opportunity
- Will involve looking at both existing and new policies
- The report's emphasis will be on policies that influence housing and residential living patterns, which in turn affect access to other opportunities like education
- We will also work with non-housing government partners and stakeholders to consider a broader range of policies that affect access to opportunity

Q: What are some examples of goals and strategies?

- We can look to examples from cities that completed their AFH before the HUD notice...
- In Philadelphia, they are expanding the support provided by their Housing Choice Voucher Mobility program to promote access to high opportunity areas in Philadelphia *AND* the region, with a focus on households with limited English proficiency and those with children
- In New Orleans, strategies included identifying vacant land in underserved communities to support affordable housing *AND* food access, recreation, and green space
- Also in New Orleans, they are developing a plan to assess banks' performance related to the Community Reinvestment Act, which ensures banks help meet the credit needs of the communities in which they operate
- In Los Angeles, the AFH included strategies to promote fair housing enforcement like training LAPD officers in fair housing laws and resources, as well as strengthening protections for transgender individuals and undocumented immigrants

Q: Has the City already identified priorities for goals and strategies?

- No we do not have predetermined goals and strategies.
- Through this process, we will work collaboratively with the Fair Housing Stakeholder Group, residents, and our government partners to examine both existing and new policies related to housing and other relevant areas to then develop goals and strategies that we can implement moving forward.

Q: What is the City of New York's response to HUD's delay on AFH?

- The City of New York believes that delaying the implementation of the AFH undermines an important tool to keep cities accountable in addressing decades of discrimination.
- While New York City is moving ahead with *Where We Live NYC*, to study and address residential segregation that is the root of many inequities, many municipalities need not only the push but the guidance and tools offered by HUD to implement a data-driven process that involves robust and meaningful community engagement.
- To be sure, all jurisdictions face expected challenges in fair housing planning, but the AFH offers tools and other assistance that jurisdictions need to deliver on this mandate.
- Regardless of delays at the national level, the de Blasio Administration remains committed to promoting equal housing opportunity to create thriving and diverse neighborhoods across the five boroughs.

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• What we are working towards through this process is all the components of the AFH, and all the things you need to do fair housing planning in the modern era. The AFH rule – which provided meaningful guidance for the first time-- set the stage to usher in the next generation of the housing act, and we can't squander that opportunity.

Q: What is HPD's working relationship with HUD like?

- The agency has a long and productive relationship with HUD. At the staff level, we continue to work closely with our counterparts at HUD to administer longstanding programs, and have very open lines of communication.
- I've met with Lynne Patton, our HUD regional director, many times, and have found her to be very engaged and committed to supporting New York City and the region.
- She recognizes the City has tremendous need for resources for both public and affordable housing, but there are limits to what she can do given the current administration's agenda.

Q: How segregated is New York City?

- While New York City feels diverse because so many different people live, work and interact in so many ways, the reality is that residential integration remains challenging. Our housing plan includes multiple strategies to help keep and build economically diverse neighborhoods, including Where We Live NYC which will help us more deeply understand how we can encourage truly integrated even model New York City neighborhoods.
- In high-cost cities like New York, where affordability is such a key issue, and the population is very diverse, measuring levels of integration and segregation can be nuanced. For example, data may suggest that a neighborhood like Chelsea in Manhattan is more integrated than a neighborhood like x in Queens, but the data is being skewed by the existence of a large public housing complex in Chelsea, where residents' lived experience can feel quite segregated where as the neighborhood in Queens, which has a larger mix of different races and ethnic groups but doesn't score high on a black-white dissimilarity index actually seems more integrated.
- That is why we are looking at data over time, and also complementing our analysis with community engagement to get a fuller picture of what is going on.

Q: Is the end goal integration?

- We know that integration and segregation are complicated in a high-cost city like New York, where affordability is such a key issue.
- For example, a gentrifying neighborhood can look like an integrated neighborhood, but it may be on its way to becoming a segregated neighborhood this is why we are looking at data over time, and also complementing our analysis with community engagement to get a fuller picture of what is going on.
- Ultimately, our goal is to foster inclusive communities, promote fair housing choice, and increase access to opportunity for all New Yorkers.
- The goals and strategies that result from this process will promote a balanced approach to fair housing

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- This means making place-based investments to ensure neighborhoods have more equitable access to opportunity.
- This also means creating opportunities for New Yorkers to have mobility and housing choice the choice to move into a neighborhood with more access to opportunity, or the choice to stay in their existing neighborhood.

Q: Who is leading Where We Live NYC?

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- HPD is leading Where We Live NYC for the City of New York in partnership with NYCHA.
- The process involves close coordination with a number of government partners to ensure this fair housing planning process meaningfully builds on existing City efforts and extends beyond housing to look at how residential living patterns relate to New Yorkers' access to opportunities.
 - We are working closely with a set of key government partners, including...
 - o Department of City Planning,
 - Department of Transportation,
 - Department of Education,
 - o Department of Health and Mental Hygiene,
 - o Department of Social Services,
 - o And NYC Commission on Human Rights.
- A number of other government partners, city and state, will be involved as well.
 - Department of Small Business Services, NYC Economic Development Corporation, Mayor's Office of Immigrant Affairs, Mayor's Office of People with Disabilities, Department for the Aging, the New York Police Department, Mayor's Office of Criminal Justice, Community Affairs Unit, City University of New York, Metropolitan Transit Authority, and New York State Division of Housing and Community Renewal

Q: How much will it cost the City to do this?

- This will be a City-led process and we plan to devote substantial staff time and resources to this effort.
- We have not yet quantified a total cost for the process.

Q: Who are the other stakeholders in this issue – such as private companies and nonprofits— and what is their role?

- We actually kicked off <u>Where We Live NYC</u> with two well-attended stakeholder meetings.
- Our Fair Housing Stakeholder Group includes community development corporations, faith-based groups, disability rights groups, legal service providers, affordable housing developers, private sector representatives, home service providers, community-based organizations, and constituency groups.
- We will also connect directly with New Yorkers, focusing on those populations protected by fair housing law including but not limited to voucher holders, immigrants, people with disabilities, seniors, NYCHA residents, LGBTQ individuals, and individuals with different racial, ethnic, and religious communities to determine how we can promote greater access to opportunity for all.

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Q: Will Where We Live NYC include a regional analysis?

- Yes the City will include regional-level data throughout the *Where We Live NYC* analysis, to the extent that information is available.
- We also invited regional fair housing organizations to participate in our Stakeholder Group to help inform this effort. However, the goals and strategies that come out of the *Where We Live NYC* process will focus on solutions that can be implemented by the City of New York.

Q: How will the report engage with issues of affordability and neighborhood displacement?

- The focus of Where We Live NYC is on equal opportunity and fair housing choice.
- Displacement can be a fair housing issue because it correlates to a lack of choice to stay in a neighborhood where access to opportunity is increasing.
- Furthermore, in some cases, displacement may disproportionately affect populations protected by the Fair Housing Act.
- Like other topics, we will use data analysis and community engagement to better understand how affordability and displacement relate to fair housing issues, and then develop appropriate goals and strategies.

Q: How does the City choose neighborhoods for rezonings?

- We are not working with a blank canvas. Much of the City was rezoned since 2000 and this administration was/is determined to look to communities that hadn't been rezoned since the 1960s, target city investments to protect those communities which are the most in need of affordable housing.
- Basic criteria: Neighborhoods w/ capacity for growth (most have lower population than they did in the 1960s), have good public transit, and are in need of city investment and protections, also community input and support.
- Examples: The Jerome Avenue Neighborhood Plan was initiated in response to a longstanding request by the local community board (After DCP undertook the neighborhood rezoning study in 2015, CB5 and CM Cabrera requested the City expand the initial study boundaries).
- The idea of planning for and rezoning Gowanus has been driven by Council Member Lander, and has been preceded by years of community-initiated discussions on the subject.
- New 421-a and MIH (the strongest such program in the country) means affordable housing will be built on across the board when there is new density/where there is capacity for growth.

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ADDITIONAL MATERIALS

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DOE Diversity Plan and School Diversity Advisory Group:

The Department of Education is heading up the <u>City's Equity and Excellence for All</u> agenda, to increase diversity in the school system. In 2017, DOE released a diversity plan to further its ongoing work to increase school diversity. The plan has resulted in 12 proposals to address policies and practices that pose challenges to school diversity. The main goals are:

- Increase number of students in a racially representative school (school population between 50% to 90& black and Hispanic, given that black and Hispanic students make up 70% of students citywide).
- Decrease the number of economically stratified schools by 10% in the next five years.
- Increase the number of inclusive schools that serve English language learners and students with disabilities.

The plan includes the creation of a School Diversity Advisory Group, which will make formal policy recommendations to the Mayor and Chancellor, and a process for engaging community school districts in planning around diversity. The Diversity Advisory Group includes City stakeholders, local and national experts on school diversity, parents, advocates, students, and community leaders.

The diversity plan has been criticized by advocates and Council Members Brad Lander and Ritchie Torres.

Relevant Articles:

Mic: NYC Students are Taking the Lead in the Fight to End Legally Segregated Schools

--By Chauncey Alcorn, April 5, 2018

Norwood News: Housing Matters: Chipping Away at School Segregation

--March 31, 2018

Segregation Close to Home

http://www.nyl.com/nyc/all-boroughs/inside-city-hall/2018/03/16/segregation-close-to-home.html

Does New York City have a problem with housing segregation? Errol Louis spoke with Craig Gurian, who is suing the de Blasio administration over their affordable housing lottery system.

Eroll Louis (EL): We turn our attention to an undercovered but critically imortant issue that is so ingrained in our day to day lives that so many elected officials and citizens have simply chosen not to deal with it: residential segregation of our neighborhoods. Our next guest has taken the city to court over the affordable housing lottery system he argues has perpetuated segregation by giving preference to residents in communities where they currently live. He says the affordable housing program prevents residents from moving around the city and integrating neighborhoods. He is Craig Gurion, Executive Director of the Anti-Discrimination Center. This goes back to a lawsuit you filed on behalf of some people that say the affordable housing system in which half of the units go to people in the CB cements segregation.

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Craig Gurion (CG): Absolutey it does. A little background: Every day you hear 15-20 times a day how diverse NYC is but in fact it is one of the most residentially segregated cities in America. In fact there has been less reduction in level of black-white segregation in NYC from 1980 to last census than any other of 30 largest cities in the country. Affordable apartments are highly coveted—and there is a way to fight back against decades of segregation through an equal access lottery, one in which every eligible NYer can apply any where citywide. There is a very diverse pool, so this would work, but the City puts the finger on the scale with the 50% preference. When you start with a segregated community district, and have a preference, you wind up more segregated than you would otherwise be. And you deny, because of race, people the opportunity to compete on equal playing field.

EL: In your lawsuit, you are bumping up against what must be provable facts one way or the other. You should be able to figure out whether this is in fact true because you track race, you track when people move in and out. Do we have a sense of whether what you say is true?

CG: Census doesn't lie—follows inevitably from that. We have had our expert analyze the lottery data on the question of whether people get an equal shot—unfortunately the City is interested in secrecy and got a judge to agree so I can't tell you what it says, but there are findings. The City always talks about how people want to stay in their neighborhood—but from a FOIL from before the litigation we know that there are lotteries where 90% of applicants come from outside the CD. For a lot of NYers the most important thing not surprisingly is getting good affordable housing. They will go where they need to go.

EL: This makes me nuts. Everyone's lives are complicated – you meet people, get married, get a new job, the City is for everybody. Crazy to build public policy based around this notion that you are in this neighborhood now and so are rooted here forever even if you've just been there 90 days because the community prefrence applies even to those who have barely just arrived. And news out of the depositions when Deputy Mayor Alicia Glen made headlines over comments about Councilmembers not knowing what they're talking about, which was pretty funny, and think it ruffled feathers, but she acknowledges, and Vicki Been did too, so top officials say that the City has no policy for tracking the impact of billions of dollars of investments in affordable housing on segregation.

CG: What the Deputy Mayor Glen said is: "When I became DM, racial discrimination was not front and center with what we were deeming to be the challenges facing the housing market." That is remarkable. She went on to admit, as far as she was aware, "The City did not have a plan for ending racial segregation."

EL: That is just not a matter of liberal hypocricy; Cities that take federal funding from HUD, that they have to cerfity that they are affirmatively further fair housing.

CG: They are doing certifications but not doing the affirmatively furthering. It is "See no evil, speak no evil" about race. There are racial considerations in this city. Former HPD Comm went so far as to say that she didn't know what was the greater extreme in terms of people's fear about neighborhood change—people coming in with green or purple hair or coming in with a different race.

EL: Reads City's statement from Law Dept: "City would like to reiterate that CP is important policy and that we are working to fight displacement and keep the city affordable." This just doesn't touch the issue one bit.

GG: The bid on displacement is a con job on so many levels. The policy is not limited to people at risk of displacement. The outsider restriction doesn't keep you in your apartment. Anti-harassment measures, rent regulation keeps you in apt. People from all over the city who deeply need affordable housing. City is picking winners and losers and doing it in a way that perpetuates segregation rather than reducing it which is not right.

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EL:And that is why you are suing. I will continue to follow; hope my fellow journalists will as well because it is crucially important if we are truly to become the fairest big city in america.

To deliver on promise of MLK, act now for fair housing

Segregation in big cities like New York, a focus of the civil rights movement, continues today

By Maria Torres-Springer

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January 15, 2018 12:01 a.m

After the passage of the Civil Rights Act in 1964, Martin Luther King Jr. brought the movement for equality north to tackle the issue of segregation in big cities. This movement formed the basis for the Fair Housing Act, which banned housing discrimination and mandated actions to eliminate segregated living patterns.

Signed into law one week after King's assassination, the Fair Housing Act remains one of his signature achievements. On the 50th anniversary of his death, it is a betrayal of that legacy to put the brakes on a major step forward to furthering fair housing.

Earlier this month, the federal government delayed implementation of a requirement that cities, states, and public housing authorities perform an assessment of fair housing (AFH) if they want to receive federal funding. Decades in the making, the AFH was a long-overdue tool to help cities attempt to reverse patterns of segregation that hold our cities and our country back. The federal action is an unwarranted and irresponsible delay tactic.

The AFH is designed to make localities of all sizes connect the dots between segregation and opportunity. It recognizes that where people live affects their access to opportunities for success, and is the most modern thinking in the fair housing world. As cities around the country spend significant local, state, and federal resources to address the pressing need for housing, it requires all of us to actively address these issues.

That is why the de Blasio administration embraced the opportunity to do an assessment of fair housing to study and address residential segregation that is the root of so many inequities. Not only does this rule put all of our feet to the fire to dismantle decades of discrimination, it requires a data-driven, consultative approach and offers municipalities across the country the tools and other assistance they need to deliver on this mandate.

Putting off the AFH is a step in the wrong direction, and a potentially troubling sign of things to come. The reason given for the delay is the difficulty localities face when submitting their reports. The U.S. Department of Housing and Urban Development estimates that more than one-third of AFH reports have not or would not be accepted. Stumbling blocks are to be expected when rules change in the name of progress, but that is no reason to let cities, states, and regions off the hook.

Regardless of what happens at the national level, New York City remains committed to the principles of the AFH and takes seriously its obligation to affirmatively further fair housing. Despite our strong and diverse economy, transit-rich neighborhoods, and leading institutions for the arts, culture, and education, opportunity is not shared equally across the city. A legacy of discrimination and segregation has resulted in significant disparities in educational, health, and economic outcomes.

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As we move forward, our expectation is that we will learn from our residents, housing policy experts, and other stakeholders—all of which helps us develop the knowledge necessary to continue the City's longstanding commitment to affirmatively further fair housing.

In Chicago in 1966 King echoed the words of his most famous speech: "Now is the time to make real the promises of democracy." As we reflect on his incredible legacy, we should celebrate the strides we have made and, at all levels of government, shoulder the considerable work that lies ahead.

The obligation is on all of us to make the promise of democracy real in our country.

Maria Torres-Springer is commissioner of the New York City Department of Housing Preservation and Development.

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September 17, 2013

Regulations Division Office of General Counsel Department of Housing and Urban Development Room 10276 451 7th Street, SW Washington, DC 20410-0500

RE: Docket No. FR-5173-P-01, Affirmatively Furthering Fair Housing

To Whom It May Concern:

The High-cost Cities Housing Forum (HCHF) and our partners appreciate the opportunity to submit comments on the Affirmatively Furthering Fair Housing (AFFH) proposed rule. We commend HUD for seeking input and taking these steps to update and strengthen fair housing regulations.

HCHF is a peer-to-peer group of housing directors and commissioners for the large cities of Boston, Chicago, Los Angeles, New York City, San Francisco, and Seattle. The forum serves as a venue for these commissioners to discuss policy, offer program ideas and exchange best practices. Our cities share many unifying characteristics, including expensive real estate, robust population and economic growth, and a housing stock characterized by more multifamily than single family housing.

We appreciate the conversation that Deputy Secretary Maurice Jones, the Office of Policy Development and Research (PD&R) and the Office of Fair Housing and Equal Opportunity (FHEO) had with HCHF upon the release of the proposed rule to respond to questions and concerns on July 30, 2013. HCHF requested another call with HUD to include the Office of Community Planning and Development (CPD) to ensure that CPD has an equal role with FHEO in approving the AFHs. A second conversation took place on September 9, 2013 which included Deputy Secretary Maurice Jones, Patrick Pontius, staff from CPD, FHEO, and the Office of Public and Indian Housing (PIH). The conversation included a discussion about HUD's coordinated efforts between the relevant offices as well as the review and approval authorities. We are grateful for FHEO's commitment to coordinate technical assistance efforts with CPD and look forward to a rule with explicit language on CPD's formal integration into the process. Members of HCHF also participated and presented on PolicyLink's Affirmatively Furthering Fair Housing webinar held on August 21, 2013. The importance of a balanced AFFH rule was expressed in both the webinar and on phone calls. Administration's commitment to holistic community development, recognizing that equal access and opportunity must incorporate far more than just housing. We have diligently worked with representatives from the transportation, education, health, and economic sectors, and want to continue this level of collaboration in the future.

Conclusion

We have endeavored to identify the most significant elements of the initial proposed rule that are unclear or disconcerting, and whenever possible, have offered recommendations on how to address these uncertainties.

We strongly believe that HUD should revise the initial proposed rule in accordance with the aforementioned comments and recommendations, then release a second proposed rule with a new comment period. We must also emphasize that localities must retain final jurisdiction over formula funds, and should only be held accountable for what can be accomplished with HUD resources, not other funding streams (like transportation or education funds, for example). We especially reiterate the importance of local autonomy over investment strategies—equally valid strategies must go beyond mobility and desegregation and allowable approaches must include preservation and enhancement of existing community assets in impoverished neighborhoods. The AFH should be fully integrated with the Consolidated Plan and offices within HUD with the expertise and appropriate perspective—like CPD over CDBG funds or PIH over public housing plans—should evaluate the AFH. The consequences of any violations of fair housing should be limited to the relevant funding source.

Again, we appreciate the time and energy that HUD has spent crafting this initial proposed rule, and support the aspirations embedded in it. However, we believe that a second, revised proposed rule is necessary before judiciously moving forward. We appreciate your consideration of our commentary, and we are eager to engage in further discussions with HUD. We also welcome any requests for additional information. Thank you for your commitment to this important endeavor.

Sincerely,

Mercedes Marquez General Manager Los Angeles Housing + Community Investment Department HCHF Chair

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Sheila Dillon Chief and Director Boston Department of Neighborhood Development

Lawrence Grisham Managing Deputy Commissioner Chicago Department of Housing and Economic Development

Marc Jahr President New York City Housing Development Corporation

Wittene Unumerk

RuthAnne Visnauskas Commissioner New York City Department of Housing Preservation and Development

Olson Lee Director San Francisco Mayor's Office of Housing

Liebe Hooper

Rick Hooper Director Seattle Office of Housing

3. New York City, New York - Macedonia

The accompanying table details a new housing construction project currently underway in the City of New York, using HOME funds.

The City of New York Department of Housing Preservation and Development (HPD) conducted this inquiry to demonstrate the contrasting costs involved when locating new housing projects in areas of "higher opportunity," in accordance with HUD's initial proposed AFFH rule, instead of utilizing existing publicly owned land irrespective of location.

As a matter of City policy, HPD generally economizes in its new construction projects by using Cityowned vacant land and privately owned sites. HPD develops where the economics work—and this is generally in areas of relatively higher racial/ethnic concentrations and lower-income households than can be found in areas of "higher opportunity."

If HUD's initial proposed rule is implemented as written, the City would have to acquire alternate sources of funding to cover the added costs of acquiring land: City-owned land in New York is unavailable in areas of generally higher-income households except under extraordinary circumstances. But it important to note that HPD projects using privately owned land are more affordable than the cost would be if our projects were sited in "high opportunity" areas.

The "Macedonia" is the name of the housing development detailed here. It is located in New York City's Queens County, in the Flushing neighborhood. Flushing is income-diverse, yet also home mainly to Asian households.

The circumstances that allowed the City to acquire this parcel in a "higher opportunity" district for only \$1 are exceedingly rare and unlikely to happen often or ever again. The land is a portion of a Cityowned parking lot. There was an agreement made by the New York City Department of Transportation and HPD to use a portion of the underutilized lot for the development of affordable housing. This transaction was further made possible by the usage of development rights contributed by the adjacent Macedonia AME Church, which is co-developer on the project.

For this one project alone, cost of land acquisition would have been \$12,799,999. The City chose to forgo the land cost to make the project financeable. Barring access to City-owned land in the future, completion of another such project would not be assured, since the City of New York could be unable to find additional local capital subsidy as supplement to make such a project viable.

It is highly doubtful that the City of New York will find sufficient suitable sites in "high opportunity" area. Even if finding such sites were possible, their cost would significantly reduce the amount of affordable housing we could produce.

The budget table states that the total subsidy would be \$148,000 per unit if the City had to absorb the \$12 million land cost as a compliance measure under HUD's initial proposed AFFH rule.



THE CITY OF NEW YORK LAW DEPARTMENT 100 CHURCH STREET NEW YORK, NY 10007

MELANIE SADOK Phone: (212) 356-4371 Fax: (212) 356-2019 MSADOK@law.nyc.gov

November 9, 2018

VIA EMAIL

ZACHARY W. CARTER

Corporation Counsel

Craig Gurian Anti-Discrimination Center, Inc. 250 Park Avenue, Suite 7097 New York, New York 10177 craiggurian@antibiaslaw.com

Re: <u>Winfield et al. v. City of New York</u>, Index No.: 15-CV-5236

Dear Craig:

Pursuant to Judge Parker's direction at the October 30, 2018 court conference, I am writing to clarify the City's response regarding whether the New York City Housing Preservation and Development ("HPD") has a "formal written policy or procedure regarding compliance" with AFFH during the de Blasio Administration. <u>See</u> October 30, 2018 Tr. At 15:5-13.

Throughout the de Blasio Administration, which took office on January 1, 2014, HPD has not maintained a formal written policy or procedure regarding compliance with the Fair Housing Act's affirmatively furthering fair housing requirements, nor is it required to do so. HPD – and the City of New York – is obligated to comply with the Fair Housing Act and the policies and procedures for affirmatively furthering fair housing as enacted by the Department of Housing and Urban Development, but need not have a formal written policy regarding this compliance. Moreover, the City is currently engaged in a comprehensive assessment of fair housing, which will create new goals and strategies to further fair housing.

Sincerely,

/s/

Melanie Sadok Assistant Corporation Counsel

Cc: Mariann Meier Wang, <u>mwang@chwllp.com</u>

To: Subject: Capperis. Sean (HPD) next steps on displacement policy

I'd like to put together in one place all of our work that's going on around displacement, and what else needs to be done. It's so scattered between working groups, our own team, etc. and I feel like we touch on a lot of pieces of it. Here's my attempt at a census of everything:

Active Working Groups

Community Preference working group

How it relates to displacement: We justify the policy because it prevents displacement. But we don't have good metrics to show that displacement is occurring. What I'd like to do is start building a "case" for anti-displacement policy. I think what we need to focus on is that market conditions are a recipe for displacement because we can't "prove" that displacement is occurring.

Possible measures to explore: Your rental building acquisition appreciation maps. MIH testimonies. City median rent growth as compared with median wage growth. Loss of rent stabilized units. Furman Center's work (we just point to that).

Certification of No Harassment working group

How it relates to displacement: The group exists to prevent harassment and develop policies to prevent displacement

Possible measures to explore: While the group exists to find anti-harassment

Matthew Murphy Department of Housing Preservation & Development





NYC_0053247

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Transcript: Mayor de Blasio Announces a Record-Breaking 20,325 Affordable Apartments and Homes Financed in Last Fiscal Year, Enough for 50,000 New Yorkers

July 13, 2015

Mayor Bill de Blasio: All right – people have shown up for good news, which we commend.

Well, good morning, everyone. You see behind me the work going on to create the Summit Ridge Apartments, which, when completed, will contain 58 units of affordable housing. That's something to clap for right there – 58 units of affordable housing.

[Applause]

Now, that 58 units is part of a very important number I want to announce today, and that is the number of units that we secured in the fiscal year that just ended. Fiscal Year '15 ended on June 30. The way we do this – we say if we have put together the financing, if we have everything locked down to build housing and to preserve housing, that's when we lock in the number. So the number of units that were secured and put on the pathway to completion in Fiscal Year '15 is 20,325 units.

[Applause]

I should've asked for the envelope, please. I had a dramatic moment there.

Now, for you history buffs, that is the highest number of units that has been secured in this city in the last 25 years – highest single-year achievement in affordable housing in 25 years.

[Applause]

Here's another fact – it is enough housing for almost 50,000 New Yorkers.

[Applause]

Now, the very best year ever, in terms of securing and starting affordable housing units, was 1989 – it was the height of Mayor Koch's affordable housing plan, which is something that has gone into the

Question: It will be all for extremely low [inaudible] residents or [inaudible]?

Department of Housing Preservation and Development Commissioner Vicki Been: No. So they are – 12 units are for people who make between zero and 30, 31 and 40, and then 45 are available for people who make between 50 and 60 AMI. So it's all very, very low, extremely low.

Mayor: Don't do AMI [inaudible]

Department of Housing Preservation and Development Commissioner Vicki Been: I'm sorry. For people who make less than \$46,000 –

Mayor: There we go.

Department of Housing Preservation and Development Commissioner Vicki Been:—for a family of three, total.

Mayor: Banish AMI from your vocabulary when you are in public.

Department of Housing Preservation and Development Commissioner Vicki Been: Sorry.

[Laughter]

Mayor: Yes, Grace?

Question: Mayor, I was hoping we could get your response. Earlier this month, there was a lawsuit filed challenging the community preference policy for your affordable housing plan whereby you designate – let's say half of the units in a development for local residents. What do you make of this lawsuit, and what would it mean if they won when it comes to sort of winning local support for projects like these?

Mayor: First of all, I don't comment on the details of lawsuits. You should talk to the law department if you want to talk about that process. But I can talk about our current policy, which we think is very fair. Our current policy is leading to a huge amount of new affordable housing and preserved affordable housing. We believe this policy is going to increase the likelihood of a more integrated city. We believe it's fair, also, because it recognizes the opportunity for local residents to receive some of this affordable housing, but also maintains a share of the affordable housing for anyone in the city. So we think it's a very balanced plan that maximizes opportunity and will help us move forward on fair housing. So we stand by it. But as to the lawsuit – again, any questions about a lawsuit, I'd refer to the law department.

Question: Even though that it leads to less integration because—you know, you have to be—you have a preference if you're local, [inaudible] there's less movement of people around the city.

Mayor: Well, you're talking about a Community Board District. And a Community Board District in New York City – that's the basis for the part of the housing that is designated locally. Community

Board districts are very diverse, in and of themselves. And it's also important that people who are part of a neighborhood have an opportunity to access affordable housing in that neighborhood. So we think our current approach is fair and it's the right way to go.

[Applause]

Mayor: On-topic. On-topic going once, on-topic going twice and we are off-topic, off-topic. Off-topic – Jonathan?

Jonathan: Mr. Mayor, in just a few days it'll be the one-year anniversary of Eric Garner's death – just a couple of questions on that. First, do you personally have any plans to sort of mark that occasion? And then secondly, could you just tell us a little bit about how you think the police department has changed in that year, and how the city as a whole has changed from that moment?

Mayor: Well, look – obviously, the anniversary is on my mind. I think it's on the mind of many New Yorkers, and we, you know, mourn the death of Eric Garner. And I think the important thing is to stay focused on the work of reform. I think we've come a long way, even in the last year, in terms of bringing police and community together. The whole police force is being retrained. We're moving forward on body cameras. The number of unconstitutional and unnecessary stops obviously is greatly, greatly reduced. And yet, at the same time, we continue to drive crime down. So, I think we are striking the right balance, and I think the – the new vision that Commissioner Bratton has put forward, that Speaker Mark-Viverito and the City Council and I agreed to and agreed to put resources behind, is going to really open up a new era of neighborhood policing in this city, that's going to draw people closer. I think what's going to happen in the next few years are – community residents will get to know their officers personally, and vice versa, and it's going to be something very different and much better than we've seen in the past. So, a lot has changed in the last year, but I'm particularly hopeful about where we're going. Matt?

Question: I'm just curious to get your reaction to the state revisiting some elements of the SAFE Act. Do you have a sense yet of how this might affect the city?

Mayor: We're all trying to understand what's going on in Albany on this issue, so I can't pretend to get into the nuances. I can say this much – that law was passed by the legislature, signed by the governor. It was the right thing to do and we just can't go backwards, especially after Newtown, which was the inspiration for that law being passed – which I thought was going to lead to a lot more in terms of sensible gun regulation than it did around the country. But obviously, after Charleston – Charleston, I think, was another wake-up call for this country and we just cannot go backwards on gun safety. That's the bottom line. Yes?

Question: Mr. Mayor. So this weekend, the Post actually ran a story about homelessness in our community and how it's just being – it's grown visibly. Do you have any thoughts on what we're doing in the sense of creating a New York City that maintains our lifestyle? A lot of New Yorkers feel like because there's so much homelessness, our cost of living is going up, but really our quality of life has gone down.



Transcript: Mayor de Blasio Appears Live on Inside City Hall

January 17, 2018

Errol Louis: Welcome back to Inside City Hall, my first guest this evening is usually here on Monday's but yesterday was a holiday. And he started the work week with a big housing announcement this morning. And so Mayor de Blasio joins us now live here in our studio to talk about that and much more. Welcome, very good to see you.

Mayor Bill de Blasio: Thank you.

Louis: Let's start with the good news. A record, you beat Ed Koch. I think in his final year he sort of came up with almost as many units as you did in the last year.

Mayor: Yeah, look, Ed Koch did something amazing when it came to affordable housing. And it's taken all this time since 1989 to break that record. But we did in 2017 – almost 25,000 affordable housing units that were financed and are soon going to be in the hands of New Yorkers.

Look, Errol, this is a big deal. And it fits with a series of things we're doing to try and transform this city. I've said my goal in the second term is to make us the safest big city in America. And that means making it a place that everyday people can live in. If you look at what's happening already, 88,000 apartments have been financed since day one of this administration. If you look at the number people already in the affordable housing that we have either created or preserved, it's over 163,000 New Yorkers in the last four years who have affordable housing. This is a big change in how we approach affordable housing. We're taking it to this new scale and we're going to keep it that way for years to come.

And when you add together with some other very big initiatives; Pre-K for All, 3-K. Obviously the efforts to make this the safest big city in America, Vision Zero. These big stretch goals are working. And I think part of the lesson here is, New York City aimed too low in some ways in the past. We are supposed to be the place that does big bold things. When we actually organize around the principle of these kind of really grand but crucially important goals, it gets the government and the whole city to come along and join in and help us go farther.

Louis: Forgive the oversimplification, but the fact that we're following the path that prior mayors have set us on. Where you used the capital budget in order to finance some of these things. In

years. But they pointed out that if you get preference in the housing lottery, if you happen to live in the community board, maybe you moved in 90 days before the unit was announced, before the lottery was announced. You get preference, compared to somebody on the other side of town, who might be just as poor or in the same economic streets.

Mayor: Look, that's a pretty rarefied example. The vast majority of people who are applying have been in their neighborhood a long time. And it's a 50-50 split, 50 percent go to anyone and everyone in the whole city, reflecting the total diversity of the city and that certainly has integrative impact. But we're also a city of neighborhoods, and if people have helped to build up their neighborhood, they've been a part of it for so long, and they want to stay in it and they're being priced out. I don't think it's a great solution to say we have no way to give you a chance to stay in your own neighborhood. I mean you know, your love of Crown Heights is quite evident and your history there.

Louis: I can't afford to leave.

Mayor: Well, that's, that's, God bless you, you that opportunity to stay. But I think the point is that folks who come from a neighborhood and want to stay in it have some rights in the equation too because they help to make these neighborhoods for what they are today. I think we can do both at once. And I really – look, I think you have to talk to the folks involved at the neighborhood level. The consent is that the government really matters here. When I talk to everyday New Yorkers they are so worried about being displaced entirely out of the city. And they certainly feel a particular passion for the neighborhood is no longer for you anymore, you've been priced out, sorry that's the way the world is, that makes no sense. It's my job to help give them an opportunity to stay in the place that they have been a part of. At the same time, of course we want a more intergraded society in every way. I think that 50-50 split speaks to both parts of the reality.

Louis: Okay, let's take a short break here. We're got more to talk about, including the governor's budget address today which has a lot of implications for the city. We'll be right back to talk about that and much more with Mayor de Blasio.

Louis: We are back Inside City Hall and I'm speaking with Mayor Bill de Blasio. Mr. Mayor, any initial reaction to Governor Cuomo's budget address today?

Mayor: Look, there's a lot that we have to go through. It's a classic the devil is in the details. But as I said at the time of the Governor's State of the State Address, I think the broad thrust of some of what he is saying – particularly on addressing the problems of the federal tax bill, I agreed with in terms of some of what he put into the budget address, I want to see exactly what he means.

I disagree on its face with some of the assumptions in his budget address when it comes to the MTA. The State of New York took \$456 million out of the MTA's budget. They need to put that money back. I still think the millionaires' tax is the best way to solve the long term problem of the MTA and the most just way to do it. So there is some evident disagreements up front. But we'll have more to say as we analyze it.

From: Polifione, Frances (Law) РІ	I			
Subject: RE: Defendant's responses to p a nt ffs RTAs					(FP)
Date: May 21, 2019 at 7:50 PM					
To: Crag Gur an c	PII	, Sadok, Me an e (Law)	PII		
Cc: Mar ann Me er Wang m	PII	Roger Ma donado	PII	, Heather Gregor o	
PII					

Hi Craig,

No. 99 – We intended the avers to be in the present tense.

No. 100 - In editing the document, an edit was not carried through as intended. The second "that" should be removed and a "not" inserted after "is" and "was". I have pasted below the response with the intended wording. Thank you for confirming.

ADMISSION NO. 100:

Admit that defendant has not identified a point in time when fear of and resistance to neighborhood residential racial change ceased to be a common phenomenon in New York City. **OBJECTION AND RESPONSE TO ADMISSION NO. 100:**

Defendant objects to this request insofar as the terms "common" and "phenomenon" are undefined, vague, unclear and unduly burdensome insofar as it seeks an admission of a negative, that is, something the City has "not identified". Defendant also objects to this request as overbroad because it requests information on undefined terms for an undefined time period. Further, to the extent Plaintiffs have framed this request to be requesting information beyond the discovery time period in the case (established by the Court as extending back generally to January 1, 2010, and only to January 1, 2002 for a very limited and select group of custodians) defendant objects to this request because, through it, plaintiffs are improperly seeking to expand discovery and obtain new information by attempting to use this request as a substitute for interrogatories, requests for production, and/or depositions. Subject to those objections, defendant denies this request, and avers that that the "fear of and resistance to neighborhood residential racial change" is <u>not</u> or was <u>not</u> a "common phenomenon" in New York City.

Thank you, Fran

From: Craig GurianPIISent: Monday, May 20, 2019 9:07 AMTo: Polifione, Frances (Law); Sadok, Melanie (Law)Cc: Mariann Meier Wang; Roger Maldonado; Heather GregorioSubject: Re: Defendant's responses to plaintiffs' RTAs

Fran -

In the last line of your response to Request No. 99, the word "is" appears, even though the Request is framed in terms of a period that is entirely in the past. Was the intent to use the word "was," or is the "avers that..." portion of the response not related to the 1945 to 1990 period as to which the Request seeks an admission?

In the next to the last line of your response to Request No. 100, the words "avers that that" appear. Was that intended to read "denies that"? If not, can you explain what the computer garbled?

Thanks,

Craig

On May 10, 2019, at 4:47 PM, Polifione, Frances (Law) < PII > wrote:

Attached please find defendant's responses to plaintiffs' RTAs. Please confirm receipt.

Thank you, Fran

Frances PolifioneAssistant Corporation CounselNew York City Law DepartmentAdministrative Law Division100 Church Street, PIINew York, New York 10007Tel: PIIFax: PIIE-mail: PII

<City Responses to Plaintiffs RTAs - (# Legal PII).PDF>

1/16/18, 8:58 AM

** Will print automatically! If it doesn't, click here. **



OP-ED

To deliver on promise of MLK, act now for fair housing

Segregation in big cities like New York, a focus of the civil rights movement, continues today

Maria Torres-Springer



Published: January 15, 2018 - 12:01 am

After the passage of the Civil Rights Act in 1964, Martin Luther King Jr. brought the movement for equality north to tackle the issue of segregation in big cities. This movement formed the basis for the Fair Housing Act, which banned housing discrimination and mandated actions to eliminate segregated living patterns.

Signed into law one week after King's assassination, the

Fair Housing Act remains one of his signature achievements. On the 50th anniversary of his death, it is a betrayal of that legacy to put the brakes on a major step forward to furthering fair housing.

Earlier this month, the federal government delayed implementation of a requirement that cities, states, and public housing authorities perform an assessment of fair housing (AFH) if they want to receive federal funding. Decades in the making, the AFH was a long-overdue tool to help cities attempt to reverse patterns of segregation that hold our cities and our country back. The federal action is an unwarranted and irresponsible delay tactic.

The AFH is designed to make localities of all sizes connect the dots between segregation and opportunity. It recognizes that where people live affects their access to opportunities for success, and is the most modern thinking in the fair housing world. As cities around the country spend significant local, state, and federal resources to address the pressing need for housing, it requires all of us to actively address these issues.

That is why the de Blasio administration embraced the opportunity to do an assessment of fair housing to study and address residential segregation that is the root of so many inequities. Not only does this rule put all

http://www.crainsnewyork.com/article/20180115/OPINION/180119961?template=print



Page 1 of 2

of our feet to the fire to dismantle decades of discrimination, it requires a data-driven, consultative approach and offers municipalities across the country the tools and other assistance they need to deliver on this mandate.

Putting off the AFH is a step in the wrong direction, and a potentially troubling sign of things to come. The reason given for the delay is the difficulty localities face when submitting their reports. The U.S. Department of Housing and Urban Development estimates that more than one-third of AFH reports have not or would not be accepted. Stumbling blocks are to be expected when rules change in the name of progress, but that is no reason to let cities, states, and regions off the hook.

Regardless of what happens at the national level, New York City remains committed to the principles of the AFH and takes seriously its obligation to affirmatively further fair housing. Despite our strong and diverse economy, transit-rich neighborhoods, and leading institutions for the arts, culture, and education, opportunity is not shared equally across the city. A legacy of discrimination and segregation has resulted in significant disparities in educational, health, and economic outcomes.

As we move forward, our expectation is that we will learn from our residents, housing policy experts, and other stakeholders—all of which helps us develop the knowledge necessary to continue the City's longstanding commitment to affirmatively further fair housing.

In Chicago in 1966 King echoed the words of his most famous speech: "Now is the time to make real the promises of democracy." As we reflect on his incredible legacy, we should celebrate the strides we have made and, at all levels of government, shoulder the considerable work that lies ahead.

The obligation is on all of us to make the promise of democracy real in our country.

Maria Torres-Springer is commissioner of the New York City Department of Housing Preservation and Development.



NEW YORK BUSINESS

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Page 1 1 2 UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK ------x 3 JANELL WINFIELD, TRACEY STEWART and SHAUNA NOEL, 4 5 Plaintiffs, -against-6 Civil Action No.: 15CV5236(LTS)(KHP) 7 CITY OF NEW YORK, 8 Defendant. -----x 9 10 11 12 VIDEOTAPED DEPOSITION OF SHAUN DONOVAN 13 New York, New York 14 June 1, 2018 15 11:00 a.m. 16 17 18 19 20 21 22 Reported by: Maureen Ratto, RPR, CCR 23 24 25 David Feldman Worldwide

Page 16 SHAUN DONOVAN 1 relate to the intersection between cities 2 and race? 3 4 Α. Yes. Are you considering at this 5 Ο. point running for mayor of New York City 6 7 in 2021? 8 MS. SADOK: Objection. You can 9 answer. It's not a decision that I've 10 Α. made at this point. 11 12 Q. My question was not whether 13 you had decided to run for mayor, but 14 whether you were considering running for 15 mayor. 16 It's not something that I've Α. 17 decided to do. It's not something that 18 I've decided not to do at this point. 19 I understand that and maybe 0. 20 the third time will be a charm. I'm 21 asking you whether you are considering 22 it. 23 MS. SADOK: Objection. 24 Mr. Gurian, I don't see what the relevance of his considerations in 25

Page 17 SHAUN DONOVAN 1 2 the future have to do with what his 3 experiences were while he was a HPD Commissioner. Δ 5 MR. GURIAN: I appreciate that 6 and that objection is preserved for 7 the record, even if you hadn't 8 expressed it. 9 But would you answer the Q. question, please, Mr. Donovan? 10 11 Α. I believe I have answered the 12 question. 13 The question is, are you Q. 14 considering running for mayor in New York 15 City in 2021? 16 MS. SADOK: Objection, asked 17 and answered. 18 Α. Again --19 Ο. That's a "yes" or "no". 20 I believe I have answered the Ά. 21 question. 22 MR. GURIAN: Mark that for a 23 ruling, please. 24 (Question is marked for a 25 ruling.)

Case 1:15-cv-05236-LTS-KHP Document 916-53 Filed 11/06/20 Page 4 of 72

Page 22 1 SHAUN DONOVAN 2 Thank you. MS. BLAIN: 3 I -- I was not personally Α. 4 involved in the lottery process. I can't testify whether every single lottery that 5 took place while I was HPD Commissioner 6 7 was subject to the policy. 8 But in general, they were? Q. As 9 a general rule, they were? 10 MS. SADOK: Objection. 11 Α. Again, I don't remember 12 whether there were specific examples that 13 stood outside of it or not. I would 14 generally agree that the lotteries we ran 15 were subject to that policy. 16 Q. And the preference was for 50% 17 of the affordable units, the preference 18 going to households in the community 19 district where the housing was being 20 developed, correct? 21 Α. That's my recollection. For shorthand -- we've done 22 0. 23 this throughout the case, so I just want 24 to make sure you understand this, we 25 refer to those households that lived

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Page 23 SHAUN DONOVAN 1 2 inside the community district and were 3 eligible for the preference as insiders 4 and to applicants for affordable housing 5 who were New York City residents living outside the community district where the 6 7 housing was being developed as outsiders. 8 Do you understand that distinction? 9 I know the policy as the Α. 10 Community Preference Policy and that is 11 the way I refer to it. 12 I understand that, but I'm Ο. 13 going to be using terms which I've tried 14 as clearly as I can to define for you. 15 I'm not asking you whether it's your 16 preferred nomenclature. I'm just asking 17 you whether you understand the difference 18 between what I'm calling insiders and 19 what I'm calling outsiders? 20 I don't believe, given that Α. 21 that's the way I refer to it, that I 22 necessarily understand what exactly you 23 mean by that. 24 0. Okay. Well, let's take a 25 minute on it.

Page 24 1 SHAUN DONOVAN 2 People -- when there is a 3 preference applied, the people who are 4 eligible for that preference are people 5 who live in the community district where 6 the housing is being built, correct? 7 There is a preference for the Α. 8 community district and that is why we 9 referred to it as a community preference. 10 Q. Okay. And I'm referring --11 it's not a preference for the community, 12 it's a preference for households who live 13 in the community, correct? 14 Α. I'm not sure I understand the 15 difference. 16 The difference is that a Q. 17 community doesn't apply for affordable 18 housing, individual households apply for 19 affordable housing. So I don't think this 20 is a matter of controversy in any way 21 whatsoever. 22 The individual households who 23 apply who live in the community district 24 where the housing is being built are the 25 ones who get the preference, correct?

Page 25 1 SHAUN DONOVAN 2 MS. SADOK: Objection. 3 Α. I think of a community as made 4 up of people and so I don't see -- I don't understand the difference that you 5 6 are trying to get to because a community 7 is made up of people whom I --8 Q. It's -- it's not a great sign. 9 So let me try it this way. 10 You know that when there is a 11 lottery or you knew when you were at HPD 12 when there is a lottery households apply 13 for apartments, correct? 14 Α. Yes. 15 Q. And you knew when you were HPD 16 Commissioner that if the applying 17 household lived in the community district 18 where the housing was being built that 19 household would get a preference with 20 respect to the affordable units, correct? 21 MS. SADOK: Objection. 22 Α. That's right. 23 Q. Those households I'm referring 24 to as insider households. Do you 25 understand?

Page 26 1 SHAUN DONOVAN 2 Α. I understand that you are 3 referring to them that way, yes. 4 Conversely, a household who Q. 5 applied for a lottery who did not live in 6 the community district housing was being 7 built did not get a community preference, 8 correct? I think that's correct. 9 Α. 10 Q. Those households I may be 11 describing as outsider households. Do 12 you understand? 13 Α. Again, as I said before, I 14 understand that those are words you are 15 using. I don't see a distinction from 16 calling it a Community Preference Policy. 17 Q. There is a Community 18 Preference Policy and one group is 19 treated differently from another group 20 and I think that you understand how I'm 21 going to describe those two groups. 22 Did you know when you were HPD 23 Commissioner that New York City was 24 characterized by a high level of 25 residential racial segregation?

Page 47 1 SHAUN DONOVAN 2 you are itching to discuss those, and 3 don't worry, we'll get to that. When you were HPD Commissioner 4 5 did you believe that the City had turned with all the purpose at its command to 6 7 try to reduce and ultimately eliminate 8 racial segregation in housing? 9 MS. SADOK: Objection. 10 I did. Α. 11 MR. GURIAN: Ms. Wang, are you 12 ready with that next clip? 13 MS. WANG: Yes. Ready. 14 MS. BLAIN: Can we mark this 15 for the record, again? I'll mark it 16 for the record. 17 MR. GURIAN: This is an 18 earlier point in the same speech, 19 approximately at the 16:40 mark of 20 the speech. 21 (Whereupon, video clip is 22 played on a laptop.) 23 "MR. DONOVAN: -- move to 24 neighborhoods of opportunity. And 25 for the first time we gave real

Page 51 1 SHAUN DONOVAN 2 MS. BLAIN: So, Mr. Gurian, as 3 you know, I'm going to object as exceeding the scope of the Touhy 4 authorization and not to answer to 5 6 the extent the question seeks 7 information concerning the time you were at HUD and thereafter. 8 9 I don't think that's a Α. 10 question I can answer without referring 11 directly to my experience and knowledge 12 from HUD. 13 When you were HPD Commissioner Q. 14 were you aware of the term "Affirmatively 15 Furthering Fair Housing?" 16 Α. Given the direction I've been 17 given, I think it is not possible for me 18 to separate out, sitting here today, what 19 I knew at HPD or didn't know about AFFH. 20 MR. GURIAN: Well, Ms. Blain, 21 as you know, the case squarely 22 involves what New York City and HPD 23 did during Mr. Donovan's tenure. So 24 those questions I think I'm able to 25 ask and I'm going to ask you, Mr.

Page 52 1 SHAUN DONOVAN 2 Donovan, to try to recall what you 3 already knew when you were HPD 4 Commissioner about, first of all, the existence of the phrase 5 6 "Affirmatively Furthering Fair 7 Housing." 8 MS. SADOK: Objection. 9 Again, looking back more than Α. 10 a decade, given my subsequent experience, 11 I don't believe that I can separate out 12 and accurately describe precisely what I 13 knew before I became HUD Secretary and 14 since then. 15 MS. BLAIN: Mr. Gurian, I have 16 a suggestion. Maybe perhaps if you 17 focus in very specific ways or 18 subjects, that may help. So, AFFH 19 is broad, so maybe if you can get 20 more narrow. 21 MR. GURIAN: Right. That's a 22 -- that's a fine suggestion, but 23 I'll proceed in another way. 24 Are you saying, Mr. Donovan, Q. 25 that it's possible that you could have

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Page 53 SHAUN DONOVAN 1 2 gone through your tenure at HPD without coming to know anything about 3 Affirmatively Furthering Fair Housing? 4 5 MS. SADOK: Objection. That is -- that is not what I 6 Α. 7 said. 8 Q. So you believe that you knew something about Affirmatively Furthering 9 10 Fair Housing while Commissioner of HPD, 11 but you can't say what that is as 12 distinct from what you learned about it 13 later? 14 MS. SADOK: Objection. 15 **Q**. Is that right? The way I would describe it 16 Α. 17 is, I know that as HPD Commissioner I was 18 actively working in a range of ways 19 through a number of policies to promote 20 economic and racial integration in New 21 York City. I don't remember precisely 22 what I knew or didn't know about the more 23 technical requirements of the 24 Affirmatively Furthering Fair Housing regulation and its implementation at HPD. 25

Page 54 SHAUN DONOVAN 1 2 It is simply, frankly, too hard for me, a 3 decade removed, more than a decade removed, to remember precisely what I 4 5 didn't -- what I knew or didn't know 6 about the specifics of the regulation. 7 Q. Well, let's try it a little 8 more basic. 9 Did you know that there was an 10 Affirmatively Furthering Fair Housing 11 obligation on New York City? 12 Α. I'm not sure how that question 13 is different than knowing the regulation, 14 since if there was a regulation and its 15 specifics it would obviously apply to New 16 York City. 17 I'm not asking you if you knew Ο. 18 the details of the AFFH rules that 19 pertained during your time. I'm just 20 asking whether you had awareness of the 21 rules to the extent of knowing that there 22 was some AFFH requirement on New York 23 City, and the question is limited to the 24 time that you were HPD Commissioner. 25 MS. SADOK: Objection.

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Page 55 1 SHAUN DONOVAN 2 Α. Again, I'm not sure how this 3 question is different from the prior one 4 and I think I just got to answer it in 5 the same way, which is that sitting here 6 today, looking back ten years, I don't 7 think it's possible for me to separate 8 out precisely what I knew as HPD 9 Commissioner versus learned afterwards. 10 Q. Even on the basic level of 11 whether there was any affirmatively 12 furthering obligation on New York City at 13 all? 14 MS. SADOK: Objection. 15 I could presume and speculate Α. 16 here, but again, you are asking a precise 17 question that is more than a decade 18 removed and given the amount of time and 19 focus I spent after leaving HPD on this 20 issue, it is -- I just don't think it's 21 possible for me to be precise in what 22 exactly I knew or didn't know about AFFH 23 while I was HPD Commissioner. 24 Q. Do you have any recollection 25 of any of your responsibilities as HPD

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Page 56 SHAUN DONOVAN 1 Commissioner? 2 That's an extremely broad 3 Α. question which seems -- I'm not sure what 4 you are trying to get at there. 5 6 Q. Do you need the question read 7 back? 8 I guess I'm asking if you Α. could be more specific. It's an extremely 9 10 broad question. Be clearer about what 11 you are asking there. 12 MR. GURIAN: I'm -- well, could 13 the reporter read it back. 14 (Pending guestion is read back 15 by the reporter.) So the question is --16 Α. 17 **Q**. Of any of them. 18 The question seems to me Α. 19 self-evident. Obviously, I remember being 20 HPD Commissioner and having 21 responsibilities. So, again, I'm not sure what the question is trying to get to 22 23 other than something that would seem 24 obvious. Of course, I do. 25 The great thing about obvious Q.

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Page 57 SHAUN DONOVAN 1 2 questions is they tend to be easier to 3 answer. 4 So do you have any 5 recollection of any specific responsibilities that you had at HPD? 6 Of course I do. 7 Α. Okay. As you look back at the 8 Ο. job of HPD Commissioner, was it in your 9 10 view important, from a perspective of a 11 municipal official, for the HPD 12 Commissioner to be fully aware of 13 whatever affirmatively furthering 14 regulations pertained at the time? MS. SADOK: Objection. 15 16 THE WITNESS: Could you repeat the question? 17 18 MR. GURIAN: Read it back, 19 please. 20 (Pending question is read back 21 by the reporter.) 22 Α. I guess I would generally say 23 that there were many many regulations and 24 rules that applied, in general. I did not see it -- I don't think it's typical for 25

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Page 63 SHAUN DONOVAN 1 2 they're related. Was it a goal of New York City 3 0. during your tenure as HPD Commissioner 4 5 specifically to reduce residential racial 6 segregation? 7 Α. I'm not sure I can speak for 8 the City at large in the way that you've 9 asked the question. I can certainly say 10 that it was one of my goals as HPD 11 Commissioner. 12 Do you know whether it was a Ο. 13 goal of Mayor Bloomberg specifically to 14 reduce residential racial segregation? 15 I believe it was. Α. 16 Let's start with the second Ο. 17 part first. 18 MS. SADOK: Mr. Gurian, if I 19 could interrupt for a minute, we'd 20 like to take a break soon and it 21 seems like you might be going on a 22 long line of questioning. If it's 23 short I'm happy to wait but if it's 24 going to be long I'd like to take a 25 break.

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Page 64 1 SHAUN DONOVAN 2 Let's precede for MR. GURIAN: 3 a few minutes and then take a break 4 if that's okay. 5 MS. SADOK: Okay. 6 Is the basis of your belief in Ο. 7 respect to Mayor Bloomberg anything he 8 communicated to you specifically about 9 residential racial segregation or 10 residential racial integration? 11 Α. Given the time period we're 12 talking about, I don't have a clear 13 memory of conversations that happened 14 back then. So I don't think I can answer 15 that question specifically about what 16 conversations or what precise words 17 communicated that to me. 18 ο. Did he communicate to you a 19 charge or task to you, as HPD 20 Commissioner, to specifically try to 21 reduce residential racial segregation to 22 the maximum extent possible? 23 MS. SADOK: Objection. 24 Α. Again, I don't -- my recollections of these are more general 25

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Page 65 1 SHAUN DONOVAN 2 than being able to recall specific words 3 or specific conversations. 4 ο. You said that it was your goal 5 as HPD Commissioner to reduce, specifically, residential racial 6 7 segregation. Is that right? Am I stating 8 back the testimony correctly? 9 What I said was that I was Α. 10 certainly focused, as HPD Commissioner, 11 on promoting economic and racial 12 integration. 13 So then I think there was 0. 14 something else you said. I'll ask you 15 again -- for some reason this tends to 16 happen right when Ms. Sadok asks for a 17 break. I apologize. Was it your goal, 18 as HPD Commissioner, specifically to 19 reduce residential racial segregation? 20 Α. I believe I just answered the 21 question. I certainly saw it as an 22 important part of the work that I was 23 doing to promote racial and economic 24 integration. 25 Q. Where, if anywhere, is the

Page 66 1 SHAUN DONOVAN 2 goal of either promoting residential 3 racial integration or the goal of 4 reducing residential racial segregation 5 documented? MS. SADOK: Objection. 6 7 Α. I -- I'm not sure, given we're 8 talking about more than a decade ago, I 9 don't remember particular documents or --10 or words that might have referred to that 11 goal or not. It's just --12 You -- sorry to interrupt. Go Ο. ahead. Please. Sorry. 13 14 Α. No. 15 We have a little delay between Q. 16 the Coasts, so sometimes I start speaking 17 too quickly. 18 So you don't remember, you 19 can't point to any document in your 20 tenure where the words "residential 21 racial segregation" or "residential 22 racial integration" were used in 23 connection with there being a goal of the 24 City? 25 MS. SADOK: Objection.

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Page 67 1 SHAUN DONOVAN 2 Α. You're asking me to remember words in documents from more than a 3 4 decade ago and on any topic I'm not sure that I could recall specific words or 5 documents that we produced more than --6 7 more than a decade ago. Okay. Let's finish up with 8 Q. 9 this. Let's change the question to be one 10 where I'm asking you to remember whether 11 there were any documents where the 12 concept of reducing racial residential 13 segregation, specifically and explicitly 14 the "race" part of the segregation, was 15 mentioned in any document? 16 MS. SADOK: Objection. 17 I think this question is the Α. 18 same as the one you just asked, which is 19 I don't recall specific documents from 20 more than a decade ago. 21 Q. Do you remember the New 22 Housing Marketplace? 23 I remember that we had a --Α. 24 absolutely that we had a plan called the 25 New Housing Marketplace, yes.

Page 70 1 SHAUN DONOVAN 2 opposite, that it wouldn't surprise me 3 that it might not be there from my time 4 because we were more focused on the 5 tactics, you know, what -- what specific housing strategies we were going to use 6 to achieve the number of units, etcetera. 7 8 MR. GURIAN: More on this, but 9 let's take a break. MS. SADOK: Thank you. 10 11 VIDEOGRAPHER: Time is 12:37 12 p.m. and this marks the end of 13 Media Unit 1. 14 (Recess is taken.) 15 VIDEOGRAPHER: The time is 16 12:52 p.m. and this begins Media 17 Unit 2. 18 Mr. Donovan, let me see if I Q. 19 understand your testimony correctly. Was 20 reducing residential racial segregation a 21 focus of HPD's work during your tenure as 22 HPD Commissioner? 23 Α. As I said earlier, I saw it as 24 a goal of mine and for the Agency to 25 promote racial and economic integration.

