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 COUNTY OF LOS ANGELES

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

STATE OF CALIFORNIA, *et al.*,
 Plaintiffs,
 v.
 DONALD J. TRUMP., *et al.*,
 Defendants.

) Case No.: 5:20-cv-05169-LHK-RRC-EMC
)
) **DECLARATION OF AMY BODEK IN**
) **SUPPORT OF PLAINTIFFS' REPLY IN**
) **SUPPORT OF MOTION FOR PARTIAL**
) **SUMMARY JUDGMENT AND IN**
) **OPPOSITION TO DEFENDANTS'**
) **MOTION TO DISMISS, OR IN THE**
) **ALTERNATIVE, MOTION FOR**
) **PARTIAL SUMMARY JUDGMENT**
)
) Date: October 8, 2020
) Time: 1:30 p.m.
) Place: Courtroom 8, 4th Floor
) Judge: Honorable Richard R. Clifton
) Honorable Lucy H. Koh
) Honorable Edward M. Chen
)

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1 I, Amy Bodek, hereby declare:

2 1. I am the Director of the Department of Regional Planning ("DRP") of the County
 3 of Los Angeles ("the County"). I have been authorized by County Counsel to submit this
 4 Declaration on behalf of the County. Except as otherwise stated below, I have personal and
 5 professional knowledge of all facts contained in this Declaration, and if called upon to do so
 6 could testify competently to those facts under oath in a court of law, without waiver of any
 7 applicable privilege.

8 2. Before I was appointed to my current position in February of 2018, I was the
 9 Director of the Department of Development Services for the City of Long Beach, as well as the
 10 Executive Director for the Long Beach Redevelopment Agency, since 2010. I worked for the
 11 City of Long Beach in various planning capacities for over 24 years.

12 3. I hold a Bachelor of Science degree in Environmental Design from Cornell
 13 University, a Master of Urban Planning degree from New York University, and a certificate in
 14 Landscape Architecture from the University of California, Los Angeles.

15 4. As further described below, DRP relies on Census demographic information from
 16 two sources—(1) obtained directly from the Census, and (2) analyzed and provided by the
 17 Southern California Association of Governments ("SCAG"). Such information, including but
 18 not limited to age, employment, special needs, and housing characteristics, is critical to the
 19 primary functions of the Department, including the creation of the County's General Plan,
 20 various area plans, and the development tools to ensure equitable development.

21 **General Plan**

22 5. My responsibilities include overseeing the County's compliance with, and
 23 implementation of, its obligations under California's Planning and Zoning Law (Cal.
 24 Government Code §§ 65000, *et seq.*) These obligations include the promulgation,
 25 implementation, and periodic updating of the County's general plan pursuant to Government
 26 Code section 65300, which requires that: "Each planning agency shall prepare and the
 27 legislative body of each county and city shall adopt a comprehensive, long-term general plan for
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1 the physical development of the county or city, and or any land outside its boundaries which in
 2 the agency's judgment bears relation to its planning."

3 6. The Los Angeles County 2035 General Plan (the "General Plan") serves as a
 4 "blueprint" for how and where the unincorporated County will grow through the year 2035. It
 5 is the guide for long-term physical development and conservation, by establishing goals,
 6 policies and programs to foster health, livable and sustainable communities. The General Plan
 7 includes the following elements: Land Use, Mobility, Air Quality, Conservation and Natural
 8 Resources, Parks and Recreation, Noise, Safety, Public Services and Facilities, Economic
 9 Development, and Housing. In 2017, the Legislature added (as § 65302, subd. (h)) a required
 10 environmental justice element to address the unique burdens and needs of "disadvantaged
 11 communities," as defined by law. Each of these elements is assessed across the unincorporated
 12 areas of the County as a whole, as well as across eleven smaller planning areas (e.g., East San
 13 Gabriel Valley, San Fernando Valley, Antelope Valley and Westside Planning Areas).

14 7. One element of the General Plan is the Housing Element, which is one of eight
 15 required by the State. It serves as a policy guide to address the housing needs of the
 16 unincorporated communities, and its main focus is to ensure safe, sanitary, and affordable
 17 housing for Los Angeles County residents, including those with special needs. *See, e.g.*, "Los
 18 Angeles County Housing Element, 2014-2021," available at
 19 http://planning.lacounty.gov/assets/upl/project/housing_element.pdf ("Housing Element").

