SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

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In the Matter of the Application of
ALICIA BOYD, AND LASHAUN ELLIS
Petitioners,

Index#

-Against-

PETITION

ANTONIO REYNOSO, in his official capacity as
Brooklyn Borough President,
DANTE ARWINE, in his official capacity as
District Manager of Brooklyn's Community Board 9,
FRED BAPTISTE in his official capacity as
Chairman of Brooklyn Community Board 9 and
BROOKLYN COMMUNITY BOARD 9

Respondents,
for a Judgment Pursuant to Article 78
of the Civil Practice Law and Rules.

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Petitioners herein ALICIA BOYD and LASHAUN ELLIS, acting as Pro se, as and for their Article 78 and Preliminary Injunction, states as follows:

THE PARTIES

1. Petitioner ALICIA BOYD is a resident of Kings County and resides within the boundaries of Brooklyn Community Board 9.
2. Petitioner LASHAUN ELLIS is a resident of Kings County and resides within the boundaries of Brooklyn Community Board 9.
3. Respondent Antonio Reynoso is the Brooklyn Borough President and performs his duties in Kings County.
4. Respondent DANTE ARWINE is the District Manager of Brooklyn Community Board 9 and performs his duties in Kings County.
5. Respondent FRED BAPTISTE is the chair of Brooklyn Community Board 9 and performs

his duties in Kings County.

6. Respondent BROOKLYN COMMUNITY BOARD 9 is a governmental entity operating in Kings County.

JURISDICTION AND VENUE

7. Venue is proper based on Petitioners' residence and Respondents doing business in Kings County.
8. This Court has jurisdiction under Section 7801 of the Civil Practice Law and Rules to review Respondents' response to FOIL requests.
9. First Cause of Action – Violation of Freedom of Information Law "FOIL" by the Brooklyn Borough President Antonio Reynoso.
10. Second Cause of Action – Violation of Freedom of Information Law "FOIL" by Chairman of Brooklyn Community Board 9, Fred Baptiste, and its District Manager, Dante Arwine.
11. WHEREFORE, Petitioners demand judgment be entered pursuant to Article 78 of the Civil Practice Law and Rules on the First through Second Causes of Action; directing respondents to comply fully with the FOIL Requests; issuance of a Preliminary Injunction requiring Respondents Borough President Reynoso and Brooklyn Community Board 9 to comply with all Freedom of Information Law requests; awarding Petitioners legal fees and expenses; together with such other and further relief as may be just and proper.
12. Third Cause of Action – Article 78 request seeking Respondents to fully comply with the FOIL requests of Petitioners.
13. Fourth Cause of Action -Seeking a Preliminary Injunction against Respondents Reynoso and CB9, to fully comply with all Freedom of Information Laws and the granting of Attorney and

Legal Fees.

STANDING

14. Petitioner Alicia Boyd has standing because (1) she is a member of the community served and is the head of a local community group who are served by Respondent "CB9"; (2) because Respondents' actions impact Petitioner and the group that she represents; (4) because Petitioner Boyd and her members have attended all pertinent meetings of respondents; (5) Petitioner Boyd submitted the FOILs to Respondents Reynoso and CB9; and (6) she has been denied the right to know about the official representatives of CB9.
15. Petitioner Lashaun Ellis has standing because; (1) she is a member of the community served and is the head of a local community group who are served by respondent "CB9"; (2) Respondents' actions impact Petitioner and the group that she represents; ; (3) Petitioner Ellis and her members have attended all pertinent meetings of respondents; and (4) she has been denied the right to know about the official representatives of CB9.

HISTORY

16. It is widely understood that New York City Community Boards have very little, if any, power over a district-wide or even special district design or implementation of a rezoning plan. Once a simple request for such an undertaking passes from the Community Board to the Department of City Planning, the Community can no longer object to, modify or terminate what the Community Board has started.

17. This reality has resulted in a number of rezoning struggles across the city, especially under the DeBlasio Administration when the Mayor attempted to rezone 15 communities, but was

successful in only 7 out of 15.

