

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JANELL WINFIELD, TRACEY STEWART,
SHAUNA NOEL, and EMMANUELLA SENAT,

Plaintiffs,

-against-

15-CV-5236 (LTS) (KHP)

CITY OF NEW YORK,

Defendant.

-----X

**DECLARATION OF CRAIG GURIAN
IN SUPPORT OF PLAINTIFFS' MOTION TO
COMPEL THE DEPOSITION OF MAYOR BILL DE BLASIO**

CRAIG GURIAN, 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' motion to compel the deposition of Mayor Bill de Blasio.
2. Such yellow highlighting as appears in any of the exhibits annexed hereto was added by plaintiffs in connection with this motion for the convenience of the Court.
3. Excerpts of the transcript of the Nov. 3, 2017 Alicia Glen deposition are annexed hereto as Exhibit 1.
4. A Jul. 17, 2017 Politico New York article entitled "[De Blasio says Council opposition not an obstacle to affordable housing goals](#)" is annexed hereto as Exhibit 2.
5. An excerpt of the transcript of the Sept. 14, 2017 Court Conference ([ECF 183](#)) is annexed hereto as Exhibit 3.

6. An excerpt of the Office of the Mayor transcript of remarks of the Mayor on Aug. 21, 2015, [“Mayor de Blasio, Queens Officials and the Arker Companies Break Ground on 154 New Affordable Homes for Low-Income Seniors,”](#) is annexed hereto as Exhibit 4.

7. Excerpts of the transcript of the Aug. 2, 2017 deposition of Vicki Been (“Been I”) are annexed hereto as Exhibit 5.

8. An excerpt of the Office of the Mayor transcript of remarks by the Mayor and other city officials on July 13, 2015, [“Mayor de Blasio Announces a Record-Breaking 20,325 Affordable Apartments and Homes Financed in Last Fiscal Year, Enough for 50,000 New Yorkers,”](#) is annexed hereto as Exhibit 6.

9. An excerpt of the “Preliminary Guide to NYC’s AFH Submission,” specifically, Table 3, at 8 (permitted to be used by plaintiffs pursuant to [ECF 259](#), at 23) is annexed hereto as Exhibit 7.

10. An excerpt of the Office of the Mayor transcript of [“Mayor de Blasio Appears on NBC’s Ask the Mayor”](#) from Apr. 18, 2016 is annexed hereto as Exhibit 8.

11. A copy of defendant’s Fifth Responses and Objections to Plaintiffs’ First Set of Interrogatories, June 11, 2018, is annexed hereto as Exhibit 9.

12. An excerpt of the Office of the Mayor transcript of [“Mayor de Blasio Appears Live on Inside City Hall”](#) from Jan. 17, 2018 is annexed hereto as Exhibit 10.

13. Excerpts of the transcript of the Apr. 10, 2018 deposition of Vicki Been (“Been II”) are annexed hereto as Exhibit 11.

14. A copy of an Aug. 2014 email chain including emails between the Mayor and Ms. Been, Bates 53602-05, is annexed hereto as Exhibit 12.

15. A copy of overlapping July 2015 email chains involving the Mayor, Bates 93696-98, are annexed hereto as Exhibit 13.

16. An excerpt of the transcript of the June 1, 2018 Shaun Donovan deposition is annexed hereto as Exhibit 14.

17. An excerpt of the Office of the Mayor transcript of a Mar. 14, 2016 town hall meeting, [“Mayor de Blasio Hosts Town Hall Meeting with Brooklyn Residents to Discuss Affordable Housing.”](#) is annexed hereto as Exhibit 15.

18. Excerpts of the transcript of the Mar. 16, 2018 deposition of Matthew Murphy is are annexed hereto as Exhibit 16.

19. An excerpt of the transcript of the May 18, 2018 Elyzabeth Gaumer deposition is annexed hereto as Exhibit 17.

20. Excerpts of the transcript of the Apr. 19, 2018 Purnima Kapur deposition are annexed hereto as Exhibit 18.

21. An excerpt of the transcript of the May 10, 2018 deposition of Maria Torres-Springer are annexed hereto as Exhibit 19.

22. An excerpt of the June 22, 2017 New York Times article, [“No Deal, Just Blame, on Mayoral Control of New York City Schools.”](#) is annexed hereto as Exhibit 20.

23. An excerpt of the Office of the Mayor transcript of remarks delivered by the Mayor on May 11, 2016, [“Mayor de Blasio Delivers Remarks at NYSAFAH Housing for all Conference.”](#) is annexed hereto as Exhibit 21.

24. An excerpt of the Office of the Mayor transcript of [“Mayor de Blasio Appears Live on WNYC”](#) from June 9, 2017 is annexed hereto as Exhibit 22.

25. An excerpt of the Office of the Mayor transcript of [“Mayor de Blasio Appears Live on Inside City Hall”](#) from June 12, 2017 is annexed hereto as Exhibit 23.
26. An excerpt of the Office of the Mayor transcript of [“Mayor de Blasio Appears Live on the Brian Lehrer Show”](#) from May 11, 2018 is annexed hereto as Exhibit 24.
27. An excerpt of a May 11, 2017 New York Times article, [“De Blasio, Expanding an Education Program, Dismisses Past Approaches.”](#) is annexed hereto as Exhibit 25.
28. An excerpt of the Office of the Mayor transcript of Aug. 10, 2016 remarks by the Mayor, [“A Year Ahead of Schedule, Mayor de Blasio Announces Opening of New Upper West Side School.”](#) is annexed hereto as Exhibit 26.
29. Excerpts of an op-ed written by the Mayor that appeared in the New York Daily News on Mar. 9, 2016, [“Why our housing plan must pass: Mayor de Blasio urges the City Council and advocates to get behind his zoning reforms.”](#) is annexed hereto as Exhibit 27.
30. Excerpts of an Apr. 23, 2018 Politico New York article, [“50 years after Fair Housing Act, New York City still struggles with residential segregation.”](#) is annexed hereto as Exhibit 28.
31. A copy of a letter to the editor from Council Member Ritchie Torres to Crain’s New York that appeared on Jan. 22, 2018, [“Mayor’s fair-housing pledge doesn’t inspire confidence.”](#) is annexed hereto as Exhibit 29.
32. An excerpt of a May 23, 2018 New York Daily News article, [“City Council may create office to fix racial segregation in schools.”](#) is annexed hereto as Exhibit 30.
33. Excerpts of the transcript of the Nov. 29, 2017 deposition of Steven Banks are annexed hereto as Exhibit 31.

34. Excerpts of the Office of the Mayor transcript of the [Mayor's Feb. 28, 2017 speech on the City's homelessness plan](#) ("Homeless Policy Speech") is annexed hereto as Exhibit 32.

35. An excerpt of the transcript of the Jul. 27, 2017 deposition of Carl Weisbrod is annexed hereto as Exhibit 33.

I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief. Executed on July 9, 2018.

Craig Gurian

Craig Gurian

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
JANELL WINFIELD, TRACEY STEWART
and SHAUNA NOEL,

Plaintiffs,

-against-

CITY OF NEW YORK,

Defendant.

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

-----x

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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this 53, please.

(Article from Politico New York headed De Blasio says Council opposition not an obstacle to affordable housing goals, was marked Plaintiffs' Exhibit 53, for identification, as of this date.)

Q I have showed you a Politico article that's been marked Exhibit 53 with headline: De Blasio says Council opposition not an obstacle to affordable housing goals.

May I ask you to turn to the second page of it.

The third paragraph begins: There's only been a couple of times where there was actually a disagreement that didn't get resolved and --

Do you see that?

A Um-hum.

(Clarification by the reporter.)

A Yes.

Q And the fourth paragraph

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begins: De Blasio also downplayed the idea that some council members have placed roadblocks to his affordable housing agenda.

Do you see that?

A Yes.

Q Has the mayor accurately characterized what the state of play has been with council members in those comments?

MS. SADOK: Objection.

A You want me to tell you what the mayor may have meant when he was talking to a reporter?

Q No.

A I don't even understand the question. I'm not even in this article. So I'm not quite sure what you are asking me. This was, I believe, during a big controversy over a particular project, and I don't know what he was thinking. I mean, I'm not in his head.

Q I appreciate the fact that

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are not in his head, but that wasn't what I was asking you.

A I still don't understand what you are asking me.

Q Okay. So I will ask it again.

A Yeah, try again.

Q De Blasio also downplayed the idea that some council members have placed roadblocks to his affordable housing agenda.

Is that -- is it fair and true to downplay council member roadblocks? From what you have observed of what's happened over the last few years, have roadblocks from council members been only a minor issue?

MS. SADOK: Objection.

A I think you're confusing politics and the mayor wanting to, as the mayor, make it clear that he has some political juice and he can get things done. But the reality, or the

1 GLEN

2 fact of the matter, is that, of course,
3 there are many, many projects where we
4 have had to deal with some very
5 difficult council people. But if you
6 are the mayor of the City of New York
7 speaking to a reporter, you are
8 probably going to shrug it off so it
9 doesn't look like you are not being
10 able to get your agenda through.

11 But I can tell you that there
12 are many, including this particular
13 project, I believe, that we continue to
14 have a significant amount of
15 conversation and difficulty with the
16 local council member.

17 So I don't know why he was
18 saying he was downplaying it, but I
19 believe it was for political purposes
20 because he was in the middle of an
21 election campaign.

22 Q So he was putting a good face
23 on what actually is a more difficult
24 situation?

25 MS. SADOK: Objection.

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Q Let's stick with the
general --

A Just the general thing.
Right? The likelihood you are going to
get a unit is higher with the community
preference than if you were just in the
citywide lottery. Right? So you can
credibility say this building is a
building where, if we didn't have a
community preference, you would have
less of a chance of getting it. Right?
Just by definition.

Q So to say it in different
way, and, again, I am talking about the
general run of things, not quirkiness,
but in a 50/50 scenario, okay, so there
are the same number of apartments in
both piles, there are a lot fewer
people competing for the apartments
from inside than there are competing
for the other apartments from the
outside, right?

MS. SADOK: Objection.

A I would say that would

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generally be mathematically correct.
There could be some weird quirk if, for
some reason, people didn't apply for
the lottery. Yes. Yes, generally
speaking, you would -- there is a
smaller pool of people. Yes.

Q And I apologize if this
sounds too obvious, but, like, that's
the point.

A No.

Q The point is to -- to
increase the odds of insiders compared
to what they would be if there were no
community preference policy.

MS. SADOK: Objection.

A That, I guess -- is that the
way -- yeah, that's the point.

Q That's the operational point.

A That's the -- point of the
policy is that people who live in that
community district have a better chance
of getting a unit than if they were
part of the citywide pool. And now, of
course, it's even more complicated

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staff, because there is no chief of staff. Zack. I think Zack as Corp. counsel. And the chiefs of staff of the deputy mayors.

I think that's the basic cast of characters.

Q At this point or any previous point in time, did the schools chancellor participate in those meetings?

A Never. Or the PD. Never.

Q Were those a different set of meetings for the head of the police department and for Ms. Farina?

MS. SADOK: Objection.

A I have no idea when chancellor -- I believe the chancellor has a weekly meeting with the mayor. She reports directly to the mayor.

Q And you don't participate in those meetings?

A No.

Q Okay. So regardless of the setting or circumstance or who else may

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as deputy mayor?

A Sure.

Q And the -- you know, how you talked about the built environment before?

A Um-hum.

Q Talking about the demographic environment, if you just sort of now try to visualize that of a city where there is still a lot of residential separation between and among different groups.

Is the existence of that racial and ethnic separation a tragedy?

MS. SADOK: Objection.

A Not necessarily.

Q Does the city have a plan for ending residential racial segregation?

A A plan to end racial and ethnic segregation?

Q A plan to end residential racial segregation, yes.

A Not that I'm aware of.

Q In fact, the mayor is pretty

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dubious that much can be done about residential segregation; isn't that right?

MS. SADOK: Objection.

A You would have to ask him.

Q Okay. We'll try to.

MR. GURIAN: This is 62.

(New York Times article headed, De Blasio, Expanding an Education Program, Dismisses Past Approaches, was marked Plaintiffs' Exhibit 62, for identification, as of this date.)

Q So we've made our way from Vice magazine to --

A To the paper of record.

Q -- to the Times. I will leave it to you to comment on the reporter.

You don't have a comment on the reporter.

So this is a Times article from May of this year.

MS. SADOK: What number is

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this? I'm sorry.

MS. COURT REPORTER: 62.

Q And if you look on the second page, it says, Mr. de Blasio, a Democrat, and the schools chancellor, Carmen Farina, they said they would soon release a plan to decrease segregation in the city's school. In answer to a question about segregation, the mayor suggested that there was not much he can do. Quote: We cannot change the basic reality of housing in New York City, he said.

Do you see that?

A Yes.

Q Do you believe that that's true?

A I don't know what he really means by "the basic reality of housing." So I can't agree or disagree with it because I don't actually know what he is referring to there.

Q Okay. Is this recognizable in terms of things that he has said

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about what can and cannot be done in terms of housing patterns in New York City?

MS. SADOK: Objection.

A I don't ever recall having a conversation with him about housing patterns in New York City. That is not something we've talked about.

Q Okay. Is it your view, as deputy mayor, that there is little to be done, as a matter of city action, in terms of housing patterns as they are currently defined on the basis of race?

A I haven't really thought about it. But when you have a functional zero vacancy rate and flat to down production, it's hard to imagine a lot of movement, even if that was your goal. Right?

Q Even if it were your goal -- so I think what you're saying is, even if it were your goal, there are few opportunities to make change.

MS. SADOK: Objection.

De Blasio says Council opposition not an obstacle to affordable housing goals

11/1/17, 3:26 PM

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De Blasio downplayed the idea that some Council members have placed roadblocks to his affordable housing agenda. | Getty

De Blasio says Council opposition not an obstacle to affordable housing goals

By **GLORIA PAZMINO** | 07/17/2017 09:55 PM EDT

Mayor Bill de Blasio left the door open to getting involved in a few competitive City Council races where incumbents are facing local opposition to redevelopment in their districts.

“There may be a few races I get involved in but that’s not my assumption right now — when you look at the overall reality ... in the end I’ve gotten on the same page with the Council, the Council has gotten on the same page with me on the vast majority of issues,” de Blasio said during his weekly appearance on NY1’s Road to City Hall.

Councilwoman Laurie Cumbo is facing opposition from challenger Ede Fox — a former Council staffer who has run for office before. She is challenging Cumbo solely on what she says has been Cumbo's inability to protect the community as a development proposal for the Crown Heights armory moves forward.

De Blasio has faced opposition to rezoning proposals in other districts, including Northern Manhattan and Queens.

"There's only been a couple of times where there was actually a disagreement that didn't get resolved. In those cases I'm going to get involved to make sure we do resolve it," de Blasio said. "I think the fact that people in a City Council race are concerned about development — that's not news in New York City. I believe in every one of these cases we can address the community concerns, including at the armory in Crown Heights."

De Blasio also downplayed the idea that some Council members have placed roadblocks to his affordable housing agenda, which requires the rezoning of certain swaths of neighborhoods across different Council districts. Rezonings often are deeply unpopular in communities opposed to development, driven by a fear of gentrification and rent increases.

In order to build and maintain 200,000 units of affordable housing, the de Blasio administration requires that any new development requiring a land use change includes affordable housing. How affordable is defined is typically up for debate depending on the project's location.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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. :
 ----- :

PROCEEDINGS BEFORE
THE HONORABLE KATHARINE PARKER,
UNITED STATES DISTRICT COURT MAGISTRATE JUDGE

APPEARANCES:

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 BY: CRAIG GURIAN, ESQ.
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Proceedings recorded by electronic sound recording;
 Transcript produced by transcription service.

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City argues, that plaintiffs have not shown that Deputy Mayor Glen has any unique firsthand knowledge about the community preference policy.

The City also argues that permitting the deposition would cause significant disruption to Deputy Mayor Glen's daily responsibilities. Plaintiffs have argued that they should be able to depose Deputy Mayor Glen because she's responsible for overseeing and participating in the work of HPD, the planning department, and other relevant agencies.

Plaintiffs also pointed out that Deputy Mayor Glen has made public statements about her opinions on the community preference policy and the justifications for the policy. They've also pointed out that Deputy Mayor Glen has signed the City's affirmatively, furthering their housing statements for 2015 and '16. And for these reasons, plaintiffs argue that Deputy Mayor Glen has unique personal knowledge about the claims in the case, and that the City's motion for a protective order should be denied.

And as I've already mentioned, the standard for this is set forth in the Second Circuit decision in Lederman. This Court finds that plaintiffs have met their burden of demonstrating that Deputy Mayor Glen is likely to have unique, relevant knowledge that will permit -- and so

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I'll permit the plaintiffs to take a deposition of Deputy Mayor Glen and deny the City's motion for protective order with respect to that deposition.

Unlike the City council members, the Deputy Mayor is responsible for the continued implementation of the community preference policy because she oversees HPD the planning department and the other agencies whose work is impacted by the policy. In other words, the challenge of community preference policy falls within her sphere of responsibilities and oversight. And the community preference policy affects the work of multiple agencies under her supervision, and her role gives her a unique perspective about the policy and its purpose, because she has a bird's-eye view that others, such as Commission Been or another agency had, simply wouldn't have.

The Deputy Mayor also has made public statements about the community preference policy and affordable housing more generally. For example, on January 12th, 2017 she discussed her views on wanting to help people have the opportunity to stay in the neighborhoods they grew up in, and stated that she believes that people who have been part of these neighborhoods for decades have the opportunity to stay there, and particularly the folks who were there for the tough years.

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Plaintiffs also have pointed to other similar statements made by Deputy Mayor Glen. These statements, coupled with her role and directly overseeing agencies like HPD, suggest that Deputy Mayor Glen has direct involvement with the community preference policy and other affordable housing issues implicated in this case. And this ruling is consistent with U.S. v. City of New York, 2009 W.L. 2423307 at 2-3 (E.D.N.Y., Aug. 5, 2009), where the court permitted a limited deposition of Mayor Bloomberg about the firefighter job examinations after Mayor Bloomberg gave testimony before the senate about the underlying issues in the litigation.

Moreover, although Deputy Mayor Glen tried to explain her statements about the community preference and affordable housing in her declaration, plaintiffs are entitled to ask follow-up questions and seek clarifications based on these statements. No other witness could provide this information besides Glen herself. So I am going to deny the City's motion for a protective order and I will permit plaintiffs to depose Deputy Mayor Glen.

However, I'm going to limit the time of this deposition to no more than six hours so as to minimize the disruptions to Mayor Glen's duties and responsibilities to the City. And I find that a six-hour deposition would not

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C E R T I F I C A T E

I, Carole Ludwig, certify that the foregoing transcript of proceedings in the United States District Court, Southern District of New York, Winfield, et al., versus The City of New York, Docket #15cv5236, was prepared using PC-based transcription software and is a true and accurate record of the proceedings.

