

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

HIDDEN VILLAGE, LLC,)
)
 Plaintiff,)
)
 vs.) Case No. 1:10CV00887
) Judge Gwin
 CITY OF LAKEWOOD, OH, ET AL,)
)
 Defendants.)

- - - - -
DEPOSITION OF EMMA PETRIE BARCELONA
TUESDAY, NOVEMBER 16, 2010
- - - - -

Deposition of EMMA PETRIE BARCELONA, called by the
Plaintiff for cross-examination under the Federal Rules
of Civil Procedure, taken before me, the undersigned,
Jennifer L. Bowen, Notary Public in and for the State
of Ohio, at the Lakewood Mayor's Court, 12650 Detroit
Avenue, Lakewood, Ohio, 44107, commencing at 9:30 a.m.,
the day and date above set forth.

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EXHIBIT A

1 APPEARANCES:

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On Behalf of the Plaintiff:

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On Behalf of the Defendants:

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ALSO PRESENT:

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Gary Lieberman

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4 EXHIBIT INDEX

5 Exhibit 120 was marked 18

6 Exhibits 121 and 122 were marked 22

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EMMA PETRIE BARCELONA

called by the Plaintiff for examination under the Federal Rules of Civil Procedure, after having been first duly sworn, as hereinafter certified, was examined and testified as follows:

EXAMINATION

BY MR. HABER:

Q Would you please state your full name and spell your last name for the record.

A Sure. I'm Emma, Rose is my middle name, Petrie Barcelona; P-e-t-r-i-e, space, B-a-r-c-e-l-o-n-a.

Q How do you prefer to be referred to?

A Petrie Barcelona. You can just use Barcelona. The shorter is fine with me. I couldn't let go of the Petrie.

Q Have you ever been deposed before?

A No.

Q I'm going to explain a few ground rules. I have no doubt that you at least received some explanation as to the process of the deposition. As you can see, while I speak our court reporter is taking everything down and she is going to record all the answers you give to my questions. So you need to give me a verbal response to all of my questions. Is that understood?

A Yes.

1 Q If at any time I ask you a question that you
2 don't understand, please stop me, ask me to restate
3 the question so you do understand it. Okay?

4 A Okay.

5 Q I don't know how long we are going to go today,
6 but if for some reason you need to take a break, go to
7 the restroom, get a cup of coffee, speak to your
8 counsel, please let me know. I will be happy to do
9 so. This is not an endurance test. All right?

10 A Okay.

11 Q If during the course of the deposition
12 Mr. Climer objects, for the most part he's going to be
13 objecting for the record. And then ultimately he'll
14 instruct you to answer the question. Give him an
15 opportunity to object. If for some reason he
16 instructs you not to answer the question, he and I
17 will address those issues, but you just listen to
18 whatever he says. Okay?

19 A Okay.

20 Q If at any time you don't remember something,
21 tell me you don't remember or you don't recall. Don't
22 guess or speculate unless my question specifically
23 asks you to do so.

24 A Okay.

25 Q Please state your current home address.

1 A 1085 Abbieshire, A-b-b-i-e-s-h-i-r-e, Avenue,
2 Lakewood, Ohio.

3 Q Zip code?

4 A 44107.

5 Q Are you married?

6 A Yes.

7 Q How long have you been married?

8 A Let me think about this. Six and a half years.

9 Q How long have you lived in Lakewood?

10 A I have lived here since 1985 with the exception
11 of college. As an adult, since 1999. 11 years.

12 Q Where did you go to college?

13 A Undergrad, I went to a school in Maryland called
14 St. Mary's College of Maryland.

15 Q When did you graduate?

16 A 1999.

17 Q What degree did you obtain?

18 A A Bachelor of Arts.

19 Q Any particular specialty?

20 A Economics, history, public policy and political
21 science. I was the first quadruple major in the
22 school's history.

23 Q Some people think college is to have a little
24 fun.

25 A I did, too. I wanted to get my money's worth.

1 Q After you graduated from St. Mary's College in
2 Maryland, what did you do?

3 A I worked for the Greater Cleveland Growth
4 Association, which I think they're called the Greater
5 Cleveland Partnership, for two years.

6 Q Doing what?

7 A I was a -- what was the title? I did research
8 for them. I think I was a research assistant at that
9 job working in their area of economics.

10 Q After two years, what did you do?

11 A I then moved to Federal Reserve Bank of
12 Cleveland.

13 Q This takes us to about 2001?

14 A Yes. I started in either May or June of 2001.

15 Q What did you do there?

16 A I had two different jobs. My first job I was a
17 research analyst. Over the years I then moved to be
18 -- I think I was a -- I moved to the Community Affairs
19 Department. I don't remember my exact title there.
20 Research for the Community Affairs area.

21 Q How long were you there?

22 A I was there until May of 2007.

23 Q In May of 2007 where did you go?

24 A I moved here to the City of Lakewood.

25 Q What is your job title presently?

1 A Presently I am a development officer for the
2 city.

3 Q To whom do you report?

4 A To the Director of Development & Planning,
5 Nathan Kelley.

6 Q What are your responsibilities as a development
7 officer, specifically you?

8 A Specifically me, I am the manager and primary
9 compliant in the compliance area for all the federal
10 funds the city receives from HUD. My area of focus
11 there includes the programming compliance and budgets
12 relating to the Community Development Block Grant,
13 Emergency Shelter Grant.

14 I assist the person working in Community
15 Development with the HOME funds. Also, manage
16 Community Development Block Grant Recovery, also known
17 as CDBG. HPRP, which is the Homeless Prevention &
18 Rapid Rehousing Program. I do also work with the
19 budgets relating to the general fund as they relate to
20 planning and development.

21 So my responsibility is managing the public
22 process, the Citizens' Advisory Committee, and all
23 documentation and compliance-related paperwork,
24 questions that go back to HUD.

25 Q And you started that in May of 2007?

1 A Yes.

2 Q Those have been your responsibilities since that
3 time?

4 A Some of those funds are newer. And I forgot
5 one, I apologize. The Neighborhood Stabilization
6 Program. That is also referred to as NSP.
7 Neighborhood Stabilization, Homeless Prevention &
8 Rapid Rehousing, and Community Development Block Grant
9 all showed up as Recovery Act programs. So they
10 started up in 2008 or 2009.

11 Q Neighborhood Stabilization and which other ones?

12 A That's it. Oh, and Homeless Prevention & Rapid
13 Rehousing, and CDBG. Those three are all Recovery
14 Act programs. So they started in 2008 or 2009,
15 depending on when they were funded.

16 Q Forthcoming to this position, did you have any
17 particular expertise in Fair Housing requirements or
18 HUD requirements with respect to fair housing?

19 A HUD, no. Fair Housing, tangentially. Because
20 my background with the Federal Reserve was in lending
21 and fair lending, and lending practices. So, indeed,
22 I was aware of the Fair Housing Act. But beyond that,
23 no.

24 Q When you came to the city, what type of training
25 did you receive with respect to compliance with HUD

1 requirements to receive CDBG grants?

2 A Actually, my first three days here I attended
3 basically CDBG training down in Columbus put on by
4 HUD. But I believe they used the subcontractors, a
5 training agency, to do that. So I did that. That
6 included touching on Section 3, Fair Housing Act, and
7 some of the other related acts for CDBG.

8 Since then I have participated in at least one
9 Fair Housing conference. And then I attend these
10 every other month meetings with the local Fair Housing
11 groups and keeps me abreast of the rules, changes,
12 things like that.

13 Q What are the local Fair Housing groups?

14 A It's a group that meets bimonthly. We hold it
15 at the Housing Research and Advocacy Center offices.
16 And the participants include other municipalities, the
17 Housing Advocates, another Fair Housing group here in
18 Northeast Ohio, and the Heights Community Congress, an
19 additional Fair Housing group and typically a couple
20 of attorneys from private practice or other firms who
21 focus in the fair housing area.