18. In each of the areas that were rezoned, it was the Community Boards that initiated the process leading up to the rejection of the final product. DCP failed repeatedly to consider the Community Boards' specific positions, regardless of how detailed the request was that was submitted to them. In some cases, years passed and in others, just a few months, but the one constant was that the final outcome was driven by the real estate developers' requests to build as tall as they wanted to, and not allow the wishes of community residents. There was no consideration of the real harm that has been been demonstrated, which time and again characterized by displacement, gentrification, sewage damage, the exodus of long-term businesses, and a lack of infrastructure support for an increase population.

19. One of the most recent rezonings is Gowanus, an area that now boasts at least 15 tall towers being built on an outdated sewage system, in a highly polluted former industrial area, where residents can experience raw sewage in the streets up to their knees when there is a downpour.

20. In other rezonings such as North Crown Heights, a significant portion of the Black population has been displaced as tall luxury towers are built. Over 20,000 residents have effectively been removed as the so-called "affordable" rents for the new units start at $3,100 for a studio.

21. DeBlasio's term was widely considered a failure, allowing the real estate industry to do a

massive amount of development in those 15 targeted areas. Thus, the real estate industry looked for another leader to push their agenda. They did this by circumventing opposition from Community Boards that refused to engage in district-wide rezonings. These machinations have transpired over the past three years, largely under the direction of Mayor Eric Adams, who is the first elected mayor in the history of New York City to be indicted on federal corruption charges. While New York City is widely characterized as the Worst City in America, there has a been a systematic effort to stack Community Boards with members of special interest groups (i.e. Open New York) with the assistance of Borough Presidents, all of whom control the makeup of Boards,.

22. Respondent Borough President Reynoso, hereinafter Reynoso, during his testimony on October 21, 2024 in front of the City Council hearings on the very controversial "City of Yes", hereinafter COY, Housing Text Amendments, stated his intention to ignore his 18 Community Boards' positions on Mayor Adams' COY. (See link https://citymeetings.nyc/city-council/2024-10-22-0930-am-subcommittee-on-zoning-and-franchises/chapter/testimony-by-antonio-reynoso-borough-president-of-brooklyn-on-city-of-yes-for-housing-opportunity?utm_source=citymeetingsnyc&utm_medium=email&utm_campaign=citymeetingsnyc-17)

23. Respondent Reynoso claimed that the majority of the people on the boards (whom he has personally appointed), are actually private homeowners and long-term tenants who are rent secure and thus not able to understand or advocate for rent-burden residents in the community. As a result, he stated that he has been appointing members of special interest

groups, (who support his vision), specifically those advocating for the wholesale deregulation of the zoning laws with the goal of building more housing in communities, but for whom?

24. At the same time, while Respondent Reynoso has been appointing these members onto the boards, he has been refusing to disclose; (1) who these new members are; (2) what groups these appointees affiliated with; (3) what employment they currently have; (4) in what areas of the community they reside; and (4) their relevant personal interests. He has refused to provide a copy of these appointed official representatives applications for Board membership, (minus routinely redacted information, such as emails and phone numbers) to the public and to Petitioner Alicia Boyd, hereinafter Petitioner Boyd.

25. This pattern of secrecy and failure to disclose who are the representatives on the board and their afflictions has also extended to Respondent Brooklyn Community Board 9, a heavily sought after, predominately low to moderate income black community by the real estate industry, due to its location next to the Brooklyn Botanic Garden and Prospect Park.

Creation of Special District for Massive Development

26. For the past decade, developers in Brooklyn Community Board 9 have been wanting to develop high rise towers along the Brooklyn Botanic Gardens, Flatbush Ave (Prospect Park). and Empire Blvd. Respondent Community Board 9, hereinafter CB9, has been in the local papers both in the past and now recently as developers have sought to break the zoning regulations along the Brooklyn Botanic Garden, as well as on Empire Blvd in particular.

