SOUTHERN DISTRICT			
JANELL WINFIELD, TRACEY STEWART, and SHAUNA NOEL, Plaintiffs, - against -			DECLARATION OF BILL DE BLASIO IN SUPPORT OF DEFENDANT'S CROSS-
CITY OF NEW YORK	ugumst		MOTION FOR A PROTECTIVE ORDER 15-cv-5236 (LTS)(KHP)
		Defendant.	

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.

- 5. Additionally, I do not micro-manage the Deputy Mayors or City agency Commissioners. I recognize that they are professionals with expertise in their fields, and that they work with personnel that have specialized expertise in their areas of jurisdiction.
- 6. Due to my vast responsibilities, I rely on briefings from my Deputy Mayors, senior staff, and agency Commissioners to understand the policies and procedures being used by City agencies in carrying out their respective missions and responsibilities. This also applies to my oversight of HPD, the agency that created and implements the community preference policy, being challenged in this litigation. My knowledge as Mayor of the community preference policy has been obtained through my oversight and involvement with City-agencies, and predominantly through my work with HPD and Vicki Been, HPD's former Commissioner. \(^1\)
- 7. The community preference policy is just one of many long-standing policies in place prior to my being elected as Mayor. When I began my first term as Mayor in 2014, the community preference policy had already existed for over twenty-five years. I am advised that the last notable change to the community preference policy occurred in 2002, when the preference percentage was increased to 50%. I was not the Mayor when the community preference policy was enacted or when the applicable percentage was increased, nor did I have any personal involvement with either of those events. Any involvement I have had as Mayor regarding the implementation of the community preference policy and its role in affordable housing issues has been through meetings and communications with Deputy Mayor Glen, HPD Commissioner Torres-Springer or former HPD Commissioner Been. Any decisions I was

¹ I also have a general understanding of this litigation from communications with senior administration staff and attorneys from the New York City Law Department and my office.

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

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

- to Ms. Been that because they believe that it will undermine the City's arguments regarding the justifications for the community preference policy, and in particular that it is needed to help overcome community and Council Member opposition to affordable housing projects and rezonings. However, this project had already been approved by the Council, does not reflect a belief that I can obtain approvals by the Council without or a with a modified community preference policy.
- 16. Similarly, Plaintiffs point to other statements in which I purportedly tout my ability to get affordable housing and other projects passed through the City Council. See Pls. Exs. 2 and 21. While my administration has been highly successful in obtaining the approval of Mandatory Inclusionary Housing ("MIH") and several affordable housing projects and rezonings, the statements pointed to by Plaintiffs do not reflect a belief one way or another about whether we would have been able to achieve those accomplishments without the community preference policy or with a modified community preference policy. I was not referencing the role of the community preference policy when making those statements.
- 17. I understand that Plaintiffs assert that my statement about past administrations "having done nothing" is an admission on behalf of the City that past administrations have done nothing in response to gentrification pressures. See Pls. Ex. 15. I am aware that the Bloomberg administration had anti-displacement programs in place. My

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. See 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 497 Filed 07/23/18 Page 7 of 7

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.

Dated:

New York, New York

July 23, 2018

BILL DE BLASIO