1991 WL 49568
Only the Westlaw citation is currently available.
United States District Court, N.D. Illinois, Eastern Division.

Dorothy GAUTREAUX, et al., Plaintiffs,
v.
CHICAGO HOUSING AUTHORITY and Jack Kemp, Secretary of Department of Housing and Urban Development, Defendants.

Nos. 66 C 1459, 66 C 1460.
|
April 4, 1991.

MEMORANDUM OPINION AND ORDER

ASPEN, District Judge:

***1** We have before us the Gautreaux plaintiffs' motion for further relief, in which they ask for a court order staying the rehabilitation of four high-rise public housing buildings in the North Kenwood–Oakland area of Chicago and directing the Chicago Housing Authority ("CHA") and Receiver to cooperate in the implementation of any development plan for that area that would increase scattered-site housing. Oral arguments on the motion were heard March 1, 1991.[1] As set forth below, we deny plaintiffs' motion.

The plaintiffs' argument is essentially this: the CHA is obligated to provide as much scattered site public housing as possible, pursuant to a consent decree, and the Department of Housing and Urban Development ("HUD") is obligated to use its "best efforts" to aid the CHA in this regard. Now, a plan has been developed that, if implemented, would put 600 new scattered site units into the North Kenwood–Oakland area. The plaintiffs contend that plans to renovate four high-rises (of a group of six; two have already been renovated) would severely compromise, if not destroy, the viability of the scattered site plan. Indeed, plaintiffs' counsel at oral argument contended that it was a "virtual certainty" that the 600 units of scattered site housing "would go down the drain" without the order sought in the plaintiffs' motion.

The scattered site plan, plaintiffs' counsel argued, constitutes "special and extraordinary circumstances" that would justify a broad reading of the consent decree in this case and other orders of this Court. What plaintiffs desire, the court was told at oral argument, is a signal to CHA and HUD that other alternatives to rehabilitation of the four high-rises are available—that rehabilitation is not a "fait accompli." Plaintiffs' counsel repeatedly emphasized the limited nature of plaintiffs' requested relief, characterizing it as a court-ordered delay for sufficient time to explore alternatives and choices to rehabilitation.

While we are not unsympathetic to the plaintiffs' presentation, we do not believe that the extremely broad reading of the consent decrees advocated by the plaintiffs is justified. Further, it is not apparent to us that plaintiffs will necessarily lose what they seek without an order from this court. As the CHA showed, both in its brief and at oral argument, rehabilitation work on the first of the four high-rises at issue will not begin until February 1, 1992. Funding requests for the remaining three buildings will not even be made "for months," let alone be granted, and renovation work on those high-rises may not begin for years. That strikes us as ample time for "alternatives" and "choices" to be fully explored.

In short, we deny plaintiffs' motion both for the reason that it seeks relief beyond the scope of the various orders of this Court and because, in any event, plaintiffs have failed to present a case for such relief. Lakefront Community Organization's petition to intervene as plaintiff is moot. It is so ordered.

All Citations

Not Reported in F.Supp., 1991 WL 49568

Footnotes

1 We appreciate the input of the SouthEast side Residents for Justice ("S.E.R.J."), which filed an amicus brief arguing that the motion be denied.