27. Respondent Reynoso has made clear his intention to take the area that borders the Brooklyn Botanic Garden and Prospect Park and allow it to transformed into a wall of towers in the name of "affordable" housing. These plans have faced strong opposition from the community, especially the residents who boarder Empire Blvd, as it doubtless would cause a wave another wave of displacement from one of the last predominately affordable Black communities in central Brooklyn, Crown Heights. This is the densest populated community in Brooklyn, on top of the fact that the community has already produced over 4,000 new units of residential housing via private rezonings and the existing zoning, which affords an opportunity for development to be kept within the context of the community.

28. In June of 2024, Respondent Reynoso stated in his vote against a development project that would break the height limits along the Brooklyn Botanic Garden in order to create studio apartments that start at $3,100 in a low to moderate community of color whose current market rate studios go from $1,700 to $2,200 a month. Respondent Reyonoso stated he would compensate the real estate industry for not approving this application by delivering to them Empire Blvd via a "Special District."

29. This Special District would focus on increasing heights within the densest and most affordable community in Brooklyn. This plan was never discussed in any community meeting, nor did the Community Board or its residents approve such a plan. This is simply a plan devised by Respondent Reynoso to placate the real estate industry without the consent of the affected community.

30. The Special District poses a serious threat to the existing low-moderate income residents whose chance of obtaining new housing at the existing rents they have would be almost impossible. According to the statical data, they would have a 6% chance of finding such housing in NYC. This means once they are displaced from Crown Heights, they will face imminent homelessness indefinitely.

31. According to HPD" data, there a vacancy rate of .39% of housing that targets low to moderate income residents, ($20,000 to $50,000), but the COY Housing Text Amendments fall short of addressing this population at all, including the "voluntary option" to provide housing for households of $60,000. (See https://www.nyc.gov/assets/hpd/downloads/pdfs/about/2023-nychvs-selected-initial-findings.pdf)

32. Despite this glaring and probably intentional oversight, Respondent Reynoso has stated he does not want the COY Text Amendments to actually target the aforementioned population, stating he fears that developers will not create any "affordable" housing, if they are required to create housing for the most neediest in our community.

Racial Inequality On CB9's Land Use Committee

33. To further Respondent Reynoso's plan, in September of 2024, Respondent Fred Baptiste placed a predominately all white male Land Use Committee to make decisions for a predominately Black community. There have been protests staged at Respondent Community Board 9's, hereinafter CB9, office and one meeting of the Land Use committee

was shut down by residents in the community who were outraged by the obvious racial inequality regarding its membership.

34. Respondent Fred Baptiste, placed five new all white people onto Respondent CB9's Land Use Committee, four of whom are new board members, adding to the already pro-development members who were currently on the committee. This brought the majority of the Land Use Committee to a total of eleven members with eight white members, (7 who are pro-real estate) two Black members (one of whom works for the Mayor and is pro-development), one Hispanic and one Asian (who is also pro-development and is the chair of the Land Use Committee).

35. It was also notable that only half of the land in Respondent CB9's district was being represented by Respondent CB9's Land Use Committee, specifically portions of the community that now have protections against increased heights and over-development, via low density zoning, landmarking designations, and/or deed restrictions. Whereas, the other half of the land in the community are areas that have no height limits, no landmarking status, and/or no low zoning designations that are not represented *at all* by any board member, despite the Respondent CB9's boasting a full board membership of 50 people. Notably, now there are zero Black female board members on this Land Use Committee, nor are East Flatbush and South Crown Heights represented by anyone.

36. As a result, Petitioners have been attempting to learn facts about these new board members, pertinent information such as where they officially reside, what their affiliations are, and their

employment status. Do they have any conflicts of interests? Do they work for any government agencies? Has Borough President Reynoso followed the law by ensuing equal representation of all parts of the community?

NEW YORK CITY CHARTER MANDATES

37. The New York City Charter empowers the Borough Presidents to appoint all of the members of a Community Board, based upon some requirements which include equal representation of all areas within the community, thereby ensuring that every part of the community is represented, and that there is not a preponderance of city employees appointed. It is impossible for the residents, the broader community, and public to determine if the laws have been adhered to if the Borough President and the Community Board fail to disclose this information to the public. As public officials, Community Board members do not enjoy the same rights to privacy as those who are part of the general public. These domains include place of residence, employment history and personal affiliations.

