

STATEMENT BY

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BEFORE

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CIVIL RIGHTS AND CIVIL LIBERTIES

ON

GETTING COUNTED: THE IMPORTANCE OF THE CENSUS TO STATE AND LOCAL COMMUNITIES

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## **Introduction**

Good afternoon, Chairman Raskin and to all members of the Subcommittee on Civil Rights and Civil Liberties. On behalf of Mayor de Blasio and the City of New York, I thank you for holding this hearing today on the 2020 Census. I would also like to thank LaGuardia Community College, as well as President Gail Mellow, for hosting us today; I think we can all agree that the census is among the most important issues facing our nation today.

My name is Julie Menin and I am the Director of NYC Census 2020, the City's initiative to ensure full participation in next year's census. I also serve as Executive Assistant Corporation Counsel for Strategic Advocacy at the New York City Law Department.

Given that the decennial census determines so many critical matters, from the apportionment of congressional seats to how federal funds for vital programs are distributed fairly across the country, ensuring a complete and accurate count of who we are and where we are is the very foundation of our democracy.

As such, any threats to this foundation must be taken seriously. While we honor the good work of many of the dedicated public servants of the U.S. Census Bureau, who we know are committed to ensuring a complete and accurate count, we also know that the integrity of such a count is under threat as a result of the White House and Secretary Ross' flagrant attempt to frighten immigrant communities into not participating in the census with the potential inclusion of the citizenship question.

The de Blasio administration, along with our many partners, from advocates to elected officials, to community and faith-based leaders, stands ready to meet this threat head on, which is why the Mayor has proposed an investment of an unprecedented \$26 million in outreach, organizing, and public awareness efforts around the 2020 Census. As New Yorkers, we will not be intimidated while performing our civic duties and exercising our civil rights. Simply put, we will not allow the Trump administration to use its constitutional obligation to count us as a tool to harm us.

To that end, I thank the Subcommittee and the Committee for giving me the opportunity to share with you today the importance of the census to New York City, as well as an overview of our administration's plan to ensure that all New Yorkers are counted.

## **The Census and New York City**

As the members of the Subcommittee can appreciate, counting all of New York City's 8.5 million residents can be an arduous and complex task. The high concentration of apartment buildings, the prevalence of new or transient populations, as well as the rich diversity of our population (38% of our residents are foreign-born and more than

200 languages are spoken) all make New York City an incredibly unique place, in addition to one that is also hard to easily tabulate.

It should therefore come as no surprise that New York City has historically been undercounted relative to the rest of the United States. In fact, in 2010, the average self-response rate in New York City was just 61.9%, while the national average was 76%. Among both native-born African-American and foreign-born black communities, as well as Orthodox Jewish communities – across socioeconomic lines – the self-response rates hovered at just over 50%, demonstrating that there are many communities that have not felt empowered to participate in this critically important exercise. Children are also frequently undercounted. In fact, children under the age of five have the highest net undercount rate compared to any other age group. Some Census Bureau estimates suggest that as many as two million children in this category, or one out of every ten children under five nationwide, were not counted in the 2010 Census.<sup>1</sup>

New York City's relative undercount, which, as the data show, is even more severe among politically or socioeconomically marginalized populations, has possibly also resulted in these populations not being sufficiently represented at different levels of government. This is because the available data does not ostensibly capture the total number of New Yorkers living in several parts of our city. Given that census data is used to not only determine the number and shapes of congressional districts, but also informs the creation of the City Council and New York State legislative districts, incomplete census data impacts representation at every level of government, underscoring the need for a complete and accurate count.

For states like New York, which, according to population change estimates, could lose up to two congressional seats following the 2020 Census, having a complete and accurate count is critical to ensuring that we continue to maintain our fair share of political representation at every level of government. Emphasizing this message to all New Yorkers is a key part of our strategy in engaging New Yorkers to participate in next year's census.