22 I also took an additional -- I participated in
23 -- this would be in not this past fair housing month,
24 which is April, the prior April. In April of 2009, I
25 also did a CLE. Even though I'm not an attorney, I

1 didn't take CLEs, but with the Cleveland Bar
2 Association on Fair Housing Act. It was a day-long
3 session.

4 Q The CDBG grant runs for how many years?

5 A It is an annual award from HUD.

6 Q How often do you have to apply for it?

7 A Every year in order to receive it.

8 Q Every year then when you submit an application
9 you submit a certification from somebody that says you
10 are going to affirmatively further fair housing?

11 A That's correct.

12 Q Do you know who it is that makes the
13 certification?

14 A The Mayor.

15 Q One other rule for depositions is to please let
16 me finish my question before you answer, even though
17 you were correct with your answer.

18 A Okay.

19 Q Was Mayor George the Mayor when you started in
20 May of 2007?

21 A Yes, he was.

22 Q So the first application that you would have
23 submitted would have been for fiscal year --

24 A 2008.

25 Q That would have been under Mayor Fitzgerald?

1 A The receipt of the funds would have been under
2 Mayor Fitzgerald. The application for 2008 funding
3 was in November of 2007.

4 Q Did you participate in the preparation of those
5 applications?

6 A For fiscal year 2008, yes, and since.

7 Q What does the fiscal year run, from when to
8 when?

9 A Technically, it's January 1st to December 31st.
10 That said, we are typically not made aware of our
11 award from HUD until mid to late part of the year.
12 Every year the federal government has been getting
13 slower.

14 So in typical years, the past two, we have been
15 made aware of our award in April, May or June of the
16 following year after our application.

17 Q So if you apply in November 2007, we learn in --

18 A April, May or June. That is not how it was
19 historically, unfortunately.

20 Q Then in addition to submitting the applications,
21 are you familiar with the Consolidated Annual
22 Performance & Evaluation Reports?

23 A Yes.

24 Q Are you the person who prepares those?

25 A Yes.

1 Q You submit those on an annual basis?

2 A Yes.

3 Q What is your understanding that those reports
4 are supposed to detail?

5 A The CAPER, the acronym I use, includes all the
6 information on how we spent the money in the prior
7 fiscal year. It details information about the
8 programs that we funded, who was served by those
9 programs, both incomewise, geographic. It also
10 includes a narrative about our entire programs and
11 some additional questions that HUD has us answer as it
12 relates to various housing and city conditions. So
13 there are lots of narrative.

14 It also includes the fiscal charts that we have
15 to show the details on how the funds were used and how
16 much of our funds were used towards those activities.

17 Q Do you know who had the responsibility for this
18 before you started?

19 A Yes. There was a part-time person named Lindy
20 Burt. Her first name is Melinda.

21 Q She was in the Development office as well?

22 A She actually worked out of Community Development
23 Department, which is part of P&D, different location.

24 Q Does she still work for the City of Lakewood?

25 A She does. Part-time.

1 Q Do you know why it is that they transferred
2 responsibilities from her to you?

3 A Yes. Because they determined -- after some
4 personal things for her, they determined they wanted a
5 full-time person. She was doing the job part-time.

6 Q You have been identified by the city as a 30(b)
7 witness as the person most knowledgeable regarding the
8 city's obligations to affirmatively further fair
9 housing. Do you understand that?

10 A Yes.

11 Q Describe for me what you understand the city's
12 obligation is with respect to affirmatively furthering
13 fair housing. We will have to start using acronyms
14 soon.

15 A It means basically we have to follow the tenants
16 of the rules when it comes to affirmatively furthering
17 fair housing, as stated, and from HUD. That means
18 generally -- I would need to actually reference the
19 act itself to get the specifics. Functionally that we
20 are to do what we can functionally and to not impede
21 housing choice in the city, as well as to not -- that
22 is housing choice. And also to make sure we are
23 protecting the rights of any people who are protected
24 status to help make sure that they have access to
25 housing. Basically they are not discriminated against

1 because of those protected statuses.

2 Q I understand that you have to look at the
3 statute.

4 A Yes.

5 Q But as the 30(b) witness, if I understand what
6 your answer is on behalf of the city, you understand
7 the obligation be, one, not to impede housing choices
8 based upon, I assume, discreet characteristics; race
9 gender, national origin, disabilities, et cetera.
10 Correct?

11 A The protected statuses. Yes.

12 Q So the city is not supposed to do anything that
13 would impede their people's choices?

14 A That's right.

15 Q Second, to the extent their rights have been
16 violated, to try to protect individuals from having
17 their rights violated?

18 A From protected statuses, indeed.

19 Q Any other obligations as you understand it?

20 A Any other activities that we can take, which is
21 broad in amorphous to help ensure that discrimination
22 doesn't take place in the city. And that everyone,
23 all residents have access to safe sanitary housing.

24 Q When you came on board, did you have the benefit
25 of the HUD guidelines regarding the CDBG grants and

1 things you need to do to be in compliance with that?

2 A I participated in that training to help get me
3 rolling. But, indeed, this job and really anything
4 from HUD is broad and it's -- you have to really learn
5 a lot by doing. Indeed, I had the tools and the
6 regulations I needed to get started, but much of what
7 I learned was on-the-job. And as I spoke to not only
8 the groups we fund, other people here and then also
9 the nonprofits we work with, it really takes a good
10 while. Maybe a year to really get to know all the
11 nuances and details of the job.

12 Q Tell me what types of things the City of
13 Lakewood does to not impede housing choices.

14 A First of all, we contract with -- I think this
15 has changed over time. We currently contract with the
16 Housing Research and Advocacy Center to do testing for
17 us, both on rental and sales testing, common practices
18 throughout the fair housing world just to see that our
19 owners and those that have rentals or for-sale
20 property are not violating the Fair Housing Act.

21 Because Lakewood is majority rental with 55
22 percent of our housing units in the city being rental,
23 we also contract with the Cleveland Tenants
24 Organization to do weekly on-site, meaning in the City
25 of Lakewood, clinics on landlord and tenants' rights.

1 So both landlord and tenants can participate. In
2 addition to that, they also have a hotline.

3 Q Did you say monthly or weekly?

4 A Weekly. They are weekly here on-site. They
5 host those at the Christian Service Center. They have
6 a hotline dedicated for Lakewood residents, but really
7 Lakewood residents or landlords could call the main
8 line and receive the same support on landlord and
9 tenant rights.

10 We also have -- typically twice a year, but
11 occasionally we can squeeze an extra one in or
12 occasionally we might only have one, we host landlord
13 fair housing seminars. It's typically about two
14 hours, sometimes three, where we have a fair housing
15 group present the Fair Housing Act and inform them on
16 the Fair Housing Act and rules associated with it, as
17 well as answer questions on how they can make sure
18 they are affirmatively furthering fair housing.

19 Additionally, we typically have, depending on
20 the timing, some representative from the city also
21 talking to them about whether it is rental house or
22 other programs we have available for landlords or
23 residents.

24 Finally, I guess overall those are the specific
25 -- excuse me. We also then contract for an Analysis

1 of Impediments too to make sure we're compliant with
2 that aspect.

3 Q What is your understanding as to how frequently
4 one needs to be conducted, an Analysis of Impediments?

5 A The Analysis of Impediments, I believe, is every
6 four years. That's my understanding.

7 Q Do you know whether one has been done every four
8 years?

9 A One was conducted in 2006. Yes. And we have
10 the other one that is being completed, conducted as we
11 speak.

12 - - - - -

13 (Plaintiff's Exhibit 120 was marked
14 for identification.)