38. The New York City Charter Chapter 68 - §2800 (a) 2

> "***No person shall be appointed to or remain as a member of the board who does not have a residence, business, professional or other significant interest in the district***. The borough president shall assure ***adequate representation from the different geographic sections and neighborhoods*** within the community district. In making such appointments, the borough president shall consider whether the ***aggregate of appointments fairly represents all segments of the community.*** Community boards, civic groups and other community groups and neighborhood associations may submit nominations to the borough president and to council members." (Emphasis Added)

FOIL LAW

§84. Legislative Declaration.
The legislature hereby finds that a free society is maintained when government is

responsive and responsible to the public, and when the public is aware of governmental actions. The more open a government is with its citizenry, the greater the understanding and participation of the public in government.
As state and local government services increase and public problems become more sophisticated and complex and therefore harder to solve, and with the resultant increase in revenues and expenditures, it is incumbent upon the state and its localities to extend public accountability wherever and whenever feasible.
The people's right to know the process of governmental decision-making and to review the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy or confidentiality. The legislature therefore declares that government is the public's business and that the public, individually and collectively and represented by a free press, should have access to the records of government in accordance with the provisions of this article.

1. FOIL is one of the primary ways by which the community is empowered to review and determine whether the laws governing Community Boards are being followed and providing the means of overseeing the operations and decisions of these entities. The City Charter Article 107.1 has only established one ruling body to oversee Community Boards, specifically the Borough Presidents. The Borough Presidents are the sole people who are allowed to choose and place members of the public onto Community Boards within certain constraints.

2. The courts must address the violation of FOIL via an Article 78, "Any aggrieved person shall have standing to enforce the provisions of this article against the public body by the commencement of a proceeding pursuant to article seventy-eight of the civil practice law and rules, and/or an action for declaratory judgment and injunctive relief."

3. This leads the community to the obligation and responsibility of policing itself until intervention by the courts can be made. However, such litigation needs to done formally with evidence and procedure. Thus, having access to information is critical to a community's ability to make assessments of the lawfulness of Community Boards' behavior and to determining and assess whether legal intervention is needed.

4. Because Community Boards have been empowered, by the City Charter Article 70 (d) to make recommendations concerning "land use", "public services", "capital projects", "development and plans for growth" and to seek assistance from governmental agencies in delivering services and support for requests made by community boards, it is imperative that the community be kept involved and receives prompt responses to FOIL requests, so that they may see all the relevant information leading to the Board's actions and decisions.

5. FOIL Article 87.3 (a) specifies the requirements for response to a FOIL request, including time frames, condition for lawful denials, and response times. Petitioners allege that Respondent Reynoso's excuse that he doesn't have the personnel to respond to Petitioners' FOIL is being used as an excuse to ignore the FOIL request, a clear and intentional violation as well as an act of bad faith.

6. FOIL Article 89 (3.a) states:

> An agency **shall not deny a request** on the basis that the request is voluminous or that locating or reviewing the requested records or providing the requested copies is burdensome **because the agency lacks sufficient staffing.** (Emphasis added)

7. FOIL Article 89 General provisions relating to access to records, section 3 (a)

> Each entity subject to the provisions of this article, within five business days of the receipt of a written request for a record reasonably described, shall make such record available to the person requesting it, deny such request in writing or furnish a written acknowledgment of the receipt of such request and a statement of the approximate date, which shall be reasonable under the circumstances of the request, when such request will be granted or denied, including, where appropriate, a statement that access to the record will be determined in accordance with subdivision five of this section….If an agency determines to grant a request in whole or in part, and if circumstances prevent disclosure to the person requesting the record or records within twenty business days from the date of the acknowledgement of the receipt of the request, **the agency shall state, in writing, both the reason for the inability to grant the request** within twenty business days and a date certain within a reasonable period, depending on the circumstances, when the request will be granted in whole or in part…" (Emphasis added)

8. Furthermore, Article 87.3 (b) states: “Failure by an agency to conform to the provisions of paragraph (a) of this subdivision shall constitute a denial.”