Page 71 SHAUN DONOVAN 1 2 Q. This question was whether it was a focus of HPD's work during your 3 4 tenure, either reducing racial 5 residential segregation or increasing 6 racial residential integration --7 MS. SADOK: Objection. 8 0. -- was it a focus of the 9 Agency's work? 10 Α. I'm not sure I understand the 11 difference between what I said and the 12 word "focus". I certainly -- I don't see 13 a difference. 14 You don't see a difference Q. 15 between something being a goal and 16 something being a focus? 17 Α. If I have a goal, I focus on it. So I'm not sure I see the difference. 18 19 Q. All the goals that you had as 20 HPD Commissioner you focused on equally? 21 MS. SADOK: Objection. 22 Α. I can't imagine that would 23 ever be true. So I didn't say that I 24 focused on them all equally. What I said 25 was I don't know that I understand the

Page 72 SHAUN DONOVAN 1 difference between a goal and focus. 2 To what extent did you focus 3 Q. on your goal of reducing residential 4 5 racial segregation while you were HPD Commissioner? 6 I would say a significant 7 Α. 8 amount. Great. Did your staff know 9 Q. 10 about this goal of yours? 11 Α. We certainly discussed the issue and -- yeah. We certainly had 12 13 significant discussions about it. 14 About your goal of reducing Q. 15 residential racial segregation? We certainly had significant 16 Α. 17 discussions about promoting economic and 18 racial integration. 19 In any of the discussions --0. 20 did any of the discussions involve any 21 explicit discussion of racial integration 22 or racial segregation? 23 MS. SADOK: Objection. 24 As I've said before, going Α. 25 back more than a decade, it's hard for me

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Page 73 1 SHAUN DONOVAN 2 to recall specific words and conversations. I have no doubt that we 3 4 had conversations about promoting 5 economic and racial integration. 6 **Q**. So who on your staff, who 7 among the principal staff knew that a 8 goal of HPD was to promote racial 9 integration in housing? 10 I think you're asking me to Α. 11 recall -- to speculate about what other 12 of my staff thought that -- I'm not sure 13 that I can speak to their thoughts or 14 beliefs. 15 Q. I'm not asking you that at 16 all. You said you had discussions. Your 17 discussions would have put your staff on 18 notice that it was your goal for HPD to 19 be trying to reduce residential racial 20 segregation, correct? 21 Ά. What I said was I certainly 22 had discussions with my staff about 23 promoting economic and racial 24 integration. 25 Q. So they would or they would

Page 74 SHAUN DONOVAN 1 2 not have known that it was your goal to promote residential racial integration 3 4 from those discussions? You are asking me to tell you 5 Α. what somebody else knew and particularly 6 given that we're talking about more than 7 ten years ago, and not remembering 8 details of conversations, it's very hard 9 10 for me to speculate what somebody else 11 knew or didn't know at that point and 12 particularly specific people. 13 What I'm saying is I certainly had conversations with them and it was an 14 15 important focus. Beyond that, to go to 16 specific recollections of people is not 17 something that I can speculate about more 18 than a decade removed. 19 Q. Well, who were your most 20 senior deputies? 21 Α. For a significant period, 22 Raphael Sistero was my Deputy Commissioner, I believe Holly Light 23 24 became Deputy Commissioner after that. I 25 can't remember -- I believe she was when

Page 77 1 SHAUN DONOVAN 2 you hired her to be HUD Regional 3 Administrator for HUD Region Two in or 4 about January 2014? 5 MS. BLAIN: You can answer 6 that question. 7 As a factual matter, Holly was Α. 8 the Regional Administrator at HUD. I 9 don't remember precise dates when she 10 started. 11 Ο. Do you remember, as a factual 12 matter, whether you hired her or approved 13 her hire? 14 MS. BLAIN: At this point I'm 15 going to direct the Witness not to 16 answer to the extent this question 17 elicits information about your role 18 and procedures at HUD. 19 MR. GURIAN: Mark that for a 20 ruling. 21 (Question is marked for a 22 ruling.) 23 Q. Reflecting back on your HPD 24 tenure, do you think it would have been 25 wrongful in any way for HPD not to have

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Page 78 1 SHAUN DONOVAN 2 had reducing residential racial 3 segregation as a goal? Given that I've said I thought 4 Α. it was an important goal to promote 5 6 economic and racial integration, I'm not 7 sure how that question is any different from what I've already answered. 8 Well, the way it works, and I 9 Q. 10 know it's very frustrating for the 11 Witness, but your job today is not to critique or analyze my questions, it's to 12 13 answer them. 14 So do you recall what the 15 question was? And that's exactly what I'm 16 Α. trying to do. I don't understand how it's 17 18 different to say it would not have been 19 -- I can't remember exactly how the 20 question was phrased, but that sounds to 21 me like the same question that you asked 22 before in a different way and all I'm 23 trying to do is clarify if it is, in 24 fact, different how it is different. I'm 25 honestly trying to be -- to understand

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Page 79 1 SHAUN DONOVAN 2 your questions and to answer them 3 accurately. 4 0. Well, I can't do more than ask 5 you. The previous questions had to do with whether something was a goal or a 6 7 focus. This question has to do with your assessment of whether it would have been 8 9 wrongful in any way for HPD not to have 10 had reducing racial -- residential racial 11 segregation as a goal? 12 I don't know the answer to 13 your question. Your answer may be yes, it 14 would have been wrongful, or no, it would 15 not have been wrongful. That's why I'm 16 posing the question. 17 MS. SADOK: Objection. 18 Α. My answer to that is when I 19 believe something is right, generally 20 that means I believe not doing it is 21 wrong. So -- and I see those as the same 22 thing. So that's why, I'm not trying to 23 be argumentative or anything, I'm just 24 trying to understand what you are trying 25 to get at with the question because it

Page 80 SHAUN DONOVAN 1 2 appears to me to be the same question as you asked before. 3 That explanation that when you 4 Ο. 5 think something -- doing something is right, you think that not doing it is 6 7 wrong, does that apply to the question 8 that I posed about HUD having as a goal 9 reducing residential racial segregation? 10 MS. SADOK: Objection. 11 Α. Again, I'm trying to 12 understand if you see -- if your question 13 is focusing on a distinction there 14 because I don't see one. 15 So when you say that it was a Q. 16 goal to reduce residential racial segregation, as you understand things, as 17 18 you construe things, that's the same as 19 you saying it would have been wrongful 20 for HPD not to have had that as a goal? 21 Am I understanding that right? 22 MS. SADOK: Objection. 23 What I said was I don't Α. 24 understand a difference between those 25 two. If you see a difference between

Page 81 SHAUN DONOVAN 1 2 those two and you are trying to get at a 3 difference between those two, I would appreciate you explaining that. 4 I'd appreciate your explaining 5 Q. 6 or confirming that you see wrongful not 7 doing as simply the flip side of the coin 8 or the mirror image of you thinking that having a goal is the right thing. 9 I'm 10 asking what you think about those. Those 11 are the same to you, right? 12 MS. SADOK: Objection. I -- I don't understand what 13 Α. you mean by "wrongful." And given that 14 15 this is a deposition, it is possible --16 it seems possible to me that you are trying to get to a different point than I 17 18 was making and you're not explaining 19 that. So that's what I'm trying to get 20 to. 21 Okay. Let me help you here. My Q. 22 next question is, what do you understand 23 the word "wrongful" to mean? 24 That's an extremely broad Α. 25 question, which seems to me highly

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Page 82 1 SHAUN DONOVAN 2 context specific. So I don't think that I 3 can answer it without more context. 4 Q. Okay. There are legal senses. 5 Α. There 6 are moral senses. There are lots of ways 7 that I can use the word "wrongful." 8 Okay. So you've identified Q. 9 legal, moral. Is one of them, as a matter 10 of policy, there could be policies that 11 are wrongful, is that right, in your 12 view? 13 Α. I could imagine a context 14 where that would be true. 15 Okay. So the context that I'm Q. 16 asking you to reflect on is the context 17 where HPD did not have a policy to or goal to reduce residential racial 18 19 segregation. Would that have been 20 legally, morally, or as a policy matter 21 wrongful? 22 MS. SADOK: Objection. 23 Α. Given the discussion that we 24 had earlier, I think it is impossible for 25 me to separate out my work and knowledge

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Page 83 1 SHAUN DONOVAN 2 as HUD Secretary in answering that 3 question precisely. 4 MR. GURIAN: Let's mark that 5 for a ruling and let me ask you something else. 6 7 (Question is marked for a 8 ruling.) 9 Q. Why would it have been a bad 10 idea, as you think it would have been a 11 bad idea, for HUD -- for HPD -- excuse me 12 -- not to have the goal of reducing 13 residential racial segregation? 14 MS. SADOK: Could you repeat 15 that question? Sorry. I didn't 16 catch. 17 (Pending question is read back 18 by the reporter.) 19 MS. SADOK: Objection. 20 Α. If I understand the question, 21 I think I would say that, as I've said 22 before, I felt strongly as Commissioner 23 that it was important that we promote 24 economic and racial segregation --25 integration and fight segregation. That David Feldman Worldwide

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Page 84 SHAUN DONOVAN 1 2 it seems to me self-evident then that 3 that was something we should have been 4 doing and we did. 5 Q. Why is it important to fight 6 residential -- why was it important to 7 fight residential racial segregation in 8 New York City, specifically? 9 MS. SADOK: Objection. 10 MS. BLAIN: Specifically the 11 time during which he was HPD 12 Commissioner? 13 MR. GURIAN: Specifically as 14 the time of HPD Commissioner, New 15 York City and residential racial 16 segregation. Those are the 17 confines. 18 Α. I'm trying to isolate out what 19 I knew as HPD Commissioner. I had 20 studied and spent many years working in 21 communities, studying the history of 22 neighborhoods and understood, as I think 23 was pretty widely understood at the time, 24 that economically and racially segregated 25 neighborhoods can tend to lower

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Page 85 SHAUN DONOVAN 1 opportunity for families. 2 When you say "opportunity", 3 Q. 4 what do you mean? Broadly speaking, what I mean 5 Α. 6 is life outcomes such as earnings and 7 income, health, education, etcetera. Was it your view when you were 8 Q. 9 HPD Secretary that there was anything 10 independently negative about residential racial segregation as opposed to 11 12 residential economic segregation? 13 MS. SADOK: Objection. And 14 did you mean HPD Commissioner not 15 Secretary? 16 MR. GURIAN: I did and I 17 apologize. HPD Commissioner. 18 Α. As I said earlier, I think 19 economic and racial segregation are 20 intimately linked in this country, not 21 only in this country. And so I think the 22 question you're asking is a complex one. 23 Would I say that there's any independent 24 importance just on racial segregation? I 25 think my answer would be yes, but

Page 86 SHAUN DONOVAN 1 disentangling those is quite complex. 2 3 Ο. When you were HPD Commissioner, did you make any efforts to 4 5 try to disentangle those two things? 6 I'm -- given the length of Α. 7 time that we're talking about, I don't have precise recollections. I believe the 8 9 answer to that is -- is yes, but it's a 10 long time ago, so... 11 What's that law that they Q. 12 teach you in high school mathematics 13 where you put -- like you put one thing 14 before the opening brackets and then it 15 applies to everything within the brackets? That's not communicative law 16 and I don't think it's associative law. I 17 18 think there is one other. You don't 19 recall that? This is by way of saying --20 Are you asking this question Α. 21 because you know my son has his high 22 school math exam today? 23 That did momentarily did give Q. 24 you a little bit of an uneasy feeling to 25 think that the level of scrutiny was that

Page 87 SHAUN DONOVAN 1 2 intense, but good luck to him and you on 3 that. But you really made it clear for the record, that "it's been a long time" 4 5 part. We could save a little time if there is not that preface on -- as to 6 7 every question. 8 Did you, for example, during 9 your HPD tenure as Commissioner, come to 10 understand at least in general terms that 11 there were some neighborhoods that had 12 very similar economic profiles of their 13 residents, but very different racial profiles of those residents? 14 15 MS. SADOK: Objection. 16 I certainly understood that Α. 17 there were -- that economic and racial 18 profiles did not always correlate 19 completely. 20 Did you understand that there 0. 21 were neighborhoods where the economics 22 were very similar, but that the racial 23 composition was very different? 24 MS. SADOK: Objection. 25 I think I'm answering your Α.

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Page 88 1 SHAUN DONOVAN 2 question as best I can. I certainly 3 understood that there wasn't perfect correlation between economic and racial 4 5 indices. I think that's different. I don't think that's the same as saying 6 7 neighborhoods where the economic 8 characteristics were the same because 9 that's a very broad statement and there 10 is always variation on an economic level 11 between neighborhoods, there is always 12 racial differences between neighborhoods, 13 but I certainly understand that they're 14 not perfectly correlated across 15 neighborhoods. 16 Well, I'm really asking if you Q. 17 understand more than that. That, for 18 example, where a neighborhood where --19 two neighborhoods where principally 20 household income is between 30 and 21 \$50,000 a year or was between 30 and 22 \$50,000 a year. So the household income, 23 the two neighborhoods being very similar 24 but vastly different in terms of racial 25 composition. You weren't aware of that

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Page 89 1 SHAUN DONOVAN 2 kind of neighborhood differentiation, 3 where the differentiation was principally 4 by race and much less so by economics? 5 MS. SADOK: Objection. 6 MS. BLAIN: And again, this is 7 considering or focused on his time as Commissioner at HPD? 8 9 MR. GURIAN: Yes. 10 Α. I don't -- I don't see median 11 household income of \$30,000 as being 12 similar to a median household income of 13 \$50,000. So I don't think -- this is my 14 point, I don't think of those as 15 economically similar neighborhoods, 16 necessarily. And it's not just medians, 17 it's also the range of incomes. 18 You could have a median income 19 of 30 or 50 and if there's a dynamic 20 where incomes are rising or 21 gentrification is happening, those --22 those start to separate out neighborhoods 23 very quickly. 24 So I think this is a highly 25 subtle and complex issue that you are

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Page 90 SHAUN DONOVAN 1 2 trying to raise and putting it in broad 3 categories, I think, does a disservice often to the subtleties and the 4 5 importance of understanding neighborhood 6 context. 7 Q. We'll get back to the 8 subtleties and complexities in a moment. 9 You grew up in New York City, is that 10 right? 11 Α. I did. 12 Q. Where? 13 In -- I mostly grew up in Α. 14 Manhattan. I lived in Brooklyn for about 15 15 years, as well. 16 Where, not by address, only by **Q**. 17 neighborhood, did you grow up in Manhattan? 18 19 A few different neighborhoods Α. 20 on the East Side and West Side. 21 On the Upper East Side and Q. 22 Upper West Side or --23 Α. Upper East Side and Upper West 24 Side. 25 And in Brooklyn? **Q**.

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Page 91 SHAUN DONOVAN 1 2 In Boerum Hill. Α. 3 Ο. So let me just ask you again, as HPD Commissioner, you weren't familiar 4 with what for shorthand might be called a 5 working class neighborhood in Brooklyn or 6 7 Queens that was overwhelmingly white and 8 another very economically similar working 9 class neighborhood in Brooklyn or Queens 10 that was overwhelmingly African-American 11 or Latino? 12 MS. SADOK: Objection. 13 That is not accurate and Α. 14 that's not something I said before. 15 Okay. Were you aware of the Ο. 16 existence of those neighborhoods that 17 were very similar economically and very 18 different racially? 19 Again, I think you're making Α. 20 generalizations that don't -- I believe I 21 was familiar with neighborhoods across 22 New York City, and I think you are 23 describing neighborhoods in ways that are 24 generalizations that don't capture 25 important differences between them.

Page 92 1 SHAUN DONOVAN 2 **Q** . Capture for me two 3 neighborhoods where the economics were 4 similar but the racial composition was 5 quite different, any two? 6 Again, this is your Α. 7 comparison. I don't think it's a useful 8 comparison, necessarily and I can't 9 speculate as to what you see as similar. 10 Q. I want to know what you see, 11 two neighborhoods that you saw as 12 economically similar, where you also saw 13 them as racially very distinct from one 14 another? 15 Α. As I think I indicated, I 16 didn't think about neighborhoods that 17 way, and I tended to think of each 18 neighborhood as individual with certain 19 characteristics that might or might not 20 be similar to other neighborhoods. But 21 to say broadly a single neighborhood is 22 the same economically as another one 23 doesn't seem to me a useful -- it's not a 24 comparison I would have made. 25 Did you look at patterns of Q.

Page 96 1 SHAUN DONOVAN 2 have a recollection of particular 3 documents. I'm not asking you for 4 Q. 5 particular documents. I'll ask the City 6 to produce those. But do you recall that 7 this desire or goal or program to enhance 8 the access of minority group families to 9 neighborhoods of opportunity, of higher 10 opportunity, was written down anywhere? 11 MS. SADOK: Objection. 12 Α. I think I've just answered the 13 question. I don't have a recollection of 14 specific documents. 15 Right. That's why I moved onto Q. 16 another question, which was, without 17 asking you to remember the specific, do 18 you at least remember that somewhere that 19 goal or policy was written down? 20 I don't see a difference in Α. 21 those questions. 22 One asks for the specific, Ο. where it was written down, the other asks 23 24 you to confirm whether or not it was 25 written down anywhere.

Page 97 SHAUN DONOVAN 1 Confirming that would require 2 Α. 3 remembering specific documents. No. It would just require you 4 Q. to know that there was someplace you 5 documented this goal. 6 7 You don't know whether you 8 documented that goal? As I said, I don't recall 9 Α. 10 specific documents from more than a 11 decade ago. MR. GURIAN: Move to strike as 12 13 non-responsive. 14 MS. SADOK: The City objects 15 to that motion to strike. 16 (Question is marked for a 17 ruling.) 18 Let me -- let me just ask you, Ο. 19 if you think of things as there being 20 different balances at different times 21 between place-based strategies and 22 mobility strategies, where was the 23 balance during your time in the Bloomberg 24 Administration? Wasn't much more of the 25 focus on place-based strategies?

Page 100 SHAUN DONOVAN 1 2 all the high opportunity neighborhoods where we did substantial rezoning, 3 included a very large number of 4 affordable units, and in fact, 5 inclusionary zoning, itself, is a 6 7 strategy that, generally, is most 8 effective in the highest rent 9 neighborhoods which tend to be highly 10 correlated with higher opportunity. 11 Ο. And that would be because the 12 cross-subsidy from the market units is --13 the cross-subsidy that's thrown off from 14 the units in those neighborhoods are 15 higher and thus, facilitates more -- the creation of more affordable units more 16 17 easily. Is that right? That's a reason but not the 18 Α. 19 only reason. 20 0. So just to be clear, the 21 Bloomberg Administration opposed 22 proposals for mandatory inclusionary 23 zoning, correct? 24 When I became Commissioner we Α. created a new inclusionary zoning 25

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2	program. I think our view at the time is
3	that a voluntary inclusionary program
4	would lead to more affordable housing
5	than a mandatory program would have.
6	Q. I understand your this may
7	be a version of jeopardy. That certainly
8	answers the question why, but just to
9	confirm, there were proposals made
10	outside of the administration for
11	mandatory inclusionary zoning and the
12	administration opposed them, correct?
13	A. I don't remember specific
14	proposals that you may be referring to.
15	We did we did have discussions and
16	debates within the administration about
17	voluntary versus mandatory and again, we
18	believed that voluntary would lead to
19	more ultimately lead to more
20	affordable units than the mandatory
21	proposal.
22	Q. I appreciate that, but without
23	getting into any specific proposals, you
24	remember there were proposals to create
25	mandatory inclusionary zoning coming from

Page 102 1 SHAUN DONOVAN 2 outside of the administration, yes? Again, I don't remember 3 Α. 4 specific proposals or who might have --5 they might have come from. What I remember is that there was a discussion 6 7 about voluntary versus mandatory 8 inclusionary zoning. You don't recall whether or 9 Q. 10 not anybody outside of the administration 11 made any proposal for mandatory 12 inclusionary zoning while you were at 13 HPD? 14 Α. I -- as I said, I don't 15 remember specific proposals and who might have made them. 16 17 MR. GURIAN: Move to strike 18 as, again, unresponsive. 19 MS. SADOK: The City objects 20 to such motion. 21 As you sit here today, at the Ο. 22 deposition, do you have any regrets that 23 the City didn't adopt mandatory 24 inclusionary zoning during your tenure as 25 HPD Commissioner?

Page 111 SHAUN DONOVAN 1 people to remain in neighborhoods. That 2 3 was the -- from my experience, that was 4 the primary motivator of the discussions that we had. 5 You were aware at the time 6 0. 7 that there was criticism of the scope and effectiveness of the City's efforts to 8 9 prevent people from being displaced from 10 their apartments. Is that right? 11 MS. SADOK: Objection. 12 Α. Having served in government a 13 long time, I would frankly say that there 14 is always criticism of just about 15 everything we do. And so, I would agree, 16 yes, there was criticism. 17 Q. To clarify so that the record 18 is clear, you were not trying to be 19 dismissive of the criticism when you said 20 just now you get criticized whatever you 21 do, or were you? 22 I was simply stating as a fact Α. 23 that it wouldn't surprise me that there 24 was criticism on the issue that you 25 raised.

Page 112 SHAUN DONOVAN 1 2 Well, I was asking you if you Q. 3 were aware, while you were HPD Commissioner, that the City's 4 anti-displacement efforts were criticized 5 6 by many people and from many sources? 7 Α. I don't recall specific 8 criticisms and so I can't speak to 9 remembering specifically if there was 10 criticism on that issue. 11 Wait a second. You are saying Q. 12 you don't remember whether there was 13 criticism of the City's anti-displacement 14 efforts? 15 Α. I don't recall specific 16 criticisms about particular programs or 17 initiatives at this point, is what I'm 18 saying. 19 Right. But to answer my 0. 20 question, do you remember that there were 21 any criticisms of any aspects of the 22 City's anti-displacement efforts, Mr. 23 Donovan? 24 What is your definition of Α. "anti-displacement efforts"? 25

Page 113 1 SHAUN DONOVAN 2 What was your definition of Q. 3 anti-displacement efforts when you were 4 at HPD? Did you have one? The reason I'm asking is 5 Α. because I think I believe that there were 6 7 many many aspects to what we did that 8 fought against displacement. So it -- our 9 efforts to build and preserve housing 10 were related to displacement, our zoning 11 efforts, just about everything we did was 12 in some way related to displacement. 13 So that's why I'm not --14 that's why I'm asking for clarification. 15 Yeah. But, you know, Mr. Q. 16 Donovan, I think that you know that there 17 were people who said that at the time the 18 City is not doing enough to prevent 19 displacement. Was that true at the time? 20 Α. Again, as I said earlier, that 21 is an extremely broad statement. Taken 22 literally --23 I'm not going to argue with Q. 24 you, what I'm going to do is going to ask 25 for more time, because this is a very

Page 114 SHAUN DONOVAN 1 2 very straightforward question. I'm not 3 asking you about the truth of any of the 4 criticisms that were leveled. I'm asking 5 you if you were aware that there were 6 people saying the City is not doing 7 enough to prevent displacement. 8 Whatever they may have meant 9 about displacement or whatever you may 10 have meant about displacement, were you 11 aware that people were saying the City is 12 not doing enough to prevent displacement? 13 If the question that you're Α. 14 asking is whether there was anyone, 15 including a single individual somewhere 16 in the City of New York, that was 17 critical of our -- of our efforts to 18 prevent displacement, that seems like a 19 self-evident question. And I'm saying I 20 don't recall specific criticisms at this 21 point, but it would not surprise me. And 22 certainly I would expect that somewhere 23 in the City of New York, in the way that 24 you asked the question, which is 25 extremely broad, there would have been

Page 115 SHAUN DONOVAN 1 2 somebody criticizing our displacement 3 efforts. That's why I'm --4 Q. Okay. I'm sorry to say that I 5 don't think that's a good faith response 6 to my question, and you've been doing 7 this a lot now. So let me change the 8 question. 9 Do you recall any newspapers 10 coverage that indicated that there were 11 criticisms that the Bloomberg 12 Administration was not doing enough to 13 prevent displacement? 14 MS. BLAIN: I would just ask 15 that we refrain from personal 16 attacks on the witness and, you 17 know, proceed in a professional 18 manner. 19 MR. GURIAN: The record is 20 being created because more time is 21 going to be needed from this 22 witness who spent tremendous amount 23 of time crafting questions that I 24 didn't ask and commenting on the 25 questions rather than answering the

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Page 116 1 SHAUN DONOVAN 2 questions I did. 3 Mr. Donovan, do you have an Q. answer to the question that I just posed? 4 Do you read it read back? 5 6 MS. SADOK: Mr. Gurian, I 7 would object to that 8 characterization of him being not 9 responsive. He answered the 10 questions. You may not be happy 11 with them. 12 MR. GURIAN: I'm not going to 13 burn time on this discussion. 14 Mr. Donovan, do you recall the Q. 15 question that is on the table or do you 16 need it read back to you? 17 I don't at this point recall Α. 18 specific newspapers articles that were 19 critical. It is more than a decade since 20 that time so I don't have a recollection 21 of specific newspaper articles. 22 Ο. Once again, I was not asking 23 you about specific newspaper articles. I 24 was asking you whether you recall that 25 there were any newspaper articles

Page 117 SHAUN DONOVAN 1 reflecting criticism being leveled at the 2 3 administration regarding its anti-displacement efforts? 4 5 I would expect that there Α. 6 were. 7 MS. SADOK: I'd like to 8 interject that it's getting close to two or after two. We've been on 9 10 the record again for a little over 11 an hour and we requested that we 12 have a 30 minute break. 13 MR. GURIAN: We'll be able to 14 get to that break but I need to 15 continue for a few minutes longer. 16 So --17 MS. SADOK: Mr. Donovan, are 18 you okay with lunch? 19 THE WITNESS: Yes. 20 MS. BLAIN: Is the court 21 reporter okay with lunch? 22 THE REPORTER: Yes. 23 MR. GURIAN: Anything else? 24 Looking back, was it a mistake Q. 25 for the Bloomberg Administration not to

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Page 118 1 SHAUN DONOVAN adopt mandatory inclusionary zoning? 2 3 MS. BLAIN: Again, I'm going to repeat my objection that I made 4 5 before to a similar question. Тο the extent this question calls for 6 7 your opinions you formulated and 8 data that you relied upon and 9 things you learned while at HUD 10 that would exceed the scope of the 11 Touhy authorization, but to the 12 extent you can answer without that 13 knowledge, of course that's fine. 14 I don't think I can answer Α. 15 separating out that -- that issue. 16 MR. GURIAN: Mark that for a 17 ruling. 18 (Question is marked for a 19 ruling.) 20 When you were HPD Commissioner Ο. 21 did you work to strengthen State laws on 22 rent regulation? 23 Obviously, as City Housing Α. 24 Commissioner I didn't have jurisdiction 25 over laws so I didn't have direct

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1	SHAUN DONOVAN
2	authority to strengthen them but we did,
3	through both the housing plan creation
4	and preservation of units, along with
5	legal actions and others we took to
6	enforce the authority that we did have
7	that touched on rent regulation, we did
8	take actions to insure protection of rent
9	regulated units.
10	Q. To your knowledge, at the time
11	did the Bloomberg Administration lobby
12	the State to limit or eliminate vacancy
13	decontrol of rent regulated apartments?
14	A. We may have. I don't remember.
15	In the way that you've asked the
16	question, we certainly had discussions
17	with State officials about vacancy
18	decontrol. I don't remember specifically
19	whether we would have advocated
20	eliminating it, tightening it or other
21	ways. So I know that we had discussions
22	about that. I don't recall exactly what
23	our request was.
24	Q. You don't recall that the
25	Bloomberg Administration opposed efforts

Page 120 SHAUN DONOVAN 1 to tighten the applicability of vacancy 2 3 decontrol? I don't know which efforts you 4 Α. are talking about specifically. 5 6 Q. Any efforts. 7 "Tighten" is a very broad Α. 8 term. Again, I remember specifically our 9 work to insure that rent regulations 10 remained in place, that there were 11 certainly places where we strengthened them. I don't recall specific examples of 12 13 us proposing to weaken them. 14 Did the Bloomberg 0. 15 Administration support or oppose efforts 16 to limit the time that major capital 17 improvements are permitted to add to a tenant's rent? 18 19 Α. I don't recall at this point a 20 specific example when we were asked or 21 weighed in on that issue. 22 Well, you, meaning the 0. 23 Bloomberg Administration, didn't have to 24 be asked before weighing in on State 25 legislative issues, did you?

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Page 121 1 SHAUN DONOVAN 2 Α. We certainly had conversations 3 with State officials on a regular basis. 4 So we could offer proposals or opinions to them as we chose. Again, we didn't 5 6 have jurisdiction on those issues but we 7 could obviously express opinions to them. 8 Q. During your tenure did HPD 9 quantify the scope of displacement, if 10 any, occurring in the City? 11 Α. I know that we, through the 12 housing vacancy survey and a range of 13 other tools, would examine the number of 14 rent regulated units and the amount of 15 affordable housing, the affordability of 16 that housing. 17 I'm not sure exactly what you 18 mean by "quantifying displacement", but 19 we certainly looked at a range of factors 20 that were related to displacement. 21 Ο. Well, you know what the term 22 "quantify" means, right? 23 Α. I believe I do. 24 Ο. Okay. Did you have a working 25 definition of displacement of an

Page 137 SHAUN DONOVAN 1 2 time as HUD Secretary to my -- from my current thinking. I don't -- I don't 3 think that's possible. 4 5 Q. I'd ask that you hand back 6 number 2 to Ms. Wang and she'll hand you 7 what has been previously marked as Plaintiff's 137. 8 9 (Plaintiff's Exhibit 137, 10 having been previously marked, is shown 11 to the Deponent.) 12 Q. Do you recognize that 13 document? 14 Α. I do not. 15 Q. Can you say what it purports 16 to be? 17 It's a letter to me with the Α. 18 subject "Distribution Of Applications For 19 Affordable Apartments" from you. 20 From January 17th, 2006. I'll Q. 21 just represent to you that it was 22 dispatched in the way that is indicated 23 on the letter. 24 Can you read out loud the PS 25 that is on that letter?

Page 138 1 SHAUN DONOVAN 2 "PS: The foregoing of course Α. 3 does not deal with the broader problem of 4 neighborhood preference, (i.e., the 5 preference for existing community 6 district residents in respect to 50% of 7 vacancies at each development. Given how strongly segregated almost every single 8 9 district in New York City is the 10 preference cannot help but result in 11 occupancy that is more segregated than 12 would otherwise be the case. A City-wide 13 program, by contrast, would be 14 segregation reducing, not perpetuating. I 15 mention this and some other issues 16 relating to the City's role in respect to 17 going housing segregation and 18 discrimination. In a discussion I had 19 last month with John Goering he suggested 20 that we sit down and I hope you can find 21 time to do so." 22 Q. Thank you. Did you know John 23 Goering? 24 I did. Α. 25 Ο. And in what context or

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Page 139 SHAUN DONOVAN 1 2 contexts? 3 Α. He was an academic in New York City and I met him, I think, through some 4 5 housing-related event or events. 6 If you had received this Ο. 7 letter what would you, in the ordinary 8 course of carrying out your duties, have 9 done with the letter? 10 Typically, the HPD Α. 11 Commissioner doesn't review 12 correspondence. There are probably 13 hundreds of letters that arrive each day 14 or week and so I would not typically 15 review letters. 16 The PS in that letter, did Q. 17 that raise an important issue? 18 MS. SADOK: Objection. 19 Α. Umm, it raised an issue. I'm 20 not sure whether I would describe it as 21 one that should have changed the routing 22 of this letter or whether I should have 23 reviewed it, if that is what you are 24 focused on. 25 No. Let's stick with one Q.

Page 140 1 SHAUN DONOVAN 2 question at a time. You confirm that it 3 raises an issue. Thank you. 4 Given its substance and given your views at the time when you were HPD 5 6 Commissioner, how would you characterize 7 the issue; important? Potentially 8 important? Trivial? What? 9 MS. SADOK: Objection. 10 Α. I guess it would really -- it 11 doesn't just depend from my perspective 12 whether it's how significant it is, but 13 it's also an issue of, in a letter like 14 this, whether it's an issue that's come 15 before us before, whether we considered 16 and that would kind of determine how we 17 would deal with it. 18 You're describing the routing Q. 19 and dealing and again, that's not what 20 I'm asking you. I'm asking you whether 21 you would characterize this PS as raising 22 a potentially important issue or if not, 23 how you would characterize the issue? 24 Α. I would say, generally, that 25 this is an issue that relates to fair

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Page 141 1 SHAUN DONOVAN 2 housing and fair housing was a 3 significant issue and so, in that sense, 4 it raises an issue that I certainly wouldn't describe as trivial. 5 6 Q. You're prepared to go so far 7 as to say it's not a trivial issue. It is 8 specifically critiquing a policy of New 9 York City, right? 10 It is critiquing a policy of Α. 11 New York City, correct. 12 0. So wouldn't it be important to 13 figure out whether that criticism -- I 14 don't mean you, personally, but HPD --15 figure out whether that criticism was well-founded or not? 16 17 Α. Again, it goes back --18 Criticisms are well --0. criticisms are well-founded? 19 20 I agree with that. My point Α. 21 earlier also stands, that if it's a 22 criticism that -- on an issue that's 23 important, but one that decisions have 24 been made on multiple times, it doesn't 25 mean that each time we heard that

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2	criticism we would have to go back and
3	reevaluate or think about it again. And
4	so I don't think its relative importance
5	necessarily leads to a particular way of
6	treating or dealing with this letter.
7	Q. Well, had the City made
8	decisions over and over again as to
9	whether or not the Community Preference
10	Policy resulted in occupancy more
11	segregated than would be the case if the
12	lotteries were just run City-wide?
13	A. Again, as you asked earlier,
14	I'm not aware of what analyses or not
15	were done. This was a policy that was in
16	place when I became HPD Commissioner, and
17	so I don't know what analyses were done,
18	and therefore, I I don't think I can
19	answer whether analyses should have been
20	done at the point this letter came or
21	not.
22	Q. Did it occur to you, while you
23	were HPD Commissioner, that given the
24	segregated housing patterns of New York
25	City it was likely that the pool of

Page 143 1 SHAUN DONOVAN 2 insider applicants who received 3 preference would be racially and 4 ethnically more homogeneous than the pool 5 of outsider applicants who did not 6 receive preference? 7 MS. SADOK: Objection. 8 THE WITNESS: Could you state 9 the guestion again? 10 (Pending question is read back 11 by the reporter.) 12 Α. I don't recall a specific time 13 where I had that concern. 14 Do you recall having that 0. 15 concern generally -- well, actually, that 16 was good. Stricken. 17 I didn't ask whether it was a 18 concern, I asked whether it occurred to 19 you. 20 So did it occur to you, even 21 generally, at any time while you were HPD 22 Commissioner, that the demographics of 23 people applying to lotteries from the 24 City, generally, outside the community 25 district, would, of course, be more

Page 144 1 SHAUN DONOVAN 2 racially and ethnically diverse than the 3 pool of people who were applying within 4 one particular community district? 5 Α. I don't remember specifically 6 what occurred to me or not in thinking 7 about that community preference at that 8 point. So I don't have a specific 9 recollection of that. 10 0. Subsequent to leaving the 11 Federal government, have you had 12 communications about this case with 13 anyone outside of the Federal government? 14 The only communication I Α. 15 recall was somebody reaching out to me to 16 put HUD in touch with me about -- in 17 order to get in touch with me for the 18 case. 19 Ο. No other communications by any 20 means? 21 Α. Not that I recall. 22 Not with Ken Zimmerman? Q. 23 Not that I recall. Α. 24 Q. Not with Phil Tegeler? 25 Not that I recall. Α.

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Page 155 1 SHAUN DONOVAN 2 ruling.) 3 Many rezonings in the Q. 4 Bloomberg Administration were carried out 5 under the banner of preserving 6 neighborhood character. Is that correct? 7 Is that true, that many rezonings were 8 carried out under the banner of 9 preserving neighborhood character? 10 Again, my perspective is that Α. 11 in just about all the rezonings that I 12 remember there were increases in density, 13 decreases in density or creation of 14 historic districts, a whole range of things. Some of that would have come 15 16 under the category of preserving 17 neighborhood character; but I don't -- I 18 don't know that I characterize entire 19 rezonings in one bucket or another 20 because, you know, there are obviously 21 examples in Manhattan where we were doing 22 substantial up-zoning but also protecting 23 neighborhood character on the side 24 streets, for example. So I don't think 25 these easily fall into either/or

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Page 156 1 SHAUN DONOVAN 2 categories. 3 Ο. Was preserving neighborhood 4 character a slogan or a catchphrase that 5 was used by the administration in connection with some of its rezonings? 6 7 Α. Again, there were certainly 8 aspects of rezonings that I worked that 9 that were focused on neighborhood character. Whether it was a catchphrase 10 11 or a slogan, I can't say. 12 You don't know whether in City Ο. 13 press releases rezonings, or part of 14 them, were characterized commonly as part 15 of the City's efforts to preserve 16 neighborhood character? 17 Α. I don't think on a regular 18 basis I would have reviewed press 19 releases around rezonings. So I don't 20 recall specific examples of reviewing 21 press releases on rezonings. 22 MR. GURIAN: We're going to 23 take a little break, then come back 24 for the balance of our time today. 25 VIDEOGRAPHER: Off the record.

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Page 162 1 Massachusells 2 STATE OF 3) : 85 Middlesex COUNTY OF 4 5 6 7 I, SHAUN DONOVAN, the witness 8 herein, having read the foregoing 9 testimony of the pages of this deposition, do hereby certify it to be a true and 10 11 correct transcript, subject to the corrections, if any, shown on the attached 12 13 page. 14 15 16 SHAUN DONOVAN 17 18 JSAN E RICHELSON 19 Notary Public 20 Sworn and subscribed to before me 21 this of 018. 22 USAN 23 24 Notary Public 25

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Page 163 1 CERTIFICATE 2 I, MAUREEN M. RATTO, a Registered Professional Reporter, do 3 hereby certify that prior to the 4 5 commencement of the examination, SHAUN DONOVAN was sworn by me to testify the 6 7 truth, the whole truth and nothing but 8 the truth. I DO FURTHER CERTIFY that the 9 foregoing is a true and accurate 10 11 transcript of the proceedings as taken 12 stenographically by and before me at the time, place and on the date 13 14 hereinbefore set forth. I DO FURTHER CERTIFY that I am 15 16 neither a relative nor employee nor 17 attorney nor counsel of any of the parties to this action, and that I am 18 19 neither a relative nor employee of such attorney or counsel, and that I am not 20 21 financially interested in this action. 22 23 EEN M. RATTO, RPR 24 License No. 817125 25 David Feldman Worldwide A Veritext Company www.veritext.com 800-642-1099

ERRATA

I wish to make the following changes, for the following reasons:

PAGE LINE

15 9 CHANGE: "from" to "for"

REASON: Clarify intent of statement.

31 18 CHANGE: "Current" to "Kerner"

REASON: Correct spelling.

44 23-24 CHANGE: "parting the waters" to "<u>Parting the Waters</u>" REASON: Capitalize for book title.

44 25 CHANGE: "root" to "route"

REASON: Correct spelling.

55 4 CHANGE: "I" to "I've"

REASON: Clarify intent of statement.

74 22 CHANGE: "Raphael Sistero" to "Rafael Cestero"

REASON: Correct spelling of name incorrectly transcribed by reporter.

74 23 CHANGE: "Light" to "Leicht"

REASON: Correct spelling of name incorrectly transcribed by reporter.

75 11 CHANGE: "Sistero" to "Cestero"

REASON: Correct spelling of name incorrectly transcribed by reporter.

75 11 CHANGE: "Light" to "Leicht"

REASON: Correct spelling of name incorrectly transcribed by reporter.

76 11 CHANGE: "Sistero" to "Cestero"

REASON: Correct spelling of name incorrectly transcribed by reporter.

76 12 CHANGE: "Light" to "Leicht"

REASON: Correct spelling of name incorrectly transcribed by reporter.

76 15 CHANGE: "Light" to "Leicht"

REASON: Correct spelling of name incorrectly transcribed by reporter.

101 2 CHANGE: "is" to "was"

REASON: Clarify intent of statement.

109 9 CHANGE: "counsel" to "Council"

REASON: Correct spelling.

110 12 CHANGE: "It's" to "That's"

REASON: Clarify intent of statement.

118 25 CHANGE: "laws" to "State laws"

REASON: Clarify intent of statement.

122 8 CHANGE: "the" to "that"

REASON: Clarify intent of statement,

122 21 CHANGE: "they" to "we"

REASON: Clarify intent of statement.

135 6 CHANGE: "you're" to "your" REASON: Correct spelling,

136 25 CHANGE: "learned as" to "learned in"

REASON: Clarify intent of statement.

140 12 CHANGE: "whether it's how" to "whether it's -- how"

REASON: Clarify intent of statement.

144 16 CHANGE: "HUD" to "HPD"

REASON: Deponent meant "HPD" but mistakenly said HUD.

151 15 CHANGE: "rezonings" to "rezonings,"

REASON: Clarify intent of statement.

156 8 CHANGE: "worked that" to "worked on"

REASON: Clarify intent of statement.

157 17 CHANGE: "plan YC" to "plaNYC"

REASON: Correct spelling.

WITNESS' SIGNATURE

Susan Rulutson

SUBSCRIBED AND SWORN TO BEFORE ME THIS 21 DAY OF JULY 2018

SUSAN Richolson

SUSAN E RICHELSI

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September 4, 2002

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HPD BOOSTS COMMUNITY PREFERENCE ON HOMEOWNERSHIP/RENTAL DEVELOPMENTS TO FIFTY PERCENT

New York City Department of Housing Preservation and Development (HPD) Commissioner Jerilyn Perine today announced an increase from 30 percent to 50 percent in the community preference for homes, co-ops, condominiums and rental apartments it creates, rehabilitates and selects by lottery. The increase in community preference will provide greater housing opportunities for long-time residents of New York City neighborhoods where HPD has made a significant investment in housing.

Additionally, in keeping with federal guidelines for the Americans with Disabilities Act, priority for 5 percent of homeownership and rental units continues to be given to mobility-impaired applicants, with visually- and hearing-impaired applicants receiving a 2 percent preference. Uniformed New York City Police Officers will continue to receive preference for 5 percent of the homeownership units constructed and rehabilitated to facilitate police officers living in the City.

"Since FY87, more than 203,000 apartments and homes have been constructed or rehabilitated through city-sponsored programs, including more than 14,000 homeownership townhouses, co-ops, and condos," said Commissioner Perine. "This increase in community preference underscores our commitment to making homeownership and affordable rental housing a greater possibility for all New Yorkers."

Here's an example of how the new preference criteria will be implemented: If a total of 100 condominiums for homeownership are being constructed in a Brooklyn community board, current residents of that community board who are selected through the HPD-supervised lottery would receive preference for 50 of the new condos, subject to program eligibility requirements. Five units would be set aside for uniformed New York City Police Officers; five units would be set aside for the mobility-impaired; and two units would be reserved for visually- and hearing-impaired applicants. Applicants would need to meet income guidelines.

HPD's mission is to promote quality housing and viable neighborhoods for New Yorkers. The department is the nation's largest municipal housing development agency. Since Fiscal Year 1987, the agency has completed the construction or rehabilitation of 180,000 units of affordable housing. To request a Homeownership Kit, call HPD's Information Line at (212) 863-8000. For more information about affordable rental housing, call HPD's Affordable Housing Hotline at (212) 863-5610 or log on to nyc.gov/hpd.

http://www.nyc.gov/html/hpd/html/pr2002/fifty-perc-comm-pref2002-pr.shtml

6/4/2010

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	1	
UNITED STATES DISTRICT COURT		
SOUTHERN DISTRICT OF NEW	YORK	
JANELL WINFIELD, TRACEY STEWART and SHAUNA NOEL,	K	
Plaintiffs,		
-against-	Civil Action No.:	
CITY OF NEW YORK,	15-CV-5236 (LTS)(KHP)	
Defendant.		
	ς Γ	
DEPOSITION OF		
MARGARET BROWN		
New York, New York		
January 18, 2018		
9:20 a.m.		
eported by:		
UDITH CASTORE, CLR ob No. 53130		
•		

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24

1 BROWN 2 would hire to administer the lease up, 3 administer the lottery for projects 4 that are subject to lottery on their 5 behalf. 6 0 And sometimes a developer 7 will hire -- sometimes the developer 8 can be its own marketing agent; is that 9 correct? 10 А Yes. In general, we refer to 11 it as -- if there is a third party 12 hired that is a marketing agent, but 13 developers are permitted to perform 14 their own marketing, as well. 15 Q So in the first instance 16 after the lottery is conducted and the 17 list of participants is randomized, 18 there's an initial log that is made 19 available to the marketing agent; 20 correct? 21 Α Correct. 22 Q And then the marketing agent 23 begins the tenant selection process; 24 correct? 25 MR. VIDAL: Objection.

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133 1 BROWN 2 (Whereupon, a lunch recess 3 was taken at 1:02 p.m.) 4 5 AFTERNOON SESSION 6 (Time noted: 2:09 p.m.) 7 M-A-R-G-A-R-E-T B-R-O-W-N, 8 Resumed, having been previously sworn by a 9 Notary Public within and for the State of New York, 10 was further examined and testified under oath as 11 follows: 12 CONTINUED EXAMINATION BY MR. GURIAN: 13 VIDEOGRAPHER: This begins 14 media unit number three. The time 15 is 2:09 p.m. and we're back on the record. 16 17 Welcome back, Ms. Brown. 0 18 Α Thank you. 19 Q We ended the morning session 20 with your reference in your 21 on-the-ground experience and feedback 22 you've gotten. 23 So let me ask you, are you 24 aware, from your own knowledge or from 25 communication with anyone else, of any

1 BROWN 2 advocacy group or elected official 3 taking the position that community 4 preference was needed to maintain a 5 neighborhood's culture? 6 Ά Yes. I have heard one 7 advocacy group that has said that. 8 Q Who was that? 9 Α I believe it was -- yes, it 10 was El Barrio. I believe the name is 11 El Barrio Operation Fight Back. 12 Q What was the substance of 13 what they said? 14 Α It was very close to the 15 words you used. 16 Q Okay. 17 А I think it was to maintain 18 the ethnic character of the 19 neighborhood. 20 Anybody else in terms of 0 21 advocacy group, community group, 22 elected official you're familiar with 23 taking that view, expressing that view? 24 А Not -- I -- not particularly 25 in relation to my work with HPD. I may

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1	BROWN	
2	have heard elected officials say that	
3	on television or something similar	
4	about the ethnic character of a	
5	neighborhood or something similar, but	
6	not directly with regard to HPD, not	
7	directly in my work at HPD.	
8	Q I understand the distinction.	
9	Do you recall any of the	
10	elected officials who made statements	
11	like that?	
12	A No. I'm sorry, I can't right	
13	now.	
14	Q Similarly, are you aware from	
15	your own knowledge, or from	
16	communication from anyone else in the	
17	advocacy group, community group,	
18	elected official taking a position that	
19	community preference was needed to	
20	maintain a neighborhood's racial	
21	identity or composition?	·
22	A So going back to the El	
23	Barrio example, that was directly	
24	related to community preference.	
25	Q Okay.	

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136 1 BROWN 2 Any other elected officials 3 or advocacy or community groups saying 4 that what was a necessary -- community 5 preference was needed to maintain a 6 neighborhood's racial identity or 7 composition? 8 Α I mean, I guess I have heard 9 community members say that, but not 10 necessarily on organized group. So 11 that -- that may be something that a 12 community member is in a community 13 board meeting or in just, you know, 14 another venue where there are 15 specifically members from the community 16 may say, but not an organized community 17 group that I can recall. 18 0 You've heard that more than 19 once? 20 Α From community members? 21 Q Yeah -- yes. 22 Α Yes. The language is 23 probably slightly different. 24 Q Um-hum. 25 More -- but the idea is the Α

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1 BROWN 2 same like this is our community, 3 et cetera. 4 I just want to make sure that 0 5 I'm not leaving something out because 6 of the way that I phrase the question. 7 This is on me, not on you. 8 I linked community preference 9 is needed because of the importance of 10 maintaining racial or ethnic 11 composition. So leave aside now the 12 communities preference part and just 13 think of the question from the point of 14 view of statements you're aware of in 15 the nature of it's important to 16 maintain the neighborhood's ethnic 17 identity or racial identity. Any other 18 examples come to mind where that kind 19 of statement was made? 20 MR. VIDAL: Objection. 21 Α So certainly at community 22 meetings, not necessarily restricted to 23 community board meetings, but meetings 24 in communities that I have attended or 25 spoken at since I've been at HPD, so

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1 BROWN 2 not necessarily related to marketing, per se, but certainly I've heard 3 4 residents feel strongly about the 5 ethnic identity of a neighborhood. 6 Do you recall any of the Q 7 neighborhoods involved? 8 А In particular, Sure. 9 neighborhoods in Harlem both -- west 10 Harlem being more African American 11 neighborhoods, community members 12 expressing those concerns. East Harlem 13 being more Hispanic residents 14 expressing those concerns. Certain 15 neighborhoods of Brooklyn. Those are 16 the ones that are immediately coming to 17 mind. 18 0 At any of the meetings that 19 you are thinking about, was the area's 20 council member present? 21 None that I can recall. Α 22 Any representatives of the Q 23 council member's staff? 24 MR. VIDAL: Objection. 25 А None that I can recall.

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271 1 STATE OF NEWYORK 2) 3) :ss 4 COUNTY OF NEW YORK ð 5 6 7 I, MARGARET BROWN, the witness 8 herein, having read the foregoing testimony of the pages of this deposition, 9 10 do hereby certify it to be a true and 11 correct transcript, subject to the 12 corrections, if any, shown on the attached 13 page. 14 onn 15 16 MARGARET BROWN 17 18 19 20 Sworn and subscribed to before me, MARCH 2018. 21 of this tay 22 JOHN C ALTER 23 Notary Public - State of New York NO. 01AL6219754 24 Notary Public Qualified in Kings Cou My Commission Expires-25

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1 2 CERTIFICATION 3 STATE OF NEW YORK) 4) ss.: COUNTY OF NEW YORK) 5 6 I, JUDITH CASTORE, Shorthand Reporter 7 and Notary Public within and for the State 8 of New York, do hereby certify: 9 That MARGARET BROWN, the witness 10 whose deposition is hereinbefore set 11 forth, was duly sworn by me and that this 12 transcript of such examination is a true 13 record of the testimony given by such 14 witness. 15 I further certify that I am not 16 related to any of the parties to this 17 action by blood or marriage and that I am 18 in no way interested in the outcome of 19 this matter. 20 IN WITNESS WHEREOF, I have hereunto 21 set my hand this 31st day of January, 22 2018. UDITH CASTORE 23 24 25

ERRATA

I wish to make the following changes, for the following reasons:

PAGE LINE

14 13 CHANGE: "they" to "HPD Tech" REASON: Clarify intent of sentence.

16 16 CHANGE: "Videographer" to "Mr. Vidal"REASON: Belief that attorney for City, not the videographer, made the objection.

28 22 CHANGE: "is developers" to "is when developers" REASON: Clarify intent of sentence.

29 4 CHANGE: "HPD, the marketing program" to "HPD's marketing program" REASON: Clarify intent of sentence.

33 17 CHANGE: "they" to "we'll"REASON: Incorrect transcription.

39 22 CHANGE: "marking" to "marketing" REASON: Incorrect transcription.

59 4 CHANGE: "some were leaving" to "some were not leaving" REASON: Incorrect transcription.

63 9 CHANGE: "to --" to "too--"

REASON: Incorrect transcription.

80 23 CHANGE: "recognize I don't" to "recognize, I don't" REASON: Clarify intent of sentence. 83 17 CHANGE: "theme trust" to "theme or thrust" REASON: Clarify intent of sentence.

91 9 CHANGE: "communities where we go" to "communities, where we go" REASON: Clarify intent of sentence.

94 13 CHANGE: "conversation" to "conversations" REASON: Incorrect transcription.

100 2 CHANGE: "Comps Department" to "Comms (Communications) Department" REASON: Incorrect transcription and to clarify intent of sentence.

107 20 CHANGE: "that not on the operational side but" to "that, not on the operational side, but"

REASON: Clarify intent of sentence.

112 3 CHANGE: "particularly around developments" to "particularly around Development (The Office of Development)"

REASON: Incorrect transcription and to clarify intent of sentence.

122 2 CHANGE: "process accept" to "process or accept" REASON: Incorrect transcription.

130 23 CHANGE: "this was other" to "this was, other" REASON: Clarify intent of sentence.

137 2 CHANGE: "same like this" to "same, like, this" REASON: Clarify intent of sentence.

146 10-11 CHANGE: "but they are not affordable housing developers, they're market rate developers" to "but they are not affordable housing developers -- they're market rate developers" REASON: Clarify intent of sentence.

162 16 CHANGE: "any data knowledge" to "any data or knowledge" REASON: Incorrect transcription.

176 15 CHANGE: "And do they qualify" to "And so if they qualify" REASON: Incorrect transcription.

188 7, 9,11,22,24 CHANGE: "our space" to "Our Space" REASON: Incorrect transcription, proper name.

189 4 CHANGE: "our space" to "Our Space" REASON: Incorrect transcription.

193 9 CHANGE: "a subsidy a tenant subsidy are the eligibility criteria" to "a subsidy – a tenant subsidy – are the eligibility criteria"
REASON: Clarify intent of sentence.

199 17-19 CHANGE: "is it possible that by the time we have processed all community preference applicants all the 50% AMI units would be gone" to "is it possible that, by the time we have processed all community preference applicants, all the 50% AMI units would be gone" REASON: Clarify intent of sentence.

200 12-13 CHANGE: "possible that also by unit size community preference" to "possible that also, by unit size, community preference" REASON: Clarify intent of sentence.

201 19 CHANGE: "exclusionary" to "inclusionary" REASON: Incorrect transcription.

202 9 CHANGE: "marketing I know" to "marketing, I know" REASON: Clarify intent of sentence.

203 11 CHANGE: "be a few" to "be in a few" REASON: Incorrect transcription.

203 20-23 CHANGE: "this, you know, we don't provide financing, we're simply providing a tax exemption but it" to "this, (you know, we don't provide financing, we're simply providing a tax exemption) but it" REASON: Clarify intent of sentence.

205 4-5 CHANGE: "answer to how can we get this done was to make" to "answer to "how can we get this done?" was to make"REASON: Incorrect transcription; clarify intent of sentence.

212 10 CHANGE: "city counsel" to "City Council" REASON: Incorrect transcription.

218 19 CHANGE: "have" to "has" REASON: Incorrect transcription.

9-10 CHANGE: "we were in the current version of Housing Connect trying to get" to"we were, in the current version of Housing Connect, trying to get"REASON: Clarify intent of sentence.

229 3 CHANGE: "meetings, relatively infrequently" to "meetings relatively infrequently"

REASON: Clarify intent of sentence.

229 7 CHANGE: "conversation I think between" to "conversation, I think, between" REASON: Clarify intent of sentence.

233 16-17 CHANGE: "operations fight back" to "Operation Fight Back" REASON: Incorrect transcription.

2367CHANGE: "were are" to "were/are"REASON: Clarify intent of sentence.

249 21 CHANGE: "about this that" to "about this, that" REASON: Clarify intent of sentence.

250 15 CHANGE: "advise me like does" to "advise me, like, does" REASON: Clarify intent of sentence.

251 8 CHANGE: "today to" to "today. To" REASON: Clarify intent of sentence.

257 4 CHANGE: "to pay that we" to "to pay, that we" REASON: Clarify intent of sentence.

260 25 CHANGE: "people not financially" to "people who are not financially" REASON: Clarify intent of sentence.

261 3 CHANGE: "immediate our extended family member" to "immediate or extended family members"

REASON: Incorrect transcription

261 10 CHANGE: "tie" to "ties" REASON: Incorrect transcription

261 11 CHANGE: "in somebody else." to "in somebody else?" REASON: Incorrect transcription. 261 16 CHANGE: "in somebody else." to "in somebody else?" REASON: Incorrect transcription.

261 17 CHANGE: "somebody else's" to "somebody elses" REASON: Incorrect transcription.

261 18 CHANGE: "Wall" to "While" REASON: Incorrect transcription.

265 10 CHANGE: "asked is can we" to "asked is, can we" REASON: Clarify intent of sentence.

267 11 CHANGE: "would say" to "will say" REASON: Incorrect transcription.

267 11-13 CHANGE: "that is where a project falls into multiple community boards the" to "that is, where a project falls into multiple community boards, the" REASON: Clarify intent of sentence.

267 22-23 CHANGE: "on this that" to "on this, that" REASON: Clarify intent of sentence.

268 2 CHANGE: "tracked" to "tract" REASON: Incorrect transcription.

n WITNESS' SIGNATURE

2018 DATE

.

JOHN C ALTER Notary Public - State of New York NO. 01AL6219754 Qualified in Kings County My Commission Expires 3124/2016





Strategy 3.2: Improve quality and preserve affordability for existing residents

Key Metrics

- Number of low-to-moderate income homeowners supported through HomeFix
- Number of small-building owners assisted through the Landlord Ambassador Program
- 3.2.1. Continue roll-out of HPD's new HomeFix program, which provides low-interest financing to homeowners for necessary maintenance. This capital would likely otherwise be out of reach for many lower-income or elderly homeowners or homeowners of color. HomeFix will also provide special financing to residents in neighborhoods that have limited access to traditional banking in order to address ongoing disparities between neighborhoods in access to financial resources. The program is expected to benefit 150 homeowners each year.
- 3.2.2. Expand the Landlord Ambassadors Program to provide more dedicated assistance to small property owners navigating the process of applying for HPD financing to stabilize their buildings. Smaller buildings are an important source of naturally occurring affordable housing, and stabilizing this rental housing stock will help maintain their affordability and ensure housing quality.
- 3.2.3. Advocate for reforms to the J-51 tax incentive program, which offers financial assistance to owners who have renovated their buildings, to align the program with the City's goals for housing quality, affordability, and sustainability. The program should target rental buildings that currently provide low-cost housing and need financial assistance to fund needed repairs and upgrades to improve quality of life for tenants.
- 3.2.4. Explore funding sources to support the proactive inspection of homes in buildings and neighborhoods with high health-related risks. Strengthening coordination between DOHMH and HPD, as well as enhanced outreach in partnership with community-based organizations, can address the physical building conditions that lead to health disparities.