15 - - - - -

16 Q Showing you what has been marked as Exhibit 120.
17 Do you recognize this document?

18 A Yes, I do.

19 Q This is the 2006 Annual Impediment?

20 A This is the 2006 Analysis of Impediments.

21 Q Analysis of Impediments?

22 A Correct.

23 Q This document is a document that was prepared by
24 the Housing Research and Advocacy Center. Correct?

25 A That's correct.

1 Q It's dated January 2006?

2 A Correct.

3 Q It is November 2010.

4 A Uh-huh.

5 Q When do you expect to have the next Analysis of
6 Impediments to Fair Housing?

7 A We got it under contract this summer. We're
8 supposed to have a draft by the end of the year. We
9 were delayed in contracting because of when HUD sent
10 us our money this year. But we should have the final
11 document in winter, maybe early spring of next year.

12 Q Who is doing it?

13 A It's a firm called Planning Associates. Dan
14 Lauber is the lead or the person doing the Analysis of
15 Impediments.

16 Q A different group than the last time?

17 A Yes. Dan Lauber is out of Chicago.

18 Q Planning --

19 A I think it's called Planning Associates.

20 Q Do you know how much you pay for that?

21 A I do not remember the exact amount. It is
22 somewhere around \$25,000. We have not paid yet. That
23 is just what we have under contract.

24 Q Prior to 2006, would there be a 2002?

25 A No. It's my understanding that prior to this

1 one there was -- The Cuyahoga Plan had conducted one
2 in partnership, not just with Lakewood, but with all
3 of the other cities and municipalities that received
4 funds.

5 Q That one was done in 1996?

6 A I believe so.

7 Q At least from --

8 A From this document. Yeah.

9 Q I assume you read this before your deposition
10 today. Right?

11 A Yes.

12 Q Had you read it before preparing for your
13 deposition?

14 A Yes.

15 Q When was the first time that you read it?

16 A In 2007. I wouldn't know what part of 2007.

17 Q Now, you understand that part of the
18 requirements for receiving CDBG grants is that the
19 city conducts an Analysis of Impediments. Correct?

20 A That's correct.

21 Q Do you also have an understanding that the city
22 is required then to take appropriate action to remedy
23 the impediments that are identified in the analysis?

24 A We are supposed to follow and work with our Fair
25 Housing Action Plan that is created as a result of the

1 Analysis of Impediments.

2 Q Isn't the Fair Housing plan a plan of action to
3 address the impediments that are identified in the
4 Analysis of Impediments?

5 A Yeah. But they may be prioritized or slightly
6 different than this document. We use this as a guide.

7 Q And then the city is supposed to maintain
8 records of all efforts that they have taken to
9 alleviate the impediments identified under the
10 Analysis of Impediments?

11 A That's correct.

12 Q The impediment is supposed to take into
13 consideration the impact of race discrimination on
14 housing opportunities and choice of jurisdiction?

15 A Race is a protected status. Yes.

16 Q So part of the Analysis of Impediments is
17 supposed to consider the impact of race discrimination
18 on housing opportunities in the City of Lakewood. Do
19 you understand that?

20 A Yes.

21 Q The City of Lakewood was aware of that back in
22 2006, 2005 and 2004. Correct?

23 A I can't speak for the city as a whole. Indeed,
24 anybody in Planning had knowledge of this. Yes, knew
25 of that.

1 Q Certainly you were aware of it from the time you
2 began in May of 2007?

3 A Yes.

4 Q Now, what is your understanding as to what has
5 been identified as to the impact of racial
6 discrimination on housing opportunities in the City of
7 Lakewood, if any?

8 A We do not have necessarily information on
9 discrimination itself. The document does note that
10 there is an outside perception of welcoming from the
11 outside at least as reported in this document. But,
12 indeed, I would have to review records. I don't know
13 if in our testing to what extent there had been any
14 race-based discrimination complaints. The ones I am
15 more familiar with is familial status. That seems to
16 be more problematic.

17 Q Well, I didn't bring them all here, but these
18 were just delivered to me.

19 - - - - -

20 (Plaintiff's Exhibits 121 and 122
21 were marked for identification.)

22 - - - - -

23 Q I will explain what I did with those in a
24 second. Now, what I did was I pulled exemplars, if
25 you will, of a number of documents that were produced

1 to me yesterday.

2 First one, Exhibit 121, was a purchase order
3 from the City of Lakewood to Cleveland Tenants
4 Organization. That's the organization that you
5 referred to that you contract with for the hotline and
6 for the weekly seminars or training for landlords and
7 tenants. Right?

8 A That's correct.

9 Q The second page of that is a report to the city
10 as to the amount of time spent and the rate charged by
11 the people who did work for the City of Lakewood.
12 Correct?

13 A Yes, that's correct.

14 Q The third page is a monthly report of calls. It
15 looks like calls to that hotline that you're referring
16 to. Is that what you understand it to be?

17 A This would be calls to the hotline as well as if
18 they have the details for people who participated in
19 the on-site. They create one database with this.

20 Q It reflects the date of the call, the street
21 name for the call, the caller's issue and the response
22 from the hotline. Correct?

23 A That's right.

24 Q Then the rest is just similar documents until
25 you go to the last page, which is a monthly timesheet

1 for the Cleveland Tenants Organization based upon
2 individual daily timesheets. Do you see that?

3 A Yes.

4 Q Then these are all submitted so that they can
5 get paid by you. Right?

6 A That's correct.

7 Q Are you the one that maintains these documents?

8 A No.

9 Q Who maintains these documents?

10 A Our grants coordinator, Sam Elkurd.

11 Q These are the types of documents that you would
12 receive from the tenant organization with respect to
13 their activity?

14 A Yes.

15 Q Separately, I pulled 122. It's a purchase order
16 for the Housing Research and Advocacy Group. And that
17 is the fair housing organization that you contract
18 with. Correct?

19 A Yes.

20 Q You contracted with them to do testing and to do
21 the 2006 Analysis of Impediments. Correct?

22 A Yes. And they take complaints for us as well.

23 Q Complaints from tenants regarding potential
24 discrimination?

25 A Any resident or possible resident who has a

1 complaint that may evoke the Fair Housing Act.

2 Q What do they do with those complaints, do you
3 know?

4 A They intake them. Beyond that, I believe they
5 end up talking to both parties as much as they can.
6 But, indeed, as necessary they refer them to the OCRC
7 or HUD for an actual filing or case.

8 Q If you look at the last page of this document,
9 it shows an audit review from January 1, 2006 to
10 February 8, 2006. This is a format that is found
11 throughout the documents that were produced.

12 Is this a document that the Housing Research and
13 Advocacy Center provides summarizing their activities
14 with respect to either testing or enforcement
15 activities?

16 A Yes.

17 Q I know this predated you. But it looks like in
18 that time period there was a race discrimination
19 issue, LR-05-09, down at the bottom. That was
20 referred to the Ohio Civil Rights Commission. Do you
21 see that?

22 A Yes.

23 Q So if they through their testing find an issue
24 of race discrimination, that is noted on their
25 documents?

1 A Yes.

2 Q When you see an issue of race discrimination on
3 documents now -- let me back up.

4 Do you review these documents when they come in?

5 A Yes.

6 Q Do you then formulate any type of approach on
7 behalf of the City of Lakewood to try and address what
8 may be identified as a potential issue of race
9 discrimination in the City of Lakewood?

10 A Typically, I review it. They always retest. So
11 if they have probable cause, they retest to see if it
12 continues. So if I do get a final document where they
13 tested twice, I watch how they proceeded. And in most
14 cases, they work with the landlord, train them, get
15 information, if we're talking about landlord case as
16 opposed to sales. They work with them. I make sure
17 that the Housing Research and Advocacy Center is
18 satisfied that they have informed and made good or
19 made information known on the Fair Housing Act that
20 this won't happen again with these people.