9. Petitioners allege that Respondents have knowingly violated the FOIL law in an attempt to prevent the community from observing, reviewing, knowing, and challenging Respondent Reynoso’s appointments to the Board.

THE FACTS

10. Under the New York State Freedom of Information Law (“FOIL”), Petitioner has submitted requests by email to Respondents requesting certain information. Copies of these requests (Exhibits A-C) are attached herewith and have demanded the following:

Respondent Reynoso’s FOIL

1. On May, 8, 2024, Petitioner Boyd submitted a FOIL request seeking information on members appointed to Respondent CB9’s community board beginning January 1, 2024 to present specifically, copies of the members’ applications and other information which would, in the judgement of Petitioners, prove relevant to Petitioners about these public servants, such as location of residence, employment history, affiliations with groups and interests. (See attached as Ex. A)
2. On May 16, 2024, after the five days mandated for acknowledgement of receipt had expired without a response, Petitioner Boyd sent an appeal citing non-compliance of the FOIL. (See attached as Ex A.2)
3. On May 20, 2024, Petitioner Board sent a second appeal citing non-compliance to her

FOIL. (See attached as Ex. A.3)

4. On May 20, 2024, Respondent Reynoso's FOIL Officer, responded to Petitioner Boyd's FOIL and told her that the requested documents would be either provided or denied on or before, "on or before Friday, June 28, 2024". (Attached as Ex A.4)
5. On June 28, 2024, Respondent Reynoso's FOIL Officer had again failed to provide the documents or any explanation for its failure to do so.
6. On July 19, 2024, Petitioner Boyd again appealed to the FOIL officer of Borough President for the documents and the fact that no communication had come from Reynoso's office. (See attached as Ex. A.6)
7. On August 12, 2024, Petitioner third appealed to Respondent Reynoso for the failure of his FOIL Officer to respond to her Appeal. (Attached as Ex. A.7)
8. On September, 3, 2024, Petitioner did a 4t Appeal to Respondent Reynoso and his attorney Louis Gregory, his FOIL Officer). (See Attached as Ex. A.8)
9. On September 3, 2024, after Petitioner had been informed that Reynoso had a new attorney, and subsequently, out an over abundance caution and the need to have this FOIL responded to, she submitted a fifth Appeal to Respondent Reynoso's new attorney, Ms. Lozanda and no response was given to Respondent Boyd. (See attached as Ex.A.9)

Respondent Baptiste FOIL

10. On September 12, 2024 Petitioner Boyd submitted a FOIL requesting the applications and allowable information on all Boards members assigned to Respondent CB9 from January 1, 2024 to present. (Attached as Ex. B)

11. On September 13, 2024, Respondent Dante Arnwine, Respondent CB9's District Manager, hereinafter Respondent Arwine, responded stating he would provide the information no later than November 11, 2024. (Attached as Ex. B.1)
12. On October 8, 2024, Petitioner Boyd appealed this FOIL due to its late response times. (See attached as Ex. B.2)
13. On October 9, 2024, Respondent Arnwine responded to the FOIL by providing only the *names* of the members of the Board, such information that was readily available on Respondent's website. (See attached as Ex. B.3 and B.3a)
14. On October 9, 2024, Petitioner Boyd entered a second appeal for this FOIL to Respondent Baptiste, stating that no information other than the Board members names had been provided in response, thus failing to provide the information that was being requested. (See attached as exhibit B.4)
15. October 18, 2024, Respondent Baptiste responded to Petitioner Boyd's appeal by denying the appeal, claiming that Respondent CB9 did not possess any "applications" regarding the new board members, and that since Petitioner Boyd requested those specific documents, he was denying her FOIL. (See attached as exhibit B.5)

2nd FOIL Request to Respondent Baptiste

16. On October 29/30, 2024, Petitioner Boyd submitted another FOIL request, specifying the exact same information contained in the September 12, 2024, request and expanded to specifically include any and all information pertaining to all Board members from January 1, 2024, to present. (See attached as exhibit C)
17. On October 31, 2024, Respondent Arnwine, responded to Petitioner Boyd's FOIL by

providing again only the names of the board members along with attendance sheets wherein specific information had been redacted. There was still no information forthcoming about the members' employment, where they lived within the district, their affiliations and interests. (See attached as exhibit D)

18. October 31, 2024, Petitioner appealed Respondent's Arnwine's insignificant response to her FOIL. (See attached as exhibit C.1).
19. As of November 15, 2024, Petitioner Boyd had not gotten a response to her appeal within 30 days, thus, it has been officially denied by Respondents Dante, Baptiste, and CB9.

