

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: IAS PART

CHURCHES UNITED FOR FAIR HOUSING, INC.,  
LOS SURES LUCHA, UNITED NEIGHBORS  
ORGANIZATION, ST. JOHN’S LUTHERAN CHURCH  
SOCIAL ACTION COMMITTEE, 293 HOOPER  
STREET TENANT ASSOCIATION, 301 HOOPER  
STREET TENANT ASSOCIATION, ANGEL TEJADA,  
ISABEL LOPEZ, MARIBEL LOPEZ, LEONIDES  
REYES, and ROBERT CAMACHO,

Index No. \_\_\_\_\_ / 2018

PETITION-COMPLAINT

Petitioners-Plaintiffs,

-against-

BILL DE BLASIO, as Mayor of the City of New York,  
THE CITY OF NEW YORK and HARRISON REALTY  
LLC,

Respondents-Defendants.

Petitioners-Plaintiffs, by their attorneys, Brooklyn Legal Services Corporation A, Martin S. Needelman, Esq., by Adam Meyers, Esq., and Joanna Laine, Esq., of counsel, allege the following for their Petition and Complaint in this proceeding-action:

PRELIMINARY STATEMENT

1. Governmental recipients of certain housing and community development funds, including Defendant City of New York, are required under federal law to “affirmatively further fair housing.” Under this obligation, the City must take “meaningful actions to overcome patterns of segregation” in all its activities and programs relating to housing and urban development.
2. One of the City’s primary activities in advancing its housing and urban policy is the consideration and approval of zoning changes. Through zoning, the City establishes the

bounds of residential, commercial, and industrial activity in the City, regulates the size and height of the built landscape, and, increasingly, provides for the creation and distribution of affordable housing units. As an activity explicitly related to housing and urban development, the City must meaningfully work to reduce segregation through its exercise of its zoning power.

3. Despite this requirement, the City maintains an explicit policy of turning a blind eye toward issues of segregation and discriminatory impact in its evaluation and approval of proposed zoning changes. Its agencies not only fail to take “meaningful actions” against segregation in their zoning work, but refuse even to analyze the potential impacts of zoning proposals across racial and religious populations.
4. This case concerns the Pfizer Sites Rezoning, which rezoned two industrial blocks in the Broadway Triangle neighborhood of Brooklyn for residential use, paving the way for a massive residential development that stands to increase the population in the surrounding half-mile by more than five percent. The City refused to consider whether this rezoning would perpetuate or exacerbate the neighborhood’s existing patterns of racial and religious segregation. This refusal was an abdication and violation of the City’s obligations under the federal Fair Housing Act, and gave force of law to a development proposal which will further segregate North Brooklyn and impose disparate impacts upon communities of color

#### RELIEF REQUESTED

5. The Plaintiffs seek an order declaring that the City’s approval of the Pfizer Sites Rezoning is null and void, and enjoining the City and Defendant Harrison Realty LLC

from taking any actions predicated upon the approved modifications to the Zoning Resolution and Map.

6. Additionally, the Plaintiffs seek an order declaring the City's policy of refusing to consider segregative or disparate impacts in its zoning analyses to be a breach of its obligations under the Fair Housing Act, and enjoining the City from further zoning actions until these considerations are incorporated into its procedures.

### PARTIES

7. Plaintiff Churches United for Fair Housing, Inc. (CUFFH) is a nonprofit organization whose network of churches and congregants engages in advocacy around the issues of fair housing and racial equity. Members of the CUFFH network include churches both in the Broadway Triangle and in the surrounding neighborhoods of Williamsburg, Bushwick, Bedford Stuyvesant, which are engaged in the effort to fight racial and religious discrimination and increase access to high opportunity communities for people of color.
8. Plaintiff Los Sures Lucha is an unincorporated association of tenants, tenant associations, and HDFC cooperators from the Southside, South Williamsburg, and Broadway Triangle areas of Williamsburg, most of whom are low-income and Latino. Their mission is to "unite tenants of the Southside to fight for their right to stay, preserve what they've built and save the Southside."
9. Plaintiff United Neighbors Organization (UNO) is an unincorporated association of residents of East Williamsburg and the surrounding areas dedicated to improving their neighborhoods, maintaining racially and economically diverse communities and resisting the displacement of long-term, low-income residents.

10. Plaintiff St. John's Lutheran Church Social Action Committee is the social action arm of St. John's Lutheran Church, located in East Williamsburg, and is dedicated to promoting social and economic justice, particularly for the low-income residents of the area.
11. Plaintiff 293 Hooper Street Tenant Association is an unincorporated association of tenants at 293 Hooper Street in Williamsburg's Southside, most of whom are people of color. For years, the tenants at 293 Hooper Street have been deprived of essential services and repairs and have suffered harassment at the hands of their landlord, a subsidiary of the United Jewish Organizations of Williamsburg, Inc., which was a strong institutional supporter of the Pfizer Sites Rezoning. Their tenant association was formed in order to fight discrimination, tenant harassment, and displacement, both in their building and in the surrounding areas. 293 Hooper Street Tenant Association has a vested interest in living in an integrated neighborhood, and their building is approximately one half-mile from the Pfizer Sites.
12. Plaintiff 301 Hooper Street Tenant Association is an unincorporated association of tenants at 301 Hooper Street in Williamsburg's Southside, most of whom are people of color. For years, the tenants at 301 Hooper Street have been deprived of essential services and repairs and have suffered harassment at the hands of their landlord, a subsidiary of the United Jewish Organizations of Williamsburg, Inc., which was a strong institutional supporter of the Pfizer Sites Rezoning. Their tenant association was formed in order to fight discrimination, tenant harassment, and displacement, both in their building and in the surrounding areas. 301 Hooper Street Tenant Association has a vested interest in living in an integrated neighborhood, and their building is approximately one half-mile from the Pfizer Sites.

13. Plaintiff Angel Tejada and his family reside at 372 Wallabout Street in the Broadway Triangle, less than a block away from the Pfizer Sites. Mr. Tejada and his family are low-income Latinos and have experienced harassment and deprivation of essential services for years as part of their landlord's strategy to cause them to vacate their apartment. As a result of their landlord's actions, they are the last remaining tenants at 372 Wallabout Street. They are opposed to the growing segregation within the Broadway Triangle and want it to become available again to families of color.
14. Plaintiffs Isabel Lopez and Maribel Lopez and their family reside at 374 Wallabout Street in the Broadway Triangle, less than a block away from the Pfizer site. The Lopez family are low-income Latinos and have experienced harassment, discrimination and deprivation of essential services for years. As a result of their landlord's actions, they are one of only two remaining families at 374 Wallabout Street. They received notice in December that their landlord, a Hasidic Jewish man, intends to evict them and their neighbors so that the entire six-unit building can be occupied by the landlord's growing family. They are opposed to the growing segregation within the Broadway Triangle and want it to become more welcoming of families of color.
15. Plaintiff Leonides Reyes resides on Kingsland Avenue in East Williamsburg, within Community District 1. He is an active member of community organizations which advocate for community preservation, tenants' rights, and fair housing, including the Broadway Triangle Community Coalition and the People's Firehouse.
16. Plaintiff Robert Camacho resides at 15 Stanhope Street in Bushwick, within Community Board 4. He is Latino and low-income and is an active member of Community Board 4, the Broadway Triangle Community Coalition, and other community organizations. He is

concerned about the growing gentrification and segregation within North Brooklyn neighborhoods, and is committed to improving and protecting access to these communities for Black and Latino families.

