

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	David H. Coar	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	96 C 6949	DATE	2/25/2003
CASE TITLE	Cabrini - Green Local vs. CHA		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

DOCKET ENTRY:

- (1) Filed motion of [use listing in "Motion" box above.]
- (2) Brief in support of motion due _____.
- (3) Answer brief to motion due _____. Reply to answer brief due _____.
- (4) Ruling/hearing on _____ set for _____ at _____.
- (5) Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) Trial[set for/re-set for] on _____ at _____.
- (8) [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
 FRCP4(m) Local Rule 41.1 FRCP41(a)(1) FRCP41(a)(2).
- (10) [Other docket entry] **Joint motion to enter agreed order modifying consent decree is granted. Enter order.**
- (11) [For further detail see order (on reverse side of/attached to) the original minute order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input checked="" type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate judge.	MF courtroom deputy's initials		number of notices	Document Number 162
			FEB 25 2003 date docketed	
			 docketing deputy initials	
			date mailed notice	
			mailing deputy initials	
		Date/time received in central Clerk's Office		

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT COURT OF ILLINOIS
EASTERN DIVISION

CABRINI-GREEN LOCAL ADVISORY COUNCIL)	
)	
Plaintiff,)	
)	
-vs-)	No. 96 C 6949
)	
CHICAGO HOUSING AUTHORITY, et al.,)	
)	
Defendants.)	

AGREED ORDER TO MODIFY THE CONSENT DECREE

WHEREAS, Section II.C. of the Consent Decree in the above-captioned case provides, in part, that "[t]he City [of Chicago] will acquire additional land and/or impose appropriate restrictions on land owned by other persons or entities to make it possible to maintain the commitment by it and by CHA [the Chicago Housing Authority] to construct at least 700 public housing units and 270 affordable rental units within the HOPE VI Planning Area for which units current and displaced Cabrini-Green families shall have priority"

WHEREAS, Centrum Properties ("Centrum") has agreed with the City of Chicago ("City") to develop the property located at 600 W. Chicago Avenue in Chicago, Illinois (the "building"), which is the former Montgomery Ward catalog building, as "Domain Lofts," a mixed-use development that includes 298 condominium units;

WHEREAS, the building is located within the HOPE VI Planning Area;

WHEREAS, pursuant to Section II.C. of the Consent Decree the City requested that Centrum agree that the development of the building will include sixteen (16) one-bedroom public housing units

162

("the 16 units);

WHEREAS, Centrum has agreed to that request provided that each tenant have a minimum income and an ability to pay rent, as set forth more fully below;

WHEREAS, Section II.A. of the Consent Decree presently provides that "[t]he CHA agrees to provide funding for the development (pursuant to 24 C.F.R. Part 941) and operation (in the form of HUD operating subsidies or comparable subsidies) of at least 700 public housing units ... with rents set at 30% of the family's adjusted gross income, with no minimum income requirements" (emphasis supplied).

WHEREAS, the City, CHA and the Cabrini-Green Local Advisory Council ("LAC") have agreed that, as set forth below, the 16 units may be excepted from the "no-minimum-income requirements," but that no other public housing units shall be excepted in the future, absent modification of the consent decree.

WHEREAS, the terms of this Agreed Order have been reviewed and approved by the Receiver and its counsel, and they are in agreement with those terms;

IT IS HEREBY ORDERED THAT:

Section II.A of the Consent decree is amended to read as follows:

A. 1. The CHA agrees to provide funding for the development (pursuant to 24 C.F.R. Part 941) and operation (in the form of HUD operating subsidies or comparable subsidies) of at least 700 public housing units (including the public housing units

at Orchard Park, Old Town Square, Mohawk North, 535 W. North Avenue, and North Town Village) with rents set at 30% of the family's adjusted gross income and, except as provided in paragraph 2 below, with no minimum income requirements (also referred to as "newly constructed public housing units"), to be sited in the HOPE VI Planning Area. Each unit of public housing developed pursuant to this consent decree shall be maintained and operated in accordance with this consent decree and all applicable public housing requirements for no less than 40 years. CHA funding for these units will come from existing HOPE VI and public housing development monies, internal subsidies generated by the development of CHA land, Tax Incremental Financing ("TIF") proceeds (if available), possible future HOPE VI awards, or such other sources of funding as available. These units shall be in addition to any replacement units provided for under any plans for the revitalization of the Green Homes and the Cabrini Extension South.

2. The Consent Decree is hereby amended, and entered by the Court on February 25, 2003, whereby the City and CHA may provide for a minimum income requirement of no more than an annual adjusted gross income of \$6,000 (such that, with rents set at 30% of the family's adjusted gross income, the tenant's portion of the rent can be no less than \$150 ("tenant's portion of the rent") with respect to sixteen (16) one-bedroom public housing units located within the property located at 600 W. Chicago Avenue in Chicago, Illinois (the "16 units" in the "building"). The City and CHA may count the 16 units in the building toward the 700 public housing

units it is required to provide pursuant to this Consent Decree.

3. The CHA will establish a "hardship fund" which shall be used to provide payment of the tenant's portion of the rent for up to six months for any family that resides in the 16 units and that requests and is granted a financial hardship exemption because it is unable to pay the tenant's portion of the rent because of "financial hardship" as defined in 24 C.F.R. § 5.630(b). For any family that resides in one of the 16 units and requests a financial hardship exemption, the CHA shall determine whether there is a qualifying financial hardship and whether it is temporary or long term. At any annual or interim recertification, where 30% of the family's adjusted income is less than the tenant's portion of the rent described in paragraph 2 above, the family will be notified orally and in writing of the availability of a financial hardship exemption, the process for requesting the exemption, and the grievance rights available to the family in the event the exemption request is denied. If the family's qualifying financial hardship lasts more than six (6) months, CHA may move the family from the unit, provided that it offers the family the opportunity to move, at the family's option, to another newly constructed public housing unit (if available), to another public housing unit (where they may await access to a newly constructed public housing unit, if one becomes available), or to a permanent Section 8 placement. The vacated unit shall be filled with another qualifying family from the priority lists established under Section VI of the Consent Decree.

4. CHA shall negotiate with the LAC the adoption of policies and procedures that comply with 24 CFR §5.630 prior to offering the sixteen units for occupancy.

5. Prior to instituting this minimum income requirement, CHA shall provide for full public comment, including consultation with the Cabrini LAC and the CHA Central Advisory Council, formal amendment to CHA's Admissions and Occupancy Policy, and HUD approval, if such approval is required.

Dated: February 25 2003

Enter:


Honorable David Coar