Signature Carole Ludwig

Date: September 18, 2017



OverviewNewsMayor's BioOfficials

Transcript: Mayor de Blasio, Queens Officials and the Arker Companies Break Ground on 154 New Affordable Homes for Low-Income Seniors

August 21, 2015

Mayor Bill de Blasio: Well, Dan, thank you. And thank you to everyone at the Arker Companies. You guys have been fantastic in this project and so many others. You're long-time partners with the city of New York in the creation of affordable housing in all five boroughs. So, I thank you. You know, we depend on companies in the real estate community to get the job done and there are so many that are devoted – truly devoted, personally and humanly devoted to the work of affordable housing. And the Arker Companies are one of the great examples of that.

Two years from this very day, right here, the lives of more than 150 senior citizens will change and change for the better. That will be when they move into the Beach Channel Senior Residences. It's going to be a wonderful development. And for over 150 people, it means security, it means affordability. It means a good, safe place to live. And they deserve that. Our seniors deserve that, considering all they've done for us.

What they'll be leaving behind, in many cases, is a lot of worries, a lot of challenges, the struggle to make ends meet, which too many seniors in this city face every single day. I've heard from seniors all over New York City – they want to stay in the city they love. They just want to be able to afford it. Beach Channel Senior Residences are going to give that opportunity to 150 of our fellow New Yorkers.

Now, any groundbreaking where we're creating affordable housing is a good groundbreaking. This is a special one because this will be the first apartments created under one of our new initiatives – the Senior Affordable Rental Apartments Program, with the helpful acronym SARA.

[Laughter]

I love a program that says exactly what it is – Senior Affordable Rental Apartments. There's no mystery in that, and we are thrilled that we are going to be doing this on a very big scale. This is the first ever program created by the city of New York for low-income seniors in which we will build affordable housing for them.

This is created with a city investment of \$350 million dollars. And I want to thank our colleagues in the City Council, who we depend on as we make these decisions about where to invest. The support and agreement of the City Council is crucial. I want to thank them for their belief in this program.

You know – I'll say this as someone who used to work for HUD long ago – the assumption in terms of senior affordable housing, for decades, was that the federal government saw that as a primary responsibility. That has now diminished to almost nothing. Now, it's up to the city of New York to

have never stopped working together since. I truly appreciate his leadership – Councilman Donovan Richards.

[...]

Mayor: Okay. So, here goes your choreography. We're going to take questions on the topic of this announcement on our affordable housing plan. We're then going to do the groundbreaking. We're then going to come back and talk about other topics and take questions on other topics. So, first, questions on affordable housing and this project. Yes?

Question: What percentage of the units are going to be certified for [inaudible]

Mayor: Well, I'm going to start, and Vicki you can add. This is consistent with our entire approach to affordable housing in this city where there is a set of units – 50 percent of those community preference, meaning the community board district, and 50 percent are part of a city-wide lottery. We believe that's a very fair approach because folks who have built up communities deserve a special opportunity to get affordable housing that's created. But we also think it's important that there be a substantial portion available to anyone and everyone. So, the 50-50 model strikes that balance. You want to add, or –

Unknown: [inaudible]

Mayor: Yes?

Question: [inaudible]

Mayor: Oh, I think it's a top priority of New Yorkers – again, you know, I think for Donovan, and Jumaane, and I, we do not need the services of a professional public opinion research firm. We get it everyday and we always have. And I was a council member and public advocate for 12 years before I was mayor – or as Bob Dylan once said, you don't need a weatherman to know which way the wind blows. So, it's quite clear it's a number one issue on the minds of New Yorkers I've talked to over the last decade-plus. And with the price of housing today, I think even more so. I think this issue deserves a lot more attention because it's so crucial to people's lives. It's the ultimate bread and butter issue. It's the number one expense. It's the thing that people struggle with the most, especially a very substantial number of New Yorkers who are having trouble making ends meet. So, we're going to be talking about it a lot. I said in the state of the city address this year, the number one focus is affordable housing. I think we proved that we meant it with the 20,000-plus number, again – the fiscal year. Again, tremendous credit to Vicki and her team for that. But there's a lot more where that came from. We're going to be focused a lot on it, and I think people want to hear more about it.

Question: [inaudible]

Mayor: [inaudible] this idea of – we believe in all of our affordable housing efforts, the same in our Built It Back efforts – anything that we sponsor, the work we do in public housing, we want to maximize jobs for community residents in every possible way, every appropriate way. So, that's something we try and bake into everything we do.

Commissioner Vicki Been, Department of Housing Preservation and Development: So, this construction project will bring a great many construction jobs to this neighborhood. The Arkers have been an amazing company in terms of hiring local and really making efforts to bringing local residents onto their programs. We are doing a lot around City Hall and city agencies to provide workforce assistance to help them find local residents, to help them find qualified residents across

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
JANELL WINFIELD, TRACEY STEWART
and SHAUNA NOEL,

Plaintiffs,

-against-

CITY OF NEW YORK,

Defendant.

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

-----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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articulate the reasons, yes.

Q All of them?

A All of them.

Q Now, community preference as it is currently designed, is not targeted to serving long-term residents of the community district who have persevered through unfavorable conditions, is it?

MS. SADOK: Objection.

A It works that way.

Q Is it designed that way?

MS. SADOK: Objection.

A Yes.

Q Does an insider have to be a long-term resident of the community district who has persevered through unfavorable conditions to get the preference?

A Do you mean do they have to have evidence? Do they have show evidence of that?

Q No. I am not asking a question about evidence.

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Do they, in fact, have to have those characteristics to be eligible?

A They do not have to have proof of those characteristics in order to be eligible.

Q If you were running the lottery one day and someone came up to you and said, "I have just moved into the neighborhood and it's great but I want another apartment. Am I eligible for a lottery that's going on now?" What would you say?

MS. SADOK: Objection.

A They are eligible for the lottery.

Q In a particular case the insider can be someone who's lived in a great apartment in a high opportunity neighborhood and hasn't persevered through anything, and that person is still eligible for a lottery in his or her community district, correct?

MS. SADOK: Objection.

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A So there is no eligibility requirement that somebody prove that they have lived in the community district for a particular period of time. I obviously don't know the circumstances of everyone who applies.

So you are asking me a question that I can't answer. I think you are asking me, Is there an eligibility requirement?

Q I'm asking you: Can a person who, in fact, is -- strike that.

I am asking whether a person who, in fact, has lived in a high opportunity community district and who has not persevered through anything difficult is eligible to receive the community preference so long as other financial qualifications are met?

MS. SADOK: Objection.

A There is no requirement that anyone show a particular perseverance -- or whatever the words that you used are -- nor is there any

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requirement that somebody show that they -- what opportunity levels they had been living under.

Q And regardless of the opportunity levels or the length of time that they have been in the neighborhood or the amount, if at all if they persevered, they legally are entitled to participate in the lottery and get a preference as an insider just as much as somebody who has been a long-term resident of a community district who has persevered through difficult conditions, right?

MS. SADOK: Objection.

A There is no length of residency requirement to qualify for the community preference requirement or the community preference. Sorry.

Q I'm sorry. There is no length?

A No length of residency requirement.

Q There is no conditions you

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have been experiencing requirement to be eligible for community preference, correct?

MS. SADOK: Objection.

A The person has to -- they have to be income qualified.

Q Pursuant to new rules that I think went into effect in October with other new marketing rules, if you own your own home, you are not eligible for apartments that are awarded through the lottery system; is that right?

A If you -- you have to be a first time homeowner in order to secure a homeownership apartment through the lottery, yes.

Q What about securing a rental apartment in the lottery if you are homeowner? Are you permitted to get a rental apartment through the lottery?

A I don't recall whether there is a prohibition on people who have owned homes. There is an asset limit, but I don't recall for renters. I

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Q But income and assets, those are the proxies that are used?

A Those are the eligibility requirements, yes.

Q But the city's made another decision to say that for half of the units people who have been living in the community district where preference applies, for however long or short a period, deserve those apartments more than other New Yorkers who have the same income and asset profile?

MS. SADOK: Objection.

A It's no -- there is no equation of the community preference with desert. It's not a question of need. It's not a need-based determination.

Q Is it a who-deserves-the-apartments-more question?

A No.

Q So as a matter of deserving, you would say deserving of apartments,

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BEEN

you would say that outsiders deserve affordable housing as much as insiders do?

MS. SADOK: Objection.

A We don't -- as I have said, we don't have a system of desert. The eligibility requirement is income based. That's the determination of need.

Q I understand that. But it wasn't my question. My question was:

As your role as commissioner of HPD, was it your view that insiders deserved affordable housing more than outsiders?

MS. SADOK: Objection.

A As I have said, I didn't make desert-based determinations other than income eligibility.

Q I wasn't asking about a determination that you made. I was asking you about if you believe that insiders deserved affordable housing more than outsiders?

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MS. SADOK: Objection. Asked
and answered. You can answer.

A I don't -- I'm sorry. I am
lost. Tell me again.

Q As HPD commissioner, did you
believe that insiders deserved
affordable housing more than outsiders?

MS. SADOK: Objection.

A No. I didn't think of that
as a question of desert. It's not the
justification -- the reason why we have
community preference is not about
desert.

Q Did you, as commissioner of
HPD -- all my questions are made in
that frame unless I otherwise describe
it to you.

Did you believe that insiders
deserve apartments in their community
districts more than outsiders deserve
those apartments?

MS. SADOK: Objection.

A I didn't think of it in terms
of desert.

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Q As you are sitting here today, do you believe that insiders deserve apartments in their community districts more than outsiders deserve those apartments?

MS. SADOK: Objection.

A I don't think you can make those desert-based determinations.

Q This may seem an obvious one but I will ask it anyway.

In terms of unfavorable conditions that people may be persevering through, conditions in community districts and parts of community districts change over time; do they not?

A Thank goodness.

Q Thank goodness.

So -- and by and large, the conditions in most neighborhood, not all neighborhoods in New York but in most neighborhoods in New York are substantially better than they were 15 years ago; is that fair?

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anti-harassment work, for example?

A That's correct.

Q The mayor has said that the city was not serious about these kinds of anti-harassment efforts in previous administrations; yes?

MS. SADOK: Objection.

A I'm not familiar with that statement.

Q Are you familiar with the Mayor's statement that prior to his administration the city wasn't serious about dealing with gentrification?

A Are you reading from a particular document? I obviously don't know everything the mayor says.

Q I would like to get a direct answer to the question.

MR. GURIAN: Please read it back.

(Whereupon, the record was read.)

A No.

Q In terms of displacement

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city's -- what did you say?

Obligation?

Q Job.

A Is it the city's job to prevent people from being displaced out of the city or out of the neighborhood?

Q Yes.

A Both.

Q You may want to do both but as you have said early on, there are sometimes priorities that have to be drawn. Which is -- of the two, is more important?

MS. SADOK: Objection.

A We didn't have a position on that.

Q Who is the "we" that you are referring to there?

A HPD.

Q Did you discuss that within HPD, that question within HPD?

A No. That's because that's not how I would frame the problem.

Q Did you discuss that issue of

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relative priority between keeping
people in the city and keeping --
versus keeping people in a particular
neighborhood with Deputy Mayor Glen?

MS. SADOK: Objection.

A No.

Q Did you discuss that with the
Mayor?

A No.

MS. SADOK: Objection.

THE WITNESS: I'm sorry.

A No.

Q There are a variety of
reasons that people move from a
neighborhood; is that right? Is that
fair?

A Yes.

Q Could want a change?

MS. SADOK: Objection.

A Yes. They may want to change
neighborhoods.

Q They may have a different job
that makes it important for them to
change neighborhoods?

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neighborhood they grew up in either.
Change isn't, per se, bad. The biggest
issue is not that you guys can't live
in the village anymore. It's that you
may not be able to live anywhere. So
that, to me, is a big differentiating
factor.

A Okay.

MS. SADOK: Objection.

A Tell me your question about
that again.

Q My question about that is
whether you agree with Deputy Mayor
Glen when she said the biggest issue is
not that you guys can't live in the
village anymore. It's that you may not
be able to live anywhere.

A I would agree that having
housing is -- period -- is more
important than where the housing may
be.

Q Where the city is siting or
facilitating the siting of affordable
housing and making complimentary

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Q The difficulty that you are talking about in this last part here the last two words or next to the last line of that paragraph, the difficulty you are talking about here is difficulty in having thoughtful discussions about these issues?

A Right.

Q And that which you place it in conversation with is the backdrop of local politics. So how does the backdrop of local politics make it difficult to have thoughtful discussions?

MS. SADOK: Objection.

A So if we're stuck on was the -- I'm trying to make this more concrete so that we're not talking passed each other. The assessment of fair housing requires you, as you know, to identify impediments to fair housing, right? And then -- and the objection that we were drawing was that at that time it asked you to draw

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BEEN

conclusions about what had caused those, right?

And in my view, it's very difficult to nail down a cause of a particular pattern or whatever that we're talking about today. When you are having that against the backdrop of local politics of a group saying, This caused it and this is the solution that you should have, as opposed to another group saying, This is what caused it and this is the solution you should have, or another group saying, No, it -- that wasn't it at all, it was completely something else, that makes it very difficult.

Q How is that different from any public policy issue over which various people disagree?

A Because when you are talking about racism and racial biases, it's a hard conversation. People don't tend to do all that well in those conversations in my experience.

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BEEN

Q It has a special salience or charge, is that --

A Right.

Q Is that --

A It does have salience.

Q Could I just refer you back to that other exhibit. I'll take 24 back from you.

On the first page of 39, you see in your e-mail, Item 2, We should not be playing into arguments that we don't believe in.

A Um-hum.

Q And then in No. 4 you say, It is always better to talk about our commitment to diverse communities and our goal of ensuring that affordable housing is available in neighborhoods than to go the legal route and talk about fair housing.

A Um-hum.

Q Why?

A Because I think fair housing shuts people's -- shuts people down.

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BEEN

Q Any other reason?

A No. I just -- in my experience, it doesn't lead to the best of conversations. When you invoke fair housing, it shuts people down.

Q Do you have any sense of why it shuts people down?

A Mr. Gurian, not to get personal, I can only -- I can respond -- I'm not a psychiatrist. I am not a sociologist. I was lucky to spend Sunday at the African American Museum. It's the first time I had gotten to go. And it's an amazing museum. People feel -- it's an incredibly emotional museum. The people feel any range of emotions, right? And I think the tragedies of our country's racial history are hard for people to talk about.

Q Part of why you say it's best to just avoid references to fair housing isn't part of the reason that fair housing is not universally

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as the difference between a positive approach and a negative approach, right? When you talk -- what I was trying to say here is, it's better to talk about the positive. We want diverse neighborhoods. Diversity is what makes New York City so great. Diversity is what we celebrate in New York. And that makes New York the world's -- the best city in the world as far as I am concerned.

So I'm saying, Let's be positive. Let's talk about diversity. Let's not be accusing people of violating the Fair Housing Act.

Q Is identifying the city as -- characterized as racially segregated negative?

MS. SADOK: Objection.

A It can be in certain circumstances.

Q What circumstances?

A If I was trying to convince a community that they should do whatever

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it is, I would at least begin with -- I would try to focus them on, Here are the advantages. We want diverse communities. Diverse communities are important to the city. Who -- what the city is. It's important to the city's competitive advantage. It's important to what makes the city great. I would go there before I would say, You're racially segregated. It's just a tactic, a question of tactics.

(Document headed, Consolidated Plan, 2014, Volume 3, was previously marked Plaintiff's Exhibit 22, for identification, as of this date.)

Q So this may relate to what tactics. You tell me. I am showing you what's previously been marked 22, Volume 23 of the 2014 Con Plan.

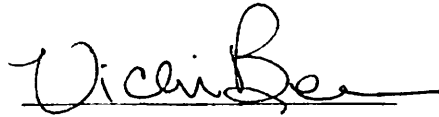
As part of that, as you know, there is an affirmatively furthering fair housing section?

A Um-hum.

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STATE OF NEW YORK)
) :ss
COUNTY OF NEW YORK)

I, VICKI BEEN, the witness
herein, having read the foregoing
testimony of the pages of this deposition,
do hereby certify it to be a true and
correct transcript, subject to the
corrections, if any, shown on the attached
page.



VICKI BEEN

Sworn and subscribed to before me,
this 18th day of September, 2017.



Notary Public

KRISTIN E SILBERMAN
NOTARY PUBLIC STATE OF NEW YORK
NEW YORK COUNTY
LIC. #01516137116
COMM. EXP. Feb. 22, 2018



MayorFirst LadyNewsOfficials

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?

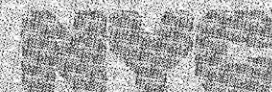
Mayor: We're all trying to understand what's going on in Albany on this issue, so I can't pretend to get into the nuances. I can say this much – that law was passed by the legislature, signed by the governor. It was the right thing to do and we just can't go backwards, especially after Newtown, which 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.

Affirmatively Furthering Fair Housing: A Preliminary Guide to NYC's Submission

Strategic Planning

September 2016



**Department of
Housing Preservation
& Development**

NYC_0021052

[Redacted]

Table 3 - Racial/Ethnic Dissimilarity Trends

Racial/Ethnic Dissimilarity Index	(New York, NY CDBG, HOME, ESG) Jurisdiction			(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

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

[Redacted]

Transcript: Mayor de Blasio Appears On NBC's Ask The Mayor | City of New York



OverviewNewsMayor's BioOfficials

Transcript: Mayor de Blasio Appears On NBC's Ask The Mayor

April 18, 2016

Chuck Scarborough: Good morning and thank you for joining us. Mayor Bill de Blasio, thank you for being here.

Mayor Bill de Blasio: Thank you, pleasure.

Melissa Russo: So good to have you. And over the next half-an-hour we're going to get answers to your questions.

Scarborough: Questions you've emailed to us or sent to us on social media or posted throughout the streets of the city.

Russo: But before we start, let's set the stage. Take a closer look at de Blasio's New York almost two-and-a-half years into his term. As usual, New Yorkers are not shy about rating their mayor:

"Mr. Mayor, I think you're doing a fantastic job." "The worst Mayor I have ever seen." Mayor: "I hold myself and my administration to the highest standard of integrity." "[Inaudible] comments about everything." "He has a great understanding of what is going on in the City." Mayor: "A City that's become more and more expensive to live in."

The highpoint of Mayor de Blasio's third year – the passage of his affordable housing plan. *Mayor: "The cost of housing in this City had gotten out of control. We couldn't just keep doing the same old thing."*

From now on the City will require developers to set aside affordable apartments anytime they build on rezoned land. *"I think he's trying to work for tenants' rights." "We use these cardboards to sleep on."*

More than half way through his term homelessness is still a crisis. *Mayor: "I'm trying to be blunt with the people of New York City. This is problem is not going away overnight."*

This week after a 90-day review the Mayor promised cleaner, safer shelters, streamlined management and more help preventing homelessness. *Mayor: "This is such important work."*

Scarborough: But I think the question was there – are you going to allow people from outside that neighborhood to come in and take those affordable houses, or are you going to confine it to the neighborhood?