17. Defendant Bill de Blasio is the Mayor of Defendant City of New York.
18. Defendant City of New York is a municipal entity created and authorized under the laws of the State of New York. The City, through its agencies, the City Council and the Mayor, approves any modifications to the zoning of land within its boundaries, and specifically approved the rezoning of the Pfizer Sites which is challenged herein.
19. Defendant Harrison Realty LLC is a limited liability company formed under the laws of the State of New York. It owns the Pfizer Sites and initiated the private rezoning action which is being challenged in this proceeding. Its principal offices are located at 505 Flushing Avenue in Brooklyn, New York.

#### JURISDICTION

20. The Supreme Court has jurisdiction over this matter and the Defendants pursuant to Article 6, Section 7 of the Constitution of the State of New York, and pursuant to CPLR §§ 7801 and 3001.

#### VENUE

21. Venue is proper in New York County pursuant to CPLR §§ 503, 504, 506(b) and 7804(b) insofar as it is the county wherein the City Defendants made the determination complained of and where the majority of the events material to the Plaintiffs' claims occurred.

LEGAL FRAMEWORK

*A. Title VIII of the Civil Rights Act of 1968 (Fair Housing Act)*

22. The Fair Housing Act (FHA) prohibits discrimination in the sale, rental or financing of dwellings and in other housing-related activities on the basis of race, color, religion, sex, disability, familial status, or national origin. 42 U.S.C. § 3601 *et seq.*

23. The acts and practices prohibited under the FHA include those which have discriminatory effects, even where there is no discriminatory intent. A practice has a discriminatory effect where

it actually or predictably results in a disparate impact on a group of persons or creates, increases, reinforces, or perpetuates segregated housing patterns because of race, color, religion, sex, handicap, familial status, or national origin.

24 C.F.R. § 100.500(a).

24. The FHA also imposes upon the Secretary of the United States Department of Housing and Urban Development (HUD), and upon all state and local governmental bodies which receive federal housing funds, an obligation to administer programs and activities relating to housing and urban development in a manner to “affirmatively further” the purposes of the FHA. 42 U.S.C. § 3608(d) & (e)(5).

25. Recipients of the Community Development Block Grant are required to certify, *inter alia*, that “the grantee will affirmatively further fair housing.” 42 U.S.C. § 5304(b)(2). HUD’s regulations define the obligation to affirmatively further fair housing as

taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living

patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all of a program participant's activities and programs relating to housing and urban development.

24 C.F.R. § 5.152.

26. In 1995, HUD issued a rule providing additional guidance for grantees required to comply with the obligation to affirmatively further fair housing. 24 C.F.R. § 570.601(a)(2) was amended to state that

the certification that the grantee will affirmatively further fair housing shall specifically require the grantee to assume the responsibility of fair housing planning by conducting an analysis to identify impediments to fair housing choice within its jurisdiction, taking appropriate actions to overcome the effects of any impediments identified through that analysis, and maintaining records reflecting the analysis and actions in this regard.

60 F.R. 1917.

27. In 2015, these regulations were modified by HUD. As modified, 24 C.F.R. § 570.601(a)(2) states

In accordance with the Fair Housing Act, the Secretary requires that grantees administer all programs and activities related to housing and urban development in a manner to affirmatively further the policies of the Fair Housing Act. Furthermore, in accordance with section 104(b)(2) of the Act, for each community receiving a grant under subpart D of this part, the certification that the grantee will affirmatively further fair housing shall specifically require the grantee to take meaningful actions to further the goals identified in the grantee's [Assessment of Fair Housing] conducted in accordance with the requirements of 24 CFR 5.150 through 5.180 and take no action that is materially inconsistent with its obligation to affirmatively further fair housing.

28. The specific obligation to conduct an Assessment of Fair Housing under 24 CFR § 5.150 *et seq.* was scheduled to be phased in over the course of several years, until which time grantees were to continue to analyze impediments to fair housing under the prior rule. 24 CFR § 5.151 & 5.160.

29. On January 5, 2018 HUD issued a notice extending the deadline for grantees to submit Assessments of Fair Housing until 2020. 83 F.R. 683. The notice reaffirmed that grantees “must continue to affirmatively further fair housing as required by the Fair Housing Act.”

*Id.*

*B. Uniform Land Use Review Procedure*

30. Section 197-c of the New York City Charter establishes the City’s Uniform Land Use Review Procedure (ULURP), which governs, *inter alia*, public and private applications for changes in the designation of zoning districts under the zoning resolution. Chapter 2 of Title 62 of the Rules of the City of New York contains specific requirements for compliance with the Charter’s ULURP provisions.
31. All applications for rezonings are initially directed to and reviewed by the New York City Department of City Planning (DCP). DCP is responsible for making an initial determination regarding the completeness of the application under the Rules and, where appropriate, certifying an application as complete. 62 RCNY § 2-02(a). Upon making a certification of completeness, DCP must then refer the application to the affected community board and Borough President, as well as the New York City Council, within nine days. 62 RCNY § 2-02(b).
32. Within sixty days of receipt of a complete application referred by DCP, a community board is responsible for holding a public hearing and submitting to the City Planning Commission (CPC), the Borough President, and the applicant a written recommendation regarding the application. 62 RCNY § 2-03(a)(1). At such a public hearing, “[a]ll persons appearing and wishing to speak shall be given the opportunity to speak.” 62 RCNY § 2-03(d)(2).

33. Within thirty days of receipt of a recommendation from the affected community board, the Borough President of the affected borough may submit to CPC a recommendation regarding an application. 62 RCNY § 2-04.
34. Within sixty days of the expiration of the time allowed for the Borough President to submit a recommendation, the CPC is required to issue a decision with respect to any application, either approving, disapproving, or approving with modifications. 62 RCNY § 2-06(g)(1). The CPC must also hold a public hearing regarding such an application. 62 RCNY § 2-06(b). The CPC's decision is then filed with the affected Borough President and the City Council. 62 RCNY § 2-06(g)(4).
35. CPC's decisions regarding changes in the designation of zoning districts under the zoning resolution are subject to City Council review. N.Y. Charter § 197-d(b)(1). The City Council is required to conduct a public hearing and take a final action with respect to the decision within fifty days, either approving, disapproving, or approving with modifications. N.Y. Charter § 197-d(c). Such decisions are deemed final upon City Council approval unless the Mayor vetoes the same within five days of the expiration of the City Council's time to act. N.Y. Charter § 197-d(e)

*C. State Environmental Quality Review Act and City Environmental Quality Review*