Strategy 3.3: Protect tenants facing economic challenges, harassment, and evictions

Key Metrics

- Percentage of renters facing eviction with access to legal representation in Housing Court
- 3.3.1. Continue citywide expansion of NYC's Universal Access program to provide free legal services for tenants facing eviction in Housing Court and NYCHA proceedings, which already is associated with a dramatic increase in the availability of free legal representation for tenants facing eviction citywide as well as a reduction in evictions by marshals across the city.
- 3.3.2. Provide education and navigation services for litigants in Housing Court. Enhancing awareness of the range of resources that help tenants prevent eviction and navigate Housing Court will ensure that tenants have effective and efficient access to legal assistance, receive necessary repairs by their landlords, and are aware of their rights as renters and litigants in the City's Housing Court.



UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

SHAUNA NOEL and EMMANUELLA SENAT,

Plaintiffs,

15 CV 5236 (LTS)(KHP)

- against -

CITY OF NEW YORK,

.....

÷.

Defendant.

_____X

EXPERT REPORT OF EDWARD G. GOETZ



stemming from development taking place as a result of rezoning. Groups in Inwood,⁵⁸ Brooklyn's East New York neighborhood,⁵⁹ and throughout other parts of the City⁶⁰ are organizing to resist displacement in their communities. The Association for Neighborhood and Housing Development (ANHD), a citywide coalition of community development organizations, created an Anti-Displacement Policy Toolkit as a resource to all groups in New York City to "help build the capacity of all those engaged in NYC's planning process with tools we can employ as part of our collective work to end displacement."⁶¹ What unites these organizations in New York City is the desire to see development without displacement, to see their low-income communities, typically communities of color, remain hospitable to lower-income residents, and to see that lower-income households who have lived in disadvantaged neighborhoods for long periods of time are able to remain in those neighborhoods once upgrading and improvement begin in earnest.

The high levels of activism in New York City's neighborhoods are evidence of the real fear of displacement that exists. Given the city's affordable housing crisis, a large number of New Yorkers consider themselves at risk for displacement. A 2016 survey by NY1-Baruch College found that "almost two-thirds of New Yorkers said they believe they're at risk of being priced out of their neighborhood in the next few years, with 65 percent calling it very or somewhat likely."⁶² This fear was most widespread among lower-income respondents, but it extended even to people earning more than \$100,000 (53% of those with incomes over \$100,000 felt it was likely that they would be price-displaced in the near future).⁶³ Research on gentrification in New York City demonstrated fear even among those who were economically insulated from displacement.⁶⁴ A 2006 survey of people who moved away from New York City found that 64% blamed high housing costs as a major concern.⁶⁵

The fear of losing home and community has triggered collaborative efforts by community based groups against displacement in cities across the country. Several national efforts have been formed to address displacement in diverse settings. For example, the "Right to the City Alliance" was formed in 2007 to address the question of displacement in American cities. The

⁵⁸ <u>http://amsterdamnews.com/news/2018/jul/26/inwood-organizers-rally-against-rezoning-city-hall/;</u> <u>https://nextcity.org/daily/entry/not-your-typical-block-party-in-a-gentrifying-nyc-neighborhood</u>.

⁵⁹ <u>https://www.nydailynews.com/new-york/brooklyn/protests-planned-east-new-york-rezoning-plan-article-</u> 1.2598517.

⁵⁰ <u>https://www.politico.com/states/new-york/city-hall/story/2015/11/community-boards-grapple-with-de-blasios-housing-plans-028174; https://www.politico.com/states/new-york/city-hall/story/2017/04/24/amidst-community-opposition-and-political-complications-city-hall-slows-rezonings-111440.</u>

⁶¹ <u>https://www.antidisplacementtoolkit.org/</u>. See also the work of Fifth Avenue Committee in Brooklyn, <u>http://www.fifthave.org</u>. *Causa Justa*/Just Cause works against displacement in Oakland, <u>https://cjjc.org/</u>.

⁶² <u>https://www.ny1.com/nyc/all-boroughs/politics/2016/02/24/city-poll--new-yorkers-worried-about-being-forced-out-of-their-homes</u>.

⁶³ Ibid.

⁶⁴ Lance Freeman, 2011. *There Goes the 'Hood: Views of Gentrification from the Ground Up*, Philadelphia, PA: Temple University Press.

⁶⁵ Manny Fernandez, 2009. "As City Adds Housing for Poor, Market Subtracts It." *New Yark Times*, October 14, <u>https://www.nytimes.com/2009/10/15/nyregion/15housing.html</u>.

a large and multi-faceted plan to address the affordable housing crisis, the City of New York's Community Preference policy operates in ways that are distinct from the City's other programs. The Community Preference policy is the only policy the City operates that combines the direct prevention of displacement with the creation of new affordable housing, targets households rather than units, and works prior to the crisis-intervention stage. Thus, the program is aimed at addressing the fear of displacement that is so widespread among city residents by providing them with greater opportunities to remain in their communities.

The City has a legitimate government interest in preventing and minimizing the displacement that is occurring throughout the city as a result of rapidly rising housing costs and neighborhood change. Such a policy minimizes the disruption to the lives of residents who wish to remain in their communities and to benefit from the increased investment and neighborhood improvements that are occurring.

Respectfully submitted,

Edward

Edward G. Goetz, Ph.D. February 13, 2019 Minneapolis, MN

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1

1	UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK		
2	JANELL WINFIELD, TRACEY STEWART and SHAUNA NOEL,		
3			
4	PLAINTIFFS,		
5	-against- Case No.:		
6	15-CV-05236(LTS)(KHP)		
7	CITY OF NEW YORK,		
8	DEFENDANT.		
9	X		
10	DATE: January 11, 2018		
11	TIME: 11:11 A.M.		
12			
13			
14	DEPOSITION of the Plaintiff, SHAUNA NOEL,		
15	taken by the Defendant, pursuant to an Order and to the		
16	Federal Rules of Civil Procedure, held at the offices of		
17	the New York City Law Department, 100 Church Street, 4th		
18	Floor, New York, New York 10007, before Gerard Caravella, a		
19	Notary Public of the State of New York.		
20			
21			
22			
23			
24			
25			

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S. NOEL

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understood that policy, would have been about two or three 1 2 years ago. 3 And was that as a result of your involvement in Ο. this litigation, or was that independent of your 4 5 involvement in this litigation? MS. WANG: Objection to the form. 6 7 Α. It was before my involvement in any kind of 8 litigation. 9 Have your attorneys explained to you what the ο. policy is since you've been involved in this litigation? 10 MS. WANG: Objection. Don't answer that 11 12 question. It's attorney client privilege. Okay. So what are you seeking to be the result 13 0. 14 of this lawsuit? MS. WANG: Objection to the form. 15 So what I'm seeking, or what I would like to 16 Α. 17 happen, is -- I think we talked -- I said this before. Is 18 I just want that changed. I want everybody who lives in any part of the city to be able to apply for affordable 19 20 housing in any part of the city on an equal playing field. 21 That's all I want. I just want that to be, if I want to live in the Lower East Side, I should have the same 22 23 opportunity, the same probability of getting an affordable place to live than anybody else anywhere. It should be the 24 25 same thing. It shouldn't be any preference or any kind of

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S. NOEL

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privilege. That's what I'd like to see changed. I'd like 1 2 all of us to be -- have access to the equal opportunity for 3 housing any where.

Q. So why did you decide to bring a lawsuit? 5 For the same reason that I just stated because I Α. don't think it's fair. And if I can do anything to help 6 7 change things that I don't think is fair, than I think it's 8 my right as a human, as a citizen, to help change that to 9 make it better for everybody else.

10 And are you seeking monetary damages --Q.

11 Α. Nope.

4

12 -- from this lawsuit? Q.

13 Α. I am not.

14 MS. WANG: Belated objection to the form. ο. Have you been injured by the community preference 15 policy? 16

MS. WANG: Objection to the form. 17 Α. So I can't exactly say how I have or I may or may 18 not have been injured to the preference. But I do believe 19 20 that, obviously, if half of the housing that I've applied to have been slated for other people who are preferential 21 22 then, obviously, it has a negative effect on my ability to get any housing. So there must be some effect in there if 23 half of the things that -- so if I apply -- this is the 24 25 whole, and I apply for the whole, but half of the whole is

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S. NOEL

It's usually neighborhoods that predominantly look not like 1 So does that disproportionately affect me, of course, 2 me. it does because if I'm trying to live in that neighborhood 3 4 that I can have access to better services and better 5 culture, half of the apartments goes to people who already look not like me, who already live in the neighborhood, who 6 7 get to stay in the neighborhood, and I'm already qualified for less of the available things. So of course, it affects 8 9 me and people who look like me disproportionately. It keeps the city in little pockets, and that's why it keeps 10 black people living in certain neighborhoods most of the 11 time. And if you want to stay in that neighborhood, that's 12 fine, but what about people like me that want to explore 13 other neighborhoods? And I'm sure there are other people 14 who don't want to look like me and maybe want to -- we all 15 should just be able to live where we want to live on an 16 equal opportunity. It shouldn't be, "Well, because I'm 17 18 here, here's 50 percent just because you're here. There are people that want to explore and see other places. And 19 if it's affordable housing, that means, you know, if I fit 20 the criteria, then I should be able to apply and have the 21 22 same chances of getting an apartment as anybody else. 23 That's what I hope.

Q. And so in order for that to occur, you believethat the community preference policy needs to be abolished

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	Diamond Errata Sheet
Plaint	anell Winfield, Tracey Stewart
Defend	im(s): Shauna Noel anell Winfreld, Tracey Stewart iant(s): City of New York
Page 1	Line Correction Reason for Correction
	See attached sheets for all socrections.
ate:	Subscribed and sworn to before me
	itness: havna Noel-Robinson This 14 of Mary 2019.
gnature:	CHARTER NOTARY PUBLIC STATE OF NEW YORK SWORN TO AND SUBSCRIBED Notary Public
	MAR 14 2013
	No. 01CH#321238 Overlifted in Kings County

Corrections to Shauna Noel's Deposition Transcript:

Page 7, line 23: Change: "Surf safe" Corrected To: "ServSafe"

Page 11, line 3: Change: "any where" Corrected To: "anywhere"

Page 11, line 19: Change: "injured to the preference" Corrected To: "injured by the preference"

Page 12, line 22: Change: "if I live, too, far away" Corrected To: "if I live too far away"

Page 26, line 14: Change: "puddy" Corrected To: "putty"

Page 27, line 15: Change: "when I'm presenting a new lease" Corrected To: "When I'm presented a new lease"

Page 30, line 9: Change: Terrice" Corrected To: "Terrias" (appears twice)

Page 45, lines 4–5: Change: "you've sold a certain amount of money" Corrected To: "you've made a certain amount of money"

Page 54, line 14: Change: "2014" Corrected To: "2015." Ms. Noel first met Roger Maldonado on the street in 2015, not in 2014.

Page 62, line 12: Change: "green light" Corrected To: "green line"

Page 63, line 7: Change: "2" Corrected To: "to" Page 63, line 17: Change: "foodie fun art" Corrected To: "foodie fun and art"

Page 73, line 25: Change: "an advance" Corrected To: "in advance"

Page 82, lines 14–15: Change: "legal advised" Corrected To: "legal advice"

Page 83, line 6–8: It has now been clarified that this email from Roger Maldonado to Shauna Noel constituted legal advice and was protected by attorney-client privilege.

Page 83, lines 13–14: Change: "an e-mail which legal advice was starting to provided" Corrected To: "an e-mail in which legal advice was starting to be provided."

Page 90, lines 24–25: Change: "torn client" Corrected To: "attorney client"

Page 92, line 23 – page 93, line 1 As noted in the correction to page 54, line 14, Ms. Noel met Mr. Maldonado in 2015, not in 2014.

Page 98, lines 20–21: Change: "most optimistic's refer examples (sic) like what I said" Corrected To: [We are unable to determine what this phrase should be corrected to, but as the transcription stands it is clearly incorrect.]

Page 99, lines 14–15: Change: "other people who don't want to look like me and maybe want to" Corrected To: "other people who look like me and maybe want to"

Page 99, line 18: Change "because you're here" Corrected To: "because you're here"" (include closing quotation mark)

Page 112, line 20: Change: "their" Corrected To: "they're"

Case 1:15-cv-05236-LTS-KHP Document 916-58 Filed 11/06/20 Page 8 of 8

Page 114, line 13: Change: "make contributions" Corrected To: "make in contributions"

Page 117, line 14: Change: "Terrice" Corrected To: "Terrias"

Page 120, line 8: Change: "Terrice" Corrected To: "Terrias"

Page 124, line 23: Change: "tax slayer" Corrected To: "TaxSlayer"

Page 1 1 2 UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK 3 -----X JANELL WINFIELD, TRACEY STEWART and SHAUNA NOEL, 4 5 Plaintiffs, -against-6 Civil Action No.: 15-CV-5236 (LTS) (KHP) 7 CITY OF NEW YORK, 8 Defendant. -------x 9 10 11 DEPOSITION OF 12 JOSEPH SALVO 13 New York, New York 14 November 27, 2018 15 10:47 a.m. 16 17 18 19 20 21 Reported by: 22 JUDITH CASTORE, CLR 23 24 25

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Page 50 1 SALVO 2 So it is fair to say that I 3 do, as part of an intellectual exercise, think about how people react 4 to the data that I'm seeing in a 5 6 particular neighborhood. So I would 7 say that I have thought about concerns 8 regarding issues involving integration, 9 segregation of groups. 10 0 The concerns about racial or 11 ethnic change of a neighborhood that 12 you've described observing, those have 13 come up in the context of community 14 meetings or --15 Ά They've come up in the context of presentations. I give a 16 17 fair amount of presentations throughout 18 the year, some to community groups, you 19 know, the borough president of Queens, 20 for example. And in the process I meet 21 a lot of members of the community 22 especially leaders of various groups, 23 community boards for example. Yes. 24 (Whereupon, a discussion was 25 held off the record.)

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Page 51 1 SALVO 2 And when concerns are Q 3 expressed about residential or racial 4 ethnic change, how do you try to engage with that? 5 6 A I'm very careful not to 7 render a judgment because that's not my 8 role. I will express concerns, you 9 know, about the -- certainly 10 acknowledge the concern that local 11 people, local community members have. 12 But I'm very careful not to -- not to 13 take sides, frankly. That's not my 14 role. My role is to provide view of 15 the data. 16 Q Thank you. That's helpful. 17 So I want to ask a similar 18 question which is: Have you ever 19 thought, and regardless of the context, 20 that people were exaggerating the scope 21 of segregation that exists? 22 MS. SADOK: Objection. 23 If we can take a break in a 24 few minutes when you're ready. 25 I'm trained as a scientist to Α

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Page 55 1 SALVO 2 where somebody was talking about the 3 mix of people in their neighborhood 4 and -- and I was able to confirm it 5 with my data. The -- the opposite of 6 that I don't -- I don't remember an 7 experience having the -- I don't 8 remember having an experience 9 consistent with that observation. 10 Q Could I just ask you one 11 other thing and then we'll take a 12 break. 13 You said in connection with 14 concerns expressed about racial change 15 or the prospect of racial change or the perception of racial change that you're 16 17 very careful not to take sides, I think 18 were your words? 19 Α Right. 20 0 It may be -- seem totally 21 obvious, but why are you careful not to 22 take sides? 23 Because people's perceptions Α 24 are powerful. And if I go into 25 Canarsie -- this is a hypothetical.

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Page 56 1 SALVO 2 0 Yes. 3 Well, it was based on a town Α 4 meeting. But in Canarsie in the 1990s 5 or early 2000s and some woman stands up 6 and says you need to help, what's 7 happened to my neighborhood? And what 8 she was alluding to was the racial 9 change which came upon Canarsie which 10 was huge. Her feelings are real. 11 She's afraid. On the other hand the 12 demographic data is showing indeed 13 there has been a huge change. So it 14 would be my role in that situation not 15 to render a judgment because I feel 16 that perceptions are powerful. Ι 17 encounter perceptions all the time in 18 my presentations out in the field. And 19 I don't want to somehow nullify the 20 importance of those perceptions. 21 Q Any other reason? 22 Α That's a big one. That is 23 the reason. 24 Q You said that is the reason? 25 Yeah. Α

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1 YORK 2 NEW STATE OF 3) : 3 5 4 VORK COUNTY OF NEW 5 6 7 I, JOSEPH SALVO, the witness 8 herein, having read the foregoing 9 testimony of the pages of this deposition, do hereby certify it to be a true and 10 11 correct transcript, subject to the corrections, if any, shown on the attached 12 13 page. 14 15 JOSEPH SALVO 16 17 18 19 Sworn and subscribed to before me, 20 21 of 2010. this day Janual 2019 22 23 DOMINICK H. ANSWINI NOTARY PUBLIC, STATE OF NEW YORK Notary Public 24 Registration No. 02AN6289008 Qualified in New York County 25 Commission Expires Sept. 16, 20 David Feldman Worldwide 800-642-1099 A Veritext Company www.veritext.com

Case 1:15-cv-05236-LTS-KHP Document 916-59 Filed 11/06/20 Page 7 of 7

Page 244 1 2 CERTIFICATION 3 STATE OF NEW YORK) 4) ss.: COUNTY OF NEW YORK) 5 I, JUDITH CASTORE, Shorthand Reporter 6 and Notary Public within and for the State 7 8 of New York, do hereby certify: 9 That JOSEPH SALVO, the witness whose 10 deposition is hereinbefore set forth, was 11 duly sworn by me and that this transcript of such examination is a true record of 12 13 the testimony given by such witness. 14 I further certify that I am not 15 related to any of the parties to this 16 action by blood or marriage and that I am 17 in no way interested in the outcome of 18 this matter. 19 IN WITNESS WHEREOF, I have hereunto 20 set my hand this 6th day of December, 21 2018. Judy Castore 22 23 JUDITH CASTORE 24 25

Case 1:15-cv-05236-LTS-KHP Document 916-60 Filed 11/06/20 Page 1 of 7

UNITED STATES DISTRICT CO	DURT
SOUTHERN DISTRICT OF NEW	YORK
JANELL WINFIELD, TRACEY STEWART and SHAUNA NOEL,	K
Plaintiffs,	
-against-	Civil Action No.:
CITY OF NEW YORK,	15-CV-5236 (LTS)(KHP)
Defendant.	
	Ś
DEPOSITION OF	
RAFAEL E. CESTERO	
New York, New York	
November 14, 2017	
9:15 a.m.	
Reported by: JUDITH CASTORE, CLR	
Job No. 52672	

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1 CESTERO 2 that are less segregated and that are, 3 you know, more diverse by income and 4 by -- by all kinds of metrics. 5 Would race be one of those 0 6 metrics? 7 MR. VIDAL: Objection. 8 Α Sure. 9 Was race one of those metrics 0 10 which is asked you at the time you were 11 commissioner was HPD's policy to try to 12 increase the racial diversity of 13 neighborhoods? 14 MR. VIDAL: Objection. 15 No. We didn't have a Α 16 specific policy that said we should be, 17 you know, expanding the racial 18 diversity of neighborhoods. That 19 wasn't -- that wasn't expressly stated 20 that way. 21 Was it implicitly stated by Q 22 anyone? 23 MR. VIDAL: Objection. 24 Α And again, I go -- I go back 25 to what I said before which is, you

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35

1 CESTERO 2 It was not expressly stated was no. 3 that way. 4 Was there a policy of any Q 5 sort at HPD while you were commissioner 6 to try to reduce racial segregation in 7 neighborhoods? 8 MR. VIDAL: Objection. 9 Α You know, I -- not a -- not a 10 policy that I as commissioner was, you 11 know, actively involved with. There 12 may have been things, you know, in the variety of documents and various 13 14 programs but --15 And just one other thing on Q 16 the segregation aspect of things. 17 I had asked you about New 18 York City and whether it was characterized by its segregation. This 19 20 is related but I think different 21 question. 22 Did you at the time consider 23 New York City racially or ethnically diverse at the neighborhood level? 24 25 MR. VIDAL: Objection.

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1 CESTERO 2 neglected to ask you. Was it in the 3 city's interest as you saw it when you 4 were HPD commissioner, was it in the 5 city's interest to reduce the level of 6 residential segregation? 7 MS. SADOK: Objection. 8 Yes. Α 9 Q Why? 10 А You know, it's in the city's 11 interest to do everything it can to 12 create economically, you know, racially 13 diverse communities because it expands 14 opportunity for everybody in the city 15 to live in communities and maximize the 16 choices they have about, you know, 17 where they can afford to live and where 18 they're able to live. 19 Any other reasons why it was Q 20 in the city's interest to reduce 21 residential segregation? 22 А No. 23 But reducing residential 0 24 segregation was not identified as a 25 goal of the city, was it?

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62 1 CESTERO 2 MR. VIDAL: Objection. 3 0 To your knowledge? 4 Not to my knowledge. Α 5 Are there areas of the city 0 6 that have few or no units of NYCHA, New 7 York City Housing Authority housing? 8 MR. VIDAL: Objection. 9 Α There are -- I -- I don't --10 I don't know where every NYCHA unit is 11 but there are definitely neighborhoods 12 that have more NYCHA housing versus 13 more neighborhoods that have less. 14 Q If you look at one of those 15 dot maps --16 Α Uh-huh. 17 -- that will show a dot for 0 18 each development, there are some 19 neighborhoods with a lot of dots and 20 there are some parts of the city, like, 21 a lot of southern Brooklyn and some of 22 Oueens and central and Staten Island 23 that have no or very few dots, right? 24 MR. VIDAL: Objection. 25 I haven't looked at one of Α

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235 1 STATE OF New York 2 3 :55 COUNTY OF 4 5 6 7 I, RAFAEL E. CESTERO, the witness 8 herein, having read the foregoing 9 testimony of the pages of this deposition, 10 do hereby certify it to be a true and 11 correct transcript, subject to the 12 corrections, if any, shown on the attached 13 page. 14 15 16 RAFAEL E. CESTERO 17 18 19 20 Sworn and subscribed to before me, 21 5 this annan 2018. day of 22 REANE 23 State of New York KE6199572 No. 01 24 Notary Public Qualified in Nassau County Commission Expires January 20, 2021 25

Case 1:15-cv-05236-LTS-KHP Document 916-60 Filed 11/06/20 Page 7 of 7

236 1 2 CERTIFICATION 3 STATE OF NEW YORK) 4) ss.: COUNTY OF NEW YORK) 5 6 I, JUDITH CASTORE, Shorthand Reporter 7 and Notary Public within and for the State 8 of New York, do hereby certify: 9 That RAFAEL E. CESTERO, the witness 10 whose deposition is hereinbefore set 11 forth, was duly sworn by me and that this 12 transcript of such examination is a true 13 record of the testimony given by such 14 witness. 15 I further certify that I am not 16 related to any of the parties to this 17 action by blood or marriage and that I am 18 in no way interested in the outcome of 19 this matter. 20 IN WITNESS WHEREOF, I have hereunto 21 set my hand this 29th day of November, 22 2017. 23 24 25

Page 1 1 2 UNITED STATES DISTRICT COURT 3 SOUTHERN DISTRICT OF NEW YORK 4 5 _____ JANELL WINFIELD, SHAUNA NOEL and 6 EMMANUELLA SENAT, 7 Plaintiffs, 8 Case No.: vs. 15 - cv - 052369 (LTS) (KHP) 10 CITY OF NEW YORK, 11 Defendant. 12 13 14 January 16, 2019 9:45 a.m. 15 16 Deposition of JAMES PATCHETT, taken by 17 Plaintiffs, held at the offices of Cuti Hecker Wang, 18 LLP, 305 Broadway, New York, NY 10007-3664, pursuant 19 to agreement, before Elizabeth F. Tobin, a 20 Registered Professional Reporter and Notary Public 21 of the State of New York. 22 23 24 25

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Page 216 1 J. Patchett 2 question and ask you whether you recall anybody else 3 ever expressing to you or you hearing it expressed 4 that a Community Preference shouldn't be used in a 5 white dominant neighborhood. MS. SADOK: Objection. 6 7 Α. You know, my recollection, we did talk 8 about that earlier. I think -- I think Vicki and people at HPD would have been the ones -- to the 9 10 extent there would have been concerns expressed 11 about that, it would have come by HPD and therefore 12 through Vicki. I don't have recollections above and 13 beyond what we talked about previously. 14 Q. I just wanted to make sure there wasn't 15 some conversation I didn't ask you about. 16 Α. Okay. 17 And we talked a little bit about this Ο. 18 Again, I'm just trying to make sure I earlier. 19 didn't miss anything. Have you had any 20 conversations within city government, that is, 21 within the Mayor's office or from HPD, about 22 concerns about concentrating affordable housing, 23 whether it's a hundred percent affordable or 24 partially less percentage in minority neighborhoods? 25 MS. SADOK: Objection.

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Page 217 1 J. Patchett 2 Α. I don't think there was a concern that 3 putting affordable housing in a minority 4 neighborhood would be a problematic thing. I don't 5 remember that being a specific concern. 6 Q. And other than what you've already talked 7 about already about trying to address inequality 8 generally, have you ever had any conversation or 9 heard Mayor de Blasio provide any specific directive 10 about how to address racial desegregation? 11 MS. SADOK: Objection. 12 Α. Not that I recall. 13 Other than what you've already testified Ο. 14 to today, do you remember anything else that Mayor 15 de Blasio expressed or communicated about Community 16 Preference at any time? 17 MS. SADOK: Objection. 18 I think we've covered my recollections Α. 19 about Community Preference and the Mayor, to the 20 best of my recollection. 21 MS. WANG: All right. I think we can 22 take a five-minute break and almost be done. 23 THE VIDEOGRAPHER: Going off the record. 24 The time is 3:41 p.m. This is the end of 25 media unit four.

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Page 230 1 2 STATE OF) 3) : 5 5 4 COUNTY OF) 5 6 7 I, JAMES PATCHETT, the witness 8 herein, having read the foregoing 9 testimony of the pages of this deposition, 10 do hereby certify it to be a true and 11 correct transcript, subject to the 12 corrections, if any, shown on the attached 13 page. 14 15 16 JAMES PATCHETT 17 18 19 20 Sworn and subscribed to before me, 21 2019. this of 22 23 24 Notary Public Jaan Kangur Notary Public State of New York 25 No. 01KA6310065 Qualified in Queens County Certificate Filed in New York County Commission Expires 8/18/2022 David Feldman Worldwide 800-642-1099 A Veritext Company www.veritext.com

Case 1:15-cv-05236-LTS-KHP Document 916-61 Filed 11/06/20 Page 5 of 5

Page 234 1 2 CERTIFICATE 3 4 STATE OF NEW YORK) 5) ss. COUNTY OF SUFFOLK) 6 7 8 I, Elizabeth F. Tobin, a Registered 9 Professional Reporter and Notary Public within and 10 for the State of New York, do hereby certify: 11 That James Patchett, the witness whose 12 deposition is hereinbefore set forth, was duly sworn 13 by me and that such deposition is a true record of 14 the testimony given by such witness. 15 I further certify that I am not related 16 to any of the parties to this action by blood or 17 marriage and that I am in no way interested in the 18 outcome of this matter. 19 20 21 22 ELIZABETH F. TOBIN, RPR 23 24 25 David Feldman Worldwide

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From:

Bozorg, Leila (HPD)

PII

Sent:March 27, 2017 10:44 AMTo:Hernandez, Daniel (HPD)Subject:Question

Did the see the DNA info piece on Gowanus? <u>https://www.dnainfo.com/new-york/20170323/gowanus/affordable-housing-gowanus-fifth-avenue-committee</u>

Have you been talking to Matt about how our teams should or should not speak to statements like the following during community meetings? Such landmines to traverse!:

"Advocates said the rezoning must "elevate" the following priorities: "real" affordable housing, protecting tenants from displacement, environmental justice, preservation of the "culture and community" of longtime residents, and protections for industrial and small businesses."

Leila Bozorg Chief of Staff NYC Dept. of Housing Preservation and Development



Confidential

NYC_0181535

Page 1 1 2 UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK 3 ----x JANELL WINFIELD, TRACEY 4 STEWART and SHAUNA NOEL, 5 Plaintiffs, -against-**6** Civil Action No.: 15-CV-5236 (LTS) (KHP) 7 CITY OF NEW YORK, 8 Defendant. ----x 9 10 11 DEPOSITION OF 12 LEILA BOZORG 13 New York, New York 14 January 10, 2019 15 9:54 a.m. 16 17 18 19 20 21 Reported by: JUDITH CASTORE, CLR 22 23 24 25

Case 1:15-cv-05236-LTS-KHP Document 916-63 Filed 11/06/20 Page 2 of 21

Page 97 1 BOZORG 2 Q You should have been handed is something called, Topic-based 3 4 Roundtable C: Education, Qualitative 5 data synthesis. 6 Α Yes. 7 Q So on the first page of the 8 document in the bullets under the, Top 9 five contributing factors to 10 disparities and access to quality 11 education. 12 Do you see the third one 13 says, Community opposition? 14 Α Um-hum. 15 Q Zoning of schools and school 16 integration are often controlled by 17 wealthy parents often excluding low 18 income children in low performance 19 schools and reinforcing divide. Manv 20 parents support the status quo and 21 nimbyism does not allow for the 22 integration of schools and 23 neighborhoods. 24 So now again to be clear, 25 this is reporting on what some

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Case 1:15-cv-05236-LTS-KHP Document 916-63 Filed 11/06/20 Page 3 of 21

Page 98 1 BOZORG 2 stakeholders said, right? This is not -- this is not something that is a 3 4 pronouncement from HPD, right? 5 MS. POLIFIONE: Objection. 6 Α This document is a summary of 7 some of what we heard at the 8 stakeholder round table on education. 9 Q Just in general now, since 10 you said some of what you heard. 11 What filter, if any, would 12 you use to not report something in the 13 qualitative data synthesis? 14 MS. POLIFIONE: Objection. 15 Α Well, I quess I should 16 clarify. It's a summary of what we 17 heard because as you will note there is 18 something on the top that indicates if 19 an idea was discussed at multiple 20 tables. So even if an idea was 21 discussed only briefly at one table, we 22 would include it in this document. 23 So it's intended to be 0 24 comprehensive not in the sense of a 25 transcript comprehensive but in terms

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Page 99 1 BOZORG 2 of conveying each idea that was 3 expressed? 4 MS. POLIFIONE: Objection. 5 Α Yes. It's intended to be 6 broad in its conveyance of what we 7 heard. 8 Q The one that I read to you, 9 do you understand that as having 10 anything that is the opposition having 11 anything to do with the race of 12 prospective newcomers? 13 MS. POLIFIONE: Objection. 14 A I'm just reading it again for 15 a moment. 16 Can you repeat your question? 17 Is there anything within it that --18 Q So I'm really asking you 19 about what you understand the comment 20 or observation to be making. I'm 21 asking whether you understand the 22 comment as having anything to do with 23 opposition based on the race of 24 prospective newcomers to the schools? 25 MS. POLIFIONE: Objection.

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Page 100 1 BOZORG 2 I read it to be communicating Α opposition to the zoning of schools and 3 4 a change in that zoning. I don't read this specifically as race-based 5 6 That's just my reading of opposition. 7 I think it's -- I read it as it's it. 8 written. 9 So as it's written you think 0 the comment is talking about nimbyism 10 11 not in my backyard that doesn't allow for the integration of schools but the 12 13 nimbyism is not being asserted to have 14 anything to do with race? 15 MS. POLIFIONE: Objection. 16 I read it to not necessarily Ά 17 be about race. I can't say that -- I 18 can't speak to any intent behind these 19 comments but I don't necessarily read 20 it as race but as objection to change 21 to the status quo. 22 0 Okay. Let me ask you to turn 23 to Page 4, if I may. 24 And in blue there is a 25 section on the comments made about

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Page 111 1 BOZORG 2 opposition to projects, I have not 3 personally seen race-based opposition to housing. So it is hard for me to 4 5 make any kind of statement about the 6 relationship just based on my 7 experience. 8 Q Did you get briefed by 9 anybody, formally or informally, or by 10 any of your colleagues or learn formally or informally from any of your 11 12 colleagues that there is any fear of 13 the prospect of residential racial 14 change? 15 MS. POLIFIONE: Objection. 16 Α Briefed by my colleagues? Ι 17 have not been briefed by my colleagues 18 on whether there might be any fear. Ι 19 can only really speak to my experience, 20 which is, you know, my teams are 21 responsible for taking many of our 22 affordable housing projects through the 23 uniform land use review process. So 24 we're out in communities very 25 frequently.

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Page 112 1 BOZORG 2 So we also do a lot of 3 engagement around broader neighborhood 4 planning efforts. So my experience is 5 more informed by what I am hearing on And I have not heard 6 the ground. 7 raced-based fears through my 8 experience. 9 I have heard plenty of 10 objection to affordable housing that 11 we've been able to work through in most 12 cases but I can only really speak to 13 that experience. 14 0 You haven't heard or read 15 from anybody at HPD that a difficult 16 problem in getting support for fair 17 housing? 18 MS. POLIFIONE: Objection. 19 Α I have not heard that concern 20 getting support for fair housing. Ι 21 have not heard that concern. 22 Have you heard or read that 0 23 there is opposition to fair housing 24 arising from ethnic solidarity? 25 MS. POLIFIONE: Objection.

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Page 248 1 BOZORG 2, And this is referencing a Q 3 quote about a variety of priorities; 4 that is advocate-described priorities 5 and one of those is preservation of the 6 culture and community of long-time 7 residents. Do you see that? 8 Α I see that, yes. 9 Q Why is the issue of whether 10 or not to speak to preservation of the 11 culture and community -- why is 12 preservation of the, quote, culture and 13 community of long-time -- end quote, of 14 long-time residents a landmine to 15 traverse? 16 MS. POLIFIONE: Objection. 17 Α I don't fully recall what my, 18 kind of, concerns were at the time that 19 this was written. Generally speaking I 20 recall having concerns about the 21 balance and the approach of our teams 22 that were doing community engagement. 23 You know, a lot of these conversations 24 were very heated and wanting to make 25 sure they felt prepared to facilitate

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	Page 249
1	BOZORG
2	these conversations. But I don't
3	recall the specifics of you know,
4	when I said such landlines to traverse
5	whether I was specifically speaking
6	about that part of the sentence or just
7	the general sentiment that these were
8	all difficult conversations in
9	communities.
10	Q But the issue wasn't just how
11	teams should speak to the statements
12	but also how they should not speak to
13	the statements. What, if anything, is
14	sensitive about statements that it's
15	important to preserve the culture and
16	community of long-time residents?
17	MS. POLIFIONE: Objection.
18	A Again, I wrote a very general
19	statement here about that reads
2 0	should or should not. I recall
21	feeling I don't recall any specific
22	concerns about the any one of these
23	priorities that were identified, but
24	the general approach that our teams
25	were taking and facilitating difficult

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Page 250 1 BOZORG 2 conversations and being sensitive to 3 the issues we are hearing while also, 4 you know -- while also allowing the 5 conversations to be facilitated productively. So I really don't 6 7 remember the specifics of what I might 8 have been concerned about. 9 Q Well, let's leave aside the 10 exhibit. Is there anything potentially 11 problematic about calls to preserve 12 the, quote, culture and community, end 13 quote, of long-term -- long-time 14 residents? 15 MS. POLIFIONE: Objection. 16 Α I think it depends on the 17 context in which that statement is 18 said. If it's in the context of 19 wanting to ensure that people have the 20 opportunity to stay in the neighborhood 21 after this changing which is often what 22 we hear in a lot of the communities we 23 work in, you know, it's something that 24 we try to balance the preservation and 25 the anti-displacement sentiment behind

Page 285 1 BOZORG 2 "yes" or "yes and"? 3 MS. POLIFIONE: Objection. 4 Α These are general talking 5 points. Integration is very much one 6 of the many goals we seek to balance in our work, especially in our fair 7 8 housing work. But this is an 9 acknowledgment that that's hard to 10 achieve given the number of goals we 11 have and all of the different 12 priorities that's we're working to 13 balance and given the levers we truly 14 control. And I think that these 15 talking points just acknowledge that --16 that complexity. 17 Well, why doesn't it say yes, Q 18 the end goal is integration? 19 MS. POLIFIONE: Objection. 20 I think part of the Α 21 complexity is understanding what 22 meaningful integration truly means and 23 that really does mean different things 24 to different audiences. Partly because 25 of the New York City experience where

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	Page 286
1	BOZORG
2	there are a range of ethnicities and
3	races living across neighborhoods and
4	so, you know, integration is a goal and
5	it's one of the goals we seek to
6	balance but and part of what we're
7	trying to understand in the Where We
8	Live process is what even as HUD
9	mentions in the tool, what does
10	meaningful integration look like since
11	data often is just capturing a point in
12	time. Are we talking about a point in
13	time? Are we talking about how to
14	create stable neighborhoods that are
15	inclusive and diverse and how to
16	maintain that both promote it and
17	maintain that. So it's a large part
18	of you know, our approach to
19	building more affordable housing is to
20	create those stable housing
21	opportunities across the city. And
22	then in Where We Live we're further
23	analyzing this issue to understand what
24	it can mean to meaningfully integrate
25	given the high cost context and the

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Page 287 1 BOZORG 2 context of risks of displacement and 3 fast-changing market rents. I don't know, I'm not the 4 0 dumbest person on the planet but I have 5 a lot of difficulty understanding you 6 7 on this. And what can I tell you? Ι 8 think it's because it's politically 9 difficult to just come out and describe 10 what you mean. 11 When you say "meaningful 12 integration" do you mean sustainable 13 integration? 14 MS. POLIFIONE: Objection. 15 Α I mean -- yes, in the context 16 of a high-cost city, you know, one of 17 the things that we hear a lot is that a 18 neighborhood may look integrated at a certain point in time but it could just 19 20 be that that neighborhood is turning 21 from a low income neighborhood into a 22 wealthy neighborhood that, you know, 23 two to three years down the line may 24 end up looking segregated again. And 25 so part of it is about sustainability.

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1	
	Page 288
1	BOZORG
2	Part of it is acknowledging and trying
3	to understand the different types of
4	diversity that exist in neighborhoods
5	that may not be captured by data.
6	In New York, as you know,
7	there are a lot of different ethnic
8	groups that live in many different
9	neighborhoods and sometimes the data or
10	the way that segregation is measured
11	doesn't fully capture that type of
12	diversity, and so that's part of what
13	we're trying to understand.
14	Q Ms. Bozorg, I understand that
15	there are lots of ethnic groups, but
16	let's see if we could talk about a
17	piece of the picture. So I'm
18	acknowledging to you right now
19	explicitly on the record that this is
20	not the whole thing. But I just want
21	to talk a little bit about the
22	difference between black and white.
23	And however you slice it, lived
24	experience, data, there's still in New
25	York City a lot of separation between
25	York City a lot of separation between

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	Page 289
1	BOZORG
2	black and white or African American or
3	in the census term non-Latino blacks on
4	the one hand and non-Latino whites on
5	the other hand; that's true, isn't it?
6	MS. POLIFIONE: Objection.
7	A Again, I'm not a demographer
8	or a data expert on this. And I've
9	seen some of the preliminary data,
10	especially the data provided by the HUD
11	tool, but I don't know how that
12	translates specifically into
13	white-black segregation.
14	Q Forget about being forget
15	about being a data expert. It's very
16	just disturbing that I mean, you're
17	a pretty high-ranking official at HPD.
18	And I know your Where We Live work is
19	ongoing but in January 2019 you're not
20	able to tell me that whatever nuance
21	there may be, there's an awful lot of
22	separation or segregation in the
23	residential context between
24	non-Hispanic whites and non-Hispanic
25	blacks?

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Page 290 1 BOZORG 2 MS. POLIFIONE: Objection. 3 Α I'm acknowledging that by 4 some measures of the issue there is 5 segregation. All I'm saying is those 6 are some measures of the issue and, you 7 know, part of what I hear on the ground 8 and what I see is that there are more 9 diverse neighborhoods than the data 10 often suggests. That's all I'm saying. 11 By what measures -- by what 0 12 measures, data measures or other 13 measures, is there not a lot of 14 separation between non-Hispanic blacks 15 and non-Hispanic whites in the 16 residential context? 17 MS. POLIFIONE: Objection. 18 0 In New York City? 19 MS. POLIFIONE: Objection. 20 I don't know. Α 21 Now, why -- like, wouldn't a 0 22 goal -- not the only goal, but wouldn't 23 one endpoint goal be to have a city 24 where there is less variance from the 25 citywide population of non-Hispanic

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Page 314 1 ACKNOWLEDGEMENT 2 3 STATE OF NEW YORK 4 SS.:) COUNTY OF NEW YORK) 5 6 I, LEILA BOZORG, certify, I have read the 7 transcript of my testimony taken under 8 oath in my deposition of January 10, 2019; 9 that the transcript is a true, complete 10 and correct record of what was asked, 11 answered and said during this deposition, 12 and that the answers on the record as 13 given by me are true and correct. 14 15 LEILA BOZORG 16 17 Sworn and subscribed to before me 18 2019. this 2 day of tebrua 19 20 21 Notary Public WILLIAM K. COLLAZO Notary Public, State of New York No. 01CO5052389 Qualified in Bronx County My Commission Expires <u>N-20</u> 22 23 24 25 David Feldman Worldwide 800-642-1099 A Veritext Company www.veritext.com

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Page 315 1 2 CERTIFICATION 3 STATE OF NEW YORK) 4) ss.: COUNTY OF NEW YORK) 5 I, JUDITH CASTORE, Shorthand Reporter 6 7 and Notary Public within and for the State 8 of New York, do hereby certify: 9 That LEILA BOZORG, the witness whose 10 deposition is hereinbefore set forth, was 11 duly sworn by me and that this transcript of such examination is a true record of 12 13 the testimony given by such witness. 14 I further certify that I am not 15 related to any of the parties to this 16 action by blood or marriage and that I am 17 in no way interested in the outcome of this matter. 18 IN WITNESS WHEREOF, I have hereunto 19 20 set my hand this 11th day of January, 2019. 21 Judy Castore 22 23 JUDITH CASTORE 24 25

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ERRATA

I, Leila Bozorg, wish to make the following changes, for the following reasons:

PAGE LINE

3 13 CHANGE: "FRANCIS" to "FRANCES" REASON: typographical error.

3 14 CHANGE: "fpolifione@law.nyc.gov" to "fpolifio@law.nyc.gov" REASON: typographical error.

8 4 CHANGE: "is I" to "is that I" REASON: to clarify the intent of the sentence.

11 10 CHANGE: "but that is" to "but those are" REASON: deponent misspoke.

12 13 CHANGE: remove the word "it's" REASON: to clarify the intent of the sentence,

19 15 CHANGE: "my understanding of kind of HUD's" to "my understanding of HUD's"

REASON: to clarify the intent of the sentence.

20 9 CHANGE: "when" to "what" REASON: to clarify intent of the sentence.

54 23 CHANGE: "see" to "oversee" REASON: to clarify intent of the sentence.

57 11 CHANGE: remove the word "and" REASON: to clarify the intent of the sentence.

86 18 CHANGE: remove the word "as" REASON: to clarify the intent of sentence.

89 8 CHANGE: remove "versus" and add "as" after "well" REASON: to clarify the intent of the sentence.

90 2 CHANGE: remove "kind of the part that are not" REASON: to clarify the intent of the sentence.

90 5 CHANGE: "we've" to "we're" REASON: incorrect transcription.

Rozora Frista

95 15 CHANGE: add the word "with" between "familiar" and "is" REASON: to clarify the intent of the sentence.

96 6 CHANGE: "work" to "works" REASON: incorrect transcription.

105 13 CHANGE: "taken" to "taking" REASON: incorrect transcription.

105 15 CHANGE: remove the word "the" REASON: incorrect transcription.

109 13, 14 CHANGE: add "," in between "that" and "and, and add "," after the word "summary"

REASON: to clarify the intent of the sentence.

110 19 CHANGE: "stockholders" to "stakeholders" REASON: incorrect transcription.

129 24 CHANGE: "severe" to "fear" REASON: incorrect transcription.

142 13 CHANGE: add the word "any" in between "seen" and "that" REASON: incorrect transcription.

216 8 CHANGE: "inclusive enclaves" to "exclusive enclaves" REASON: deponent misspoke.

228 12 CHANGE: "and demographics" to in demographics" REASON: to clarify the intent of the sentence.

228 15 CHANGE: add comma after "in" REASON: to clarify the intent of the sentence.

228 16: CHANGE: add double dash after "that" REASON: to clarify the intent of the sentence.

237 5-7 CHANGE: "it very well could be happening of that kind of analysis" to "that kind of analysis very well could be happening" REASON: to clarify the intent of the sentence.

253 19 CHANGE: add "," after the word "conflict" REASON: to clarify the intent of the sentence.

253 22 CHANGE: add "," after the word "recognized" REASON: to clarify the intent of the sentence.

266 2 CHANGE: "a" to "an" REASON: incorrect transcription.

283 18 CHANGE: "that" to "where" REASON: to clarify the intent of the sentence.

284 10 CHANGE: add "," after "factors" and remove "that go into kind of what" REASON: to clarify the intent of the sentence.

285 12 CHANGE: "that's" to "that" REASON: incorrect transcription

294 23 CHANGE: add " - - " after "housing" REASON: to clarify the intent of the sentence.

307 17 CHANGE: remove "though" and replace it with "with what" REASON: to clarify the intent of the sentence.

2/20/2019

LEILA BOZORG

SUBSCRIBED AND SWORN TO BEFORE ME THIS 20T DAY OF Fabruary 2019.

NOTARY PUBLIC

11-20-2021

COMMISSION EXPIRES

WILLIAM K. COLLAZO Notary Public, State of New York No. 01CO5052389 Qualified in Bronx County My Commission Expires_1-2021



3.

MEMORANDUM

To:Leila BozorgFrom:Libby Rohlfing

Subject: City Limits Panel Discussion: Fair Housing in a Rezoned City

WHEN: Tuesday, May 15th at 6:30 p.m.; panelists arrive at 6:15.

WHERE: Harlem WeWork at 8 West 126th Street between 5th and Lenox on the third floor

AUDIENCE: 120 RSVPs; expect a crowd of 80 to 100.

CONTACT: Jarrett Murphy at 646-281-2529; Adina at 310-402-6634 or Fran at 914-844-7735.

Panel, moderated by City Limits Executive Editor & Publisher Jarrett Murphy, will feature:

- Leila Bozorg, Deputy Commissioner for Neighborhood Strategies, HPD
- Brad Lander, City Council Member, District 39, and Council Deputy Leader for Policy
- Chanera Pierce, Policy Coordinator, Fair Housing Justice Center
- · Barika Williams, Deputy Director, Association for Neighborhood and Housing Development

FORMAT: Jarrett will begin the panel by introducing everyone and then we'll do a panel discussion for about an hour. We'll begin by discussing the current state of segregation in the city and its impact and touch lightly on the stalled federal process and independent city process for discussing the role housing policy plays in it. Then we'll talk about ways the fair-housing conversation and the affordable-housing conversation intersect -- this will be the meat of the discussion. Questions include:

- What does it mean to take into account "fair housing" concerns as the city implements Housing New York and as it pursues neighborhood rezonings?
- Can we craft affordable housing lottery preference policies that don't perpetuate racial segregation, but also help residents avoid displacement?
- Is income mixing a worthy goal and can it be accomplished without gentrification or displacement?

Toplines (Opening):	2
Question and Answer:	3
2017 HVS Top Lines (2/8/18) - For internal use only.	.10
Mayoral Talking Points on Fair Housing:	.12
NY1: Segregation Close to Home (An Erroll Louis Conversation)	.13
From Former de Blasio Official, an Admission on Segregation	.15
De Blasio defends city's affordable housing lottery amid lawsuit over racial segregation	.16
50 years after Fair Housing Act, New York City still struggles with residential segregation	.17
AtlanticLIVE - Building Equity: The Legacy, Impact and Future of the Fair Housing Act	.21
Crain's Op-Ed: To deliver on promise of MLK, act now for fair housing	.23
Affordability and Area Median Income (AMI)	
2018 New York City Area AMI	.25



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NYC_0166776

Q: Has the City already identified priorities for goals and strategies?

- No, we do not have predetermined goals and strategies.
- Through this process, we will work collaboratively with our Fair Housing Stakeholder Group (which includes community-based organizations, affordable housing developers, researchers, and many others), residents, and our government partners to examine both existing and new policies related to housing and other relevant areas to then develop goals and strategies that we can implement moving forward.

Q: What is the City of New York's response to HUD's delay on AFH?

- The City of New York believes that delaying the implementation of the AFH undermines an important tool to keep cities accountable in addressing decades of discrimination.
- While New York City is moving ahead with *Where We Live NYC*, to study and address residential segregation that is the root of many inequities, many municipalities need not only the push but the guidance and tools offered by HUD to implement a data-driven process that involves robust and meaningful community engagement.
- To be sure, all jurisdictions face expected challenges in fair housing planning, but the AFH offers tools and other assistance that jurisdictions need to deliver on this mandate.
- Regardless of delays at the national level, the de Blasio Administration remains committed to promoting equal housing opportunity to create thriving and diverse neighborhoods across the five boroughs.
- What we are working towards through this process is all the components of the AFH, and all the things you need to do fair housing planning in the modern era. The AFFH rule which provided meaningful guidance for the first time-- set the stage to usher in the next generation of the Fair Housing Act, and we can't squander that opportunity.

Q: How segregated is New York City?

- While New York City feels diverse because so many different people live, work and interact in so many ways, the reality is that residential integration remains challenging. Our housing plan includes multiple strategies to help keep and build economically diverse neighborhoods, and ensure that all New Yorkers have a safe and affordable place to live in neighborhoods that provide opportunities to succeed.
- In high-cost cities like New York, where affordability is such a key issue, and the population is very diverse, measuring levels of integration and segregation can be nuanced, particularly at the neighborhood level, and measures may not reflect the lived experiences of residents.
- That is why we are looking at data over time, across multiple measures, and also complementing our analysis with community engagement to get a fuller picture of what is going on.

Q: Is the end goal integration?

- We know that integration and segregation are complicated in a high-cost city like New York, where affordability is such a key issue.
- For example, a gentrifying neighborhood can look like an integrated neighborhood, but it may be on its way to becoming a segregated neighborhood this is why we are looking at data over time, and also complementing our analysis with community engagement to get a fuller picture of what is going on.
- Ultimately, our goal is to foster inclusive communities, promote fair housing choice, and increase access to opportunity for all New Yorkers.
- The goals and strategies that result from this process will promote a balanced approach to fair housing
- This means making place-based investments to ensure neighborhoods have more equitable access to opportunity.
- This also means creating opportunities for New Yorkers to have mobility and housing choice the choice to move into a neighborhood with more access to opportunity, or the choice to stay in their existing neighborhood.

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	SOUTHERN	DISTRICT OF N	EW YORK
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JANELL		FRACEY STEWART	
		Plaintiffs,	
	-agains	t-	Civil Action No.:
CITY OF	NEW YORK,		15-CV-5236 (LTS)(KHP
		Defendant.	
		-	x
	DI	EPOSITION OF	
	S	TEVEN BANKS	
	New	York, New Yor	k
	Nove	ember 29, 2017	
		9:18 a.m.	
	ed by:		
	I CASTORE, (52807	CLR	

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164 1 BANKS 2 12:19 p.m., and we're off the 3 record. 4 (Whereupon, a brief recess 5 was taken.) 6 VIDEOGRAPHER: The time is 7 12:31 p.m., and we're back on the 8 record. 9 0 Mr. Banks, I want to take you 10 back to the mayor's speech. You have 11 that in front of you. 12 Α Okay. 13 0 Did you help draft this 14 speech? 15 А I'm only considering the word 16 "draft." I participated in discussions 17 with him about what he was going to say 18 and how in preparation to the speech. 19 Q Okay. And so looking at the 20 second page of it marked -- bottom --21 page 7, second full paragraph: But one 22 thing the government has done that's 23 made it harder is we send people all 24 over and there's not a sense that the 25 people who are being served are from my

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166 1 BANKS 2 If what you are asking me is Α 3 has there been opposition in some 4 places because of demonizing our 5 clients, the answer to that is yes. 6 And is a community borough-based 7 approach aimed at both helping clients 8 and addressing that demonization of our 9 clients? Yes. 10 To the extent that New 0 11 Yorkers in shelter are just like me, as 12 the mayor says, mightn't they come from 13 anywhere in the city? 14 MS. SADOK: Objection. 15 Α In fact, people do come from 16 everywhere, but the rest of the context 17 of the speech was about the people are 18 working, the people are families now, 19 and that the kind of factors that are 20 driving homelessness, both in the city 21 and, frankly, nationally, are economic, 22 and that that was the change. 23 There is other parts of the 24 speech that have that, and that's 25 really the context. That there's a

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1 BANKS 2 have worked with who -- and because you 3 have worked with them, you know that 4 they are homeless, but otherwise you 5 wouldn't know, right? 6 Α That's correct. Similarly, 7 there is some neighborhoods where there 8 have been shelters for years and people 9 don't know that there is a shelter in 10 the neighborhood. 11 0 But the mayor is talking 12 about something in particular, people 13 knowing that the folks inside those 14 doors come from right around their own 15 streets, their own neighborhood, their 16 own block. 17 Why is that important to know 18 that? 19 Α For the same reason that I am 20 describing, that the -- what I have 21 observed and experienced is the 22 demonization of our clients, in part, 23 comes from a belief that they're not 24 just like you and me and, in part, 25 that's working/not working, my

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171 1 BANKS 2 neighborhood/not my neighborhood, those 3 kinds of things. 4 My race/not my race? Q 5 That -- that's part of it. Α I 6 mean, the demonization may be based on 7 that too in terms of my experience, 8 yes. 9 Q I just want to make sure I 10 understand the word --11 Α Sure. 12 Q -- that you are using. 13 You're saying, as far as you 14 understand, there are some times when 15 demonization is based on race --16 MS. SADOK: Objection. 17 -- not simply that there is a Q 18 theoretical possibility? 19 Α Again, I think you are -- in 20 experiences that I have had, both in 21 government and out of government, 22 people demonize people who they don't 23 know. And sometimes that can be based 24 upon stereotypical presumptions they 25 have about people and sometimes that

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172 1 BANKS 2 falls into race too. 3 0 This is something -- the 4 race-linked fear or demonization, 5 that's something that you know has 6 occurred and continues to occur over 7 time. It's not like one incident, 8 right? 9 MS. SADOK: Objection. 10 Α I mean, the reason why I'm 11 hesitating, and I think -- and tell me 12 if I am on the wrong track, and then I 13 actually will not -- I will stop this 14 answer. If you are asking about 15 shelter sitings, they're all different. 16 And I can give you some examples of 17 differences. 18 So there is not a monolithic 19 response to a shelter siting, even just 20 in the first eight shelters that we got 21 up and operating since April right 22 after the plan. There have been 23 different experiences. Some places 24 there's been opposition; some places no 25 opposition. So that's why I'm

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174 1 BANKS 2 Α If you saw on internet what 3 was said, you probably saw how I 4 reacted to things that were said. 5 And you interpreted some of Q 6 those things as being race-based. Yes? 7 Α Well, the comment that was 8 yelled out to me, that that was denied 9 about, you know, Go back to East 10 New York, I responded to that directly. 11 But in those meetings and in addressing 12 the shelter that we're operating in 13 Maspeth now, we said -- I said that 14 people had come -- we're in the shelter 15 system from that community, and they 16 disputed that, rather loudly. And I 17 think that's really what the mayor and 18 I have both been trying to get at, 19 which is that community could not 20 believe that people from that community 21 would be in our shelter system. But 22 they were. 23 And trying to engage them, 24 that's the kind of language that the 25 mayor is using and I was using, and,

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1 BANKS 2 you know, ultimately there is 50, 60, 3 70 people that have are sheltered in 4 that neighborhood despite what 5 occurred. But nonetheless that was 6 what I could give you as an example of 7 that kind of opposition. 8 On the other hand -- you 9 know, it's not monolithic is all I'm 10 trying to say. 11 0 Yeah, you said it's not 12 monolithic. 13 But "Go back to East New 14 York" does not have any explicit race 15 words, but you understood that to be 16 race linked or race coded? Yes. I understood those 17 Α 18 words and other words to be race coded, 19 and I said so from the podium. 20 Q There was a sign, Maspeth 21 Lives Matter --22 Α Yes. 23 -- that you understood to be 0 24 race coded? 25 А Right. I think they had

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1 BANKS 2 those in front of my house on the three 3 or so occasions that had come to 4 protest opening that shelter. 5 So there's a lot of Q 6 opposition. I'm not saying it's 7 monolithic, but there is a lot of 8 opposition to the placement of homeless 9 shelters for a variety of reasons. 10 Yes? 11 Right. But that's why -- I Α can't say yes with the word "a lot" in 12 13 that sentence. And the only way I 14 can -- you are not going to want me to 15 do this, but I got to say it anyway, of 16 the first five that we opened, one of 17 them in Prospect Heights, totally 18 supported by the community. Block 19 association totally for the opening of 20 the shelter. A shelter in Richie 21 Torres' district for LGBTQIA youth, 22 even though there is a lots of shelters 23 in his district supported by him, 24 welcomed by the community. 25 We got sued by two different

1 BANKS 2 last 35 or 40 years you have been 3 working with or for homeless New 4 Yorkers, Maspeth the only occasion 5 where you thought that concerns 6 ostensibly were about safety but they 7 actually were a function of racial 8 stereotyping? 9 MS. SADOK: Objection. 10 Α I mean, I will give you 11 another example. 12 Q No, that's not my question. 13 My question is: Is that the only time? 14 Α No. 15 Were there several other Q 16 occasions or more? 17 MS. SADOK: Objection. 18 Α Your question really can't be 19 answered yes or no. 20 0 Okay. Have you communicated 21 with the mayor, either orally or via 22 e-mail or text, about the role, if any, 23 that race plays in terms of the 24 difficulties the city encounters either 25 in siting shelters or in placing

180

1	BANKS
2	homeless New Yorkers in housing?
3	A We certainly discussed the
4	Maspeth situation, and he supported me
5	fully in moving forward with placing
6	people in that hotel, where they are to
7	this day, despite the opposition.
8	Q Any communications outside of
9	the Maspeth situation?
10	MS. SADOK: Objection.
11	A That's the one that comes to
12	my mind today.
13	Q That it is the only one that
14	comes to your mind?
15	A That's correct.
16	Q As far as you can recall
17	today, you haven't discussed with him
18	the role race plays in difficulty of
19	shelter siting or placing homeless New
20	Yorkers in shelters on any other
21	occasions?
22	MS. SADOK: Objection.
23	A I mean, to the best of my
24	recollection, that's the Maspeth
25	situation.

