January 7, 2013

The Honorable Benito Romano
Chair, New York City Districting Commission
253 Broadway, 7th Floor
New York, NY 10007

Dear Chair Romano,

With the Districting Commission (Commission) having withdrawn and presented new district maps on December 4th, 2012 – laudably offering the public with additional time to present its thoughts on the revised maps – Citizens Union with this letter provides you with our recommendations to further improve the transparency of Commission's decision-making and composition of individual districts. Attached to this letter is detailed demographic analysis of the revised districts which supports our recommendations.

As you know, we supported the Commission's withdrawal of its previous maps, believing that the Commission would benefit from additional input from the public. In reviewing this input, we understand that the Commission will need to properly balance competing – and perhaps contradictory – interests in the districting process. That the initial set of maps provided to the Council was transmitted without a written explanation of the thinking behind the Commission's decisions was unacceptable. In order to provide for greater transparency of this process and give the public access to the reasons supporting the Commission's decisions, we request that the Commission's rationales for the decisions it makes be further documented and explained.

To this end, we recommend the Commission provide for unprecedented transparency of its decision-making by providing publicly written documentation of the rationale for drawing each district upon completion of public hearings and before final maps are voted on by the Commission.

Providing the public with greater information about its decisions in drawing maps is essential to ensuring that the public understands the Commission's rationale for its choices and that it can have greater confidence in the end result. The districting process is often about trade offs, but without information about the choices that were made, the public may be understandably cynical about the end result—regardless of the Commission's intentions. While we recognize that the Commission staff presented orally some detail about the choices made at its November 15th meeting, this presentation was limited, not written, not part of the Commission's transmission to the City Council, and did not provide a full rationale for each district.

The Commission should state why districts were drawn with particular boundaries, explaining its efforts to maximize minority representation and meet the criteria in the City Charter such as protecting communities of interest. The documentation should also provide the rationale regarding how the Commission addressed input received from the public; for example, the

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documentation should note the rationale for why certain districts were not changed, and other criteria that were considered that may have been deemed paramount to the public request. The Commission has a laudable record of transparency by having webcasted a majority of its meetings and provided mapping software for free online. It should build upon this record by allowing for public review of this important information about its decision-making.

Regarding the revised districts, Citizens Union would like to acknowledge some positive developments which were either included in the December 4th, 2012 maps, or were continued from the initial maps proposed by the Commission.

Positive Developments

1. **District 34 was altered from the November 15th proposal to no longer include Assemblymember Vito Lopez's home residence.** We were deeply concerned by the possibility that this district was drawn in such a politically motivated manner, and are pleased that the Commission made this correction prior to the January public hearings, as this would have provided for a distraction from the other important changes that the public will request.
2. **Staten Island's districts remain wholly contained within Richmond County, no longer crossing into Brooklyn.** This change remains from the proposed maps, which Citizens Union supported in testimony to the Commission over the summer.
3. **Some neighborhoods in Upper Manhattan are kept more whole.** Improvements were made to District 10, keeping Inwood and Washington Heights together, and for districts 7 and 9 which encompass West and Central Harlem, respectively. As we will note below, however, Manhattan Valley and East Harlem remain divided.
4. **Improvements were made in Queens to keep some neighborhoods together**, including Richmond Hill, Cambria Heights, and Maspeth.
5. **Communities in Brooklyn were better united in some areas**, including keeping the Russian Community together by joining Manhattan Beach with Sheepshead Bay, uniting Canarsie and creating District 46 as an opportunity to elect district.

There are, however, a number of concerns Citizens Union has about the December 4th proposed map, particularly given the lack of action on several items raised by the public at hearings over the summer and fall. There may have been legitimate reasons behind these decisions, but given the lack of publicly available information about these decisions, the public is left wondering why.

Areas of Concern and Recommended Action

1. **District 8 continues to split East Harlem, is not compact, and results in the underrepresentation of Manhattan due to the resulting large populations of its districts**. Though certain landmarks such as La Marqueta were included in the District, East Harlem remains split. Additionally, the inclusion of Central Park results in a district that is not compact; as Commissioner Wurzel noted, the district may run afoul of the compactness criterion in the City Charter. While there may have been valid reasons for the changes made to District 8, absent any written, formal explanation, the public is left to wonder why. For example, public concern has also been raised regarding Randall's Island and its inclusion into District 22, and there has not been sufficient explanation of this decision. Citizens Union is concerned by the resulting deviations of the districts with the inclusion of more of District 8 into the Bronx as compared to the current district. As we noted in our previous testimony to the Commission, by

including more of District 8 into the Bronx, the average deviations of districts in Manhattan continue to be over 4 percent. This results in the underrepresentation of many of the residents of districts in Manhattan. This imbalance should be corrected.