36. The State Environmental Quality Review Act (SEQRA) requires New York governmental agencies and officials to incorporate consideration of environmental, social and economic factors into their decision making. Env'tl. Conserv. Law §§ 8-0101 *et seq.* SEQRA and its implementing regulations authorize local governmental actors to adopt their own rules or procedures for the incorporation of environmental quality review into their programs and activities. 6 NYCRR § 617.3(b)

37. The City has promulgated New York City-specific environmental review rules by Executive Order 91 of 1977, as modified by DCP's rules codified at 62 RCNY § 6-01 *et seq.* The process established by these rules is known as the City Environmental Quality Review (CEQR). With respect to applications regarding changes in the designation of zoning districts under the zoning resolution, CEQR is conducted simultaneously and in parallel with ULURP.
38. Prior to certifying completeness as to any such ULURP application, DCP is required to evaluate whether the proposed action may have a "significant effect on the environment," including by drawing a large number of people to an area, impairing existing community or neighborhood character, or substantially changing the use of land. Where DCP concludes that a significant effect is possible, it requires that the applicant produce an Environmental Impact Statement (EIS). Where an EIS is required, DCP only certifies the completeness of an application after accepting from the applicant a Draft EIS (DEIS). 62 RCNY § 2-02(a)(5)(v). The DEIS is included with the ULURP application provided to the affected community board, Borough President, and City Council.
39. A draft or final EIS must contain, *inter alia*, "a discussion of the social and economic impacts of the proposed action[.]" 62 RCNY § 6-09(d)(4). Beyond DCP's rules, additional guidance has been provided by DCP in the CEQR Technical Manual, which contains a chapter regarding the evaluation of an application's impact upon socioeconomic conditions. The CEQR Technical Manual introduces this chapter as follows:

The socioeconomic character of an area includes its population, housing, and economic activity. Socioeconomic changes may occur when a project directly or indirectly changes any of these elements. Even when socioeconomic changes would not result in impacts under CEQR, they are

disclosed if they would affect land use patterns, low-income populations, the availability of goods and services, or economic investment in a way that changes the socioeconomic character of the area. In some cases, these changes may be substantial but not adverse. In other cases, these changes may be good for some groups but bad for others. The objective of the CEQR analysis is to disclose whether any changes created by the project would have a significant impact compared to what would happen in the future without the project.

CEQR Technical Manual, p. 5-1. The CEQR Technical Manual has not been promulgated as formal regulations under the City Administrative Procedure Act, but nevertheless is relied upon heavily by private applicants and referred to as a source of authority by DCP.

40. After a DEIS is accepted by DCP, a public hearing is conducted. 62 RCNY § 6-10(c)(1). Typically, this hearing is held concurrently with the public hearing before CPC required under ULURP. Within 30 days after this public hearing, a Final EIS (FEIS) is required to be prepared. 62 RCNY § 6-11(a). The FEIS “shall reflect a revision and updating of the matters contained in the [DEIS] in light of further review by the lead agencies, comments received and the record of the public hearing.” 62 RCNY § 6-11(a)(2). The FEIS must be completed before CPC’s final approval of such an application under ULURP. 62 RCNY § 6-12(a).

#### FACTS

##### *A. The Broadway Triangle and Residential Segregation in North Brooklyn*

41. The borough of Brooklyn, and North Brooklyn in particular, have a troubled history of segregation by race, religion and national origin, and even today remain segregated to a striking extent.

42. The Pfizer Sites at the center of this case are located at the intersection of Union Avenue and Flushing Avenue, in the southwest corner of an area commonly known as the Broadway Triangle. The Broadway Triangle sits at the southern edge of Williamsburg (and Community District 1, which includes Williamsburg and Greenpoint), and shares borders with the adjacent neighborhoods of Bedford Stuyvesant and Bushwick. The Pfizer Sites are less than a block away from Bedford Stuyvesant, and only four blocks from Bushwick.
43. The southern side of the Broadway Triangle is marked by Flushing Avenue, an industrial strip which runs from Downtown Brooklyn east-north-east across the borough and into the Ridgewood neighborhood in Queens. Flushing Avenue serves both as the official boundary between CD1 and Community Districts 3 (Bedford Stuyvesant) and 4 (Bushwick), and as an unofficial but visible racial borderline.
44. The White population within CD1 has historically exceeded both the city-wide average and the White populations within CD3 and CD4. According to federal census data<sup>1</sup>, CD1 was approximately 48% White in 2000, relative to 35% city-wide. In the following decade, this disparity grew more stark—the White population, despite falling city-wide, grew by 40% so as to constitute 61% of the population of CD1 in 2014. *During the same period, the area's Latino population fell 21% and its Black population remained roughly steady, such that CD1 was 27% Latino and 5% Black in 2014.*
45. The racial composition of CD1 stands in stark contrast to those of CD3 and CD4. In 2000, CD3 was 4% White, 18% Latino and 75% Black. The White population increased significantly in the following years, but in 2014 remained only 16%; during the same

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<sup>1</sup> Demographic data for relevant census tracts is available at: <http://maps.nyc.gov/census/>. Where census tracts do not align precisely with community district boundaries, the percentages cited are close approximations of the referenced community districts.

period, the Black population fell to 61%, and the Latino population increased to 19%. As for CD4, in 2000 the population was 3% White, 67% Latino and 24% Black. The White population here, too, increased dramatically over the following decade, but the area remains predominately populated by people of color—CD4 was 11% White, 65% Latino and 18% Black by 2014.

46. Interestingly, while historic patterns of segregation have caused the racial compositions of the three community districts to differ dramatically from one another, in the aggregate their population resembles much more closely that of the City at large. In 2014, their aggregate population was 32% White, 34% Latino, and 28% Black, while the population of the City as a whole was 33% White, 29% Latino, and 23% Black.
47. The segregation in Williamsburg-Greenpoint is the result in large part of overtly discriminatory governmental housing policy. Indeed, the history of fair housing litigation surrounding segregated developments in the neighborhood is extensive.
48. In 1976, a coalition of Williamsburg residents brought suit in federal court to end discrimination in the area's public housing, whose apartments were rented according to strict numerical quotas favoring white Hasidic Jewish applicants over applicants of color, despite an eligible borough-wide applicant pool that was and remains over 90% non-white.<sup>2</sup> The resulting consent decree failed to put an end to discrimination in public housing. Repeated and extensive litigation over the following thirty years was required to resolve issues related to the implementation of and compliance with the decree.<sup>3</sup>

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<sup>2</sup> *Williamsburg Fair Housing Committee v. New York City Housing Authority and United Jewish Organizations of Williamsburg, Inc.*, 493 F. Supp. 1225 (S.D.N.Y. 1980).

<sup>3</sup> See *Williamsburg Fair Housing Committee v. The New York City Housing Authority and United Jewish Organizations of Williamsburg, Inc.*, 2007 WL 486610.