226 1 STATE OF New Tork) COUNTY OF New Tork) 2 3 :SS COUNTY OF 4 5 6 7 I, STEVEN BANKS, the witness 8 herein, having read the foregoing 9 testimony of the pages of this deposition, do hereby certify it to be a true and 10 11 correct transcript, subject to the 12 corrections, if any, shown on the attached 13 page. 14 15 STEVEN BANKS 16 17 18 19 20 Sworn and subscribed to before me, this O 21 day of 2017. 22 23 Commission Expires 09/19/2020 24 Notary Public Qualified in Kings County Registration No. 02FR6348028 25 NOTARY PUBLIC, STATE OF NEW YORK **AARON FRIEDMAN**

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227 1 2 CERTIFICATION 3 STATE OF NEW YORK) 4) ss.: COUNTY OF NEW YORK) 5 6 I, JUDITH CASTORE, Shorthand Reporter 7 and Notary Public within and for the State 8 of New York, do hereby certify: 9 That STEVEN BANKS, the witness whose 10 deposition is hereinbefore set forth, was 11 duly sworn by me and that this transcript 12 of such examination is a true record of 13 the testimony given by such witness. 14 I further certify that I am not 15 related to any of the parties to this 16 action by blood or marriage and that I am 17 in no way interested in the outcome of 18 this matter. 19 IN WITNESS WHEREOF, I have hereunto 20 set my hand this 29th day of November, 2017. 21 adth Castore 22 23 24 25

ERRATA

I wish to make the following changes, for the following reasons:

PAGE LINE

14 4-6 CHANGE: "my approach has been to in government after going in the Legal Aid Society" to "my approach has been in government after going from the Legal Aid Society" REASON: Incorrect transcription.

15 21 CHANGE: "plaintiff" to "witness" REASON: Clarify intent of sentence.

17 13 CHANGE: "public assistant" to "public assistance" REASON: Incorrect transcription.

17 14 CHANGE: "personal practiced" to "personally practiced" REASON: Incorrect transcription.

1915CHANGE: "intend" to "intent"REASON: Incorrect transcription.

22 18 CHANGE: "I'm" to "I've" REASON: Incorrect transcription.

24 11-12 CHANGE: "services with human resources administration" to "services with the human resources administration" REASON: Incorrect transcription.

27 22 CHANGE: "equivalent to the keen kinds of" to "equivalent to the kinds of" REASON: Deponent did not say keen.

30 2-3 CHANGE: "the defendant of homeless services – I wanted to give you a brighter" to "the department of homeless services – I wanted to give you a broader" REASON: Incorrect transcription.

31 13 CHANGE: "That's a pretty good indication that" to "That's a pretty good indication of"

REASON: Clarify intent of sentence.

33 18-19 CHANGE: "and as a New Yorker race is a challenge" to "and as a New YorkerI know race is a challenge"

REASON: Clarify intent of sentence.

39-40 25-26 CHANGE: "that our clients are faced in using or rental assistance program" to
 "that our clients are faced in using our rental assistance program"
 REASON: Typographical error.

43 15 CHANGE: "investment are things that people" to "investment and are things that people"

REASON: Clarify intent of sentence.

47 16 CHANGE: "like displacement, to keep them from" to "like displacement, to keep people from" REASON: Clarify intent of sentence.

53 4-5 CHANGE: "not going to say something I don't think" to "not going to say something I don't know"

REASON: Clarify intent of sentence.

53 5 CHANGE: "I know under oath" to "What I know under oath" REASON: Clarify intent of sentence. 53 16 CHANGE: "under – if could finish" to "under – if I could finish" REASON: Incorrect transcription.

63 17-18 CHANGE: "when I was a different lead" to "when I was in a different role" REASON: Clarify intent of sentence.

65 12-13 CHANGE: "a single is adult shelter" to "a single adult shelter" REASON: Incorrect transcription.

67 8 CHANGE: "but there's are no" to "but there are no" REASON: Incorrect transcription.

68 3 CHANGE: "granule" to "granular" REASON: Incorrect transcription.

82 12 CHANGE "managed the court orders" to "managed to the court orders" REASON: Incorrect transcription.

84 14 CHANGE: "late 2014" to "start of 2014" REASON: Incorrect transcription.

85 4 CHANGE: "analyze" to "analyzed" REASON: Incorrect transcription.

87 9 CHANGE: "system what is" to "system that is" REASON: Incorrect transcription.

88 7 CHANGE: "that's build up over" to "that's built up over"REASON: Incorrect transcription.

98 10 CHANGE: "families of children" to "families with children" REASON: Clarify intent of sentence.

100 9 CHANGE: "counsel's report" to "council's report" REASON: Incorrect transcription.

112 2 CHANGE: "we open the" to "we opened the" REASON: Incorrect transcription.

11325CHANGE: "we open the" to "we opened the"REASON: Incorrect transcription.

114 8-9 CHANGE: "People who wanted to go to that shelter" to "People who wanted to go to that shelter went"

REASON: Clarify intent of sentence.

116 4 CHANGE: "Come into the system with" to "People come into the system with" REASON: Clarify intent of sentence.

119 4 CHANGE: "I just want any" to "I just don't want any" REASON: Clarify intent of sentence.

121 9-10 CHANGE: "before to your last question" to "before your last question" REASON: Incorrect transcription.

146 10 CHANGE: "but its intend to match" to "but it's intended to match" REASON: Incorrect transcription.

147 3 CHANGE: "your question is wrong" to "your question is not wrong" REASON: Clarify intent of sentence. 148 9 CHANGE: "in some part of the city" to "in some parts of the city"REASON: Incorrect transcription.

151 25 CHANGE: "Brooklyn and through" to "Brooklyn schools and through" REASON: Clarify intent of sentence.

152 15-16 CHANGE: "that's what brought" to "that's what was brought" REASON: Clarify intent of sentence.

157 5 CHANGE: "the promise of a plan" to "the promise of the plan" REASON: Clarify intent of sentence.

158 12 CHANGE: "what we develop as a plan" to "what we developed as a plan" REASON: Clarify intent of sentence.

158 24-25 CHANGE: "Is the residential segregation" to "Is there residential segregation" REASON: Incorrect transcription.

170 7 CHANGE: "there is some neighborhoods" to "there are some neighborhoods" REASON: Incorrect transcription.

173 16-17 CHANGE: "So the shelters siting in" to "So for the shelter siting in" REASON: Incorrect transcription.

174 14 CHANGE: "we're in the shelter" to "were in the shelter" REASON: Incorrect transcription.

175 2-3 CHANGE: "ultimately there is 50, 60, 70 people that have are sheltered" to "ultimately there are 50, 60, 70 people that are sheltered" REASON: Incorrect transcription. 176 3 CHANGE: "occasions that had come" to "occasions they had come" REASON: Incorrect transcription.

181 24 CHANGE: "talking about the before" to "talking about before" REASON: Incorrect transcription.

18218CHANGE: "hadn't" to "hasn't"REASON: Incorrect transcription.

183 17 CHANGE: "people of multiple of all races" to "people of multiple -- all races" REASON: Clarify intent of sentence.

184 25 CHANGE: "given the opportunity refer clients" to "given the opportunity to refer clients"

REASON: Incorrect transcription.

186 13 CHANGE: "homeless, particularly supportive" to "homeless, particularly when supportive"

REASON: Clarify intent of sentence.

188 8 CHANGE: "applied to all of the building" to "applied to all of the buildings" REASON: Incorrect transcription.

19012CHANGE: "we're not eligible" to "were not eligible"REASON: Incorrect transcription.

195 18 CHANGE: "how to best of connect them" to "how to best connect them" REASON: Incorrect transcription.

198 2 CHANGE: "There is a lot of units" to "There are a lot of units" REASON: Incorrect transcription.

201 20 CHANGE: "I started Legal" to "I started at Legal" REASON: Incorrect transcription.

202 12 CHANGE: "officials community board" to "officials and community board" REASON: Incorrect transcription.

205 20 CHANGE: "there no shelters" to "there are no shelters" REASON: Incorrect transcription.

211 9 CHANGE: "through our home-based program" to "through our Homebase program"

REASON: Incorrect transcription.

211 21 CHANGE: "It effective for all" to "It is effective for all" REASON: Incorrect transcription.

212 6 CHANGE: "landlord disputes might" to "landlord disputes that might" REASON: Clarify intent of sentence.

212 25 CHANGE: "describe the home-based program" to "describe the Homebase program"

REASON: Incorrect transcription.

213 5 CHANGE: "like Campa and" to "like CAMBA and" REASON: Incorrect transcription.

217 15 CHANGE: "which is connected back" to "which is connecting back" REASON: Incorrect transcription.

221 13 CHANGE: "to a question from back" to "to a question further back" REASON: Clarify intent of sentence.

224 12 CHANGE: "was made able to them" to "was made available to them" REASON: Incorrect transcription.

WITNESS' SIGNATURE

1-29-18 DATE

From:	Patchett, James <,	PII	PLAINTIFF'S
Sent:	June 10, 2014 12:39 PM		EXHIBIT NO.
то:	Been, Vicki (HPD)		289
Subject:	Re: Community preference		EFT 1/16/19
Sorry my fault, I	I'm standing in front of church publick.		
To: Patchett, Jar	cki [PII June 10, 2014 12:37 PM		·
Oops where are	you? I'm on the Bway side of ch		
Sent from my iP	Pad		
> On Jun 10, 20 >	14, at 12:26 PM, "Patchett, James" <	PII wrote:	
> Sorryhe's wo	orked up that we can't do more community pr	reference, much less that we might ha	ave to do less
 > Original 2 > From: Quart,I > Sent: Tuesday > To: Patchett, J 			
> Ok.			
> So I'm clear, r	meaning in the context of ongoing litigation?	He's worked up about the challenge	?
> David Quart > HPD			
> Tel: (PII			
> > >Original I	Message		
 > From: Patchel > Scnt: Tuesday > To: Been, Vio 	It, James [<u>mail</u> PII y, June 10, 2014 12:11 PM cki; Quart,David		
> Subject: Com >	munity preference	•	
	ogether a few quick bullets on the fair housin gine.	ig issues? Alicia mentioned this to the	ne Mayor, and he's extremely worked up,

Confidential

•

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From:

Patchett, James </O=

PII

Sent:June 12, 2014 7:09 AMTo:Glen, AliciaSubject:Re: Community Preferences

Fyi--She just isn't comfortable putting in email.

----- Original Message -----From: Glen, Alicia Sent: Thursday, June 12, 2014 07:08 AM To: Been, Vicki (HPD) Cc: Fink, Carolee; Patchett, James Subject: Community Preferences

Vicki - would be great if you could send a few bullets on this issue as it related to fair housing and any concerns you have re: HUD. The Mayor is really focused on having at least what we have, and if possible, even more, in a lot of our deals. Have really tried to manage expectations but would love a clearer sense of the issue and to know if Zach concurs/is posted. Thanks

From:	Melodie Bahan PII
Sent:	March 29, 2017 5:17 PM
To:	Bozorg, Leila (HPD);Braithwaite, Elaine
Cc:	Ariel Garcia;Will Law
Subject:	Artspace follow up
Attachments:	2_FAQ_PS109.2014.5.13.pdf, ArtistSelection.pdf, Artist Preference FAQ 6 2010 DCA
Comments.FINALC	HANGES.doc, ARTISTdefinition_DCA Comments.FINALCHANGES.doc, Artists Selection Process 4 9
14 DCA Comments	s.FINALCHANGES.doc

Dear Leila and Elaine,

è

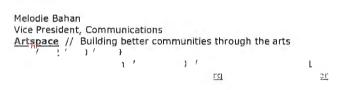
A belated thank you for taking the time to meet with us on the 15th. It was an informative meeting and we left feeling very optimistic about the possibilities for affordable artist space in the City.

Please let us know if there's anything we can do to help in your efforts, either at HPD or the Mayor's office.

I've attached some of the documents I have regarding the artist preference and the definition of artist. The Artist Selection PDF is one we use for all projects. All of the other docs are specific to PS109, although they accurately reflect our process nation-wide. These were the docs that were approved by all agencies and filed with HPD. Please let me know if you'd like more information.

Thank you again. Look forward to talking again.

Melodie





Confidential



Q: What is El Barrio's Artspace PS109?

A: PS109 will contain 90 units of affordable live/work housing for artists and their families, and 10,000 square feet of nonresidential space for arts and cultural organizations on the ground floor and lower tevel. It will serve the El Barrio community by creating permanently affordable housing in a neighborhood at risk of gentrification. To help the area retain its traditional Latino identity, Artspace will reserve at least 50% of the units for current El Barrio residents. More information is available at PS109.org.

Q: What is the definition of a "live/work" project?

A: A live/work project is a residential building in which each dwelling has extra space (100 to 150 square feet) that the artist can use as a studio. Live/work units by Artspace have consistent design elements, such as high ceilings, large windows, durable surfaces and wide doorways. These spaces are designed to accommodate and foster a variety of creative processes. Artspace live/work projects also include common spaces such as galleries, meeting rooms and green space that encourage tenant engagement, cooperation and community involvement. Most Artspace live/work projects are mixed-use buildings with housing on the upper floors and non-residential space on the lower floors.

O: How much does it cost to live in an Artspace project?

A: In setting our rents, we adhere to affordable housing guidelines established by the U.S. Department of Housing and Urban Development. HUD uses a formula based on the local area median income {AMI}, the degree of affordability of any given unit (expressed as a percentage of the AMI), the number of bedrooms in the unit, and the number of people in the household. While rents vary by community, our goal is to provide affordable space that is adequate for artists both to live and to work in their units. Artspace buildings provide live/work spaces that are larger than other affordable spaces and usually less expensive than other comparable spaces. And as part of our sustainability model, Artspace buildings remain affordable in perpetuity.

Q: What are the income qualifications for this project?

A: The income qualifications can be found on HPD's website. http://goo.gl/mD9aN

Q: Are these the guidelines for all projects every year?

A. No. The guidelines are set by HPD and change every year.

Q: Are there housing preferences to live at PS109?

A: Yes. The first applications processed must be those that meet one of the approved housing preferences:

- > Non-residents of New York City can only be considered after all eligible, current New York City residents have been processed.
- Community preference: To help the area retain its traditional Latino identity, Artspace will reserve at least 50% of the units for current El Barrio residents.
- > Disability preference
- > Municipal employee preference
- > Artist preference

Q: Do you have to be an artist to live in an Artspace live/work project?

A: Anyone who qualifies for affordable housing may apply for residency in an Artspace project, but we give preference to those applicants who participate in and are committed to the arts. Applicants need not derive their income from their art.

FREQUENTLY ASKED QUESTIONS

Q: How does Artspace determine who is an artist?

 $\hat{\mathbf{A}}$: We define the term "artist" broadly to encompass a wide variety of creative pursuits, including traditional art forms and those as diverse as clothing design, weaving and even canoe making. A community-based Selection Committee interviews all applicants. The committee looks for evidence that applicants are seriously committed to their art and that they will be mindful and positive contributors to the building and community. The application and qualification process does not include judgment of quality of work.

Q: Can I have roommates?

A: An applicant can apply with a roommate ONLY if they were roommates in the past.

Q: Can I be a full time student and head of household?

A: No. A full time student cannot be the head of household. Low-income units in the tax credit program are not to be occupied exclusively by students. For Low-Income housing tax credits, the IRS defines a "student" as a full-time student during five (5) calendar months of the calendar year at an educational institution, other than a correspondence school, with regular faculty and students.

Q: How big are the units?

A.: The studio, one bedroom, and two bedroom units range in average from approximately 480 square feet to approximately 980 square feet. Floor plans are available on the PS109.org website.

Q: Will there be community space available?

A: Yes. There is gallery/exhibition space available for residents.

$\mathbf{O}\colon \mathsf{Is}\xspace$ for rent?

A: There is space available for rent for non-profits and community organizations. There are two offices dedicated for non-profit organizations as well as flexible use space for community, arts and non-profit organization.

Q: When can I apply and when can I move in?

A: The applications are now available. Qualified applicants selected out of the lottery can move in Fall 2014.

Q: How do I apply?

A. Visit the leasing lab at www.ps109.org for instructions.

Q: When are applications due?

A: The deadline to submit your application is July 14, 2014.

Q: How do I get more information?

A.: Please sign up for property updates via the website, and visit www.PS109.org.

EL BARRIO'S OPERATION FIGHTBACK

El Barrio's Operation Fightback Inc., (EBOF), located in the Northern Manhatlan community of East Harlem, was founded in 1983 out of the struggles of tenants and community residents to secure decent affordable housing for neighborhood families in the glaring context of housing neglect, abandonment, arson, crime and drug proliferation.

Incorporated in 1986, El Barrio's Operation Fightback Inc. today focuses on the housing, economic development and social service needs of East Harlem's diverse and growing community. Additional information is available at **www.ebofb.org**.



America's Leader in Artist-Led Community Transformation

Artspace is the nation's leader in artist-led community transformation, with 35 projects in operation across the country and another dozen in development, representing a unique, \$600 million investment in America's arts infrastructure. Through its Consulting division, Artspace has brought its hardearned expertise to more than 300 cultural planning efforts from coast-to-coast. With headquarters in Minneapolis and offices in Los Angeles, New Orleans, New York, Seattle and Washington D.C., Artspace is America's leading developer of arts facilities. To date we have completed nearly 2,000 affordable live/work units for artists and their families as well as more than a million square feet of non-residential space for artists and arts organizations. Additional information is available at artspace org.

From:	Bederman, Eric (HPD)	PII	
Sent:	January 06, 2010 6:43 PM		
То:	Marshall, Catie (HPD);'Brent, Andrew'		
Cc:	Sewell, Alexandra (HPD);Coff, Katheryn;Cestero, Rafael (HPD);Flynn, Barbara (HPD);Rosenberg,		
Joseph (HPD);Walters, T	hehbia (HPD);Apple, Douglas (HPD);Jahr, Marc	;'Mathew Wambua';Clark, Carol (HPD);Nelson,	
Jessica (HPD);'Csanchez	@nychdc.com';'Ngarcia@nychdc.com';'rfroehl	ich@nychdc.com';Solis, Miriam (HPD)	
Subject:	HPD Wrap 1/6/10		

Dana Chivvis at AOL News is doing a story about homeownership in Harlem (most likely based on the NY Times piece yesterday). She asked for the overall homeownership rate in Harlem and the racial breakdown. We provided Census Bureau HVS stats that show a 10% homeownership rate with 66% of homeowners being Black. We put it in perspective by making the point that NYC is a city of renters and that 10% is not an indicator of a mass exodus or some other flight from the area. We hit some NHMP stats for Harlem and stressed our community preference when leasing up or selling affordableunits so that we keep the identity of neighborhoods intact.

Willow Belden at the Queens Courier is doing a story on the fire that destroyed 45-14 42nd Street, Queens. She wanted to know if HPD is helping to relocate any of the families. We told her that we are assisting 3 households (only 3 have requested assistance) and walked her through how the HPD Emergency Housing Response Team works and what the process is for temp and then permanent housing options.

Agnes Chung (NY1) is doing a story on apt# 2 at 746 E. 88 Street, Brooklyn. She claims that particular apartment hasn't had heat or hot water since November 15. We are looking into it – she doesn't need info until Friday.

We are working on setting a date for Manny Fernandez (NYT) to talk with Vito about the Hot Bunking issue.

Eric Bederman Press Secretary NYC Dept. of Housing Preservation & Development PII

www.nyc.gov/hpd

NYC councilwoman: It might be 'beneficial' to assign public housing by ethnic group | New York Post

METRO

NYC councilwoman: It might be 'beneficial' to assign public housing by ethnic group

By Michael Gartland

March 27, 2015 | 7:42am



Councilwoman Laurie Cumbo Photo: Brigitte Stelzer

A Brooklyn city councilwoman wants to know why "blocs" of Asians are living in two Fort Greene housing projects — and suggested it would be "beneficial" to assign housing by ethnic group.

"How is it that one specific ethnic group has had the opportunity to move into a development in large numbers?" Laurie Cumbo, who is black, said at a council hearing on public housing Thursday

The remark, on the Whitman and Ingersoll houses, drew criticism.

"She certainly could've chosen her words a bit more carefully," said Councilwoman Margaret Chin, a Chinese-American. "The fact is that

http://nypost.com/2015/03/27/nyc-councilwoman-it-might-be-beneficial-to-assign-public-housing-by-ethnic-group/

Page 1 of 2



Case 1:15-cv-05236-LTS-KHP Document 916-70 Filed 11/06/20 Page 2 of 2

NYC councilwoman: It might be 'beneficial' to assign public housing by ethnic group | New York Post

there are many Asian-American families ... who have applied to live in public housing."

Cumbo issued an apology, saying she only wanted to know if the New York City Housing Authority "uses a cultural preference priority component" in picking tenants.

NYCHA Chair Shola Olatoye said it did not, and noted its vacancy rate is less than 1 percent, making such an influx nearly impossible.

Still, Cumbo told The Post, "There could be some benefit to housing people by culture ... I think it needs to be discussed."

FILED UNDER FORT GREENE, LAURIE CUMBO

Recommended by



 From:
 DeLoach, Michael
 PII

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 PII

 Sent:
 December 16, 2016 5:21 PM

 To:
 Glen, Alicia;Patchett, James

 Subject:
 Fw: Baychester Square Meeting with CM King

 Attachments:
 Draft_Baychester Square King Presentation_12.16.16.pdf, Baychester_Council Land Use.pptx,

 Traffic Concerns Petition.pdf

 ∇

Another fun one

 From: Heimowitz, Andrew
 PII

 Sent: Friday, December 16, 2016 5:15 PM

 To: DeLoach, Michael; Lupo, Jon Paul; Kitasei, Yume

 Cc: Norvell, Wiley; Grace, Melissa

 Subject: Baychester Square Meeting with CM King

Flags from Baychester Square meeting on 12/16.

Baychester Square is a city disposition and rezoning in CM king's district. EDC is co-applicant on the rezoning and they'd like to certify soon.

Grid Properties and Gotham Organization won the EDC's RFP and plan on developing the site as a 400,000 sq ft mall with 178 senior affordable housing units. MIH will apply to the 100% affordable senior housing building. The other community benefit is a 4,000 square foot "business resource lab." Also, there might be some fitness facilities at the development.

The site is city owned and leased to the MTA under and currently the site is underused. The sales proceeds of \$30.5 million will be allocated to the MTA capital plan. The mall will be right next to I-95 and the hutch, so the developer anticipates that commuters will use the site. Also, developer mentioned that people from the Bronx who go to Westchester to shop will use the site.

It's pretty apparent that King doesn't like the plan as it stands. Although CM King doesn't totally oppose some kind of development at the site, he believes there's too much retail without enough community benefit in the plans. He also mentioned he would've preferred an office park there, but developer and EDC said the economics didn't work out there. CM king mentioned that he thought the development was geared to people outside of his community. He also took issues with the renderings in the presentation and mentioned that the people in the rendering weren't representative of people from the Bronx.

Also, CM King's office received a petition with 50,000 signatures from an organization called Speak Up for a Better Bronx. The petition argues that the development will lead to a lot of traffic congestion in the area. EDC says that Speak Up for A Better Bronx might be associated with the mall at Bay Plaza, which is right across the highway from the development site.

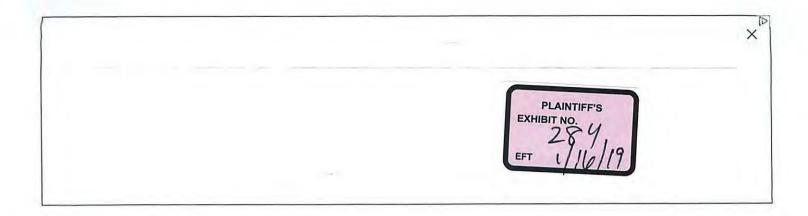
Apparently the developer met a year ago with CM King and the CM expressed similar concerns. At this meeting the CM said the developer was being unresponsive to his concerns. Also, didn't help that Drew Greenwald from Grid Properties presented and was pretty condescending about the CM's asks.

King's other comments/ concerns:

- CM King think 400,000 square feet of retail is too much and wants to see significant reductions in the amount of retail space
- Possible community facilities that CM King would want at the location: a school, a theatre, a spa (yes a spa), urgent care, a pharmacy, maybe open space
- Would like to see bus re-routing to the development
- Would like M/WBE and local hire to be used

l

• Wants community preference for the senior housing



METRO

Inwood residents say rezoning plan is an 'ethnic cleansing'

By Anna Sanders

July 21, 2018 | 4:09pm | Updated



Angel Chevrestt

Nestled next to the Harlem River at the tip of Manhattan, Inwood is on the brink of change.

7/25/2018

Case 1:15-cv-05236-LTS-KHP Document 916-72 Filed 11/06/20 Page 2 of 3

Once a refuge from the rest of the borough's unrelenting gentrification, a controversial city plan to reshape this enclave leaves locals wondering if they'll be pushed out of the community they love.

"I wish it would stay hidden," said Nayma Silver, a millennial who's lived in Inwood since her family moved there more than 20 years ago.

Silver's cherished memories include trick-or-treating at bodegas along Academy Street and Broadway, and volunteering to teach literacy at a McDonald's on Dyckman Street.

"The rezoning would change the feeling of the neighborhood," she said. "It wouldn't feel like a home."

The de Blasio administration is pushing to open new parts of leafy Inwood to residential construction, with the goal of encouraging 4,348 new housing units over the next 15 years. A portion of them would have to be "affordable."

The City Council is expected to approve the rezoning in early August.

But locals like Silver say the plan would drive up rents, force mom-and-pop shops to close and push longtime residents out. Fifty-three percent of the roughly 42,676 current residents are Dominican, with another 22 percent identifying as Latino from other backgrounds.

"It's an ethnic cleansing," said Lena Melendez, 53, of Northern Manhattan is Not for Sale, an anti-rezoning group.



Lena Melendez Angel Chevrestt

"We reject the notion that this is an ethnic cleansing," said James Patchett, president of the city's Economic Development Corporation. "I totally understand the concerns... But we can't do nothing because we're afraid."

Manhattan's Democratic Borough President Gale Brewer is among the plan's opponents, saying it needs more short-term benefits to locals. Her office estimated the rezoning could push out more than 150 independent family businesses, many owned by immigrants.

"Small businesses are already being forced out because commercial landlords are not renewing their leases in anticipation of the rezoning going through," said Karla Fisk of the Inwood Small Business Coalition. "It will result in mass displacement of people of color."

The fate of the rezoning rests on the neighborhood's Democratic councilman, Ydanis Rodriguez. When weighing land use issues, the City Council nearly always votes in line with the member repping the area affected.

Rodriguez told The Post that while he supports rezoning to revitalize Inwood and increase housing, "the plan definitely should go through some modification" before the vote. He'd like

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7/25/2018

Case 1:15-cv-05236-LTS-KHP. Occument 916772 an Filed 11/06/20 Page 3 of 3



Zandy Mangold

more of the community's concerns addressed, including disputes over use of public space, schools and the infrastructure needed to accommodate new residents.

The Inwood proposal comes in the wake of similar rezoning plans in East New York, Brooklyn, and the Bronx's Jerome Arenue Corridor, among other areas.

Silver wants the city to put a moratorium on all pending rezonings to see the long-term effects of plans already approved for other neighborhoods. She worries Spanish-speaking residents haven't gotten enough input.

"I feel like I'm being lied to," Silver said. "Let Inwood be Inwood."

FILED UNDER CITY COUNCIL, GENTRIFICATION, INWOOD, REZONING, ZONING

Recommended by

FY2012

PLANNING & ZONING

Community Board 6 recognizes the following needs:

Department of Buildings

- 1. Hire additional inspectors for timely response to complaints.
- 2. Review zoning code before permits are issued to insure that a planned development is allowed by the existing zoning.
- 3. Substantially increase penalties for violations so that they are meaningful.
- 4. Verify that payment for violations clear a bank before removing the violation.

Department of City Planning

- 1. All large scale developments, whether commercial or residential, need to be studied with respect to the electrical infrastructure to insure that the local electrical grid has sufficient capacity for the additional demand that will be created by the development.
- 2. All large scale developments, whether commercial or residential, need to be studied to insure that local streets and public transportation systems have sufficient capacity.
- 3. Large scale residential development will make demands upon the public school system. If such development is to be approved there must be sufficient capacity in the local schools.

PUBLIC SAFETY

POLICE

More than 95 percent of CB 6, traditionally a safe, low crime area, is served by the 112th Precinct which has one of the smallest patrol forces in the City. For this reason, the 112th Precinct should not be pulled to assist with events in Flushing Meadow Park, Citifield, and the U.S. Open. The principal public safety need in this Community District is, not surprisingly, for real increases in the size of our patrol force, for these reasons:

1 - A significant rise in population, the influx of new immigrants (many from totalitarian countries), and a substantial increase in ethnic/racial diversity have made policing in CB 6 more complex and time-consuming;

2 - Other demographic changes, particularly a great increase in teen/youth population, add burdens to the precinct's workload;

3 - The district's relative affluence continues to attract burglars, pickpockets, bank robbers and shoplifters;



4 - The 112 Pct. must also provide police services for many tens of thousands of nonresidents who enter our District daily - either to transfer (and often shop) at our three intermodal transit hubs along Queens Blvd. (at Union Turnpike, 71 Avenue, and 63 Road) - or to visit the upscale retail/entertainment area along Forest Hills' Austin Street or to access the Rego Park regional shopping center anchored by Sears, and the newly opened Rego Center Mall which includes Century 21 and Costco.

5 - Traffic safety remains an urgent focus of community concern, in view of the long history of pedestrian fatalities on Queens Blvd. An increasing number of motorists ignore the prohibition against use of hand-held cell phones while driving. Enforcement of this law, while difficult, is essential;

6 - Quality of Life complaints (some not within NYPD's purview) continue to be numerous in CB 6. Although precinct response appears to have improved since our last report, we fear that new and more urgent priorities for our limited patrol force will adversely impact on QOL response; and, finally -

7 - The urgent new counter-terrorism mission for NYPD, which requires extensive training time, assignment of officers to additional posts/duties within the precinct, and their detail for special situations elsewhere in the City, logically will affect performance in a small precinct more seriously than a larger one.

8 - Increase police enforcement near schools, particularly the new Metropolitan Avenue schools, and at all NYCHA Housing.

9 – Support for CB 6's Community Emergency Response Team.(CERT) In addition, a continued focus on the 112th Precinct Explorer's Program.

ADEQUATE STAFFING OF THE 112 PCT. IS OF OVERARCHING IMPORTANCE TO US.

Relations between most residents of CB 6 and the 112 Precinct have been, and continue to be, extremely good and this community has traditionally been very supportive of its precinct officers. Therefore, we request additional police staffing because of an increase in violent crimes, and we further ask that there not be a reduction in staffing because of Met games and other events at Citi Field.

Fire Department

As is well known, CB 6 is densely developed with high-rise and mid-rise multi-family structures, including several of the tallest residential buildings in Queens. CB6 has one engine and one ladder company in a single firehouse within its boundaries, and another on its border. FDNY deployments to structural fires within the district have customarily been satisfactorily prompt.

Increased routine or complaint follow-up inspections by FDNY are viewed as essential fire protection actions by this community. All demolition and construction projects,

particularly those undertaken by small contractors, in our densely developed district evoke neighborhood concerns and merit FDNY oversight.

Housing market demand has led to numerous illegal conversions of one- and two-family homes to multi-family or SRO's. We believe that participation by FDNY and its Fire Prevention Bureau, to the fullest extent possible under existing law, in the campaign to halt and reverse/remediate illegal conversions, would serve this community well.

PUBLIC TRANSPORTATION COMMITTEE

Forest Hills and Kew Gardens form a major transportation hub for New York City. Thousands of commuters pass through these two destinations on their way to or from other destinations. Several bus lines originate here, four subway lines stop here, and two LIRR stations are here, creating significant impacts for Community Board 6.

Given this intensity of ridership and intermodal usage, Queens Community Board 6 requires continual maintenance and investment in its transit infrastructure. The MTA is habitually short of critical capital funds needed to maintain and grow the system. And while the City is the greatest beneficiary of the MTA's services, it contributes little to its capital program (\pm /- \$50 million per year) relative to the services it receives and even less to the operations side of the MTA.

We therefore call on the City to provide a meaningful subsidy to the MTA, contingent upon the MTA living up to reasonable performance standards. These subsidies should assist in:

-Funding E/F skip stop service, with some trains originating in Forest Hills.

-Enhancing frequency and speed of express bus service.

- -Improved subway station maintenance, improved lighting, updated platforms and mezzanines at 71st Ave. station.
- -The creation of better bus shelters for the thousands of commuters who wait for buses in all weather.
- -The creation of a dedicated fund for transit capital projects.

SOCIAL SERVICES COMMITTEE

While CB 6 is considered a very stable and affluent area, there are numerous needs in the community not visible to the naked eye. We have one of the highest, if not the highest, concentration of senior population in New York City and probably in New York State. There also has been a large influx of immigrants of all ages. The confluence of these two with the usual problems of the general population create needs.

Seniors: The following needs for seniors have been identified:

- 1. Affordable health care, including dental and eye care
- 2. Affordable housing
- 3. Public safety and security
- 4. Accessible transportation both physically and affordable

- 5. Daycare services for homebound and elderly.
- 6. Affordable mental health services-also to be available to homebound
- 7. Affordable legal services
- 8. Recreation including library services for homebound

There are particularly 2 areas which require special attention in regard to senior services, social adult day care and the immigrant elderly population. The community consists of a significant number of older adults, the largest in Queens. Most are increasingly living lives largely independent of family members who live far away. They turn to their neighborhood based senior service for various assistance. Many are homebound, isolated and frail.

The social adult day program aims to keep at risk elderly in the community and avoid premature institutionalization. These people are unable to leave the house unescorted because of various serious disabilities. The program provides them with an opportunity to socialize with peers and creates a network of support to rely upon. The educational, recreational programs aim to stimulate their minds and bodies and enhance their self esteem.

For the families of the dementia population, social adult day care provides a respite for the family members, and more are needed. These programs have long waiting lists and are very under funded. There is increased demand for services for persons with early dementia as there are waiting lists for the programs for persons who suffer from middle and late stage dementia.

A population at risk is the large diverse (Asian, Russian, Pakistani, etc.) immigrant elderly population, many of whom have not yet been able to acquire the language skills needed to obtain citizenship and have, consequently, lost their benefits that are needed for everyday subsistence, including the ability to pay for shelter and food. As such, there is a tremendous increase in the need for classes teaching English as a second language, conversation groups, tutorials, civics instruction and case assistance. The task is phenomenal as for many learning a new language presents a very difficult undertaking in their senior years. Furthermore, the cultural and language barriers have created increased tensions in the community that are being addressed by the Queens Community House through dialogue groups. These programs are funded minimally through government dollars. Many rely on volunteers. The demand for services is huge and the waitlist, long and discouraging.

ADDITIONAL SOCIAL SERVICES:

<u>Health Concerns, Aids, Diabetes & TB:</u> CB 6 supports funding for enhanced education, service and treatment efforts as identified by the Department of Health and the Health and Hospital Corporation. We also support funding for the Aids Center of Queens County, a community service program serving the residents of Queens. Many of the non-senior population of CB 6 have long term illnesses that can also be life threatening such as cancer, multiple sclerosis, etc. These individuals need many of the same services

required by the senior population. They include but are not limited to:

- 1. Improved and timely transportation pertaining to the Access-A-Ride system.
- 2. Delivery of meals
- 3. Counseling services including for the homebound
- 4. Appropriate housing
- 5. Hospice services
- 6. Increased home care through Medicaid or Medicare
- 7. Recreation activities including library services for homebound
- 8. Translation services
- 9. Appropriate medications. (Many cannot afford their medications now)
- 10. Respite care for caregivers
- ll. Bereavement services for family

CB 6 encourages funding for research leading to an end to all life threatening diseases, particularly AIDS, Cancer, and Diabetes.

Affordable Day Care for Children - There has been a substantial increase in the number of two parent families in which both parents are working and the number of single parent families. As a result, there is a serious need for affordable daycare for children. This might be combined with senior day care. Intergenerational day care will benefit both young and old.

<u>Services to persons with disabilities</u>. There are a number of people in CB 6 who have some type of disability but could contribute in a more positive way with the appropriate services.

We have identified the following needs:

- I. Transportation
- 2. Accommodation in commercial areas, streets and sidewalks

<u>Domestic Violence</u> - CB 6 supports any program to educate with the aim of eliminating domestic violence. We also support any services which provide assistance to victims of domestic violence.

CULTURAL AFFAIRS

Many cultural organizations which serve the entire city are located in Community Board 6. There is an urgent need for these and other recognized cultural organizations. Permanent facilities for shows and performances, and tutorial and work shop spaces are very much needed also. Community Board 6 requests adequate funding for the Department of Cultural Affairs Expense Budget to help ensure the survival of local arts programs as well as of the many programs and institutions serving the borough as a whole. The residents of CB 6, as do all of Queens residents, deserve to continue to receive the level of cultural enrichment which these programs and institutions provide.

Local arts programs in CB 6 are also funded through DCA. The presence of such programs enriches the lives of all CB 6 residents. In addition, the Cultural Committee would like to support the local Chamber of Commerce (Jazz Thursdays) and local

organizations that want to enhance our community and promote tourist dollars.

ECONOMIC DEVELOPMENT

There is a need for programs to assist the commercial strips in Forest Hills-Rego Park to improve business and cope with the growing problem of vacancies.

Long term businesses are being forced out as a result of the poor economy and substantial rent increases. There should be tax incentives offered to help the small businesses in our community and in the outer boroughs.

LAW COMMITTEE

The Law Committee supports the Social Services Committee's request for affordable legal services for senior citizens.

TRANSPORTATION COMMITTEE

In terms of infrastructure adequacy, pedestrian and vehicular safety and resource allocation, transportation concerns impact Community District 6 in a variety of significant ways that require priority attention. The following items delineate the principal concerns in this area.

Queens Boulevard - This major artery provides vital transportation access for the entire borough while, at the same time, generating significant and chronic safety problems for both pedestrians and vehicles. During the past decade, CB 6 has worked closely and cooperatively with the NYC Department of Transportation (DOT) in crafting imaginative and effective strategies for promoting safety along those portions of Queens Boulevard that are situated within our district. While we have obviously not seen eye-to-eye with DOT on all items, we recognize that, as indicated by documented studies, these actions have had a measurably positive impact upon safety conditions. Looking ahead, the challenge remains to continue to enhance and refine these efforts to further serve the needs of CB 6 and anticipate the impact of new traffic demands. Chief among the latter is the additional traffic that will be generated by the immanent expansion of the Rego Park Mall, near 63rd Drive. We urge DOT to adopt the traffic mitigation recommendations that CB 6 recently proposed as part of our recent review of this item, in all events, DOT must continue to assign Queens Boulevard traffic safety its highest possible priority for the foreseeable future.

Woodhaven Boulevard - Due to the efforts of our Borough President and local elected officials, Capital funds have been allocated to develop and implement a traffic safety improvement plan for this major thoroughfare. CB 6 looks forward to working cooperatively with DOT in planning the development and implementation of this significant project. In approaching this item, it will be especially important to balance the legitimate needs of streamlining traffic flow with the vital safety concerns of the pedestrians and bicycle riders who access Woodhaven Boulevard. Particular attention

must be given to the enhancement of "green-light time" for those seeking to cross the boulevard; the development of cohesive and logical traffic markings that coincide with actual vehicular and pedestrian traffic flow; the implementation of clearly delineated and properly "lined up" crosswalks that are sensitive to the needs of the disabled; and the creation of safe and appropriate bicycle lanes. In addition, the impact of Woodhaven's traffic flow upon adjacent local streets and the adoption of possible mitigating measures should also be included within the scope of this project. We hope to initiate this planning process with DOT and the other affected community boards in the very near future.

Metropolitan Avenue – Over the years, increasing development upon "The Avenue" has significantly increased the degree and intensity of traffic flow and created problems for pedestrians as well as motorists. These trends will almost certainly further escalate once the new educational complex situated just east of the LIRR right-of-way – and a continuously expanding number of big-box commercial entities – becomes operational. To address this problem and proactively plan for future demands, DOT should initiate a Traffic Study encompassing, at the least, that portion of Metropolitan Ave. situated within the boundaries of CB 6. The study should also be coordinated with pertinent components of the Woodhaven Blvd. traffic study.

Union Turnpike - Both in terms of traffic congestion and velocity, this heavily utilized thoroughfare situated at the southern end of CB 6, which serves as a de facto alternate route to the Jackie Robinson Expressway, generates significant traffic safety concerns that require DOT's ongoing priority attention. Specifically, aggressive enforcement plus the installation of traffic barriers are needed to deter the speeding and reckless driving problems that chronically affect this area. In addition, pedestrian crosswalks need to be prominently highlighted and traffic signal "green-light time" increased at the local intersections to promote pedestrian safety. This particularly applies to the 71st Avenue intersection, which provides primary pedestrian access to a heavily utilized playground as well as the Stop and Shop Supermarket and serves as the point from which horses reach the Forest Park bridal path, via the horse lane that was previously created by DOT upon CB 6's recommendation. Finally, DOT, the Parks Department and the LIRR must ensure the proper lighting and maintenance of all pedestrian sidewalk and railroad bridge approaches leading to the Stop and Shop area.

Yellowstone Boulevard - As it cuts against the grain of the CB 6 street grid, Yellowstone Boulevard generates significant traffic volumes that traverse a frequently winding road and several complex street crossings involving multiple major thoroughfares. In particular, the intersections at Queens Boulevard, Austin Street (which is immediately adjacent to the 112^{th} Precinct and Russell Sage JHS), Selfridge Street and Woodhaven Boulevard present significant traffic circulation and pedestrian access issues that need to be addressed systematically. Beyond this, improved signage and highlighted crosswalks are needed in those areas where the street turns dimmish pedestrian visibility. In short, these factors make Yellowstone Boulevard a most appropriate candidate for traffic safety study that warrants the special attention of DOT. **Ongoing Infrastructure Needs** - It is essential that CB 6 receives its fair share of the street resurfacing and pothole repair budgets that provide essential preventive maintenance. In addition, DOT must ensure the proper maintenance and repair of the pedestrian bridges that, hi spanning the Long Island Expressway and Grand Central Parkway, provide safe and essential access to neighboring communities and Flushing Meadows-Corona Park. The same attention must also be provided to the tunnel that links Austin Street to neighboring Kew Gardens. The New York State Dept. of Transportation must also play its part in properly maintaining the Woodhaven Boulevard Bridge that spans the LIRR's Montauk Branch; the provision of proper lighting, security and sanitation to this bridge's pedestrian path is a particularly important ongoing need. Finally, adequate provision must be made for the prompt and appropriate replacement of all transportation related street signage when needed.

Maintaining Adequate Staffing - It goes without saying that, in order to properly perform its mission and, in particular, the responsibilities described above, the affected agencies of DOT must possess a level of staffing that, in terms of both numbers and ability, is equal to the task. CB 6 thus strongly supports the department's efforts to fully staff its positions.

PARKS COMMITTEE

<u>Forestry</u>: Pruning of all trees within CB 6, both in Parks and in residential areas as well as removal of all dead or infected trees as part of regularly scheduled maintenance. Additionally, replanting or new planting of shade trees within all Park areas.

Parks, Playgrounds & Recreation: CB6 requests continued and increased maintenance of all playground equipment including safety matting and also additional "sprinkler" apparatus for children. All local parks, vest pocket park areas, dog runs and playgrounds should be cleaned and maintained on a regular schedule and enhanced to provide maximum usage. Lost Battalion Hall is an essential part of the community and we support upgrading and improvement in all respects. Flushing Meadow & Willow Lake Park areas should be made available to residents along the south side of the Park area and enhanced with picnic tables, benches and access routes. Outreach through the Parks Dept. should be made to local business, Civic organizations and schools to "adopt" a Park or Vest Pocket to assist with planting, landscaping, clean up and also in monetary contributions. Whenever open land becomes available in high density areas, Parks Dept. should secure the property to provide a green space for residents.

SANITATION

Sanitation services continue to be a priority in both the residential and commercial areas of Community Board 6. In order to properly maintain the cleanliness level of CB6, we require:

- 1. Increased funding for litter basket pickups on commercial strips and a litter basket truck.
- 2. Fund regularly scheduled cleanup of medians.

- 3. Maintain weekly recycling.
- 4. Hire more \$anitation Enforcement agents.
- 5. Mechanical broom for the fall leaf season, a 10 yard alley truck, additional salt spreading equipment for the winter, and a graffiti power washer.

PUBLIC LIBRARIES

The libraries in Community Board 6 are heavily utilized by growing numbers of immigrants. It is essential that the libraries remain accessible to all people as an educational tool. Expansion of the Rego Park Library and weekend service to be permanently put in the budget.

EDUCATION

Community Board 6 looks forward to working closely with District 28 as well as with the two new schools being built on Metropolitan Avenue.

YOUTH SERVICES/EDUCATION COMMITTEE

CB 6 is characterized by large tracts of high density housing. All of its parks are less than one acre in size and are heavily utilized by local young people, parents with young children, and senior citizens. CB 6 has only one non-sectarian multi-service Settlement House providing comprehensive programming to local youth at little or no cost for services.

The community has undergone dramatic changes in its population over the past decade. With the breakup of the Soviet Union, a large and continuously growing influx of Russians and Georgians began arriving in the Forest Hills/Rego Park community five years ago. Even though the community has attracted Russian emigres for the past ten years, this is a new group with different experiences and in some instances, different cultural and family mores. In addition, over the last number of years an even newer group from the former Soviet block has arrived in our community - the Bukharian Jews. These families hail from the Central Asian republics of Tadjiskistan and Uzbekistan and trace their ancestry to Persia. These demographic changes are in concert with an influx of families from China and Korea as well as from the Caribbean and Central and South America starting in the mid 1980's. In addition, during this same period, the number of families from India, Pakistan, Thailand, Egypt, Iran, China, and Israel has also been on the rise.

The children of these newcomers struggle daily for acceptance by their peers in their new neighborhood. The teenage years tend to be difficult for all young people, but our immigrant youth carry the added burden of language and cultural barriers and are keenly aware of the disparities between their present lives and the lives their parents knew "at home". Constant work is needed to welcome these new young people to our community and to build harmony between them and the long-time residents.

Further recent developments in the community include the growth of single parent families, a rise in the number of working parents, an increase in the numbers of families receiving public assistance, and a rise in the numbers of youth "hanging out" in the streets, in schoolyards and in local parks. The latch key problem for elementary age children has grown as the adults in most families must work to make ends meet financially. Long waiting lists exist in local after school programs as existing resources do not begin to meet the growing need for these services. These children are increasingly vulnerable and must have the opportunity for supervised after school activities. Additionally, young people 14 and older need the opportunity for summer employment. Without jobs, our youth have no alternative to the streets.

The need for comprehensive youth service programs has risen appreciably as the Youth population has grown and become more diverse in its composition. For this community to maintain its stability and integrate newcomers into an already diverse environment, it is essential to maintain and expand the existing comprehensive youth services program that consists of street outreach, counseling, employment, recreation, and education, including English As A Second Language services, tutorial, and college and career options as well as after school youth development/literacy programs and summer day camp and inter-generational opportunities. Services need to be available afternoons, evenings, weekdays, weekends, and during the summer year round. There is a pressing need for leadership development activities which foster resilience, build skills and bring together youth of varied cultures.

Sage Junior High School 190 in Forest Hills has served as a site for a Beacon program funded by the NYC Department for Youth and Community Development since FY99. Beacons are community centers contracted to community-based organizations sited at local schools that offer an array of services for children and families afternoons, evenings, weekends, and summers. Through beacons, youth are offered positive youth development, educational, cultural and literacy programming, residents are involved (through an advisory council) around provision of service, and the community is strengthened through increased access to this community facility. Currently the Beacon, operated by Queens Community House, is serving only 2,000 community residents annually (DYCD requires that 1,200 be served each year). Because of the efforts to expand the programming at the beacon to serve not only the junior high population, but high school and elementary aged students, Community Board #6 supports an enhancement of its funding.

The libraries in Community Board 6 are heavily utilized by growing numbers of immigrants. It is essential that the libraries remain accessible to all people as an educational tool.

With the growing number of two working parent households, single parent families, and parents on public assistance facing welfare reform, child care continues to be a growing need of this community. Universal Pre-K, which mandates that by the year 2001 all 4 year old residents of New York State have access to a pre-k program, presents both a

blessing and a challenge to New York City Schools already overcrowded and communities where parents struggle to find child care services. In order for Universal Pre-K to be effective, greater *resources such as increased funding and availability of space must be allocated. Universal Pre-K presents opportunity for greater collaboration between the early childhood community and the Board of Education and this must be encouraged.

BEAUTIFICATION COMMITTEE

Community Board 6 has 4 major shopping strips and a combination of private houses, co-ops, condos, and rental apartments. The citizens are concerned with improving sanitation, graffit removal, beautifying the landscape, tending to the myriads of trees in the area, and keeping the parks in good condition. They are a source of recreation and a social meeting place for many groups of people in the summer and fall.

The Needs Statement for the Beautification Committee of Community Board 6 is as follows:

1. Pave berm areas under trestles to eliminate maintenance of weed growth, and to allow for cleaner, healthier, streets.

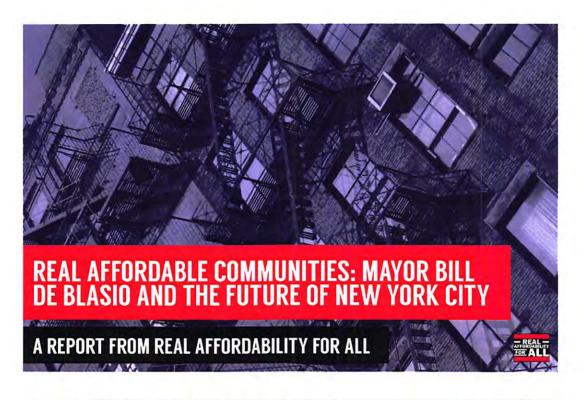
2. Have a unit within the MTA assigned to the <u>regular</u> removal of graffiti under the walls of railroad trestles.

3. Maintain on regular schedule the cleaning of the traffic medians on Queens Blvd. and Woodhaven Blvd., and beautifying them with colorful perennial plants, bushes or flowers.

CONSUMER AFFAIRS

Community Board 6 supports increasing the numbers of inspectors and the frequency of inspections for all licensees along with more community outreach by the Consumer Affairs Agency. There is also a major need for street vendor enforcement.

Need more community outreach by Consumer Affairs Agency.



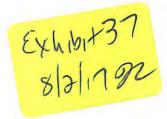
CONTEXT: THE AFFORDABILITY CRISIS IN DE BLASIO'S NEW YORK CITY AND THOSE Bloomberg Left Behind

Across the five boroughs, the affordability crisis is growing every day. Today, low- and moderate-income New Yorkers continue to be priced out of their neighborhoods. The incomes of countless New Yorkers are not increasing while rents keep rising. The growing gap between lower incomes and higher rents is making New York City increasingly unaffordable.

Indeed, a recent study released by *StreetEasy, The High Burden of Low Wages: How Renting Affordably in NYC is Impossible on Minimum Wage,* found that a New Yorker earning \$15 an hour could afford just one neighborhood: Throgs Neck in the Bronx.¹

"The extent to which rent growth has outpaced income growth in New York City means low-wage workers face three options: find several roommates to lower their personal rent burden, take on more than one job, or move out of New York City," the study finds.

According to a close analysis of the most recent Census dataⁱⁱ, Bloomberg's housing efforts generated a shortage of more than 400,000 affordable units for low-income New Yorkers. Low-income here is defined as a household earning less than 50% of Area Median Income (AMI). For a household of four, that means an approximate annual income of less than \$42,000. (In 2012 New York City area median income was \$83,600 for a family of four; the 2015 New York City area median income for a family of four is \$86,300).



To create an average of 60% of AMI, for example, a developer could build units at 40% and 80% or 30% and 90%. But the problem is that the city's Department of Housing, Preservation and Development (HPD) does not incentivize either the higher income units (80% and 90% of AMI) or the lower-income units in a real way that would allow for a financially feasible project with a mix of units for tenants at 40% or 30% of AMI.

Unfortunately, the most common funding source for building low-income units, The Federal Low Income Housing Tax Credit program (LIHTC), incentivizes apartments to be built at 60% of AMI. The city's Department of Housing, Preservation and Development (HPD) also requires developers to build a bulk of affordable apartments at 60% of AMI in an effort to maximize the use of limited subsidy dollars. Given these priorities and funding streams, it is very difficult to achieve deeper affordability without some additional direct city capital subsidy.

As new apartments at higher income levels are introduced into low-income areas, economic integration will only be created and maintained if current residents are able to stay in the neighborhoods that will be rezoned. But none of the three options for mandatory inclusionary zoning proposed by de Blasio will achieve this goal.

Bottom line: current residents in low-income communities of color will not be the beneficiaries of new housing required under mandatory inclusionary zoning. The same low-income people whose affordable housing needs were ignored by Bloomberg will continue to be ignored.

New so-called affordable housing will overwhelmingly go to wealthier, whiter outsiders – people who come from other neighborhoods. Instead of limiting gentrification and displacement, de Blasio's mandatory inclusionary zoning plan will likely accelerate them.

Bottom line: current residents in lowincome communities of color will not be the beneficiaries of new housing required under mandatory inclusionary zoning. The same lowincome people whose affordable housing needs were ignored by Bloomberg will continue to be ignored.

Race is an undeniable factor here and needs to be acknowledged: mandatory inclusionary zoning, as currently conceived by the de Blasio administration, will lead to the whitening of neighborhoods like East New York and the South Bronx that are scheduled to be rezoned.

Based on existing income levels, residents of color in East New York and the South Bronx will not gain access to new housing. It will be too expensive for them, unless their wages are increased substantially.

The local media is increasingly running stories about gentrification, land speculation, and higher real-estate prices coming to East New Yorkⁱⁱⁱ. The concern among longtime residents is that de Blasio's mandatory inclusionary zoning will exacerbate, rather than halt, these trends.

That brings us to another major deficiency of de Blasio's approach to tackling the affordability crisis: in his plan, there is no vision for job quality, even though the rezoning of neighborhoods will impact thousands of new jobs, and present opportunities to increase economic opportunity for the most vulnerable low-income residents and communities.

The lack of attention to job quality is even more disconcerting when you consider the recent evidence showing that even \$15 per hour isn't enough to make low-income neighborhoods affordable. Low-wage

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Mayor Bill de Blasio has espoused an agenda focused on ending racial and economic inequality, but New York is no exception to the national trend of segregation in housing. | Ed Reed/Mayoral Photography Office

50 years after Fair Housing Act, New York City still struggles with residential segregation

By SALLY GOLDENBERG | 04/23/2018 05:10 AM EDT

Fifty years after the United States enacted sweeping legislation to prohibit racial discrimination in accessing housing, New York remains a diverse but segregated city — a composition perpetuated by Mayor Bill de Blasio's housing plan, despite his goal of making the city more equitable.

Over the past five decades, cities across the country have struggled to implement housing policies that effectively integrate neighborhoods, placing high-performing schools, well-maintained parks and other valuable resources out of reach for black and Hispanic residents.

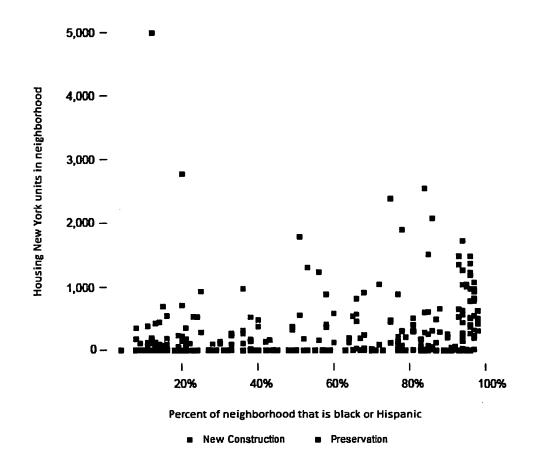
Since his first campaign for mayor, de Blasio has espoused an agenda focused on ending racial and economic inequality, but New York is no exception to the national trend of segregation in housing. City officials say policies the mayor has enacted will eventually reverse this pattern.