Mayor: The law says that when we create affordable housing, we have the right to split it 50 percent for people from the surrounding community – 50 percent city-wide lottery open to all – to community members, and people in any other part of the five boroughs.

Russo: But some of it reserved for people already living there?

Mayor: 50 percent is reserved for the community board district in which the rezoning occurs.

Scarborough: Alright, Mr. Mayor, thank you. I want to share another question about housing from one of our Facebook followers. Susie Palau from Brooklyn wants to know this – what do you plan for the seniors who need apartments right now? Many, like my 82-year-old mother, who have been on waitlists for several years can't afford to wait for new construction. Mr. Mayor?

Mayor: Well, first of all, our affordable housing plan will reach half-a-million people and a lot of them will be senior citizens. So, that means, literally keeping apartments in place, providing the rental subsidies so people can stay in their apartment. Now, I hasten to add, our plan is half-a-million people – there's never been as big an affordable housing plan in the City's history. We have tremendous support, for example, from AARP, because – which represents seniors – because they know this is the approach that gives us the best chance of reaching seniors. But I know the demand is even greater, and I want to be real about that. The fact is, even at half-a-million people reached, there's still going to be other people in need. Our goal is every day to speed this plan – both preserving apartments in place, and building new. And this is the other point – the federal government used to play a major role in the creation of affordable senior housing. They really don't anymore. That's why this vote that we took a few weeks ago will now allow the City of New York to build senior affordable housing in places it never could before. It allows us to speed up that process. So, yes, there will still be waitlists – no doubt – but we'll be able to create new affordable housing faster than ever before because of the new law.

Scarborough: Just one more question – can developers build affordable units off-site? Can they – or are they required to build the affordable units under your new law in the building they're constructing?

Mayor: There are variations. The preference is always in the same building to have the affordable housing. There are some situations where there are multiple buildings – one may be more focused on affordable housing. There are some off-site options too. It really depends on the specific plan that's put together, but our preference always is to mix people of different income levels in the same building.

Russo: Thank you, Mayor. In our search for questions, we heard complaints in person and online about road conditions, particularly potholes, especially in the outer boroughs – here's John Newton,

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

----- x
JANELL WINFIELD, TRACEY STEWART,
and SHAUNA NOEL,

Plaintiffs,

-against-

THE CITY OF NEW YORK,

Defendant.
----- x

**DEFENDANT'S FIFTH
RESPONSES AND
OBJECTIONS TO
PLAINTIFFS' FIRST SET OF
INTERROGATORIES**

15 CV 5236 (LTS) (KHP)

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and Rule 33.3 of the Local Civil Rules for the Southern and Eastern Districts of New York, the City of New York (the "City"), submits the following to supplement its April 27, 2018 responses and objections to Plaintiffs' First Set of Interrogatories:

GENERAL STATEMENT

1. By responding to any interrogatory, 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 information produced, or of the subject matter thereof, in any proceeding including the trial of this action or any subsequent proceeding.

2. 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.

3. Defendant is continuing to search for information responsive to Plaintiffs' Interrogatories, as noted below, and will provide answers on or before May 3, 2018 as directed by the Court. Furthermore, Defendant reserves the right to supplement its response to each interrogatory with additional information, if and when such information becomes available to Defendant's counsel. Defendant also reserves the right to object to the future disclosure of any such information.

GENERAL OBJECTIONS

4. Defendant objects to these Interrogatories to the extent that they demand information which is privileged.

5. Defendant objects to the Plaintiffs' definition of "defendant" (Ps' First Interrogatories at ¶ 3) to the extent it purports to include entities controlled in principal part by the City. The only defendant in the action is the City of New York. Entities that are legally distinct from the City of New York, even if controlled in principal part by the City, are not part of the City of New York and therefore are not defendants in this action, and will not be treated as such for the purposes of these Interrogatories.

6. Defendant objects in the entirety to any request for information or production from entities not represented by the Corporation Counsel of the City of New York.

7. Defendant objects to these Interrogatories to the extent they seek information from the City Council or City Councilmembers, Borough Presidents, Community Boards or Community Board members, or any City of New York agency or department other than the New York City Department of Housing Preservation and Development ("HPD"), Department of City Planning ("DCP"), and the Mayor's Office (to the extent any question is

explicitly asking about Mayor De Blasio), as information from such individuals and entities is disproportionate to the needs of the case and overly burdensome on the municipal defendant. The policy being challenged in the action was implemented by HPD and has been maintained and administered by HPD, except in those instances in which it is administered by HDC (which is a separate legal entity and therefore not part of the City of New York). The burden and expense to the City of searching for potentially responsive information from agencies other than HPD, DCP, and the Mayor's Office (to the extent any question is explicitly asking about Mayor De Blasio) outweighs any likely benefit to Plaintiffs. Thus, Defendant will only be searching and gathering responses in response to the Interrogatories from the agencies indicated above and all responses to the Interrogatories should be understood in that manner.

8. Defendant objects to the Plaintiffs' definition of "City's outsider-restriction policy" (P's First Interrogatories at ¶ 1) as it is vague and ambiguous and to the extent it includes the City's administration of a preference mandated by state law or pursuant to the policy of another entity. Thus, Defendant defines the term "City's outsider-restriction policy" or Community Preference Policy ("CP Policy") for the purposes of these responses as the City's policy to provide eligible applicants residing in the community district in which a qualifying affordable housing development is located with priority for up to 50% of the affordable units subject to the housing lottery in such development.¹ A qualifying affordable housing development includes those created with the use of discretionary City subsidy or HDC financing and/or certain zoning programs, and does not include a preference provided as mandated by RPTL section 421-a.

¹ In limited circumstances, the community preference will be applied to more than one community districts; such as when the qualifying affordable housing development is on the border between multiple community districts.

9. Defendant objects to these Interrogatories as being in excess of the number of written interrogatories permissible under Federal Rule 33(a)(1). When counting all of the discrete subparts, there are well over 25 written interrogatories.

INTERROGATORIES

INTERROGATORY NO. 1:

Identify each CM, if any, that defendant believes would vote against one or more land-use measure needed to facilitate the construction of a housing development that would become a Covered Development, or otherwise vote against the development of one or more housing developments that would become Covered Developments, if the Outsider-Restriction Policy as it currently exists were narrowed in applicability (that is, reduced from 50 percent of the Lottery Units to a smaller percentage, reduced in terms of the community districts where the policy is applicable, limited only to what defendant considers long-term residents of a community district, limited only to those who defendant considers at-risk of displacement) or eliminated; but who defendant believes would otherwise vote in favor of the aforementioned land-use measures or developments. In other words, this interrogatory is asking for the identification of each CM, if any, for whom defendant believes the narrowing or elimination of the outsider-restriction policy would be a “but for” cause of voting against one or more land-use measures or developments as described above.

OBJECTION AND RESPONSE TO INTERROGATORY NO. 1:

Defendant objects to this question as it is beyond the scope of permissible interrogatories set forth in Local Civil Rule 33.3 for the Southern District; the information sought is not limited to a name of a witness and this method of discovery is not more practical than a deposition. Defendant objects to this request as overly broad, ambiguous, and susceptible to multiple and varying interpretations and constructions. The question is a hypothetical that is impossible to answer because it fails to understand the complexities of projects and is unrealistic in that it is disjointed from the practicalities of the decision making process. Furthermore, Defendant has previously objected and prevailed on the issue of quashing discovery from Council Members. The Court’s Order (ECF 189) governs with regard to this issue at this time. Plaintiffs cannot circumvent this decision and try to obtain the same information through different means.

To the extent Plaintiffs are asking what decision makers of the CP Policy believe, Plaintiffs have deposed Deputy Mayor Glen and have deposed or will be deposing the majority of former and current HPD Commissioners since September 2000 who have been involved in the decision making process on the CP Policy² and Plaintiffs can ask this question to them directly. For instance, Plaintiffs asked this question of former HPD Commissioner Vicki Been at her deposition on April 10, 2018 and could have asked the other former Commissioners as well. If Plaintiffs failed to ask this question to the former HPD Commissioners already deposed, the fact that they have now realized this omission is not a basis for an interrogatory.

INTERROGATORY NO. 2:

For each CM identified in response to Interrogatory No. 1, specify each and all of the bases for defendant's belief, and, for each such basis, specify the date, substance, and context of each statement or communication (e.g., in-person meeting with Commissioner Been, telephone call with Commissioner Torres-Springer, email to Mayor de Blasio, news report published by The New York Times, speech delivered at a committee hearing of the City Council, remarks made at a community board meeting, testimony given to a meeting of the City Planning Commission) made by the CM, if any, that contributed to the defendant's belief.

OBJECTION AND RESPONSE TO INTERROGATORY NO. 2:

Defendant objects to this question as it is beyond the scope of permissible interrogatories set forth in Local Civil Rule 33.3 for the Southern District; the information sought is not limited to a name of a witness and this method of discovery is not more practical than a deposition.

As this question is referring back to Interrogatory No. 1, which Defendant has objected to, those same objections are reiterated here. Defendant objects to this request as overly broad, ambiguous, and susceptible to multiple and varying interpretations and constructions. The question is a hypothetical that is impossible to answer because it fails to understand the

² Plaintiffs' decision not to depose two former HPD Commissioners – Ruthann Visnauskas and Mathew M. Wambua – was their own.

complexities of projects and is unrealistic in that it is disjointed from the practicalities of the decision making process. Furthermore, Defendant has previously objected and prevailed on the issue of quashing discovery from Council Members. The Court's Order (ECF 189) governs with regard to this issue at this time. Plaintiffs cannot now circumvent this decision and try to obtain the same information through different means.

To the extent Plaintiffs are asking what decision makers of the CP Policy believe, Plaintiffs have deposed Deputy Mayor Glen and have deposed or will be deposing the majority of former and current HPD Commissioners since September 2000 who have been involved in the decision making process on the CP Policy and can ask this question to them directly. If Plaintiffs failed to ask this question to the former HPD Commissioners already deposed, the fact that they have now realized this omission is not a basis for an interrogatory.

INTERROGATORY NO. 3:

Identify each CM, if any, who has requested, demanded or otherwise sought an increase of the Outsider-Restriction Policy to include more than 50 percent of lottery units, specifying: (a) the substantive particulars of the request (including the covered development that was the subject of the request and the extent of expansion of the policy sought by the CM); (b) when, by what means (e.g., in-person meeting or telephone), and to whom the request was made; and (c) whether the request was granted or denied.

OBJECTION AND RESPONSE TO INTERROGATORY NO. 3:

Defendant objects to this question as it is beyond the scope of permissible interrogatories set forth in Local Civil Rule 33.3 for the Southern District; the information sought is not limited to a name of a witness and the current method of discovery is not more practical than a deposition or document production. Defendant further objects to this request as overly broad, overly burdensome, ambiguous, and susceptible to multiple and varying interpretations and

constructions. Defendant also objects to the extent this question is asking for information from entities beyond those listed in paragraph 7 of the General Objections above.

Plaintiffs have asked variations of this question at depositions and can continue to do so to seek the answer to this question. Plaintiffs may also review document productions from Defendant for this same information.

Notwithstanding the foregoing and subject to the general objections as well as the objections stated above, to the extent information is available beyond any of Defendant's prior document productions, Defendant is seeking an answer for this interrogatory and will supplement its response on or before May 3, 2018.

CM Rafael Salamanca requested a higher community preference percentage for the project being developed at the site of the former Spofford Juvenile Detention Center in the Bronx. This was a verbal request made to then- Executive Director of Development and Planning of HPD's Office of Government Affairs, Jordan Press, in the spring of 2017. The request was denied.

CM Salamanca and possibly CM Inez Barron have requested a community preference for homeless set aside units in addition to the usual 50% community preference for community district residents. The names of the specific projects could not be determined but the requests were made to Jordan Press and any such requests were denied.

CM Salamanca requested a higher community preference percentage in the fall of 2017 for the Community Access Bruckner project. Defendant recalls the communication occurring at a Community Board meeting. The CM's concern of not increasing the community preference percentage was repeated at the City Council's Committee on Land Use meeting on December 6, 2017 at which HPD's Director of Bronx Planning, Ted Weinstein, was present.

CM Bill Perkins requested a higher community preference percentage for the CUCS Kelly Hotel project at the ULURP meeting on February 16, 2018 at which members of HPD's Office of Development, Jason Rust and Theresa Cassano, were present along with Veanda Simmons from the Office of Neighborhood Strategies.

Both Community Access Bruckner and CUCS Kelly Hotel are supportive housing projects so the majority of units are homeless units not subject to the lottery and the balance are affordable units which are subject to the lottery. Both CMs asked for the community preference to be applied to the whole project instead of being limited to the non-homeless lottery units. This would result in a greater number of units giving a preference to community district residents. Both of these requests were denied.

Defendant has responded to this interrogatory to the best of its recollection at this time, but reserves the right to supplement this response if additional information is recalled.

Additionally, Defendant has reconsidered its objection to limiting information from the Mayor's Office to questions explicitly asking about Mayor De Blasio. Defendant will seek information from the Mayor's Office regarding Interrogatory No. 3 and will supplement its answer if any additional responsive information is available.

Defendant has reached out to all appropriate parties and supplements its response with the deposition testimony of former HPD Commissioner Vicki Been. Commissioner Been testified that CM Rafael Espinal wanted greater than 50% community preference during discussions of the East New York rezoning. She does not recall how the request was made but it was not granted.

INTERROGATORY NO. 4:

For those requests identified in Interrogatory No. 3 in which the request was rebuffed or

denied, specify each one in which the CM subsequently voted in favor the land-use measure needed to facilitate the construction of the relevant development, or otherwise voted in favor of the relevant development.

OBJECTION AND RESPONSE TO INTERROGATORY NO. 4:

Defendant objects to this request as it is beyond the scope of permissible interrogatories set forth in Local Civil Rule 33.3 for the Southern District; the information sought is not limited to a name of a witness and the current method of discovery is not more practical than a deposition. Defendant further objects to this request as overly broad and susceptible to multiple and varying interpretations and constructions. The question fails to understand the complexities of projects and is unrealistic in that it is disjointed from the practicalities of the decision making process. Nonetheless, once Defendant provides its answer to Interrogatory No. 3, Plaintiffs may look up the voting record of Council Members as it is publicly accessible information.

INTERROGATORY NO. 5:

Identify any CM who communicated directly with Mayor Bloomberg concerning the Outsider-Restriction Policy during calendar year 2002 prior to the increase of the policy from 30 percent to 50 percent of lottery units. For each such CM: (a) specify the date(s), the method (*e.g.*, in-person meeting, telephone call, email, etc.), and the substance of the communication; and (b) identify any person other than Mayor Bloomberg and the CM who was present for, was copied on, or otherwise participated in, the communication; and

OBJECTION AND RESPONSE TO INTERROGATORY NO. 5:

Defendant objects to this question on the grounds that it is overly broad, ambiguous, duplicative, not relevant, and susceptible to multiple and varying interpretations and constructions. Defendant further objects to this question as overly burdensome and disproportionate to the needs of the case as it is seeking information created, maintained, or reviewed by Defendant during an unspecified time period sixteen years ago. Moreover, the question lacks a factual foundation to support such a search. Plaintiffs assumption that Mayor Bloomberg was involved in the decision making process when the CP Policy was increased from

30 percent to 50 percent of lottery units is without basis. In fact, former HPD Commissioner Perine, at her deposition on October 26, 2017, testified that she was the decision maker in 2002 who decided to increase the CP Policy from 30 percent to 50 percent of lottery units. (Perine Deposition, 174: 23-25; 175: 2-10). She further testified that she had no conversations with Mayor Bloomberg about the increase in the CP Policy and he was not involved in the decision-making process. (Perine Deposition 174: 6-22).

INTERROGATORY NO. 6:

Specify the basis or bases of Mayor de Blasio's April 18, 2016 statement that, "The law says that when we create affordable housing, we have the right to split it 50 percent for people from the surrounding community – 50 percent city-wide lottery open to all – to community members, and people in any other part of the five boroughs?" (See <http://www1.nyc.gov/office-of-the-mayor/news/366-16/transcript-mayor-de-blasio-appears-nbc-s-ask-mayor>.)

OBJECTION AND RESPONSE TO INTERROGATORY NO. 6:

Defendant objects to this question as the quoted text within the question is not accurate. The Mayor did not end his statement with a question mark as the interrogatory indicates.

Notwithstanding the foregoing and subject to the general objections as well as the objections stated above, Defendant is seeking an answer for this interrogatory and will supplement its response on or before May 3, 2018.

Defendant is still working to gather an answer to this interrogatory from the Mayor. The Mayor's schedule has not yet allowed sufficient time to review the transcript and offer a response.

Defendant has searched its records and spoken to the Mayor and his staff in order to locate any responsive information for this interrogatory. Defendant has not located any specific briefing provided to the Mayor in preparation for his appearance on NBC where he made the

statement referenced in Interrogatory No. 6. Furthermore, the Mayor does not specifically recall his basis or bases for making this statement.

INTERROGATORY NO. 7:

Describe any guidance, direction, advice, opinion, or other communication received by defendant from any official or employee of New York State or any New York State agency concerning the permissibility of applying the Outsider-Restriction Policy with respect to Covered Developments that: (a) are “eligible multiple dwellings” pursuant to RPTL § 421-a(16)(a)(xxviii)³; (b) elect to receive the benefits of new RPTL § 421-a(16) pursuant to RPTL § 421-a(16)(r); (c) are “extended affordability properties” pursuant to new RPTL § 421-a(17)(x); or (d) otherwise do not fall under RPTL 421-a(7)(d)(iii) as it existed under the version of RPTL 421-a in effect in 2015.

OBJECTION AND RESPONSE TO INTERROGATORY NO. 7:

Defendant objects to this question as it is beyond the scope of permissible interrogatories set forth in Local Civil Rule 33.3 for the Southern District; the information sought is not limited to a name of a witness and the current method of discovery is not more practical than document production. Defendant also objects to this question to the extent it is seeking legal conclusions or legal analysis on the application of the cited law. Furthermore, Defendant objects to the extent this question is asking for information from entities beyond those listed in paragraph 7 of the General Objections above.

Notwithstanding the foregoing and subject to the general objections as well as the objections stated above, Defendant is seeking an answer for this interrogatory and will supplement its response on or before May 3, 2018.

Defendant has not identified any such communications from New York State or any New York State agency on applying the CP Policy.

³ Pursuant to the version of RPTL § 421-a enacted in 2017 (the “Affordable New York” program, or “new RPTL 421-a”).

INTERROGATORY NO. 8:

Specify the subsets of Covered Developments specified in Interrogatory No. 7, if any, as to which defendant believes it is permissible to apply the Outsider-Restriction Policy, and the subsets, if any, as to which defendant believes it is not permissible to apply the Outsider-Restriction Policy

OBJECTION AND RESPONSE TO INTERROGATORY NO. 8:

Defendant objects to the question on the grounds that it is overly broad, ambiguous, and susceptible to multiple and varying interpretations and constructions. Additionally, Defendant objects to the fact that Plaintiffs have not defined the term “permissible” and without a definition, the term is vague, ambiguous and overly broad. For the purpose of this response, Defendant interprets the term “permissible” to have a legal connotation and therefore objects to this request as it calls for legal analysis and a legal conclusion.