49. In 1990, another lawsuit against the New York City Housing Authority, brought in collaboration with the United States Department of Justice, produced a consent decree regarding NYCHA's citywide tenant selection and assignment policies, which had discriminated against Black and Latino residents to produce residency demographics that were disproportionately White, including in Williamsburg's public housing developments.<sup>4</sup> In that suit, members of the Hasidic community opposed the decree insofar as it limited Hasidic families' ability to exercise residential preferences for the same Williamsburg developments that were the subject of the prior consent order. The court rejected these objections, upheld the consent decree, and in the extended litigation that followed strove deliberately to avoid "perpetuat[ing] segregation" in Williamsburg.<sup>5</sup>
50. Most recently—and critically related to the rezoning and development of the Pfizer Sites—in 2009 the Broadway Triangle Community Coalition (BTCC) challenged a city-initiated rezoning of the Broadway Triangle that was condemned by community members as discriminatory and likely to further historical patterns of segregation. In 2011 the court confirmed that the City's plan would likely "not only not foster integration of the neighborhood, but [would] perpetuate segregation in the Broadway Triangle."<sup>6</sup>
51. The segregated housing patterns in CD1 favoring White residents over residents of color have been bolstered by two additional factors: population growth within the Hasidic Jewish community and the creation of new luxury housing units through neighborhood rezonings.
52. Orthodox Jewish adults have an average of 4.1 children per person, markedly higher than other religious groups. The population growth within the Hasidic Jewish community

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<sup>4</sup> *Davis v. New York City Housing Authority*, 1992 WL 420923 (S.D.N.Y. Dec. 30, 1992).

<sup>5</sup> *Id.*

<sup>6</sup> *Broadway Triangle Community Coalition v. Bloomberg*, N.Y.S.2d 831, 839 (Sup. Ct. N.Y. C'ty 2011).

constitutes a substantial portion of the growing White population within CD1 and, increasingly, in CD3 as well.

53. Additionally, since 2005 CD1 has been the object of a number of both public and private rezoning actions which resulted in the creation of hundreds of new unregulated housing units. The most significant of these was the 2005 Greenpoint-Williamsburg Waterfront Rezoning, which “upzoned” or rezoned from manufacturing to residential the majority of CD1’s East River waterfront. By 2016, more than 9,000 new housing units were created in the rezoned area, but the vast majority of these were market-rate apartments or condominiums, which raised rents in the area and which were more accessible to wealthier White people than to lower income people of color.
54. White populations have increased in CD3 and CD4 as well, as a result of the continuing gentrification of North Brooklyn and the geographical expansion of the Hasidic Jewish population. These increasing populations have not integrated the neighborhoods—rather, they have further displaced long-term residents of color, unambiguously increasing segregation in the area as a whole.

*B. The Pfizer Sites, Harrison Realty LLC, and the Initial Rezoning Application*

55. The Pfizer Sites are so-called because their association with the Pfizer company, which operated in the neighborhood for 158 years before closing down operations almost a decade ago. The pharmaceutical plant just across Flushing Avenue from these sites employed 600 people at the time it ceased operations. It has since been renovated and is now home to a large number of commercial and industrial tenants, including startup accelerators, commercial urban farming operations, and rapid prototyping facilities.

56. The sites at issue herein were owned by Pfizer for decades but have been recently underutilized. Undeveloped and in need of brownfields remediation, the sites have sat empty. Recently the sites have apparently been used as a staging site for construction equipment and materials.
57. Since at least 1989, the City has been aware of the potential value of the Pfizer Sites for the construction of residential, commercial or industrial developments, and was interested in acquiring them for a time. However, this acquisition never occurred.
58. In 2012, Pfizer sold the sites to Defendant Harrison Realty for \$12,750,000.
59. Harrison Realty is a “single asset” limited liability corporation created for the purpose of purchasing, holding and developing the Pfizer Sites.
60. Harrison Realty is owned by The Rabsky Group LLC, a real estate development group controlled by Simon Dushinsky and Isaac Rabinowitz. Dushinsky and Rabinowitz are Hasidic Jewish men.
61. The Rabsky Group has developed an immense portfolio of residential properties across Brooklyn and Queens. As a rule, their developments have fallen into two categories: luxury housing in gentrifying areas, and housing designed for and marketed exclusively to Hasidic families. Examples of the former include Halo, LIC at 44-41 Purves St. in Long Island City, The Driggs Williamsburg at 205 North 9<sup>th</sup> Street in Williamsburg, and, also in Williamsburg, Driggs, North at 220 North 10<sup>th</sup> Street. Examples of properties apparently developed exclusively for Hasidic Jewish residents include 68-82 Throop Avenue and 376-398 Wallabout Street.
62. While the Rabsky Group’s luxury properties have been developed in rapidly gentrifying neighborhoods like Long Island City, Williamsburg’s Northside, and Downtown

Brooklyn, its properties for Hasidic families have been located in or around the Broadway Triangle.

63. In February 2015, Harrison Realty initiated the rezoning of the Pfizer Sites by submitting a proposal regarding the sites to DCP. As reflected in the subsequent Environmental Assessment Statement (EAS), Harrison Realty proposed to modify the zoning designation for the sites from M3-1 (heavy manufacturing) to a combination of R7A, R7D, and R8A, with a C2-4 commercial overlay, which would allow for mixed residential and commercial use. The development was planned to create 1,147 new residential dwelling units in the area, along with more than 64,000 sq. ft. of retail space.
64. Harrison Realty's proposal additionally planned that 344 of the residential units would be "low- to moderate-income units." New York City effectuates a substantial amount of its housing and community development policy through public and private rezonings, and much of this is done through the concept of "inclusionary housing" in private developments. Under the Mandatory Inclusionary Housing (MIH) provisions of the New York City Zoning Resolution, Harrison Realty's proposal to create new housing capacity would subject the resulting development to the requirement that 25%-30% of the units created be affordable to low- and moderate-income residents.

*C. The ULURP/CEQR Process*

65. After review of the EAS, DCP announced a public scoping hearing regarding the proposal. After the first hearing was cancelled in response to public demonstrations opposing the rezoning, a rescheduled date was announced for November 21, 2016. At this hearing testimony was offered by New York City Councilmember Antonio Reynoso, raising his concerns that the proposed development would result in the displacement of

- Black and Latino tenants, and that it would exacerbate the existing patterns of segregation in the neighborhood.
66. Following the scoping process, on May 19, 2017, DCP issued a Notice of Completion for a DEIS and certified the completeness of the Pfizer Sites Rezoning proposal, initiating the ULURP process. The DEIS estimated that the development, if approved, would increase the area's population by approximately 4,072 people, representing a 5.4% population increase within the surrounding half-mile.
  67. The DEIS was referred to Community Board 1 and Brooklyn Borough President Eric Adams for review.
  68. On June 6, 2017, Brooklyn Community Board 1, in whose Community District the Pfizer Site is located, held a hearing on the proposed rezoning. At this hearing community members testified in opposition, raising concerns regarding the proposed development's likely exacerbation of existing segregation in the neighborhood. On June 13, 2017, Community Board 1 recommended approval of the proposed rezoning by a vote of twenty-six (26) in favor, fifteen (15) opposed, and one (1) abstention.
  69. Community Board members raised concerns at the meeting, including regarding the breakdown of unit sizes at the development. If the development were to contain a disproportionate number of larger units, this would benefit White Hasidic Jewish families over Black and Latino families, insofar as the former are typically larger and require more bedrooms.
  70. The views of Brooklyn Community Boards 3 and 4 were not formally considered in the City's review of the proposed rezoning, even though Community Districts 3 and 4 are located within just a few blocks of the Pfizer Site.