Roughly three-quarters of the 86,324 new and preserved housing units City Hall financed during his first term are in neighborhoods where the majority of residents are black or Hispanic, according to POLITICO's analysis of data made public by the city housing department.

Far fewer government-subsidized developments are planned for affluent, white neighborhoods as the mayor looks to build and preserve 300,000 homes over 12 years for low- and middle-income residents to combat a shortage of affordable housing.

The rate is about the same for new construction and preservation of existing, below-market-rate apartments.

More housing units in neighborhoods with more black and Hispanic residents



Source: NYC Department of Housing Preservation and Development; U.S. Census Bureau American Community Survey Note: Housing analysis includes the 98.6 percent of units with neighborhood information By: Brendan Cheney

The city does not publicize statistics showing the racial breakdown of tenants inhabiting the apartments it finances. But income and race are closely correlated, though segregation is largely avoided in the public discourse.

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"When you are talking about racism and racial biases, it's a hard conversation. People don't tend do all that well in those conversations in my experience. ... I think the tragedies of our country's racial history are hard for people to talk about," Vicki Been, who served as de Blasio's housing commissioner for three years, said during a deposition last summer over a legal challenge to the city's housing lottery.

The lawsuit, which the city is fighting, argues the lottery exacerbates segregation by giving preference for available apartments to existing residents of the surrounding neighborhood. During the deposition, the plaintiffs' attorney asked Been about her choice to discuss income and diversity instead of segregation when advocating for the city's plan.

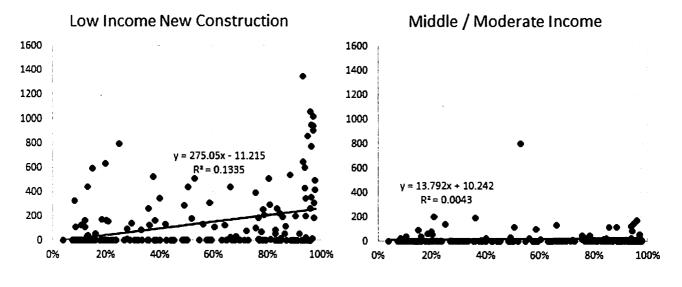
"If I was trying to convince a community that they should do whatever it is, I would at least begin with ... 'We want diverse communities. Diverse communities are important to the city," Been said, according to a transcript. "I

would go there before I would say, 'You're racially segregated.' It's just a tactic, a question of tactics."

De Blasio's plan finances housing for a range of incomes, from people who are destitute to those making more than \$120,000 a year. The data show that a higher concentration of homes for people of lower incomes are being built in black and Hispanic neighborhoods, while the apartments targeted for renters with more money are fairly evenly distributed throughout the city.

Different pattern for different incomes

Lower income new construction units more often in black and Hispanic neighborhoods, while moderate and middle income units are fairly evenly distributed



Source: NYC Department of Housing Preservation and Development; U.S. Census Bureau American Community Survey Note: Housing analysis includes the 98.6 percent of units with neighborhood information By: Brendan Cheney **POLITICO**NEW YORK

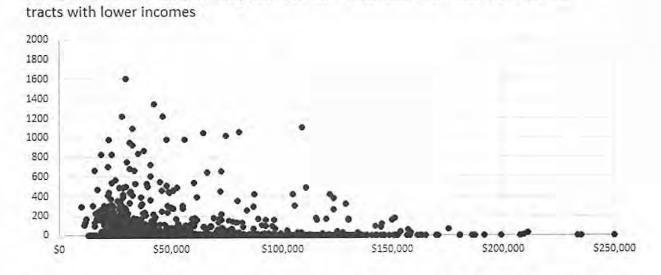
La Central, one of the largest projects in the plan, comprises three buildings with 657 apartments that will be primarily rented to tenants earning no more than 80 percent of the area median income, or \$75,000 for a three-person household. The South Bronx neighborhood where it is being built is almost entirely black or Hispanic.

"New York City rightfully takes great pride in its diversity. However, fifty years after the Fair Housing Act of 1968 (passed one week after Martin Luther King Jr. was killed), our city remains more segregated than most metropolitan areas in the United States," City Council Member Brad Lander wrote in a recent report that recommends policy changes to integrate New York's neighborhoods and schools.

As some cities became more racially blended in recent decades, New York City remained unchanged. Currently 81.6 percent of white or black New Yorkers would have to move to a new neighborhood to achieve a more equal racial distribution, according to the report.

"Segregation is corrosive," Lander said in an interview. "It is bad for our city. It is bad for opportunity for lowincome families. It is bad for integrat[ing] schools. It is bad for connections to opportunity. It's also bad for democracy." His report recommended the city build more low-cost housing in neighborhoods that are predominantly white and wealthier, something he is hoping to achieve through a proposed rezoning of a section in Gowanus, Brooklyn, which he represents. The de Blasio administration has required at least one-quarter of the housing built through a rezoning be reserved for low- and moderate-income homes.

Many ingredients go into keeping a city segregated: land costs, local politics and the lingering effects of decades-old policies of discrimination. Today's debate over segregation, amplified by the 50th anniversary of the Fair Housing Act this month, comes at a time when cities that were once deserted are increasingly popular and areas once accessible to families with limited incomes have lured wealthy residents.



More subsidized housing in lower income neighborhoods

Bill de Blasio's affordable housing plan has more units built and preserved in census

Source: NYC Department of Housing Preservation and Development; U.S. Census Bureau American Community Survey Note: Housing analysis includes the 98.6 percent of units with neighborhood information By: Brendan Cheney

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City officials say policies de Blasio put in place will integrate neighborhoods in the coming years by requiring affordable housing within market-rate buildings.

In 2016, the city enacted a mandate that a portion of most residential development in areas zoned for more density be reserved for rent-restricted housing. The policy, known as Mandatory Inclusionary Housing, is intended to ensure affordable homes are built in wealthier areas.

The city has also rezoned four neighborhoods to encourage more development and trigger the use of the policy. But so far they have selected poor areas with largely black and Hispanic populations: East New York, East Harlem, Downtown Far Rockaway and the South Bronx.

At least two wealthier, whiter neighborhoods are being considered - Gowanus and Long Island City.

City officials said they picked neighborhoods that had the capacity for more density and access to mass transit and needed public investment. They also continued plans underway before de Blasio took office, like rezoning East New York.

"I just want to recognize a common theme in regards to the rezonings happening in these neighborhoods. They're happening in predominantly black and brown districts, low-income districts," Brooklyn Council Member Antonio Reynoso said during a recent public hearing on the city budget.

He said the Department of City Planning "has more of a piecemeal approach of going into poor neighborhoods and looking to rezone them in an effort to address their housing issue."

In response, City Planning Director Marisa Lago told him private applications for rezonings are "chipping away" at evening out the disparity.

"There's always some exceptions, but the main goal of the rezonings is to maximize affordable housing," de Blasio said during a press conference earlier this year. "The opportunities to create more affordable housing have been first and foremost in some communities that have been underbuilt for a variety of reasons.

"Another thing that the rezonings address is we need more housing of every kind," he added. "Affordable first and foremost, but we need market rental housing as well. So we look for where is the opportunity to make the biggest impact."

Reforms the mayor pushed to the property tax break formerly known as 421-a now require more low- and middleincome housing in market-rate buildings and eliminate the tax benefit for condo development. The previous affordable housing mandate omitted wide swaths of the city.

"When we look back on the housing that gets built between 2010 and 2020, you're going to see a lot more affordable housing in higher-opportunity areas because of inclusionary [housing] and because of 421-a," Been, now a professor and faculty director at the NYU Furman Center, said in a recent interview.

Development that relies on city subsidies instead of these incentive plans is clustered in poorer areas because of high land costs that are weighed against the goal of building a vast amount of housing, she said.

"Is the one apartment in the high-opportunity neighborhood worth more than two or three apartments in the neighborhoods with less opportunity? That's where the hard questions really start to drive you crazy," said Been, who is writing a book about gentrification and racial segregation with Carl Weisbrod, de Blasio's former City Planning director.

About two-thirds of the mayor's plan is being achieved through preserving existing affordable housing. Much of that was built during the Ed Koch mayoralty, when crime was high, people were moving to the suburbs, and the city was trying to fix dilapidated apartments that it was managing as a landlord before selling them to non-profits. Many deals ensuring the affordability of those homes were expiring when de Blasio became mayor, so his housing team put capital into renewing them.

In the face of the federal government's reversal of an Obama-era mandate that localities improve their approaches to integration, the de Blasio administration launched its own voluntary self-assessment last month.

All the current and former city officials, housing experts and politicians POLITICO interviewed agreed that until now, little adherence has been paid by any mayor, including de Blasio, to the Fair Housing Act.

Deputy Mayor for Housing and Economic Development Alicia Glen said as much during a deposition over the housing lottery lawsuit last year.

"I am not an expert on what the definition is, but I am aware that there are patterns of racial segregation in New York City," she said. Asked if the city has a plan to end residential racial segregation, she replied, "Not that I'm aware of," according to a partial copy the transcript.

One person who worked on the housing plan and would only speak on background said de Blasio was singularly focused on building more affordable housing and integration did not factor into the strategy.

"The mayor came in and said, 'We have a huge affordable housing crisis. I just want to build. Just build. Just get as many units as you possibly can get. People are suffering. I want more housing for people and affordable housing,' and I think that's what his focus was, and it was totally understandable," the person said.

The housing policy, which is costing the city \$13.5 billion, has generated much debate about race, income and housing.

De Blasio and his team believe that, left to market forces, poor neighborhoods will become too expensive when the inevitable tide of gentrification washes on their shores. Because taxpayer money is finite and developers need private financial backers, the new housing includes market-rate apartments that are meant to bring in necessary revenue.

Those arguments have failed to win over New Yorkers on both ends of the economic spectrum. Poor residents often argue the new market-rate homes — and some of the subsidized housing targeted toward middle-income tenants — are out of their reach. In wealthier neighborhoods, New Yorkers are often wary of new development and focus their opposition on building heights and lack of accompanying infrastructure.

"One of the major challenges that we deal with on a daily basis is community opposition to projects," Molly Park, a deputy commissioner at the city housing department, said in a recent interview.

"It comes across the board. It is couched in a lot of things: people's concern about parking, people's concern about density and light and open space," Park said. "There's a lot of things that I really see as code words for 'I don't want other people in my neighborhood.' And that is a hand-to-hand combat on unfortunately a lot of these projects."

An affordable housing development planned for Sunnyside, Queens, historically an Irish enclave, was turned down amid pushback from neighboring residents. Residents resisted a rezoning for a high-end housing project in the wealthy enclave of Cobble Hill, Brooklyn, which would have included some affordable housing — albeit half of it off-site. The developer is now building exclusively luxury condos.

And opponents successfully fought the inclusion of market-rate condos in a redevelopment of the Bedford-Union Armory in Crown Heights, Brooklyn, arguing they would give way to a higher-cost neighborhood than longtime residents could afford.

Another lawsuit over development in the Broadway Triangle, which abuts black, Hispanic and Orthodox Jewish communities, is seeking to require the developers present a plan for racial integration.

The citywide debate comes as the federal housing agency, under President Donald Trump, stalled an Obama-era requirement that jurisdictions take steps to better adhere to the Fair Housing Act if they receive federal funds. The de Blasio administration has opted to continue its self-review through an analysis titled "Where We Live NYC," which it expects to complete next year.

"While New York City feels diverse because so many different people live, work and interact in so many ways, the reality is that residential integration remains challenging," housing department deputy commissioner Matt Murphy said in a recent interview. "Our housing plan includes multiple strategies to help keep and build economically diverse neighborhoods."

Research, analysis and graphics by Brendan Cheney.

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To:	Hon, Bill de Blasio, Mayor
From:	Ron Shiffman, FAICP, Hon. NYS AIA, Professor Emeritus, Pratt Institute
Re:	Housing Affordability and Anti-Displacement Strategies

Neighborhoods throughout New York City are experiencing a severe shortage of housing for very-low, low- and moderate-income individuals and families, dramatic increases in rent, increased harassment of tenants, and homeowners and business owners being solicited to sell their properties, some by unscrupulous speculators. This has led to increased land and housing costs and real and perceived fear of displacement of people and jobs and a loss of community identity. It is compounded by the fact that while housing and real estate costs have increased dramatically, wages and wealth creation for many New Yorkers have remained stagnant.

If left unaddressed this situation will continue to plague the city. No action is not an option. The Mayor's proposals for affordable housing have opened the door for addressing this complex and critical issue. Many of the progressive community-based-development groups, environmental justice and community-economic development advocates and leaders of front-line communities that have over the years played a key role in the stabilization and revitalization of their neighborhoods are ready to partner with the Mayor to address these complex issues, which have arisen, in part, due to the success of their efforts. However, in order to do so I believe the following proposals should be considered, adopted and woven into a holistic and integrated programmatic initiative.

Important to state that the Office of Neighborhood Strategies is judged speaking with various coalitious to build productive partnerships that move from being critical to joint problem-solving. Our immediate plan is to establish regular meetings with the coalitions in various neighborhoods that will include intermediary organizations like Pratt and ANHD, to identify key issues and deploy resources. Our objective is to tap the tools and strategies that both government has available, as well as the connections in communities that CBO's have.

1. Aggressive Anti-Displacement, Anti-Speculation Initiatives

Develop a strong and aggressive citywide anti-displacement and anti-gentrification program focused on people and jobs. This would include establishment of a non-solicitation order directing real-estate agents to stop making offers to homeowners, small business owners and manufacturers who have not initiated or specifically expressed a "willingness or a desire" to sell. Such a law was enacted with bi-partisan support and signed into law by Governor Mario Cuomo in 1989. [http://openiurist.org/27/i3d/834]_Prior to that the Secretary of State had issued "cease-and-desist" orders in which brokers were ordered to stop approaching homeowners in designated areas. The Clinton Special District could serve as a potential model for this type of citywide effort.

2. Enhanced Legal Assistance, Tenant/Homeowner Advocacy and Organizing Efforts

Provide, as the Mayor has proposed, legal assistance to tenants, property owners, and small business owners so that they can have access to legal representation if they have been harassed or victimized in any way by

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landlords or by real estate speculators. This program should be expanded to include funding of community and tenant organizers, and other professionals needed to make such a program citywide and enforceable. Also included should be funds set aside to assist homeowners by providing them with foreclosure counseling.

3. Enhanced Data Base of Perpetrators of Violations, Harassment and Speculation

Coupled with 1 and 2 above, develop and make publicly available an enhanced version of the Public Advocate's database -The Public Advocate's Worst Landlord's Watchlist - of both landlords with a history of harassment and realtors with a history of solicitation and speculation. The city should require that anyone doing business with or benefiting from any city action, including seeking of a building permit, certify that they have not engaged in speculation and/or harassment and HPD should review and approve those certifications prior to the applicant participating in or benefiting from the action. Violators should be subject to triple damages.

4. Community-Based Planning Should Precede Zoning

The City Planning Department should work with Community Boards, and community-based development organizations, environmental justice organizations and local community leaders to undertake identification of:

a. An intensive and expedited community-based planning process that could lead to identification of a local affordable housing preservation strategy, retention and enhancement of a community's commercial corridors and reinforcement of the area's cultural identity,

HPD plans to initiate preservation strategies during the early planning stages of neighborhood planning, in partnership with community organizations, legal services, and code enforcement. We are working closely with DCP and SBS to also identify ways to stabilize businesses in neighborhood commercial corridors so that they can be a part of the future in the community. For example, HPD is working with EDC to identify financial instruments and lease terms in HPO financed projects to create opportunities for small businesses. In addition, we have developed retail space design guidelines so that commercial spaces are flexible and right-sized for the types of businesses who want to locate or remain in the neighborhood.

b. Needed capital investments and/or infrastructure that could enhance the area's ability to retain and expand its supply of affordable housing. This should be coupled with efforts, described in the endnote, to identify new financial resources to target housing and community development assistance to those income groups most in need.

As part of the neighborhood planning process, DCP brings together various capital agencies to identify infrastructure needs to meet current and projected neighborhood needs.

- c. The social, economic and environmental improvements that would enable the area to accommodate an increase in population,
- d. Areas where low- and moderate-income housing could be built, under the existing zoning laws, and areas suitable to be rezoned at higher densities to meet the need of NYC's expanding population. Both the existing and rezoned areas would be subject to a mandatory inclusionary zoning requirement designed to address the local area's needs and citywide objectives. This would require defining levels of affordability based on the local area median income rather than on the SMSA, as is now the case.

Yes. That is how the rezoning and mandatory inclusionary housing program is being conceived.

 Manufacturing and commercial areas in need of protection to stem real estate speculation, the intrusion of non-manufacturing uses and the loss of jobs, which exacerbate economic disparities. Included would be aggressive policing of illegal conversions, elimination of loopholes that allow for

2

big box retail, hotels, and non-ancillary office incursions and other non-manufacturing, non-living wage job producing uses to proliferate. The city should explore the possibility of buying out the development rights of these property owners to assure preservation of the M zones and preservation of commercial corridors.

EDC works closely with DCP to identify manufacturing districts to maintain existing jobs where appropriate, and housing types in transitional zones. These are complicated design and planning solutions that EDC is leading and working to resolve. However, some areas where manufacturing uses have diminished and transportation networks are inadequate present new opportunities for other uses, such as mixed-uses and residential development with affordable housing.

5. Better Utilization of Community Based Developers and Organizations

Community partnerships need to survive past the rezoning process in order to be effective. To implement this, the city needs to much better utilize trusted, community-based organizations in the development process as well as the planning process. CDCs and other local nonprofit organizations should be given the right of first refusal to develop city-owned sites in the area if their proposed development meets the goals of the plan, and local organizations should be a required senior partner in all RFPs issued by the city. Permanent affordability and dedication to continual use in the public interest should be a prerequisite for receiving eity-owned land.

DCP, HPD and EDC secured a grant to hire a world-class consulting team to develop a transparent, clear, planning process to meaningfully engage people. Communities will have an understanding of how neighborhood plans will be develop through a collaborative process butwn the city and communities. We intend to rollout the planning process within the next month and we will include coalitions and intermediaries in the discussion.

The administration, working with the City Council, should strengthen tenant protection laws, reform the 421a program, adopt anti-speculation laws, such as the one proposed in San Francisco, and under consideration by the City Council. In addition, the imposition of a NYC "pied-a-terre residential tax" on units not occupied year round such as the one proposed by the Fiscal Policy Institute should be adopted. These taxes would provide disincentives for displacement and speculation while at the same time generate the revenues needed to mitigate the adverse affect that these actions have on the NYC real estate market and felt by NYC's poorest residents. It would also enable us to assure that improvements in low-income neighborhoods will allow for low-income residents to benefit from improvements rather than being displaced.

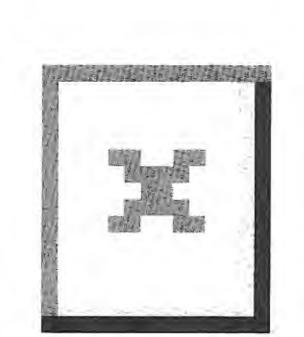
The ideas outlined above are meant to build upon and to enhance the ideas that you and your administration have proposed. Obviously some of the ideas herein differ in emphasis from those you have proposed but they are intended to achieve the objectives that you so eloquently put forward in your State of the City message. They encompass many of the ideas and comments that I have heard from those that have over the years organized and toiled to revitalize this city. They dared to develop and advocate for the changes that have reversed the decline that NYC faced in the 70s only to find that their constituents and their communities today face the specter of displacement because of the success of their efforts. With your support, I'd like to bring together a cross section of progressive housing and community organizations to meet with you to see if common ground could be achieved and, together with the city and the private development community, we could launch an effective program for affordability that benefits all New Yorkers and addresses the goal that you ran on: to eliminate the inequities that for too long have plagued our great city.

3

Case 1:15-cv-05236-LTS-KHP Document 916-77 Filed 11/06/20 Page 1 of 5

From:	Joe Marvilli (DC	CP) <,			PII				
Sent:	March 21, 2016	5 9:59 A	M						
To:	Carl Weisbrod	(DCP);P	urnima Kapu	ır (DCP);Dani	elle J. De(Cerbo (DC	P);Howard	Slatkin (DCP);Eric
Kober (DCP);Beth Lebov Cc:	Rachaele Rayno	Ruchal	la (DCP) P):Dara Goldi	perg (DCP):5a	mantha K	leinfield	(DCP):Nam	on Freen	nan (DCP)
Subject:	Met Council pr								, , ,
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Sent: Sunday, March 20), 2016 11:34 PM		3+			,	٣	e	
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Friend ---

Met Council along with 28 organizations are calling on the City Council to oppose the Mayor's Mandatory Inclusionary Housing (MIH) and Zoning for Quality and Affordability (ZQA) plan which they will be voting on this Tuesday (See statement below). We recognize there has been some improvement to the plan and that this would not have been possible without the pressure that the housing movement collectively brought to bear. It is a positive development that the Mayor has agreed to work with the Real Affordability for All Coalition (RAFA) to explore methods outside of MIH to reach 50% affordable housing and provide high road construction jobs. We must now hold the administration accountable to carry out the study that was promised.

However, the fact remains that 30% of New Yorkers earning less than \$25,000 (30% AMI) are still shut out of this MIH deal -- these are fast food workers, single mothers and seniors on fixed incomes. What's more, developers will be able to side step the changes negotiated by the City Council. The NEW option: 20% of units at 40% AMI (\$31,000) cannot be REQUIRED. It must be used in conjunction with other options and developers will be able to *choose* between the two -- guess which they will choose? It will surely not be the 40% AMI option.

We applaud Council Member Jumaane Williams for Voting NO last week in the Land Use Subcommittee, we hope other Council Members will do the same. We invite you to join us TUESDAY and to call you City Council Member <u>MONDAY</u>.

RALLY AND PRESS CONFERENCE

Demanding City Council Reject Mayor de Blasio's Gentrification Plan (MIH & ZQA)

TUESDAY, MARCH 22, 9AM - CITY HALL STEPS New Yorkers have rejected the Mayor's Housing Plan because it is NOT AFFORDABLE! Demand the City Council respect your voice and VOTE NO. Call Your City Council Member Ahead of Tuesday's vote. Find their phone number <u>here</u>

Joint Statement: Tenant-Power, Workers' Power, and People Power Groups:

"Stop the Mayor's Housing Plan! City Council, VOTE NO and Fight for a Real Victory!"

The undersigned organizations call on the City Council to oppose the Mayor's revised housing plan, currently slated for a March 22nd vote. We refuse to bankroll our own displacement; we refuse to subsidize non-union sweatshop construction; we demand a better world.

Despite recent revisions, Mandatory Inclusionary Housing (MIH) and Zoning for Quality and Affordability (ZQA) still rely on the same pro-developer and prolandlord economic logic that has pushed workers and people of color out of the city for decades. For two generations now, the City has told us that the only way to build housing we can afford is to sacrifice our blocks to new luxury housing—in order to get a few 'affordable' units. This tradeoff relies on sweetening the deal for rich developers, and has meant the City's 'affordable' housing plans always result in displacement and homelessness. This is a tradeoff New Yorkers have rejected, with the overwhelming majority of the city's Community Boards voting NO on both

We say it clearly now: City-driven neighborhood rezonings and affordable housing incentives are not about 'leveraging the private market to build affordable housing.' These rezonings and incentives are about the City creating luxury markets in neighborhoods where they don't currently exist. Under the Mayor's current plan:

MIH creates at least 70% market-rate housing under any scenario—housing that in many neighborhoods will rent for thousands of dollars a month.

 Because the two mandatory options under MIH mostly serve people at 60% AMI or above (\$51,800 a year for a family of four), it's important to think about who falls below 60% AMI. The answer? Over 40% of New York City households, the MAJORITY of Black and Latino households, and a MAJORITY of people in the neighborhoods the City is planning to rezone.

 The Mandatory Inclusionary Housing plan does not require any developers, anywhere to build more than 10% of new apartments at 40% AMI (about \$35,000 a year for a family of four). And even this income level leaves out the people in greatest need, including over a quarter of New York households who make less than \$25,000 a year (i.e. less than 30% AMI).
 This administration must do better than its predecessors. The fate of the working class and communities of color in New York City hang in the balance our bastions of East New York and the South Bronx cannot be lost. Our families and neighbors cannot be pushed out. We need a better world.

True community plans already exist—like the Chinatown Working Group's plan; like the Bronx Coalition for a Community Vision's plan; like the communitybased Coalition for Community Advancement plan in East New York and Cypress Hills. The City needs to listen to these communities. Long term community stability and sustainability is possible with real community-led planning. Instead of lobbying to renew the 421-a tax giveaway to developers, the mayor should be fighting to repeal vacancy deregulation—the 20% eviction bonus—and to close other loopholes in the rent laws. The tenant and labor movements' long-standing demands like new City public housing and increased funding for NYCHA have been excluded from the policy space for too long. So too have our demands for permanent, community-controlled low-income housing on community-controlled land. It is the City Council's responsibility to reject the Mayor's plan, so that true alternatives can emerge.

Signed:

Metropolitan Council on Housing Crown Heights Tenant Union Northwest Bronx Community and Clergy Coalition Families United for Racial and Economic Equality [FUREE] Mothers on the Move [MOM] Picture the Homeless Laundry Workers Center [LWC] Mirabal Sisters Community Center Good Old Lower East Side [GOLES] CAAAV: Organizing Asian Communities Riverside Edgecombe Neighborhood Association [RENA] Northern Manhattan Is Not For Sale North West Bushwick Community Group Committee to Protect Rent Controlled Tenants **Committee for Environmentally Sound Development** Concerned Citizens for Community-Based Planning East Harlem Preservation **Equality For Flatbush Queens Neighborhoods United** Artist Studio Affordability Project [ASAP] Occupy Wall Street [Occu-Evolve] & New York City Council Watch [NYCCwatch] **Cooper Square Committee People's Power Assemblies** Women's Fightback Network Moorehead + Lilly 2016 Presidential Campaign Inwood Advocates Coalition for Tenants Rights El Barrio Unite Gotham Greens **Tenants Political Action Committee**

Onward,

Ava Farkas Met Council on Housing

Met Council on Housing · 339 Lafayette St, Suite 301, New York, NY 10012, United States This email was sent to <u>press@planning.nyc.gov</u>. To stop receiving emails, <u>click here</u>.

From:	Rachaele Raynoff (DCP)	РП	
Sent:	November 09, 2015 9:57 AM		
То:	Howard Slatkin (DCP);Purnima Kapur	(DCP);Danielle J. DeCerbo (DCP)	
Subject:	Re: Can you find El Diario story on Ea	st Hariem?	
Attachments:	image001.jpg		

PH

As discussed. City Hall responses below.

On Nov 9, 2015, at 9:46 AM, Joe Marvilli (DCP) <

· wrote:

http://www.eldiariony.com/2015/11/06/residentes-de-east-harlem-protestan-contra-plan-de-rezonificacion/

East Harlem residents protest rezoning plan

Residents complain that the 'affordable housing' is far from their budget while still mayor says no plans

By: Joaquin Botero November 6, 2015

NEW YORK - East Harlem residents and members of the group Movement for Justice in El Barrio protested Friday noon at the corner of 116th Street and Lexington against plans to build housing waiting mayor advance in the sector. The City responded that no such plans yet.

The roughly 30 attendees questioned the possible **displacement of Hispanic** and low-income immigrant **community** to materialize the <u>possible rezoning</u> of the sector. 75% of new housing will have market prices, while the remaining 25% would be for families with ranges greater than these income. "It's not affordable housing if it is for people with annual salaries between \$ 46.620 and \$ 62.150 as proposed by the mayor "said Josefina Salazar.

Protesters also consider the possible change in the neighborhood and the arrival of residents with higher incomes lead to the inevitable cost of living as the pressure increases and <u>harassment with landlords seeking</u> to drive residents.

Mexican Juan Haro (35), leader of Movement for Justice in El Barrio criticized the plan of Mayor Bill de Blasio prioritizes luxury homes and "also the home will feel more empowered to harass residents and just get hard to continue to be recommended. That has already happened in the heart of Harlem, 125th Street; was a poor black neighborhood and change is now, "said Haro.

The leader said that the mayor has a plan that seeks to build private housing in some public parks around complex. "Bloomberg tried, but could not. We want, instead of rezoning plan, HPD (Housing Preservation & Development) to require landlords fulfill their obligations to make arrangements and renew."

"We have to preserve our beloved neighborhood and prevent it from becoming a goldmine for large corporations and a paradise for the rich. The poor and longtime residents are entitled to stay in the neighborhood, "said Salazar.

<image001.jpg>"We want El Barrio remains as it is, with his Puerto Rican community and Mexicans and Dominicans inmigantes" said the protesters. (Gerardo Romo / The Journal)

A spokesman for the Mayor wrote to the newspaper that the president of the Council Melissa Mark-Viverito leads an open effort and from the base to create a plan for East Harlem to protect and deliver affordable housing and investment resources the community needs. "We are creating the tools required to have affordable housing in this neighborhood and ensure that tenants are protected from harassment."

The mayor categorically said there still plans for the sector and that everything can still discuss at **meetings of Community Boards.** "In East New York plans to take advantage nine months compared with East Harlem and there will be a 50% affordable housing and huge subsidies for low-income people. Protests in East Harlem are political in nature and yet have no basis, "the spokesman added.

Worrying in advance?

Attendees s protest Friday are also concerned about the possible loss of the number of apartments rent stabilized and presented a 10-point plan for preserving them. "We showed that we have lived for many years in apartments where there are constant violations of housing codes as part of the eternal battle in which the owners just want us to move so we can renew and raise rents," said the Mexican Maria Moreno.

The Puerto Rican Leopoldo Garcia (63), who receives medical disability after being superintendent said living alone and with his income "could not hope to one such apartment built".

Mexican Manuel Tenango (38), resident of the neighborhood since 1995, said that "everything indicates that they want to get low-income people and that's not right. I also want to come late to large companies and that affects small traders like me."

JOE MARVILLI Press Officer NYC Department of City Planning 22 Reade St. - 2W, New York, NY 10007 Tel. PII www.nyc.gov/planning Follow us on Twitter @NYCPlanning

-----Original Message-----From: Rachaele Raynoff (DCP) Sent: Monday, November 09, 2015 9:31 AM To: Joe Marvilli (DCP) Subject: Can you find El Diario story on East Harlem?

Median ask

APA Conference: Crisis of Housing Affordability: Creating Housing Options and Stemming Displacement October 21, 2016, 9 to 10:15 a.m. Scandinavia House, 58 Park Avenue, New York, NY (between 37th & 38th Streets)

Panel:

- Vicki Been, Commissioner, New York City Department of Housing Preservation and Development
- Peter Kwong, Professor of Urban Affairs and Planning at Hunter College; Professor of Sociology at the Graduate Center of the City University of New York
- Brad Lander, New York City Council Member, District 39
- Pierina Ana Sanchez, Director, New York Regional Plan Association
- Jessica Yager, Executive Director, NYU Furman Center (moderator)

Presentation (<10 minutes-Furman Center gentrification analysis from 2015 State of the City report)

Introductions

Questions (50 minutes)

I'd like to take the neighborhood types from our gentrification report to use as the framing for our conversation today about addressing the city's housing needs.

Non-Gentrifying (or lower-cost neighborhoods)

While the fear of gentrification and displacement has spread to almost all (maybe all) neighborhoods in the city, there are still neighborhoods in New York City that are struggling—where there is still concentrated poverty, relatively high crime rates, poorer performing schools, and not much private investment in housing.

Vicki, how can housing policy improve neighborhood conditions – what can housing policy do on its own and how should it be used in conjunction with other policy levers to improve conditions in struggling neighborhoods?

First, by improving the housing stock already in the neighborhood, both through code enforcement and through preservation rehabs, we can improve the living conditions, health, and dignity of those who live there.

Second, by introducing mixed income housing – housing that has some apartments at AMIs that serve the neighborhood's current residents, as well as some that ensure a mix for the neighborhood – we can ensure that neighborhoods have the racial, ethnic, and economic diversity that research consistently shows is critical for thriving neighborhoods. Our buildings aim for a broad mix. We've tried to design all our programs, from 421-a, to MIH, to our subsidy programs, to ensure that a building serves people making extremely low incomes (less than \$19,000), and those making very low incomes (between

NYC 0014119

\$19,000 and \$25,400 for an individual). But those buildings also need to serve low and moderate incomes, because we hear constantly from people in neighborhoods concerned that their children come back from college earning higher incomes than the neighborhood's average, but have no housing to keep them in the neighborhood in which they grew up. And some of the buildings also need to serve middle income families, because those families are our teachers, our first responders, who also are having a hard time holding on to affordable housing in NYC, but are critical to our workforce, to our neighborhoods, and to the city's competitiveness. Those middle income apartments also may help to make the financing of the building possible.

Finally, housing policy can leverage so many other investments – our neighborhood plans, such as the plan for East NY, take a holistic view of the community, and seek to ensure that any investments in housing are accompanied by the schools, transit, parks, street improvements and other amenities needed to knit those homes into a vibrant community along with retail, job opportunities, and other critical support services their residents will need.

Peter, New York City has a long and successful tradition of using housing investments to revitalize neighborhoods. How can the city use housing investments improve conditions in a neighborhood rather than just further exacerbate existing economic isolation and concentration of poverty?

Brad/Plerina, many residents fear that public investment that results in improvements in neighborhood conditions runs the risk of raising rents to the point where long-time tenants can no longer afford to stay. How should hot housing market, and people's fear of displacement, affect how the city approaches its role in neighborhoods that are still struggling (does the approach need to be different than it was in the 1980s)? - All meet that still struggling (does the approach need to be different proposed to the start of the start of

Gentrifying Neighborhoods (or areas where rents are on the rise)

East Harlem and Chinatown are both in areas of the city that are "gentrifying" by our measure. And, Pierina and Peter have studied the changes that have been happening those neighborhoods. Both neighborhoods have seen dramatic increases in rent over the past 2 decades—almost more than any other neighborhoods in the city (40% increase is East Harlem and a 50% increase in the Lower East Side/Chinatown between 1990 and 2014).

Peter/Pierina, how should the city respond to the very large demand that exists for housing in these 2 neighborhoods (and other gentrifying parts of the city)? Do the solutions need to be local, citywide, regional?

All, of course another major concern in gentrifying areas is displacement of existing or long-term residents. What should the city's policy goal(s) be with respect to displacement—both direct

displacement (or involuntary moves) and secondary displacement (the ways in which neighborhood changes makes a neighborhood less accessible to long-time residents and their families)? Who should get to stay and when? What about the harms of keeping people in place (reinforcing

existing segregation; limiting mobility)?

[If others weigh in on those questions:] No one should be forced out of a home in which they have a right to stay, through harassment or other illegal attempts to de-regulate stabilized or controlled housing or to break existing leases. And we should make every effort to provide housing in every neighborhood for a range of incomes, so that even if someone cannot afford rent increases in their current apartment, they can move within the neighborhood if they so choose.

But those efforts have to be paired with efforts to ensure that people have places to move in other neighborhoods, if they so choose, so that you don't limit mobility and perpetuate any racial, ethnic, or economic segregation that exists in a neighborhood.

Vicki, Brad, does gentrification present an opportunity to lock-in affordable housing opportunities and economic diversity in neighborhoods as rents rise? If so, how can the city go about doing that?

Gentrification, by definition brings greater diversity to a neighborhood, at least in the short and medium runs. But to keep the neighborhood from segregating by race, ethnicity or income in the long run, as well as to protect current residents, it is critical to preserve the affordable housing that naturally or through regulation or subsidies exists in the neighborhood. We do that through pro-active outreach both to buildings that we've worked with in the past – to get them to extend affordability, and to ensure their financial and physical condition – and to buildings that are naturally occurring affordable housing, but may never have worked with subsidy programs in the past. Our green energy program, and our small building outreach, are examples of those kind of pro-active, strategic preservation.

We of course have to protect the rent-regulated stock, and improve and protect the public housing stock in those neighborhoods as well in order to ensure affordability and to ensure diversity. This is where partnerships across government scales (city, state, federal) are crucial. The City is not the only actor with leverage and interests here, and we're limited in our ability to preserve units that are not in our purview without those partners. It's crucial for the federal

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- better contry engagement - but has to be a Colywide conversation of computation

government to continue to fund and protect the public housing stock. The state, as we all know, controls rent stabilization and it's incredibly difficult for us as the city to protect that stock without their full engagement on the issues. We have been working with the state's TPU and the AG to ensure that rent regulated tenants are afforded the rights they are entitled to and protected from harassment, and to ensure that buildings that are required to have rent regulation in fact to do.

Peter/Pierina, the threats to the ethnic identity of neighborhoods is one of the key issues that comes up in debates around gentrification, including around Chinatown and East Harlem. What role is there for the city, if any, in protecting the ethnic identity of neighborhoods? What powers does the city have that can influence this?

Higher-Cost Neighborhoods

Brad, much of the district you represent falls into our "higher-income" category. But, of course, those areas aren't only occupied by affluent people. And, some of those areas have seen very large rent increases (Park Slope/Carroll Gardens up 47% 1990 to 2014). What are the housing needs in these areas and should the city's approach to housing planning differ in higher-cost areas vs lower-cost areas?

Vicki (and all), How should the city judge how much to invest to provide housing opportunities in higher-cost areas vs providing more people with assistance in lower-cost areas of the city? How much is it worth spending, and under what circumstances should the city prioritize that increased spending?

I don't really think we have much choice – the Affirmatively Furthering Fair Housing regulations implementing the Fair Housing Act envision that a local government provide affordable housing in "higher opportunity" neighborhoods, and that is likely to be interpreted to require that we take advantage of every reasonable chance to preserve affordability, and to create new affordable units, in those neighborhoods. We have done that by using land we have to provide mixed income buildings in those neighborhoods – our recent RFPs for land on the West Side of Manhattan, in Lolita; our joint efforts with NYCHA to develop mixed income housing on NYCHA campuses in wealthy neighborhoods, MIH, and our reforms of 421-a, all are designed to use the levers we have to secure new affordable housing. Our preservation efforts – Stuy Town and PCV – are good examples, also seek to preserve affordability in high opportunity neighborhoods.

We try to use our tax incentives and control over zoning to leverage the private market to provides affordable housing in high opportunity neighborhoods. That is more efficient than using tax credits or direct capital subsidies. But it certainly results in more resources being devoted to securing affordable housing in those t

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neighborhoods than we would pay to secure affordable housing in lower cost neighborhoods. No one has yet put a price on the value of fair housing, but it is the law, and it is certainly the policy of this administration to provide affordable housing in all neighborhoods, through whatever tools are most efficient.

Brad/Vicki, in higher-cost neighborhoods, just like in gentrifying neighborhoods, the city has faced opposition to added density and affordable housing development. Does that opposition and those discussions with communities differ in higher-cost vs lower-cost areas/how?

To be frank, the difference is that opposition in higher cost neighborhoods tends to be more organized and employ tactics not affordable to poorer neighborhoods. The Fair Share rules were meant to protect against unequal ability to organize against sitings, but they need to be rethought.

All, in all types of neighborhoods, there are times when citywide needs and local interests clash – how can the planning process help reach outcomes that work for both sides of these issues? Are there practical lessons from the community planning exercises that have happened recently in East Harlem, Chinatown, and Gowanus?

The lessons from MIH and ZQA are that the engagement process is messy and uncomfortable, but you can not get discouraged. In the end, you can't make everyone happy as needs/interests are sometimes contradictory, but through real engagement like we are doing with our playbook, we are getting some good feedback that make our proposals stronger?

Another great example is how in ENY at Dinsmore Chestnut, we had people from Communities from Change there to oppose us, but by inviting them in, and including them in the process, they came away understanding what it was that we are trying to accomplish, dispelling some of the myths and confusions, and bringing those individuals into a productive dialogue

All, Pierina, starting with you, what role can regional planning have in helping to address the city's housing crisis, and the broader housing needs of the region?

Questions from the Audience (15 minutes)

From: Sent: To: Subject: PURNIMA KAPUR February 14, 2015 5:12 PM CARL WEISBROD Re: Background for 230pm call

PII

Ok. We can do some research and also see what Maria's perspective is, but as you have noted this is less a zoning issue and has more to do with changing demographics as neighborhoods gentrify. I am glad that the Mayor agrees that this should be part of our neighborhood rezoning work and SBS will get the resources they need.

----- Original Message -----From: CARL WEISBROD Sent: Saturday, February 14, 2015 04:09 PM To: PURNIMA KAPUR Subject: RE: Background for 230pm call

Just got off the call with the Mayor. So, he agrees that this sort of focus should be on the neighborhoods we are rezoning (I said they would be especially important in East New York, East Harlem and Bay Street Landing). He wants to see what can be done for the Mom & Pops and uses that currently contribute to neighborhood character and cultural fabric of neighborhoods. He is intrigued by potential use of tax policy, economic help, technical assistance and the like, which is all to the good. But he also wants to know whether zoning can play a role. He asked how Gale's West Side rezoning to protect Mom & Pops was playing out. I said that it is probably too new, but I was skeptical (e.g. we can limit store size and type, but can't prevent a bodega from being replaced by an artisanal cheese store). I am generally skeptical about zoning as a tool here given that for the most part Mom & Pops are threatened by rising rents and changing neighborhood incomes - i.e. if we cushion gentrification we will also cushion the impact on local stores.

He would like us to research what, if anything, has been done around the country on protecting Mom & Pops through zoning and other tools. Perhaps we have done something on this already. If not, can we have an intern do some research? I told him we'd also loop in Maria (this conversation will almost certainly guarantee her the additional expense budget she is seeking). ULI National may also have some data on this.

-----Original Message-----From: PURNIMA KAPUR Sent: Saturday, February 14, 2015 1:56 PM To: WINSTON VON ENGEL; CARL WEISBROD Subject: Re: Background for 230pm call

Winston makes a really good point here- to the extent there is receptivity to doing this, we should try to keep the affordable housing growth component a strong part of this. It will otherwise be harder for is to convince communities of the need for upzonings.

----- Original Message -----From: WINSTON VON ENGEL Sent: Saturday, February 14, 2015 12:47 PM To: PURNIMA KAPUR: CARL WEISBROD Subject: RE: Background for 230pm call

I agree that elements of this might be good as a way of addressing gentrification and just general neighborhood well being (but much of its implementation is the task of other agencies). If this were to be announced as a City initiative, I would want it still to be couched in the context of producing additional affordable housing. As Purnima mentions, there are still opportunities for growth on selected site or blocs, including Greenpoint Hospital. I am wary of any such initiative being seen as an alternative to our Housing Plans by neighborhoods who do not want to accept growth (Prospect Lefferts Gardens comes to mind).

As far as I know the Green Light District is the idea of a Pratt graduate urban planning studio led by Ron Shiffman several years ago. They came up with this idea while studying the Southside with El Puente as their studio "client".

Overall, it's a good concept and we could be supportive where there is a land use role. But right now, we are stretched until at least ENY is in ULURP. And, after that, CMs Reynoso and Espinal (mostly Reynoso) want us to look at Bushwick...

From: PURNIMA KAPUR Sent: Saturday, February 14, 2015 12:28 PM To: CARL WEISBROD; WINSTON VON ENGEL Subject: Re: Background for 230pm call

None whatsoever. This should be something that Tony's office- or his designee leads. I was mentioning our new planning approach more as context rather than to suggest we take the lead here. However, if they figure out a broader framework for how to do this, elements of it could be helpful to us in our work.

----- Original Message -----From: CARL WEISBROD Sent: Saturday, February 14, 2015 12:19 PM To: PURNIMA KAPUR; WINSTON VON ENGEL Subject: RE: Background for 230pm call

Then I'm not sure what our role would be here, given our workload.

-----Original Message-----From: PURNIMA KAPUR Sent: Saturday, February 14, 2015 12:18 PM To: CARL WEISBROD; WINSTON VON ENGEL Subject: RE: Background for 230pm call

No- I don't think anyone would have an appetite for more density- or the battles between the various ethnic groups here (Latino, Hasidic in particular). We upzoned several of the wider corridors throughout Williamsburg and mapped voluntary IZ in 2009-10 as part of a comprehensive contextual rezoning- if we were doing it today, we would probably go higher. There are private sites that have approached us- including Pfizer sites next to Broadway Triangle.

From: CARL WEISBROD Sent: Saturday, February 14, 2015 12:04 PM To: PURNIMA KAPUR; WINSTON VON ENGEL Subject: RE: Background for 230pm call

But this wouldn't be one of our neighborhoods, would it? Are there housing prospects here?

-----Original Message-----From: PURNIMA KAPUR Sent: Saturday, February 14, 2015 12:01 PM To: CARL WEISBROD; WINSTON VON ENGEL Subject: RE: Background for 230pm call

A lot of what they are asking for would be done as part of our new Neighborhood planning initiatives, but the services they are asking for are DCP leads- this would require a concerted multi-agency effort- SBS, SCA, DOE, DOH to name a few.

From: CARL WEISBROD Sent: Saturday, February 14, 2015 11:53 AM To: PURNIMA KAPUR; WINSTON VON ENGEL Subject: FW: Background for 230pm call

Do you know anything about this El Puente initiative? It doesn't seem to me to be like a City Planning lead. More like SBS and/or EDC.

Your thoughts?

-----Original Message-----From: Carrion, Marco A. PII Sent: Saturday, February 14, 2015 11:49 AM To: CARL WEISBROD; Fuleihan, Dean (OMB); B Cc: Leopold, Elana Subject: Background for 230pm call

Below is information on the "Life Improvement District" to discuss on today's call 230PM call.

Background

About three years ago El Puente launched a ten-year initiative to complete the transformation of the Southside of Williamsburg from one of the poorest, most violent communities in America to an American neighborhood at the highest level of community and environmental wellness. Branded as the "Green Light District", El Puente's initiative focused a "Green Light" to call the traditional community forward in the face of gentrification-to help the indigenous community not only reclaim their neighborhood but believe in a vision for their continued development. El Puente's Green Light District (GLD) program today is organizing the schools (for the first time school principals serving the Southside community are meeting and actually working together to better their schools and better serve the interests of the neighborhood.

El Puente is retrofitting homes, is creating new green and open spaces, promoting the communities health and wellness and working to advance community merchants and other institutions. The GLD has created a support organization for indigenous artists and is bringing together community institutions such as churches and schools to form a cultural hub, focusing attention on the arts and culture of the indigenous community.

Life Improvement District (LID)

An equitable approach to city planning would require that city government provide programs and initiatives to support traditional and indigenous communities in the face of a large influx of newcomers from a different class, culture and color. "Gentrification" foments rising rents that wrench long time residents and merchants from their neighborhood. The city must provide new hope for long time merchants, institutions and residents to believe that these newcomers do not necessarily mean their demise.

The City could establish "Life Improvement Districts" in areas undergoing gentrification such as Bushwick, the Lower East Side, East Harlem, etc. These smaller zones would be eligible for a lowering of commercial taxes for those merchants serving the community for at least 10 years.

Bodegas and Latin restaurants are the lifeblood of Latino communities. Yet, given the higher rents that landlords impose in response to the opportunity that newcomers with a higher income present, many have to close down. In Williamsburg's Southside long time bodegas are now gournet deli's or French bistros.

The neighborhood would be eligible for focused municipal resources to raise the level of the schools; better the public parks where they exist and/or plant trees and create community gardens as well as to promote more community centered policing and support for greater social services. For example, food merchants responding to the likes and needs of newcomers provide more organic food and other items formerly not available to the indigenous community. But, given the low-income nature of many of those who reside in communities that are being gentrified, access to more quality food is most difficult. Help in securing food stamps would be a boost in that direction.

The Health and Hospitals Corporation could be induced to engage in this life improvement effort by providing snpport for health fairs that could screen and otherwise assess the health status of many members of the community and create or expand weekly Doctor visits to schools, senior and community centers creating mini diagnostic and referral clinics.

The City could provide anti-displacement resources, Including legal services, especially, for those being forced out of their homes. The Department of Cultural Affairs could focus grants to "Life Improvement Districts" to promote major arts and cultural projects that would validate the presence and contributions of the traditional community while inspiring residents to work together to improve the life of the

entire community. Of course, all these efforts must be integrated with a housing development plan that achieves an equitable diversity. Otherwise we are simply working at the margins and never truly arriving at just, equitable communities for poor, working and higher income residents

In summary, the City could create criteria by which communities could apply to become a Life Improvement District thereby making them eligible for a number of holistic resources that can truly begin to offset the negative aspects of development that unjustly creates barriers to the maintenance and participation of long time community residents.

Case 1:15-cv-05236-LTS-KHP Document 916-81 Filed 11/06/20 Page 1 of 1

From:	Purnima Kapur (DCP)	PII
Sent: To: Subject: Attachments:	November 06, 2015 8:57 PM Howard Slatkin (DCP) Fwd: next rezoning areas New Neighborhood Criteria - 10-5-15.pdf, ATT00	001.htm

This is what we received from Vicki a while ago. I am sorry I thought you had seen this. Carl and I told them that we have our own thoughts and a list of the next round of rezoning areas- hence the meeting.

Essentially Daniel is trying to make us follow his analytic framework on how to "pick" and "justify" the next rezoning areas. This is almost impossible for us to do for a number of reasons not the least of which is politics.

Sent from my iPhone		
Begin forwarded message:		
From: "Been, Vicki (HPD)" Date: October 19, 2015 at 11:5 To: "Carl Weisbrod (DCP)" PII <u>J</u> Subject: next rezoning areas	4:05 AM EDT PII .	, "Purnima Kapur (DCP)"
Carl and Purnima,		

I asked my team to think about the next rezoning areas from the standpoint of affordable housing, so that we could be helpful as you decide what to announce next. I've attached a memo they did laying out some recommendations. Would it be helpful to get our teams together, perhaps with NYCHA and EDC, to talk through the next neighborhoods?

Thanks, Vicki

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	Kawitzky, Simon (HPD) PII	
Sent:	September 20, 20	16 11:36 AM	
To:		(HPD);Hernandez, Daniel (HPD)	
Subject:		s withdraws controversial rezoning application in Queens	
Sorry to hear abo	ut this one guys. I know y	you put a lot of effort into it at the 11 th hour. Really frustrating.	
From: Straughte	, Perris (HPD) eptember 20, 2016 11:24		n (and that) - (et
	aniel (HPD); Kawitzky, Si		
		ontroversial rezoning application in Queens	
		nd especially for Queens and Staten Island, something that is likely to happe	
		the sanctity of parking. I wonder if we can be more proactive about buildin	-
		re is a specific proposal from a developer. Would love to think more about	this
with you two and	how we can stretch to d	lo more outreach ahead of time. Let me know. Thanks.	
From: Hernande	, Daniel (HPD)		servera, solangij
	eptember 20, 2016 11:00	0 AM	
To: ONS	and the second		
Subject: FW: Ph	pps Houses withdraws of	ontroversial rezoning application in Queens	
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	ومماجر وتراميا ومحمد الأوسيني	and dans wat had a wall for addressing the situ/s offendable boucits satisf	
		and does not bode well for addressing the city's affordable housing crisis.	hood
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(HPD)"PII v_{2} , "Davis-Merchant, Terri (HPD)"PII>, "Katz,Jessica (HPD)"PII v_{2} Cc: "Bozorg, Leila (HPD)"PII \cdot , "Enderlin, Eric (HPD)"PII>Subject: RE: Phipps Houses withdraws controversial rezoning application in Queens>

And this is the email posted on the local Sunnyside mom list serve - Herbert Reynolds was one of the main forces behind the Sunnyside landmark push:

From: Herbert and/or Liz Reynolds PII J Sent: Monday, September 19, 2016 2:10 PM To: undisclosed-recipients: Subject: BREAKING NEWS - Phipps withdraws in defeat

Neighbors! Friends! Community advocates & Preservationists! Councilman Van Bramer's office has just reported to us that Phipps has withdrawn its application to re-zone and build a 100-foot tower on Barnett Avenue adjacent to the Sunnyside Gardens Historic District.

No hearing tomorrow at City Hall- no need to cancel plans or take time off from work.

We have won, thanks in particular to the long-standing opposition of Councilman Van Bramer and the growing realization around the City of widespread community opposition. There were upward of 100 of you ready to attend the public hearing tomorrow— one for every foot of this excessively high building in our neighborhood of human scale.

Please forward this e-mail to all your contacts, so nobody will be inconvenienced by going to City Hall tomorrow.

May this victory bode well for neighbors across the City.

Thanks to you ali, Sunnyside (and Woodside) are Sunny once again. Herb Reynolds www.SunnysideGarden<u>s.us</u> (where we need to update our article on this issue)

Sent Via HPD Mobile Device ------- Original message -------From: POLITICO New York <<u>states-alert@politico.com</u>> Date: 9/19/16 3:10 PM (GMT-05:00) To: "Quart, David (HPD)" PII Subject: Phipps Houses withdraws controversial rezoning application in Queens

Phipps Houses withdraws controversial rezoning application in Queens

By Sally Goldenberg and Gloria Pazmino

09/19/2016 03:06 PM EDT

The developer behind a controversial affordable housing project in Queens has agreed to pull its rezoning application from the City Council after months of intense community opposition, multiple sources confirmed to POLITICO New York.

The decision by Phipps Houses marks the second high-profile loss in as many months for Mayor Bill de Blasio, who is pursuing an aggressive plan to expand below-market-rate housing in the five boroughs.

The councilman who represents the area, Jimmy Van Bramer, has said he would <u>vote down</u> the project if it came to the full Council for a vote this month. The legally mandated timeline for a rezoning approval ends at the end of September.

"The application is being withdrawn and we respect their decision," a spokesman for Council Speaker Melissa Mark-Viverito told POLITICO New York.

Van Bramer did not immediately respond to request for comment. A spokesperson for de Blasio did not return a request for comment.

The Phipps application would have allowed for the rezoning of two blocks of Barnett Avenue, adjacent to Long Island Rail Road tracks, in order to build a 209-unit, seven-story apartment building in the Sunnyside section of Queens. The project would have also included a 200-space parking lot and a 4,000 square-foot community facility.

A spokesman for the Phipps Houses declined to comment.

Van Bramer came out against the project several months ago, citing community opposition and the height of the project, which he said would be out of character with other buildings around the neighborhood.

He also said residents of another Phipps development across the street are unhappy with the developer's maintenance of their complex. Phipps recent met with those tenants to hear their concerns.

Van Bramer's opposition came even as the proposal was green-lighted by the City Planning Commission and led to a public back and forth between the councilman and de Blasio, who pushed the project as part of his plan to build more affordable housing apartments in the city.

The rezoning application comes a month after the Council voted down a residential zoning application in Inwood after the community and local councilman opposed it.

The Council did approve a large rezoning for a 992-unit project in the Bronx last week.

To view online:

http://www.politico.com/states/new-york/city-hall/story/2016/09/phipps-houses-withdraws-controversial-rezoning-application-in-queens-105599

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The Whitening of Crown Heights: How the Bedford Armory Development Shuts Out Residents of Color

An Analysis from New York Communities for Change

Introduction

In Crown Heights, Brooklyn, the controversial Bedford Armory redevelopment project has generated a great deal of opposition from local community residents who believe it will cater to new, wealthy, white renters and homeowners and accelerate displacement of low-income residents of color.

Defenders of the project say it will benefit the neighborhood. According to Councilmember Laurie Cumbo, "After listening to the concerns of the community, I feel we will be getting all that we asked for."¹

But the community opposition is well-founded and grounded in hard facts.

A straightforward analysis of census data on Brooklyn's racial and income demographics confirms that the Bedford Courts Development, proposed by BFC Partners, will not serve the neighborhood's African American and Latino residents.

Rather, the Bedford Courts development will accelerate the whitening of Crown Heights, with fewer affordable apartments available for residents of color who earn lower incomes, and more apartments geared toward whiter, wealthier newcomers to the neighborhood.

The residents of the local neighborhoods who are most at risk of displacement are disproportionately people of color.

Bedford Courts Planned Apartments Are Affordable to White Brooklyn Families:

If the proposed redevelopment project is completed, 83% of the total units will cost tenants or homeowners more than \$2,200 month (depending on down-payment for homeowners.)² This analysis is based on the details provided by the Economic Development Corporation in the Draft Scope of Work for an Environmental Impact Statement.

¹ https://www.nycedc.com/press-release/nycedc-president-torres-springer-borough-president-adams-councilmember-cumbo-and

² Bedford Union Armory, Draft Scope of Work for an Environmental Impact Statement. CEQR #16DME005K. pp. 2

At this cost, the Bedford Union Armory is affordable for families of three who earn around \$90,000 a year, according to the accepted HUD standard of affordability (30% of your income).

AMI	Number of Units	Rent, 2 BR, 3 Person HH
Market Rate, Condo	44	N/A
120% of AMI, Condo	12	N/A
Market Rate, Rental	164	\$2,369
110% of AMI, Rental	99	\$2,244
50% of AMI, Rental	49	\$1,020
40% of AMI, Rental	18	\$906

In Brooklyn, white families are much more likely to earn enough to afford one of the \$2,200+ apartments than African-American or Latino families. About 58% of families who earn more than \$75,000 are white, while only 26% are African-American and just 12% are Latino.

That means white Brooklyn families are more than twice as likely as African-Americans to be able to afford the vast majority of Bedford Armory apartments, and more than 4.5 times more likely than Latino families.

The chart below gives an overview of annual income for white, black, and Latino headed households in Brooklyn.

Income	Brooklyn Total	White	Black	Latino
\$75K-\$99K	99,552	49,165	32,835	14,808
\$100K-\$124K	67,623	37,132	19,284	8,277
\$125K-\$149K	42,701	24,338	11,448	4,941
\$150K-\$199K	46,922	29,734	10,284	4,278
\$200K+	50,287	36,661	6,368	3,564
Total	307,085	177,030	80,219	35,868
Percent	100%	58%	26%	12%
Source: American C	ommunity Survey 2015 5	Year Estimates.		