FIRST CAUSE OF ACTION

Violation of Freedom of Information Law "FOIL" by Respondent Reynoso

Article 78

20. Paragraphs 1 through 66 are repeated as though more fully alleged herein.
21. Petitioner has exhausted all administrative remedies and has made no prior request to this or any Court for the instant relief.

SECOND CAUSE OF ACTION

Violation of Freedom of Information Law "FOIL" by Respondents Baptiste and Arnwine

Article 78

22. Paragraphs 1 through 68 are repeated as though more fully alleged herein.
23. Petitioner has exhausted all administrative remedies and has made no prior request to this or any Court for the instant relief.

THIRD CAUSE OF ACTION

Petitioners' Request that Respondents Comply with all of the FOIL Requests

Article 78

24. Paragraphs 1 through 70 are repeated as though more fully alleged herein.
25. Petitioners have exhausted all administrative remedies and has made no prior request to this or any Court for the instant relief.
26. By reason of the foregoing, Petitioners are entitled to judgment pursuant to Article 78 directing Respondent Reynoso to provide documents responsive to their FOIL Requests.

FOURTH CAUSE OF ACTION

Petitioners Request a Permanent Injunction against Respondents to comply with all Freedom of Information Law Requests and granting of Attorney and Legal Fees.

27. Paragraphs 1 through 73 are repeated as though more fully alleged herein.
28. Petitioners have exhausted all administrative remedies and have made no prior request to this or any Court for the instant relief.
29. By reason of the foregoing, Petitioners are entitled to a Preliminary Injunction against Respondents Reynoso and CB9, to fully comply with all Freedom of Information Laws and the granting of Attorney and Legal Fees.

AWARDING OF ATTORNEY AND LEGAL FEES

30. Petitioners assert that this is a meritorious lawsuit, which will allow the community the opportunity to review and gain information concerning decisions being made by Respondents

Reynoso and CB9. Also, considering the evidence produced so far, this Article 78 allows the detection of unlawful behavior performed by public officials, to which the courts have stated is a right of the public "to know". This lawsuit is also requesting corrective measures to decisions and behaviors that may have caused harm to community residents and Community Board members by possible unlawful behavior of Respondents.

31. However, the community that Petitioners is reside within is a moderate-income community, with the average income at $40,000 and thus resources for such lawsuits are limited. The awarding of attorney fees and legal fees will continue to allow the residents of CB9 to appeal to the courts for the enforcement of the law.

32. In ***Gordon v. Village of Monticello,*** Supreme Court, Sullivan County, January 7, 1994, modified 207 AD2d 55, 620 NYS2d 573 (3rd Dept. 1994), reversed on other grounds 87 NY2d 124, 637 NYS2d 961, the courts made the determination "it is very often the possibility of recovering costs and attorneys' fees that gives private citizens like plaintiffs the impetus they need to bring meritorious lawsuits to enforce the Open Meetings".

33. According to Public Officers Law Article 6 section 89 (4) (a,b,c,) states:

> Except as provided in subdivision five of this section, any person denied access to a record may within thirty days appeal in writing such denial to the head, chief executive or governing body of the entity, or the person therefor designated by such head, chief executive, or governing body, who shall within ten business days of the receipt of such appeal fully explain in writing to the person requesting the record the reasons for further denial, or provide access to the record sought. In addition, each agency shall immediately forward to the committee on open government a copy of such appeal when received by the agency and the ensuing determination

