

Appendix 47

October 1, 2012

Robert Meehan, Esq.
County Attorney
and
Mr. Edward Buroughs
Acting Commissioner of Planning
Westchester County
148 Martine Avenue
White Plains, NY 10601

**United States ex rel Anti-Discrimination Center of
Metro New York, Inc. v. Westchester County, New York (No. 06 Civ. 2860)**

Dear Messrs. Meehan and Buroughs:

Thank you for meeting at our offices on Tuesday, September 18, 2012 to discuss the County's submissions pursuant to the Court's July 26, 2012 Order ("the July 26 Order") in the above-captioned matter. As discussed at the meeting, we would like to follow-up on a number of outstanding issues. Please submit by the date noted in bold the following items:

1. Excel files containing all data tables submitted to the Monitor pursuant to the July 26 Order. Specifically, please provide the data responsive to paragraphs 2(a), 2(c), and 2(d) of the July 26 Order in excel files. **(Due: October 8, 2012)**
2. A revised table, pursuant to paragraph 2(a) of the July 26 Order, that includes an updated survey of affordable housing units developed since 2000 in each of the eligible municipalities. The term "affordable" should be defined as for-purchase homes with household income limits no greater than 80 percent of the area median income ("AMI") for Westchester County, and rental homes with household income limits no greater than 60 percent of AMI for Westchester County. The County must provide documentation of all attempts to obtain a survey response from the eligible municipalities. **(Due: November 22, 2012)**
3. A revised table, pursuant to paragraph 2(d) of the July 26 Order, that adds single-race white demographic data for each zoning district. In the same table indicate which of the six questioned zoning practices are present in

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each district. Compare the data for the six questioned practices with the County's February 29, 2012 zoning submission, and document and explain any discrepancies that may exist. **(Due: October 8, 2012)**

All data responsive to this request should be provided in both Excel files and Portable Document Format ("PDF"). Please submit objections to this information request in a timely manner and in conformity with paragraph 3 of the July 26 Order.

The purpose of the County's zoning submissions is two-fold: 1) to assess the County's conclusion that through its analysis, it had "not identified specific local zoning practices that have exclusionary impacts," Westchester County Planning Department, "Review and Analysis of Municipal Zoning Ordinances in Westchester County," submitted February 29, 2012; and 2) to assess whether the County is in compliance with the zoning portion of the Monitor's November 17, 2011 Report and Recommendation Regarding Dispute Resolution ("Monitor's Report"), as adopted by Magistrate Judge Gabriel W. Gorenstein and District Judge Denise L. Cote. To that end, in the coming weeks, the Monitor will be reviewing your most recent data submissions together with your February 29, 2012 and July 6, 2012 submissions on zoning. Please make all revisions or supplements to your prior submissions by **November 22, 2012**. These revisions or additional submissions should, at a minimum, include: 1) a qualitative analysis of whether the zoning practices have a discriminatory effect by adversely impacting particular minority groups or by perpetuating segregation, *see* May 14, 2012 letter from James E. Johnson to Robert P. Astorino, p. 7; and 2) a strategy to overcome exclusionary zoning practices that includes identifying the types of zoning practices that would, if not remedied by the municipality, lead the County to pursue legal action, *see* Monitor's Report at 14-18; Magistrate Judge Gorenstein's Opinion and Order, p. 16-17, filed March 16, 2012; District Judge Cote's Opinion and Order, p. 27, filed May 3, 2012.

At the September 18, 2012 meeting, HUD representatives again offered to lend the County technical assistance to make progress towards completing the County's Analysis of Impediments ("AI"). I strongly advise that the County accept HUD assistance to ensure compliance with both the County's AI obligations and with the District Court's Order. Thank you in advance for your cooperation.

Very truly yours,



James E. Johnson

cc: Kevin J. Plunkett, Deputy County Executive
Mary J. Mahon, Special Assistant to the County Executive
Kenneth W. Jenkins, Chairman of the Westchester County Board of Legislators
Glenda Fussá, Deputy Regional Counsel, New York Office, HUD