

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

CENTER FOR POPULAR DEMOCRACY  
ACTION and CITY OF NEWBURGH,

*Plaintiffs,*

v.

BUREAU OF THE CENSUS, *et al.*,

*Defendants.*

**Case No. 1:19-cv-10917**

Hon. Alvin K. Hellerstein

**DECLARATION OF ALEXANDRA CHURCH  
IN SUPPORT OF PLAINTIFFS' MOTION FOR EMERGENCY RELIEF**

I, Alexandra Church, hereby declare:

1. I am employed by the City of Newburgh ("the City"), where I serve as the Director of Planning and Development. The facts stated herein are true based on my personal knowledge and my review of documents maintained by the City.

**Makeup of City of Newburgh**

2. The City of Newburgh is a majority Hispanic or Latino city in Orange County, New York. Of its more than 28,000 residents, more than 50 percent are Hispanic or Latino.<sup>1</sup> The City also has a larger share of African American residents (25.2 percent) than the national average (12.6 percent).<sup>2</sup>

3. The City of Newburgh has been designated "hard to count" by the Bureau of the Census, just as it was for the 2010 Census. Of the City's six census tracts, two tracts returned just

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<sup>1</sup> Quick Facts, Newburgh City, New York, U.S. Census Bureau,  
<https://www.census.gov/quickfacts/fact/table/newburghcitynewyork/PST040218>.

<sup>2</sup> Id.

over half of the mailed census questionnaires in the 2010 Census, and one tract returned only 63.8 percent.

4. 40 percent of residents in half of the census tracts in Newburgh had either no home internet subscription or dial-up only from 2013 to 2017. The Bureau's reliance on an untested digital census for 2020 will tend to undercount these already hard-to-count individuals.

#### **Harm from a Differential Undercount**

5. A differential undercount in the 2020 Census affecting Hispanic and Black communities would significantly harm the City financially, in addition to causing substantial harm to the county's residents in the form of reduced services and reduced representation in Congress.

6. The federal government allocates funds to the City based on demographic information and population figures collected by the decennial census.

7. Each year, the federal government provides state and local governments with financial assistance, including grants, loans, and loan insurance, on the basis of information collected in or derived from the most recent decennial census. In Fiscal Year 2017, for example, 316 federal spending programs relied on data derived from the 2010 Census to distribute \$1.504 trillion to state and local governments, nonprofits, businesses, and households across the country. Financial assistance programs providing direct payments, grants, loans, and loan guarantees to such entities accounted for \$1.465 billion.

8. Certain federal programs provide aid directly to local governments based on data derived from the decennial census. For instance, the allocation of Community Development Block Grants (CDBG) to cities and urban counties is based in part on the relevant area's population.

9. The City of Newburgh receives CDBG funding, which it uses to fund projects providing access to parkland and trails, investing in infrastructure, and building community gardens, among others. In Fiscal Year 2019, the City's total CDBG allocation was \$838,786; in the previous five years, the City has received more than \$4.1 million.

10. For other federal programs, the federal government provides funding to states based on data collected in the decennial census, and that funding is in turn provided to localities. The Supplemental Nutrition Program for Women, Infants, and Children ("WIC"), for example, distributes grants to states based in part on census-derived population data. States then distribute WIC funding to local agencies based in part on the share of their population that meets the relevant income qualifications, a figure derived in part from census population data.

11. In 2018, New York State received \$445.5 million in WIC program funding.<sup>3</sup> Orange County receives WIC funding from New York State, and there is at least one health-care center in Newburgh that provides WIC services to eligible recipients: Cornerstone Family Healthcare on Lake Street.

12. The City and its residents benefit from dozens of other similar programs that rely on federal contributions affected by data derived from the decennial census.

13. In Fiscal Year 2016, New York State received roughly \$73 billion through 55 federal spending programs that distributed funding on the basis of data derived from the decennial census. This figure amounted to roughly \$8,966 per capita.

14. With a population of more than 28,000, the federal benefits that Newburgh stands to lose are substantial.

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<sup>3</sup> WIC Program Grant Levels by Fiscal Year, US Department of Agriculture, Food and Nutrition Service, <https://www.fns.usda.gov/wic/wic-program-grant-levels-fy>.

15. A net undercount of City residents in the 2020 Census will deprive the City of tens of millions of dollars in federal funding.

16. The population as determined by the decennial census also affects City residents' political representation in the House of Representatives. An undercount of City residents dilutes the voting power of undercounted communities in the redistricting process and creates a risk that the State of New York would be deprived of a rightful seat in the House during the decennial reapportionment.

17. In addition, a differential undercount will also likely dilute City residents' voting power in the state legislature, since state legislative districts are likewise drawn based on census data.

#### **Efforts to Prevent a Differential Undercount**

18. In the 2010 Census, Orange County was the fifth-most undercounted county in New York State. Newburgh's census response rate—57 percent—was one of the lowest in Orange County.

19. Despite its status as one of the hardest-to-count localities in the state, the City of Newburgh does not have an area census office ("ACO") for the 2020 Census. Nor does the City have a local Questionnaire Assistance Center ("QAC") for the 2020 Census, despite Senator Charles Schumer, Senator Kirsten Gillibrand, and Representative Sean Maloney urging the Census Bureau to establish one there.

20. To avoid or mitigate the potential undercount of City of Newburgh residents in 2020, the City has taken a number of steps to ensure full participation in the 2020 Census.

21. Newburgh's Complete Count Committee has expended time and resources in conducting community outreach and organizing hiring fairs, and the City Council has spent

approximately 2,500 hours already on promotional and communication efforts to get out the count for the 2020 Census.

22. The City has provided the Complete Count Committee with meeting space free of cost, and Newburgh's Director of Community Development has attended each Complete Count Committee meeting in addition to at least seven other independent events in Newburgh to promote awareness of the 2020 Census.

23. Newburgh's Information Technology department has been working to set up at least two kiosks in the City where residents who may not have Internet access of their own will be able to access 2020 Census material online. The kiosks will cost \$6,864.78 and will be funded by a grant from Enterprise Community Partners through the NYS Office of the Attorney General.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 29 day of January 2020 in Newburgh, New York.



Alexandra Church