### **The Importance of Federal Funds**

While we know New Yorkers will respond to this message, we also know that we must underscore the importance of federal funds that are tied to the census – the dollars and cents that have a direct impact on our lives. According to a 2016 study by the

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<sup>1</sup> Eric Jensen. "Investigating the 2010 Undercount of Young Children – Examining Coverage in Demographic Surveys." United States Census Bureau, January 2019. <https://www2.census.gov/programs-surveys/decennial/2020/program-management/final-analysis-reports/2020-report-2010-undercount-children-examining-coverage-demo.pdf>. (Last accessed May 27, 2019).

George Washington University Institute of Public Policy, New York State received more than \$73 billion in federal funds tied to census-derived population data.<sup>2</sup>

These funding includes, but is not limited to, partial Title I school funding, Community Development Block Grants (CDBG) funds, as well as funds tied to highway planning and construction. Census data is also used to help estimate funding allocations for programs tied to public housing, basic nutrition, education, healthcare, and more. These are the programs that provide the essential resources that New Yorkers depend upon every day. As members of the Subcommittee know, CDBG funding provides vital resources to affordable housing programs for low-to-moderate income families, and census income and household size data is also used to help federal agencies estimate overall expenditures on important entitlement programs that form the basis of our social safety net. An undercount would severely and adversely affect these vital population-based appropriations or estimates.

## **2020 Census Challenges**

Given all that is at stake, we are actively preparing to confront the challenges that we face in terms of ensuring a complete and accurate count.

As we all know, the mere specter of the possible inclusion of a citizenship question has already begun to cause fear and the spread of misinformation, rattling communities from coast to coast. Several cities and states, including the City of New York, have sued the Trump administration over its attempted inclusion of this question. Oral arguments in the case were heard in April by the Supreme Court, which is expected to render a decision in the coming weeks.

New York City and the other plaintiffs in this case have prevailed at the District Court level, and we strongly agree with U.S. District Court Judge Furman's ruling that the Trump administration's proposed addition of a citizenship question is an "egregious" violation of the Administrative Procedures Act. We also fully support Chairman Serrano's and Representative Meng's efforts to include language in the Commerce, Justice, and Science spending bill that would prohibit funding for the addition of a citizenship question.

The Mayor, our administration, and all of our partners stand ready to combat the fear and misinformation tied to this question, should it be included. We are also committed to doing all that we can to ensure that all New Yorkers participate in the census, despite the White House's attempt to sow confusion and fear among the communities we represent and serve.

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<sup>2</sup> Andrew Reamer. "Counting for Dollars 2020: The Decennial Census in the Geographic Distribution of Federal Funds." George Washington Institute of Public Policy. [https://gwipp.gwu.edu/sites/g/files/zaxdzs2181/f/downloads/IPP-1819-3%20CountingforDollars\\_NY.pdf](https://gwipp.gwu.edu/sites/g/files/zaxdzs2181/f/downloads/IPP-1819-3%20CountingforDollars_NY.pdf). (Last accessed May 27, 2019).

The potential inclusion of a citizenship question, however worrisome, is just one of several challenges faced by the 2020 Census. In a further effort to discourage full participation, the Trump administration has also significantly underfunded census planning, outreach, and public engagement. While I would like to thank the members of this subcommittee and committee who have been fighting to bring this funding up to more adequate levels, and many cities and states are doing all we can to fill the gap, unfortunately, in some respects, the damage is already done.

Additionally, while we believe that the census being online for the first time presents key opportunities in terms of accessibility for many, given that approximately one in three households in New York City lacks a broadband connection, we are concerned about the ability for all households in our city to easily participate in the census. These households frequently appear in low-income areas and often overlap with hard-to-count communities. For context, one-third of our city's population is equivalent to the size of Houston. One can imagine the severe undercount that could occur should these households be expected to fill out the census online while not having easy Internet access.

We have further concerns pertaining to potentially not receiving important information sufficiently in advance from the Census Bureau. Next March, 80 percent of households will receive a letter in the mail from the Bureau directing them to complete the form online, while the remaining 20 percent will receive the traditional paper version. At this moment, it is unknown to us which census tracts in New York City will be directed to the online form and which will receive the traditional paper form. This information is critical for us to know in advance, as it will help us determine which communities we need to be working directly with to ensure that they are participating in the census as easily as possible.