2. **Incumbency was considered by the Commission, in some cases at odds with the desires of the public for their own representation, particularly when it comes to creating districts that provide Asian Americans with more opportunity to elect or influence districts.** While the Commission was correct in noting that considering incumbency is permissible according to federal case precedent, the City Charter is explicit in the criteria that the Commission must follow, which include protecting communities of interest and keeping neighborhoods whole. These criteria must be considered paramount to any other considerations of the Commission. For example, the following issues appear to not have been addressed due to the consideration of incumbency:

    a. **The Asian American community in Bensonhurst is split into 4 districts.** While the Commission thought that the creation of an Asian American influence district would have a "negative impact," it noted that in keeping the districts largely the same, it was protecting incumbents. Given the large growth of the Asian population – which is likely to continue over the next decade – the creation of an Asian influence district may be more desirable to the public than the continuation of representation of incumbents.

    b. **Districts 1 and 2 remain largely the same under the revised maps, despite recommendations from the public to join Chinatown and the Lower East Side.** While we acknowledge that the public had conflicting views regarding the merger of these two neighborhoods, Citizens Union is concerned that the Commission voiced its rationale for keeping these neighborhoods separated into two districts as being what was requested by the incumbents. As Citizens Union noted in prior testimony to the Commission, combining these neighborhoods would result in more cohesive Asian American representation.

3. **District 19 does not include all of Bayside or Oakland Gardens, which was the overwhelming sentiment of the public in testimony to the Commission.** Inclusion of these neighborhoods in District 19 was advocated for by community groups and members of the public at the Commission's hearings, as it would unite Asian American communities, and should be addressed by the Commission. It has also been reported[1] that District 19 has divided the residential neighborhood of Broadway-Flushing, which used to be wholly within district 19, currently represented by Republican Daniel Halloran.

4. **The South Asian community in East New York and Cypress Hill is divided between Districts 37 and 42**. While the Commission noted that it could not create another cross-over district between Queens and Brooklyn, as District 34 already does so, as the districts are being redrawn, it would be possible to shift this crossover to another area. Testimony at several hearings indicated that the South Asian community has requested this change. We urge the Commission to examine this alternative.

5. **Revised District 33 would include less of Brownstone Brooklyn, with more included in District 39.** While Citizens Union recognizes that District 39 would now include all of Park Slope**,** uniting this community of interest, as well as uniting the Hasidic community, we would like to raise to the Commission concerns voiced by neighborhood groups that District 33 would be less competitive for potential candidates.

[1] http://www.timesledger.com/stories/2012/47/redistrictingmaps_all_2012_11_22_q.html

We thank you for your consideration of these issues, and plan to present these recommendations at the upcoming public hearings. Do not hesitate to contact us, should you have any questions.

Sincerely,

Dick Dadey
Executive Director

Rachael Fauss
Policy & Research Manager

Cc.

Carl Hum, Executive Director
Thaddeus Hackworth, General Counsel
The Honorable Christine Quinn, Speaker, New York City Council
Members, New York City Council
William Heinzen, Deputy Counselor to the Mayor
Ramon Martinez, First Deputy Chief of Staff to the Speaker, New York City Council

CITIZENS UNION
Demographic Analysis of December 4, 2012 Revised District Maps
to the New York City Districting Commission
January 2013

I. Demographics of Proposed Districts

Revised Maps Compared to 2010 City Demographics

This analysis compares the revised December 4, 2012 maps with the current demographics of the city, as well as the current representation in the City Council. It also notes major changes from the preliminary district maps proposed in September 2012. The analysis both considers the overall city population, as well as separate representation in each borough. Citizens Union has examined the proposed Unity Map, which has helped to inform our analysis below with regard to our recommendations.

Please note that Citizens Union used general population figures, both looking at the thresholds of majority (50 percent or more) and plurality (40 percent or more). Citizen Voting Age Population numbers would be slightly lower, and would be considered by the Department of Justice when looking at the pre-clearance standards of the Voting Rights Act. It should be noted, however, that members of the City Council represent all residents of their district, regardless of citizenship status and age, and therefore the comparison to the overall population numbers is still relevant and important for representation.