71. On July 10, 2017, Brooklyn Borough President Eric Adams held a public hearing on the Pfizer Sites Rezoning.
72. The Plaintiffs submitted written testimony to the Borough President raising as concerns that the proposal would promote the displacement of low-income residents of color and would exacerbate existing patterns of segregation in the neighborhood.
73. On July 21, 2017, Brooklyn Borough President Eric Adams issued a conditional unfavorable recommendation regarding the proposed Pfizer Sites Rezoning. The Borough President's opposition to the Pfizer Sites Rezoning was based in part on the insufficient amount of affordable housing, "uncertainty of the bedroom mix (and percentage by unit type) for the affordable housing units, lack of a clear plan for community participation in the allocation of affordable housing units, and a need for improvement in the City's affordable lottery system by "addressing inequity for rent-burdened households" and "better addressing community preference."<sup>7</sup>
74. On July 26, 2017, DCP and the City Planning Commission (CPC) held a combined public hearing on the DEIS and the proposed rezoning at which sixteen (16) speakers testified in favor of the application and seven (7) speakers testified in opposition. After the hearing, CPC accepted written comments on the proposed rezoning.
75. The Plaintiffs submitted written testimony to CPC in opposition to the proposed rezoning and in response to the DEIS. The testimony emphasized that the Pfizer Sites Rezoning would perpetuate racial and religious residential segregation in and around the Broadway Triangle and would harm low-income communities of color, displacing many area

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<sup>7</sup> It is the policy of the City of New York that 50% of the affordable housing units created at a development and distributed through NYC Housing Connect are allocated to residents of the community district in which the development is located. This set-aside for local residents is referred to as the "community preference." *See, e.g., Winfield v. City of New York*, 2017 WL 2880556 (S.D.N.Y. 2017).

residents from their homes by increasing market rents throughout the area. The testimony explicitly pointed out that the City had thus far allowed the Pfizer Sites Rezoning to proceed without analyzing the segregative effects of the proposed rezoning, in violation of the City's duty under the Fair Housing Act to affirmatively further fair housing. Additionally, the Plaintiffs raised a concern regarding Harrison Realty's refusal to disclose its anticipated breakdown of unit sizes at the development.

76. On September 8, 2017, DCP issued a notice of completion regarding the FEIS. In the FEIS, the applicant responded to the Plaintiffs' written testimony regarding the development's impact upon neighborhood segregation as follows:

Comment noted. Assessment of racial/ethnic housing patterns are not within the scope of the CEQR socioeconomic conditions analyses. The rules under which the community preference are [sic] conducted, including whether there is a community preference, is outside the scope of CEQR and are determined by neither the City Planning Commission nor the Applicant.

Final Environmental Impact Statement, p. 24-7.

77. This response is consistent with the City's stated policy of refusing to consider issues of fair housing or segregation in evaluating public and private rezoning proposals under CEQR and ULURP. With respect to the recent public rezoning application for East New York, the City noted in its FEIS:

The City is not required, pursuant to federal, state, or local law or regulation, to include an assessment of the Proposed Actions' compliance with federal fair housing laws and regulations in the EIS. As a recipient of federal housing funds, the City does, and will continue to comply with federal law, rules and regulations to assess the impact of its zoning and land use actions on its obligation to affirmatively further fair housing.

- On information and belief, the City has no alternative mechanism for considering the fair housing or segregation impacts of specific public and private rezoning applications, and thus has a de facto policy of not considering them, in violation of the law.
78. On September 19, 2017, CPC approved the proposed rezoning, finding that it “will have no significant impact on the environment[.]” CPC’s report was filed with the City Council on September 20, 2017.
79. On October 10, 2107, the City Council’s Subcommittee on Zoning & Franchises held a public hearing on the proposed rezoning. Community members testified in opposition, highlighting its likely segregative effects and the negative impacts on low-income communities of color in the area. Rabbi David Niederman, Executive Director and President of the United Jewish Organizations of Williamsburg, testified in support of the proposed rezoning.
80. On October 24, 2017, the City Council’s Land Use Committee held a hearing on the proposed rezoning, in which it was announced that the City had reached an agreement with Harrison Realty, purporting to address the community’s concerns about racial and religious housing discrimination and residential segregation.
81. The agreement provided that a restrictive declaration would be made against the property prescribing a housing mix at the property that includes no less than 30% one-bedroom units, no less than 30% two-bedroom units, no more than 20% three-bedroom units, and no more than 20% four-bedroom units. This agreement sprung from concerns that the developer would create a mix of affordable units that disproportionately contained three bedrooms or more, favoring White Hasidic families at the expense of Black and Latino families who tend, on average, to require fewer bedrooms.

82. In negotiating this agreement, the City demonstrated itself to be aware that the proposed development raised concerns regarding fair housing and disparate racial and religious impacts.
83. However, the agreement and restrictive declaration will not adequately address these concerns: the restrictive declaration will still allow for a disproportionate number of large units which will favor White Hasidic families over the population at large and it lacks a meaningful enforcement mechanism. Furthermore, it fails to address at all the segregative and racially disparate impacts which will result from the massive influx of luxury housing and the accompanying rise in market rents throughout the neighborhood. Indeed, insofar as no analysis of the development's impacts on segregation was ever conducted as required by federal law, there can be no reasonable claim that the impacts have been addressed.
84. The Plaintiffs submitted a letter to the City Council about the inadequacies of the restrictive declaration, calling on the City Council to reject the proposed rezoning due to its negative impact on low-income communities of color and its segregative effects.
85. On October 26, 2017, the City Council's Land Use Committee voted to recommend that the application be approved.
86. On October 31, 2017, the City Council voted to adopt the Pfizer Sites Rezoning, with six (6) members of the City Council voting against it and two abstentions. Several of the Councilmembers voting in opposition raised concerns about the displacement and segregation effects of the proposed rezoning. Even some of those who voted in favor expressed fears about the proposed rezoning's negative impact on low-income communities of color, but felt obligated to approve the rezoning out of deference to the

local Councilmember. The City Council's resolution noted that contrary to the initial estimate, only 287 of the residential units would be affordable, due to Harrison Realty's election of MIH's Option 1.

87. The Pfizer Sites Rezoning became final on November 6, 2017, after Mayor Bill de Blasio declined to veto the City Council's approval.