To that end, it is worth noting that the Trump/Pai Federal Communications Commission (FCC) has halted the expansion of broadband access and affordability across the country. Instead of accelerating Lifeline Modernization to make broadband more affordable, and thus increase the number of people who have Internet connections, the Trump administration has stymied the expansion of the program, keeping broadband out of reach for many lower-income households.

When one adds to these factors the lack of computer literacy among certain populations, including seniors and those with limited English proficiency, the barriers to accessing the census online, particularly for lower-income communities, become rather clear.

### **New York City's Plan**

Given the challenges we face to ensure a full and accurate count, New York City has developed a comprehensive plan to engage hard-to-count populations. As I mentioned earlier, the Mayor recently proposed an investment of \$26 million in our Executive Budget for census outreach, education, and public awareness efforts. By

way of contrast, the size of this investment outstrips New York State's investment for the entire state (\$20 million), and demonstrates our administration's deep commitment to ensuring that all New Yorkers are counted, and that New York City receives its fair share of electoral representation and federal funding.

In addition to the obvious benefit of ensuring that New Yorkers are, in fact, counted, self-responding to the census has long been proven to be a much more accurate and complete way of collecting information, as compared to door-knocking by census enumerators. Though the form being online presents some significant challenges, we believe that connecting New Yorkers with opportunities to fill it out online through neighborhood pop-up centers and at trusted, local institutions, such as hospitals and libraries, will allow us to hopefully increase our self-response rate over 2010.

The City intends to work in close collaboration with key stakeholders, such as community-based organizations, faith-based leaders, and community advocates, as well as through public-private partnerships, to efficiently maximize resources and minimize duplicative efforts. The City will also work closely with government partners, such as elected officials, as well as all city and state agencies, to leverage existing relationships and government infrastructure to engage key constituencies and encourage participation in the census.

At this time, our plan includes at least \$9 million in allocations for a community-based contracting program dedicated to census awareness and education. The plan also includes funding for a robust "Get Out the Count" field campaign, as well as an extensive, multimillion-dollar media and strategic marketing campaign designed to reach not only *all* New Yorkers, but also those New Yorkers who comprise our hard-to-count communities. We are working closely with both private-sector and non-profit partners on cultivating a broad and deep understanding of how different communities consume media and information, and we will be engaging in rigorous message testing to ensure that our messages regarding census participation will resonate with all New Yorkers.

In the coming weeks, we will be sharing more details regarding the community contracting program, as well as other aspects of our field and communications operations. Our overall plan is being put together based on the idea that we must leverage the power of different trusted messengers for different communities, and we look forward to sharing more information with you and others about this plan in the near future.

### **New York City as A Model for Other Jurisdictions**

While we recognize that not all aspects of New York City's plan for census education and outreach are easily transferable to other municipalities, we do believe that the messaging we will ultimately develop can be easily adapted by jurisdictions across the country. As we are working with partners that are representing both our local communities as well as national stakeholders, we believe that the messages we craft

and organizing tools we develop can be tailored to appropriately suit different parts of the country.

We believe that it is essential to involve local leaders and advocates in planning and implementation of any strategies, as they are the trusted voices that understand their respective communities the best. Partnering with them, as well as the regional or local offices of the U.S. Census Bureau, can help ensure the implementation of effective census participation strategies. I should note that the Director of the New York Regional Office, Jeff Behler, and his entire team, have been particularly helpful to, and communicative with, the City.

### **Conclusion**

As I come to the end of my remarks, I would like to once again thank LaGuardia Community College for hosting us today and the members of the Subcommittee for holding this hearing. On behalf of the Mayor, I would like to reiterate our commitment to working closely together with all our partners in government, in the non-profit sector, in local communities, and the private sector, to do all we can to ensure a complete and accurate census, and to counter any attempts by the White House to thwart or suppress participation in this critically important civic exercise. Thank you again for the opportunity to testify.

Together, we will stand up and we will be counted.