INTERROGATORY NO. 9:

For any Covered Development of a type specified in Interrogatory No. 7 where defendant believes it is permissible to apply the Outsider-Restriction Policy but where defendant is not doing so, explain each and all of defendant’s reasons for not doing so.

OBJECTION AND RESPONSE TO INTERROGATORY NO. 9:

Defendant objects to this question on the grounds that it is overly broad, ambiguous, and susceptible to multiple and varying interpretations and constructions. Additionally, Defendant objects to the fact that Plaintiffs have not defined the term “permissible” and without a definition, the term is vague, ambiguous and overly broad. For the purpose of this response, Defendant interprets “permissible” to have a legal connotation and therefore objects to this request as it calls for legal analysis and a legal conclusion.

INTERROGATORY NO. 10:

Under what circumstances can a Covered Development specified in Interrogatory No. 7

qualify for tax abatement under new 421-a but not be a participant in *any* of the following: (a) defendant's voluntary inclusionary housing program; (b) defendant's mandatory inclusionary housing program; (c) any other program, policy, regulation, or law of defendant that requires the provision of affordable housing; or (d) any other program, policy, regulation, or law of defendant that provides subsidy or other benefit (including tax benefits other than new 421-a) to promote the development of affordable housing.

OBJECTION AND RESPONSE TO INTERROGATORY NO. 10:

Defendant objects to this question as it is beyond the scope of permissible interrogatories set forth in Local Civil Rule 33.3 for the Southern District; the information sought is not limited to a name of a witness and the current method of discovery is not the more practical than a deposition. This information could have been ascertained during the deposition of HPD's Assistant Commissioner of Policy and Operations, Margaret Brown, on January 18, 2018. The fact that Plaintiffs failed to ask these questions during that deposition and have now realized their omission is not a basis for an interrogatory.

Defendant further objects to the fact that Plaintiffs have not defined the term "affordable housing" because without a definition, the term is vague, ambiguous and overly broad. For the purpose of any answer Defendant's provide, "affordable housing" and "affordable housing development" will be defined as projects creating or preserving housing units for income-eligible households that receive a discretionary City subsidy or HDC financing and/or are developed pursuant to certain zoning programs, or are subject to the HPD and HDC Marketing Guidelines. Projects developed with a RPTL section 421-a tax exemption are also considered "affordable housing" for the purpose of this response. Defendant's use of these terms in its response, and understanding of these terms for purposes of producing an answer to this interrogatory is based upon the definition provided herein.

Notwithstanding the foregoing and subject to the general objections as well as the objections stated above, Defendant is seeking an answer for this interrogatory and will supplement its response on or before May 3, 2018.

There are circumstances in which projects can apply for and qualify for new 421-a tax benefits and not be participants in (a) through (d) enumerated in interrogatory No. 10 above. These projects are commonly referred to as “standalone 421-a projects.” Standalone 421-a projects are developed on privately owned land that had not been disposed by the City to facilitate the project, are not located in an area zoned for mandatory inclusionary housing (MIH), do not seek discretionary approvals that would trigger MIH, and the developer does not seek any other City subsidy or choose to participate in voluntary inclusionary housing which would trigger HPD Marketing Guidelines. There may also be circumstances where a formerly City owned site, or part of that site, that was subject to a prior regulatory agreement with the City related to the use of the land becomes a standalone 421-a project, depending on the specific terms and conditions of the regulatory agreement and site’s circumstances. Whether a standalone 421-a project is pursued by a developer on private property depends on the choices and needs of the developer.

INTERROGATORY NO. 11:

For each Covered Development that was first advertised on Housing Connect in 2018 that has not indicated in the advertisement a preference for community district residents, explain why the Outsider-Restriction Policy is, apparently, not being applied.

OBJECTION AND RESPONSE TO INTERROGATORY NO. 11:

Defendant objects to this question as it is beyond the scope of permissible interrogatories set forth in Local Civil Rule 33.3 for the Southern District; the information sought is not limited

to a name of a witness and the current method of discovery is not the more practical than a deposition.

Notwithstanding the foregoing and subject to the general objections as well as the objections stated above, Defendant is seeking an answer for this interrogatory and will supplement its response on or before May 3, 2018.

Defendant has identified 17 projects that were advertised on Housing Connect for the first time in 2018 that did not indicate a community preference in their advertisements. Of these, 15 projects are standalone 421-a projects, as defined in Defendant's answer to Interrogatory No. 10 above. The remaining two projects are preservation projects with re-rental waitlists. HPD runs the lotteries on Housing Connect for these buildings in order to establish a log to fill units on turnover of tenants. The community preference is not applicable to standalone 421-a projects or re-rentals.

INTERROGATORY NO. 12:

For the Covered Developments first advertised to the public in the period from 2003 to 2005 and that received RPTL § 421-a benefits, specify which of them applied the Outsider-Restriction Policy and which did not, and, in each case, explain the basis or bases for applying or for not applying the policy.

OBJECTION AND RESPONSE TO INTERROGATORY NO. 12:

Defendant objects to this question as it is overly burdensome and disproportionate to the needs of the case to the extent it requests information created, maintained, or reviewed by Defendant fifteen years ago. Defendant does not have this information readily available nor is it reasonably accessible. The cost and expense of searching for and producing information from fifteen years ago outweighs any likely benefit to Plaintiffs.

INTERROGATORY NO. 13:

In connection with the records that defendant was, at any point from January 1, 2002 to the present, required to maintain pursuant to federal Affirmatively Furthering Fair Housing regulations (that is, records reflecting defendant's analyses of impediments to fair housing choice and records reflecting defendant's actions to overcome such impediments), identify the custodians of such records, and the locations where the records are kept.

OBJECTION AND RESPONSE TO INTERROGATORY NO. 13:

Defendant objects as this question to the extent it is requesting information from entities beyond those listed in paragraph 7 of the General Objections above. Defendant further objects to this question as it is duplicative and beyond the scope of the document demands in this case. Plaintiffs already ascertained this information during the deposition of DCP's Consolidated Plan Coordinator, Charles Sorrentino, on April 28, 2017.

Charles Sorrentino maintains final filings and some drafts of the City's records of analysis of impediments and actions pursuant to federal Affirmatively Furthering Fair Housing (AFFH) regulations. To the extent other City agencies contribute to segments of the various filings, their internal drafts are maintained electronically with the respective agencies. The current custodians are:

Department of City Planning – Charles Sorrentino, Kendall Moses

Department of Housing Preservation and Development – Matthew Murphy, Shana Wernow

NYC Housing Authority – Celeste Segure, Anne Marie Flatley

Department of Aging – Sandra March

Mayor's Office for People with Disabilities – Kloe King, Ramakrishna Kadukuntla

NYC Commission on Human Rights – Michael Silverman

Mayor's Office of Immigrant Affairs – Sonia Lin

Mayor's Office of Housing Recovery Operations – Defendant is still confirming the appropriate custodian for this agency and will supplement its response when it has this information

Dated: New York, New York
June 11, 2018

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MayorFirst LadyNewsOfficials

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

effect, we're putting some of the subsidy on the city's permanent tab. Again, sort of simplifying this but, do you have any worries that there is a limit to how much of that we can do?

Mayor: Well, I am not sure I agree with your characterization entirely. But I would say of course, there is a limit to capital spending. And we are very cognizant of the lessons of the physical crisis in the 70's and we keep a limit on how far we will expand. But I also think it's fair to say there are opportunities for more capital spending in recent years that were under reached. There was more that we could have done. I think it's good we're doing it now. Because, look, it's the number one issue in the city is affordability. And we found by aggressively spending on the capital side but always recognizing those limits we were able to create the biggest affordable housing plan in the history of the city and people kept saying you know, these numbers are unrealistically high, except now we're meeting them. There is 25,000 units a year, this is going to be our standard from now on. That's really good for the people of the city who want to live here and stay here. Who for so many thousands of New Yorkers, millions of New Yorkers have worried about displacement. Now we found a model that means – I mean think about it, every year if you can reliably produce 25,000 affordable apartments you're reaching 75,000 or more people every year securing their future for decades ahead. That's a sea change in this –

Louis: I think of it as 500 units a week, that's very impressive. I know people are tweeting even as we're speaking. Saying that, well they are not really affordable. And so I just want to put up the numbers. This is from your release, 48 percent of these, 25,000 odd units are serving people earning under \$33,000 a year for an individual or \$43,000 for a family of four.

Mayor: Yep.

Louis: So, nearly half are at a level that is working poor? Is that a fair characterization?

Mayor: Look, it's always hard to use the phrases. I think of middle class people, working class people, lower income people, however you want to cut it. We need all of the people in those categories to have an opportunity for affordable housing. Think of it this way, I want to make sure low income New Yorkers have a chance to stay here. There is a lot of working class people struggling to make ends meet who are the backbone of this city. But there is also people who we might call today the middle class. For example, if you have a couple and one is a teacher, and one is a bus driver, or a firefighter. Today we would say those are solid professions. But even with those two salaries people are having trouble staying in this city. I want the economically diverse neighborhoods that have been a part of this city's history. I want to make sure that police and teachers, and firefighters, and nurses, and janitors and bus drivers could still live in New York City. I want to make sure that lower income folks have an opportunity to be a part of the city they helped to build. What I don't want is for us to turn into a gated community or an exclusive place which we've seen bluntly in places like San Francisco.

Louis: Well, you mentioned diversity and housing. One of the issues that I've written about and talked about before is that your administration is being sued by a civil rights organization over the conduct of the housing lottery. It's not particularly your administration, it's been the practice in past

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, which in many cases is generations long. And if I say to them, look, your 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.

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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

April 10, 2018

9:20 a.m.

VIDEOTAPED DEPOSITION of VICKI BEEN, held
at the law offices of the Anti-Discrimination
Center, located at 1745 Broadway, New York, New
York 10019, before Anthony Giarro, a Registered
Professional Reporter and a Notary Public of the
State of New York.

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VICKI BEEN

a ribbon, breaking ground, making an announcement, I would always prep him. If we were doing town halls, that kind of thing, I would always prep him. The only regular meetings that I had were in relationship to the homelessness stuff. I was part of a group that met usually once a week on the homelessness crisis.

Q Was the lead-up to MIH ZQA at a time when there were more frequent meetings with the mayor?

MS. SADOK: Objection.

A No.

Q In all of the contact you've had with the mayor in any form at any time from the beginning of your tenure at HPD to now, did the two of you ever discuss the existence of opposition to residential racial integration?

MS. SADOK: Objection.

A Opposition to residential integration, no.

Q I want to ask you a couple of questions about Broadway Triangle.

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premises?

MS. SADOK: Objection.

A I think so. So you're assuming that my only concern is reducing racial segregation. So I don't have a concern about displacement. I don't have a concern about fear of displacement.

Q I'm not trying to disguise anything. Your only concern is reducing racial segregation to the maximum extent you can.

Would you retain a 50 percent Community Preference?

MS. SADOK: Objection.

A I don't think so. But I'd want to be sure that I had gone through all the analysis which I haven't done here today. But I don't think so if it were serving none of those purposes. And my only concern was reducing racial segregation.

Q This next document may be a little confusing. So it's going to take a couple of minutes. Ms. Sadok may have

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VICKI BEEN

Preference, the implications reducing the Community Preference had for various racial and ethnic groups and the implications that it had for our -- the goals for which we had established the Community Preference.

Q The part that's been clear today and back last August is the piece about your goals. That part, I think I understand. The part I'm asking about is the other part, the changes -- I'm not saying you did this in sequence but as the Community Preference alternative went lower and lower from 50 percent.

So wasn't a consideration that there was less race-based impact as the Community Preference was lowered?

MS. SADOK: Objection.

A That was a consideration.

Q But I think, if I understand you correctly -- I'm just trying to state it and you'll tell me -- that the reduced racial impact was outweighed in HPD's judgment by the fact that you felt the

1 VICKI BEEN

2 alternatives did not meet the other goals
3 that you described; correct?

4 A That is correct.

5 Q Just one other question on
6 this point or this topic which is kind of
7 the other end of the spectrum when I was
8 asking the most modest change, which we
9 translated into an example at 40 percent,
10 what was the most aggressive change that
11 you considered, like the most aggressive
12 would be as I'm using the term
13 "aggressive" getting rid of it
14 altogether; was that considered?

15 A Yes.

16 Q I think we could move on.
17 But I need a minute to gather where I am.

18 MR. GURIAN: I'm going to
19 ask that an Excel sheet that was
20 produced to be marked as Exhibit 110.

21 (The above-referred-to
22 document was marked as Plaintiffs'
23 Exhibit 110 for identification, as of
24 this date.)

25 Q So Mr. Maldonado is handing

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VICKI BEEN

would have similar demographics is what you're saying?

MS. SADOK: Objection.

A No. The radius idea was rejected primarily because it's a nightmare to administer. People don't understand it, people can't rely on it, you know, et cetera. So it doesn't help with the fear of displacement. If you can't figure out, are you going to be in the circle or not; right? So that was rejected for those reasons.

I don't recall the specifics. But I think that when we combined different community districts, we did not find that you were seeing much racial -- that you were seeing sufficient racial difference to make it worth the effort.

Q Did you explore the alternative of selecting a district or districts in addition to the district in which the housing was located, such that there would be a significant change in

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the overall racial balance, even if that meant going to noncontiguous community districts?

MS. SADOK: Objection.

A Yes. We did consider noncontiguous community districts. I don't recall the details. But I do recall we considered noncontiguous.

Q Just in the way New York is organized, surely sometimes you can come up with a community district compensation -- you can come up with a set of community districts where the combined demographics are very different from the demographics of the community district in which the project is located; isn't that right?

MS. SADOK: Objection.

A Yes.

Q So why was that approach rejected?

MS. SADOK: Objection. I don't know that it's on the record of whether or not that was considered or

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VICKI BEEN

rejected.

A It was considered, it was rejected. To the best of my recollection, it was rejected primarily because in order to reduce the political salience of displacement, try to assuage people's concerns about displacement, they need to be able to see what the preference is going to be. So if we were constructing it for each project, that wouldn't satisfy those objectives.

Q I want to ask you something about that. But first, I want to find out because you said primarily.

What were the other reasons, if any?

A I don't recall all the different reasons. I recall the main reason. We had many discussions about many different options. And I don't recall every single reason.

Q I'm going to ask you about this particular option. And if the answer is different for the different

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VICKI BEEN

alternatives?

Q Let's start with those.

A I don't recall discussing the regrouping alternatives with her.

Q Were there other alternatives that you did discuss with her?

A Yes.

Q Which ones?

A Certainly an alternative of 30 percent Community Preference. I'm sorry. We might have discussed that radius idea with her, yeah. I'm hearing a discussion in my head. I think that we discussed that one with her. There were others that we discussed with the Corp. Counsel. And I don't recall which ones. I'd have to -- I don't recall which ones with Glen and the Corp. Counsel.

Q Any discussion with the mayor?

A Yes.

Q Which ones?

A 30 percent with various and

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VICKI BEEN

assorted carve-outs. There were a series of alternatives that we considered that involved various criteria by which we excluded community districts from getting the Community Preference. I discussed at least one such proposal with him.

There was a series of -- there was an alternative that involved a series of what you might call tweaks to the Community Preference that I discussed with him and which we adopted. We did not reject this.

Q What were the tweaks that you adopted? Was nesting a tweak?

A Nesting was an example of such a tweak. I don't recall all. There were a series of them. And I don't remember all the details. We discussed that with him, or I discussed it with him.

Q Were there briefing memos short, I guess, in the case of the mayor or other paper on any of these alternatives?

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VICKI BEEN

A I don't recall one
PowerPoint. I recall two different
PowerPoints at two different times, yes.

MR. GURIAN: We request that
any documentation of these rejected
or considered and accepted
alternatives be produced.

MS. SADOK: I'll take that
under advisement. And we may assert
privilege on those as necessary. Put
that in writing separately as well.
Thank you.

Q So leaving aside the tweaks,
did the mayor make a decision as to other
alternatives?

A I'm bound by a
confidentiality order regarding
settlement discussions. So I don't know
that I can talk about that on the public
record.

MS. SADOK: It would also be
work-product privilege as well.

Q Counsel's able to designate
portions of the deposition as

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STATE OF NEW YORK)
) : ss
COUNTY OF NEW YORK)

I, VICKI BEEN, the witness
herein, having read the foregoing
testimony of the pages of this deposition,
do hereby certify it to be a true and
correct transcript, subject to the
corrections, if any, shown on the attached
page.

Vicki Been

VICKI BEEN

Sworn and subscribed to before me,
this 25th day of May, 2018.

Kristin E. Silberman

Notary Public

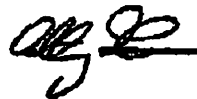
KRISTIN E. SILBERMAN
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C E R T I F I C A T I O N

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

Redacted per
Protective Order (ECF 82)

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

JANELL WINFIELD, TRACEY
STEWART and SHAUNA NOEL,
Plaintiffs,
-against-

Civil Action No.:
15CV5236 (LTS) (KHP)

CITY OF NEW YORK,
Defendant.

-----x

VIDEOTAPED DEPOSITION OF SHAUN DONOVAN
New York, New York
June 1, 2018
11:00 a.m.

Reported by:
Maureen Ratto, RPR, CCR

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SHAUN DONOVAN

A. I don't believe it's possible for me to say whether 100% of the possible ways that we could have been preventing displacement were pursued. I certainly -- and we didn't have control over all of those. I believe we had many ways that we were pursuing preventing displacement.

Q. Did you pursue all of the principal ways that you thought were available to you that you had control over to try to prevent displacement?

A. "Principal" is your word. Again, I would say I'm confident that we had -- we were doing a substantial amount in many different ways to try to prevent displacement.

Q. So in relationship to what you characterize as involuntary displacement, you, meaning the City, did not during your tenure quantify the scope of it?

A. To be clear, I don't think there is -- when you say "involuntary displacement", I think you are mixing

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STATE OF _____)
) : ss
COUNTY OF _____)

I, SHAUN DONOVAN, the witness
herein, having read the foregoing
testimony of the pages of this deposition,
do hereby certify it to be a true and
correct transcript, subject to the
corrections, if any, shown on the attached
page.

SHAUN DONOVAN

Sworn and subscribed to before me,
this _____ day of _____, 2018.

Notary Public

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C E R T I F I C A T E

I, MAUREEN M. RATTO, a Registered Professional Reporter, do hereby certify that prior to the commencement of the examination, SHAUN DONOVAN was sworn by me to testify the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the proceedings as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in this action.



MAUREEN M. RATTO, RPR

License No. 817125



OverviewNewsMayor's BioOfficials

Transcript: Mayor de Blasio Hosts Town Hall Meeting with Brooklyn Residents to Discuss Affordable Housing

March 14, 2016

Mayor Bill de Blasio: Merci beaucoup.