21 Q Based on your role with respect to the Fair
22 Housing Act, has anybody ever brought to your
23 attention the issues between the City of Lakewood and
24 Hidden Village?

25 A Brought to my attention -- I'm aware of it.

1 Q How did you become aware of the issues with
2 Hidden Village and the Youth Re-entry Program?

3 A I believe probably my first information about it
4 was local bloggers and local message boards, things
5 like that. Somebody or somehow posted information
6 that there was a lawsuit. I reviewed whatever
7 information or any information they had there. And
8 just around city hall, I have just been aware of it.

9 Q Has anybody asked you to review whether the
10 activities of the City of Lakewood with respect to
11 Hidden Village and Youth Re-entry Program is
12 consistent with the obligations to promote fair
13 housing?

14 A No one has asked me that.

15 Q You obviously at some point on numerous
16 occasions probably have read the Analysis of
17 Impediments that was authored in January of 2006 by
18 the Housing Research and Advocacy Center. Correct?

19 A Yes, I've read it more than once.

20 Q You noted in there that there was a portion of
21 the report that interviewed African-Americans to find
22 out their perception of the City of Lakewood. Right?

23 A Yes.

24 Q And you'll agree with me that the perception of
25 all the African-Americans that they interviewed was

1 that the City of Lakewood was unwelcoming to
2 African-Americans?

3 A I can't speak to all the people they talked to.
4 But, indeed, in their review there were some concerns
5 on the welcoming.

6 Q Well, the reason I say all is because they don't
7 actually identify that they spoke to any
8 African-Americans who said, "I think the City of
9 Lakewood is welcoming." They have the one version,
10 which is that African-Americans view the City of
11 Lakewood as unwelcoming, but they don't have a
12 contrary position from African-Americans reported in
13 the report. Do you agree with that?

14 A Yes. But what I can't speak to is how many
15 people they spoke with or if all the information is
16 there.

17 Q They can speak to that?

18 A Yes.

19 Q But as you read this there's clearly a
20 perception in the African-American community that the
21 City of Lakewood is not a place that welcomes
22 African-Americans as residents?

23 A I can't speak for the African-American
24 community.

25 Q I'm not asking you to. I'm asking you to speak

1 for your interpretation of this document.

2 A My interpretation of the document is that based
3 on the people they spoke with and the representatives
4 that there are some concerns about historically or
5 possibly in 2006 there were concerns about welcoming
6 of African-Americans in Lakewood.

7 Q It noted on page 1 of the report that in the
8 1996 data that was done that there were two
9 impediments identified in the City of Lakewood. One
10 was the possible steering within the community of real
11 estate professionals. The second, a perception that
12 Lakewood is an all-white community.

13 As it relates to the first, do you have any
14 documents or are you aware of any documents that
15 following the 1996 Analysis of Impediments that
16 demonstrates the City of Lakewood's efforts to remedy
17 the steering of African-Americans in particular
18 locations in the community?

19 A I don't know the City of Lakewood's involvement
20 with the real estate industry beyond annual seminars
21 that we have for the real estate community, which
22 includes typically some information on fair housing.
23 But that is open for real estate agents around the
24 county and the region. That's my only knowledge
25 involving the real estate community.

1 Q Is that you offer seminars to real estate agents
2 as a city?

3 A Yes.

4 Q At least in your role from 2007 to the present,
5 that's what you understand the City of Lakewood does
6 with respect to that issue, that potential impediment?

7 A That and then real estate agents are always
8 invited to our fair housing seminars as well, the
9 specific fair housing seminars.

10 Q Based on your review of any reports from the
11 Housing Research and Advocacy Center, do you have an
12 impression that there continues to be steering of
13 African-Americans to certain streets of communities?

14 A Not that I have seen based on the sales testing.
15 Again, I would have to look through all the documents.
16 I can't recall any sales-based testing concerns with
17 regard to race. And certainly our demographics, I
18 can't speak for owners or renters, but there are
19 African-American throughout the city.

20 Q In 1996 the second issue identified was the
21 perception that Lakewood is an all-white community.
22 Obviously, Lakewood is a predominantly white
23 community. Correct?

24 A It's majority white.

25 Q In fact, 91 percent of the citizens of the City

1 of Lakewood, the residents of the City of Lakewood,
2 are Caucasian. Correct?

3 A I'm not sure which source, but the current
4 American Community Survey has, I believe, 90 percent
5 of Lakewood residents report one race and that one
6 race is white. And the remaining 10 percent -- that
7 said, the school data is slightly different where it's
8 closer to 25 percent of school students at this point
9 are nonwhite.

10 Q Separate and apart from the school data, that
11 can be skewed by a number of different factors
12 including the number of Caucasian students that are in
13 private schools. Go ahead.

14 A Yes. Except that the demographics and data that
15 comes out of Census always lags. The school data is a
16 good indicator of at least movement because it's
17 realtime. They can report data immediately as opposed
18 to the lag that's with the federal data.

19 Q The lag with the federal data, what was the
20 percentage as you understood it of African-Americans
21 in the City of Lakewood?

22 A I have to look at the data. I don't remember
23 the exact number. I believe it's somewhere in the
24 neighborhood of 9 percent, 8 percent.

25 Q 9 percent African-American?

1 A Because it's our majority minority group in the
2 city.

3 Q Do you have an understanding from this analysis
4 in 2006 that African-Americans own houses that are at
5 a lower rate than Caucasians as a percentage of the
6 population?

7 A I would have to read it again. I would expect
8 that's correct.

9 Q One of the things that was identified in the
10 Analysis of Impediments was that there were concerns
11 about city zoning and building codes restricting
12 property uses as group homes, for example, that affect
13 people with disabilities. Do you recall that?

14 A Yes. There was discussion of that.

15 Q In your experience, how can a city use zoning to
16 impede fair housing?

17 A I'm not as familiar with zoning. But my
18 understanding with National Case Law, it would be
19 somehow creating standards, occupancy standards,
20 whether it has to do with related persons, or the
21 number of people per square foot, things like that.
22 That's my understanding at least of other places, how
23 they try to or attempted to create laws that would
24 impede that.

25 Q I would assume that if the City of Lakewood as

1 you have indicated has an obligation not to impede
2 fair housing, you would agree that the City of
3 Lakewood has an obligation not to use their zoning to
4 impede fair housing?

5 MR. CLIMER: Objection. Go ahead.

6 A We're supposed to follow the law. Yes.

7 Q I understand you're supposed to follow the law.
8 But if the City of Lakewood has an obligation not to
9 impede choice, would you agree that the City of
10 Lakewood has an obligation not to use their zoning as
11 a means of impeding choice?

12 MR. CLIMER: Objection. Go ahead.

13 A I don't understand enough about zoning. I know
14 that the City of Lakewood should not be impeding any
15 renter who wants to find a lease in a place where they
16 have the income to pay for that unit. If they are
17 denied that housing based on their representation of a
18 protected status, it is the City of Lakewood's
19 obligation to do that.

20 Indeed, if in disability status, because at
21 least in group homes and things like that disability
22 status specifically is the issue, if they're being
23 denied housing because of that protected status, the
24 city should not be doing anything that impedes that.

25 Beyond that, zoning and the laws -- and it's my

1 understanding at least with Lakewood that we tend to
2 follow the trend or many other cities that we have
3 zoning practices such that it's the national standards
4 as far as number of people per square foot, number of
5 people given a space, things like that.