Table 2: Income and Household Demographics in Brooklyn

The Bedford Armory Development is in Brooklyn's Community Board 9. We looked at American Community Survey data for census tracts in Community Board 9 to determine median income for black, white, and Latino headed households in the Crown Heights neighborhood:

Table 3: Median Income by Race, Brooklyn's Community Board 9

	Median Income, 2015	Affordable Rent
Community Board 9 Overall	\$42,773	\$1,069
Black Head of Households	\$45,476	\$1,136
White Head of Households	\$60,766	\$1,519

Non-White Hispanic Head of Households	\$38,168	\$816
Source: American Community Survey 2015 5 Yea	r Estimates.	

Black families in Crown Heights earn about \$0.75 for every dollar a white family in the community board earns. For Latinos, it's only \$0.70 for every dollar. White families are far more likely to qualify for the "affordable" units in the Armory.

As white-headed households make up more than half of the families who earn over \$75,000 in Brooklyn, it is more likely that white households will win any lottery for affordable units in the Bedford Armory.

Simply put, the project is not for African-American and Latino residents of the area. It's for white newcomers who earn higher incomes and can afford to pay more to live there – which is perhaps unsurprising, considering one of the principals of primary developer BFC is an outspoken and brazen supporter of Donald Trump.³ The racially disproportionate impact of this project is right in line with the policies of the Trump administration, but it is widely in contradiction of the needs of Crown Heights residents.

Accelerating an Existing Trend:

Crown Heights is one of the most rapidly gentrifying neighborhoods in Brooklyn. Rents in new construction buildings in the neighborhood are nearly \$3,000.⁴ The Bedford Armory Development will drive up market rents and accelerate the gentrification that is making it increasingly difficult for longtime residents to stay in the neighborhood they call home.

As gentrification puts upward pressure on rents, landlords are more and more incentivized to harass families out of their homes. In fact, recent Housing Court data released by ProPublica reveals that between 2013 and 2015, nearly 10,000 households were been brought to Housing Court from the zip code that is home to the Bedford Union Armory.⁵

Recent reports from the Independent Budget Office show that more families enter shelters from Crown Heights – over 2,000 between 2002 and 2012 – than nearly every other neighborhood in the city.⁶ In 2016, 57.6% of families that entered the shelter system were black and 37.3% were Hispanic.⁷

Eviction-filing data is not broken out by race, though at least three surveys have revealed that most people brought to Housing Court by their landlord are people of color.⁸ And, as salary

³ http://www.therealgentrifiers.org/gentrification-papers/2016/11/22/gentrification-paper-4-1

⁴ http://streeteasy.com/building/341-eastern-parkway-brooklyn/unit5e

⁵ https://projects.propublica.org/evictions/

⁶ http://www.nydailynews.com/blogs/dailypolitics/evictions-domestic-violence-fueled-jump-homelessness-blogentry-1.2009465

⁷ https://www1.nyc.gov/assets/dhs/downloads/pdf/dashboard/dhs_data_dashboard_charts_FY-2016-Q2.pdf

⁸ Krenichyn, Kira and Nicole Schaefer-McDaniel, Results From Three Surveys in New York City Housing Courts. (Center for Human Environments, Graduate Center of the City University of New York. 2007)

data described above shows, people of color in Crown Heights earn substantially lower salaries and will therefore face more difficulty finding an affordable apartment in the area. Continued upward pressure – fueled by projects like the Bedford Union Armory -- will only accelerate these shocking trends and contribute to a greater displacement of working class residents of color and a greater influx of white, wealthy residents.

The Bedford Union Armory is public land; there is a clear and urgent need to address the affordable housing crisis in Brooklyn – a crisis that hits families of color the hardest. The current project proposed by BFC Partners and the EDC fails to do that. The only fair and acceptable path forward is for the city to scrap the current plan for the Armory and start over with real community control of the public site.

###

Appendix

Market Rent in Crown Heights for a 2 Bedroom Apartment, December 2016 Market Report: \$2,369⁹

Market rate = affordable for households at \$94,760

Median income for a family of 3 in NYC is \$81,600. For a family of 4 in NYC: \$90,600

*

⁹ http://www.mns.com/brooklyn_rental_market_report

Case 1:15-cv-05236-LTS-KHP Document 916-84 Filed 11/06/20 Page 1 of 1

From:	Been, Vicki (HPD)	РШ
Sent:	November 30, 2016 10:33 PM	
То:	Saal, Joshua (HPD)	
Cc:	Suh, Eunice (HPD);Bozorg, Leila	(HPD);Pryce, Tiffany (HPD);Straughter, Perris (HPD)
Subject:	Re: EDC Sea View Healthy Com	munity RFEI Review
Attachments:	Sea View Healthy Community F	FEI Draft - 11 29 2016 vb.docx

Thanks, Joshua. I've attached with a few comments, which address two concerns:

- The draft is very ambiguous about exactly what it is asking for it says affordable, senior and disabled, but it is not clear if those are all required, or if someone could propose a market rate senior project. The confusion is compounded by later language that says "affordable housing, if applicable". If affordable housing is required, is it 100% affordable, or some mix?
- 2) Fair housing requires that we not limit consideration to the needs of the community in which the site is located we have to open up opportunities for people who live outside the community. I've suggested appropriate language, but I strongly believe that the existing language will be used against us in fair housing litigation.

Thanks, Vicki

The analysis has been been the second s	Minest Sublimes - when Mindowicks	NUMBER AND ADDRESS OF A DESCRIPTION ADDRESS	WERE THE REPORT OF THE PUPPLING STREET	
From: "Saal, Joshua (HPD)"	PII			
Date: Wednesday, Novembe	r 30, 2016 a	t 8:42 PM		
To: "Been, Vicki (HPD)"	PII	>		
Cc: "Suh, Eunice (HPD)"	PII	•, Leila Bozorg	PII	>, "Pryce, Tiffany (HPD)"
PII >, "Straughter, Perris (HPD)"			PII	
Subject: EDC Sea View Health	ny Commun	ity RFEI Review		

Hi Vicki,

Please see attached EDC Sea View RFEI for your review. Projected release date is December 7th. Ken Kurland has already reviewed.

in light of political sensitivities connected to this project, EDC has requested that neither the HPD logo nor HNV logo be placed on the front page and that the introductory sentence in the RFP states, "…in coordination with HPD." Despite the fact that we will most likely be putting in a lot of cash subsidy, EDC does not want to message this as an affordable housing project due to Staten Island BP's perception of affordable housing and his initial resistance to the project.

Best, Josh

Josh Saal | Senior Predevelopment Planner NYC Housing Preservation & Development - Neighborhood Strategies 100 Gold St Room 9X - New York, NY 10038





Gentrification, Housing Affordability, and Economic Inequality

Professor Richard Froehlich

Columbia University Chief Operating Officer and General Counsel NYC Housing Development Corporation

March, 2014

Confidential

Fears and Concerns

- Gentrification is a catchword for neighborhood change
 - Implied change: Mostly economic, racial, and the fear of displacement
- Displacement—actual, potential, indirect?
- Fear of the Other
- Anger from people who have had to accept poor services, weak schools, high crime, government inattention, sub-par retail amenities, and may not receive the benefits of gentrification
- Spike Lee, famous movie director, writer and actor complained about the influx of white families into Fort Greene in Brooklyn:
 - Part of what he said: "Why does it take an influx of white New Yorkers in the South Bronx, in Harlem, in Bed Stuy, in Brown Heights, for the facilities to get better?"

The New York Times

What the City Didn't Want the Public to Know: Its Policy Deepens Segregation

An expert found that New York City housing policy deepens segregation, but City Hall wanted the report kept secret.



By J. David Goodman

July 16, 2019

For more than two years, lawyers for New York City have fought to keep secret a report on the city's affordable housing lotteries, arguing that its release would insert an unfavorable and "potentially incorrect analysis into the public conversation."

The report was finally released on Monday, following a federal court ruling, and its findings were stark: The city's policy of giving preference to local residents for new affordable housing helps perpetuate racial segregation.

White neighborhoods stay white, black neighborhoods black, the report found.

The findings by Andrew A. Beveridge, a sociology professor at Queens College, presented a far different picture than the one offered by Mayor Bill de Blasio, who has touted his record on housing as he runs for president.

Indeed, they suggested that Mr. de Blasio's vast expansion of affordable housing might well come with an asterisk: It is deepening entrenched racial housing patterns.

Professor Beveridge analyzed data from 7.2 million affordable housing applications for 10,245 city-subsidized apartments from 2012 to 2017. He did so on behalf of plaintiffs in a lawsuit brought by three black women from Brooklyn and Queens who said they were not given a fair chance to win affordable apartments in city-managed lotteries.

The report looked at 168 city-administered lotteries along with demographic and other information about applicants, comparing that to census data for the areas surrounding the affordable housing apartments being offered.

7/16/2019

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In each case, Professor Beveridge found that the majority group — whether white, black Hispanic or Asian — enjoyed a strong advantage over the other racial groups because of the city's policy.

Moreover, because it is a first-come-first-served system, by the time applicants from other areas of the city might want to move into an area, the apartments that they would qualify for have sometimes already been taken by local residents, he found in the 31-page report, a preliminary version of which was first filed in 2017.

The issue of segregation has become a political flash point in New York City, particularly as the schools chancellor, Richard Carranza, has moved to address racial divisions in city schools. Mr. de Blasio has struggled to find his footing on the issue, and has long argued that racial segregation in city schools can be traced to housing patterns.

The lawsuit in federal court is focused on a city policy, dating back to the 1980s, that gives local residents priority in the affordable housing lotteries. Mayor Michael R. Bloomberg expanded the preference to 50 percent of the apartments.

The plaintiffs, represented by Craig Gurian of the nonprofit Anti-Discrimination Center, argue that the policy does not meet federal fair housing requirements. In fact, they argue, the approach exacerbates racial segregation and impedes integration, a finding that Professor Beveridge's report supported.

"The problem here is that the city takes the luck of the draw and then fixes the deck, and fixes it in a way that it knows will cause a racially disparate impact," Mr. Gurian said.

Vicki Been, who ran much of the city's affordable housing program and is now a deputy mayor for housing, rejected the idea that the city's policy violated federal law or exacerbated residential segregation, observing that the beneficiaries of the city's housing lottery system were largely black and Hispanic.

"Segregation is a question of choice, and people who chose to live in a neighborhood, we believe, should be able to choose to stay in a neighborhood," she said in an interview on Monday. "We shouldn't be telling people you have to move to some other neighborhood."

She added that one reason for the local preference policy is to address the fear of displacement in communities, particularly when new housing is being built.

"If they fear displacement, they will oppose the housing," she said. "And the only way that we get a more integrated city is if we have more affordable housing across a wider range of neighborhoods. If people fear that they're going to be pushed out of their neighborhood, they will not accept housing." 7/16/2019

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City Hall on Monday also released its rebuttal report, which had been completed last month.

The question of whether the policy has a racially disparate impact should be considered across the whole city, not neighborhood by neighborhood, argued the city's statistics expert, Bernard R. Siskin. The policy has no disparate racial impact citywide in part because, as Mr. Beveridge also recognized, every racial group is helped somewhere, wrote Mr. Siskin.

Even before Monday's release of the dueling reports, the case, filed in the Federal District Court in Manhattan in 2015, had already drawn out extraordinary admissions from the mayor and high-level officials in his administration.

Ms. Been admitted in a deposition that she would not choose the policy if her only goal was to reduce segregation.

Mr. de Blasio, in successfully resisting being deposed himself, argued in a signed declaration last year that he had little to do with housing policy. "While I am sometimes briefed on specific decisions being made by an agency, I typically do not have unique knowledge on the subject," he said in court papers.

The data being considered in the case covers 7.2 million applications by more than 700,000 unique households, an indication that those who fail to get housing apply again and again, often far from their current homes.

"The allocation of affordable housing units perpetuates segregation more (and allows integration less) than what would be the case without the policy," Professor Beveridge, who is also a demographic consultant for The New York Times, wrote.

The city had successfully argued for Professor Beveridge's report to be sealed during discovery. But with that phase of the case ending, Magistrate Judge Katharine H. Parker wrote on Friday that the city now had to make the report public.

With a trial on the horizon, and his own presidential hopes on the line, Mr. de Blasio has hinted that he would be open to settling the case — possibly by changing the policy.

On Monday, Ms. Been reiterated that possibility, saying the city could include reducing the percentage of apartments set aside for neighborhood residents.

"How far down will you go — that obviously has to be a calculation," she said.

J. David Goodman covers lobbying, fund-raising and the influence of money in politics. A former reporter in City Hall and at police headquarters in New York, he has written about government, politics and criminal justice for The Times since 2012. @jdavidgoodman



From:

Norvell, Wiley

PII

Sent:September 18, 2015 5:18 PMTo:Wolfe, EmmaSubject:Re: East New York

Yes!!!

From: Wolfe, Emma Sent: Friday, September 18, 2015 05:09 PM To: Norvell, Wiley Subject: Re: East New York

Can I call out the advocates at this point? Need to be qble to use this

From: Norvell, Wiley Sent: Friday, September 18, 2015 4:57 PM To: Wolfe, Emma; DeLoach, Michael; Patchett, James; Lupo, Jon Paul Subject: Re: East New York

T've given her full policy rundown and will push back further tomorrow.

From: Wolfe, Emma Sent: Friday, September 18, 2015 04:19 PM To: DeLoach, Michael; Patchett, James; Norvell, Wiley; Lupo, Jon Paul Subject: FW: East New York

- 1. I ran into mara. She asked me about this issue. I asked her if she has actual paper. I don't want her to get beef from you wiley I did this, not her she emailed it which is below. I emailed her back thanking her and asking if she's working with you wiley on the story and I'll run responses by you/with you etc.
- 2. I called westin. Told him I'm pulling the plug on our discussions with them until we have a chance to huddle because this is a wildly fucked way to deal with us. I did NOT tell him I got this from her, and he did not raise with me that they've given them a report. I would like to tell him that we have a REPORT from them that they didn't tell us about and that shows incredibly bad acting. But I don't want to mess this up. So wiley I need your input on this.
- 3. If this isn't wiley I need to know who to work with on this.
- 4. My threats/posturing aside, we're a little boxed in here if we don't play this right. Need to think it thru with folks asap.
- 5. Particularly on the "whitening" allegations, I think we just need to get validation and undermine the key findings of this. need to huddle on it to map it out. If mara is on deadline though, I don't know how to deal with that.
- 6. Espinal should beef on this too. it's fucked up. mdl, jpl do we think any chance?

From: Gay, Mara | PII] Sent: Friday, September 18, 2015 3:38 PM To: Wolfe, Emma Subject: East New York

Hi Emma,

The report, due out Monday, is called "The affordability Crisis in de Blasio's New York City and Those Bloomberg Left Behind."

Let me know how you'd like to weigh in here and thanks.

Mara

The first key finding is entitled, "The flaws of de Blasio's housing plan and how they must be corrected."

"It finds that de Blasio's mandatory inclusionary and rezoning efforts, as currently conceived, will not create enough housing affordable to low-income New Yorkers disporportionately impacted by the affordability crisis. Indeed, de Blasio's housing plan will continue to leave behind many of the more than 700,000 low-income New Yorkers already abandoned by Bloomberg. Most residents in low-income neighborhoods like East New York and the South Bronx, which are slated for increased density and rezoning within the next year, will not benefit from new housing created under de Blasio's current plan.

New housing promoted as affordable in these areas will be too expensive and out of reach for hundreds of thousands of New Yorkers who live there. To avoid gentrification and displacement, de Blasio's housing plan will need to produce deeper affordability and good jobs for low-income residents in neighborhoods that will be rezoned.

As this report shows, mandatory inclusionary zoning is an insufficient response to the scope and severity of the affordability crisis.

...Bottom line: current residents in low-income communities of color will not be the beneficiaries of new housing required under mandatory inclusionary zoning. The same low-income people whose affordable housing needs were ignored by Bloomberg will continue to be ignored.

New so-called affordable housing will overwhelmingly go to wealthier, whiter outsiders - people who come from other neighborhoods. Instead of limiting gentrification and displacement, de Blasio's mandatory inclusionary zoning plan will likely accelerate them.

Race is an underniable factor here and needs to be acknowledged; mandatory inclusionary zonling, as currently conceived by the de Blasic administration, will lead to the whitehing of neighborhooods like East New York and the South Bronx that are scheduled to be rezoned.

-says previous rezonings like Williamsburg lead to "rapid gentrification and displacement"

... As it stands, de Blasio's overarching commitment to creating or preserving 200,000 units of affordable ***housing still raises a fundamental question: affordable for whom?

Their plan to make at least 50% of new appartments affordable (below the median income of the neighborhood) Communities and residents in neighborhoods that will be rezoned should be able to use density to negotiate the best possible deals on real affordable housing and good union jobs for their communities. Developers should be required to meet very high standards for real affordability and job quality in exchange for increased density in new apartment buildings.

As each neighborhood rezoning triggers the ULURP process the city can create a special-purpose district that is tailored to the needs of residents who live there.

From:	Murphy, Matthew (HPD)	РП
Sent:	March 15, 2017 4:11 PM	
То:	Meacham, Fabiana (HPD)	
Subject:	Fwd: bedford armory	
Attachments:	The Whitening of Crown Heigh	s - How the Bedford Armory Development Will Shut Out Resident
of Color Final Report for	March 15 2017.docx, ATT0000	l.htm
Take a look		
Sent from my iPhone		
Begin forwarded mess	age:	
From: "Rohlfing, Eliz Date: March 15, 2017	- ,	Ι
To: "Gaumer, Elyzabe	eth (HPD)" < PII	>, "Murphy, Matthew (HPD)"
РП	, "Bozorg, Leila (HPD)	" PII , "Capperis, Sean (HPD)"
PII	"Jacobowitz, Ahuva (H	PD)" < PII
Cc: "Rubin, Jason (HI	PD)" PII	"Pierre-Antoine, Juliet (HPD)"
PII		
Subject: FW: bedfor	d armory	

This just in CH is asking us to "pick apart" their analysis, but here is the gyst:

"I'm writing about a report on the Bedford Union Armory development by New York Communities for Change, in which they argue that white families are more likely to fill the apartments there based on an analysis of census race and income data for Brooklyn and the neighborhood. It's attached for your reference. Wondering if you want to respond and if you've done any analysis of your own on how the project fits with neighborhood demographics?"

I worry this is going to be a problem for us to respond to because of the litigation... is this something we can respond to?

Libby

 From: Stephanie Baez
 PII

 Sent: Wednesday, March 15, 2017 2:58 PM

 To: Wiley Norvell (City Hall); Anthony Hogrebe; Jeffrey Nelson

 Cc: James Katz; Carolee Fink; Sara Tranter; John Corcoran; Benjamin White; Kenyada Mclean; Lydia Downing;

 Grace, Melissa; Pierre-Antoine, Juliet (HPD); Rohlfing, Elizabeth (HPD)

 Subject: RE: bedford armory

See attached.

From: Wiley Norvell (City Hall) Sent: Wednesday, March 15, 2017 2:57 PM To: Stephanie Baez; Anthony Hogrebe; Jeffrey Nelson Cc: James Katz; Carolee Fink; Sara Tranter; John Corcoran; Benjamin White; Kenyada Mclean; Lydia Downing; Grace, Melissa; Pierre-Antoine, Juliet (HPD) (r PII ; Rohlfing, Elizabeth (HPD) PII Subject: RE: bedford armory Juliet/Libby—can you have your team guickly look at NYCC's analysis and try to pick it apart? EDC, please re-attach the study on this thread. From: Stephanie Baez PII Sent: Wednesday, March 15, 2017 2:55 PM To: Anthony Hogrebe; Jeffrey Nelson Cc: James Katz; Carolee Fink; Sara Tranter; John Corcoran; Benjamin White; Kenyada Mclean; Lydia Downing; Norvell, Wiley; Grace, Melissa; Pierre-Antoine, Juliet (HPD) (PII **Subject:** RE: bedford armory +++ Wiley, Melissa, and Juliet at HPD. From: Anthony Hogrebe Sent: Wednesday, March 15, 2017 2:54 PM To: Jeffrey Nelson Cc: James Katz; Carolee Fink; Sara Tranter; John Corcoran; Benjamin White; Kenyada Mclean; Lydia Downing; Stephanie Baez Subject: Re: bedford armory You just mean question 1 right? **Anthony Hogrebe** SVP, Public Affairs New York City Economic Development Corporation PII www.nycedc.com On Mar 15, 2017, at 2:39 PM, Jeffrey Nelson wrote: This seems like something in HPD's wheelhouse. From: Anthony Hogrebe Sent: Wednesday, March 15, 2017 2:37 PM To: James Katz; Carolee Fink; Jeffrey Nelson; Sara Tranter; John Corcoran; Benjamin White; Kenyada Mclean; Lydia Downing Cc: Stephanie Baez Subject: FW: bedford armory

Do we have any numbers on demographics that disagree with the numbers in this paper?

Outside of that I don't know what to say other than the same statement we give every time.

Thoughts on anyone that would push back on NYCC, maybe say that this project will bring needed rec facilities, still negotiating the affordability, not helpful to have outside org lobbing bombs, etc?

From: PII Sent: Wednesday, March 15, 2017 2:26 PM To: Anthony Hogrebe; Stephanie Baez Subject: bedford armory On Behalf Of Erin Durkin

Hello,

I'm writing about a report on the Bedford Union Armory development by New York Communities for Change, in which they argue that white families are more likely to fill the apartments there based on an analysis of census race and income data for Brooklyn and the neighborhood. It's attached for your reference. Wondering if you want to respond and if you've done any analysis of your own on how the project fits with neighborhood demographics?

Thanks, Erin

Anti-Discrimination Center of Metro New York, Inc.

299 Broadway, Suite 1820 · New York, NY 10007-1913 voice 212-346-7600 · fax 212-346-7667 · center@antibiaslaw.com · www.antibiaslaw.com



June 16, 2005

VIA EMAIL: hardyk@hpd.nyc.gov

Kimberly D. Hardy Deputy Commissioner for Community Partnerships NYC Department of Housing Preservation & Development 100 Gold Street New York, New York 10038

Dear Kim:

We wanted to alert HPD to a problem in connection with the application process for affordable housing developments. In a number of cases, we have, via an individual here, requested application materials from the sponsor of the project *but have not gotten a response*.

As you know, we believe that the neighborhood preference feature of the program illegally perpetuates segregation; a failure on the part of the sponsoring or developing office to respond to requests from outside the Community District in which the project is located exacerbates that problem. Specifically:

(a) for the Central Harlem apartments that include 103-105 West 120th Street (the deadline for which ended yesterday), we never got a response even though we asked for an application on May 9th;

(b) for the 145 Albany Avenue apartments, our request of May 27th has not been responded to; and

(c) for the 444 Manhattan Avenue apartments, our request of June 3rd has not been responded to.

Leaving aside the neighborhood preference problem for a moment, we think that: (1) the deadline for applications on the Central Harlem apartments should be extended; (2) the performance of sponsor/developers in responding to all requests needs to be investigated; and (3)

HPD should itself provide, or require developers to provide, online access to all of the application materials for each program.

Thank you for your attention to this matter.

į

Very truly yours,

Craig Gurian Executive Director

Anti-Discrimination Center of Metro New York, Inc.

299 Broadway, Suite 1820 · New York, NY 10007-1913 voice 212-346-7600 · fax 212-346-7667 · center@antibiaslaw.com · www.antibiaslaw.com

January 17, 2006



VIA FEDERAL EXPRESS

Hon. Shaun Donovan, Commissioner NYC Department of Housing Preservation and Development 100 Gold Street New York, New York 10038

Re: Distribution of Applications for Affordable Apartments

Dear Commissioner Donovan:

I write to you concerning a recurring problem in the administration of the system by which people can apply for affordable housing vacancies. When people request applications, those requests are not always fulfilled.

Most recently, we ourselves (on two occasions) sought to get the application for apartments being offered by 76th Street Associates LP (notice enclosed). There was no response to our December request; our request earlier this month (with which we included a prepaid Fed Ex return envelope) has also not been responded to. We have had two complaints from the public about this problem in connection with this developer.

The deadline has now come and gone. HPD should see to it that the deadline is extended, and that there is a genuine effort both to engage in outreach, and to respond to inquiries.

More generally, it is clear that HPD has the tools by which to make public access to applications easier, but does not use them. In the same manner by which HPD posts PDFs of notices, the agency can post PDFs of the applications (and have the notices reference the web address). Alternatively, the developer can be required to do so. If there are any concerns about "too many" applications being sent in, it is a simple matter of disqualifying any household which sends in more than one application (the same process, I should point out, that is used in pres-sale of Dylan and Grateful Dead tickets).

Please advise.

Craig Gurian

Executive Director

P.S. – The foregoing, of course, does not deal with the broader problem of neighborhood preference (*i.e.*, the preference for existing community district residents in respect to 50% of vacancies at each development). Given how strongly segregated almost every single community district in New York City is, the preference cannot help but result in occupancy that is more segregated than would otherwise be the case. A citywide program, by contrast, would be segregation-reducing, not perpetuating. I mentioned this and some other issues relating to the City's role in respect to ongoing housing segregation and discrimination in a discussion I had last month with John Goering – he suggested that we sit down, and I hope you can find a time to do so.

NEWLY CONSTRUCTED APARTMENTS FOR RENT

76TH Street Associates LP is pleased to announce that applications are now being accepted for 24 affordable housing rental apartments now under construction at 417 East 76th Street and 438 East 76th Street in the **Upper East Side** section of **Manhattan**. These buildings are being constructed through the Inclusionary Housing Program of New York City's Department of Housing Preservation and Development, and the New York State Housing Finance Agency Multi Family Project with Low-Income Housing Tax Credits. The size, rent and targeted income distribution for the 24 apartments are as follows:

# of Apartments Available	Apartment Size	Household Size	Monthly Rent*	Total Annual Income Range** From To
15	1 – Studio	1	\$615.00	\$23,600.00 - \$26,400.00
9	1- Bedroom	1 – 2	\$650.00	\$24,000.00 - \$30,120.00

* Includes gas for cooking.

** Incomes may vary depending on family size.

Applicants will be required to meet income guidelines and additional selection criteria to qualify. Applications may be requested by mail from: 76th Street Apartments, 976 McLean Avenue, Box 169, Yonkers, NY 10704. Please include a self-addressed envelope with your application request. Completed applications must be returned by regular mail only to a post office box number that will be listed with the application and must be postmarked by January 17th, 2006. Applications postmarked after January 17th, 2006 will be set aside for possible future consideration.

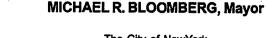
Applications will be selected by lottery. Preference will be given to New York City residents. In addition eligible applicants residing in Manhattan Community Board 8 will receive preference for 50% of the units. Eligible applicants who are mobility impaired will receive preference for 5% of the units. Eligible applicants who are visual or hearing impaired will receive preference for 2% of the units.

Eligible applicants who are Municipal Employees of the City of New York will receive preference for 5% of the units. Only one application per household.



No Broker Fee. No Application Fee.

GEORGE E. PATAKI, Governor



The City of NewYork Department of Housing Preservation and Development SHAUN DONOVAN, Commissioner



www.nyc.gov/hpd

ANTI-DISCRIMINATION CENTER, INC.

"ONE COMMUNITY, NO EXCLUSION "

March 24, 2008

VIA FEDERAL EXPRESS

1.1

Mr. Charles V. Sorrentino New York City Consolidated Plan Coordinator Department of City Planning 22 Reade Street. 4N New York, New York 10007

Re: Comments on Proposed 2007 Affirmatively Furthering Fair Housing (AFFH) Statement

Dear Mr. Sorrentino:

These comments are not intended to be, and should not be construed as being, a comprehensive analysis and critique of the City's AFFH Statement. Rather, we intend here only to illustrate the City's gross failure either to engage in a serious analysis of impediments to fair housing or to take steps appropriate to the circumstances to overcome impediments to fair housing. For convenience, each point is numbered.

1. I note as a preliminary matter that the *City did not successfully place the proposed Statement on its website in a timely manner*, thereby effectively shortening an already short public comment period. In addition, the proposed Statement never made it to the "Notices and Updates" section of City Planning's home page. In other words, notice has not been accomplished in a fashion designed to maximize the number of New Yorkers who will comment on the proposed Statement.

2. The City's lack of seriousness is first of all reflected in how closely the proposed 2007 AFFH Statement tracks the (entirely inadequate) 2002 AFFH Statement. Rather than turning the page and engaging in any new analysis in the face of five more years of failure to overcome impediments to fair housing, the City decided to put forward a proposed 2007 Statement that is little more than a warmed-over version of its 2002 predecessor.

3. To its credit, the City states that "any analysis of housing needs and impediments to equal housing opportunity must begin by examining residential housing segregation and discrimination in relation to blacks, Hispanics, and other people of color" (Proposed AFFH, p. 17). It acknowledges in general terms that "[r]acial segregation and discrimination in housing are persistent and constraining features of housing markets throughout the United

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5.

States" (Proposed AFFH, p. 18). Yet the Statement then fails entirely to quantify the scope of residential segregation, ignoring the Census data available to permit the highly skilled personnel in the Department of City Planning to calculate commonly used indices of segregation (such as the dissimilarity and isolation indices). The Statement provides no data mapping to illustrate the profound and continuing segregation that marks New York on the neighborhood and County levels.

4. The Statement *does not even address the fact that segregation has historically operated on a regional level*, or comment on how New York City fits into what the Census Bureau has described as one of the most segregated major metropolitan regions in the entire country.

5. The Statement *fails to address the causes of residential segregation*, although it makes the assumption that segregation is caused by "market and community" forces (Proposed AFFH, p. 18).

6. The Statement *fails to specify those market or community forces or the role of government action and inaction in respect to those forces* (*e..g.*, the impact of the attempt to destroy rent regulation).

7. The Statement fails to assess – because the City has failed to survey its residents on this point -- what housing preferences different people currently have, what factors inform those preferences, the extent to which race acts as a proxy for other factors informing those preferences, the extent to which other factors as a proxy for race, or, most importantly, what can be done to change external variables to allow people's preferences to change over time.

8. The Statement *ignores the City's historical role in creating and maintaining segregated neighborhoods.* For example, it ignores the fact that the City made decisions on where to site public housing while invoking explicitly race-based concerns. *See, e.g.,* Wendell Pritchett, *Brownsville Brooklyn.*

9. The Statement takes a remarkably benign view of the City's own efforts, even though the massive downzonings that have occurred over the last few years have reduced the possibility of affordable housing in a variety of currently segregated neighborhoods. The irony of putting these zoning changes under the banner of "Preserving Neighborhood Character" seems to have been lost on the City.

10. The Statement *fails to acknowledge the segregation-perpetuating impact of the City's 50% set-aside for residents of the Community District in which a project built under the City's New Housing Marketplace Initiative is constructed*. When you have a highly segregated Community District, and then impose a neighborhood preference, you will invariably have a more segregated outcome than if units were made available to all who fall within the income parameters that have been established. That this set-aside violates, among other things, the requirements of the Fair Housing Act is apparent to

anyone who is familiar with that law's provisions.

11. The Statement fails even to recognize that **the mechanism for distributing applications for New Housing Marketplace opportunities is antiquated and not designed to facilitate the fullest City-wide participation.** In an Administration that prides itself on being web-friendly, announcements of housing lotteries *are* posted, but one is *not* able simply to download an application for such lotteries online. Instead, one is forced to mail a postcard to a developer (no contact telephone number given), wait for hard copy in the mail, and then hope one gets the application in sufficient time to fill it out and mail it back by the application deadline (I note here that we have had reports of significant delays in receipt).

12. The Statement reports on the various efforts of government enforcement agencies, but doesn't bother to consider why, 40 years after the passage of the Fair Housing Act, these efforts have not been effective in ridding the City of residential segregation. Likewise, the Statement fails to propose any change in strategy to accomplish better results.

13. The Statement *fails to report that the number of City-funded positions at the Human Rights Commission is more than 85% below the City-funded staffing level at that agency at the start of the 1990s*, and is, strikingly, even lower than the lowest levels of the Giuliani Administration.

14. The Statement *fails to account for what happens to all the discrimination complaints received by the 311 system* (and referred to the Human Rights Commission). According to the Mayor's Management Report, in just the first four months of Fiscal Year 2008, the 311-system agency received over 3,000 inquiries dealing with discrimination complaints. In contrast, if you add together the complaints filed at the Human Rights Commission with what that agency calls "pre-complaint resolutions," CCHR accounts for only 182 people.

15. The Statement is significant in the fact that it *fails to assert or describe any mechanism by which the City, in connection with its own policies, program, laws, and regulations, assesses* whether such policy, program, law, or regulation is segregation-perpetuating, segregation-neutral, or segregation-reducing.

16. The Statement is significant in the fact that it *fails to set out as City policy a determination to counteract segregation in residential housing* on the neighborhood, borough, City, and, regional levels, including counteracting the current impact of past instances of discrimination and segregation.

17. The Statement is significant in the fact that it *fails to set out as City policy a determination to refrain from acting in any way that would perpetuate segregation in residential housing* on the neighborhood, borough, City, or regional levels.

18. The City has *failed to enact mandatory inclusionary zoning* to overcome impediments to fair housing. The Statement fails to analyze this problem or identify any new initiative to use this tool.

19. The **City has failed to utilize its own property throughout the City – including school properties – to create sorely needed affordable housing** and, by the same means, reduce segregation.

20. The *City's new Building Code has actually reduced accessibility requirements* for people with disabilities.

21. The City's Building Department fails to identify barriers to accessibility in the course of inspections that it is already doing, has failed to create a database of inaccessible housing and public accommodations based on such inspections, and fails to forward to the Human Rights Commission (or to covered entities) findings of inaccessibility.

22. The *City fails to inform those covered by the housing and public accommodations provisions of the City Human Rights Law of their obligations* under the law, something that could easily be accomplished in the course of the one of the semiannual mailings that the Department of Finance already directs to all property owners.

* * *

The City receives each year a huge amount of federal funding premised on its promise that it will do a comprehensive analysis of the impediments to fair housing and will then take steps appropriate to the circumstances to overcome impediments to fair housing. Each time it seeks payment of those federal funds, it implicitly certifies that it has acted in conformance with its promises.

As is demonstrated by this brief sampling of both some of the problems with the City's purported analysis of the impediments to fair housing and of some of the City's failure to shape its actions to overcome impediments to fair housing, it is apparent that the Proposed AFFH Statement has been viewed as a bureaucratic requirement to knock out, not as a serious tool to deal with deep-seated and ongoing problems.

Respectfully submitted,

Craig Gurian Executive Director



Barriers to Housing Choice in New York City

Presented to:

Mr. Charles V. Sorrento New York City Consolidated Plan Coordinator Department of City Planning 22 Reade Street, 4N New York, NY 10007

By

Fred Freiberg, Executive Director Fair Housing Justice Center 5 Hanover Square, 17th Floor New York, NY 10004

November 23, 2012



NYC_0014335

Introduction

The Fair Housing Justice Center (FHJC) is pleased to provide the following public comment about existing barriers to fair housing in New York City. The FHJC urges the City of New York to incorporate these comments into the analysis of impediments to fair housing choice and develop an action program that contains specific activities designed to overcome these discriminatory barriers.

The FHJC is a non-profit, civil rights organization based in New York City. The mission of the FHJC is to eliminate housing discrimination; promote open, accessible, and inclusive communities; and strengthen the enforcement of local, state, and federal fair housing laws. The FHJC provides a full-service fair housing program in all five boroughs of New York City and seven surrounding New York counties of Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, and Westchester.

The FHJC is designated by the Fair Housing Initiatives Program (FHIP) program at the U.S. Department of Housing and Urban Development (HUD) as a "Qualified Fair Housing Organization" based in New York City. The FHJC provides a full-service fair housing program by:

- Empowering individuals and organizations to exercise their fair housing rights through the provision of fair housing counseling, investigative assistance (including testing), and legal referrals;
- Expanding opportunity by identifying, documenting, and eliminating housing discrimination through pro-active and planned systemic testing investigations;
- Promoting inclusion by advocating policies and programs that create more just, open, accessible, and diverse communities; and
- Strengthening enforcement of fair housing laws by providing training, technical assistance, and other resources to public and private enforcement agencies and civil rights organizations.

The following sections detail concerns related to the persistence of discriminatory barriers in the New York City housing market and the City's failure to affirmatively further fair housing.

Systemic Housing Discrimination Limits Housing Choice

Systemic discrimination in the housing market continues to restrict the housing choices of New Yorkers on the basis of race, national origin, disability, source of income and other characteristics protected by local, state, and federal fair housing laws. Discrimination in the rental and sale of housing based on race and/or national origin persists throughout many New York City neighborhoods. Rental housing opportunities continue to be restricted on the basis of race and national origin by selective advertising practices and overt discriminatory policies and practices. These practices are illustrated in recent cases that resulted from FHJC testing investigations:

- A Brooklyn real estate firm refused to rent an apartment to an African American woman. FHJC testing confirmed the company was refusing to provide service to African American prospective renters. The FHJC assisted the woman to obtain legal counsel. After filing a federal lawsuit alleging race discrimination, she obtained a settlement which included a monetary recovery of \$50,000 and extensive injunctive relief. (*Lee v. Bais Seller Realty*)
- FHJC testing documented discrimination against African American home buyers by a real estate broker and a large housing cooperative in the Throg's Neck neighborhood in the Bronx. After the FHJC filed a lawsuit, a settlement was reached with the co-op that included elimination of a discriminatory admissions policy, fair housing training, and a monetary recovery of \$115,000. The broker also agreed to surrender her real estate license. (*FHJC et al. v. Silver Beach Gardens et. al.*)
- FHJC testing yielded evidence that a landlord in the Midwood neighborhood of Brooklyn was only renting to Russians at a 72-unit apartment building. A lawsuit was filed alleging that African American and Latino renters were being discriminated against and a subsequent settlement included adoption of new rental policies, fair housing training, and a monetary recovery of \$100,000. (FHJC v. 1777 Management LLC)

- FHJC testing yielded evidence of racial discrimination against African American prospective renters at a 76-unit apartment building in Astoria, Queens. A lawsuit was subsequently settled for changes in management company policies and practices affecting 30 rental buildings in New York City, fair housing training, and a monetary recovery of \$341,000. (*FHJC v. Broadway Crescent Realty*)
- FHJC testing yielded evidence of racial discrimination against African American renters at a 72-unit apartment building in the Riverdale neighborhood in the Bronx. The United States filed a lawsuit against the owners and managers of the building and obtained a settlement which included an admission of liability by the on-site manager, an agreement by the parties to implement extensive injunctive relief, and a payment of \$75,000 by the owner and on-site manager including \$35,000 to compensate victims of discrimination and a \$40,000 civil penalty. (US v. Loventhal Silver Riverdale LLC)
- FHJC testing yielded evidence of racial discrimination at apartment buildings in Brooklyn. A lawsuit was filed and resolved for extensive injunctive relief that applies to 268 units of rental housing at three apartment buildings located in the Brooklyn neighborhoods of Bay Ridge, Gravesend and Sheepshead Bay. The settlement also provided a monetary recovery of \$225,000. (*FHJC et al. v. Revlyn Apartments LLC*)

New multifamily housing in New York City is also not being designed and constructed in compliance with the accessibility requirements contained in the federal Fair Housing Act even though these requirements have been in effect since 1991. The continued non-compliance limits current and future housing opportunities available to persons with mobility impairments in New York City. Consider these recent cases based on FHJC testing investigations:

- FHJC testing yielded evidence that a 116-unit rental building in Manhattan had not been designed and constructed in compliance with the accessibility requirements of the Fair Housing Act. The United State filed a lawsuit against the owners, managers, and architects of the building and reached a settlement that required extensive retrofits to make the housing accessible, established a \$60,000 fund to compensate victims, and required payment of a \$35,000 civil penalty. (U.S. v. Larkspur LLC et. al.)
- FHJC testing yielded evidence that a 143-unit rental building in Manhattan had not been designed and constructed in compliance with the accessibility requirements of the Fair Housing Act. The United States filed a lawsuit against the developers and architects alleging that the building was not usable by persons with disabilities. A subsequent settlement required extensive retrofits and a total monetary recovery of \$548,300 including an \$180,000 victim fund, a \$288,000 accessibility fund, and the payment of a \$40,000 civil penalty by the developer and architect. (U.S. v. L&M 93rd Street LLC et al.)

 FHJC testing yielded evidence that a 361-unit rental building in Manhattan had not been designed and constructed in compliance with the accessibility requirements of the Fair Housing Act. The United States filed a lawsuit against the owners and architects of the development alleging that the building was not accessible by persons with disabilities. A settlement was reached and the injunctive relief applied to seven (7) buildings with a total of 2,557 rental units in New York City owned by the defendants. The settlement also provided a fund for victims, a civil penalty, and a fund for accessibility improvements totaling more than \$2.2 million. (U.S. v. Avalon Bay Communities et al.)

The ability of persons with disabilities and persons with rental subsidies to locate

accessible and affordable housing in New York City continues to prove very

challenging. Consider these recent examples:

- A woman with disabilities who uses a wheelchair attempted to rent a house in Staten Island. After negotiating to rent the apartment and paying a security deposit, the landlord allegedly called her to withdraw his offer to rent stating the she made him feel "too nervous." The woman filed a lawsuit and resolved her complaint for an undisclosed monetary recovery.
- A deaf man was searching for an apartment in Brooklyn and a landlord allegedly told the person assisting him with his housing search that he did not want to rent to a deaf tenant. The FHJC conducted a test in response to the complaint. A lawsuit was filed and resolved with injunctive relief and \$7,500 in damages.
- A homeless man with disabilities and a Fixed-Income Advantage Voucher (FIAV) from the City of New York was repeatedly refused housing because of his disabilities and the fact that he had a rental subsidy. He was assisted by the FHJC and a testing investigation was conducted. A lawsuit was filed alleging source of income and disability discrimination. The homeless man obtained an apartment in Brooklyn at a reduced rent and a financial settlement. The FHJC has settled with all but one of the housing providers and obtained extensive injunctive relief and approximately \$300,000.
- Several tenants with disabilities residing in a public housing building in Manhattan complained that they could not use the entrance to their building because it was not accessible. After the FHJC conducted an investigation, a lawsuit was filed against the New York City Housing Authority (NYCHA) for failing to provide a safe and accessible entrance to persons with disabilities. The lawsuit is pending.
- A woman with disabilities who uses a wheelchair attempted to purchase an apartment in the Riverdale neighborhood of the Bronx. Her offer to purchase included a request to make physical modifications of the cooperative unit so that she could reside in and use the housing. When the housing cooperative and management company refused to accept her offer and allow her to make the

reasonable modifications, a lawsuit was filed. The lawsuit was settled for \$37,500.

- A man with disabilities called a rental service in Manhattan to locate a room for rent. When the service learned that he was a person with disabilities, they allegedly told him that they would not rent to him because he was not working and received disability benefits. The FHJC testing investigation corroborated the discriminatory conduct and a lawsuit was filed. A default judgment was entered against the defendants in the amount of \$8,125.
- A man with visual impairments who derived his income from disability benefits attempted to rent a room in Brooklyn. An agent for the owner of a rental building told him that the owners wanted "normal" income and that it would be futile for him to apply for the room. The FHJC assisted the man by conducting an investigation. A lawsuit was filed and a confidential settlement was reached.
- After waiting twelve years for federal rent assistance, a woman finally obtained a Section 8 housing voucher. Her Brooklyn landlord repeatedly refused to accept the housing subsidy and she ended up losing the voucher. The FHJC assisted her to obtain legal counsel and she filed a lawsuit alleging source of income discrimination. She accepted a settlement of \$105,000 which included the value of the rent assistance over the next ten years.

The practices described in this section are merely illustrative of the nature of illegal and systemic discrimination in the local housing market. They are representative of a much more pervasive and persistent problem in New York City, one which the City has failed to address.

Housing discrimination continues to harm individuals and families as well as entire communities in New York City. In addition to restricting housing choice, housing discrimination perpetuates residential segregation. The New York City metropolitan area is the 2nd most racially segregated for Latinos and Asians and the 3rd most segregated for African Americans. ¹ Housing discrimination and residential segregation contribute to:

- social and economic inequalities by impeding access to educational, employment, and other opportunities;
- o homelessness, neighborhood disinvestment, and concentrated poverty;
- o disparities in homeownership and accumulation of personal wealth; and

¹ Rankings based on a dissimilarity index using 2010 Census data applied to the 50 metropolitan areas with the largest African American, Latino, and Asian populations in the United States by John R. Logan at Brown University for the American Communities Project and the Russell Sage Foundation.

• stereotypes, fears, prejudices, and perceptions by consumers that certain housing or areas are not open or will not be welcoming.

While reinforcing feelings of privilege and advantage among some, housing discrimination and segregation leaves others to despair that they are relegated to an inherently inferior status in American society.

<u>City Housing Policies Reinforce Residential Segregation and Perpetuate</u> <u>Inequalities</u>

New York City housing policies reinforce patterns of residential racial segregation, increase concentrated poverty, and fail to affirmatively further fair housing. Here are two examples.

First, a review of ten years of data on the allocation of Low Income Housing Tax Credits from January 1, 1998 to December 31, 2007 reveals that the City of New York has sited the vast majority of LIHTC family housing in predominately minority and high poverty neighborhoods in New York City. Government policies that effectively limit housing choices available to lower-income minority families, maintain residential racial segregation, and increase poverty concentration run afoul of the duty to affirmatively further fair housing under the Fair Housing Act. Apart from the need to comply with civil rights laws, there is a growing body of evidence in social science research that housing policies should afford lower-income minority families greater choice, including the opportunity to access housing in low-poverty areas, areas that frequently offer greater employment opportunities, high-quality educational opportunities, better healthcare, and a host of other life opportunities, benefits, and amenities.

Second, the City mandates use of a residency preference for its affordable housing developments which perpetuates residential segregation because the preference is based on Community District boundaries drawn by the City. Community District boundaries often reflect the high levels of racial segregation throughout New York City. According to City policy, a 50% preference for all affordable units is applied to applicants living within the Community District where the housing is located. *See* HPD/HDC Marketing Guidelines, March 2012. Thus, if the lower income residents of a Community District are predominantly one race or ethnicity, then that group will receive first preference during the initial rent-up or sales for 50% of affordable units in each development. Applications from lower income residents of an adjacent Community

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District or within the Borough where the housing is located are only considered for the remaining 50% of the units. Since applications from residents of the Community District where the housing is located are eligible for consideration for the remaining 50% of affordable units as well, the City's policy disadvantages non-residents of the Community District and serves to reinforce existing patterns of residential segregation.

One example of the impact of this policy can be found in Williamsburg, Brooklyn where a multi-racial coalition of neighborhood residents has filed a fair housing lawsuit against the City regarding a housing redevelopment plan for the Broadway Triangle area of the neighborhood. See BTCC et al v. Bloomberg et al., Index No. 112799/09 (New York State Supreme Court). Earlier this year, a state court judge issued a preliminary injunction against the City finding that the plaintiffs had established a likelihood of success on the merits of their claims that the City's housing plan would discriminate against on the basis of race and national origin by, among other things, perpetuating the neighborhood's current pattern of residential segregation. See Order, dated January 4, 2012. One of the City's policies that the Court found would likely violate fair housing laws if applied to the Broadway Triangle development plan was the City's mandatory Community District residency preference. Id. The affordable housing at issue was proposed to be built in Brooklyn Community District 1 ("CD1") which is only 6% African American compared to the adjacent Brooklyn Community District 2 ("CD2") which is 77% African American. Id. With application of the City's CD1 residency preference, the adverse impact would be especially significant for African Americans, who the Court found are projected to represent only 3% of the proposed housing residents. Id. The City, however, never analyzed whether the residency preference was likely to perpetuate segregation, or whether it would have an adverse impact even though it knew that the preference had previously led to dismally low numbers of African American tenants in recent Brooklyn affordable housing developments such as Schaefer's Landing (9%) and Palmer's Dock (4%). Id.

Failure to Enforce Fair Housing Laws Harms All New Yorkers

The City Human Rights Law is not "substantially equivalent" to the federal Fair Housing Act. The failure of the city to upgrade its law and enforcement process continues to make the city ineligible for federal funds for fair housing enforcement. The

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City appears to prefer to refuse federal Fair Housing Assistance Program (FHAP) funds rather than strengthen its fair housing laws and enforcement program. The New York City Commission on Human Right's enforcement process lacks a formal complaint mechanism and stresses early "intervention" on a case-by-case basis prior to accepting a complaint. While early interventions may help to resolve an issue for an individual complainant, they do not eliminate the discriminatory policies or practices that will adversely impact others going forward. The Commission's intake and investigative process is structurally deficient and needs to be thoroughly revamped to ensure greater effectiveness, fairness, and equity.

The Commission does not vigorously enforce the Human Rights Law or work to remove barriers to housing choice and eliminate systemic discrimination in the housing market of New York City. Despite public statements by the Commission that it has a testing program, a review of its enforcement activity offers no evidence to support this claim. There is no indication that the Commission is experienced in conducting testing investigations or using the results to challenge systemic housing discrimination in New York City.

The Commission touts the local Human Rights Law as more "comprehensive" than federal or state fair housing laws because it includes additional protected characteristics, but this claim is fatally undermined by a defective enforcement mechanism. Victims of housing discrimination who make a complaint with the Commission soon learn that the process is not designed to eliminate discriminatory practices or repair the harm that such practices cause to this community.

The subtle and stealth nature of most housing discrimination makes it impossible for ordinary housing consumers to detect. When housing discrimination is not detected, it is not reported. Yet, subtle discriminatory practices can be just as effective in limiting housing choice. As long as housing providers believe that they can elude detection and avoid facing serious consequences for their harmful actions, illegal discrimination will continue. The passive, inadequate, and purely complaint-responsive approach to fair housing enforcement not only reflects the current administration's disinterest in vigorously enforcing fair housing laws, but it offers further evidence of the City's failure to affirmatively further fair housing.

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Conclusion

In summary, the City of New York has failed to affirmatively further fair housing in its housing and community development activities by:

- Failing to take action to eliminate systemic housing discrimination that persists in New York City neighborhoods;
- Engaging in planning and community development activities that reinforce racial segregation and concentrated poverty: and
- Failing to enforce fair housing laws and assist New Yorkers to exercise their fair housing rights

The FHJC respectfully submits these comments to underscore the need for action by the City to remove systemic barriers to housing choice, adopt policies that reduce segregation and concentrated poverty, and affirmatively further fair housing. The FHJC is prepared to answer any questions concerning this testimony and to assist the City to carry out its obligations to affirmatively further fair housing. × • . .

From:Jim QuinlivanPIISent:July 03, 2013 3:13 PMTo:Gailagher, Ted (HPD)Cc:Gonzalez, Christopher (HPD);Clare FarnenSubject:RE: Disparate Impact

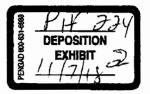
Hi Ted,

There was an interesting session about this during NCSHA's LIHTC conference. HUD did not participate but the industry experts in attendance from around the country all expressed concerns about the impact of the new rule on locality & residency preferences (i.e. community board preferences for NYC). Inherently, such preferences favor the demographics (i.e. racial, religious, or any other protected class) of the community/locality in question; arguably to the impediment of making the housing equally accessible to other demographics.

As was discussed, one of the intents behind the rule is preventing people from remaining "stuck" in economically challenged locations rather than having access to housing in communities of increased opportunity (i.e. access to jobs and better schools). To this end, it was further discussed that HUD recognizes two important mitigating factors when applying the rule to a given project:

- 1. If the agency financing the housing in question can demonstrate that it is also creating similar housing in other locations with more opportunity and that access to such housing is available. Certainly HDC & HPD together finance housing throughout the City, and all such opportunities are advertised city-wide. However, there is a concern that the majority of similar low-income housing production may be occurring in communities with similar demographics, which could present issues when viewed as a whole. Many agency attendees pointed out that they do not hand-pick the sites and that development is financed where possible (i.e. on city-owned parcels or sites brought to us by private developers). The fair housing panelists understood that but pointed out that depending on the judgment of the HUD officer reviewing a potential complaint it could be unclear if that argument alone would be sufficient. For example, it was pointed out that HUD might consider it an agency's responsibility to design its programs in a way that would attract & spur affordable housing development in more diverse areas.
- 2. If the housing in question is part of an overall economic investment into the area/community accompanied by an infusion of jobs, job training initiatives, and other programs that enhance life-opportunities for the (prospective) tenants. This is perhaps difficult to document on a site-by-site basis for new projects. But from an overall view there is no question that HDC/HPD projects have played a critical role in revitalizing the economics of several key areas where our low-income development is most prevalent; including Upper Manhattan and the South Bronx. Perhaps in credit memos and other approval documents for future projects we need to come up with ways of working in some phraseology to the effect that the project will figure prominently into the fabric of these continuing economic revivals.

In addition, I think we should consider drafting some kind of a joint HDC/HPD MOU (which we could review with our legal departments) about the importance of the community preference in NYC; if for nothing else to have on record in the event of any future HUD fair housing reviews or audits. The vertical nature of our city and the ease of our public transportation system make access to jobs and other services readily available throughout the entire city regardless of one project's specific location (much more so than in other cities/states where communities/localities can be very isolated from one another). Further, the preference does not keep its beneficiaries "stuck" in their communities. These are individuals and families who have contributed to these communities for years – often their entire lives. They are staying because their relatives, places of worship and medical providers are all there. They are not impacting the demographics of their community by moving into one of our new projects because they are already a part of that same community and its demographics. The only difference is that after years of living in these communities in housing that may have become



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unaffordable and/or substandard, they are being given a preference to improve their quality of life by moving into a brand new tax credit project for which they are income-eligible.

Lastly, over the next month or so I am having staff do an analysis of projects that have marketed since January 1, 2010 to compile some info on how the preferences have played out – i.e. how often we are actually hitting the 50% threshold and what the average percentage has worked out to be. One idea to consider after we have all the data and have reviewed with our Legal staffs is a potential reduction in the community board preference. We recently did a joint project with HUD where they required us to cut that preference in half (25%); again citing fair housing concerns. While I think that is too severe and would be a political nightmare with local officials, I do think it's potentially problematic that right now more than half of our buildings start out being potentially covered by preferences (50% CB; 7% Disability & 5% Municipal for a total of <u>62%</u> of each project). Collectively stopping at 50% total preferences – which still leaves a full half of the building open to non-preference applicants – might (at least optically) seem more compatible with HUD's underlying concerns (as well as the long-standing public use requirement for LIHTC which permits preferences but certainly does not speak to them in the volume with which we have applied them). We can't cut the 7% disability preference but reducing CB to 40% and Municipal to 3% would total an even 50%. Again I'm not yet suggesting we should go that route but it may be something to consider after we've finished our data analysis and reviewed with Legal.

The data analysis project, and drafting an MOU with some of the other above justifications for our preferences, will probably be a month-long endeavor. I propose we meet toward the end of summer and review how to proceed once we have this data.

Enjoy the 4th!

Jim

From: Gallagher, Ted (HPD) [mailt PII Sent: Friday, June 28, 2013 11:54 AM To: Jim Quinlivan Cc: Gonzalez, Christopher (HPD) Subject: Disparate Impact

Hi, Jim- You mentioned in May that you would be attending <u>Housing Credit Connect</u>, June 24-27, 2013 in San Francisco.

]

I'm wondering what, if anything, you were able to take away re HUD's <u>interpretation</u> that disparate impact may be used to establish liability under the Fair Housing Act.

Thanks. Ted

From:	Clare Farnen PII	PII		
Sent:	February 21, 2013 4:50 PM			
To:	Johns, Gilmore (HPD);'	PII	;De La Torre, Beatriz (HPD)	
Cc:	PII i';Chi	ernomaz, Gregor	y (HPD);Barefoot, Greg;Thakker, Unnati	
Subject:	RE: NYC Housing Connect 1.0 Business Requrements V1.3			
Attachments:	NYC Housing Connect 1 0 Business Requrements V1 3 (3).doc			

Gilmore,

Attached is the BRD with comments. Please note Matt's comments in his email below. As Matt noted, the changes that we spoke about last week were not incorporated in the BRD, i.e. 7.17.1 regarding Household Income. We mentioned specifically stating Step 1. Employment Income and Step 2. Other Sources of Income. The button was supposed to read "Add Other Sources of Income". I need to run, but Matt or I will resend you the email that had the language tomorrow.

Also, I have some comments in three areas (7.1.1; 7.4.3 and 7.9.1) inquiring into how much time would be saved if we did away with these changes. I did not receive the excel chart today noting the time that is allotted to each change, so I can not determine if these changes will make a difference to the go live date or not.

As discussed this morning, 7.2.1 - sorting columns and 7.1.3 Timeout both can be done away with.

We absolutely can not do away with Google Analytics, Map It Link, Generate Email List and Update Refresh Message. Clare

 From: Johns, Gilmore (HPD)

 Sent: Thursday, February 21, 2013 11:51 AM

 To:
 PII

 '; Clare Farnen; De La Torre, Beatriz (HPD)

 Cc:
 PII

 '; Chernomaz, Gregory (HPD); Barefoot, Greg; Thakker, Unnati

 Subject: Re: NYC Housing Connect 1.0 Business Requrements V1.3

All the changes to the income page that I had in my notes are incorporated. If there is something I missed put it in track changes.

The. BI tool will be available in April. Use will be limited by business users ---there are licencing and training issues and how that gets paid for and who gets preference needs to be discussed and approved

 From: Matthew Murphy
 PII
 |

 Sent: Tuesday, February 19, 2013 12:03 PM

 To: Johns, Gilmore (HPD); Clare Farnen; De La Torre, Beatriz (HPD)

 Cc: Josephine Logozzo
 PII
 ; Chernomaz, Gregory (HPD)

 Subject: RE: NYC Housing Connect 1.0 Business Requirements V1.3

Gilmore,

Thanks for sending. I have two quick questions:



NYC_0034045

- 1. The changes we made to the text of the Household Income page were not incorporated. The final version in the BRD is the older version. I know that we are in a rush to get the BRD signed imminently, so how can we accommodate those changes so that the final BRD reflects the exact wording and layout we want?
- 2. You mentioned an agency wide BI tool in lieu of the CSV export. What's the timeline for this tool? In the meantime, will TSD be able to accommodate any data requests going forward? I'm thinking ahead here because HUD changed Fair Housing Law last week to allow for data in mass to be used to indicate whether or not discrimination has taken place against a protected class. It's possible that this opens the door for fair housing litigation against our community board preferences. As such, we might be in a position where we need as much data as possible for each applicant and would be curious to know if the BI tool would be capable of that.