[Laughter]

I have been a friend of Mathieu Eugene for many years, but I must admit he has not addressed you this evening in either Urdu or Yiddish. I thought you could do it all – I just thought you were going to complete the set. It is a joy to be with you all this evening, and I always find these events are an affirmation of democracy. They remind us, people care deeply about their community and they're willing to do something about it. So every single one of you hear tonight, I thank you because I know you're here because of your deep concern.

I want to say a few things up front, and then I want to take questions, comments, and get into a real dialogue. And I want to focus on affordable housing but we have lots of Commissioners here, who I will introduce in a moment, who are here to handle any issue you may bring up.

First of all, Mathieu is right – we go back a long way together. And when I first met him, what was unmistakable was that he felt something that was personal, some sense of responsibility, which was much deeper than what I'd normally found in leaders in terms of his commitment to young people. He felt he had a responsibility to help young people move forward and to be a role model and to teach. It was not just words, it was obviously a calling for him. That has informed his work in the City Council. I've been honored to support him every step of the way in his career, and I think if – and I think he's done many good things, and he's been a friend many times along the way. We've worked together in partnership. But if there's one thing you can say about a public servant, it should be that their heart actually was with the young people and Mathieu's is. Let's thank him for that.

[Applause]

I thank my elected colleagues. I thank Councilmember David Greenfield, who plays such an important as the chair of the Land Use Committee. It's been a very busy few weeks, but we've gotten to a great place, and thank you for your leadership helping us create all that affordable housing.

Councilmember Eugene: Thank you, Mr. Mayor.

Question: Good evening everyone. My name is Gale Smith, I'm the third vice chair of Community Board 14. It was actually just a point of clarification – I am actually here on the behalf of our Chair Alvin Burke and District Manager Shawn Campbell. We are actually having our own scheduled community board meeting tonight. Hence everyone is not here. But nonetheless I am thrilled to be here tonight.

Thank you Mayor de Blasio for coming to the 40th Council District and to community district 14. Special thank you to Mathieu Eugene, I'm also one of his constituents for letting and allowing community board 14 to be one of the co-sponsors. While I didn't come to the ball either, I would be remised if I didn't recognize the honorable, Una Clarke. We love you.

[Applause]

Just quickly Community Board 14 strongly supports the stated goal of the mayor's zoning initiatives to increase affordable housing. Community-14 hopes that the affordable income eligibility criteria in MIH can broaden to include a lower income bracket than currently identified. Community Board 14 also urges the mayor to ensure that city services and infrastructure such as roads, schools, and sanitation collection are expanded to meet the needs of the growing population.

In closing we hope that— as you know we did submit our proposals previously on this but we do hope that you do consider our added changes when you make your final determination. Captain Polombo, welcome back to the 70th – we will see you next month.

[Applause]

Councilmember Eugene: Thank you very much.

Unknown: Good evening everyone. My name is [inaudible] and I am part of 1199, Mayor de Blasio, Mr. Eugene – so I just want to be very clear on something. Our community – the housing situation is really deplorable, okay. Landlords are not taking their rents, they are evicting people. **You cannot – because of re-gentrification, you cannot rent an apartment in Flatbush.** Downtown Brooklyn, okay, everybody knows, you live in the area, what I am saying – I hope that the developers in these buildings that are going up – Downtown Brooklyn – you have right here on Hawthorne and Flatbush. You have them coming into the area, and not giving the opportunity for the community to rent. Be very clear about the process that you are going to have to go through to get this affordable housing in the State of New York, with competing with Albany and so forth. But Mayor de Blasio, our community really needs housing. Affordable housing and not allowing landlords to refuse rents to evict tenants just because they want a higher rent— \$2,300 for a two-bedroom apartment, \$2,600 on Ocean Avenue. None of us can rent an apartment. I been in this area since 1970, I know Flatbush when Flatbush was a business district. We kept our doors open on Hawthorne— all the houses. It's really a crying shame to see that working class people cannot afford rents. So I hope that your commissioner, and yourself, and Eugene, and the community really come and **fight to make sure that**

affordable housing is given to everyone. We all deserve it. Thank You.

[Applause]

Mayor: Thank you. Look, you are hearing the core of the matter here. Let me try and take what I said before and add something.

The status quo that you described doesn't work for this city, and we have to change it systematically. Now at this point people are so upset they feel in many cases hopeless. They feel cynical about the situation, and I don't blame anyone who feels cynical as they watch opportunity being taken away. If they have fought for their own neighborhood for years and decades, and believe it to be theirs for very good reason – and then they feel they can't even live in their own neighborhood. I understand that frustration deeply. It's happening all over the city. But, we have to recognize that the response before this administration came into office, the response of the city government was to do absolutely positively nothing. Let's be very clear – gentrification is 15 or 20 years old as a phenomenon, and if you want to think about – if you want proof of my statement, look at Bushwick, or look at Bed-Stuy, there was no rezoning. For anyone who says, [inaudible] – I understand why people think rezoning is going to create a whole host of problems.

Let me give the opposite to prove my point. Go to the places where there was no rezoning and tell me how wonderful it is. Bushwick is in an entirely different reality that it was ten years ago. People have been displaced en masse. So I would argue the worst thing to do in the face of these intense market pressures, and this constant change – the worst thing to do is to do nothing because it's happening, and we have to address it. So what addresses it?

Well, we said very systematically, protect the affordable housing we have. First, protect what you have – that's the 400,000 people who live in NYCHA, that's the two million-plus people who live in stabilized housing who need protection in Albany but also need to ensure that they don't get an unfair rent increase here which is why we decided a rent-freeze was actually justified this year. And that put money back in people's pocket.

We said stop the illegal evictions. The best tool – I can't send out a memo and say everybody stop being illegal. Right? I wish I could. But in fact, the reality is people will try to illegally evict. Landlords will try to evict in some cases. The best thing we can do to stop is give the tenant a free lawyer. And that's what we are investing \$62 million dollars in.

And then I said preserve in place affordable housing for hundreds of thousands of people right in their own apartment. Give them the subsidies and give them support to stay in their apartment, and build affordable housing where it has not existed before. And here is another thing that is a bit of a logical challenge – when I hear people say to me I'm concerned about your plan, there is bigger problems, one thing or another. I say, I am putting affordable housing where it doesn't exist. You are deeply concerned about new market rate luxury buildings whatever. I want to take land and build affordable housing on it – that is guaranteed affordable for long term with real standings that are determined by the government not the private sector. I want to take something that is not housing

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
JANELL WINFIELD, TRACEY STEWART
and SHAUNA NOEL,

Plaintiffs,

-against-

CITY OF NEW YORK,

Defendant.

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

-----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

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MURPHY

placement from your apartment.

Do you understand that?

A I understand that unit level
and the apartment level.

Q And how do you define
displacement or displaced?

A My own personal definition of
displacement is to be -- to have to
involuntarily move from your apartment
and not having the choice to stay.

Q I just want to make sure I
have that right.

Displaced meaning
involuntarily forced to move; is that
right?

A That's how I would define it,
but other people define it in different
ways.

Q In terms of your definition,
the Community Preference policy doesn't
stop you from actually being displaced
from your apartment, does it?

A No. The Community Preference
policy would only take place if you

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MURPHY

choose to move from your apartment or would only be activated if you choose to move from your apartment.

Q Lotteries are open to people who are moving or looking to move both for voluntary and involuntary reasons, right?

MS. SADOK: Objection.

A I don't know the exact reasons, but anybody can apply to the lottery.

Q You know that lotteries are not closed to people who are looking for apartments because they're involuntarily being forced out of their apartments?

A Yes.

Q So just focusing again on this problem, the problem of people who are involuntarily forced from their apartments. The Community Preference policy does not protect them against that, correct?

MS. SADOK: Objection.

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MURPHY

A It's not designed to do that.
There are other HPD policies that do
that and state policies that do that.

Q And the community -- I
appreciate what you said about the
other policies, and we're going to get
to that.

I just want to also be clear
that the Community Preference policy
doesn't stop you -- it doesn't protect
you from the threat of being displaced
from your apartment?

MS. SADOK: Objection.

A What do you mean by "threat",
like a physical threat or harassment?

Q The prospect, the risk of
being displaced from your apartment.

MS. SADOK: Objection.

A The Community Preference
policy is designed to give residents of
a neighborhood an opportunity to stay
in that neighborhood when a new
Affordable Housing development is
built, and to be part of that growth.

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MURPHY

neighborhood they feel like they know.

Q So I just want to make sure we're talking about current day. I appreciate the history lesson, but in today's New York there are people -- not everybody, but there are people both in white neighborhoods and in neighborhoods dominated by other racial groups that -- where racial change or the prospect of racial change makes them feel uncomfortable; is that right?

MS. SADOK: Objection.

A Again, I can't speak for every resident. I think it's likely and I think people correlate that change to development, new housing development. So as a result they oppose housing development, especially Affordable Housing development.

Q Is there anything politically sensitive about broaching the idea of desegregating neighborhoods that are currently segregated by race or ethnicity?

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MURPHY

MS. SADOK: Objection.

A I believe so, yes, especially voting against Affordable Housing projects.

MR. GURIAN: Could you read back both my question and the answer, please.

(Whereupon, the record was read.)

Q I would like you to take a look at -- actually, before you do that, sorry.

You're familiar with the one, O-N-E, Flushing Development in Queens?

A I'm vaguely familiar with it, yes.

Q That was a project where the idea was to split Community Preference among three community districts?

A Okay.

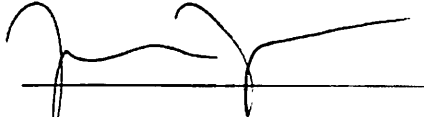
MR. GURIAN: Would you show the witness what's been marked 97, please?

Q Do you recognize that as an

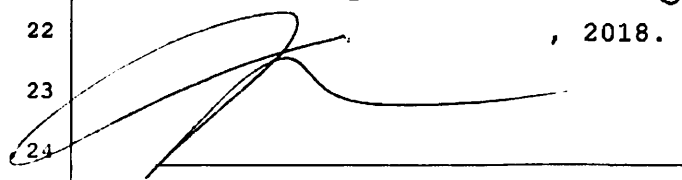
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STATE OF New York)
) :ss
COUNTY OF New York)

I, MATTHEW PETER MURPHY, the
witness herein, having read the foregoing
testimony of the pages of this deposition,
do hereby certify it to be a true and
correct transcript, subject to the
corrections, if any, shown on the attached
page.


MATTHEW PETER MURPHY

Sworn and subscribed to before
me, this 18th day of April
, 2018.



Notary Public

MARIA SHUK MON CHEUNG
NOTARY PUBLIC-STATE OF NEW YORK
No. 02CH6284433
Qualified in Kings County
My Commission Expires June 17, 2021

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

JANELL WINFIELD, TRACEY
STEWART and SHAUNA NOEL,
Plaintiffs,
-against-

Civil Action No. :
15CV5236 (LTS) (KHP)

CITY OF NEW YORK,
Defendant.

-----x

VIDEOTAPED DEPOSITION OF
ELYZABETH GAUMER
New York, New York
May 18, 2018
9:25 a.m.

Reported by:
JUDITH CASTORE, CLR

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GAUMER

phenomenon typically called displacement. There are other parts of displacement or what is commonly referred to as displacement, from my knowledge, that are very challenging to measure and, as such, there are very limited data available.

Q Is -- that was a very long mouthful that you gave in the first part, but on the second part -- on the second part people commonly refer to as displacement, that limited data difficult to measure, is -- do you include in that how many people are being displaced?

A I'm sorry, in the -- in what I said is difficult to measure?

Q Difficult to measure and having limited data?

A It is difficult to measure the number, yes.

Q And are there limited data?

A There are limited data.

Q Let's say I'm fearful about

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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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
PURNIMA KAPUR
New York, New York
April 19, 2018
9:31 a.m.

Reported by:
JUDITH CASTORE, CLR

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KAPUR

So I am not sure that I even understand your question fully.

Q Do you understand either primary or secondary displacement to have anything to do with people being forced to leave an area of their city -- of the city against their will?

MS. SADOK: Objection.

A Displacement when it is not an option is a displacement that is not wanted by whatever means.

Q So --

A But may I continue?

Q Yes. Please.

A In a city like New York where our population is constantly moving and changing, it is -- where it is difficult to discern is whether that movement is voluntary or not.

Q So just to expand on your point, if I may. You are able to tell how much or approximately how much population change there is in a neighborhood or community district; is

1 KAPUR

2 that right?

3 A The higher the geography the
4 more predictable it is. When it comes
5 to a neighborhood level, it's very
6 difficult to make those kinds of --
7 sort of statistical determinations in
8 any meaningful way.

9 Q What about a Puma?

10 A 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
14 a broader border wide basis.

15 Q So at some levels of
16 geography you're able to tell the
17 extent of population change; is that
18 correct?

19 A Correct.

20 Q But what, if I'm
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 MS. SADOK: Objection.

1 KAPUR

2 A 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 A Yes.

14 Q To be closer to a new job?

15 A Right.

16 Q To be closer to one spouse's
17 or another's family?

18 A Right.

19 Q To be closer to your child's
20 school, correct?

21 A Yes.

22 Q So one subcategory of move is
23 a move that reflects displacement,
24 correct?

25 MS. SADOK: Objection.

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STATE OF New York)
) : ss
COUNTY OF New York)

I, PURNIMA KAPUR, the witness
herein, having read the foregoing
testimony of the pages of this deposition,
do hereby certify it to be a true and
correct transcript, subject to the
corrections, if any, shown on the attached
page.



PURNIMA KAPUR

Sworn and subscribed to before me,
this 7th day of June, 2018.



Notary Public

DOMINICK H. ANSWINI
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02AN6289008
Qualified in New York County
Commission Expires Sept. 16, 2021

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C E R T I F I C A T I O N

STATE OF NEW YORK)

) ss.:

COUNTY OF NEW YORK)

I, JUDITH CASTORE, Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify:

That PURNIMA KAPUR, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that this transcript of such examination is a true record of the testimony given by such witness.

I further certify that I am not related to any of the parties to this action by blood or marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 30th day of April, 2018.

JUDITH CASTORE

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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
MARIA TORRES-SPRINGER
New York, New York
May 10, 2018
9:22 a.m.

Reported by:
JUDITH CASTORE, CLR

1 TORRES-SPRINGER

2 housing goals.", was marked
3 Plaintiff's Exhibit 53, for
4 identification, as of this date.)

5 Q Thank you.

6 When we had taken Deputy
7 Mayor Glen's deposition we showed her
8 an article from Politico New York.
9 It's previously been marked as
10 Plaintiff's 53, and I'm having it shown
11 to you now. The headline on the
12 article is: De Blasio Says Counsel
13 Opposition Not an Obstacle to
14 Affordable Housing Goals.

15 Do you see that?

16 A I do see that.

17 Q And if you go onto the back
18 of the article, that second sheet. The
19 next to last paragraph, could you just
20 read out loud the beginning of that
21 paragraph up to the first comma?

22 A The paragraph that starts
23 with de Blasio?

24 Q Yes, ma'am.

25 A De Blasio also downplayed the

1 TORRES-SPRINGER

2 idea that some council members have
3 placed roadblocks to his affordable
4 housing agenda.

5 Q Thank you.

6 Now, we asked Deputy Mayor
7 Glen about the article and about the
8 statement, and she said -- this is at
9 Page 27 of the deposition transcript of
10 Deputy Mayor Glen -- I don't know why
11 he was saying he was downplaying it,
12 but I believe it was for political
13 purposes because he was in the middle
14 of an election campaign.

15 Do you agree with Deputy
16 Mayor Glen's assessment as to why the
17 mayor was downplaying the idea?

18 MS. SADOK: Objection.

19 A It's difficult for me to
20 answer that question. That is a --
21 that is a statement that she made
22 apparently during the deposition. I
23 don't know the full context of that
24 particular part of the discussion.

25 Q But do you agree that the

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TORRES-SPRINGER

statement or posture that's described in the article was a posture that the mayor was taking for political purposes because he was in the middle of an election campaign?

MS. SADOK: Objection.

A Again, I don't -- just read this article. I don't know the full circumstances under which he said this statement or the context for which the deputy mayor made that point. So it's difficult for me to answer that question.

Q Are you saying you don't know the answer to that question?

A It's difficult for me to -- without the full context of the discussion to answer the question.

Q Do you know the answer to the question?

A Can you restate the question?

Q Do you believe that the posture that's described in the article that you read was taken by the mayor as

1 TORRES-SPRINGER

2 Deputy Mayor Glen said, quote, for
3 political purposes because he was in
4 the middle of an election campaign?

5 MS. SADOK: Objection.

6 A Can you describe what you
7 mean by posture taken in the article?

8 Q Yes.

9 The part you read is a
10 characterization of what the mayor
11 said, not specific words. So when I
12 say posture, I'm describing what is
13 written in the article that the mayor
14 downplayed the idea that some council
15 members have placed roadblocks to his
16 affordable housing agenda.

17 A And in the question you said
18 for political reasons. I -- again, I
19 don't know what is meant by for
20 political reasons, so it's difficult to
21 answer the question.

22 Q If you were answering it in
23 terms of what you understand political
24 purposes to be, what would your answer
25 be?

1 TORRES-SPRINGER

2 A I don't have a definition for
3 political purposes. And I'm very
4 confused. I apologize.

5 Q Now, I mean, frankly I had
6 expected that your answer was going to
7 be that you don't know what the mayor
8 was thinking when he spoke with Gloria
9 Pazmino or spoke in a press event when
10 Gloria Pazmino was reporting.

11 Do you know what he -- what
12 the mayor meant?

13 A I was not there. I obviously
14 don't know what he said before and
15 after. I did not write the article, so
16 it's difficult to speculate based on
17 what's in this article.

18 Q So I'm now asking you a very
19 direct question.

20 Do you know what the mayor
21 meant?

22 MS. SADOK: Objection.

23 A Given that I don't know the
24 context in which he made the
25 statements, it is -- I would have to be

1 TORRES-SPRINGER

2 speculating about what he meant, which
3 I don't feel comfortable doing.

4 Q So as you're sitting here
5 today, you don't know what he meant?

6 MS. SADOK: Objection.

7 A I'll repeat. I would have to
8 speculate what he meant based on a
9 quote in an article, it is difficult
10 for me do that.

11 Q So let me clarify.

12 I'm not asking you to
13 speculate. I'm asking you, do you know
14 what he meant or do you not know what
15 he meant?

16 MS. SADOK: Objection.

17 It's been asked and answered.

18 A I will repeat, Mr. Gurian.

19 I don't -- it's difficult to
20 answer that question not knowing the
21 full context in which he made that
22 statement.