20 8. As part of the Housing Element, the County conducted a Housing Needs
 21 Assessment to identify both available housing inventory and market trends that DRP will use to
 22 shape housing policy for the unincorporated areas. The Needs Assessment includes a review,
 23 not only of population, but also of demographic characteristics including age, race,
 24 employment, housing characteristics, and special needs. *See, e.g.*, Housing Element.

25 9. Based on my experience heading the DRP, the decennial Census is the main
 26 source of information for conducting the Housing Needs Assessment. The County does not rely
 27 on the American Community Survey ("ACS") because ACS data is not sufficiently accurate or
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granular. The ACS is a randomized sample of roughly three million people in the entire nation each year. Since the ACS data derives from a small sample set that is then extrapolated, it lacks the specific information the County needs to properly plan. Specifically, ACS data is not useful at the block group level, and Census data is. If DRP were to base its local data on that which is derived from such a small sample set, the County would have to make large assumptions regarding local trends. These assumptions would later cause significant financial and planning problems if they turned out to be false.

10. **Age.** DRP relies on the assessment of population characteristics such as age to identify the current and future need for types of housing. Younger residents typically seek smaller, affordable housing, while middle-aged residents will demand a variety of housing options. Senior residents are projected to need intermediate care and assisted living options. The County relies on accurate data regarding the age of its population—data that is derived almost entirely from the Census—to inform its planning with respect to each kind of housing. *See, e.g.,* Housing Element.

11. **Race and Ethnicity.** DRP also relies on the assessment of population characteristics such as race and ethnicity in its Housing Needs Assessment. Race and ethnicity Census data can potentially indicate housing demand given that certain cultures may prefer or be accustomed to living with extended family, and need larger housing units. *See, e.g.,* Housing Element.

12. **Special Needs.** DRP relies on the assessment of population characteristics such as special needs to identify the current and future need for types of housing. Residents with special needs (including seniors, farmworkers, single parent households, large households, the homeless, and persons with disabilities) face greater challenges when seeking available housing in light of the need for certain accommodations and/or retrofitting. *See, e.g.,* Housing Element.

13. **Household Population.** DRP also relies on Census data on substandard housing, overcrowding, and overpayment (i.e., percentage of income spent on rent) to assess the availability of appropriate, affordable housing in the County's unincorporated areas. Moreover,

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1 knowing household populations is critical because higher density areas have special planning
 2 needs as they are more likely to need higher access to transit, have higher social service needs,
 3 and be sensitive to changes in rent or employment. The County can act to avoid these issues if
 4 and only if it has accurate Census data. If the County knows overcrowding is occurring, it can
 5 plan for (i.e., rezone) those areas in order to accommodate more people. If these same areas
 6 also lack transit, accurate information gives the County an opportunity to plan for new transit
 7 service or new employment areas. *See, e.g.*, Housing Element.

8 14. All of the above referenced demographic information and resulting analysis is
 9 made available to a variety of County departments. In response, these agencies develop
 10 programs and policies aimed at addressing the problems highlighted by the data.

11 15. I am aware that in prior years, the analysis of Census demographic data has
 12 resulted in the amendment of governmental constraints like the County Zoning Code, increased
 13 availability of public funds/project-based vouchers, development of affordable housing units,
 14 and the increased provision of rental assistance. Based on such analysis, public housing has
 15 been modernized and preservation options discussed with inhabitants of at-risk housing as well.
 16 *See, e.g.*, Housing Element, at Appendix C: Review of Past Accomplishments.

17 **Planning Areas**

18 16. The General Plan is the foundation for all community-based plans, such as area
 19 plans, community plans, and coastal land use plans. Area plans focus on land use and policy
 20 issues that are specific to a particular planning area.