Citywide

CITYWIDE DEMOGRAPHICS: DECEMBER 4th REVISED COUNCIL DISTRICTS						
	2010 Population	**2010 Voting Age Population**	**Current City Council Representation**	**2010 Number of Seats Expected**	**2013 Revised 50%+**	**2013 Revised 40%+**
White, Non-Hispanic	2,722,904	2,284,419	24	17	16	20
Black, Non-Hispanic	1,861,295	1,420,058	14	12	11	12
Asian, Non-Hispanic	1,030,914	834,547	2	6	1	1
Hispanic	2,336,076	1,709,204	11	15	10	13
Total Pop	8,175,133	6,407,022	51	N/A	N/A	N/A
Average Population of Districts 160,297						

As in 2003, the number of proposed Latino and Asian Americans majority districts would not reflect the city's population, both with the makeup of the current City Council and when looking at the 2010 Census citywide demographic information. From 2000 to 2010, the number of seats that could be expected given the citywide Asian population grew from 5 to 6 seats, and for Latinos from 14 to 15 seats. From the September preliminary plan to the December revised maps, the

number of majority Latino districts dropped by one, with District 7 dropping from being 50.3 percent Hispanic to 47.6 percent Hispanic, though it still maintains a plurality. It should be noted, however, that the citywide figures may not yield such seats on a neighborhood level due to population distribution.

Borough Representation

BRONX DEMOGRAPHICS: DECEMBER 4th REVISED COUNCIL DISTRICTS					
	2010 Population	**2010 Voting Age Population**	**2010 Number of Seats Expected**	**2013 Revised 50%+**	**2013 Revised 40%+**
White, Non-Hispanic	151,209	130,205	1	0	1
Black, Non-Hispanic	416,695	309,709	3	1	1
Asian, Non-Hispanic	47,733	36,840	0	0	0
Hispanic	741,413	520,397	5	5*	5*
TOTAL BOROUGH POPULATION	***1,385,108***	***1,016,912***	***9***	*N/A*	*N/A*

*Note: this analysis includes Council District 8, which contains portions of Manhattan.

In the Bronx, Latinos would have the number of seats expected when District 8 (which shares parts of Upper Manhattan and the South Bronx) is considered, bringing the number of seats that are majority Hispanic to five for the Bronx. We believe that District 8 as currently drawn, however, results in the underrepresentation of Manhattan, and also does not properly unite communities of interest in East Harlem. We encourage the Commission to examine alternate means of achieving the goal of increased Latino representation in the Bronx, possibly looking at coalition districts as a means to achieve the goal of increased Latino representation.

African Americans would have fewer seats than expected, with 3 expected and only one district proposed, District 12 (which encompasses Woodlawn and Williamsbridge) which as revised has a population that is 68.1 percent Black and 22.7 percent Hispanic. This may be in part due to population distribution, but it should be noted that it is bordered by two districts, 11 and 13, which have growing Latino populations and have Black populations under 20 percent.

We encourage the commission to examine creating coalition districts to maximize Latino and Black representation in the Bronx, particularly in the areas covered by districts 11, 12 and 13.

BROOKLYN DEMOGRAPHICS: DECEMBER 4th REVISED COUNCIL DISTRICTS					
	2010 Population	**2010 Voting Age Population**	**2010 Number of Seats Expected**	**2013 Revised 50%+**	**2013 Revised 40%+**
White, Non-Hispanic	893,306	702,033	6	6	6
Black, Non-Hispanic	799,066	606,643	5	7	7
Asian, Non-Hispanic	260,762	203,193	2	0	0
Hispanic	496,285	359,871	3	2	3
TOTAL BOROUGH POPULATION	***2,504,700***	***1,910,322***	***16***	*N/A*	*N/A*

In Brooklyn, Asian Americans would have fewer seats than expected when looking at borough-level population counts, with 2 expected seats, yet none have been proposed under the revised maps with a majority or near-majority of the population. Proposed Districts 38, 43 and 47 have the highest Asian populations, between 20 and 35 percent of the population of the districts, which all neighbor each other in Sunset Park, Dyker Heights and Bensonhurst. While there are genuine concerns about the effect that an Asian district would have on neighboring protected districts in Brooklyn, the Districting Commission cited incumbency as an overarching reason for keeping districts 38, 43 and 47 the same. Citizens Union is troubled by the consideration of incumbency, however, as we believe that consideration of individual candidates and incumbents should not have any role in drawing district maps. It should be cautioned, however, that District 38 has near majority of Latinos in the revised map. The commission should examine whether it is possible to create a more cohesive districts for Latinos and Asian Americans in Brooklyn, looking at the population centers in Bensonhurst and Sunset Park to ensure adequate representation of both groups.