23 Q I believe these answers have
24 been nonresponsive.

25 Who would know what he meant?

1 TORRES-SPRINGER

2 A I don't know.

3 Q Do you have an idea of
4 anybody who would know what he meant?

5 A No.

6 Q Would the mayor know what he
7 meant?

8 A That would have to be a
9 question posed to him.

10 Q Okay. Thank you.

11 After you were president --
12 strike that.

13 When you were president of
14 Economic Development Corporation you
15 were also the CEO; is that right?

16 A Correct.

17 Q And thereafter what has your
18 employment been?

19 A After the Economic
20 Development Corporation?

21 Q Yes, ma'am.

22 A The commissioner of the
23 Department of Housing Preservation and
24 Development.

25 Q And what else?

1 TORRES-SPRINGER

2 Is it shared equally across
3 the city or not?

4 MS. SADOK: Objection.

5 A I think -- I think it's a
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 Q But to some extent
14 opportunity is not shared equally
15 across the city; is that true?

16 A Again, I think that it's
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.

1 TORRES-SPRINGER

2 A I don't think there's
3 anything clear cut about that question
4 actually.

5 Q Thank you.

6 Could you read out loud the
7 last sentence of that paragraph?

8 A A legacy of discrimination
9 and segregation has resulted in
10 significant disparities in educational
11 health and economic outcomes.

12 Q So when you were -- when you
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 A It includes -- certainly
19 includes that.

20 Q So other than race and
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?

1 TORRES-SPRINGER

2 Number 3.

3 Q Ms. Torres-Springer, did you
4 speak with counsel about your testimony
5 or prospective testimony during the
6 break?

7 A No.

8 Q Have you asked any council
9 members how, if at all, their support
10 for affordable housing development
11 would be affected, if at all, if the
12 community preference percentage were
13 scaled back?

14 A No.

15 Q Why not?

16 A To ask that question would be
17 inconsistent with what they have --
18 what the council members have indicated
19 to me over time about the importance of
20 that tool in the communities in which
21 were located in these projects.

22 Q Any other reason?

23 MS. SADOK: Objection.

24 A That would be the main one.

25 Q Any other reason?

1 TORRES-SPRINGER

2 A No.

3 Q Are you aware of any outreach
4 from others in the administration to
5 council members on that question, the
6 question of whether their support for
7 affordable housing development would be
8 affected, if at all, if the community
9 preference percentage would be scaled
10 back?

11 A I am not aware of any
12 outreach of that kind.

13 Q Have you asked any council
14 members to consider that maybe the city
15 needs to ratchet down the community
16 preference percentage?

17 A I have not posed that
18 question, no.

19 Q Have you posed a question
20 like that?

21 A No.

22 Q Are you aware of any outreach
23 from others in the administration to
24 council members on what I just posed,
25 asking council members to consider that

1 TORRES-SPRINGER
2 maybe the city needs to ratchet down
3 the community preference percentage?

4 A No, I am not aware.

5 Q And in terms of yourself not
6 asking council members to consider that
7 maybe the city needs to ratchet down
8 the community preference percentage,
9 why didn't you ask any of them to
10 consider that?

11 MS. SADOK: Objection.

12 A We -- I believed that the
13 policy that we have, the community
14 preference policy is an important one
15 to support our work to build affordable
16 housing and address displacement, and
17 so given that I believe that, it would
18 be -- I don't see how I could -- where
19 then I would ask that it be ratcheted
20 down.

21 Q Wouldn't one thing that you
22 would find out be what council members
23 would do in that ratcheted down
24 scenario if you asked them to consider
25 it?

1 TORRES-SPRINGER

2 MS. SADOK: Objection.

3 A The ratcheting down would be
4 inconsistent with what I have believed
5 and experienced them to value.

6 Q Any other reason beyond what
7 you've said why you didn't ask?

8 A That would be the -- no.

9 Q One other thing on this
10 point.

11 Are you aware that the racial
12 composition of the city as a whole is
13 significantly more diverse than the
14 racial composition of most community
15 districts?

16 A I haven't seen the data, but
17 that statement wouldn't be surprising
18 to me.

19 Q Are you saying in general
20 terms without knowing the precise data
21 that you understand it to be the case,
22 the racial composition of the city as a
23 whole is significantly more diverse
24 than the racial composition of most
25 individual community districts?

1 TORRES-SPRINGER

2 because the experience that I do know
3 of has been one where people have shown
4 an openness to discussing these issues,
5 then my answer to that would be no.

6 Q Have you had any
7 conversations with Deputy Mayor Glen on
8 any of the issues that we've just been
9 talking about?

10 A And if you could be more
11 precise so that I could be precise.
12 With those, the three categories?

13 Q Yeah, the three -- the three
14 that I had just recited. I mean, do
15 you want me to recite them again?

16 A That would be -- that would
17 be helpful. Thank you.

18 Q When I'm asking you about
19 conversations, I'm asking you about any
20 discussions about these issues whether
21 or not their -- whether or not the
22 propositions are true or the extent to
23 which they're true, getting community
24 support for fair housing in general is
25 difficult, any conversations with

1 TORRES-SPRINGER

2 Deputy Mayor Glen on that topic?

3 A Not that I'm -- not that I
4 recall.

5 Q What about the mayor?

6 A No, not that I recall.

7 Q There are parts of the city
8 where opposition to racial residential
9 integration is particularly high.

10 Any conversations with the
11 deputy mayor?

12 A No, not that I remember.

13 Q The mayor?

14 A Not that I remember.

15 Q Getting community support for
16 residential racial integration is
17 difficult, any conversations with
18 Deputy Mayor Glen on that?

19 A Not that I'm remembering.

20 Q The mayor?

21 A Not that I'm remembering.

22 Q Are you aware from any source
23 that there is a historical pattern in
24 New York City of a disproportionate
25 amount of subsidized housing being

1 TORRES-SPRINGER

2 A I don't know. I think it
3 would -- that would go to the earlier
4 question of the legality of doing that
5 given the way the new 421A is written.

6 Q And you don't know from a
7 legal point of view whether the city
8 has authority to expand the 421A
9 program to apply -- strike that.

10 That was confusing even to
11 me. I will start again.

12 You don't know whether the
13 city has authority to expand community
14 preference so that community preference
15 would apply to standalone 421A
16 developments; is that correct?

17 MS. SADOK: Objection.

18 A That -- that -- it would be,
19 I think, a matter of legality, and I
20 don't know the answer to it.

21 Q Okay. Thank you.

22 So as I have done with some
23 other witnesses here in my colleague's
24 office before, I'm asking to ask you to
25 imagine for a moment that the community

1 TORRES-SPRINGER

2 preference policy is no more.

3 Okay?

4 A I will try.

5 Q I'm not asking you to try to
6 like it, I'm just asking you to imagine
7 that it's either been ruled that you
8 can't use it or the administration has
9 decided not to have it anymore. I
10 realize that neither of those things
11 has happened yet, but I just want to
12 frame the questions that I'm going to
13 pose.

14 A I understand.

15 Q I'm going to describe in
16 words some potential thought processes
17 that council members could have. And
18 when I'm doing that I'm not asking
19 about just the precise words, I'm
20 asking about what I'm describing or in
21 substance.

22 You know what I mean?

23 A I think so.

24 Q So it's not a circumstance
25 where I'm asking you to imagine that a

1 TORRES-SPRINGER

2 council member used the precise words,
3 but rather that the words represent an
4 idea.

5 Does that make sense?

6 A I think so.

7 Q Okay. Well, let's -- let us
8 try.

9 So one version of this would
10 be whether the council member phrases
11 it like this, a council member having
12 the view I'm going to deny my
13 constituents and other New York City
14 residents desperately needed affordable
15 housing because HPD is now using a
16 lottery system that gives all New York
17 City households an equal chance to
18 compete in each affordable housing
19 lottery they enter.

20 What council members, if any,
21 do you believe would take that position
22 whether they used those precise words
23 or not?

24 MS. SADOK: Objection.

25 A Could you just repeat the

1 TORRES-SPRINGER

2 A I would characterize it that
3 given my previous conversations and
4 experience, and that in many ways the
5 community preference policy has been so
6 fundamental to how local leaders view
7 our work in affordable housing, that
8 there -- that there are many of them
9 for whom it's possible that they could
10 feel that way, generally.

11 Q Okay.

12 So let's first have you
13 identify, if you would, the council
14 members who, based on your experience,
15 you think there's a risk that they may
16 take the view that I described?

17 A Based on conversations that
18 are about the extraordinary fear that
19 they feel or --

20 Q Excuse me -- excuse me for a
21 second Ms. Torres-Springer. What I've
22 asked you to do is to tell me the names
23 of the council members for whom you
24 believe there is a risk that they would
25 take the review that I described in the

1 TORRES-SPRINGER

2 absence of community preference.

3 What are their names?

4 MS. SADOK: Please don't
5 interrupt the witness.

6 You can continue to answer as
7 you deem appropriate.

8 A I feel that based on
9 conversations I've had with council
10 members about fears that their
11 residents have about displacement, and
12 for whom the community preference tool
13 is -- has been fundamental to ensuring
14 that residents are able to benefit from
15 the development and have a chance of
16 fighting against displacement in more
17 recent times, such council people have
18 been the ones would have been involved
19 in major rezonings, they include, but
20 are not limited to, council members
21 Rafael Espinal, Vanessa Gibson, Donavon
22 Richards, Melissa Mark-Viverito, Rafael
23 Salamanca.

24 Q Anyone else?

25 A Not that I am recalling at

1 TORRES-SPRINGER

2 this moment.

3 Q Okay.

4 So as far as your own
5 perception, you understand there to be
6 this risk in relationship to four
7 current council members and one past
8 council member; is that correct?

9 A That's correct.

10 Q And in relationship to the 47
11 other current council members?

12 A There are -- I've, in my
13 time, many conversations certainly
14 about displacement.

15 Q That wasn't the question.
16 I'm sorry. The question was about
17 other --

18 A No, I'm --

19 Q -- council members. This is
20 fine and I'm sure your counsel is going
21 to have something to say about this,
22 but what does count here is the
23 question that I'm posing. The question
24 is about names, and you've -- you've
25 given me some where you've identified

1 TORRES-SPRINGER
2 them as being ones that you feel
3 there's a risk that they take that view
4 that I articulated.

5 And so now I'm asking you
6 about the 47 other current council
7 members. Which of those, if any, do
8 you believe that there is a risk?

9 A There are others based on
10 what I was trying to explain, because I
11 want to make sure that I'm thorough so
12 that there's no misunderstanding about
13 what I believe or don't believe about
14 each individual councilperson, that
15 based on discussions that I've had with
16 the other 47, not all of them, about
17 building affordable housing in their
18 neighborhoods and the associated fears
19 and concerns that their constituents
20 have about displacement that there
21 are -- there's likely more than the
22 names that I mentioned. The names are
23 escaping me at the moment, but we've
24 done affordable housing projects in
25 neighborhoods outside of the ones

1 TORRES-SPRINGER

2 represented by the individuals that I
3 mentioned.

4 Q As we're sitting here today,
5 you can't identify by name anyone other
6 than the four current and one past; is
7 that correct?

8 A If you give me a moment I can
9 think about other projects that I've
10 had that I've had to work on. Over
11 time, or at least in recent memory and
12 those -- Council Member Cumbo would be
13 on the list, Council Member Debbie
14 Rose, Council Member Robert Cornegy.

15 Q Anybody else?

16 A That's what I recall at this
17 moment.

18 Q Well, as you were saying, I
19 want to be as -- I want to be as
20 thorough as possible. So if you need
21 another moment, I'm happy to give that
22 to you.

23 A That's the list as far as I'm
24 recalling at this moment.

25 Q In terms of the council

1 TORRES-SPRINGER
2 members you have mentioned, and I'm
3 going to leave out former speaker
4 Mark-Viverito from this part of the
5 discussion because she's not in the
6 council right now.

7 A Um-hum.

8 Q So I know the answer may
9 differ between and among the seven
10 current council members that you've
11 listed, but what is the extent of the
12 risk that each of them would take the
13 view that I articulated in the absence
14 of the community preference policy?

15 MS. SADOK: Objection.

16 A It's hard for me to answer
17 that to describe -- to describe the
18 risk. All I can say is there -- there
19 is a risk based on my experiences with
20 the individuals mentioned.

21 Q Can you quantify the risk at
22 all?

23 A No. I'm sorry, I can't.

24 MR. GURIAN: Ms. Sadok, I'd
25 like to take a break just for a

1 TORRES-SPRINGER

2 list.

3 Q You don't know who in those
4 circumstances say I'm going to vote
5 against it because there isn't a
6 community preference policy anymore?

7 A I'd say more accurately I
8 can't answer -- I can't answer the
9 question.

10 Q It's too much a matter of
11 speculation?

12 A That's correct. But if -- if
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 Q Of that original -- of that
18 group, which is now going to get the
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?

1 TORRES-SPRINGER

2 A I don't know.

3 Q If it turns out in examining
4 housing lottery applications -- I
5 should have prefaced that by saying
6 moving on.

7 A Okay.

8 Q If it turns out in connection
9 with housing lottery applications in
10 that -- in -- in -- I'll take a
11 majority white community districts.
12 Okay? That the insider group of
13 applicants, meaning the group of
14 applicants who already live in the
15 community district was regularly whiter
16 than the outsider group of applicants,
17 outsiders that is meaning New York City
18 residents who live outside the
19 community district, would that fact be
20 of concern to you?

21 A I would certainly take that
22 fact -- those facts into serious,
23 serious consideration, make sure I
24 understood what they meant.

25 Q What would prompt you to take

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STATE OF New York)
) : ss ,
COUNTY OF New York)

I, MARIA TORRES-SPRINGER, the witness herein, having read the foregoing testimony of the pages of this deposition, do hereby certify it to be a true and correct transcript, subject to the corrections, if any, shown on the attached page.



MARIA TORRES-SPRINGER

Sworn and subscribed to before me, this 13 day of June, 2018.



Notary Public

MICHAEL P. CHAU
NOTARY PUBLIC, State of New York
No. 01CR6072272
Qualified in Queens County
Commission Expires April 1, 2022

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C E R T I F I C A T I O N

STATE OF NEW YORK)

) ss.:

COUNTY OF NEW YORK)

I, JUDITH CASTORE, Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify:

That MARIA TORRES-SPRINGER, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that this transcript of such examination is a true record of the testimony given by such witness.

I further certify that I am not related to any of the parties to this action by blood or marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of May, 2018.



JUDITH CASTORE

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.

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”

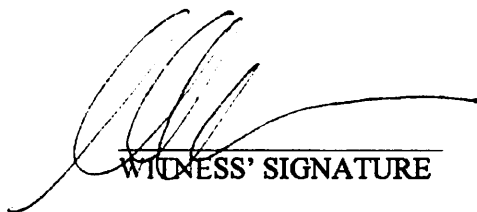
REASON: Clarify intent of statement.

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.

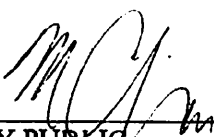
265 8 CHANGE: “--the that there is fear” to “--that there is fear”

REASON: Clarify intent of statement.


WITNESS' SIGNATURE

6/13/18
DATE

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


NOTARY PUBLIC

MICHAEL F. CHAU
NOTARY PUBLIC, State of New York
No. 01CH607227 Z
Qualified in Queens County
Commission Expires April 1, 2022

The New York Times

No Deal, Just Blame, on Mayoral Control of New York City Schools

By Jesse McKinley

June 22, 2017

ALBANY — If everything had gone according to plan, Thursday should have marked the beginning of a well-earned break for the state’s 213 lawmakers, as the 2017 legislative session drew to a close.

Instead, the day was spent in confusion and full of pointed language over one primary piece of unfinished business: the recurrent debate over how long New York City’s schools should remain under the control of the city’s mayor, Bill de Blasio.

The session ended Wednesday night without an agreement to extend mayoral control, casting an aura of uncertainty over the leadership of the nation’s largest public school system and its 1.1 million students.

By the next morning, there were hints of progress: A one-year compromise was being floated, and Assembly members were being asked if they would consider returning to Albany on Friday to vote on the issue.

But a few hours later, hopes of a quick resolution seemed misplaced. The Assembly speaker, Carl M. Heastie, a Bronx Democrat, released a statement saying that his chamber had “no plan to return.” Scott Reif, a spokesman for the Senate leader, John J. Flanagan, a Long Island Republican, indicated that senators would not come back unless a firm deal was in place.

Republicans in the Senate did not like that linkage, and would only vote for mayoral control if the number of charter schools in the state was increased, an idea that was, in turn, a non-starter for Assembly Democrats.

Both chambers' allegiances are at least partly for financial reasons: Charter schools and their supporters have given significant campaign funding to Republican candidates and Mr. Cuomo; public school unions have consistently backed Democrats in the Assembly.

In each of the last two years, the Senate has been stingy with Mr. de Blasio, giving him only one-year extensions, after granting his predecessor, Mayor Michael R. Bloomberg, a six-year extension in 2009. This year, Mr. Heastie staked out a position that mayoral control should not be bargained over, precipitating the game of political chicken — something Mr. de Blasio, who has a chilly relationship with Mr. Cuomo and Senate Republicans, applauded on Thursday.

“You know, I was a legislator — there’s always a path to yes,” Mr. de Blasio said. One possible deal being discussed would not grant more charters, giving Mr. Heastie a partial win, but would change the rules for counting defunct charters, allowing Mr. Flanagan to claim some type of victory, too.

For his part, Mr. Cuomo said that he was continuing to talk with Mr. Heastie and other interested parties, and would call the Legislature back for a special session if there was an agreement between both chambers. The stakes would seem to rise if Mr. de Blasio actually lost control on July 1, including for Mr. Cuomo, who is said to harbor presidential ambitions and has staked his reputation on banishing dysfunction from the state capital.

The governor saw his streak of on-time or close to it budgets broken in April, but still said on Thursday that he was “very pleased” with a session that included accomplishments like a tuition-free college plan and raising the age of criminal responsibility. But, he conceded, “we are not going to agree on everything always.”



Overview News Mayor's Bio Officials

Transcript: Mayor de Blasio Delivers Remarks at NYSAFAH Housing for All Conference

May 11, 2016

Video available at: <http://youtu.be/H1SZ7MyijpQ>



Mayor de Blasio: Good Morning Housers.

It is so good to be with you. I appreciate so deeply the work you do, and I want you to know we consider NYSAFAH crucial allies in this work that is absolutely about keeping New York City – New York City. About keeping everything we love about this city, about the values of this place alive for future generations. Now, I must take this occasion to note – some people apparently don't like New York values. I don't know if you've read about that. You'll notice that those people are no longer on the stage. They've left now, but you know it was a worthy question. What are New York values? And I think NYSAFAH epitomizes those values. Those values are of a city and a state that is inclusive, that is a place where everyone is valued. Doesn't matter if you've been here for generations, or you've just gotten here – where working people are given every opportunity to succeed. Where families have the ability to put food on the table to live in a good and a decent place they can afford

about, nothing is more important than affordable housing. So, we said when you're thinking in those terms – this is about everything we believe in, everything we are historically, everything we were meant to be – we didn't have a choice of half measures, we had to go to the farthest extent possible. What's amazing is the numbers that have been put up already. Again, I hope everyone feels a share in these victories because everyone here has participated so intensely. As of March 31 of this year, we have financed 43,500 affordable apartments in all five boroughs – 43,500 apartments. Includes nearly –

[Applause]

You can clap for that.

