

# United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Marvin Aspen	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	66 C 1459	DATE	7/14/2005
CASE TITLE	Gautreaux vs. CHA		

**DOCKET ENTRY TEXT:**

CAC's motion to amend/correct (85) is denied without prejudice.

■ [ For further details see text below.]

Notices mailed by judge's staff.

## STATEMENT

(Reserved for use by the Court)

## ORDER

Presently before us is the Central Advisory Council's ("CAC") motion to amend this court's June 3, 1996 Order. Our June 3, 1996 Order concerned the revitalization and development of public housing in the North Kenwood-Oakland area. Among other provisions, the Order requires that half of the public housing units in the North Kenwood-Oakland area be reserved for families earning between 50-80% of area median income ("ami"). The CAC now requests that this court remove this provision, thereby opening up public housing units at the Lake Park Crescent development to be potentially occupied by public housing families who earn less than 50% ami. We took written submissions from interested parties, and on July 7, 2005, we heard from the parties and others who have an interest in this matter.

Although it would be impractical to provide a full statement here of all of the concerns expressed to us, we will attempt to briefly summarize the main positions on the CAC's motion. The CAC's primary concern is that the number of currently eligible public housing families is not sufficient to fill the group of units restricted by the 50-80% ami provision. Because of this deficiency, the Chicago Housing Authority ("CHA"), along with the property developer at Lake Park Crescent, plans to create a site-based waiting list drawn from the general public to supplement the existing CHA population and waiting lists to fill the 50-80% ami units. The CAC opposes this plan because it will bypass many current and former public housing families who are waiting to exercise their right to return to CHA housing. The U.S. Department of Housing and Urban Development appears to be in general agreement with the CAC's position.

The Receiver, previously appointed to develop public housing on behalf of the CHA, opposes the motion, emphasizing that the 50-80% ami provision was intended to ensure the revitalization of the community and deconcentration of poverty, and that this particular provision was an important factor in securing the support of the community for the June 3, 1996 Order.<sup>1</sup>

The plaintiffs in this case have stated that they support the CAC's proposed removal of the 50-80% ami provision in order to prioritize the placement of current public housing families who are waiting to return, but they have also expressed their appreciation of the Receiver's position and its concerns about the promises

## STATEMENT

made to the residents of North Kenwood-Oakland about the development of public housing in their community.

The CHA has expressed that it is amenable to either the position of the CAC or the Receiver and simply asks that we decide promptly in order to promote the leasing of these units as soon as possible. The CHA has also brought to our attention the fact that it has been able to fill half of the units at Lake Park Crescent subject to the 50-80% ami provision with eligible families from existing CHA residents and CHA waiting lists, and the current number of units at Lake Park Crescent affected by this motion appears to be no more than fifteen. If the 50-80% ami provision remains in place, the CHA will continue to seek out and give priority to those within the current CHA population and waiting lists, but it also wishes to implement the site-based waiting list drawn from income-eligible families in the general public.

Giving due consideration to all of the valid and important public concerns and issues expressed to us on both sides of this motion in the briefs and at the July 7, 2005 hearing, we do not see an extraordinary change in circumstances at this time which suggests we must modify our June 3, 1996 order by removing the 50-80% ami provision. If circumstances do change and suggest that this issue should be revisited, we will openly entertain a motion to do so. Accordingly, we deny the CAC's motion without prejudice.

<sup>1</sup> Although not parties to these proceedings, with the acquiescence of the other parties, we also heard from Alderman Toni Preckwinkle of the Fourth Ward, and Shirley Newsome, chair of the North Kenwood-Oakland Conservation Community Council. They represented that the 50-80% ami provision was and continues to be a necessary component for the revitalization of the North Kenwood-Oakland community and for the continued support for public housing in the area.