MANHATTAN DEMOGRAPHICS: DECEMBER 4th REVISED 2013 COUNCIL DISTRICTS					
	2010 Population	**2010 Voting Age Population**	**2010 Number of Seats Expected**	**2013 Proposed 50%+**	**2013 Proposed 40%+**
White, Non-Hispanic	761,493	683,937	5	5	6
Black, Non-Hispanic	205,340	167,141	1	1	1
Asian, Non-Hispanic	178,157	158,575	1	0	0
Hispanic	403,577	315,139	3	2	3
TOTAL BOROUGH POPULATION	***1,585,873***	***1,351,438***	***10****	*N/A*	N/A

*Note: this analysis includes Council District 8, which contains portions of the Bronx.

In Manhattan, Asian Americans have fewer seats than expected, with no majority or near majority districts, though it should be noted that District 1 is proposed to be 36.6 percent Asian, and is represented currently by Margaret Chin. The district in 2003 was 42 percent Asian; however, the district saw a decrease in the Asian population of 3.2 percent from 2000 to 2010. The Asian population grew in neighboring districts, however. Districts 2 and 3 saw increases in the Asian population from 2000 to 2010, at 35 and 70 percent respectively. The revised Districts 2 and 3 have proposed Asian populations of 15 and 12 percent, respectively.

The commission should examine the possibility of increasing Asian Representation in District 1 by looking to these neighboring districts in lower Manhattan. It should be noted, however, that District 3 was originally created as an “opportunity to elect” district for the LGBT community, and the Commission should continue to ensure representation for this important community of interest.

QUEENS DEMOGRAPHICS AND PROPOSED 2013 COUNCIL DISTRICTS					
	2010 Population	**2010 Voting Age Population**	**2010 Number of Seats Expected**	**2013 Proposed 50%+**	**2013 Proposed 40%+**
White, Non-Hispanic	616,727	527,091	4	3	4
Black, Non-Hispanic	395,881	305,075	2	2	3
Asian, Non-Hispanic	509,428	408,780	3	1	1
Hispanic	613,750	459,179	4	1	2
TOTAL BOROUGH POPULATION	**2,230,722**	**1,768,821**	**14**	N/A	N/A

Latinos would be underrepresented in Queens, having only one seat that is majority Hispanic, when four would be expected given the population (though it should be noted that when looking at a 40 percent threshold, there would be two seats).

Asian Americans would have fewer seats than expected in Queens when looking at borough-wide demographic information, with only one seat proposed to be majority Asian: District 20. District 20 in 2003 had an Asian population of 47.8 percent, and now is 64.8 percent, which is consistent with the increase in population. Neighboring district, however, 19 is proposed to have a 28 percent Asian population, and district 23 is proposed to have an Asian population of 36 percent. Districts 25, 26 and 29 also border each other and have Asian populations at about 30 percent each. These districts have improved over the last map, as Elmhurst is more wholly contained in the 25th district. The new map also incorporates more of the South-Asian population into District 28, though does not address

The commission should look to increase the ability of Latinos and Asian Americans to elect candidates of their choice, specifically looking at the neighborhoods of Elmhurst and Jackson Heights. It should be noted, however, that an "opportunity to elect" district for the LGBT community was created previously in Queens, and the Commission should continue to ensure representation for this important community of interest.

The commission should also consider the request by the Bangladeshi community to make District 37 an inter-borough district by including Ozone Park from Queens. The new map denies this request, as there is already on crossover district, District 34. However, there has been no public discussion of why District 34 must remain an inter-borough crossover district, as currently only one-fifth of the district is in Queens.

STATEN ISLAND DEMOGRAPHICS AND PROPOSED 2013 COUNCIL DISTRICTS					
	2010 Population	**2010 Voting Age Population**	**2010 Number of Seats Expected**	**2013 Proposed 50%+**	**2013 Proposed 40%+**
White, Non-Hispanic	300,169	241,153	2	2	2
Black, Non-Hispanic	44,313	31,490	0	0	0
Asian, Non-Hispanic	34,834	27,159	0	0	0
Hispanic	81,051	54,618	1	0	0
TOTAL BOROUGH POPULATION	***468,730***	***359,529***	***3***	*N/A*	N/A

Latinos would have fewer seats than expected in Staten Island, with district 49 having a Latino population of 30 percent. It should be noted, however, that the other two districts in Staten Island have small Latino populations at 12 and 8 percent each. District 49 is currently represented by Debi Rose, who is African American; the African American population of District 49 is proposed to be 24.5 percent, while the Latino population is 30.4 percent. The district could be considered a coalition district, as it provides for the opportunity for minorities to elect candidates of their choice, though it could drawn to be more compact and align with existing neighborhood boundaries while also preserving Latino and African American representation.