Let me know your thoughts.

Thanks, Matt

From: Johns, Gilmore (HPD) PII [] Sent: Sunday, February 17, 2013 3:36 PM To: Clare Farnen; Bea De La Torre Cc: Matthew Murphy; Josephine Logozzo; Chernomaz, Gregory (HPD) Subject: NYC Housing Connect 1.0 Business Requrements V1.3

Bea, Clare,

I've included the requested changes: Google Analytics and U/I changes to the Profile: Household Income page, as well as the clarifications requested by Matt. I've noted the business justification for the Google Analytics as the creation of better marketing indicators for use of the site. And the improved U/I for Household Income justification as a means to increase data validity. I've also added the Project specific preference indicator (e.g. Artist, Hurricane Victim) we discussed as an Out of Scope item for this release —it's just too big of a scope change.

As we stated in the last update meeting, we will need estimates from the programmer for the above changes. These change <u>will</u> increase the budget and will <u>possibly</u> push the schedule out beyond the mid-July release date. Greg B. will work with the programmers to analyze the impact these changes have to the project. I believe we will be in the range of the current estimates we've done for the PMO.

I apologize again for the few days delay in getting this back to you with your updates. Because we did not want to delay the project until I got the BRD to you or you approved it, we have proceeded coding without a signed BRD --a very very risky place to be in project development. Programming tasks have been scheduled in a sequence that puts nearly every task on the critical path. So any changes beyond what we have discussed will very likely impact the project delivery. Your approval of the BRD helps us proceed with a greater level of confidence that we will deliver on time and within budget, as promised.

NYC_0034046



VICKI BEEN Commissioner MATTHEW SHAFIT General Counsel / Deputy Commissioner HAROLD WEINBERG **Records Access Appeals Officer** OFFICE OF LEGAL AFFAIRS 100 Gold Street, Room 5-C2 New York, NY 10038 2120863-8400

June 11, 2015

Craig Gurian Anti-Discrimination Center, Inc. 1745 Broadway, 17th Floor New York, New York 10019 CraigGurian@Antibiaslaw.com

FOIL Request Appeal # 136-15 Re:

Dear Mr. Gurian:

I am responding to your appeal of the Agency's determination of your Freedom of Information Request numbered 136-15 ("Appeal").

In responding to the Appeal, I use the headings set forth in your Appeal. In making my determination, I reviewed your original request and the Agency's response, including the information contained in the compact disc provided to you.

Request No. 1

Based on my review of the record, I find no basis to support your claims that the Agency acted unreasonably or in bad faith. In its response, the Agency used a unique identifier for each applicant by creating a Lottery Applicant Sequence Number. This sequence number was consistent throughout the record, and is used in place of the actual name of the applicant.

Contrary to your assertions, the Agency did explain the reason for its redactions, which was to prevent unwarranted invasions of personal privacy, and therefore the information was properly withheld under Public Officers Law, Article 6, Section 87(2) (b). While you object to the level of redactions made by the Agency, I note you concede that redaction is appropriate here -precisely for the reason the Agency has stated. These redactions were made to prevent the inadvertent disclosure of the identities of applicants who have applied for housing through Housing Connect. The Agency consistently strives to prevent the unwarranted invasion of personal privacy and seeks to protect the information that applicants give to the Agency in confidence. That being said, the FOIL statute does not mandate that redaction be done in the manner you espouse.

The Appeal notes that the Agency's determination made no reference to subpart (f). household size, although review of the disc reveals that household size was also redacted. Notwithstanding the fact that there was no mention of this particular redaction in the

Exhibit 12-8/2/17/2 PLTF_0255

determination, after further discussion with Agency personnel, I have determined that the Agency intended to redact household size as well on the ground that its disclosure would be an unwarranted invasion of the registrant's privacy that could lead to revealing the identity of the individual.

You provide no support for your assertion that there is no stigma, or privacy concern attached to the affordable housing applicants' answers to questions in the Housing Connect data base. I disagree with your opinion and affirm the Agency's position on this point.

As for your request for clarification, each applicant has one applicant sequence number, which is consistent no matter how many developments the applicant applied for. The applicant sequence number refers to that applicant, and that applicant's household. Furthermore, this sequence number allows you to track all of the applicant's applications.

As to the sub-categories, "selected in lottery" and "selected for interview," the Agency did not track these categories for the period in question. As to the form that was used to present the information that was released by the Agency, the data was provided in a manner consistent with the method in which the data was collected, and in a form that was most efficient given the categories of the information that were being released.

Finally, while we appreciate your desire to work collaboratively with us, there is no requirement under the Public Officers Law to make the release of the information under FOIL a "collaborative process" with the individual or entity making the FOIL request.

Request no. 2

The original request and the Appeal demanded the following information: (a) community district, (b) ethnic identification, (c) outcome of such applications (whether or not selected lottery, whether or not selected for interview, whether or not rented to) by ethnic identification, (d) number of applicants completed by person within community district in which the development is located. The Appeal assumes that the Agency tracks certain data, for example, outcomes by community district and outcomes by ethnic identification. I have been advised that the Agency does not track the outcomes of the applications by the aforementioned variables. Moreover, to the extent the Appeal states a preference for the format in which the requested information should be presented, there is no requirement under the Public Officers Law to create a new document that would meet the criteria outlined in your original request and the Appeal.

As to your objection to the lack of clarity of the materials that were released by the Agency, the disc contains a page named "file notes" that indicates the fields and descriptions of



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the computerized files of Housing Connect. These file notes are a guide to the information contained on the disc, and I have attached a copy of this page to this determination.

As to the specific addresses highlighted in the Appeal as to which the Agency indicated that it did not market, and therefore does not possess or maintain responsive documents, my review reveals the following:

(a) 27-40 Hoyt Avenue was an HPD project, but no archival materials exist.

(b) 455 West 37th Street was an HPD project but no archival materials exist.

(c) 451 West 16th Street was an HPD project but no archival materials exist.

(d) 2-50 50th Avenue is a Housing Development Corporation ("HDC") monitored project.

(e) 228 East 46th Street was an HPD project but no archival materials exist.

Based on the above, I am upholding the Agency's determination as to these properties.

I have been advised that the Agency cannot locate the logs for the following addresses and therefore I am upholding the Agency's determination as to these properties:

(a) 330 West 39th Street New York, New York.

(b) 350 West 37th Street New York, New York.

Regarding the number of "pages" of developer's log sheets maintained as hard copies, the approximate number of pages of these documents total 3,047. The cost of producing these documents will be 761.75 (3,047 x .25 cents). Please inform Don Appel if you wish these documents to be produced.

Request No. 3

The Agency provided the reports that were available in response to this request. The Agency did not locate any interim reports from developers. Therefore I am upholding the Agency's determination on this request and denying the appeal.

Request No. 4, 5, and 6

I am upholding the Agency's determination to deny these requests based on Public Officers Law Sections 87(2) (a) and 87(2)(g) and New York State Civil Practice Law and Rules (CPLR) Sections 3301, 4503, and 4547. I have determined that these documents are not statistical or factual tabulations or data, or instructions to staff, or external audits, but rather consist of intra-agency materials that are deliberative and reflect opinion, are privileged under common law, consist of materials that are attorney work product, are subject to attorney/client



privilege, and/or are prepared either in contemplation of litigation, or in contemplation of or negotiation of a settlement of litigation, or both.

Fees

I find that the fee charged by the Agency for the response to the FOIL request was reasonable and in accordance with Public Officers Law Section 87c.i. The amount of hours required to produce the disc and review the data totaled 167.8 hours. The hourly salary of the individual that was involved in the preparation of the response is approximately \$36.62.

You may seek a judicial review of this determination pursuant to Article 78 of the Civil Practice Law and Rules.

Yours truly,

Hanold Weinhers

Harold Weinberg Records Access Appeals Officer

HW/as Encl.

cc:

Robert Freeman, Executive Director, Comm. On Open Gov't Donald Appel, Records Access Officer



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The fields represented in the Housing Connect File are as follows:

- The Lottery Applicant Sequence Number (LTTRY_APPLNT_SEQ_NO) represents a unique (4-6 digit) numerical profile identifier
- The <u>Account Creation Date</u> (ACCOUNT_CREATE_DATE) represents the date (and time) in which a registrant completed a profile (active and inactive) for Housing Connect
- The <u>Project Name</u> (**PROJECT_NAME**) is the project in which the registrant applied
- <u>Community Board</u> (CB) represents the Community Board in which the applicant resides
 - Flags:
 - Blank/0= Don't reside in the CB of the property location
 - "." = Missing
 - Any other numerical value aside from "0"=Applicant resides in the CB of the property location
- o Lease (lease) represents whether a lease was signed by the applicant
 - Flags:
 - 1= Applicant signed lease
 - 0= Applicant did not sign lease
 - "" and "." = Missing

*Lease information is available for:

- The Park Clinton: 535 West 52nd Street, NY,NY 10019
- Q41: 23-10 41st ave Long Island City
- 1070 Washington Ave, Bronx, NY 10456
- 500 West 30th Street
- The Stack: 4857 Broadway, Inwood, Manhattan
- The Roosevelt: 40-07 73rd Street, Woodside, Queens
- Mennonite United Revival Apartments: 424 Melrose St, Bushwick, Brooklyn
- Harlem West 117: 24 West 117th St, Central Harlem, Manhattan
- Alphabet Plaza: 310 East 2nd Street, Lower East Side, Manhattan
- 525 W. 28th Street



Housing Connect Analysis Preliminary findings 05.24.2016

Division of Research & Evaluation Department of Housing Preservation and Development



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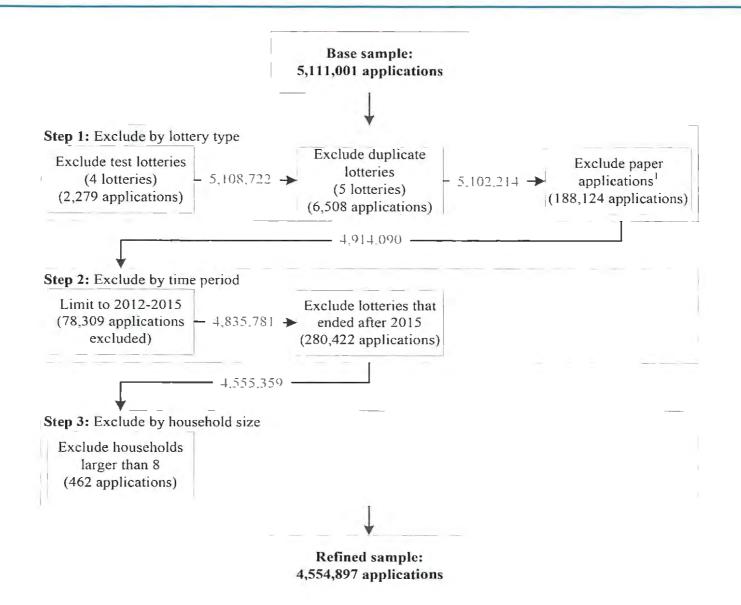
Confidential

Scope

- Analysis of Housing Connect lotteries, applications, and applicants
- Time period: 2013 (launch of Housing Connect) through CY2015
- Key questions:
 - Who seeks affordable housing through Housing Connect?
 - What is the relationship between supply (projects/units marketed through HC) and demand (applications, applicants)?
 - What are the housing and neighborhood conditions at time of application?
 - How would mobility to affordable housing alter the housing and neighborhood conditions of applicants, if offered housing?

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¹ Excluding paper applications limits the scope to rental lotteries because all condo and coop lotteries use paper applications 3

Confidential

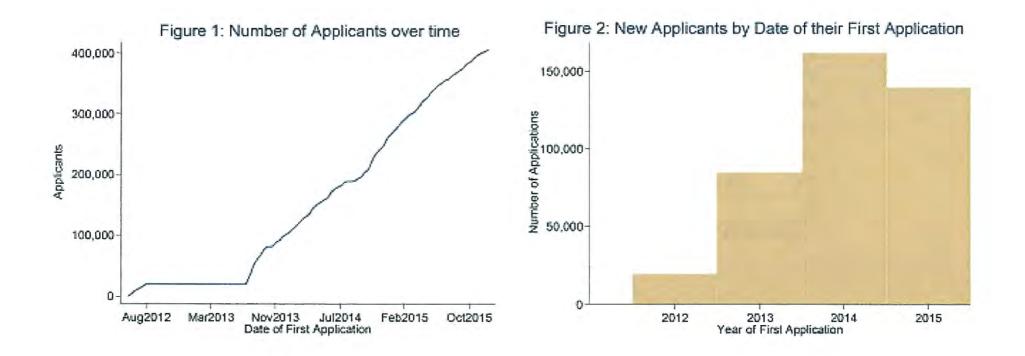
Lotteries in Analytic Sample, by Year

We consider a total of 104 lotteries, comprising 5,837 units.

Table					
	Numbers of P	rojects	Numbers of Units		
Lottery End Date	N	%	N	%	
2013	9	8.7	589	´ 10. 1	
2014	41	39.4	2,448	41.9	
2015	54	51.9	2,800	48.0	
Total	104	100.0	5,837	100.0	

Housing Connect Applications and Applicants Over Time

The number of applications grew sharply over the past four years, particularly in 2014 and 2015 (left); however, the number of unique applicants fell in 2015 as compared to 2014 (right).



¹ Unique applicants are defined by the first application submitted from a given Housing Connect account. Because account holders age, change their household composition, move, or experience changes to their income, the demographic characteristics that described them at the time of their first application might not be stable across all the applications that they submit.

Confidential

Applications / Applicants, by Preference Group

Historically, 5 percent of units have been set-aside for mobility impaired applicants, 2 percent for visual / hearing impaired applicants, 5 percent for municipal employees, and 50 percent for applicants from the community district where the project is located.

	Applicati	ons	Unique Applicants		
Preference Group*	N	%	N	%	
Disability	250,058	5.5	21,319	5.3	
Mobility	43,172	1.0	3,751	0.9	
Vision or Hearing	221,058	4.9	18,750	4.6	
City Employee	544,670	12.0	41,412	10.2	
CD Preference	212,227	4.7	38,797	9.6	
No Preference	3,604,233	79.1	311,787	76.8	
Total	4,554,897	100.0	405,720	100.0	

*Numbers do not add up to 100% as some applicants and applications are eligible for multiple preferences/set asides.

¹ Unique applicants are defined by the first application submitted from a given Housing Connect account. Because account holders age, change their household composition, move, or experience changes to their income, the demographic characteristics that described them at the time of their first application might not be stable across all the applications that they submit.

Confidential

Secondary Housing Assistance

Overall, 7.2 percent of applications and 6.2 percent of unique applicants report having a voucher or other form of housing assistance.

Housing Subsidy*	Applications		Unique Applicants		All NYC Renters **	
	N	%	N	%	N	%
Yes	327,040	7.2	25,133	6.2	232,901	11.1
HPD Section 8	45,295	1.0	3547	0.9	142.093	6.8
NYCHA Section 8	139,557	3.1	12,976	3.2		
Other	142,188	3.1	8,610	2,1	90,808	4.3
No	4,227,857	92.8	380,587	93.8	1,866,913	88.9
Total	4,554,897	100.0	405,720	100.0	2,099,814	100.0

Table 11: Housing Subsidy

* Values based on self-reports.

** Source: 2014 New York City Housing and Vacancy Survey, numbers might not add to totals due to rounding, estimates are subject to sampling and non-sampling error, see census.gov for more details, respondents who reported receiving both Section 8 and other housing subsidy are listed as receiving Section 8

Initial Eligibility of Applications

Initial eligibility is determined based on the self-reported household size and income of an application from the Housing Connect application. Across all HC applications, only 31.5 percent of applications were initially eligible for one or more unit at the site to which the household applied.

	Applications			
Income Eligibility	N	%		
Ineligible	2,570,254	56.4		
Eligible	1,432,923	31.5		
Apparent Eligibility Cannot be Determined*	551,720	12.1		
Total	4,554,897	100.0		

*Apparent Eligibility Cannot be Determined for applicants who Lotteries 1 and 2 are excluded as 90% of applications have

Eligibility for multiple unit types

More than a third of applications are initially eligible for more than one unit in the lottery to which the household applied. This substantially increases the probability of selection for some applicants.

	Applications		
Number of unit types application is eligible for within a lottery		N	%
	0	2,569,144	64.21
	1	893,494	22.33
	2	481,864	12.04
	3	42,232	1.06
	4	8,181	0.20
	5	2,873	0.07
	6	2,262	0.06
	7	590	0.01
	8	701	0.02
Total*		4,001,341	100.00
Apparent Eligibility Cannot be Determined	t	553,556	N/A
All Applications		4,554,897	

* Excluding recipients of housing subsidies as well as applications with no reported income.

Distribution of Applications and Applicants, by Household size

The vast majority of applications and applicants are small households. About half of applications and applicants apply to live alone.

Household Size**	Applicati	ions	Unique App	licants	All NYC Renters *		
	N	%	N	%	N	%	
1	2,165,616	47.54	228,240	56.26	737,449	35.12	
2	1,198,907	26.32	88,423	21.79	605,880	28.85	
3	700,947	15.39	50,387	12.42	347,424	16.55	
4	353,263	7.76	26,729	6.59	232,076	11.05	
5	99,803	2.19	8,513	2.10	110,310	5.25	
6	28,870	0.63	2,719	0.67	42,071	2.00	
7	6,091	0.13	559	0.14	19,029	0.91	
8	1,400	0.03	150	0.04	5,574	0.27	
Total	4,554,897	100.00	405,720	100.00	2,099,814	100.00	

* Source: 2014 New York City Housing and Vacancy Survey, numbers might not add to totals due to rounding, estimates are subject to sampling and non-sampling error, see census.gov for more details.

** Households larger than 8 are excluded (462 applications).

Distribution of Applicants and Applications, by Income Band

About one fifth of applications and applicants are ELI, with a smaller share at the upper end of the income distribution.

Income Band	Application	ons	Unique Appl	licants	All NYC Renters *		
	N	%	N	%	N	%	
No Income Reported**	242,440	5.3	60,761	15.0			
Extremely Low Income	864,872	19.0	88,797	21.9	592,230	28.2	
Very Low Income	1,667,567	36.6	122,515	30.2	351,737	16.8	
Low Income	1,526,289	33.5	101,610	25.0	358,515	17.1	
Moderate Income	207,268	4.6	22,612	5.6	309,450	14.7	
Middle Income	34,249	0.8	6,636	1.6	186,279	8.9	
Above Middle Income	12,212	0.3	2,789	0.7	301,603	14.4	
Total	4,554,897	100.0	405,720	100.0	2,099,814	100.0	

* Source: 2014 New York City Housing and Vacancy Survey, numbers might not add to totals due to rounding, estimates are subject to sampling and non-sampling error, see census.gov for more details.

** Income either missing or reported as \$0

Ratio of Applications to Available Units, by Type

Overall, there are about 350 initially eligible applications for every unit marketed through Housing Connect; however, this varies greatly by size and income band. Generally, demand is greater among lower-income units and smaller sized units.

	Income Band												
Unit Size	30%	40%	50%	60%	70%	80%	90%	100%	110%	120%	130%	140% +	Total
Studio	483.6	738.1	420.6	523.7	N/A	1,456.5	3,306.0	1,687.9	6,373.0	773.8	1,065.0	30.7	451.4
1-bed	1,388.5	841.2	511.9	445.3	2,256.3	497.6	395.6	306.6	897.4	393.2	659.0	27.7	420.2
2-bed	512.8	607.8	414.2	228.4	1,481.3	386.1	512.9	132.7	68.9	173.8	94.8	17.9	232.2
3-bed	939.0	794. 8	478.4	288.8	N/A	281.6	341.5	274.3	160.0	164.4	N/A	16.7	291.0
4-bed	N/A	883.0	880.0	170.7	N/A	N/A	N/A	181.0	N/A	N/A	N/A	N/A	301.8
Total	783.0	744.0	459.1	356.7	2,145.6	576.7	685.2	314.1	257.5	344.3	409.5	24.7	348.2

Ratio of Applications : Available Units

Ratio of Applications to Available Units, by Type: 2015 Lotteries

For 2015 lotteries, there were 2,500 units marketed across 54 lotteries. Demand continued to be higher for smaller units.

	-			Income Band									
Unit Size	30%	40%	50%	60%	70%	80%	90%	100%	110%	120%	130%	140% +	Total
Studio	N/A	1070.87	496.91	593.21	N/A	1734.73	4835.60	2227.60	6373.00	1560.25	1065.00	56.03	645.71
1-bed	1097.50	652.98	520.63	511.44	N/A	529.20	1036.24	503.89	1598.67	311.38	659.00	42.63	494.23
2-bed	N/A	595.91	579.46	258.49	N/A	604.94	450.86	128.24	329.67	390.80	367.50	40.29	297.14
3-bed	N/A	689.45	556.69	317.73	N/A	495.00	341.50	312.83	N/A	98.67	N/A	N/A	374.94
4-bed	N/A	883.00	880.00	170.71	N/A	N/A	N/A	181.00	N/A	N/A	N/A	N/A	301.82
Total	1097.50	717.41	532.03	406.94	N/A	782.28	1048.15	356.89	1314.70	481.18	819.78	46.47	441.37

Notes: Counts are for total households within 54 lotteries that were "aparently eligible" for one or more available units, defined as having household size and corresponding self-reported income required for a given unit. Units were classified into HUD income limits based on the maximum HUD income level qualifying for a given unit rounded to the nearest 10% or placed into 140% or over backets.

* may double count applications that appear to be eligible for more than one unit

Gender of Primary Applicant

Gender	Applicati	ons	Unique App	licants	All NYC Renters *		
	N	%	N	%	N	%	
Male	1,305,457	28.7	122,665	30.2	944,761	45.0	
Female	2,910,086	63.9	247,230	60.9	1,155,052	55.0	
Not Reported	339,354	7.5	35,825	8.8			
Total	4,554,897	100.0	405,720	100.0	2,099,814	100.0	

* Source: 2014 New York City Housing and Vacancy Survey, numbers might not add to totals due to rounding, estimates are subject to sampling and non-sampling error, see census.gov for more details.

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Race / Ethnicity

Race/Ethnicity	Applications		Unique Applica	All NYC Renters **		
	N	%	N	%	N	%
White, Non-Hispanic	303,838	6.7	38,901	9.6	746,622	35.6
Black, Non-Hispanic	1,758,936	38.6	138,038	34.0	480,951	22.9
Asian, Non-Hispanic	225,409	5.0	29,012	7.2	227,463	10.8
Hispanic	1,695,891	37.2	143,327	35.3	615,834	29.3
Other	306,110	6.7	24,415	6.0	28,944	1.4
Not Reported	264,713	5.8	32,027	7.9		
Total	4,554,897	100.0	405,720	100.0	2,099,814	100.0

* All applicants/respondents who indicated that they are Hispanic were classified as Hispanic, only Non-Hispanic applicants/respondents were classified as White, Black, or Asian. Applicants/Respondents who indicated other races or multiple races, but were not Hispanic were classified as Other.

** Source: 2014 New York City Housing and Vacancy Survey, numbers might not add to totals due to rounding, estimates are subject to sampling and non-sampling error, see census.gov for more details.

Household Composition

Household Composition*	Applicat	ions	Unique App	olicants	All NYC Renters **		
	N	%	N	%	N	%	
Households with Children	1,765,954	38.77	121,611	29.97	616,426	29.36	
Households with no Children	2,788,039	61.21	284,021	70.00	1,483,388	70.64	
Household Composition Cannot be Determined	904	0.02	88	0.02			
Total	4,554,897	100.00	405,720	100.00	2,099,814	100.00	

* Children are defined as household members younger than 18.

** Source: 2014 New York City Housing and Vacancy Survey, numbers might not add to totals due to rounding, estimates are subject to sampling and non-sampling error, see census.gov for more details.

Households with 1+ Senior

Household Composition	Applicati	ons	Unique App	licants	All NYC Renters **		
	Ν	%	N	%	N	%	
Senior Applicants	132,623	2.9	15,753	3.9	430,257	20.49	
Households with Seniors	207,412	4.6	22,431	5.5	506,475	24.1	
Total	4,554,897	100.0	405,720	100.0	2,099,814	100.0	

* Seniors are defined as individuals 62 years of age or older.

** Source: 2014 New York City Housing and Vacancy Survey, numbers might not add to totals due to rounding, estimates are subject to sampling and non-sampling error, see census.gov for more details.

Length of Residence at Originating Address

Length of Residence at Current Address	lress Applications*		Unique App	licants*	All NYC Renters **		
	N	%	N	%	N	%	
Less than a year	704,169	15.5	53,255	14.2	80,683	3.8	
One year	558,057	12.3	48,298	12.9	317,873	15.1	
Two-Three Years	819,291	18.0	74,051	19.8	412,671	19.7	
Four to Six Years	635,173	13.9	57,741	15.4	357,492	17.0	
Seven - Ten Years	501,801	11.0	46,141	12.3	250,684	11.9	
Eleven-Twenty Years	612,398	13.4	56,232	15.0	343,846	16.4	
Twenty One or more Years	453,193	9.9	38,512	10.3	336,564	16.0	
Not Reported	270,815	5.9	31,490	7.8			
Total	4,554,897	100.0	405,720	100.0	2,099,814	100.0	

* Length of residence for Housing Connect applicants is collected with the following question: "How long have you lived at this address?".

** Source: 2014 New York City Housing and Vacancy Survey, numbers might not add to totals due to rounding, estimates are subject to sampling and non-sampling error, see census.gov for more details.

Contract Rent at Originating Address

Borough	Applications**	Unique Applicants**	All NYC Renters ***	
	Median	Median	Median	
Manhattan	941	1,000	1,750	
Bronx	1,000	1,000	1,033	
Brooklyn	1,000	1,050	1,135	
Queens	1,153	1,200	1,300	
Staten Island	1,000	1,000	1,000	
Outside of NYC	999	1,000		
Total	1,000	1,044	1,200	

* Adjusted to 2014 dollars based on NY MSA Consumer Price Index

** For Housing Connect applicants and applications we use answers to the question: "How much do you contribute to the total rent of the apartment?" as their contract rent values.

*** Source: 2014 New York City Housing and Vacancy Survey, numbers might not add to totals due to rounding, estimates are subject to sampling and non-sampling error, see census.gov for more details.

Contract Rent Burden at Originating Address

	Applications*	Unique Applicants*	All NYC Renters ** %	
Rent Burdened	%	%		
	43.4	48.9	51.4	
Severely Rent Burdened	16.0	20.6	29.3	

* For Housing Connect applications and applicants we use monthly rent contribution and individual income

** Source: 2014 New York City Housing and Vacancy Survey, numbers might not add to totals due to rounding, estimates are subject to sampling and non-sampling error, see census.gov for more details.

Supply by bedroom size

Table

Number of Units		
N	%	
1,130	19.4	
2,194	37.6	
2,226	38.1	
276	4.7	
11	0.2	
5,837	100.0	
	N 1,130 2,194 2,226 276 11	

Supply by borough

Table						
	Number of Projects			Number of Units		
Borough	N		%	N	%	
Manhattan		31	29.8	1,568	26.9	
Bronx		30	28.9	1,773	30.4	
Brooklyn		37	35.6	1,225	21.0	
Queens		6	5.8	1,271	21.8	
Staten Island		0	0.0	0	0.0	
Total		104	100.0	5,837	100.0	

Supply by development type

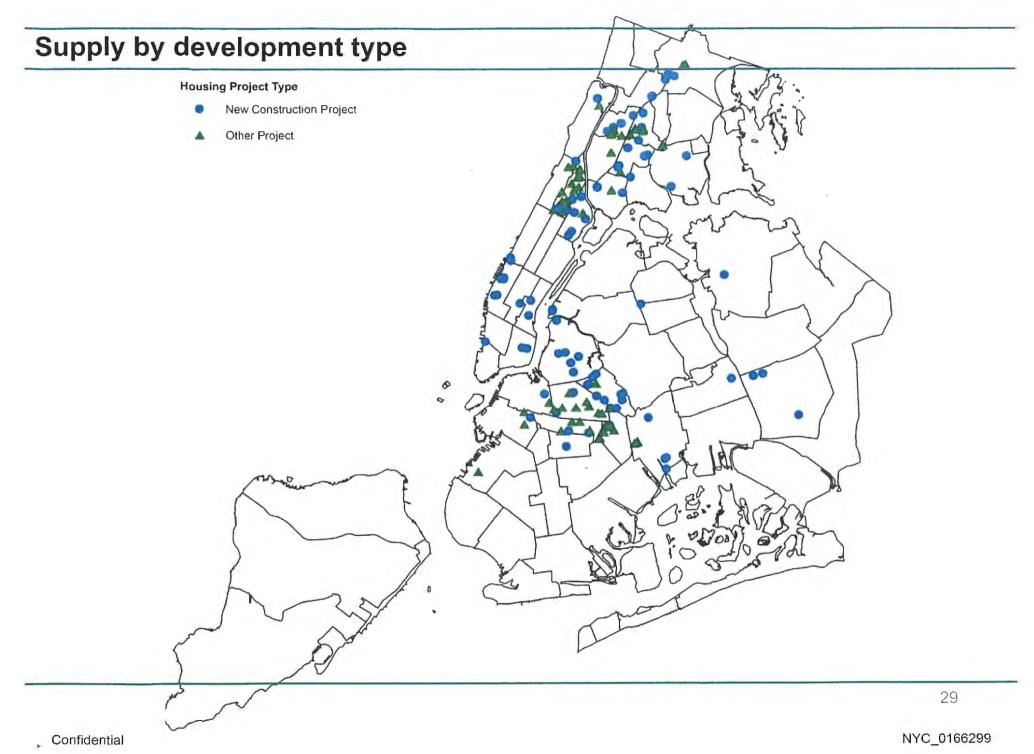
Table

And how many of these projects and units were new construction compared with preservation?

Number of P	minote	Number of	Inite	
N	%	N	%	
85	81.7	5,439	93.2	
19	18.3	398	6.8	
104	100.0	5,837	100.0	
	N 85 19	85 81.7 19 18.3	N % N 85 81.7 5,439 19 18.3 398	

- The majority of lotteries marketed through the Housing Connect portal offer units in newly constructed buildings as opposed to preserved units
- New construction projects accounted for 82% of lotteries and 93% of affordable units marketed through the Housing Connect portal in the years 2013-2015
- This means that preservation projects are not only less common, but also smaller on average than new construction projects

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Housing Lotteries by NTA Poverty Rate

	Projects		Units	
Neighborhoods by Poverty Levels	N	%	N	%
High Opportunity Neighborhoods	4	5.1	239	5.3
Average Neighborhoods	64	81.0	3,741	83.3
Concentrated Poverty	11	13.9	513	11.4
Total	79	100.0	4,493	100.0

Source: American Community Survey 2010-2014.

Neighborhoods classified based on poverty levels in Neighborhood Tabulation Areas. One project was constructed in an NTA for which data were not available and was therefore excluded. EFFECTIVE 7/16/15

HFA FORM 2-16

NEW YORK STATE HOUSING FINANCE AGENCY FAIR HOUSING AND TENANT SELECTION GUIDELINES

Contents

- 1. Definitions
- 2. Fair Housing Commitment
- 3. Tenant Selection Policies In Tenant Selection Plan
- 4. Standards For Tenant Selection Policies In Tenant Selection Plans For Assisted Projects

- 4.1.3.1 Evidence of rehabilitation, including:
 - a) any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct;
 - b) the person responsible for the prohibited action demonstrates successful completion of a credible rehabilitation program; or
 - c) for a violation stemming from the use or abuse of drugs or alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents, the person demonstrates to the Participating Owner's satisfaction that the person is no longer engaging in the drug or alcohol-related activity;
- 4.1.3.2 Evidence of the applicant family's participation in or willingness to participate in social service or other appropriate counseling service programs and the availability of such programs;
- 4.1.3.3 Evidence of the applicant family's willingness to attempt to increase family income and the availability of training or employment programs in the locality.
- 4.1.3.4 Selection for particular unit. In selecting a household to occupy a particular unit, the owner may match family characteristics with the type of unit available, for example, number of bedrooms. If a unit has special accessibility features for persons with disabilities, the owner must first offer the accessible unit to families which include persons with disabilities who require such features.
- 4.1.3.5 Housing assistance limitation for single persons. A single person who is not an elderly or displaced person, a person with disabilities, or the remaining member of a resident family may not be provided a housing unit with two or more bedrooms, unless a waiver is granted by the Agency.
- 4.1.4 Particular owner preferences. To the extent a Participating Owner adopts preferences in its tenant selection policies, the Participating Owner must inform all applicants about available preferences and must give applicants a reasonable opportunity to show that they qualify for available preferences.
 - 4.1.4.1 Residency requirements or preferences.
 - 4.1.4.1.1 Residency requirements are prohibited. Although the Participating Owner is not prohibited from adopting a residency preference, the Participating Owner may only adopt or implement residency preferences in accordance with these Guidelines and the Applicable Rules.

- 4.1.4.1.2 A residency preference is a preference for admission of persons who reside in a specified geographic area ("residency preference area"). The residency preference must be included and separately identified in the tenant selection plan.
- 4.1.4.1.3 An owner's residency preference must be approved in one of the following methods:
 - 4.1.4.1.3.1 Prior approval by HUD (pursuant to 24 CFR § 5.655(c)(iii)) of the housing market area in the Affirmative Fair Housing Marketing plan (in accordance with 24 CFR §§ 108.25 and 200.600 et seq., as amended or renumbered) as a residency preference area;
 - 4.1.4.1.3.2 Prior approval (pursuant to 24 CFR § 5.655(c)(iii)) of the residency preference area in the public housing agency ("PHA") plan of the jurisdiction in which the project is located;
 - 4.1.4.1.3.3 Modification of the Affirmative Fair Housing Marketing Plan, in accordance with 24 CFR §108.25 and 200.600 et seq., as amended or renumbered.
 - 4.1.4.1.3.4 To the extent a Participating Owner is not required to submit an Affirmative Fair Housing Marketing plan to HUD (or other designated Agency) with respect to an Assisted Project, the Participating Owner shall prepare and file an Affirmative Fair Housing Marketing plan (in accordance with 24 CFR §108.25 and 200.600 et seq.) with the Agency. The Participating Owner shall be solely responsible for assuring that such Affirmative Fair Housing Marketing Plan complies with all Applicable Rules.
 - 4.1.4.1.4 Use of a residency preference may not have the purpose or effect of delaying or otherwise denying admission to a project or unit based on the race, color, ethnic origin, gender, religion, disability, or age of any member of an applicant family.
 - 4.1.4.1.5 A residency preference must not be based on how long an applicant has resided or worked in a residency preference area.
 - 4.1.4.1.6 Applicants who are working or who have been notified that they are hired to work in a residency preference area must be treated as residents of the residency preference area. The owner may treat graduates of, or active participants in, education and training programs in a residency preference area as residents of

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From:

Been, Vicki (HPD)

PII

Sent:February 18, 2016 6:15 AMTo:Seabrook, Margie (HPD)Subject:FW: Creating Moves to OpportunityAttachments:Conference Proceedings and Next Steps.pdf

Can you pls schedule a lunch with Eva? No emergency.

Vb

From: "Trimble, Eva (HPD)"PIIDate: Thursday, February 18, 2016 at 5:59 AMTo: Vicki Been <</td>PIICc: Don Shacknai <</td>PIISubject: Creating Moves to Opportunity

Vicki – Back in December, Roeland and Dinsiri attended a conference in Cambridge, MA, organized by the Cambridge PHA, that brought together PHAs from across the country, mobility researchers including Raj Chetty, and HUD. Gregory Russ from Cambridge is trying to bring together these stakeholders to form a research study group and pilot program that would essentially try to get ahead of HUD in formalizing new interventions to promote mobility. Rather than have HUD dictate interventions to PHAs (a la SAFMR), Greg wants to try to use the next year or more to test some intervention methods and propose back to HUD our findings. Attached is a very helpful 2-page summary of the conference proceedings from December.

We have agreed to participate in this research project and the next steps proposed in December were to start developing working groups in early 2016 as well as for Gregory Russ to bring together the major foundations in order to raise funding for the research. We are attending a meeting next week with several potential funders at the Russell Sage Foundation. We understand that Rockefeller, Robin Hood, Ford, Oppenheimer, etc. are all going to have representatives at the meeting and the research team and representatives from HUD will also be at the meeting. From the PHA side, executive directors from Houston Housing Authority, King County Housing Authority and Seattle Housing Authority will be in attendance. I am very excited that HPD is a part of this initiative and I wanted to share this news with you.

This does not detract in any way from efforts the DTR team is taking to create a mobility counseling program and enhance our briefing materials with clients. We are still proceeding with working with Lyz G. on neighborhood snapshots and figuring out how to weave mobility into our general program operations. Our participation in the Cambridge initiative brings another layer of attention to the mobility issue and will show HUD that we are responding to their policy directions. I hope you agree that we are proceeding in the right direction and I welcome your feedback either way. I know you have many contacts in the foundation world, and I do not yet have a list of names for next week's meeting, but I wanted to put this on your radar so that you hear about this initiative first from me and not from someone else. Thanks, Eva

Eva Trimble

Deputy Commissioner for Financial Management & Tenant Resources

Department of Housing Preservation & Development

PII

New city housing policy faces test amidst affordability debate

11/8/17, 4:42 PM

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This project is planned for parcels bound by Flushing and Franklin avenues, at the intersection of South Williamsburg and Bedford Stuyvesant in an industrial area with some homes. | Getty

New city housing policy faces test amidst affordability debate

By SALLY GOLDENBERG | 04/06/2017 05:18 AM EDT

The most controversial part of Mayor Bill de Blasio's new housing policy, a provision that benefits middle-class tenants, is facing its first test in a city debating just how affordable affordable housing should be.

Riverside Developers is seeking a rezoning from the City Council to build a mixed-use development with 296 apartments on manufacturing land in Bedford-Stuyvesant, Brooklyn. In exchange, 88

units would be rent regulated, but available to residents who almost all earn more than the area median income.

In seeking to use the part of the year-old Mandatory Inclusionary Housing policy known as the "workforce option," the proposal has become a flashpoint in a city grappling with a sharp increase in homelessness, a rental housing shortage and long wait lists for public housing.

The provision was written into the housing policy to allow for moderately-priced homes in certain neighborhoods. Other options applied to some of the poorest parts of the city call for cheaper apartments, which are partly funded by public subsidies.

Riverside would not receive any city money for the project and would have to devote 30 percent of the new units to tenants earning, on average, 115 percent of the area median income — \$89,355 for a three-person household. The rest would be rented at market-rate.

"In going for a project that is not relying on subsidy, I think what's being put forward is creating some traditionally middle-income [housing]," said City Councilman Steve Levin, who represents the area. "I don't think that the project in and of itself would be then the cure-all for affordable housing needs in the neighborhood, and there's going to continue to be a need for more lowerincome housing."

Levin said he expects to decide on the project by week's end. Because the Council typically defers to local members on land use matters, his support is critical for Riverside.

"I voted for Mandatory Inclusionary Housing with the workforce option as part of the legislation, so it would be hard for me to come back and say it could never apply in any circumstance after voting for it last year," Levin said.

Several of his colleagues argued the proposal fails to satisfy the needs of lower-income New Yorkers.

"I believe that people who have higher [incomes] also need assistance, but if they need assistance, we certainly know that people of lower [incomes] also need assistance, and this doesn't include any of them," Councilman Jumaane Williams, a Brooklyn Democrat, said during a recent Council hearing.

Riverside is proposing to rent 10 percent of the units to tenants earning 70 to 90 percent of the area median income, while others would command rents as high as 130 percent to reach the required

average. Williams said the fact that the proposal wouldn't go below 70 percent of the area median income is "reprehensible."

He recommended the Council entirely retool the citywide policy, which he voted against last March.

"We're in a crisis now," Williams said.

Councilman Antonio Reynoso, who represents a neighboring Brooklyn district, called Riverside's affordability plans "unacceptable."

"There's a need for affordable housing, especially considering how many homeless families we have right now," he said in an interview last week.

"I have a different vision as to how this Mandatory Inclusionary Housing stuff should work. In neighborhoods that are poor, we're seeing 100 percent affordable housing, 50 percent affordable housing. We're seeing these very aggressive attempts at achieve the maximum affordable housing," he said.

But in more affluent areas, he said, "they do the bare minimum."

This project is planned for parcels bound by Flushing and Franklin avenues, at the intersection of South Williamsburg and Bedford Stuyvesant in an industrial area with some homes. According to a report by the Furman Center, median rents in the community were \$1,050 from 2010 through 2014, up 13.2 percent from 2005 through 2009.

"The idea here would be that this building would be self-sustaining and provide affordable housing for middle-income families," Richard Lobel, a lobbyist for the developer, said at the Council hearing. He said the city's housing agency "was a strong proponent of the workforce option."

Asked about the administration's view of the workforce option, mayoral spokeswoman Melissa Grace said, "Any project approved under Mandatory Inclusionary Housing must adhere to the program's clear rules."

The City Planning Commission deemed the Riverside project "appropriate" in its report on the proposal, and acknowledged "that the project is in the type of moderate market area where the concerns underlying the creation of the workforce option exist."

The development would include one eight-story, 176,670-square-foot, building with 168 apartments

and retail space. A second building would occupy 126,839 square feet and would include 128 apartments.

But the report added that "the great need for affordable housing to low-income New Yorkers that either [of the other options] would be able to provide in greater numbers than the workforce option and therefore strongly encourages the applicant to work with the Department of Housing Preservation and Development to identify potential opportunities for financing that would enable deeper affordability ... on at least one of the two development sites."

The local community board, which has an advisory role in land use issues, initially voted 18-17 in favor of the project, with two abstentions. It then passed it 24-4 with one abstention in January.

Despite its approval, the board recommended the developer offer lower-cost housing, saying the proposal "far exceeds the Community Board 3 median income of \$36,535.

Brooklyn Borough President Eric Adams also recommended more affordable housing in the project, "in order to better accommodate local community area median income levels."

A former city housing commissioner, Rafael Cestero, president of the Community Preservation Corporation, argued that locking in housing at middle-income levels creates affordable housing in the future, when prices go up. The city's policy requires developers to permanently rent these units at the given percentage of area median income.

"In a few short years, there's a benefit to capping rents at a level that may seem like a market rate today," he said. "Within two, three, four, five years they will be substantially below market and affordable [as] the market pressures are just pushing rents up in all these neighborhoods."

DOING OUR FAIR SHARE, GETTING OUR FAIR SHARE

REFORMING NYC'S SYSTEM FOR ACHIEVING FAIRNESS IN SITING MUNICIPAL FACILITIES



THE NEW YORK CITY COUNCIL FEBRUARY 2017



Queens 12 (Jamaica) – that are (or were, at the time of the stations' sitings) overwhelmingly communities of color. Despite improving emissions standards for both WTS and sanitation trucks, people who live near such a large concentration of WTS are exposed to dirtier air, more truck traffic on residential streets, and more noise, all of which have a negative impact on community health.

For many years, these WTS handled only commercial waste, while residential waste was disposed of at the Fresh Kills landfill on Staten Island. When Fresh Kills was closed in 2001, the Department of Sanitation (DSNY) began disposing of over 12,000 tons of residential waste per day at private WTS.[®] In a striking illustration of how difficult achieving distributional equity can be, the City's efforts to relieve the residents of Staten Island Community District 3 worsened an already unfair situation for residents of the South Bronx, Northern Brooklyn, and Southeast Queens.

To address this critical environmental justice issue, the City embarked on a broad project to bring both process and distributional fairness to the siting of waste facilities with its Comprehensive Solid Waste Management Plan (SWMP), adopted in September 2006. DSNY's summary of the SWMP could well be a mission statement for the siting of all LULUs:

> "For the first time since responsibility for commercial waste was shifted to the private sector, the City is proposing a coordinated and comprehensive approach to addressing the environmental issues associated with the current system of managing commercial waste. By committing not just to increased regulation and planning but also to the use of City-owned infrastructure, this SWMP will ensure that the impacts of the commercial waste system are more evenly distributed throughout the City and that private waste transfer stations, wherever they may be located, will have a reduced impact on their surrounding communities."⁸

The SWMP called for the overhaul or new construction of six "Marine Transfer Stations" (MTS) to ship garbage by barge, and to ensure that the burdens were more equally distributed by borough. Construction of the facilities has taken most of the past decade. Two of the stations – the Southwest Brooklyn MTS in Gravesend, and especially the East 91st Street MTS on the Upper East Side – were met with extensive opposition. Both remained in the plan; a new ramp at East 92nd Street was added to the project (at a cost of approximately \$30 million) in response to community concerns. Today, more than a decade after the SWMP was adopted, the North Shore MTS in College Point, Queens and the Hamilton Avenue MTS near Brooklyn's Gowanus Canal are complete. Construction is underway and expected to be completed in the next year on the 59th Street MTS in Manhattan, East 91st Street, and Southwest Brooklyn. The Gansevoort MTS requires extensive negotiations and planning with New York State, and will not commence construction for several years.

Five of the six MTS's are in completion. Fair Share reforms will ensure that current and future waste transfer stations – whether they are public or private -- are distributed fairly across the city.

Residential Beds

Residential beds is a broad category which includes correctional facilities, nursing homes, group foster homes, inpatient mental health treatment centers and inpatient chemical dependency treatment centers, homeless shelters, and transitional housing. As noted above, the Fair Share Criteria adopted by the City Planning Commission nominally require agencies to apply stricter scrutiny to sitings in community districts with a high ratio of "residential beds" to population and to explain whether alternative sites were considered. To guide this process, City Planning is required to publish an annual index of the "beds-to-population" ratio for each community district. Unfortunately, this index has not been produced since 2003.

These residential bed facilities are highly concentrated in communities of color. Setting aside Queens Community District 1 (which is first on the list because it includes Rikers Island), the top 10 communities are all communities of color: Queens 14, Manhattan 11, Bronx 3/6, Bronx 11, Bronx 8, Bronx 1/2, Bronx 4, and Brooklyn 16.

Moreover, from 1999 to 2015, the five community districts that have seen the largest increase in residential beds-to-population ratios are all located in central Bronx and central and eastern Brooklyn all communities of color. These community districts hosted 32% of all beds in 1999 and 33% of beds in 2015. ^v At the same time, the three communities that decreased in density with respect to residential beds were all majority or near-majority white. Homeless shelters and transitional housing are heavily concentrated. The top ten community districts have an average of 21.7 shelter beds per 1,000 residents – five times the ratio of the rest of the city. These beds are concentrated in Bronx Community Districts 1, 2, 3, 4, and 6 (central and south Bronx), Manhattan Community Districts 4, 5, 7, and 11 (Chelsea, Midtown, the Upper West Side, and East Harlem, respectively), and Brooklyn Community District 16 (Brownsville).



Henry Hart Rice Urban Policy Forum

Affordable Housing, Livable Neighborhoods: Progress and Challenges in Implementing *Housing New York*

Mitchell will introduce Ingrid and Vicki

Ingrid's notes:

We track housing market conditions in New York at the Furman Center, and right now XX percent of renters paying more than half of their income on rent is YY, higher than it's ever been before. And the needs have been creeping up the income ladder. In 2013, 43 percent of moderate-income renters in the city paid more than half of their income on rent, up from just a third in YEAR. About one year ago, just XX days into his administration, the Mayor announced a very ambitious housing plan to build or preserve 200,000 units of housing.

Before delving into the details of the plan and the complexities of implementation, let's take a step back. Most everyone gathered in the room understand the challenge of affordable housing in New York City and the need for a plan – but why this plan?

This plan had to address several important important challenges, in terms of scale, range, and comprehensiveness. First, the scale had to be even bigger and bolder than the ambitious plans that Mayor Koch and Mayor Bloomberg crafted.

- We are looking to house 500,000 people, which is as large as many major cities. So this is an enormously ambitious undertaking.
- As the recent news about NYC reaching 8.5 million people 5 years ahead of schedule shows, the City is seeing tremendous growth. The City continues to attract and retain people from around the world, which on the whole is a good thing, but housing development has not kept up with population growth.
- The demand for affordable housing is growing, but the supply is shrinking New York lost 250,000 rent regulated units since decontrol began in 1994, and at least 35,000 units since the 2011 state rent regulation reforms slowed decontrol.
- We are looking to produce 80,000 units—double the average amount of affordable housing that was produced over the last 25 years.
- In addition we are looking to preserve 120,000 units. This will mean not only extending affordability on units that are already in a regulatory program, but looking aggressively to finance and make affordable buildings not yet in the system.

The range had to be much broader:

- The affordability gap is particularly acute for extremely low-income and very low-income households; but as you point out, it is a growing challenge for our middle class wage earners as well the nurses and school teachers and first responders who are feeling the pressure of rising rents.
- The plan commits to creating and preserving for a broader range of incomes. We

- This is definitely one of the many tradeoffs that government has to make. Because so much of the city is built up, we have to take special care to ensure that what gets built in the future preserves and promotes our goals of fostering greater economic diversity.
- We can't just build low-income housing in low-income neighborhoods, or we risk increasing economic and racial segregation.
- We need to ensure where we can that lower income households have the opportunities that arise from being in mixed income buildings or blocks, even if it costs more.

Q: Speaking of the rezoning areas, there is a lot of fear around displacement, particularly in neighborhoods that the Mayor announced as potential rezoning areas. How is the City looking to address those concerns? What do we know about what works?

- The City is taking a more aggressive approach to protecting tenants the people who stuck it out in their neighborhoods, but now fear they could be displaced.
- In his State of the City address, the Mayor announced a new \$36 million dollar Anti-Harassment Tenant Protection Program. The program will provide access to legal services for community residents identified as victims of tenant harassment, with special emphasis on the areas that are being rezoned.
- At the same time, HPD is also doubling down on our work with neighborhood residents. This involves a multi-prong strategy that includes the work of our code compliance, housing litigation, asset management, and tenant protection programs, combined with the legal services that the Mayor has committed.
- As part of this effort, HPD has joined forces with the NYS Attorney General, the NYS Division of Housing and Community Renewal's Tenant Protection Unit, and other city agencies to investigate and bring enforcement actions including criminal charges against landlords who harass tenants.
- The Task Force will use all available sources of information and the full force of the city and state's enforcement powers to close in on predatory landlords and prevent displacement to ensure families have the right to stay where they are as their neighborhoods improve around them.
- We also are offering a variety of carrots to encourage private landlords to keep their units affordable by offering energy retrofits, weatherization, water conservation, bulk purchases, easier ways of dealing with the city, etc.
- All that said, we want to be cautious—it is not clear that in every neighborhood, displacement is inevitable. Some neighborhoods have a lot of low income housing through NYCHA and our rent regulated housing, so it is important to look at each neighborhood and the type of buildings and whether they are unregulated or only protected by rent regulation.

Q: Even if you successfully protect existing tenants from displacement, lowerincome tenants might still be locked out of neighborhoods in the longer-term as



Transcript: Mayor de Blasio Delivers Speech on Vision and Plan to Combat Homelessness

February 28, 2017

Mayor Bill de Blasio Pastor, thank you so much. I want to really thank you for putting this into powerful perspective. And before I acknowledge some of the dignitaries in room, I want thank everyone here. People in this room have devoted your lives to helping people in need. And you know it's been a long fight, and you know it will continue to be a long fight, but I don't see anyone shirking from the fight. I see this as a lifetime commitment.

And we're blessed in this city that we could fill a room with so many people who feel that.

[Applause]

And there are thousands more like you. So, as I describe this vision, I want to affirm from the beginning, the vision can work, the vision will work, because there an army of people who already believes in uplifting others and have proven it can happen. Even in most complex, most diverse city in the world, we can lift up each other.

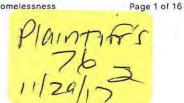
I also want to tell you, I had a real pleasure before we started today – six wonderful individuals that I got to spend sometime with, and some of them are here now. All of them were people who were purposeful, energetic, and enthusiastic, focused on bettering themselves and their families, had been working hard, ready work hard. Many working right now, other pursuing work or education – exemplary people. Did I mention they were homeless? And that's part of what today is all about – recognizing people who are New Yorkers, who are our neighbors, often also grapple with homelessness. That makes them no less New Yorkers, no less our neighbors, no less our fellow human beings.

So, I want to say to Freddy, and Lucy, and Eric, and Pedro, and Ruth, and Oscar, it was my profound pleasure to know you, and I admire the good route and the good path you're on, and we're here to support you.

[Applause]

To our wonderful host, Jennifer Jones Austin, who has been my partner in so much work – co-chair of my transition, did extraordinary work helping us build the administration, doing extraordinary work here at the federation. And wherever you go, not just in New York City, but around the country, you

http://www1.nyc.gov/office-of-the-mayor/news/122-17/transcript-mayor-de-blasio-delivers-speech-vision-plan-combat-homelessness



Transcript: Mayor de Basselivet55004c052860127694KHtPomDocumentes22i+16 Newiled 04/24/17 Page 2 of 3 3/13/17, 5:14 PM

focus on the human. We're going to think about people and their pathway to something better. We're going to reach out to every part of our society, but we're going to start with families. We're going to start with families, because family members, first and foremost, want to see something good for their own. Doesn't mean every family unified, doesn't mean there aren't problems, doesn't mean other members of families don't have their own struggles. But, typically, in families all over the city, there's a sense of solidarity, and, if they can help, they want to help.

But, guess what? Government hasn't set up to connect with families. Government has not thought about how can family members be part of the solution, how can they be allies and partners. How can we help the family at the same time as we are helping the homeless individuals? Communities have ended up feeling – and I understand why – that a shelter or any other facility is a problem, because they haven't, of course, gotten to know people being served, they don't feel connection to them, they don't feel it could be they, themselves, in that same situation. If everyone in New York City thought, that could be me – there but for the grace of God go I – we'd be having a different discussion.

But one thing that the government has done that's made it harder is we've sent people all over and there's not a sense of the people who are being served are from my very own community – they are just like me – and that's something we need to change.

We think that will create a better and fairer system. We think that will create more human solidarity. We think it'll create more chance success in helping people back on their feet.

So, we are going to deepen our response to homelessness. And now, we are going respond to homelessness borough by borough, neighborhood by neighborhood, family by family, person by person.

[Applause]

En Español -

[Mayor de Blasio speaks in Spanish]

What does this mean in terms of the big picture? It means we plan on reducing number of people in shelter, again, incrementally, steadily. But this is the honest number we believe we can commit to.

We will reduce the number people in shelter by 2,500 people by the end of the 2021. Is it gloryful goal? Is it everything we want it to be? No. It's the honest goal. We want to surpass it, and, with your help, we aim to surpass it. But this is what we can tell of people New York City can be done and can be sustained.

A borough-by-borough, neighborhood-by-neighborhood approach that will ensure that people are in shelter to begin with in the borough they come from, and, ultimately, as close to the neighborhood they come from as possible – that, that will be the governing philosophy of the homeless shelter

as homeless. We're going to go the extra mile to support that family. We're going to help them their rent. We're going to help them make ends meet. We're going to make it a good equation for that family – and it makes so much sense. Because especially if we're talking about children – lord knows we'd rather have children in a family setting than in a shelter. We'd rather family members with their loved ones feeling warmth and support as they get back on their feet. Why should we provide financial support to make that happen? It makes all of the sense in world by the way, there any at that?

By the way, if there's any taxpayers in the room -

[Laughter]

It's a hell of a lot less expensive than a family being in shelter. So, it's humane. It's much more intelligent strategically in terms of actually helping someone get their life better, and it costs lot less too. That's the family part of the equation.

I've mentioned the community part of the equation. We're going to have a different kind of conversation. It won't alway be an easy conversation, but we're going to have a different conversation with community boards, with community civic organizations. And, I want to be clear, we've looked at the exact numbers – every community board has people in our shelter system who come from it. Some have a very small number. Some very large number. We're going to change our shelter system to reflect the needs of each community board. We're going to ask each community board to do their fair share. For some, it may mean very small facility. If community board has 50 people in shelter system, we want home have some kind of capacity like that. If they have thousands, we want them to have capacity for the people from their neighborhood, even if it means enough capacity for thousands of people. We want people to be close to home. But we want everyone to do their fair share – every community board needs to be part of the solution.

[Applause]

And we will – whenever we site a shelter, we will set up a community advisory board, and the idea will be to work in common for a better outcome. We know a lot of people are going to say, wait, we don't want anything like that in our neighborhood. Well, guess what? Everyone needs to take on their fair share, but we can make it work better if we work together. We can figure out what will make it succeed and what will make it not a negative for the community, but, in some times, even a positive for the community, especially because people will know the folks inside those doors come from right around their own streets, their own neighborhood, their own block.

When we create a new shelter facility, we will provide 30 days notice, or more. That is going to be a strict rule. We've actually already been applying that rule in recent months. That will be a consistent rule. And we understand why that's been a point of contention – communities deserve to know they will get notification. That does not mean, if there's protest we will change our minds. It means we want people to come to the table with us, offer their concerns, if they have an alternative location, we'll look at that too. If they have better ways we can do the work, we're listening. but they deserve

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Controversial School Rezoning Plan In Gentrifying Brooklyn Wins Approval

by Emma Whitford in News on Jan 6, 2016 10:58 am





Members of the Farragut community sign in at last night's meeting. Several of them would reiterate their opposition to the rezoning plan (Emma Whitford / Gothamist).