*D. Anticipated Consequences of the Pfizer Sites Rezoning*

88. If allowed to go forward, the Pfizer Sites Rezoning will further segregate the Broadway Triangle and the surrounding area, and will have a disparate negative impact upon Black and Latino families' ability to remain in or move into the neighborhoods of Williamsburg-Greenpoint, Bedford Stuyvesant, and Bushwick.
89. Several features of the Pfizer Sites Rezoning act to perpetuate and exacerbate existing patterns of segregation in North Brooklyn.
90. With its predominately market-rate housing, the Pfizer Sites Rezoning will bring an influx of approximately 4,072 residents into the community, most of whom will be wealthy and predominately White.<sup>8</sup> The already-high White population in CD1 will further increase, in stark contrast to the predominately minority populations of neighboring CD3 and CD4.
91. Additionally, the gentrification caused by the Pfizer Sites Rezoning will raise rents and displace low-income people of color from the area surrounding the Pfizer Site. The EIS for the Pfizer Sites Rezoning notes that the 2005 Greenpoint-Williamsburg rezoning

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<sup>8</sup> In New York City, 22.7% of the Black population and 28.4% of the Hispanic population live in poverty, in contrast with only 12.0% of the White population. NYU Furman Center for Real Estate and Urban Policy, State of New York City's Housing and Neighborhoods in 2016 at 37, available at [http://furmancenter.org/files/sotc/SOC\\_2016\\_Full.pdf](http://furmancenter.org/files/sotc/SOC_2016_Full.pdf).

considerably increased residential rental rates, leading to “spillover demand” in adjacent neighborhoods like Bedford-Stuyvesant.

92. Indeed, the principle of indirect displacement is specifically acknowledged by the City in its CEQR Technical Manual, though the precise formula therein systemically undercounts those displaced from rent regulated and subsidized apartments. Pursuant to the Technical Manual, the EIS solely considered displacement effects on market-rate renters. However, rent-regulated tenants and tenants in publicly assisted housing are far from immune to secondary displacement effects.<sup>9</sup> As a result of the Pfizer Sites Rezoning, rent-stabilized tenants in and near the Broadway Triangle will suffer increased harassment from their landlords, designed to force them from their homes, and the City will be under increased pressure to privatize or sell off the area’s public housing developments. Once these units become vacant or privatized, their rents will increase dramatically and change the socioeconomic landscape accordingly. Those displaced will be disproportionately Black and Latino, insofar as their household incomes are on average lower.
93. The 287 affordable units contained in this development, which represent the bare minimum number of units permitted under MIH, are woefully inadequate to counteract these displacement effects. Moreover, several features of the affordable units work to further exacerbate the segregative effects of the Pfizer Sites Rezoning.

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<sup>9</sup> See, e.g., Rebecca Baird-Remba, *Slate Files Plans For 117-unit at 198 Johnson Avenue*, March 10, 2016, available at <http://newyorkyimby.com/2016/03/slate-files-plans-for-117-unit-building-at-198-johnson-avenue-east-williamsburg.html> (describing impact of luxury housing on Section 8 tenants); Association for Neighborhood & Housing Development, Inc., *Predatory Equity: Evolution of a Crisis* (November 2009), available at [http://www.anhd.org/resources/Predatory\\_Equity-Evolution\\_of\\_a\\_Crisis\\_Report.pdf](http://www.anhd.org/resources/Predatory_Equity-Evolution_of_a_Crisis_Report.pdf) (describing “business model” of tenant harassment used to drive rent-stabilized tenants out of their homes).

94. First, under MIH and the City's community preference policy, residents of CD1 will be given a preference in tenant selection for the affordable units, even though neighboring CD3 and CD4 will be just as heavily (if not more heavily) impacted by the displacement resulting from the new development. Because CD1 has a far greater proportion of White residents than CD3 and CD4, the CD1 preference will act to benefit White residents at the expense of Black and Latino families.
95. Second, the so-called "affordable" units will still be out of reach for many of the community's low-income, minority residents. The Pfizer Site will be developed using MIH Option 1, which requires that 25% of residential floor area be for income limited households averaging 60% of AMI (\$48,924 for a family of 3). Meanwhile, over one-third of households in Williamsburg and Bushwick and over half of households in Bedford-Stuyvesant earn less than \$40,000 per year.<sup>10</sup> Because the region's Black and Latino populations tend to have lower incomes, disproportionately fewer of them will be eligible for these so-called affordable units.
96. Third, the affordable units are likely to have a unit-size breakdown that disproportionately favors White, Hasidic Jewish tenants at the expense of Black and Latino tenants. Pursuant to the restrictive declaration that the City put forth with the developer, as many as 40% of the affordable units will have three or more bedrooms, even though area demand for three-or-more-bedroom units is just 20%.<sup>11</sup> Large unit sizes disproportionately favor White, Hasidic families who tend to have significantly larger households, at the expense of Black and Latino families with smaller household sizes.

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<sup>10</sup> *Id.* In Williamsburg, 21.3% of households earn less than \$20,000 a year and 38.2% less than \$40,000 a year. In Bedford Stuyvesant, 29.1% of households earn less than \$20,000 a year and 52.8% earn less than \$40,000 a year. In Bushwick, 26% earn less \$20,000 and 48.3% earn less than \$40,000 a year.

<sup>11</sup> HUD Office of Policy Development and Research, *Comprehensive Housing Market Analysis: New York City, New York* (July 1, 2015) at 21, available at <https://www.huduser.gov/portal/publications/pdf/NYC-comp-16.pdf>.

97. Affected community members have repeatedly cautioned the City about the anticipated effects described above and have demanded that the City examine the segregative impact of the Pfizer Sites Rezoning before enacting it. Ignoring these well-founded warnings, and in violation of the Fair Housing Act's mandate to affirmatively further fair housing, the City refused to investigate whether and how the Pfizer Sites Rezoning would affect the neighborhood's segregation.
98. The City's failure to study the segregative effects of the Pfizer Sites Rezoning are particularly concerning in light of the fact that rezoning decisions comprise such a large part of New York City's city planning system. New York City is the only major city in the United States that has never approved a comprehensive master plan. Instead, individual rezoning actions, many of which are initiated by private actors, shape the City's housing landscape.<sup>12</sup>
99. By approving the Pfizer Sites Rezoning without even considering the impact it would have upon the segregation in North Brooklyn, the City has acted in violation of its state and federal obligations and has given governmental approval to a proposal which will impose disparate negative impacts upon Black and Latino families seeking to live in North Brooklyn.

FIRST CAUSE OF ACTION  
(Relief Under CPLR § 7803)

100. Plaintiffs repeat and reallege the foregoing allegations as if each were fully set forth herein.

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<sup>12</sup> Tom Angotti & Sylvia Morse, *Zoned Out! Race, Displacement, and City Planning in New York City*, 2016.

101. The City of New York approved the Pfizer Sites Rezoning without evaluating whether it would perpetuate or exacerbate segregation in CD1 and throughout the surrounding area, in violation of the Fair Housing Act's requirement to affirmatively further fair housing.
102. Additionally, the City of New York approved the Pfizer Sites Rezoning without properly evaluating the secondary displacement which would result in the surrounding community, or whether such displacement would cause disparate impacts on the basis of race, color, national origin or religion.
103. For these reasons and others, the City of New York's approval of the Pfizer Sites Rezoning was arbitrary, capricious, contrary to law and in violation of lawful procedure under CPLR § 7803.
104. As such, the Court should declare the rezoning null and void and enjoin the Defendants from taking any further acts predicated thereupon.

