Exhibit 46

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK, *et al.*, Plaintiffs, v. DONALD J. TRUMP, *in his official capacity as President of the United States, et al.*, Defendants.	20 Civ. 5770 (JMF) **DECLARATION OF JONATHAN STERNESKY**

Pursuant to 28 U.S.C. § 1746(2), I, JONATHAN STERNESKY, hereby declare as follows:

1. I am over the age of eighteen and have personal knowledge of all the facts stated herein.

2. I am the Manager of Policy and Legislative Affairs for the New Jersey Housing and Mortgage Finance Agency (NJHMFA). In this role, I oversee NJHMFA's executive policy team and work directly with NJHMFA's programmatic divisions to develop and implement new Agency programs, as well as analyze and review the efficacy of existing Agency programs. I have been employed by NJHMFA since 2018 and have a bachelor's degree from Kean University and a master's degree in public administration from Seton Hall University.

3. NJHMFA is the State of New Jersey's primary vehicle for developing and funding affordable homeownership and rental housing for New Jersey residents. Agency staff rely heavily on data prepared by the United States Census Bureau to administer federal and state housing programs. Decennial Census and American Community Survey data provide NJHMFA with socioeconomic and population characteristics (e.g., age, race and ethnicity, individual and household income, employment, poverty, form of tenure (i.e., rental or ownership), housing quality, rent and mortgage costs, and housing vacancy), as well as aggregate characteristics of geographic areas (e.g., area median income; housing cost burden; fair market rent; qualified low-income Census tracts; and Difficult to Develop Areas). To operate most effectively, NJHMFA

needs accurate Census data, which is directly or indirectly utilized to inform a significant subset of programmatic targeting and policy determinations.

4. NJHMFA regularly relies on Census data for policy and programmatic decision-making for two primary reasons. First, the Decennial Census is the government and policy-making reference point for better understanding the diverse populations within communities across the United States, acting as the baseline for key forward-looking economic and population estimates. Second, the Decennial Census – unlike other data services and products provided by the United States Census Bureau – is an actual enumeration, or count, of the total population of the country, providing a fuller, more comprehensive point-in-time understanding of the population when compared to an estimate derived from a sample.

5. Census data deeply influences the way that NJHMFA designs and plans for the allocation of housing funds across the state. For example, the Agency uses income, poverty, employment, housing density, and housing vacancy data from the Census to direct its annual $20 million to $25 million allocation of federal 9% Low-Income Housing Tax Credits (LIHTC). These credits are then used to leverage roughly a ten-fold influx of private investment into equity for development costs to both high-opportunity and high-need areas of New Jersey.

6. Census data also determines the design and parameters of state-level programs. For instance, New Jersey's First-Time Homebuyer mortgage and down payment assistance programs are targeted toward low- and moderate-income households, using Census-derived data, including area median incomes and Urban Target Areas, which are referred to as "Targeted Areas" or "Targeted Area Residences" for federal purposes. Similarly, several special needs housing trust funds in New Jersey rely on Census-informed area median incomes to target units to the most vulnerable renters and to set affordable rents.

7. Finally, we use Census data to evaluate our programs and determine whether we are serving low-income and other historically marginalized or otherwise vulnerable populations effectively. Most recently, we carried out a racial equity analysis on our down payment assistance program to determine whether we were serving homebuyers of all races and ethnicities effectively. Without accurate Census data, including accurate data reporting the characteristics of the enumerated population, we would not be able to assess the Agency's performance and make adjustments to be able to serve all New Jerseyans in an equitable manner.

8. As illustrated in the preceding paragraphs, Census data underpins so much of NJHMFA's program design, planning, and implementation that its accuracy is necessary in order to make key decisions affecting affordable housing in New Jersey.

9. Poor quality Census data would have a deleterious effect on the residents of New Jersey. For example, NJHMFA is charged with distributing state and federal resources critical to advancing the socioeconomic opportunities of New Jersey's most vulnerable residents. Without an accurate representation of the State's population, NJHMFA would be at risk of inadvertently diverting such resources away from the residents and communities the programs are designed to serve. Inaccurate Census data would also place NJHMFA at increased risk of setting policies and goals that are responsive to the faulty data, instead of the actual needs of these communities. Additionally, poor quality census data would compromise the calculation of maximum permissible rents for both 4% and 9% LIHTC projects. Those rents are calculated based on affordability for families at different income levels. If data regarding the number of households and area median income measures are distorted because the Census disproportionately undercounts certain communities and income brackets or because the quality of the Census data is otherwise degraded, there would be a direct impact on the maximum rent calculations. For example, if poor-quality Census data inaccurately reflected an inflated median income for an area, maximum rent levels would be set higher than what is truly "affordable" for low- and moderate-income families in those areas.

10. In sum, inaccurate Census data would produce substantial harm to NJHMFA, compromising its ability to effectively administer programs serving vulnerable communities.

I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

Executed on this fourth day of August, 2020

JONATHAN STERNESKY, MPA