21 17. The East San Gabriel Valley Area Plan will be the first area plan prepared under
 22 the Planning Area Framework. It is a long-range planning and policy document that will help
 23 guide growth and development for the unincorporated areas of the planning area. An area plan
 24 will be prepared or updated for each of the County's eleven planning areas. Like the General
 25 Plan, DRP relies on demographic information from the Census including the age, race,
 26 employment, and housing characteristics of the community to assess the need and plan for
 27 growth. *See, e.g.*, the "East San Gabriel Valley Area Plan," available at
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1 <http://planning.lacounty.gov/site/esgvap/>.

2 **Equitable Development**

3 18. On December 8, 2015, the County Board of Supervisors voted to implement the
 4 County General Plan in a way that would promote sustainable, healthy and well-designed
 5 environments, enhancing the quality of life and public well-being for all unincorporated
 6 residents. The Board instructed the Director of Regional Planning to work with other County
 7 departments to initiate an Equitable Development Work Program consisting, in part, of the
 8 development of tools to evaluate, monitor, and advance equity objectives in the General Plan's
 9 implementation. *See, e.g.,* Los Angeles County Board of Supervisors Motion entitled
 10 "Development and Implementation of Equitable Development Tools," available at
 11 <http://file.lacounty.gov/SDSInter/bos/supdocs/99751.pdf>.

12 19. In response to the Board's motion, DRP has been developing an Equity Indicators
 13 Tool, the purpose of which is to facilitate the use of equity as a factor in the County's decision-
 14 making. The Tool itself is a web-based mapping program that displays demographic
 15 information obtained from the Census either directly by DRP or indirectly via SCAG, to
 16 identify areas that are experiencing a greater degree of challenges. *See, e.g.,* DRP Report to the
 17 Los Angeles County Board of Supervisors entitled "Report on Board Motion Regarding the
 18 Equitable Development Work Program," available at
 19 http://planning.lacounty.gov/assets/upl/official/official_20181129-equity.pdf.

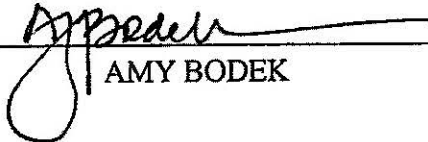
20 **Importance of Demographic Census Information to DRP and County Planning**

21 20. DRP relies heavily upon demographic Census information in carrying out its
 22 responsibilities under the Planning and Zoning Law, particularly since this information is
 23 available on a block-by-block (detailed) basis, which is essential for the County's planning
 24 purposes. Decennial census information is particularly important for DRP's purposes because it
 25 also forms the basis for measuring trends based on comparison with the previous Census.
 26 DRP's future projections for General Plan purposes will need to include comparisons between
 27 2010 and 2020 demographic Census figures.

1 21. Without the reliable and precise demographic Census information, DRP would
2 not be able to readily identify the unique needs of each community in formulating and
3 implementing the County's General Plan and its many elements. This lack of accurate data, in
4 turn, could result in long-term misallocations of County resources, impairing the County's
5 ability to balance the economic, social, environmental, and other goals set out in the Planning
6 and Zoning Law and the County's General Plan. Further, without reliable demographic Census
7 information, DRP would be unable to maintain the current level of assistance to other County
8 agencies charged with the responsibility of making policy or financial decisions in accordance
9 with California law and the County's Equitable Development programs and policies.

10 I declare under penalty of perjury under the laws of the United States that the foregoing is
11 true and correct, and that I have executed this declaration in Los Angeles, California.

12 Dated: September 17, 2020

13
14 /s/ 
15 AMY BODEK
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CERTIFICATE OF SERVICE

Case Name: **State of California, et al. v.
Donald J. Trump, et al.**

No. **5:20-cv-05169-LHK-RRC-
EMC**

I hereby certify that on September 21, 2020, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**DECLARATION OF AMY BODEK IN SUPPORT OF PLAINTIFFS' REPLY IN
SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT AND IN
OPPOSITION TO DEFENDANTS' MOTION TO DISMISS, OR IN THE
ALTERNATIVE, MOTION FOR PARTIAL SUMMARY JUDGMENT**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on September 21, 2020, at Sacramento, California.

Eileen A. Ennis
Declarant

/s/ Eileen A. Ennis
Signature

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Eileen A. Ennis
Declarant

/s/ Eileen A. Ennis
Signature

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