6 Q Let me ask you a hypothetical. Let's assume
7 that there is an issue, a concern regarding the
8 particular use of a property. In this case, Hidden
9 Village for the Youth Re-entry Program. And the city
10 has a concern that it believes that it violates their
11 zoning. I know you're not an expert in zoning, but I
12 assume you understand that the Planning Commission
13 ultimately is the final arbiters as to whether the use
14 of a property is compliant with the city zoning.
15 Right?

16 A I understand. Yes, I know that.

17 Q Let's assume for purposes of my question as it
18 relates to a piece of property that the Planning
19 Commission has resolved with the zoning dispute. They
20 now have concluded that the property is being used
21 appropriately and consistent with the City of Lakewood
22 zoning.

23 A Okay.

24 Q At that point in time can we agree that the City
25 of Lakewood's obligation not to impede choice would

1 dictate that they don't attempt to come up with some
2 other zoning angle, if you will, to try and force
3 African-Americans out of the City of Lakewood?

4 MR. CLIMER: Objection. Go ahead.

5 Q I know it's a crazy hypothetical, isn't it?

6 A If African-Americans were being denied -- if
7 they had their lease and they were being denied use of
8 this building as tenants then the city should be --
9 it's their role to protect the rights of those
10 tenants.

11 Q Absolutely.

12 A And so if, indeed, the landlord or anybody, the
13 owner was denying them space because of it then the
14 city should be defending that.

15 Q Let me change the scenario. The landlord wasn't
16 denying them. The landlord had a lease with them.
17 The landlord wanted to rent to them. The Planning
18 Commission had determined that the zoning, the use of
19 the property for the Youth Re-entry Program was
20 appropriate. At that point in time wouldn't you agree
21 that the City of Lakewood's obligation was to avoid
22 taking action at this point after Planning had ruled
23 to impede the use of the property by
24 African-Americans?

25 MR. CLIMER: Objection. Go ahead.

1 A I apologize. I am misunderstanding a bit. If
2 they weren't denied leases, I don't quite understand
3 how they were being denied housing.

4 Q What if the City of Lakewood took an affirmative
5 position that they needed to leave the City of
6 Lakewood?

7 MR. CLIMER: Objection. Go ahead.

8 Q Sent them a letter asking them to leave the City
9 of Lakewood?

10 A The individual tenants?

11 Q The program itself with all of its tenants.

12 MR. CLIMER: Objection. Go ahead.

13 A I guess I don't -- I guess I don't understand.
14 If there were sent letters to individual tenants, to
15 the group?

16 Q Let me explain the Youth Re-entry Program. I'm
17 surprised that you don't actually know about the Youth
18 Re-entry Program. It's a program that is run by the
19 Lutheran Metropolitan Ministries. What it does is it
20 provides housing and training to people who are aging
21 out of the foster care system. It sets them up in an
22 apartment. In this case, efficiencies at Hidden
23 Village. It provides them training on how to balance
24 their checkbook, do their own laundry, cook, survive
25 and integrate into the community, provide some

1 educational training, some vocational training to help
2 them find jobs, et cetera. When they graduate out of
3 that program, they move out of those apartments.
4 Lutheran Ministry pays the rent directly to the
5 landlord and the tenants are actually the individuals
6 within the program that move into the program and
7 ultimately move out of the program. That is the way
8 that program works.

9 A Okay.

10 Q That program, there has been testimony that it's
11 much as 80 percent African-American. Okay?

12 A Okay.

13 Q That program moved into the City of Lakewood in
14 April of 2006 before you came to the City of Lakewood.
15 And the City of Lakewood objected to their presence in
16 the City of Lakewood because they believed that the
17 Youth Re-entry's use of Hidden Village violated the
18 zoning. They sent a letter to the Lutheran Ministries
19 and to Hidden Village in May of 2006 saying that we
20 believe you are violating the zoning, vacate the
21 premises. Okay? Said we want you to move all these
22 people who just moved into the city out. Okay?

23 A Okay.

24 Q The Planning Commission in July of 2006
25 concluded that the city was wrong in their position,

1 that the Youth Re-entry Program does not violate the
2 city zoning and it's more than an appropriate use at
3 Hidden Village. Okay?

4 A Okay.

5 Q Notwithstanding that ruling, the evidence in
6 this case is that certain members of the
7 administration were concerned about that program
8 because, one, they had youth offenders and, two, they
9 had a lot of black people.

10 Now, assume that's true for a minute. Would you
11 agree with me that that concern is inconsistent with
12 the City of Lakewood's obligations to promote fair
13 housing?

14 MR. CLIMER: Objection to the form.
15 Go ahead.

16 A Assume what?

17 Q Assuming what I just told you is all true,
18 wouldn't you agree that any member of the
19 administration concerned about this program because
20 they have a lot of black people is inconsistent with
21 the obligations of the City of Lakewood to promote
22 fair housing?

23 MR. CLIMER: Objection. Go ahead.

24 A I don't know that the administration had
25 concerns because there were black residents.

1 Q I know you don't. I'm asking you to assume it
2 because there's been testimony to that effect.

3 A I can assume things?

4 Q You can assume things for purposes of this
5 question. If the assumption turns out to be wrong,
6 your testimony won't matter. But if the assumption is
7 correct then I want to know what your opinion is.

8 MR. CLIMER: I'm going to object to
9 the form and to the relevance. Go ahead.

10 Q If you assume that's true --

11 A If I assume that the city doesn't want the
12 program there because of youth offenders and --

13 Q Because they have a lot of blacks.

14 A Yes. If it was because they had a lot of
15 blacks, that would be a problem. But I also know that
16 is not the only place in Lakewood with significant
17 black population.

18 Q There are segments of the City of Lakewood that
19 have larger black populations than others. Correct?

20 A Yes. But it's spread throughout the city.

21 Q It's actually not so spread throughout the city.
22 Aren't blacks predominately on the east end in the
23 City of Lakewood from a residential perspective
24 according to the --

25 A East and west ends.

1 Q In fact, the Analysis of Impediments indicates
2 that there is a significant concentration of the
3 African-American population near the border of the
4 City of Cleveland. Correct?

5 A Yes, that's correct.

6 Q I know you would be, I assume, shocked that if
7 somebody had expressed that type of attitude towards a
8 program coming to the City of Lakewood?

9 MR. CLIMER: Objection.

10 A If it was stated that it had something to do
11 with race, yes, I would be shocked.

12 Q Now, assuming all of that was true, would you
13 also agree that the obligation not to be an
14 impediment, that the City of Lakewood has, requires
15 that they not take affirmative acts to drive this
16 program out of the City of Lakewood where they don't
17 otherwise have a legal basis to do so?

18 MR. CLIMER: Objection. Go ahead.

19 A The City of Lakewood could not drive a race out
20 of the city as a whole.

21 Q But they could drive a program out?

22 A The City of Lakewood could respond to a program
23 as long as race was not one of the issues.

24 Q I understand. But assuming for purposes of my
25 question that race was part of the issue. I know you

1 don't accept that because you don't think anybody
2 would do that here, but for purposes of my question,
3 would with you agree that if they were considering
4 that that it would be inconsistent with their
5 obligations under federal law, as you understand them,
6 to take action after the Planning Commission's
7 decision to come up with some other way to force them
8 out of the city?

9 MR. CLIMER: Objection. Go ahead.

10 A The city should not, based on race, help or
11 facilitate people moving out of the city.

12 Q You, I'm sure, noted in the Analysis of
13 Impediments in 2006 that one of the concerns expressed
14 by the African-Americans who were interviewed by the
15 Housing Research and Advocacy Center was that
16 African-Americans had a lot of problems with the
17 Lakewood Police Department?

18 A I did not read that, but let me take a look.

19 Q Let's find it for you.

20 A I think I found what you're referencing.

21 Q What page are you on?

22 A Page 6.

23 Q It actually starts on page 5 and goes onto page
24 6.

25 A The only reference to the police department I

1 see here is that other cited examples of unpleasant
2 encounters with the police department.