SECOND CAUSE OF ACTION

(Violation of the Fair Housing Act, 42 U.S.C. § 3601 *et seq.*)

105. Plaintiffs repeat and reallege the foregoing allegations as if each were fully set forth herein.
106. Defendants' discriminatory customs, practices and actions deprive the Individual Plaintiffs of their right of equal access to housing and/or otherwise make housing unavailable to Plaintiffs, both by intent and impact, in violation of the Fair Housing Act, 42 U.S.C. §§3604(a).
107. Defendants' discriminatory customs, practices and actions deprive the Organizational Plaintiffs of their ability to make housing available to their clients and members, and to otherwise carry out their missions within the community, both by intent and impact, in violation of the Fair Housing Act, 42 U.S.C. §§3604(a).

108. Defendants' discriminatory customs, practices and actions perpetuate segregation on the basis of race, color, religion and national origin, in violation of the Fair Housing Act, 42 U.S.C. §§3604(a).

THIRD CAUSE OF ACTION

(Violation of the Federal Civil Rights Act of 1871 and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution)

109. Plaintiffs repeat and reallege the foregoing allegations as if each were fully set forth herein.

110. Defendant City of New York's discriminatory customs, patterns and actions deprive the Individual Plaintiffs of their right of equal access to housing and deprive the Organizational Plaintiffs of their right to make housing available to their clients and members, and to otherwise carry out their missions within the community, under color of law, in violation of the Federal Civil Rights Act of 1871 and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

FOURTH CAUSE OF ACTION

(Violation of the Equal Protection Clause of Article I of the New York State Constitution)

111. Plaintiffs repeat and reallege the foregoing allegations as if each were fully set forth herein.

112. Defendant City of New York's discriminatory customs, patterns and actions have denied Plaintiffs the equal protection of the laws of this state, the City of New York, and subdivisions thereof, based on race, color, creed, and/or religion, in violation of the Equal Protection Clause of Article I of the New York State Constitution.

FIFTH CAUSE OF ACTION  
(Violation of the New York State Human Rights Law)

113. Plaintiffs repeat and reallege the foregoing allegations as if each were fully set forth herein.

114. Defendants have engaged in discrimination against potential tenants and/or purchasers of housing accommodations on the basis of race, creed, color, and/or national origin, both by intent and impact, in violation of the New York State Human Rights Law.

RELIEF REQUESTED

WHEREFORE, Plaintiffs request that this Court issue an order:

- (a) Declaring the zoning changes made pursuant to the Pfizer Sites Rezoning, approved by the City Council on October 31, 2017, to be null and void, pursuant to CPLR § 7801 *et seq.*; and
- (b) Declaring the City of New York's policy of failing to consider the effects of public and private rezonings upon residential segregation to be a violation of the Fair Housing Act's requirement to affirmatively further fair housing per 42 U.S.C. § 3608(e)(5); and
- (c) Declaring the Pfizer Sites Rezoning and the planned subsequent development by Harrison Realty LLC and the City of New York to be discriminatory under the federal Fair Housing Act, the Equal Protection Clause of Fourteenth Amendment to the United States Constitution, the Equal Protection Clause of Article I of the New York State Constitution, and/or the New York State Human Rights Law; and
- (d) Enjoining the Defendants from taking any further actions pursuant to or in furtherance of the Pfizer Sites Rezoning; and

- (e) Granting the Plaintiffs an award of the costs and fees associated with the commencement and litigation of this action; and
- (f) Granting such other and further relief as the Court deems just and proper.

Dated: Brooklyn, New York  
February 27, 2018



BROOKLYN LEGAL SERVICES CORPORATION A  
MARTIN S. NEEDELMAN, ESQ.

By: Adam Meyers, Esq., of Counsel  
Joanna Laine, Esq., of Counsel

260 Broadway, 2<sup>nd</sup> Floor  
Brooklyn, New York 11211  
Tel.: (718) 487-2338  
Email: ameyers@bka.org

VERIFICATION

STATE OF NEW YORK     }  
  } ss:  
COUNTY OF KINGS     }

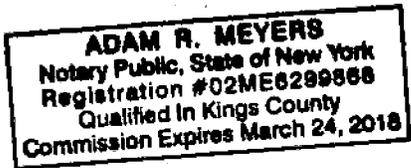
LUZ ROSERO, being duly sworn, deposes and says:

1. I am President of the United Neighbors Organization, a Petitioner-Plaintiff in this proceeding.
2. I am authorized to verify the Petition-Complaint herein on behalf of the United Neighbors Organization.
3. I have reviewed the Petition-Complaint.
4. The facts asserted therein are true to my own knowledge except as to matters stated to be upon information and belief, and as to those matters I believe them to be true.

Luz S Rosero  
Luz Rosero

Sworn to before me this 27<sup>th</sup> day of February, 2018.

[Signature]  
Notary Public – State of New York

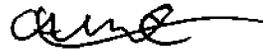


VERIFICATION

STATE OF NEW YORK    }  
                                  } ss:  
COUNTY OF KINGS    }

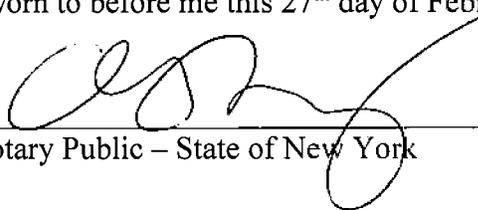
ANGEL TEJADA, being duly sworn, deposes and says:

1. I am a Petitioner-Plaintiff in this proceeding.
2. I have reviewed the Petition-Complaint.
3. The facts asserted therein are true to my own knowledge except as to matters stated to be upon information and belief, and as to those matters I believe them to be true.



\_\_\_\_\_  
Angel Tejada

Sworn to before me this 27<sup>th</sup> day of February, 2018.

  
\_\_\_\_\_  
Notary Public – State of New York

**ADAM R. MEYERS**  
Notary Public, State of New York  
Registration #02ME0299000  
Qualified in Kings County  
Commission Expires March 24, 2018

VERIFICATION

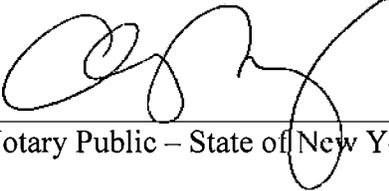
STATE OF NEW YORK     }  
  } ss:  
COUNTY OF KINGS     }

PATRASIA DUNCAN, being duly sworn, deposes and says:

1. I am a member of the 301 Hooper Street Tenant Association, a Petitioner-Plaintiff in this proceeding.
2. I am authorized to verify the Petition-Complaint herein on behalf of the 301 Hooper Street Tenant Association.
3. I have reviewed the Petition-Complaint.
4. The facts asserted therein are true to my on knowledge except as to matters stated to be upon information and belief, and as to those matters, I believe them to be true.

  
 \_\_\_\_\_  
 Patrasia Duncan

Sworn to before me this 27<sup>th</sup> day of February, 2018.