[Applause]

21,000 of those achieved in 2015 alone. So, that made 2015 the year in which the most apartments were built or preserved in any single year since Mayor Koch was rebuilding the South Bronx. That was an extraordinary time in our history, and a time that I think many of us thought could never be matched, but because of your help we're actually achieving things on a level that can be compared to those extraordinary times.

Now, within the 21,000 units I mentioned, 7,179 are new construction sites – excuse me, new construction starts, the most since year since HPD was founded in 1978. So, we set a record with your help, and it says so much about the approach we're taking because we have set the bar high and then we keep getting higher and then we clear the bar because we have the alliance and the partnership with you that allow us to do it.

Now, that was certainly true when we were fighting for MIH and ZQA. You will remember that at the beginning of that discussion in the City things did not look promising. We were talking about big, big changes. We were talking about thinking about our City in a whole new way – opening up space for the creation of affordable housing that had not been available to us before, focusing on senior affordable housing, requiring that developers create affordable housing as a condition of development wherever we rezoned. This was a whole new way of thinking. And you're never surprised, when you put a whole new way of thinking on the table, that there's immediate resistance. It's normal, it's human. And I say – with absolute respect to all our brothers and sisters on community boards – I'm never 100 percent surprised when the community board disagrees with something emanating from City Hall. So, the early going was tough. But we rallied. We rallied with the help of NYSFAH. We rallied with the help of community leaders and clergy and labor unions and so many others who believed these were the changes our city need. So many people came together – AARP did amazing work. It was an example of a really broad coalition for change. And we knew we were on the right side, and we knew we could win the day, and we preserved together.

The day that that vote was won – and it was won by a very healthy margin, I'd like to remind you – at that moment we achieved the most progressive affordable housing plan of any big city in this country. On that day we showed that things could really be done differently, and that we could

marshal all our forces in the interest of working people and low-income New Yorkers and everyday New Yorkers who are just struggling to make ends meet – that we could actually change our policies profoundly and be on their side. That's what that vote showed. And all of you played a profound role in garnering the support that got us there.

So, I want you to know that now that we have the tools we can talk about what we're going to achieve for everyday New Yorkers. And I think you know this from your work, but I want you to visualize the meaning of what you're doing. We all deal in statistics – statistics are important. Measures and metrics are important, they tell us something. But I want you to think about the people whose lives you're changing. I'll tell you an easy vignette – a quick vignette. I was once challenged when I was a city councilmember – I fought very hard to add ten more units of affordable housing in a particular development in my district. And I remember being at – I think it was a community board meeting – and someone said why should we care about ten more units of affordable housing. And I said – think about ten families whose lives will be changed forever – literally – because they got one of those affordable apartments. Think about a family that can finally put food on the table, pay for medicines, and pay the rent all at once – maybe even start to save a little money for their child's education. That's what this is about. Every single additional affordable apartment changes the trajectory of a family's life. And when you go about your daily business today – if you stop at the coffee cart, the person in line next to you might be the person that one day gets some of the affordable housing that you create, when you go on the subway, the person who – the straphanger next to you might be the person whose life is changed because they got affordable housing – and not just for them, for their entire family. That is why we do this work.

And we know that the people of this city want to see this change. They understand that the City is changing for bigger reasons. They understand the economy is changing, technology is changing, global realities have made this place more appealing than ever. They get that, but they also think they have some rights in the equation. I've never known New Yorkers to fear change in the broad sense. It's too dynamic a place for that, but they do believe that they matter in the context of change. They do believe that fairness is something that needs to be guaranteed in the context of change. That's where we all come in – creating a reality that takes the good elements of change and the good resources and opportunities that it provides and marshals them to create fairness and inclusion. That is our mission.

And I have to tell you, when you think about the impact – we talk a lot about the new housing we will build together, we talk a lot about what it means or people to see a vacate lot turn into a beautiful affordable development, but we also have to focus on the 300,000 or so New Yorkers who will be able to stay in their apartments and will have an affordable apartment for the long term because of our preservation efforts. Imagine again – put it in very human terms – that that individual, that family feeling a great deal of insecurity and not sure at all what life will bring them, worried that they won't be able to stay in the neighborhood they love – the neighborhood they contributed so much to, the neighborhood they defended in the bad old days, in the tough times. Every time we preserve an apartment, we're taking a situation that felt unsupportable and insecure, and we make it strong and good and worthy of that family. That's the work we do together. And that was true for folks at the



MayorFirst LadyNewsOfficials

Transcript: Mayor de Blasio Appears Live on WNYC

June 9, 2017

Brian Lehrer: But, we begin today as usual on Fridays with our weekly “Ask the Mayor” segment with Mayor Bill de Blasio. Listeners, our phones are open for any topic from anywhere, 2-1-2-4-3-3-W-N-Y-C for the Mayor. 2-1-2-4-3-3-9-6-9-2 or you can tweet your question just used the hashtag #AsktheMayor. Hi, Mr. Mayor, welcome back to WNYC.

Mayor Bill de Blasio: Good morning, Brian.

Lehrer: Now, let me start with City Council Speaker Melissa Mark-Viverito holding up the city budget because she insists on funding for lawyers to help undocumented immigrants convicted of any crime, defend against deportation, including the serious crimes that you want to exclude, deal or no deal?

Mayor: Well, the vote happened, so the budget passed, we’re moving ahead. As I said, this issue will be resolved in the contracting process.

Lehrer: In other words, you can allow the money to be allocated but then not spend it on specific defendants you don’t want to spend it on. Is that the right way to put it?

Mayor: I would say it more broadly, the – there is going to be an ongoing negotiation on the details, I’ve made very clear my views, my position hasn’t changed. I think there are so many immigrants, Brian, who are undocumented, have committed no crime whatsoever. Vast majority by the way of undocumented folks commit no crime at all. Vast majority of all immigrants commit no crime at all. To the extent any of them get involved with law enforcement it’s usually on minor offenses, quality-of-life offenses. All of those folks need legal support if they’re threatened with deportation. That’s where the priority should be. And, we believe that has to happen, and we’ll find a way. But, this will be worked through in the contracting process.

Lehrer: Is that not equal protection under the City law? Is it equal protection or is it somehow not equal protection under a City law, once that law exists?

Mayor: Are you referring to the way the different potential clients are treated?

Lehrer: Correct.

Mayor: Okay, I would argue strongly that New York City believes in protecting immigrants, and treating undocumented folks – 500,000 undocumented people in New York City – treating them as our neighbors, we believe that’s the right thing to do more, we believe that’s the right thing to do in terms of public safety. I think we have a lot to back up that point in terms our safety as city and our cohesion as a city.

But, that being said, we have a City law passed three years ago, that says, “If you commit any of 170 violent or serious offenses, we will cooperate with ICE.” These are very heinous crimes, the list is online it’s available for all to see. Remember, that this refers to folks who already came into this country without documentation, and then a very, very small number of people of Brian – very small number of people – they proceeded to commit a very violent or serious crime, and then they were convicted through due process.

Once you go through all those steps, I don’t believe you belong here, and I certainly do not believe taxpayer dollars should go to supporting your case. If private dollars are available, there’s other forms defense, that’s fine. But, I think this is a very narrow and specific group. And Brian my larger concern – we’ve had an interesting few weeks in New York City, where the smallest matters become all that anyone wants to talk about, and missing the forest for the trees. We’re talking about dozens of people a year that fall into these categories maybe a little more, versus 500,000 undocumented people, the vast majority of whom are law abiding and just trying to get by. And unfortunately you know what’s happening with ICE. They’re starting to pick up people just randomly. It has nothing to do with whether they’ve committed a crime.

So, I think we’ve got to get back to the bigger picture here, of what’s happened with the immigration policy and why New York City needs to defend immigrant New Yorkers, not the very small number of people who unfortunately made a horrible choice and committed a very violent and serious crime.

Lehrer: New topic, school desegregation advocates think your new diversity plan doesn’t go far enough, and you said yesterday you’re more focused on the question of what you can do to help each school be the best it can be, and the here and now. And you absolutely believe children can get the education they deserve without attending fully integrated schools. What do you say to people who think you’re overly minimizing the importance of school integration?

Mayor: Personally, I care very deeply about this issue, and again it’s been a big part of my life. Everything I experienced in public schools myself, everything I wanted for my children. But, I also really have an obligation to be very honest with the people of New York City, about what hundreds of years of a very unfair American history have done to this city and cities all over the country. And I am going to be speaking about this in the weeks ahead, Brian, because we have to have a much blunter and more honest conversation.

There are neighborhoods and school districts in this city that are overwhelmingly of one ethnic group or one racial group. That’s a fact. You and I didn’t create that. That was created over many, many decades. And, the notion, particularly at the elementary school level, that we could have the diversity we would like to ideally have in our schools it flies in the face of the fact that you have school zones

based on geography. That there is literally in many cases, no kids of other backgrounds anywhere nearby.

So, there are some real ways we can start to change that, and the plan we put forward this week, would reach tens of thousands of kids. That's fantastic. I think it will lead to tens of thousands of young people learning in a more diverse environment, but you got to put that against the overall total of 1.1 million students. That's why I said the other day it's going to take a long time to more fundamentally change this reality.

Here's what troubles me when people put the question of diversification ahead of the question of immediate efforts, toward better schools and more equal schools. We've got kids right now -- a generation of children right now who need our help. By doing things like Pre-K for All, Advance Placement courses in all high schools, including ones that never had any -- getting kids on grade-level reading by third grade. These are things that got ignored for many, many years, Brian.

And so, bluntly, inequality grew and grew and grew. I have the tools right now to start addressing this, with the geographical realities and demographic realities we face. That is how we address equity right now while building towards a more diverse and integrated society. But, we've got to help kids now.

And so this plan will, when we put it forward this week, it'll start that process unquestionably towards diversity. We did that on the Upper West Side in Manhattan, for example, with the changing of the school zones. We're going to take every step we can. But the Equity and Excellence vision requires us to reach kids right now, when so many cases have been left behind.

Lehrer: How much are you afraid in practical terms that any aggressive integration effort would push white, middle-class parents out of the system all together, which would be worse for low-income kids of color than the status quo?

Mayor: I don't think of it that way honestly because I think the approach that we need to take to diversification, as you see in the plan, involves opening up a lot of opportunities that have been either perceived to be closed or in many ways there were real structural barriers.

You know one of the ones I most want to address is our specialized high schools, which are you know the jewels on the crown of our public education system. That's going to take legislation in Albany to finally allow us to stop making those admission choices via a single test that has caused massive inequality in the demographics of our specialized schools.

But if you think about the long term efforts of diversification, they have to be done against the backdrop of ever-improving schools because we have that mandate anyway. We've got to keep improving the schools because we got to keep improving the schools. We've got to make schools more equal across the board in terms of what they provide. That is necessary regardless of anyone's view on how to diversify classrooms.



MayorFirst LadyNewsOfficials

Transcript: Mayor de Blasio Appears Live on Inside City Hall

June 12, 2017

Errol Louis: We are back on the road to City Hall and we just saw a report about Mayor de Blasio and the fight for Mayoral control of city schools. I'm now joined by the Mayor himself as part of our weekly "Monday's with the Mayor" segment. Welcome back, always good to see you.

Mayor Bill de Blasio: Thank you, Errol.

Louis: Let's clear this up. We thought at first actually, you might be in Albany today, and that turned out not be the case. You also informed me right before we went on the air that your relationship to this discussion in Albany is not quite what some of us thought. Please explain.

Mayor: Sure, I appreciate it, Errol. So, first of all, every year has been different when it comes to the discussion of mayoral control of education. I want to say at the outset we clearly need to renew mayoral control of education. I think one of the things that's actually affecting this whole discussion is a lot of people honestly don't remember what it was like under the previous system. And if you want something to give you a clear illustration, think of today's board of elections –something you've spent a lot of time focusing on, that is dysfunctional and not up-to-date and not stream line and not efficient. That's what are local school boards were like in too many cases. They didn't get the job done; they didn't take care of schools, including those that were failing. So, that's what's hanging in the balance here. I have been concerned to make sure that I am presenting to the people who make the decision – the key legislative leaders, our position and what we are trying every day to do to improve our schools. I had a good conversation last week with the Majority Leader of the Senate, John Flanagan. I've had a series of conversations with Governor Cuomo, with Speaker Heastie, and with the Leader of the IDC, Jeff Klein. And those have been phone calls over the last few days including today. In light of that, I decided it made sense to stay here and deal with other matters and keep going by phone, but the point I made from the previous report, last year there had been hearings called by the Senate Republicans on this matter. This year there were not hearings. So it's just literally different, I attended one of them last year. It just didn't exist this year.

Louis: So even aside from narrow issue of mayoral control. There wasn't sort of broad general oversight hearings where you go up, and sort of present the school system and why they should be funding it?

Mayor: There was the budget hearing at the beginning of the session, I think give or take February 1st. There has not been specifically hearings on the school system and on mayoral control that I was going to be part of. The Chancellor has been up, to speak to the education committee in the senate and the assembly, but again each year is different. So this year we've seen a different reality.

Louis: In – in your administration and in the prior administration there have been relatively short periods of time where technically control has lapsed. Is that going to be a problem if that were to happen over the summer?

Mayor: I think we need continuity. This system has worked and again the key facts Errol, when Mayor Bloomberg achieved mayoral control of education, something I agreed with at the time and still believe it's one of his better achievements. You're talking about a graduation rate then, that was around 50 percent. Now we have a graduation of 72 .5 percent. That happened in less than 15 years – constant improvement in test scores, constant reductions in crime in schools. There's no question that mayoral control allowed for these big changes. And then the time I've been in office – big things we've done. Pre-K for all, after school for all middle school kids, changing and improving teacher training, you go down in those community schools, so many things that we've done would never have been done this fast or at all under the old system. So that's why it matters so much. The problem with any break in continuity is when does it end? Let's be clear, if you have a break in continuity, you have to immediately reconstitute that central old board of education that a mayor does not have the majority on. You have to try and keep things moving as a new school year is about to begin. Then you have to call school board elections for 32 school districts. And that means candidates are going to start to declare in the next few months and off you go to the old world again and I say – you know Errol you saw it. I say that the old school boards with some exceptions but in general unfortunately were typified by chaos and corruption. There was tons of patronage, a lot of very bad things happened as a result of that patronage alone. We can't go back in time. So, once you have a little bit of discontinuity, when does it end? When is a deal ever made?

Louis: Very good question. The responsibility and the authority and the control that you are seeking, brings with it certain amount accountability. Which has been raised by some – some advocates around this question of school desegregation, where we have vast majority of black and Latino students in the system are schools that are highly, highly segregated, meaning less than 10 percent white. The proposal that came out from DOE doesn't mention segregation or the word segregation doesn't mention the word integration. And it has some – some fairly low hanging fruit, some rather mild proposals from the point of view of changing this very big problem. That's on your plate, because you're in charge. You wanted the mayoral control. Can we – what would it take to make a bolder attack on this long standing problem?

Mayor: It's a very important question. So, first of all just to affirm, I am absolutely responsible. That's the beauty of mayoral control. And people have the electoral process, let alone everything the public opinion does to shape the views of leaders. Every single day there are ways for people to let their views be known. And that affects me as an elected official, which bluntly was not the case the same way again, under the previous system. So, I feel very strongly about this issue. I will over the coming

weeks have a lot more to say in depth on it, and how we will build towards a much bigger plan to address the problem of segregation, but the challenge is this, this was not and problem that came from our schools. And, too much of the debate has in my view asked the schools to address what is really a problem of economics, obviously race, economics and housing, and geography. We need to go at those issues and a whole host of ways, and I think that is about addressing income inequality. Because when you're addressing income inequality in New York City you're also simultaneously addressing issues of race because let's face it, the economic divide.

Louis: There certainly is an interaction, I mean, but, know like – for example we all know that real estate brokers when they're selling a neighborhood, they're selling what district is it – it is in. And they're selling the characteristics of that district, including the degree of segregation whether they're doing it directly or not, right? I mean it's – I agree with you you're not going to strand out and say, "Let's desegregate this part of our zone school system". Well, you've got to; you've got to deal with the zone, right?

Mayor: Well, and that's a crucial example. So, zones go with elementary schools, everything pre-K to fifth grade. And zones are based on geography by their very nature. And there are some places as was true recently in Downtown Brooklyn and it was true in the Upper West Side, where we did a rezoning working with the local community education counsel, because by law they take the leading role on the rezoning of schools. And we got to a place that created more balance and more diversity in the schools, while making we were providing great school options for everyone involved. I really feel great about those examples. Here's the problem. Many of our school districts don't afford us that opportunity at the elementary school level because you can have a huge geography that is overwhelmingly people of one particular background and that is the reality in New York City. So, what I want is a little more clarity and I would argue honesty in the discussion. Where we – we have real structural barriers at elementary school, we have more options with middle school and high school, where we have a robust school choice approach that's been there for years. It has not organically created more diversity in schools. I think it's helped in some ways, but it hasn't organically done it. Therefore, it's telling us something, we have much bigger problems to get to the core of, to get to the root of. Now, the plan we put forward was the beginning and we said it was the beginning. There will be bigger bolder plans to come. But one thing I feel strongly about is, there's a piece of this problem that is in the admissions process when it comes to middle schools and high schools and the plan we put forward started to get at that. How do you get rid of some of the barriers of the past, how do you get [inaudible] – even things like parents not getting the same information, depending on where they live. We can do a lot more to fix that. And selective schools – how can we make sure there is much stronger efforts at diversification. But this is a long tough battle because it's rooted in things that go far beyond the schools, and that's what I'm trying to emphasize, more economic opportunity, so people can live in any neighborhood regardless of background, is crucial to this.

And, obviously a host of things we do attack discrimination in housing. There are so many pieces, but this is going to be a long haul problem.



MayorFirst LadyNewsOfficials

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 be 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.

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The New York Times <https://nyti.ms/2pDyXew>

N.Y. / REGION

De Blasio, Expanding an Education Program, Dismisses Past Approaches

By KATE TAYLOR MAY 11, 2017

Mayor Bill de Blasio on Thursday used a news conference announcing the expansion of one of his signature education programs to defend his education policies as a whole and to sweepingly dismiss those of previous leaders of the school system.

Mr. de Blasio, appearing at a school in Brooklyn, said that he would add 69 schools to the Community Schools Initiative, which provides services like counseling, dental care and vision screening in school buildings, bringing the total to 215. The program has decreased absenteeism in many schools but has not yet led to major academic gains.

And then he took aim at previous administrations. “I think we were all sold a bill of goods in the past — for generations — that there was a serious effort to create equity in our school system,” Mr. de Blasio said. “There wasn’t.”

The mayor said his initiatives — including expanding early childhood education and putting reading coaches in elementary schools, with the goal of having all children reading on grade level by third grade in 2026 — were finally

narrowing the gaps between historically good and bad schools.