II. Variation in District Size

By looking at the size of districts, Citizens Union sought to determine whether districts or boroughs were close to the ideal district size to ensure proper representation. Underpopulating or overpopulating districts can lead to districts in which there are too many constituents per representative, diluting their relative voice compared to other districts, or conversely where too few constituents for each Councilmember, meaning that they relative voice is larger than for other districts. This is why Citizens Union supports criteria for drawing lines that ensures that districts are as close to the average district size as possible, ideally one percent.

Citywide Variance

When examining the size of the districts and their difference from the average (median) size of districts, it appears that the districts are closer to the average under the proposed maps than under the current maps 2003. The ideal district size in 2003 was about 157,000 and in 2013 is nearly 161,000. The tables below show the spread of district deviations in the 2003 current and 2013 proposed maps, looking at intervals of 1 percent from the average, between 1 and 3 percent from the average, and then 3 percent and over.

Revised 2013 District Deviations from the Ideal District Size (2010 Census Data)			
Variation from Median	**<1%**	**1%-3%**	**>3%**
Total	5	9	37
As percentage of total districts	9.8%	17.7%	72.6%
Change from September Preliminary Map	-2	-11	+13

Current District Deviations from the Ideal District Size (2003 Districts using 2000 Census Data)			
Variation from Median	**<1%**	**1%-3%**	**>3%**
Total	4	17	30
As percentage of total districts	7.8%	33.3%	58.8%

As seen above, a majority of districts would be more than three percent above the ideal district size, and the number increased from 24 districts to 37 districts under the December 4th revised maps. Additionally, the number of districts with a population within the 1% variance target range fell from 7 in the September proposal to 5 districts, or 10% of districts, in the December 4th plan.

While Citizens Union recognizes that there are competing principles and guidelines in the City Charter that dictate how districts must be drawn, and that the Commission may have utilized increased deviations in keeping communities of interest together, we urge the Commission to seek to narrow the deviation of districts so that more are closer to the ideal district size.

Variances By Borough

Borough	Population (2010 Census)	Average District Size	Average Deviation	Average Deviation %	Proportional # of districts	Actual # of Districts
Manhattan	1,673,468	167,297*	6,587*	4.10%*	10.4	9.5*
Bronx	1,294,582	162,646*	1,936*	1.20%*	8.1	8.5*
Queens	2,211,993	158,000	-2,711	-1.69%	13.8	14**
Brooklyn	2,547,596	159,225	-1,485	-0.92%	15.9	16**
Staten Island	468,576	156,192	-4,518	-2.81%	2.9	3

*Proposed District 8 is in both Manhattan and the Bronx. Deviations for Manhattan and the Bronx both include District 8.

**Proposed District 34 is nearly entirely in Brooklyn, with a small portion (20%) in Queens. It is considered to be in Brooklyn for the purposes of this analysis.

When looking at the relative populations of each borough compared to the number of districts expected and allotted to them under the proposed maps, each borough has roughly what would be expected given their population sizes, with the notable exception of Manhattan. The average size of districts in Manhattan is 4.1 percent above the ideal district size, which results in the borough having fewer representatives than would be expected given its population. Proposed Council District 8 shares roughly equal portions of the Bronx and Manhattan, which is a change from the previous district, which previously had more of its area in Manhattan. The growth in Bronx and Manhattan, however, has been roughly equal, at 3.9 and 3.2 percent, respectively. This imbalance between the Bronx and Manhattan should be corrected, possibly by placing more of the proposed City Council District 8 into Manhattan, as it is currently drawn.

While Staten Island, Queens, and Brooklyn have districts that are on average smaller, they are closer to the ideal district size. Staten Island's inclusion of three full districts as opposed to having one district that connected from Staten Island across the largest suspension bridge in the U.S. (the Verrazano-Narrows) into Brooklyn is also a positive development, which would provide more cohesion and better representation, and balances the slightly larger deviation.