> thereon. Failure by an agency to conform to the provisions of subdivision three of this section shall constitute a denial. (Emphasis added)
>
> Except as provided in subdivision five of this section, a person denied access to a record in an appeal determination under the provisions of paragraph (a) of this subdivision may bring a proceeding for review of such denial pursuant to article seventy-eight of the civil practice law and rules. In the event that access to any record is denied pursuant to the provisions of subdivision two of section eighty-seven of this article, the agency involved shall have the burden of proving that such record falls within the provisions of such subdivision two. Failure by an agency to conform to the provisions of paragraph (a) of this subdivision shall constitute a denial. (Emphasis added)
>
> The court in such a proceeding may assess, against such agency involved, reasonable attorney's fees and other litigation costs reasonably incurred by such person in any case under the provisions of this section in which such person has substantially prevailed, when:
>
> i. the agency had no reasonable basis for denying access; or
> ii. the agency failed to respond to a request or appeal within the statutory time.(Emphasis added)

According to Article 7 section 107 (2) of the OML

> "In any proceeding brought pursuant to this section, costs and reasonable attorney fees may be awarded by the court, in its discretion, to the successful party. If a court determines that a vote was taken in material violation of this article, or that substantial deliberations relating thereto occurred in private prior to such vote, the court shall awards costs and reasonable attorney's fees to the successful petitioner."

34. Thus, Petitioners are requesting that both their attorney and legal fees be paid. (Attached as Exhibits E)

Summary

35. Gentrification and displacement are real factors and result in consequences that families, children, mothers, single parents, and the elderly are constantly facing in low-to-moderate communities of color. HPD's data shows that any household that is below $30,000 has a 6%

chance of finding an “affordable” apartment. This means that once a low-to-moderate income family is displaced (some of them longtime residents), they face imminent homelessness and all the societal ills that come along with that condition.

36. The coupling of this threat with an introduction of luxury housing, via a “Special District” will surely doom thousands of households to housing insecurity and rob the people who look to their Community Boards and elected official to protect them and ensure their own safety to protect their ability to remain in the community that they may have resided in for over a half a century. The Community Board and our elected officials should make such preservation its number one priority as they readily admit that we are in housing crisis not about supply but rather about affordability. Thus, the number one priority of any Community Board and its members should be the preservation of existing affordable housing.

37. On Friday, November 14, 2024, The City Council planners returned to the community with updates regarding a walk through they had with our community regarding the COY Housing Text Amendments. They analyzed the data and showed that despite there being “affordable” housing built in my community it all targeted household incomes starting at $141,000 for one person. Unfortunately, this patterns continues in both the State programs and in City zonings under the MIH program. Despite all of the talk about the creation of “affordable” housing all we have gotten in luxury housing in both the market rate and affordable categories. This has continued to incentive property owners to continue to push out the most affordable renters in the community.

38. Respondent Reynoso's utter failure to even respond to Petitioner's FOIL reveals his blatant disregard for the law by denying every resident in his Borough their right to review his actions, decisions, and behavior.

39. Zoning and development are serious issues facing communities all across NYC and to have a Borough President who has admitted on the record his intention to violate the law to deliver on his promises to the real estate industry despite the detriment to the voters who put him in office is completely unacceptable. The very idea that he has publicly stated on the record his intention to place an abundance of special interests group members in position to dominate the decision-making power of a Community Board is disturbing in what is supposed to be a democratic environment.

40. One can only surmise by his reluctance to reveal anything about his appointments that they may be unlawful. His secrecy raises suspicions as to whether and to what extent these appointments and the special interests they represent, are intended to wrest control of the Community Board from the residents by advancing their groups' agendas at the cost of the homes and apartments of thousands of residents in this community.

WHEREFORE, Petitioner demand judgment pursuant to Article 78, directing Respondents to comply with the FOIL Requests; granting a Preliminary Injunction against Respondents to comply with all FOIL requests; awarding Petitioners their legal fees and expenses; together with such other and further relief as may be just and proper.

DATED: Brooklyn N.Y.
November 16, 202 4

Alicia Boyd Lashaun Ellis

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Brooklyn N.Y. 11225

19 Stoddard Street
Brooklyn N.Y. 11225

TO:
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