  
 \_\_\_\_\_  
 Notary Public – State of New York

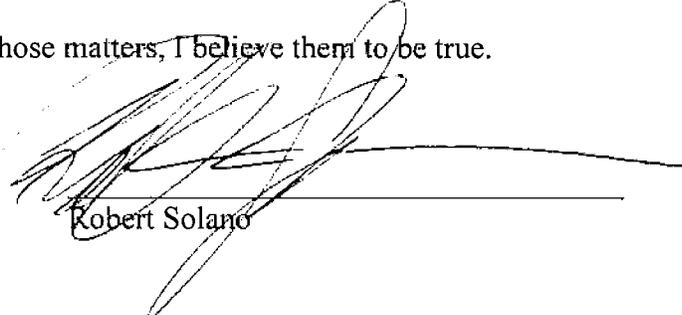
**ADAM R. MEYERS**  
 Notary Public, State of New York  
 Registration #02ME629868  
 Qualified in Kings County  
 Commission Expires March 24, 2018

VERIFICATION

STATE OF NEW YORK     }  
  } ss:  
COUNTY OF KINGS     }

ROBERT SOLANO, being duly sworn, deposes and says:

1. I am the Executive Director at Churches United for Fair Housing, Inc., a Petitioner-Plaintiff in this proceeding.
2. I am authorized to verify the Petition-Complaint herein on behalf of Churches United for Fair Housing.
3. I have reviewed the Petition-Complaint.
4. The facts asserted therein are true to my on knowledge except as to matters stated to be upon information and belief, and as to those matters, I believe them to be true.



Robert Solano

Sworn to before me this 26<sup>th</sup> day of February, 2018.



Notary Public – State of New York

**ADAM R. MEYERS**  
 Notary Public, State of New York  
 Registration #02ME6290668  
 Qualified in Kings County  
 Commission Expires March 24, 2018



VERIFICATION

STATE OF NEW YORK     }  
  } ss:  
COUNTY OF KINGS     }

ISABEL LOPEZ, being duly sworn, deposes and says:

1. I am a Petitioner-Plaintiff in this proceeding.
2. I have reviewed the Petition-Complaint
3. The facts asserted in the Petition-Complaint are true to my own knowledge except as to matters stated to be upon information and belief, and as to those matters, I believe them to be true.

*Isabel Lopez*  
\_\_\_\_\_  
By: ISABEL LÓPEZ

Sworn to before me this 21 day of February, 2018.

*Adam R. Meyers*  
\_\_\_\_\_  
Notary Public – State of New York

**ADAM R. MEYERS**  
Notary Public, State of New York  
Registration #02ME629868  
Qualified in Kings County  
Commission Expires March 24, 2018

VERIFICATION

STATE OF NEW YORK }
} ss:
COUNTY OF KINGS }

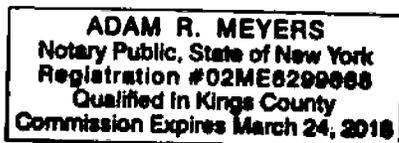
DAVID DUBOSZ, being duly sworn, deposes and says:

- 1. I am a member of the St. John's Lutheran Church Social Action Committee, a Petitioner-Plaintiff in this proceeding.
2. I am authorized to sign this verification on behalf of St. John's Lutheran Church Social Action Committee.
3. I have reviewed the Petition-Complaint.
4. The facts asserted in the Petition-Complaint are true to my own knowledge except as to matters stated to be upon information and belief, and as to those matters, I believe them to be true.

Handwritten signature of David Dobosz
By: David Dobosz

Sworn to before me this 21 day of February, 2018.

Handwritten signature of Notary Public
Notary Public - State of New York



VERIFICATION

STATE OF NEW YORK     }  
  } ss:  
COUNTY OF KINGS     }

PILAR CABA, being duly sworn, deposes and says:

1. I am a member of Los Sures Lucha, a Petitioner-Plaintiff in this proceeding.
2. I am authorized to sign this Petition-Complaint on behalf of Los Sures Lucha.
3. I have reviewed the Petition-Complaint
4. The facts asserted in the Petition-Complaint are true to my own knowledge except as to matters stated to be upon information and belief, and as to those matters, I believe them to be true.

  
\_\_\_\_\_  
PILAR CABA

Sworn to before me this 21<sup>st</sup> day of February, 2018.

  
\_\_\_\_\_  
Notary Public – State of New York

**BARBARA L. SCHLIFF**  
**NOTARY PUBLIC-STATE OF NEW YORK**  
No. 01SC4905718  
Qualified in Kings County  
My Commission Expires 9/17/2021

VERIFICATION

STATE OF NEW YORK     }  
  } ss:  
COUNTY OF KINGS     }

FRANCISCA SERRANO, being duly sworn, deposes and says:

1. I am a member of the 293 Hooper Street Tenant Association, a Petitioner-Plaintiff in this proceeding.
2. I am authorized to sign this Petition-Complaint on behalf of the 293 Hooper Street Tenant Association.
3. I have reviewed the Petition-Complaint
4. The facts asserted in the Petition-Complaint are true to my own knowledge except as to matters stated to be upon information and belief, and as to those matters, I believe them to be true.

  
 FRANCISCA SERRANO

Sworn to before me this 21<sup>st</sup> day of February, 2018.

  
 Notary Public – State of New York

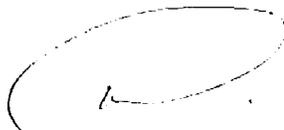
**BARBARA L. SCHLIFF**  
**NOTARY PUBLIC-STATE OF NEW YORK**  
 No. 01SC4905718  
 Qualified in Kings County  
 My Commission Expires 9/17/2021

VERIFICATION

STATE OF NEW YORK     }  
  } ss:  
COUNTY OF KINGS     }

ROBERT CAMACHO, being duly sworn, deposes and says:

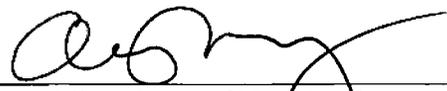
1. I am a Petitioner-Plaintiff in this proceeding.
2. I have reviewed the Petition-Complaint
3. The facts asserted in the Petition-Complaint are true to my own knowledge except as to matters stated to be upon information and belief, and as to those matters, I believe them to be true.



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By: *Robert Camacho*

Sworn to before me this 21 day of February, 2018.



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Notary Public – State of New York

<b>ADAM R. MEYERS</b> Notary Public, State of New York Registration #02ME829066 Qualified in Kings County Commission Expires March 24, 2018
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VERIFICATION

STATE OF NEW YORK     }  
  } ss:  
COUNTY OF KINGS     }

MARIBEL LOPEZ, being duly sworn, deposes and says:

1. I am a Petitioner-Plaintiff in this proceeding.
2. I have reviewed the Petition-Complaint
3. The facts asserted in the Petition-Complaint are true to my own knowledge except as to matters stated to be upon information and belief, and as to those matters, I believe them to be true.

  
By: Maribel Lopez

Sworn to before me this 26<sup>th</sup> day of February, 2018.

  
Notary Public – State of New York

**BARBARA L. SCHLIFF**  
**NOTARY PUBLIC-STATE OF NEW YORK**  
**No. 015C4905718**  
**Qualified in Kings County**  
**My Commission Expires 9/14/2021**