“Anyone who doesn’t understand it’s transformative isn’t looking very hard,” he said.

Mr. de Blasio, a Democrat, and the schools chancellor, Carmen Fariña, have said they would soon release a plan to decrease segregation in the city’s schools. In answer to a question about segregation, the mayor suggested that there was not much he could do. “We cannot change the basic reality of housing in New York City,” he said.

The announcement about the Community Schools Initiative highlighted some of the challenges facing the mayor on education. Among his biggest departures from the approach of his predecessor, Michael R. Bloomberg, was his pledge to avoid widespread school closings, which are strongly opposed by the teachers’ union. Instead, he created what he called the Renewal Schools program to turn around a group of 94 of the most troubled schools, through a combination of academic support and social services.

Until now, Renewal Schools have made up a majority of the schools in the Community Schools Initiative and have given it a mixed reputation, since many of those schools have continued to struggle despite the additional resources. By next fall the city will have closed or merged 17 of the original 94.

Asked Thursday if the Renewal Schools presented a strong argument for expanding the community school model to still more schools, Mr. de Blasio said they did.

“I think the trend is clear among the Renewal Schools that we’ve had improved attendance and improved outcomes,” he said. “And this is in the toughest situations in our whole school system.”

“If you say, Are there some that we haven’t seen what we wanted from, absolutely,” he added. “And have we said from the outset some of them are not going to make it? Yep.”



MayorFirst LadyNewsOfficials

Transcript: A Year Ahead of Schedule, Mayor de Blasio Announces Opening of New Upper West Side School

August 10, 2016

Mayor Bill de Blasio: Alright, everybody ready?

Good afternoon – we have just crossed into afternoon. Good afternoon, everybody.

I love a very visual site – we have quite a visual site here. I want to welcome everyone. This is a really great day for the children and the parents of the Upper West Side, and it's a day that a lot of people who are sitting here around me have been working very, very hard for. Anything like this takes a lot of effort, a lot of persistence – and we can certainly say of the elected officials and the community activists of the Upper West Side, they are legendary for their persistence and their focus, and this is certainly the day they can claim a victory on.

So, this community's been growing like so much of the city, and it's a really wonderful place to live. Long ago I used to live here. It's a great place to live. It's a very desirable community, and it's certainly seen real growth – and we have to adjust that growth and make smart decisions so we can accommodate the needs of children and make sure they can learn in the best possible environment.

And there's certainly been increasing pressure on the schools that existed because of that growth, and real needs that had to be addressed. We heard, so strongly, the voice of this community calling for the creation of more school seats, and a real demand that whatever happened in the development process, wherever the city could have an impact, that we focus on the creation of more school capacity.

And I want all of the leaders here around me, and I want the people of this community to know we heard you loud and clear. We heard you loud and clear that we had to invest in more school space, that we had to make the development process work for the community, and that we had to do it quickly because the need was right now. And we had to move this development, and particularly the development of the school space as quickly as humanly possible. And we had to be creative and innovative in the process. So, I'm very proud to say that the school that will be here in this building will be opening a year earlier than originally projected –

[Applause]

really deserve praise here.

[...]

Mayor: Thank you, Lorraine.

Okay, we're going to take questions about this announcement and then we will be taking questions on other topics as well. So, anything related to this announcement, please?

Question: So, I hear that this school is [inaudible]. I just wanted to ask – some advocates and elected officials have said your administration hasn't done enough or even said enough about the broader challenges of integrating schools. What's your response to that and why do you think it's [inaudible]?

Mayor: It's a great question. I would say – let me do the second part first and then go to the first part. The – I think it is difficult to talk about because it is about American history; it's about the reality of this country and this City going back, not just decades, but hundreds of years. And that has to do with discrimination and segregation in housing, let alone education, employment etcetera. So, I think it kind of gets – it strikes the central chord of American history that we're all in so many ways trying to address. But I think the best thing to do – and we certainly saw this in Brooklyn Heights and DUMBO in Downtown Brooklyn – is to bring it out in the open, talk about it at the community level and work it through because you remember some of the apparently very intense controversy in Brooklyn that – over the course of the civic dialogue actually people worked through very productively and found a lot of common ground and rethought some of their assumptions about their local schools and who went to them and where they wanted their children to be. So I am a believer that that dialogue happening out in the open is good and I am absolutely convinced that is what is going to happen here on the Upper West Side.

To the bigger question, I have always appreciated advocates who are pushing us to do more. I would say there are a couple of obvious facts; one, our vision around education required setting some very fundamental building blocks in place – whether it was pre-K, afterschool, professional development, the contract with the teachers – so many of the things that we had to do to start the process of bigger changes and that had to be the first priority. But we've made clear from the beginning that we were going to increasingly focus on the question of diversity and balance. Certainly I have talked very vibrantly about that topic when it comes to our specialized schools and I intend to continue that work, but we're also going to be doing this at the district level. Rezoning's are one tool in that, but they have to be done with communities and they have to be done with many imperatives in mind. The other thing we're finding in the DOE and I think it has been well reported is that there's some really great new models that look at economic diversity and other factors that allow us to do the work of diversifying schools in a way that is legally appropriate and very effective and that gets a lot of buy-in from communities. So, you're going to be seeing a lot more of that. So to folks, who say we want to see more, I understand where they are coming from and my simple answer is you're going to see more.

NEW YORK NEWS LOCALS SPORTS ENTERTAINMENT

Why our housing plan must pass: Mayor de Blasio urges the City Council and advocates to get behind his zoning reforms

BY [BILL DE BLASIO](#) / NEW YORK DAILY NEWS / Wednesday, March 9, 2016, 5:00 AM

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and have kept those complexes affordable for a whole generation.

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That's my record, and I'm proud of it. But the crisis we face demands more tools, and right now two of the most important ones we need are just weeks away from a vote in the City Council.

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One reform will put in place the strongest mandatory affordable housing requirement of any city in the nation, meaning all new residential development in newly zoned parts of the city will have to include 25-30% affordable housing in order to build. Mandatory Inclusionary Housing will, for the first time, replace voluntary affordable housing incentives with new hard and fast minimums. It's a game-changer that will mean a new floor of permanently affordable housing for low- and moderate-income families in our neighborhoods.

**Worst
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The second set of changes is the biggest update of our land use rules since the 1980s. Obscure and outdated rules make it difficult, costly and time-consuming to build affordable housing, especially for seniors-adding years to timetables, all while 200,000 seniors are on waitlists that stretch back years. The changes we've put forward will ease restrictions on new senior housing and give builders slightly more height on affordable projects to ensure we get every apartment we possibly can.

Our reforms will also eliminate unnecessary requirements for off-street parking that date from the days of Robert Moses. They force us to build parking spots that ultimately go unused, rather than more of the affordable apartments our seniors need.

We're in the worst housing crisis in generations, and we're not going to allow these wasted opportunities anymore. AARP supports us. So do labor unions representing half a million working New Yorkers. So do leading clergy, small business groups and the non-profit organizations that build much of our affordable housing.

DE BLASIO'S EAST NEW YORK REZONING PROPOSAL PASSES CITY PLANNING COMMISSION

I don't underrate the tremendous fear and uncertainty still out there. It's a fear so deeply held that some voices say any development at all-even 100% affordable housing-would just make matters worse. Others are setting a bar so high as to

medical needs. These are the problems senior housing solves.

Despite the crisis we're in, senior housing is one of the hardest things to build in New York City. It's achingly slow to get approvals, it takes waivers to outdated rules written decades ago, and it demands costly additions like parking, even when there's no need for them. And despite the need of every community to provide homes to its elders, there are huge swaths of the city where we can't build senior housing at all.

Our reforms will cut through all that. It'll be possible to build new senior housing, with all the services seniors need to age in place with dignity, in all five boroughs.

We have to build up, and do it smartly.

I raised my family in Park Slope, and I care about the unique character of our neighborhoods. But a community's character isn't just about buildings, it's about its people. Over two decades, I saw plumbers, social workers and retirees priced out of the neighborhood they built. If we want to keep our communities whole, we must be willing to build more affordable housing, even if it stands a little taller.

We have to decide what we value more: keeping a building from rising one extra story, or keeping someone who has lived in a neighborhood for 40 or 50 years from being forced out. I won't put skyscrapers where they don't belong, but we have to get comfortable with becoming a denser city.

Now is the time to double down on this commitment, and pass the two critical reforms: Mandatory Inclusionary Housing and Zoning for Quality and Affordability.

The fear out there is very real. I understand it. And I know we can overcome it. That proof will come when buildings finally rise in our neighborhoods that aren't just for the wealthy few, but for the seniors, the first responders and the working families who make this city what it is: a place for everyone.

De Blasio is mayor of New York.

[bill de blasio](#) , [affordable housing](#) , [new york city council](#)

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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 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 middle-income 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

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NEW YORK BUSINESS

LETTER TO THE EDITOR

Mayor's fair-housing pledge doesn't inspire confidence

Vague language from a commissioner falls short



City Council
City Councilman Ritchie Torres

Published: January 22, 2018 - 12:01 am

To the editor:

Department of Housing Preservation and Development Commissioner Maria Torres-Springer's assurance that New York will continue the assessment of fair housing (AFH) regardless of Washington's twisted priorities is heartening ("[To deliver on promise of MLK, act now for fair housing](#)"), but her op-ed's vague language offers no substantive details on exactly how the city will move forward following the federal government's deadline suspension. What exactly does it mean that the city "remains committed to the principles of the AFH"?

Further, Mayor Bill de Blasio's silence on this issue suggests that fair housing is not as much of a priority as his administration would like us to believe. This is about more than just housing—it should be a cross-agency effort that looks at education, transportation and more. Yet the mayor didn't discuss it on Martin Luther King Jr. Day, didn't author this op-ed, and wouldn't answer questions about it at last week's celebration of progress on his housing plan.

New York remains one of the most segregated cities in the country in part because of racist housing policies—both overt and covert—that continue to haunt us today. It is simply not enough to commit to "principles"; the mayor must assure New Yorkers that his administration will not cut corners or deviate from the original plans for the AFH. He should unequivocally commit to meeting the original April 2019 deadline and publicly share the steps the city is taking to get there. In the process, his administration should develop and implement actionable ways to disentangle privilege from ZIP code throughout the city.

It's easy to talk about honoring Dr. King's legacy, but delivering on his promise requires action. When it comes to fair housing, cities around the country will follow New York's example. We must lead them down the right path.

The writer is a City Council member representing District 15, which includes the central Bronx. He chairs the Committee on Oversight & Investigations.



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POLITICS NEWS

City Council may create office to fix racial segregation in schools

By ERIN DURKIN | NEW YORK DAILY NEWS | MAY 23, 2018 | 10:37 PM



Councilman Ritchie Torres (l.) is pushing a bill to create an office of school integration. (Richard Drew/AP)



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A new office to combat segregation of city schools would be created under a bill introduced Wednesday in the City Council.

The legislation by Councilman Ritchie Torres would create an office of school integration as part of the Human Rights Commission, which enforces city anti-discrimination laws.

The office would study the causes of racial segregation in schools and recommend ways to make them more diverse.

City schools are deeply divided by race, but some white parents in well-off neighborhoods have resisted efforts to make them more racially balanced, saying it would deprive their kids of the chance to go to the high-performing schools where they've earned spots.

A large majority of city schools are considered intensely segregated, meaning more than 90% of the student body is kids of color.

Mayor de Blasio shied away from even using the word segregation for years, but his new schools chancellor, Richard Carranza, has spoken more bluntly about the issue. Still, the city has so far pursued only modest tweaks to increase diversity.

"The political establishment has no real sense of urgency. There has to be an institution that is advocating for children of color who face discrimination in segregated schools," said Torres (D-Bronx). "The longer we keep public education segregated the longer we discriminate against



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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
JANELL WINFIELD, TRACEY STEWART
and SHAUNA NOEL,

Plaintiffs,

-against-

CITY OF NEW YORK,

Defendant.

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

-----x

DEPOSITION OF

STEVEN BANKS

New York, New York

November 29, 2017

9:18 a.m.

Reported by:
JUDITH CASTORE, CLR
Job No. 52807

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BANKS

have worked with who -- and because you have worked with them, you know that they are homeless, but otherwise you wouldn't know, right?

A That's correct. Similarly, there is some neighborhoods where there have been shelters for years and people don't know that there is a shelter in the neighborhood.

Q But the mayor is talking about something in particular, people knowing that the folks inside those doors come from right around their own streets, their own neighborhood, their own block.

Why is that important to know that?

A For the same reason that I am describing, that the -- what I have observed and experienced is the demonization of our clients, in part, comes from a belief that they're not just like you and me and, in part, that's working/not working, my

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BANKS

neighborhood/not my neighborhood, those kinds of things.

Q My race/not my race?

A That -- that's part of it. I mean, the demonization may be based on that too in terms of my experience, yes.

Q I just want to make sure I understand the word --

A Sure.

Q -- that you are using.

You're saying, as far as you understand, there are some times when demonization is based on race --

MS. SADOK: Objection.

Q -- not simply that there is a theoretical possibility?

A Again, I think you are -- in experiences that I have had, both in government and out of government, people demonize people who they don't know. And sometimes that can be based upon stereotypical presumptions they have about people and sometimes that

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BANKS

last 35 or 40 years you have been working with or for homeless New Yorkers, Maspeth the only occasion where you thought that concerns ostensibly were about safety but they actually were a function of racial stereotyping?

MS. SADOK: Objection.

A I mean, I will give you another example.

Q No, that's not my question. My question is: Is that the only time?

A No.

Q Were there several other occasions or more?

MS. SADOK: Objection.

A Your question really can't be answered yes or no.

Q Okay. Have you communicated with the mayor, either orally or via e-mail or text, about the role, if any, that race plays in terms of the difficulties the city encounters either in siting shelters or in placing

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BANKS

homeless New Yorkers in housing?

A We certainly discussed the Maspeth situation, and he supported me fully in moving forward with placing people in that hotel, where they are to this day, despite the opposition.

Q Any communications outside of the Maspeth situation?

MS. SADOK: Objection.

A That's the one that comes to my mind today.

Q That it is the only one that comes to your mind?

A That's correct.

Q As far as you can recall today, you haven't discussed with him the role race plays in difficulty of shelter siting or placing homeless New Yorkers in shelters on any other occasions?

MS. SADOK: Objection.

A I mean, to the best of my recollection, that's the Maspeth situation.

1 BANKS

2 discussing about Maspeth.

3 Q While you have been in city
4 government, regardless of whether it
5 formally comes under your role as
6 Commissioner of Homeless Services or
7 not, have you heard anyone or any
8 groups making an appeal to maintain the
9 racial status quo of a neighborhood?

10 MS. SADOK: Objection.

11 A I have not heard that.

12 Q And you include in that, as
13 we were discussing before, language
14 that -- any language that you
15 interpreted as effectively asking to
16 maintain?

17 A Any language that I would
18 have interpreted hadn't been used.

19 Q Very good.
20 Have you heard anyone
21 complaining that gentrifying
22 neighborhoods are becoming whiter?

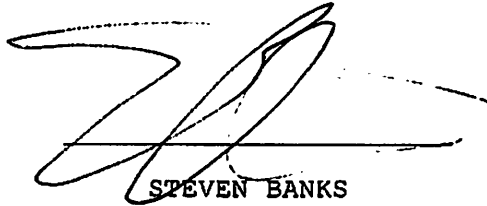
23 MS. SADOK: Objection.

24 A I have been at lots of town
25 halls, and the term -- it's always


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STATE OF New York)
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COUNTY OF New York)

I, STEVEN BANKS, the witness
herein, having read the foregoing
testimony of the pages of this deposition,
do hereby certify it to be a true and
correct transcript, subject to the
corrections, if any, shown on the attached
page.


STEVEN BANKS

Sworn and subscribed to before me,
this 29 day of January, 2017.



Notary Public

AARON FRIEDMAN
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02FR6348028
Qualified in Kings County
Commission Expires 09/19/2020

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.

19 15 CHANGE: "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.

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.

182 18 CHANGE: "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.

190 12 CHANGE: "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.

224 12 CHANGE: "was made able to them" to "was made available to them"
REASON: Incorrect transcription.



WITNESS' SIGNATURE

11-29-18

DATE



Overview News Mayor's Bio Officials

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

Plaintiff's
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11/29/17

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 always 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

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
JANELL WINFIELD, TRACEY STEWART
and SHAUNA NOEL,

Plaintiffs,

-against-

CITY OF NEW YORK,

Defendant.

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

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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

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 Q. Were there any discussions
15 with anybody in the administration about
16 the potential political pitfalls of
17 discussing programs in terms of potential
18 racial change that might ensue?

19 A. Not that I can recall.

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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Weisbrod

A. Over 50 years of working in New York City, racial politics are always in the ether, so.

Q. And that includes these last few years, yes?

A. In the City generally. I think that's a fact of life in this country and a fact of life in the City.

Q. So how does that in current-day terms manifest itself in the City?

A. I don't know. I mean, I did not -- I just don't know how to answer that question.

Q. What do you understand "racial politics" to be?

A. My understanding of racial politics is that as in a pluralistic city, like New York, interest groups of various kinds, whether they're racial, ethnic, religious, gender-related or whatever, have perspectives on what should happen in the City and how, and that's just the reality of politics.

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Weisbrod

Q. Sticking with the racial and ethnic groups for a moment, when you say "what should happen in the City," what are you referring to? Does that include electoral politics?

A. I think it includes a host of different things. It includes things that are related to government, things that are related to the private sector, things that are related to the marketplace. It is the reality that a variety of interest groups have their own perspectives on things and also their own advocates, and that's reflective in social discourse in the City.

Q. Advocacy in relation to housing policy is not immune from that, is it?

A. No.

Q. Is there resistance to change in the racial composition of neighborhoods?

MR. VIDAL: Objection.

A. I don't know, and I did not

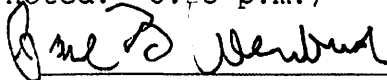
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Weisbrod

A. Thank you.


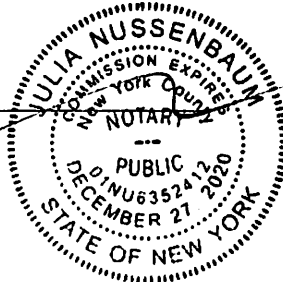
THE VIDEOGRAPHER: Here ends
video recording number 2. This
concludes the video recorded
deposition of Carl Weisbrod taken
by the plaintiffs on Thursday, July
27, 2017. The time is 1722. We
are going off the record.

(Time noted: 5:23 p.m.)



CARL WEISBROD

Subscribed and sworn to before me
this 15 day of September, 2017.


Notary Public

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C E R T I F I C A T E

STATE OF NEW YORK)
: ss.
COUNTY OF NEW YORK)

I, THERESA TRAMONDO, a Notary Public within and for the State of New York, do hereby certify:

That Carl Weisbrod, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by the witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 31st day of July, 2017.