3 Q Can we agree that, and not necessarily in the
4 City of Lakewood's case, but the police department
5 hassling racial minorities as a matter of policy could
6 be an impediment to choice or fair housing?

7 MR. CLIMER: Objection. Go ahead.

8 A Yes, that would impede choice.

9 Q Certainly you would agree that any city that
10 implements some type of formal enforcement policy
11 directed at a class of people, one such that requires
12 them to cite and arrest anybody in a particular class
13 where there's a complaint, that's the type of
14 enforcement activities by the police that could be an
15 impediment to Fair Housing, wouldn't you agree?

16 A What you're describing, that would absolutely be
17 an impediment.

18 Q If that municipality were receiving CDBG grants,
19 for example, that would be inconsistent with their
20 obligations and certifications through the federal
21 government to affirmatively further fair housing?

22 MR. CLIMER: Objection. Go ahead.

23 A If there were a consistent city-wide policy as
24 you're describing with some group or protected status,
25 that would absolutely be a problem with regard to our

1 fair housing.

2 Q If members of the administration of any city
3 were meeting as groups to try and come up with new
4 ways to force a protected group out of a building,
5 coming up with new zoning angles or new approaches to
6 do that, that would also be potentially an impediment
7 to fair housing in that city. Correct?

8 MR. CLIMER: Objection. Go ahead.

9 A I don't know about a specific building. But,
10 indeed, if city officials were meeting and discussing
11 a protected status or any group for that matter, a
12 protected status, group, or race, anything like that,
13 just to try to remove them from said city or
14 municipality, that would be a problem.

15 Q Admittedly, if in that meeting they said let's
16 get this program out because it has got a lot of
17 blacks, that is a no-no, you can't do that. Right?

18 MR. CLIMER: Objection. Go ahead.

19 A If they said this program needs to leave because
20 it has a lot of blacks, that would be problem.

21 Q But you agree with me that discrimination is a
22 lot more subtle than that. People just don't throw
23 out in the middle of those meetings that they're
24 motivated by racial animists. People tend to keep
25 that to themselves a little bit more, don't they?

1 MR. CLIMER: Objection. Go ahead.

2 A Yeah. I would expect it's not -- I would expect
3 people to keep that a little closer to themselves if
4 they actually felt that way.

5 Q Yeah. I mean they might share it with somebody
6 that they're close with, a personal friend, but
7 they're not going to share it in a group meeting with
8 all of the administrative heads of a particular city,
9 right? You would think?

10 A I would think, yes, that they wouldn't do that.

11 Q Looking at page 6, at least as of -- it looks
12 like 2000, the 2006 analysis relied upon the most
13 recent census, which was in 2000. Correct?

14 A That's right. At that time that was the most
15 recent data.

16 Q It is not in color, but the dark shaded area on
17 the right is the largest population of
18 African-Americans in the City of Lakewood. Correct?

19 A Yes. Based on the 2000 Census data.

20 Q Do you know where Hidden Village is as it
21 relates to page 6?

22 A It would be somewhere in the northeast part of
23 this map closer to 117th street and it's on Clifton.
24 This is census tract 1602. I don't know what block
25 group. It would be right around here.

1 Q You pointed to the dark black area on the shaded

2 --

3 A Yes. I --

4 Q The darkest area you're pointing to?

5 A Yes. It would be in there.

6 Q As of 2000, the numbers indicate that the total
7 population of the City of Lakewood was 56,646. Right?

8 A That's correct.

9 Q The African-American population is listed as
10 1,116 in 2000.

11 A Okay.

12 Q So the African-American population as of 2000
13 was only 1.97 percent of the City of Lakewood's
14 population. Correct?

15 A I believe that refers to African-American or
16 black alone. The 2000 Census had other and mixed race
17 people, biracial and things like that. Yes.
18 African-American alone, 1.97 percent.

19 Q When you say that today you think it is 9
20 percent, are you referring to African-American alone
21 or are you referring to African-American and some
22 other groups mixed in?

23 A I am referring to all nonwhites based on the
24 American Community Survey data.

25 Q So nonwhites include Hispanics?

1 A No. Hispanic is an ethnicity, not a race.

2 Q How would we describe "other nonwhites"?

3 A Asian, Pacific Islander, the other nonwhite
4 groups. They would also include biracial and mixed
5 race people. White alone is what's closer to 90, 91
6 percent.

7 Q At the end of this report, Exhibit 120, there is
8 a list of recommendations. Do you see that?

9 A Yes, I do.

10 Q Do you know whether other than the documents
11 that have been -- and I will represent to you that the
12 documents that have been produced with respect to the
13 city's efforts to affirmatively further fair housing
14 are the Analysis of Impediments, and a number of
15 purchase orders for the Housing Research and Advocacy
16 Group, and a number of purchase orders for the
17 Cleveland Tenants Organization. Okay?

18 A Okay.

19 Q Other than those documents, do you know whether
20 the City of Lakewood possesses any other documents
21 that demonstrate their efforts to fulfill the
22 recommendations contained on page 29? You can list
23 them by bullet if you see something they do have
24 documentation on.

25 A Well, certainly as a whole every single CAPER, I

1 believe, the Consolidated Action Plan Review has a
2 section on fair housing where we discuss our prior
3 year's efforts as it relates to fair housing. So it
4 would include those things that you have purchase
5 orders for in addition to any other efforts,
6 activities, participation and program. That would
7 include attendance or facilitating programs in
8 addition to meetings, or other outreach or anything we
9 do. So that would be one place.

10 Additionally, not necessarily on a timetable,
11 but every once in awhile HUD themselves will have
12 specific questions with regard to fair housing from
13 their Fair Housing office. So while I wouldn't know
14 the specific nature of a document, I would expect
15 there would be an E-mail, a memo or something like
16 that should that interaction have occurred barring, of
17 course, a phone call or something like that. But
18 typically with HUD we have a document of some kind.

19 Q Where would those documents be housed?

20 A In E-mail, in electronic records on computers,
21 and in some cases if there's memos to be printed out
22 in various fair housing folders that I have filed.
23 They'd be either with me or the director, whomever was
24 in charge at the time. Those are the broader things.

25 Certainly every single program we fund with

1 federal funds beyond CDBG, but in all programs, all
2 the nonprofits have to be aware of the Fair Housing
3 Act and Fair Housing Laws even though they may not be
4 providing housing since they're working with low and
5 moderate income people, and people who possibly based
6 on their income status may face discrimination or
7 other issues. So we make sure that they know the Fair
8 Housing Act and they also have the Fair Housing poster
9 wherever they have operations. So that's throughout
10 all programs that are federally funded.

11 That would just be on a consistent ongoing
12 basis. I have to check on monitoring when I go onsite
13 to those places every year to check the status of
14 that, and what they've done, and if they have that
15 flyer poster thing. So that would be in my monitoring
16 records in each program, looking into that.

17 So those are the broad things as far as specific
18 documentation. I don't know what documentation would
19 be kept if -- because we have an additional protected
20 status here of sexual orientation, that would go
21 through the director. So I don't know what records
22 they would keep on that if there was any complaints
23 related to that.

24 So specifically with these things, let's see
25 here. Some of this would be covered under policies

1 and procedures. This first one, "Encouraging
2 homeownership within the city." We make sure that our
3 policies for first-time homebuyers and loan programs,
4 anything like that. That's it.

5 For the ones that require occupancy, of course,
6 you already have to be a resident. But to become a
7 first-time homebuyer through the homeowner program,
8 you don't have to be a current resident of Lakewood.
9 So we want to make sure that people beyond Lakewood
10 see Lakewood as a place that they might want to live.
11 So we make sure that we keep that open.

