

EXHIBIT C

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NATIONAL FAIR HOUSING ALLIANCE,
TEXAS LOW INCOME HOUSING
INFORMATION SERVICE, and TEXAS
APPLESEED,

Plaintiffs,

PEOPLE OF THE STATE OF NEW YORK,
by BARBARA D. UNDERWOOD,
ATTORNEY GENERAL OF THE STATE
OF NEW YORK,

Intervenor-Plaintiff,

v.

BEN CARSON, Secretary of the U.S.
Department of Housing and Urban
Development, in his official capacity,

And

U.S. DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT,

Defendants.

Civ. Action No. 1:18-cv-01076-BAH

Pursuant to 28 U.S.C. § 1746(2), I, Matt Murphy, hereby declare as follows:

1. I am the Deputy Commissioner for the Office of Policy and Strategy for the New York City Department of Housing Preservation and Development (HPD).
2. HPD is the largest municipal housing preservation and development agency in the nation. Its mission is to promote the quality and affordability of New York City's housing and the strength and diversity of its many neighborhoods.

3. HPD receives funding from the U.S. Department of Housing and Urban Development (HUD) through several grant programs, including the Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) programs.
 - a. HPD uses funds from the CDBG program to help the City enforce housing quality standards for all New Yorkers, among other things. For the 2017 Program Year, the City was allocated \$150,294,862 from the CDBG program.
 - b. HPD uses funds from the HOME program to fund the construction of supportive housing, offer down payment assistance for low-income homebuyers, and offer rental assistance for homeless families, among other things. For the 2017 Program Year, the City was allocated \$53,258,298 from the HOME program.
4. New York City receives additional funding from HUD through other grant programs that HPD does not administer, including the Emergency Solutions Grant (ESG) program and the Housing Opportunities for People with AIDS (HOPWA) program.
 - a. HPD does not use funds from the Emergency Solutions Grant (ESG) program, but I am aware that the City uses funds from that program to: prevent families and individuals from becoming homeless; rapidly re-house homeless individuals and families; engage homeless individuals and families living on the street; and help operate these shelters and provide essential services to shelter residents. For the 2016 Program Year, New York City received an allocation of \$13,625,907 in ESG funding.
 - b. HPD does not use funds from the Housing Opportunities for Persons with AIDS (HOPWA) program, but I am aware that the City uses funds from that program to provide long-term housing assistance and support services to low-income people

living with HIV/AIDS and their families. For the HOPWA 26 Program Year (SFY 2017-18), the City was allocated \$44,197,111 from the HOPWA program.

5. New York City has a statutory obligation to affirmatively further fair housing, in part as a condition of its federal funding.
6. As part of my duties at HPD, I am aware of the Analysis of Impediments (AI) that HUD previously required for recipients of certain funds that were subject to the statutory obligation to affirmatively further fair housing.
7. The only published guidance that I am aware that HUD offered regarding the AI process was a Fair Housing Planning Guide published in 1996 (the 1996 guidance).
8. While the 1996 guidance contained topics to address in the AI, it lacked guidance on HUD's exact expectations of how to undertake the actual analysis.
9. New York City appreciated the clear guidance provided in the Affirmatively Furthering Fair Housing (AFFH) Rule HUD issued in 2015.
10. The AFFH Rule required that jurisdictions required to submit consolidated plans for the CDBG, HOME, ESG, and HOPWA programs also complete a detailed Assessment of Fair Housing (AFH), which would replace the AI.
11. The AFH process requires the use of the Assessment Tool to compile the AFH.
12. New York City appreciated the training resources HUD made available to accompany the AFFH Rule and AFH process. HUD and its agents conducted multi-day regional trainings for participating jurisdictions, including New York City.
13. Even though New York City's deadline to complete the AFH required by the AFFH Rule was not until 2019, we had to begin the extensive fair-housing planning process—which

requires conducting data analyses, holding public meetings, consulting with stakeholders, and drafting an AFH—well before the submission deadline.

14. In light of that, before the delay of the AFFH Rule, HPD began to devote considerable resources to laying the groundwork for the development and then implementation of an AFH starting in 2016. For example:

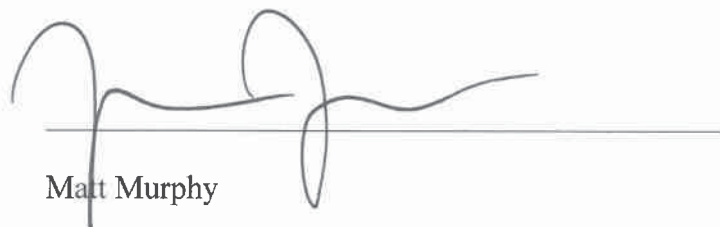
- a. We devised a plan to partner with the New York City Housing Authority to lead the AFH process;
- b. We participated in a two-day HUD training on the AFH process, which we found to be useful;
- c. We reviewed the Assessment Tool;
- d. We asked HUD representatives questions and received answers both about HUD data and about the substantive requirements of the Rule;
- e. We started the procurement process to hire a consultant to assist us with the community engagement required under the Assessment of Fair Housing (AFH);
- f. We spoke with at least 10 other City agencies, including the Department of City Planning, Department of Transportation, Department of Education, Department of Health and Mental Hygiene, Department of Social Services, and the NYC Commission on Human Rights, among others, to coordinate the gathering of the information required for the AFH;
- g. We hired a full-time staff member to oversee our community engagement process; and
- h. We began planning for the completion of an AFH by the regulatory deadline.

15. I found it helpful to have HUD employees with whom to discuss the AFH process available at other times as well.
16. Additionally, New York City has reviewed the AFH plans submitted by other jurisdictions and adopted lessons from both those accepted and rejected into our planning processes.
17. New York City acknowledges that the AFFH Rule requires investments of time and money, among other things, but we believe that the process is worth the expenditures because of the tangible benefits it can produce for the City and its residents.
18. New York City also believes that a detailed, fact-driven evaluation is important for identifying the different fair-housing issues that a particular jurisdiction may face, and that most of the time and effort required to complete such an evaluation is not a function of the AFFH Rule itself but rather of the complexity of the fair housing issues.
19. Moreover, New York City has reviewed and understands the Assessment Tool and believes likewise that the work involved in using it is attributable more to the difficulty of the fair housing issues than the tool itself.
20. In fact, despite HUD's delay of the AFFH Rule, the City intends to use the same framing and cover the same content as an AFH would require in a comprehensive fair housing planning process called "Where We Live NYC."
21. New York City intends to base "Where We Live NYC" on the Assessment Tool template.
22. Based on the delay of the AFFH Rule, however, the City is moving forward with no expectation of HUD assistance in completing the "Where We Live NYC" planning process.

23. Although we plan to submit “Where We Live NYC” to HUD, given the delay of the AFFH Rule, we do not expect to receive comments and feedback from HUD.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 5th day of June, 2018



A handwritten signature in black ink, appearing to read "Matt Murphy", is written over a horizontal line. The signature is stylized with a large initial 'M' and a loop.