Last night Downtown Brooklyn's Community Education Council voted in favor of a <u>school rezoning</u> <u>proposal</u> that will require predominantly white, upper-middle-class, bursting-at-the-seams PS 8 to zone incoming DUMBO and Vinegar Hill students to PS 307—a school that is currently under capacity, and predominantly serves African-American residents of the NYCHA-run Farragut Houses on York Street.

The meeting stretched until 10:30 p.m., more than an hour after its initial hard-stop deadline. The final vote was 6-3.

"I believe that tonight is historical," said City Councilmember Laurie Cumbo in her public remarks before a crowded room and bevy of news cameras. "This particular vote is being watched nationwide. My position is that we all have to make the important decisions to change the zoning to make sure that diversity happens."

However, she and others stressed that PS 307 needs further protections to preserve its racial and socioeconomic diversity. The majority of seats should be set aside for students who receive free lunch, she argued, and the City should promise that changing demographics will not ultimately make the school ineligible for <u>Title 1 funding</u>—additional funding for teacher training and special programing.

If the school were to lose federal funding under the rezoning, the DOE stressed that increased enrollment would increase the school's overall budget.

"We've got to make sure we preserve the integrity of the school as it was originally intended," Cumbo said.

Black and Hispanic students currently represent 34% of PS 8's student body, while PS 307 is 95% minority. Under the proposed rezoning, these percentages are expected to shift to 25-35% and 55-65% respectively.

Overcrowding has been an issue at PS 8 for years, thanks in part to <u>robust real estate development</u> in downtown Brooklyn. PS 8 has significantly stronger state test scores than PS 307, but was forced to cut its Pre-K program in 2013 because of overcrowding. It has no language program. At PS 307, Pre-K and kindergarten students take Mandarin lessons.

While the majority of the nine-member CEC 13 expressed qualified support for the plan, several of the speakers who took the floor on Tuesday called for its dismissal, arguing that the plan primarily benefits PS 8 by eliminating its wait list.

A large contingent of parents and community members from the Farragut Houses traveled to the meeting by school bus, and filled the majority of public comment slots. At one point the group picked up a chant: "No! No! No!"

PS 307 PTA President Faraji Hannah-Jones said that he fears the plan will fall short of preserving the influence of the school's current stakeholders in the long run.

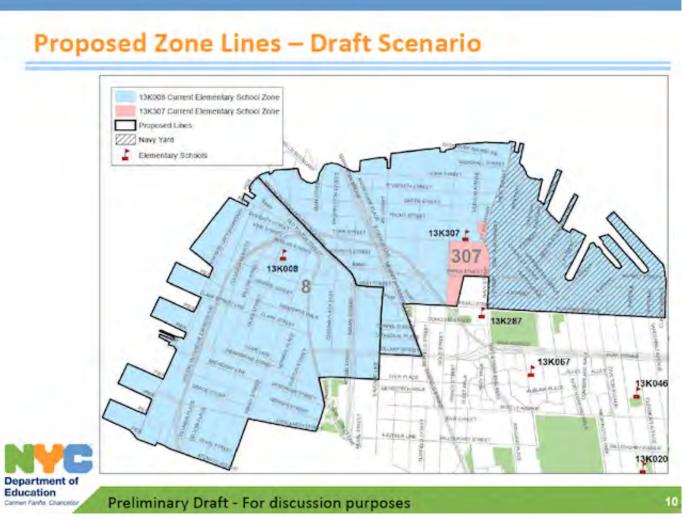
As <u>WNYC reported</u>, the predominantly-white PS 8 served mostly black and Latino children in the early 2000s, before changing neighborhood demographics tipped the scales.

"All that we will get is another PS 8—a school that all of the black and brown folks built, only to lose all of the stake and ownership," Jones said.

DUMBO resident Doreen Gallo, speaking on behalf of the Dumbo Neighborhood Alliance and the Vinegar Hill Neighborhood Association, also dismissed the plan.

"The rezoning proposal is designed to only marginally address a potential for a wait list [at PS 8]," she said. "It simply confers the benefit of exclusive access to PS 8 to Brooklyn Heights."

Representatives of PS 8's PTA relinquished their allotted chance to comment on Tuesday, citing shortness of time. However, the group formally endorsed the proposal in October, describing it as "the only proposal on the table that will move us forward."



The ODP's proposed rezoning. Black lines represent proposed zones. Blue is current PS 8, salmon is current 307 (via).

Speaking to us earlier this week, Jones described how the PS 307 PTA would proceed in light of an approved rezoning plan. He explained that the school is updating its website to attract students from other parts of the borough, and promoting itself as a school with a powerful technology focus.

"A lot of this has caused us to circle the wagons," Jones said. "Even if the zone goes through, DUMBO parents have the option to not go to the school. But what about the kids who don't have options? I think people need to get it out of their heads that a successful school is a white school."

PS 8's PTA declined multiple requests for comment on their reaction to the vote.

The rezoning plan will impact kindergarten and Pre-K students in the 2016-2017 school year, excluding those "grandfathered" into PS 8 by older siblings.

But Gallo, of the DUMBO Neighborhood Association, predicted that some parents in her neighborhood would not send their children to PS 307 despite the vote.

"PS 8 with its overcrowding still has higher test scores," she said. "When they say that test scores don't matter —since when? These are [the DOE's] metrics for our kids to get into middle school."

She added, "If the DUMBO neighborhood wants to go with this school I'm going to work with the Farragut Community on points of mutual interest. [But] the DOE thinks they can redraw a line and people will trickle in. That's not an effective solution."

CEC 13 Member Ed Brown grew up in the Farragut Houses. Before casting his vote in favor of the plan, he admonished parents for, as he put it, being "frozen" by fear. "Adults on both sides have frozen their minds," he said.

"People are holding on to what they deem belongs to them, and now gentrification and new buildings have surrounded the Farragut houses," he added. "Gentrification is here. It's not going back to the old Brooklyn that we remember. Those times have passed."

Treasurer Renee Burke echoed his sentiment. "Don't think of it as a takeover," she said, addressing the Farragut community members in the audience. "Don't think of everyone who comes in as a threat. Just be ready for it, because inevitably diversity will happen."

"We commend the CEC's approval of this plan, an essential step that will increase diversity and ensure the needs of students and families in the district are met," said DOE spokeswoman Devora Kaye in a statement. "We'll continue to work closely with all partners to implement this plan and provide support during the transition."

In November, the DOE dropped an <u>equally-controvoersial rezoning plan</u> on the Upper West Side, tabling the issue of overcrowding at elite PS 199 until further notice.

Contact the <u>author</u> of this article or email <u>tips@gothamist.com</u> with further questions, comments or tips.



- <u>brooklyn heights</u>
- <u>doe</u>
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NYC schools chancellor calls out parents against integration

BY BEN CHAPMAN

NEW YORK DAILY NEWS Friday, April 27, 2018, 2:12 PM



Carranza, 51, the child of Mexican immigrants and a veteran educator who took the city's top schools job barely four weeks ago, first addressed the subject on Twitter at 1 a.m. Friday. (JEFFERSON SIEGEL/NEW YORK DAILY NEWS)

Schools Chancellor Richard Carranza on Friday called out white parents who oppose efforts to integrate city schools — his most aggressive statement yet on the controversial subject. Carranza, 51, the child of Mexican immigrants and a veteran educator who took the city's top schools job barely four weeks ago, first addressed the subject on Twitter at 1 a.m. Friday. The rookie chancellor tweeted a RawStory recap of a raucous Upper West Side school meeting Tuesday where white parents spoke out against controversial plans to integrate neighborhood middle schools.

"WATCH: Wealthy white Manhattan parents angrily rant against plan to bring more black kids to their schools," Carranza tweeted from his official @DOEChancellor account with a link to the video, which originally appeared on NY1.

The tweet linked to the RawStory write-up of the NY1 report on the issue that began: "New effort to diversify schools in the Upper West Side of Manhattan - one of the richest neighborhoods in the city - has drawn an angry reaction from many parents..."

On an unrelated school tour Friday morning in Harlem, Carranza explained his tweet and his views on school segregation, which are more militant than those of his predecessor Carman Fariña.

4/30/2018



When Mayor de Blasio was asked about his new chancellor's tweet on his weekly appearance on the Brian Lehrer show Friday morning, he tried to tempt Carrazna's words. (JAMES KEIVOM/NEW YORK DAILY NEWS)

Fariña was widely criticized for refusing to even use the word "segregation."



PAID CONTENT BY CHARLES SCHWAB

How To Navigate Volatile Markets

"These important conversations about creating opportunities for all students are necessary," Carranza said. "Parents and staff ... raise the issue of segregation in schools — and I'm glad we're talking about it."

But when Mayor de Blasio was asked about his new chancellor's tweet on his weekly appearance on the Brian Lehrer show Friday morning, he tried to temper Carrazna's words. "I don't think he at all intends to vilify anyone — he's not that type of person," said de Blasio. "This was his own personal voice ... I might phrase it differently."

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Joseph Salvo (DCP) <,	PII
May 02, 2016 12:15 PM	
Carl Weisbrod (DCP); Eric Kober (I	CP);Howard Slatkin (DCP);Purnima Kapur (DCP);Rachaele Raynoff
RE: FYI - Furman Center "Focus o	Gentrification"
puma_cd_map.pdf	
	May 02, 2016 12:15 PM Carl Weisbrod (DCP);Eric Kober (D RE: FYI - Furman Center "Focus on

Carl,

Pumas are defined using whole census tracts and they have a minimum threshold of 100,000 population. These are Census Bureau requirements. Still, we built the PUMAs so that they would be good representations of our Community Districts (which are more precisely defined – using tracts and blocks).

In most cases, such as CD 12 in Queens, the boundaries are very good approximations; and, even when they're not, the differences in geography are negligible in most cases. There are a couple of cases in Queens where several hundred people get shifted because of geographic issues, as a worst case. Moreover, any differences due to geography are within the band of sampling error associated with estimates from the American Community Survey.

Now, the 100,000 population requirement does mean there are several CDs in Manhattan and The Bronx that need to be combined because some CDs have populations of fewer than 100,000. Thus, Manhattan and The Bronx both have 10 PUMAs that represent their 12 Community Districts. In Queens, Brooklyn and Staten Island, the number of CDs and PUMAs are the same. Take a look at the attached map and check out the south/central Bronx, lower Manhattan, and midtown, where CDs needed to be combined. (It will be interesting to see whether increases in lower Manhattan's population may allow it to stand on its own, when PUMA boundaries are revisited at the next census.)

Hope this helps! Joe

JUSEPH J. SALVO Ph.D. DIRECTOR, POPULATION DIVISION

NTC DEPT OF CITY PLANNING 120 BROADWAY, 31¹⁷ FLOOR - NEW YORK, NY J027 J PH

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From: Carl Weisbrod (DCP) Sent: Monday, May 02, 2016 11:39 AM PII To: Eric Kober (DCP) PII >: Howard Slatkin (DCP) : Purnima Kapur PII PII >; Rachaele Raynoff (DCP) : Joseph Salvo (DCP) (DCP) <PII PII : Peter Lobo (DCP) Subject: Re: FYI - Furman Center "Focus on Gentrification"



Are PUMAs congruent with CBs?

From: Eric Kober (DCP)
Sent: Monday, May 02, 2016 10:11 AM
To: Carl Weisbrod (DCP); Howard Slatkin (DCP); Purnima Kapur (DCP); Rachaele Raynoff (DCP); Joseph Salvo (DCP); Peter Lobo (DCP)
Subject: RE: FYI - Furman Center "Focus on Gentrification"

The Jamaica PUMA is generally coincident with CD 12, which is south of Hillside Avenue. Jamaica Estates is in CD 8.

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Sent: Mo	nday, May 02, 201	.6 8:20 AM				
To: Howa	rd Slatkin (DCP)	PII	; Eric Kober (DCP)		PII	; Purnima Kapur
(DCP)	PII	>; Rachaele Ray	noff (DCP)	PII		Joseph Salvo (DCP)
	PII	; Peter Lobo (DCP)	PII			
Subject: F	RE: FYI - Furman C	enter "Focus on Gentrif	ication"			

I appreciate your concerns about this report and its possible data flaws. That said, and recognizing that the geographic units of measurement are not granular, I found the report very interesting. First, at its non-granular level it does show a city that is more integrated than common wisdom suggests – and this might be helpful in terms of the attack on our community preference system. Second, in general terms it does show that highly educated professionals moving into a neighborhood tend to push rents up – and that is a common definition for gentrification (even though it may not be the only reason rents are going up in some neighborhoods). But it is somewhat compelling that, however these geographic areas are defined, the population in the gentrifying neighborhoods is declining, while the population in the non-gentrifying neighborhoods has declined (or, recently, increasing more slowly), even though the number of new housing units in the gentrifying areas has increased more in recent years. The simple law of supply and demand (leaving aside where the demand is coming from) would suggest otherwise. This does give me some pause regarding the city's overall housing strategy (although, presumably, the increasing supply in gentrifying neighborhoods reflects demand from those with higher incomes more than city policy). Third, while Eric is right that we wouldn't call some of the geographic areas defined as "higher income" exactly rich, it does depend on where the boundaries are (e.g. does Jamaica include Jamaica Estates?).

All in all, I found

From: Ho	ward Slatkin (DCF ay, April 29, 2016	?)	n dag yangan taraka dan kenangan dan kemanya penangan kenangkan kenangkan kenangkan kenangkan tara p	n a sana ya na kasharayan s	••• (10) (10) (10) (10) (10) (10)	n an tha the mart of the ball and the regardless of the second of the second and the second of the second of th
To: Eric K	ober (DCP)	PII	>; Carl Weisbrod (DCP)		PII	>; Purnima Kapur
(DCP)	PII	Rachaele F	Raynoff (DCP)	PII		Joseph Salvo (DCP)
	PII	; Peter Lobo (DCP)	PII	>		
Subject: F	RE: FYI - Furman C	Center "Focus on Gen	trification"			

Agreed, from the perspective of analysis. That said, they have mostly avoided sensationalism in this instance, and their conclusions mostly avoid adding fuel to fires. To the extent that they have garbled different conditions in which rents are rising, it if anything masks the description of actual demographic change in neighborhoods.

I have highlighted to them that their map, if taken out of context, would be problematic. They are considering (my hope is downplaying it in the context of their release of the report).

From: Eric Kober (DCP) Sent: Friday, April 29, 2016 10:34 AM To: Howard Slatkin (DCP) PII >; Carl Weisbrod (DCP) PII >; Purnima Kapur (DCP) PII >; Rachaele Raynoff (DCP) PII ; Joseph Salvo (DCP) >; Peter Lobo (DCP) PII PII > Subject: RE: FYI - Furman Center "Focus on Gentrification"

The chapter suffers from long-standing problems with the Furman Center's published research, which include using the wrong data, using the wrong unit of analysis, and approaching the City as if from Mars, and not as if local conditions are actually knowable by local researchers.

First, "gentrification" is first and foremost a demographic phenomenon, in which higherincome college-educated professionals move into housing formerly occupied by lowincome people. Rising rents are a consequence of rising incomes, but incomes can rise for a lot of reasons, of which "gentrification" is only one. Sharp drops in welfare rolls and increases in employment-to-population ratios in poor neighborhoods will also cause rents to rise, albeit from a very low base. This is not "gentrification" but stabilization. Researchers should be able to tell the difference.

Second, Public Use Microdata Areas or PUMAs (community district equivalents) are not the proper unit of analysis. Obviously, community districts are diverse areas and a lot is going on that is only vaguely captured by mean household rent for the whole area.

Third, the Furman Center really ought to know something about the city. Brownsville is not a gentrifying area. Jamaica and East Flatbush are not "higher-income areas". If your methodology tells you otherwise, change your methodology.

From: Howard Slatkin (DC Sent: Thursday, April 28, 2	Р)	an an an an Anna A	a ng ang ang ang ang ang ang ang ang ang	an a	
To: Carl Weisbrod (DCP)	PII	+; Purnima Ka	apur (DCP)	PII	>; Rachaele
Raynoff (DCP)	PII	·; Eric Kober (DCP)	PII	; Joseph S	Salvo (DCP)
PII	>; Peter Lobo (DC	P) PII	>		
Subject: FYI - Furman Cen	ter "Focus on Gentr	ification"			

I received this afternoon an embargoed copy of this chapter from the Furman Center's upcoming State of NYC's Neighborhood's report, "Focus on Gentrification," which will be released in coordination with their Monday, May 9th event on the same subject. Sharing here for internal purposes; please do not circulate. (I have suggested that this be shared with HPD and Alicia's office too.)

The report reflects a number of population trends we have previously identified, such as the influx of young, highly educated people into a set of neighborhoods along the East River. And it conveys some complexity about issues related to rising housing costs and concerns about gentrification. (In fact, the data suggests a picture of a city that is generally becoming more economically and demographically integrated, rather than one riven by gentrification, though I suspect this is partly a product of their use of broad categories and geographic units of analysis).

But there are a couple of issues I want to highlight:

- For the purpose of this analysis, they define a "gentrifying neighborhood" as a low-income area where rents have been increasing faster than the citywide average. This is a fine analytical approach, but they print a map (p. 5) delineating "gentrifying," "non-gentrifying," and "higher-income" neighborhoods. This may be perceived as some kind of authoritative evaluation of whether neighborhoods are gentrifying.
- Note that while Jerome Ave and East NY are shown as "non-gentrifying" neighborhoods, much of the South Bronx is described as "gentrifying." Because they define "gentrification" in terms of rents, they turn up neighborhoods where rents are rising but likely because of increased competition for housing among people of relatively low incomes. While an important issue, labeling this as "gentrification" is confusing.

There are other aspects in which we might take issue with the analysis or present it differently, but these do not substantially affect the broad conclusions of the report, which are that we need to pay attention to affordability issues in all neighborhoods, not only in "gentrifying" ones.

HOWARD SLATKIN DEPUTY EXECUTIVE DIRECTOR • STRATEGIC PLANNING

NYC DEPT. OF CITY PLANNING 120 BROADWAY, 31st FLOOR • NEW YORK, NY 10271 PII ¥ Follow us on Twitter @NYCPlanning http://www.nyc.goy/planning

WNYC interview with Commissioner Vicki Been

When: Wednesday May 4 at 11:30 a.m.

Location: 100 Gold, room 5-03. Interview will be recorded.

Reporters are:

1. Cindy Rodriguez



Cindy is the Urban Policy reporter for New York Public Radio.

Her stories include in-depth looks at homelessness, neighborhood violence and more recently the impact of Sandy on poor communities in flood damaged areas. She's won the Associated Press' Best Enterprise Reporting award twice – most recently in 2010 for a story that exposed unscrupulous landlords taking advantage of people living on the margins and desperate for a place to live. Rodriguez has also covered New York's immigrant population. A story about an immigrant restaurant worker who narrowly escaped death on September 11th won her an NFCB Golden Reel Award. Originally from San Antonio, she moved to New York City in 1995 and lives in Queens.

2. Lisa Riordan Seville



Lisa is a freelance writer and reporter. Most recently the deputy managing editor of The Crime Report, she has written for *The Nation*, msnbc.com, The Daily Beast, and Salon.com, among other outlets. She also regularly contributes to NBC News. A native Californian, she is a graduate of the City University of

- We can project base (PBV) up to 20% of our total budget each year, which allows projects to achieve more rental income because the federal funding provides the rent.
 PBV are targeted to our senior and supportive housing programs and therefore directly serve homeless shelter clients, very and extremely low income people.
- We use tenant based vouchers to prevent displacement as a result of preservation projects where landlords need to rehab a building and require funding. Rents need to increase in order to cover the cost of construction and the vouchers pay the increased rent so that the existing tenants are protected from a rent increase.
- These are a limited resource and so we do not reach every tenant in every building.
 When a voucher is not available we have other tools such as preferential rent setting and additional capital subsidy.
- In addition we use vouchers in our Office Asset & Property Management by providing vouchers to rent burdened tenants in Mitchell Lama portfolio as well as our Asset Management portfolio and to clients in our HPD shelters.

Q: How does HPD deal with mobility issues within the Section 8 clients?

- HPD briefs all Section 8 applicants as part of their application process for a voucher. As part of
 that briefing we inform the applicant that Housing Choice Vouchers means they get to "choose"
 where to live, either in NYC or anywhere in the Country. We provide information on high
 opportunity areas and neighboring jurisdictions. HPD includes a map of high opportunity areas
 within NYC in the briefing book as well as a list of links and resources for neighboring
 jurisdictions.
- Because mobility is such and important part of this program, of HNY and furthering fair housing, we are working to improve this process significantly. We are developing a new mobility counseling program. This will broaden our efforts to include proactive conversations with applicants about what they may want from a neighborhood and then connecting them with relevant resources. For internal use only: In addition, we are participating in the research project with Cambridge Housing Authority and Raj Chetty and his researcher team to possibly develop further intervention strategies to promote mobility.

Q: Why are voucher holders concentrated in areas of poverty?

- Most participants choose to stay in their neighborhoods where they have social connections and support networks.
- Important to note that for HPD, only about 30% of our households are families with children. Traditionally the definition of higher opportunity has been synonymous with better educational opportunity. For HPD clients, 30% of which are single adults and 30% are seniors, opportunity could also be defined as access to jobs, transportation, and health care facilities.
- The amount of rent Section 8 vouchers pays for won't cover market rents in NYC most expensive neighborhoods.
- HNY's work to build and preserve 200,000 homes in 10 years will allow vastly increased mobility as there will be more affordable homes.

Other information: How is HPD different from NYCHA? [not super public]

• NYCHA is the housing agency of NYC that has a public waiting list for S8. If you call 311 and ask for rental assistance you are referred to NYCHA not HPD.

Case 1:15-cv-05236-LTS-KHP Document 916-107 Filed 11/06/20 Page 1 of 2

From:	Gaumer, Elyzabeth (HPD)	PII	
Sent:	February 17, 2015 8:40 AM		
To:	Been, Vicki (HPD)		
Cc:	Quart, David (HPD)		
Subject:	RE: The gentrification myth: It's rare an	not as bad for the poor as people thi	ink.

Agreed. We have been working on the Q of local incomes for our 421-a discussion, per our last discussion. If we put time on the calendar we'll pull together the pieces we already have as well as other ideas for discussion.

Rent burden among our lottery applicants is something we already have done a lot of work on so we can add this to the agenda or discuss separately.

From: Been, Vicki (HPD) Sent: Tuesday, February 17, 2015 8:16 AM To: Gaumer, Elyzabeth (HPD) Cc: Quart, David (HPD) Subject: Re: The gentrification myth: It's rare and not as bad for the poor as people think.

We need to do some work on all this to get ready for the community board preference fight, and to respond to the issues that will come up in 421-a about who applies for our lotteries from the communities in which we want to do some upzoning.

Can we get something on the calendar?

Thanks. VB

 From: <Gaumer>, Elyzabeth Gaumer
 PII

 Date: Tuesday, January 20, 2015 at 9:52 AM
 PII

 To: Vicki Been
 PII

 Cc: David Quart
 PII

 Subject: RE: The gentrification myth: It's rare and not as bad for the poor as people think.

Yes, let's definitely talk through rent burden and related details on our lottery applicants. Happy to do some work on the broader question, but let's talk through what / how we would want to look at re: broader impacts of "neighborhood change." Copying David—can we look for time on the calendar?

From: Been, Vicki (HPD) Sent: Tuesday, January 20, 2015 8:21 AM To: Gaumer, Elyzabeth (HPD) Subject: FW: The gentrification myth: It's rare and not as bad for the poor as people think.

Can we shed any light on this?

Also, can we talk in the next few days about the rent burdens of people applying through the lottery?

Thanks.

 From:
 PII
 James Patchett
 PII

 Date:
 Saturday, January 17, 2015 at 1:21 PM
 PII

 To:
 Vicki Been
 PII

 Subject:
 Fw:
 The gentrification myth: It's rare and not as bad for the poor as people think.



Case 1:15-cv-05236-LTS-KHP Document 916-107 Filed 11/06/20 Page 2 of 2

From: Shorris, Anthony Sent: Saturday, January 17, 2015 01:09 PM To: Glen, Alicia; Patchett, James Subject: The gentrification myth: It's rare and not as bad for the poor as people think.

An interesting perspective. NYC data would be interesting to see. I'll bet Vicki has data.

www.slate.com/articles/news and politics/2015/01/the gentrification myth it s rare and not as bad for the poor as people .html?wpsrc=fol_tw<http://www.slate.com/articles/news and politics/politics/2015/01/the gentrification myth it s rare and not as b ad for the poor as people.html?wpsrc=fol_tw>

Anthony E. Shorris First Deputy Mayor City of New York City Hall New York, NY 10007 PII 1



Been, Vicki
Thursday, August 14, 2014 7:54 PM
Kimble, John
Quart, David; Maniaci, Alnisha (HPD); Guernsey, Elizabeth; Seabrook, Margie (HPD);
Gaumer, Elyzabeth (HPD); Perry, Patrice (HPD)
Re: racial and income diversity indices
the received and antenne and sky marces

Great. Looks really helpful and well done. I'll grapple with this over the weekend, and am sure I'll be back with more questions, thoughts. To your point about context, timing, goals -- this is really an attempt to settle the litigation against us that involves community preferences. Fair housing, as you well know, is not well defined, so we're touching the elephant's trunk here, and trying to lead the way in uncharted territority. In terms of timing, it was yesterday, because we want to get this settled ASAP. But I think we should sit down more generally and talk through the various fair housing issues that are coming up, and try to get ahead of them.

Margie, could you schedule that discussion, with this group, maybe early Sept.

Thanks all!

Quart.David

Vicki

Sent from my iPad

> On Aug 14, 2014, at 6:59 PM, "Kimble, John" PII > wrote:

>

> Hi Vicki –

>

>

>

> I've attached a revised deck based on your input below along with data tables as reference.

> For your first question - how the two proposed approaches differ - slide 8 shows the overlap between the two (or lack thereof).

> The strength of the first option is that I would imagine federal authorities would be more comfortable with an approach that uses an objective measure of diversity over a relative one, since a relative approach would not work in a less diverse city (or in NYC if it becomes less diverse in the future.)

The main strength of the second approach is that it's more sensitive to cases in which one race or ethnicity is particularly over- or under-represented in a CD (even though the CD may otherwise be fairly diverse.)
 It would be helpful to talk with you more about how fair housing enforcement plays out and what you think NYC's particular vulnerabilities are to be more definitive about which approach is better, but my hunch is that an objective index would generally trump a relative one. Welcome your feedback on that.

>

> For question 2, your instinct was totally right. Adding adjacent CDs in almost all cases created a new preference area with a combined index over our .5 threshold and would thus be a workable solution. It's also preferable to expanding the preference to be borough-wide, since that would significantly dilute the chances of local residents getting a unit in or near their current residence.

>

>• There were 3 CDs for which the approach didn't work, but we found a straightforward solution for each.

>

Martino, Carmen (HPD)

From:	Quart, David
Sent:	Friday, August 15, 2014 11:34 AM
To:	Martino, Carmen (HPD)
Subject:	FW: racial and income diversity indices
Attachments:	Fair Housing Mapping of Community District Diversity v2 (jk edits 6.14.14).pptx; Community District Diversity 081414.pdf

Please print

David Quart HPD PII

From: Kimble, John Sent: Thursday, August 14, 2014 7:00 PM To: Been, Vicki Cc: Quart,David; Maniaci, Alnisha (HPD); Guernsey, Elizabeth; Seabrook, Margie (HPD); Gaumer, Elyzabeth (HPD); Perry, Patrice (HPD) Subject: RE: racial and income diversity indices

Hi Vicki -

!

Redacted – DP

Rec	lacted	 DP
NI best,		

JK

From: Been, Vicki Sent: Friday, August 08, 2014 9:37 AM To: Kimble, John Cc: Quart,David; Maniaci, Alnisha (HPD); Guernsey, Elizabeth Subject: Re: racial and income diversity indices

John,

PII John ate: Thursday, August	PII	an and a support of the support of t		
		48 PM		
: Vicki Been	PII			
: David Quart PII	PII	>, "Maniaci, Alnisha (HPD)"	PII	, Elizabeth Guernsee
bject: RE: racial and in	ncome diversi	ity indices		
icki —				

2

	Redacted – DP
Best,	
JK	
Sent:	: Quart,David Thursday, July 31, 2014 11:12 AM Imble, John
	ct: FW: racial and income diversity indices
Hi Joh	n,
	Redacted – DP
	vart
HPD	PII
David Q <i>HPD</i> Tel: (
HPD Tel: (PII PII
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HPD Tel: (Sent: Sent: To: Qu Cc: Sh Subje	PII PII Been, Vicki Thursday, July 31, 2014 10:57 AM art,David afit, Matthew (HPD) ct: Fwd: racial and income diversity indices forwarded message: From: "Capperis, Sean" < PII Date: July 30, 2014 at 10:16:16 PM EDT
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HPD Tel: (From: Sent: To: Qu Cc: Sh Subje	PII PII Been, Vicki Thursday, July 31, 2014 10:57 AM art, David affit, Matthew (HPD) art; Fwd: racial and income diversity indices forwarded message: From: "Capperis, Sean" < PII Date: July 30, 2014 at 10:16:16 PM EDT To: "Been, Vicki" PII Ce: elleningrid ingridellen PII Subject: RE: racial and income diversity indices Hi Vicki, Here's the data. Please let me know if this isn't what you're looking for or you need additional info. or if
HPD Tel: (From: Sent: To: Qu Cc: Sh Subje	PII PII Been, Vicki Thursday, July 31, 2014 10:57 AM art,David afit, Matthew (HPD) af: Fwd: racial and income diversity indices forwarded message: From: "Capperis, Sean" < PII Date: July 30, 2014 at 10:16:16 PM EDT To: "Been, Vicki" PII Cc: elleningrid ingridellen PII Subject: RE: racial and income diversity indices

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Community Districts with More than Twice the Citywide Percentage for the Race/Ethnicity Option 2

		Residents I	Residents Identifying as White Non Hispanic**			
Community E	listrict*	CD %	Borough%	Citywide %		
Staten Island	3	84.2%	64.2%	33.3%		
Manhattan	8	78.9%	48.0%	33.3%		
Manhattan	2	75.1%	48.0%	33.3%		
Manhattan	6	73.2%	48.0%	33.3%		
Brooklyn	15	71.2%	35.7%	33.3%		
Staten Island	2	70,9%	64.2%	33.3%		
Manhattan	5	68.8%	48.0%	33.3%		
Manhattan	7	67.8%	48.0%	33.3%		

Communities Districts with More than Twice the Citywide Percentage of Black or African American Non-Hispanic Residents

		Residents Identifying as Black o African American Non-Hispanic		
Community District*		CD %	Borough%	Citywide %
Brooklyn	17	88.3%	32.2%	22.9%
Brooklyn	16	76.8%	32.2%	22.9%
Brooklyn	9	68.5%	32.2%	22.9%
Queens	12	65.4%	17.9%	22.9%
Bronx	12	65.4%	30.0%	22.9%
Brooklyn	3	64.8%	32.2%	22.9%
Brooklyn	18	61.6%	32.2%	22.9%
Brooklyn	8	61.4%	32.2%	22.9%
Manhattan	10	60.9%	13.0%	22.9%
Queens	13	56.4%	17.9%	22.9%
Brooklyn	5	53.9%	32.2%	22.9%

Communities Districts with More than Twice the Citywide Percentage of Other Non-Hispanic Residents

Residents Identifying as Asian Non-

Community District*		Hispanic**			
		CD %	Borough%	Citywide %	
Queens	7	51.3%	27.2%	15.3%	
Queens	11	40.4%	27.2%	15.3%	
Brooklyn	11	37.7%	12.3%	15.3%	

Community Districts with More than Twice the Citywide Percentage for the Race/Ethnicity

Option 2	the state of the s			
Queens	8	36.7%	27.2%	15.3%
Queens	4	36.3%	27.2%	15.3%
Manhattan	3	35.0%	13.7%	15.3%
Queens	2	34.4%	27.2%	15.3%
Queens	10	34.2%	27.2%	15.3%
Queens	9	32.8%	27.2%	15.3%

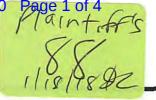
Communities Districts with More than Twice the Citywide Percentage of Hispanic or Latino Residents

Community District*		Residents	Residents Identifying as Hispanic or Latino**			
		CD %	Borough%	Citywide %		
Bronx	2	73.6%	53.5%	28.6%		
Bronx	1	70.8%	53.5%	28.6%		
Manhattan	12	70.4%	25.6%	28.6%		
Bronx	5	68.2%	53.5%	28.6%		
Brooklyn	4	68.0%	19.8%	28.6%		
Bronx	6	66.7%	53.5%	28.6%		
Bronx	7	64.1%	53.5%	28.6%		
Queens	3	62.9%	27.5%	28.6%		
Bronx	4	62.4%	53.5%	28.6%		
Bronx	3	60.0%	53.5%	28.6%		
Bronx	9	59.4%	53.5%	28.6%		

*ACS census tract-level data are aggregated to the community district geographic area, Please note the geographies of the aggregated census tracts are not entirely coterminous with NYC community district boundaries, but represent a very close approximation. The data represented on this map is an approximation of the racial composition within community districts.

**Percentages indicate the statistical average. Please note, the margin of error for each population estimate is not displayed on these tables.

Source: 2008-2012 American Community Survey 5-Year Estimates



From:	Simon Bacchus PII
Sent:	August 26, 2016 2:50 PM
То:	Brown, Margaret (HPD)
Cc:	Cheigh, Brian (HPD);Connors, Lauren (HPD)
Subject:	Re: CB Preference Questions - DO NOT FORWARD
Attachments:	image001.png, image002.png, image003.png

Hey Margy! Thanks so much

S

Sent from my iPhone

On Aug 26, 2016, at 11:48 AM, Brown, Margaret (HPD) PII wrote:

Hi Simon ~

Hope you are well. Below please find the answers we recommend that use to respond to HCR's questions. Please do not forward or share this email with others.

- 1. What is the geographic orea for the community preference? New York City Community District X
- 2. Whot is the reason for having a community preference?

The community preference is intended to enable local residents, many of whom have deep roots in the community and have persevered through years of unfavorable living conditions, to have an opportunity to rent or purchase a home in their newly revitalized neighborhood. As a neighborhood stabilizes and becomes a desirable location, housing costs may increase to the point where long-term residents are displaced. This is a harsh and inequitable outcome for people who have endured years of unfavorable conditions, and who deserve a chance to participate in the renaissance of their neighborhoods. The community preference ensures that affordable units will be offered to these residents. At the same time, every development is also marketed throughout the City, to ensure that all residents have an opportunity to become part of a revitalized community.

Moreover, affordable housing is not built in a social and political vacuum. Projects (like this one) that involve the disposition of City-owned property, or that require land use changes, must undergo some legally mandated form of public review and approval. These processes create a statutory imperative to engage local residents and obtain the support of local elected officials. In order to obtain that support, we must address community concerns about secondary displacement.

How do you plon to periodically evaluate your community preference to ensure that it does not perpetuate a discriminatory impact for protected classes?
 Community preference is implemented only during initial rent up of the project. Re-rentals of units are not subject to any residency preference. Therefore, it is not necessary to re-evaluate the preference over time.

Feel free to give me a call if you have questions.

Best. Margy

Margaret Sheffer Brown Assistant Commissioner, Policy & Operations NYC Department of Housing Preservation & Development 100 Gold Street, Room 7-N3 New York, NY 10038 Ľ

<image001.png> <image002.png> <image003.png>

From: Connors, Lauren (HPD) Sent: Wednesday, August 24, 2016 10:10 AM To: Brown, Margaret (HPD) **Cc:** Cheigh, Brian (HPD) Subject: FW: CB Preference Questions

Hi Margaret,

We are working on a deal where HFA will be providing tax exempt bonds and subsidy funding (HPD is also providing funding). HFA needs the below questions answered in order to incorporate HPD's required 50% Community Board preference into their marketing. Could you respond to the developer (Simon Bacchus, PII) on the below questions?

]

Please let me know if you need any additional information from me.

Thanks, Lauren

Lauren Connors Project Manager, New Construction Finance NYC Dept. of Housing Preservation & Development 100 Gold Street, 9-I1C New York, NY 10038 PII ٧

From: Simon Bacchus PII Sent: Tuesday, August 23, 2016 2:56 PM To: Connors, Lauren (HPD) **Cc:** Cheigh, Brian (HPD) Subject: RE: CB Preference Questions

Lauren,

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Below are the 3 question that HFA has asked that we answer in order allow the Fountains projects to incorporate the HPD required 50% Community Board preference, if you could explore with both HPD and HFA if necessary the appropriate and hopefully standard answers it would be much appreciate. Obviously the 1st Question is simply the Community Board, but questions 2 and 3 I would love some assistance with.

Community Preference Questions:

- 1. What is the geographic area for the Community Preference?
- 2. What is the reason for having a Community Preference?
- 3. How do you plan to periodically evaluate your Community Preference to ensure that it does not perpetuate a discriminatory impact for protected classes?

Simon A. Bacchus The Arker Companies 15 Verbena Avenue, Suite 100 Floral Park, NY 11001 PII)))) 1 www.arkercompanies.com

From: Connors, Lauren (PII Sent: Tuesday, August 23, 2016 12:49 PM To: Simon Bacchus Cc: Cheigh, Brian (HPD) Subject: Supportive Units Questions

Hi Simon,

Some questions about the supportive units have come up during the due diligence process. Does the OPWDD site provide permanent or transitional housing for its clients? And where were these people typically living before moving to the OPWDD site (In other supportive environments? Homeless?)? Is the OPWDD site still providing residences for its clients or have they been temporarily relocated until 888 Fountain is complete?

Thanks, Lauren

Lauren Connors Project Manager NYC Dept. of Housing Preservation & Development 100 Gold Street, 9-I1C New York, NY 10038 PII .

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Case 1:15-cv-05236-LTS-KHP Document 916-110 Filed 11/06/20 Page 1 of 2

t de la compañía de te		
From:	Norvell, Wiley	PII
Sent: To: Subject:	August 03, 2015 6:08 I 'Rachaele Raynoff (DC RE: for Carl tonight	
Nice work!		
From: Rachaele R Sent: Monday, Au To: Norvell, Wiley Subject: Re: for (gust 03, 2015 6:07 PM	
Didn't come up. W hoped we would.	/ent extremely well. Errol dio	d intimate that we were already doing Gowanus but Brad indicate that he
On Aug 3, 2015, at	t 11:04 AM, Norvell, Wiley <	PII wrote:
	Vould be great to have Espin n't comment on lawsuit. Equ	nal in particular defend this as protection against gentrification. uity a top priority.
From: Rachaele R Sent: Monday, Au To: Norvell, Wiley Subject: RE: for (igust 03, 2015 10:46 AM	
		uestion about Fair Housing and community preference given Errol's Itus quo) and we'll discuss with Carl.
From: Norvell, Wil Sent: Monday, Au To: Rachaele Rayn Subject: for Carl to	gust 03, 2015 10:01 AM off (DCP)	араалтаарали, жралалтаарала, кларала, кларарал кларала парара, парарал и кралалтаарала, кларалала кларара, тара -
	backgrounder and a couple s nteraction before going on t	stories. I think Carl should call Brad and Espinal today just to chat, so he show.
Some guidance:		
DO: Tack left. Strong	est in the nation, make man	datory sound like a sea change.

DON'T:

--Make it seem like real estate/developers support the plan. That is NOT helpful. If asked, should say the private sector isn't in the habit of supporting mandates.

TRAPS:

--Affordable for who? Talk about how 85% of our units are for low income families, and how the AMI's in mandatory in East NY—which are already low--will be deepened by HPD subsidy.

Wiley Norvell Deputy Press Secretary Office of New York City Mayor Bill de Blasio

PII

Case 1:15-cv-05236-LTS-KHP Document 916-111 Filed 11/06/20 Page 1 of 3

From:	Grace, Melissa		PII
Sent: To: Subject: Attachments:	September 19, 2016 10:02 AN Norvell, Wiley FW: councilmanic veto Op-Ed on Councilmaic.docx	Л	
Vicki likes it up until th	oment, but for when this come ne budgeting stuff – and is happ ny other thoughts on this	-	-
From: Schleicher, Dav Sent: Friday, Septeml To: Grace, Melissa Subject: Re: counciln	per 16, 2016 12:26 AM	uler-offenskolder U]	ndesteelnebre Dependinke munnelen in Keelesteelnen ja beere Lyn isterkenkankoutin Keelik kernisstekkeerie groffreeken okanvalekkeelske bezeken pede
Okay, pushed someth and about next steps.	ing out. It's about 100 words ove	r, but it's late	and you said it was a rush. Let me know what you think
Thanks!			
David			
From: "Grace, Melissa Date: Thursday, Septe To: lap99 Subject: Re: councilma	mber 15, 2016 at 3:15 PM <u>PII</u>	na hoge son an son a	₩ 54444833498499486948644449484484484444444444
If you could get it to me	e tommorow would be much bett	er. This stuff i	is news - but won't be for long.
Sent from my iPhone			
On Sep 15, 2016, at 3:1	4 PM, Schleicher, David	PII	wrote:
	ne pretty fast this week. My apolo er — I'm going to work on it tonig		you something by the end of the weekend, if that's
David Schleicher Associate Professor Yale Law School PII			
-	p both finished work and worl n.com/sol3/cf_dev/AbsByAuth.cf		is available on SSRN. Here's a 9670

From: "Grace, Melissa" PII
Date: Thursday, September 15, 2016 at 3:11 PM
To: lap99 PII
Subject: Re: councilmanic veto
Hi David,
Just checking in to see how you at progressing.
Sent from my iPhone
On Sep 12, 2016, at 1:59 PM, Schleicher, David PII wrote:
Melissa — Thank you so much for helping me out with this. Quick question. Do you think this is the kind of thing I
should target at the Daily News or the Post, or should it aim at the Times? Also, what's your sense about word
limits for each?
David Schleicher
Associate Professor
Yale Law School
PII
PII
Much of my scholarship both finished work and works-in-progess is available on SSRN. Here's a
link: http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=469670
From: "Been, Vicki (HPD)" PII
Date: Monday, September 12, 2016 at 7:20 AM
• span
Cc: "Grace, Melissa (HPD)" PII >
Subject: Re: councilmanic veto
David,
Melissa Grace, the City's housing communications expert, can help.
Copying her here, but happy to be directly involved in any way that would be helpful to you.
Many thanks!
Vicki
From: "Schleicher, David" < PII 3du
• Padataan jaan
Date: Saturday, September 10, 2016 at 8:50 PM
To: Vicki Been PII <u>2V</u> >
Subject: Re: councilmanic veto
Vicki,

Things are a bit crazy, but I can try to get something done this week. One thing: would your press office (or whoever you work with on this kind of thing) help me get it placed? If not, I can try to go through Yale or do it directly, but I'm not sure what the appetite for this kind of thing is.

DS

Sent from my iPhone

On Sep 10, 2016, at 2:49 PM, Been, Vicki (HPD) <	PII	wrote:
--	-----	--------

David,

I hope all is well.

We are having a rare moment of actual debate about the wisdom of councilmatic vetos over land use issues, spurred by two ridiculous rejections or threatened rejections of private rezoning applications for housing in parts of the city that desperately need both market rate and affordable housing. For an example, see <u>http://observer.com/2016/09/should-council-members-hold-so-much-sway-in-land-use-decisions/</u>

It would be great to keep the debate going. Any chance that you (or you and Rick) would be willing to try to place an op ed on the issue soon?

Obviously, I have a vested interest right now, but I do think that these rare moments of public attention are something to seize on for academics.

Vicki

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From:Murphy, Matthew (HPD)(PIISent:October 23, 2017 12:42 PMTo:Capperis, Sean (HPD)Subject:FW: Language for potential use in 2.0

PII

Matthew Murphy Department of Housing Preservation & Development Assistant Commissioner of Strategic Planning PII

From: Howard Slatkin (DCP)
Sent: Saturday, October 21, 2017 3:52 PM
To: Murphy, Matthew (HPD); Rohlfing, Elizabeth (HPD)
Subject: Language for potential use in 2.0

Here is some language for passages in the plan I commented on during the meeting. They may be unnecessary, so please feel free to use or not use as makes sense.

Get ahead of speculators [Divisive language about black hats and white hats tends to come back to bite government. Suggest "Build a firewall against displacement"] in fast-changing neighborhood by helping non-profits purchasetraditional rent-stabilized apartment buildings and keep them affordable to current residents.

Community-Driven Anti-Displacement Strategies

Speculation BASED ON AN EXPECTATION THAT RENTS CAN BE RAISED CONTRIBUTES TO THE RISK OF displacement in many neighborhoods. [there isn't any sound analysis about displacement, its magnitude or causes in different neighborhoods. But we do know that betting on future higher rent rolls is a problem.] Few City tools have been able to confront those forces when they impact housing outside formal affordable housing programs. The City is standing up new programs that will enable community-based non-profit organizations and working class New Yorkers to buy more buildings and homes—making sure New Yorkers can put down deep roots and stay in their communities for the long haul.

Putting space for people ahead of space for cars [Alternative idea, to emphasize achieving both preservation and new construction: "Build on existing affordability"]

[Edits to first paragraph:]

Many affordable developments constructed a half-century ago were built as islands in a sea of parking. Yet their residents often have some of the lowest rates of car ownership in the city. Those underused parking lots are an opportunity not only to provide new housing and reconnect neighborhoods, but to help stabilize and sustain the older affordable buildings alongside them as well.

Sent from my iPhone

City and State Financing Programs NYHC Panel

Impact of election, general state of the market

- Certainly a lot of uncertainty/anxiety, and seeing repercussions in the market (Eric)
- Cities and particularly NYC are strong, and it is going to be more important than ever that we can demonstrate that it is possible to serve the needs of a wide range of families.
- NYC has made an enormous financial commitment to housing:
 - Over the next five years, our capital budget averages close to \$850M/year. Only a tiny fraction of that is federal money.
- We are going to have to adapt to changes in LIHTC pricing, interest rates, etc. but because of the depth of the City commitment, we're relatively well positioned to do that.
- Remain totally committed to the housing plan
 - 55,909 units closed as of last Friday
 - On track to close another 5-6K in December
 - Ahead of schedule

New initiatives, things we're going to be doing with our financing programs

- Ongoing review of term sheets always looking at them to make sure that we're adapting to the needs of communities and the market.
- Particularly interested in making sure they are transparent usable not just by the HPD "frequent flyers," but by a broad range of developers (e.g. nonprofits, MWBE)
- Preservation looking for ways to target "de facto" affordable housing that hasn't been subject to a regulatory agreement, and lock in that affordable.
 - Started work with some partners to look at the TLS process, and ways that we can identify at risk buildings that could benefit from HPD loans.
 - Kim Darga working to launch landlord ambassador program help owners who don't have experience with HPD programs navigate the process.
- Not strictly an HPD financing program: but recap of ALF, more resources, help developers acquire land.
 - Once recap is done, we'll be working to market the Fund, make sure people know what's out there.

Concerns that HPD isn't doing enough for homeless

- Through October 2016, 15% of the HNY units have been for ELI households well over target (8%).
- Set asides in most financing programs:
 - o 30% in Senior Affordable Rental Apartments (SARA) for homeless seniors
 - o 30% option in Extremely Low and Low Income Affordability (ELLA)
 - o 20% in the HUD Multifamily Program
 - 10% in the Participation Loan Program (PLP) and Low Income Housing Tax Credit Preservation Program (Year 15)
- Created innovative financing tools like Our Space and Home Stretch
- Expanded supportive housing and created the SARA program
- That doesn't count efforts to place homeless households in units not designated for the homeless, e.g. the initiative that was launched recently to use a share of the affordable units in 421-a buildings for homeless placements.

- Not just a production question:
 - Expansion of rental subsidies

	Total Households	Total Individuals
LINC	6,190	14,115
CityFEPS	2,988	10,398
SEPS	1,555	1,739
HOME TBRA	269	893
Section 8	6,092	20,665
Total	17,094	47,810

- Nine new Homebase sites have opened and funding for the program has doubled, providing access to services for 12,000 additional households each year
- Expansion of legal services: HRA's tenant legal services programs have served more than 75,000 people across 27,000 households.

Why not more 30% AMI units?

- Through October 2016, 15% of the HNY units have been for ELI households well over target (8%).
- Balancing a range of priorities:
 - Homeless vs. 30% AMI
 - Interest in and need for a spectrum of income groups
 - Financial feasibility
 - HDC M&O standard for non-union NC building is about \$6,750/year, or \$562.50/mo, before debt service
 - 2 bedroom rent at 30% AMI level is about \$570/mo. So can't support any debt service, and smaller units aren't supporting operating costs either.
 - And that is if everything is as it should be on paper. M&O standards don't include security, what if water goes up, etc.
 - Fair housing really can't emphasize this enough. Targeting a large share of units to the AMIs of the people who are already there furthers the concentration of poverty, and that not only is associated with a host of negative outcomes for families and particularly children, it is also illegal.
 - We need and have a multi-layered strategy. Some ELI units in very low income neighborhoods, but also mixed income projects. Creating affordable opportunities in higher income neighborhoods – MIH. Think about our work as "comprehensive community revitalization" - how does our housing connect to larger neighborhood context.
- All of that being said, always looking for ways that we can serve lower income households. HPD is committed to it, I'm personally very interested in it, and we're working through ideas, and welcome thoughts and suggestions for what has been a challenge for many years.

Does HPD cause gentrification/displacement?

- Let's be clear: when HPD rehabs a building, tenants always have the right to remain/come back, and rents are structured to be affordable. New construction is on vacant land, formerly not residential land, etc. So absolutely no direct displacement.
- NYC has rent stab and relatively strong tenant protection laws, which limits secondary displacement people who are in place in the neighborhood should be able to stay.
- We have to watch for harassment that is illegal, and HPD has been aggressively pursuing (STATS?)
- Broader concern is changes to neighborhoods over time.
 - First of all, neighborhoods in NYC change. Happens whether we build or not.
 - If we want the next generation to be able to stay in neighborhoods, we need housing. Supply and demand can't explain everything in the world, but certainly if we don't keep adding units, prices are going to go up. We have to build to create housing opportunities.
 - Non-scientific example: Bayridge was one of many neighborhoods that was downzoned over the last ~20 years. Since 2009, rents have gone up about 15%
 (http://ny.curbed.com/2015/6/4/9954496/mapping-new-york-neighborhoods-hit-hardest-by-high-rents). Not the steepest climb in rents, can't claim causality but freezing neighborhoods as is doesn't keep rents flat.

From:	Carl Weisbrod (DCP) <,	PII
Sent:	December 03, 2016 12:32 PM	
То:	Joseph Salvo (DCP);Rachaele Raynoff (DCP)	
Cc:	Howard Slatkin (DCP); Joe Marvilli (DCP); Purnima k	(apur (DCP);Danielle J. DeCerbo (DCP);Eric Kober
(DCP);Peter Lobo (DCP);	;Dara Goldberg (DCP);Samantha Kleinfield (DCP);Ar	nthony Fabre (DCP)
Subject:	RE: Elite cities are pushing out the working class	

OK.

-----Original Message-----From: Joseph Salvo (DCP) Sent: Saturday, December 03, 2016 11:51 AM To: Rachaele Raynoff (DCP) />; Carl Weisbrod (DCP) PII PII Cc: Howard Slatkin (DCP) PII ; Joe Marvilli (DCP) PII >; Purnima Kapur (DCP) PII >: Danielle J. DeCerbo (DCP) PII >; Eric Kober (DCP) PII >; Peter Lobo (DCP) < PII >; Dara Goldberg (DCP) PII >: Samantha Kleinfield (DCP) PII >; Anthony Fabre (DCP) PII

Subject: RE: Elite cities are pushing out the working class

Carl,

Doug is usually very flexible. It may be an opportunity for us to emphasize the important role of immigrants in making New York a great city, from demographic (ratio of workers to older and younger populations), social (the enriching environment created by diversity in our world city) and economic (labor force composition) standpoints. I can stick to the facts and reinforce the message coming out of City Hall/Mayor's Office of Immigrant Affairs about the 3.2 million immigrant New Yorkers.

I can stay away from the reasons why people come and go, since we really have no data on this question (despite the statements made in some earlier news articles). And, if somehow forced, I can always make a general statement about "the large number of reasons why people migrate" and stay away from statements about causality (again, since there are no data).

Joe

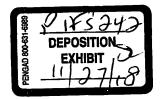
JOSEPH J. SALVO Ph.D. DIRECTOR, POPULATION DIVISION

NYC DEPT. OF CITY PLANNING 120 BROADWAY, 31st FLOOR • NEW YORK, NY 10271 PII

Follow us on Twitter @NYCPlanning http://www.nyc.gov/population

From: Rachaele Raynoff (DCP) Sent: Saturday, December 03, 2016 09:56 To: Carl Weisbrod (DCP) Cc: Howard Slatkin (DCP); Joseph Salvo (DCP); Joe Marvilli (DCP); Purnima Kapur (DCP); Danielle J. DeCerbo (DCP); Eric Kober (DCP); Peter Lobo (DCP); Dara Goldberg (DCP); Samantha Kleinfield (DCP); Anthony Fabre (DCP) Subject: Re: Elite cities are pushing out the working class

Doug will be guided by what Joe wishes to discuss.



Case 1:15-cv-05236-LTS-KHP Document 916-115 Filed 11/06/20 Page 1 of 3

From:	Torres-Springer, Maria (HPD)		PII	
Sent: To: Subject: Attachments: ~WRD000.jpg, ~WRD00	May 04, 2018 10:29 AM Sleeper, Lydon (HPD) Re: Announcing Phil Thompson as ~WRD000.jpg, image001.jpg, imag 00.jpg, image001.jpg, image010.jpg			
And also a copy of the	e CY17 numbers release			
On May 4, 2018, at 10	0:24 AM, Torres-Springer, Maria	u (HPD) <	PII wrote:	:
	ether a one or two pager of our m ion, CONH, tenant harassment, e		ement including of cou	rse what we
Begin forwarded mes	sage:			
From: "Seabrook, Ma Date: May 4, 2018 at To: "Torres-Springer, Cc: "Sleeper, Lydon (< PII Subject: FW: Annou Displacement	10:18:03 AM EDT , Maria (HPD)" PII	"Pfohman, Emr rator for our Poli	、	
FYI. I'll give dates for	after the Executive Budget Hear	ing.		
				normale o calorado
Adding Margie for M	aria, and Maria for Marisa to hel	p schedule.		
Sent from my iPhone				
On May 4, 2018, at 7:	35 AM, Daniel, Michaela <	PII	wrote:	
Dorothy,				

Can you please set up a meeting for Phil with Maria Torres-Springer and Marisa Lago from DCP. Ideally next week before he goes to LA.

Thanks, Michaela

------ Forwarded message ------From: "Thompson, Phillip" PII Date: Fri, May 4, 2018 at 7:28 AM -0400 Subject: Fwd: Announcing Phil Thompson as Moderator for our Policy Plenary on Displacement To: "Daniel, Michaela" PII Cc: "Glen, Alicia" < PII

Hi Michaela:

Could you set up a meeting with the two people (Marisa and Maria) Alicia mentioned (see below) before May 18th. It's for me to get filled in on housing/rezoning messaging.

Just FYI, this issue comes up constantly. I've been saying to NYC housing advocates for a year that the City doesn't have \$200b to resolve the displacement issue—its a federal issue (lots of cities in the same boat), and a state issue too. Advocates in NYC don't know how to organize nationally, and they do what's comfortable for them (beat up on City Hall). I've said this as a community advocate in the past, and as a critic of community advocacy's lack of serious analysis — which undermines their credibility. I told Vicki Bean a year ago that I couldn't come up with much more than she was doing already, given fiscal constraints. I don't think the advocates have real ideas—beyond demanding more money. I obviously can't be this frank now.

Phil

Sent from my iPhone

Begin forwarded message:

From: "Thompson, Phillip" <</th>PIIDate: May 3, 2018 at 6:59:13 PM EDTTo: "Glen, Alicia" <</td>PIICc: "Lago, Marisa (City Planning)"PIIWaria (HPD)" <</td>PIISubject: Re: Announcing Phil Thompson as Moderator for our Policy Plenary on Displacement

Sure. I wasn't planning to speak (just moderate), but I would definitely like to be filled in.

Sent from my iPhone

On May 3, 2018, at 5:40 PM, Glen, Alicia PII wrote:

Phil - with so much focus on displacement issues over the last 4 years, both HPD and City Planning have been at the forefront of the discussion and I want to make sure that you spend some time with both Marisa and Maria before this event so that there is messaging consistency (which also implicate several pending lawsuits we are defending and/or bills we are opposing). I am happy coordinate such a meeting but also leave it to you all to connect. This is very fraught stuff.

Sent from my iPhone

Begin forwarded message:

From: "Lago, Marisa (City Planning)" <</th>PIIDate: May 3, 2018 at 4:12:09 PM EDTPIITo: "Glen, Alicia" <</td>PIISubject: Fwd: Announcing Phil Thompson as Moderator for our PolicyPlenary on Displacement

Excuse me . . .

Begin forwarded message:

From: "Purnima Kapur (DCP)" <</th>PIIDate: May 3, 2018 at 16:03:04 EDTTo: "Marisa Lago (DCP)" <</th>PIITo: "Marisa Lago (DCP)" <</th>PII"AnitaLaremont (DCP)" <</th>PIISubject: FW: Announcing Phil Thompson as Moderator for ourPolicy Plenary on Displacement

Worrisome!

From: Association for Neighborhood & Housing Development (ANHD)PIIOn Behalf Of Association forNeighborhood & Housing Development (ANHD)Sent: Thursday, May 03, 2018 2:52 PMTo: Purnima Kapur (DCP) <</td>PIISubject: Announcing Phil Thompson as Moderator for our Policy Plenary onDisplacement