

Appendix 24

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Date: 7/27/2012

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UNITED STATES OF AMERICA ex rel.
ANTI-DISCRIMINATION CENTER OF
METRO NEW YORK, INC.,

Plaintiff,

v.

WESTCHESTER COUNTY, NEW YORK,

Defendant.
----- X

No. 06 Civ. 2860 (DLC)

ORDER

WHEREAS on July 20, 2012, the United States of America (the "Government") filed a motion to compel Westchester County (the "County") to comply with the Court-appointed Monitor's requests for information, and to establish procedures applicable to future requests for information by the Monitor pursuant to the August 10, 2009 Stipulation and Order of Settlement and Dismissal (the "Stipulation and Order"); and

WHEREAS the Court-appointed Monitor (the "Monitor") filed a declaration in support of the Government's motion requesting that the Court (1) affirm the Monitor's authority to inspect "all books, records, accounts, correspondence, files and other documents, and electronic records of the County and its officers, agents, and employees concerning the subject matter and implementation of the Stipulation and Order"; (2) compel the County to comply by no later than August 9, 2012, with specific data requests contained in a May 14, 2012, letter sent by the Monitor to the County; and (3) compel the County to comply with all future requests from the Monitor according to a specific procedure requested by the Monitor; and

WHEREAS the Court considered the application on the record at a conference on July 25, 2012, at which the County appeared and had an opportunity to be heard;

IT IS HEREBY ORDERED that:

1. The Monitor's powers pursuant to ¶13 of the Stipulation and Order include, among other things, the authority to inspect "all books, records, accounts, correspondence, files and other documents, and electronic records of the County and its officers, agents, and employees concerning the subject matter and implementation of the Stipulation and Order" with the exception of privileged materials.

2. The County shall respond to the outstanding requests for information in the Monitor's May 14, 2012, letter as follows:

a. By August 1, 2012, the County will provide to the Monitor all information in its possession responsive to the Monitor's request that the County state whether each municipality has met its allotted number of affordable housing units under the Westchester County Housing Opportunity Commission Affordable Housing Allocation Plan and identify any shortfall.

b. By August 1, 2012, the County's Commissioner of Planning will meet with the Monitor, the Monitor's experts, and representatives of the Government and the County, as appropriate, to discuss a methodology for responding to the Monitor's question regarding the effect six questioned zoning practices will have on the cost and geographic placement of affordable housing in each municipality.

c. By August 9, 2012, the County will provide to the Monitor a statement setting forth the percentage of developable land, including land occupied by existing

housing units, that is zoned for building multi-family housing as-of-right in each municipality.

d. By August 16, 2012, the County will provide to the Monitor a statement setting forth the racial and ethnic composition of each zoning district in a given municipality in accordance with the methodology provided in paragraph 19 of the July 20, 2012 Declaration of James E. Johnson, and by August 28, 2012, the County will indicate which of the six questioned zoning practices are present in each of the districts. The County's responses shall rely on 2000 Census data.

e. By August 9, 2012, the County will provide a complete list of the names and positions of all personnel who participated in preparing the February 29, 2012, Zoning Submission and a privilege log, if necessary.

3. The following procedure shall apply to all future requests for information by the Monitor pursuant to his authority under the Stipulation and Order:

a. The County's deadline for objecting to any information request from the Monitor (including the deadlines specified by the Monitor) shall be within five business days of the County's receipt of the Monitor's information request. All objections shall be made in writing.

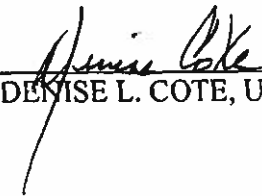
b. If the Monitor rejects the County's objection, the County must meet and confer with the Monitor within five business days of receiving the Monitor's rejection.

c. If the Monitor and the County are not able to resolve the dispute within five business days of the conference, either the County or the Monitor shall have the right to an expedited review of the dispute by a magistrate judge assigned by this Court.

d. The magistrate judge will have the authority to overrule the Monitor, order compliance and, if appropriate, recommend a finding of contempt.

SO ORDERED.

Dated: New York, New York
July 26, 2012



HON. DENISE L. COTE, U.S.D.J.