12 We publish consistently about all of our
13 programs and activities on our website. We have
14 public notices throughout the year in the local paper
15 as well as -- I mean the official public notices that
16 we have to put in on behalf of the public
17 participation process that we need to follow. But in
18 addition there's flyers, whether it's through bills or
19 the drops at housing units. I guess that's the
20 broadest thing. It's the newspaper, website and those
21 drops. So we make sure people know about that. And
22 then utility bills, we put information in there.

23 We do make sure our fair housing guides and
24 other information is published in different languages.
25 And we just make sure we also publicize the fair

1 housing specific programs, so the Cleveland Tenants
2 Organization, on-site clinic, the fact that the
3 Research and Advocacy Center exists. Our law
4 department on their website does have information on
5 the Fair Housing Act and things of that nature. I
6 guess those would be electronic. I don't know what
7 specific documentation that's referred to.

8 We do meet periodically with different groups,
9 whether it's the realtists, which is historically the
10 minority real estate community. Because a long time
11 ago they weren't allowed to join the official realtors
12 groups, so we met with them. And, indeed, for some of
13 our federally funded programs, whether it's CDBG or
14 NSP, we have realtists as part of our contractors to
15 do some of the realty-related work.

16 Q Would there be records of the meetings with the
17 realtists and whatever action plans may have come out
18 of that?

19 A There would be records that the meetings took
20 place and there are certainly records of any of the
21 realtists responding to the RFT or RFQ, whichever it
22 was for those services. And, indeed, any contracting
23 we would have done with them for the --

24 Q What contracting was done with the realtists?

25 A With individual realtists who are depending on

1 the program working. Division of Community
2 Development actually runs that. All I know is that
3 some realtists did respond to the RFP and RFQ, so I
4 don't know if they're currently under contract or have
5 been contracted to do work.

6 Q For what?

7 A To sell houses under NFC, NFD programs to work
8 with us on our CDBG program to where we will be
9 listing properties.

10 Q How about the Section 8 housing issue?

11 A Section 8 housing, all I know is that for many
12 maps I've seen there's Section 8 throughout the city.
13 But I'm not party to the meetings with CMHA or that
14 actual voucher program.

15 Q How about the last bullet point, meeting with
16 representatives of the African-American community?

17 A Yes. Well, I did mention that we met with the
18 realtists. Additionally, we post all of our public
19 notices for both HUD broad-related things, how we plan
20 on using our federal funds, the programs we intend to
21 fund, the public participation, where we're expecting
22 comments back. We publish all of those in the Collin
23 Post, which is the predominantly African-American
24 newspaper in this region. And we also post in the
25 Collin Post any large infrastructure projects to make

1 sure that African-American businesses or other
2 minority businesses are aware that these bidding
3 opportunities exist.

4 Two years ago or maybe it was a year and a half
5 ago we did meet with the local or the regional
6 minority trades association to let them know about our
7 programs, their opportunities to bid on work and how
8 to get involved in that.

9 Additionally, of course, we do have to report to
10 HUD semiannually on our contracts to minority and
11 women-owned businesses, as well as Section 3.

12 Q Is there any formal actions taken by the City of
13 Lakewood to improve the perception that was identified
14 as one of the impediments, the perceptions by
15 African-Americans that this is a predominantly white
16 community and is not welcoming to African-Americans?

17 A The Community Relations Department has the
18 Community Relations Board. They put on programs and
19 activities that are open to city residents. And the
20 board itself is made up of representation of Lakewood.
21 I don't deal with that board directly, so you'd have
22 to speak with them directly for more details. I do
23 know that annually they put on a diversity event
24 potluck discussion.

25 Q And that is open to people in the community?

1 A Yes. And publicized.

2 Q So that's open to the residents of the City of
3 Lakewood?

4 A Yes.

5 Q What do they do to people who are not residents
6 of the City of Lakewood?

7 A Oh, that's -- we don't -- beyond having programs
8 that are available to nonresidents to purchase homes
9 in the city, our programming is for Lakewood
10 residents.

11 Q This says at least as of 2000 only 1.9 percent
12 of the population was African-American. So how are
13 you going to improve the perception among
14 African-Americans that Lakewood is welcoming to
15 African-Americans if you don't have programs that
16 reach out beyond the Lakewood community?

17 A Well, housing choices, I mean that is up to
18 individuals to decide where they want to live, where
19 they feel is a good place for them if they have a
20 family. We make sure through things like rental
21 testing that there isn't consistent or hopefully ever
22 present discrimination. And if, indeed, there is,
23 those owners or landlords who are discriminating
24 against people are either, worst case scenario, taken
25 to court, charged with a crime, whatever, or at least

1 are informed such that they stop doing that so they
2 know what they're going to do. We do want to make
3 sure we consistently test to make sure that people who
4 do want to live here, they have a choice of where they
5 live based on their income, so that they can live in
6 any part of the city.

7 Additionally, I think over time perception isn't
8 necessarily reality. I think as a community, whether
9 it is efforts with our schools, things like the race
10 and diversity club that do exist, and just like the
11 presence of people of all races in this city, that in
12 the end it is our obligation and it is the city's role
13 to, say, review those records, and just make sure that
14 consistently if you are a protected status including
15 African-American, that if there is a housing unit you
16 either want to own or rent and you have the income to
17 be sufficient for that and you're denied that housing
18 because of it, then it's our responsibility to make
19 sure that remedies have been taken there.

20 Q You seem very focused on the landlord
21 obligations. I get that. I'm guessing you don't
22 perceive that there's a huge problem the City of
23 Lakewood with landlords discriminating against
24 African-Americans, do you?

25 A I have seen the results of testing that has said

1 it's occurred.

2 Q Sure. Some people have done it?

3 A Yeah.

4 Q For the most part, most landlords in the City of
5 Lakewood understand their obligation to rent to
6 Caucasians and African-Americans, I assume, don't you?

7 A I would assume that most landlords who run a
8 good business know that they can't deny housing based
9 on one of the protected statuses.

10 Q Assuming that most landlords aren't
11 discriminating against African-Americans, there still
12 is a disproportionately small number of
13 African-Americans in the City of Lakewood based upon
14 the demographics of the surrounding communities?

15 MR. CLIMER: Objection. Go ahead.

16 A Certainly on the west side we're -- the west
17 side of Cuyahoga County we are probably much more
18 diverse than other places. Yeah.

19 Q Cuyahoga County has a much larger
20 African-American population than the City of Lakewood,
21 for example?

22 A Yes. Because the City of Cleveland has a very
23 high percentage.

24 Q East side communities have a higher percentage
25 of African-Americans than Lakewood does?

1 A Certain east side communities have a higher
2 percentage, yes.

3 Q For whatever reason there appears to be an
4 impediment where people are making choices, as you
5 referred to it, where to live?

6 A I can't speak to an impediment there.

7 Q You can speak to choice, though. Because
8 African-Americans are choosing to live in other
9 locations other than the City of Lakewood. Right?

10 A No. I think the numbers are showing that every
11 year that goes by there are more and more
12 African-Americans that are choosing to live in
13 Lakewood.

14 Q But disproportionately they are not choosing the
15 City of Lakewood over other surrounding inner ring
16 suburbs?

17 MR. CLIMER: Objection. Go ahead.

18 A I would have to run the numbers. I can't speak
19 to disproportionately.

20 Q Well, I guess we'll know the numbers by the end
21 of this year. Right?

22 A Probably. It might be a year and a half, but,
23 indeed, the next Census data.

24 Q We will have a new Analysis of Impediments to
25 Fair Housing in the City of Lakewood. Right?

1 A Yes.

2 Q And the city doesn't maintain any demographic
3 statistics separate and apart from the Census
4 conducted by the federal government?

5 A No. Beyond the school data that I mentioned.

6 (Brief recess had.)

7 BY MR. HABER:

8 Q Do you know whether the City of Lakewood has
9 measured the racial separation in the City of
10 Lakewood?

11 A No, I do not know that.

12 Q Do you know what that is, racial separation?

13 A I'm not sure.

14 Q Do you know whether the City of Lakewood has
15 prepared a dissimilarity index?

16 A I don't know.

17 Q Are levels of racial segregation affected by
18 income?

19 A I would expect so.

20 Q Do you know how it is affected? I know you
21 expect it would be.

22 A Well, I think in our region and beyond average
23 median income for nonwhites is lower than the average
24 median incomes for whites.

25 Q Does Lakewood have affordable housing?

1 A There are rents and housing of all costs and
2 rents. Indeed, at least places like Westerly and
3 other large complexes, the Lakeshore Towers, things
4 like that, I believe those are actually fully
5 affordable building.

6 Q Do you understand what the definition of
7 "affordable housing" is?

8 A Well, I guess -- I think the one would be --
9 official affordable housing would be either HUD
10 designated or at a project base, an actual building.
11 And then other affordable units would just be units
12 where the rents or the costs charged associated with
13 that rent would meet the affordability of people of
14 certain income levels.

15 Q Do you know what effort has been made by the
16 City of Lakewood to improve affordable housing in the
17 areas that are not currently integrated with
18 African-Americans? In other words, you got areas that
19 have larger populations of African-Americans than
20 others. You have certain segments of the community
21 that are largely devoid of African-Americans, that are
22 principally white.

23 What efforts have been made to increase the
24 amount of affordable housing in those areas as to
25 integrate the community?

1 A The HOME program, we have a couple HUD subsets
2 of our Home Investment Partnership Fund. In those we
3 have created units in the building. One is Welcome
4 House and the other one is the Westerly. There have
5 been two phases of that. Those two projects were to
6 -- it was putting money into the project so that they
7 would create I think it was -- I don't know if the
8 affordability period is 10 or 15 years. But to create
9 affordable units in those buildings.

10 Additionally, we have the mural program, which
11 is part of the HOME program and that is for owners of
12 any mixed-use property throughout the city that if
13 they want to improve their store fronts and then
14 simultaneously update and improve and make affordable
15 the units that they have above. They have access to
16 those funds so that they could make affordable units.
17 Those to date I don't know that anyone has come
18 through the program. I do know the people that are
19 coming through are a non-predominantly
20 African-American parts of the city.

21 Q Does the city know what the racial composition
22 is of affordable housing units in the City of
23 Lakewood?

24 A I don't know the answer to that question.

25 Q Do you know whether they are largely occupied by

1 African-Americans or other minorities?

2 A I don't know.

3 Q Do you know whether anybody would know in the
4 City of Lakewood? Would that information be
5 available?

6 A I don't know. I would expect we would get any
7 affordable housing information from HUD because we
8 don't collect racial information of occupants of
9 property. No, I don't know.

10 Q The Westerly is located where?

11 A In central Lakewood on Detroit in between Bunts,
12 140th Street and Marlow.

13 Q In our shaded area on page 6, approximately
14 where would it be, the gray area or white area?

15 A It would be gray.

16 Q Show me where you were pointing.

17 A It's in Census Tract, I think, 1603. It's right
18 on the border. I believe this is around Belle Avenue.
19 So the Westerly would be right around here
20 (indicating).

21 Q You are pointing -- there's this singular,
22 white, kind of in the center that's not touched,
23 that's surrounded by gray and it would to the right of
24 that?

25 A Yes. But it would be right on the border. I

1 don't know what these cross streets are. I would have
2 to look at a Census Tract map. It would be in this
3 sort of more gray rectangular one, but moving south
4 and moving west. So it would be right around there.

5 Q Have any affordable housing units been built in
6 the last five years?

7 A Other than those projects that I told you about,
8 HOME, I don't know what the private market has done.

9 Q Westerly. And what's the other one?

10 A Welcome House.

11 Q Where is that located?

12 A On the corner of Bunts and Detroit.

13 Q Which is where?

14 A It would be around that same gray block. Those
15 are the two projects where I know city funds were
16 involved with the HOME funds. Again, privately owned,
17 there may be a lot more projects out there. I'm just
18 not aware of them.

19 Q Is there some type of document or map that
20 indicates what properties in the City of Lakewood
21 accept Section 8 vouchers?

22 A I don't know that the city has ever developed
23 that. I have seen one, though. Because I believe one
24 of the bloggers did an information request to find out
25 where the Section 8 vouchers were from CMHA. Then

1 plotted them on a map. I have seen a map like that,
2 but it was not generated by the city.

3 Q Do you have a copy of that map?

4 A No, I don't know. I maybe could go online and
5 find it if the person still has it posted.

6 Q Do you know which blogger it was?

7 A LoveLakewood.com or org or something. The owner
8 of the blog is somebody named Anthony Davis.

9 Q Other than yourself, anyone else that has
10 responsibility for administration of CDBG grants?

11 A Ultimately, I report to the director who does
12 have to sign off on some of the things I do. And then
13 the Mayor has to ultimately sign off on the documents.

14 Additionally, when we go to fund activities
15 through the public participation process, the
16 recommendations for funding go to our city council and
17 city council approves it. They also approve it an
18 additional time when they approve budgets at any time.

19 Additionally, I mentioned that with HOME I am
20 not the lead, the HOME Federal Fund. Mary Lee from
21 the Division of Community Development is the main
22 contact for the HOME fund.

23 Q Do you get involved in explaining to the Mayor
24 the significance of what his obligations are when
25 certifying the commitment to affirmatively further

1 fair housing when submitting those applications?

2 A I provide, in this case, him information with
3 just the document itself. And I am available for
4 questions or additional information if he asks.

5 Q You would not have been around at the time -- I
6 guess you would have been around at the time that
7 Mayor George submitted the last one?

8 A The last one, I had him sign it. That's right.

9 Q Did you explain to him what it meant to sign the
10 certification?

11 A No. But I was available for him if he had any
12 questions.

13 Q Have you ever reviewed the HUD Fair Housing
14 Planning Guide that kind of helps you understand what
15 you're supposed to put in your applications for CDBG
16 grants and what your obligations thereafter?

17 A I don't know. I've read a lot of HUD things.
18 And I may have. It doesn't come to mind. I don't
19 want to say that I've never read it because I may
20 have.

21 Q To your knowledge, do the firefighters and
22 members of the fire department receive any training
23 with fair housing?

24 A I do not know what they get.

25 Q To your knowledge, does anybody in the police

1 department receive training with respect to fair
2 housing?

3 A I have heard that some people have. I don't
4 know if it's the entire department. We are working on
5 right now -- we have a citywide employee one, Fair
6 Housing training set up for a couple weeks from now.
7 I do know both police and fire people, officials, I
8 don't think the entire department, but will be a part
9 of that.

10 Q Do you know who has received training so far?

11 A No, I don't know. Other than me.

12 Q You're the only one in the city that you're
13 aware of?

14 A That I'm aware of, yes.

15 Q Do you know how many members of the Community
16 Relations Board are African-American?

17 A No, I don't.

18 Q Are there any?

19 A I don't know who is on the Community Relations
20 Board.

21 Q How about Planning & Development, how many
22 African-Americans are there?

23 A Zero.

24 Q How about Community Development, do you know?

25 A Zero.

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MR. HABER: I have no further questions. We will read. I will take a copy.

MR. CLIMER: I will take a copy.

- - - - -

(Deposition concluded at 11:08 a.m.)

(Signature not waived.)

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Signature of Emma Petrie Barcelona

