

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

DOROTHY GAUTREUX, et al.,

Plaintiffs,

V.

CHICAGO HOUSING AUTHORITY

Defendant.

No. 66 C 1459

Judge Aspen

**DEFENDANT CHICAGO HOUSING AUTHORITY'S MOTION
TO REASSIGN A NEWLY-FILED COMPLAINT AND TO DISMISS
THAT COMPLAINT WITHOUT PREJUDICE TO THE RIGHT OF
PLAINTIFFS THEREIN TO SEEK LEAVE TO INTERVENE IN THIS CASE**

Pursuant to Fed. R. Civ. P. 42 and Local Rule 40.4 of the Rules for the United States District Court for the Northern District of Illinois (“LR 40.4”), defendant, Chicago Housing Authority (“CHA”) moves for entry of an order to reassign *Cabrini-Green Local Advisory Council, et al. v Chicago Housing Authority, et al.*, 13 C 3642 (“*Cabrini*”), a recently-filed case (currently assigned to Judge Gettleman), to this court, and to dismiss *Cabrini* without prejudice to the *Cabrini* plaintiffs’ right to seek leave to intervene in this case. In support of its motion, the defendants state that:

I. Factual Background

1. A copy of the complaint in *Cabrini* (“Complaint” or “Cmplt.”) is attached as Exhibit A. The *Cabrini* plaintiffs allege that despite an earlier plan, CHA no longer intends to redevelop the Francis Cabrini Rowhouses (“Rowhouses”) as 100% public housing and instead plans to convert them to mixed-income housing which, they allege, would significantly reduce the units available for

public housing, Cmplt., ¶ 4, and constitute race discrimination prohibited by the Fair Housing Act, 42 U.S.C. §§ 3601 *et seq.*, Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, Executive Orders 11063 and 12892, Section 511 of the Quality Housing and Work Responsibility Act, 42 U.S.C. § 1437c-(1)(d)(15), and the Illinois Civil Rights Act, 740 ILCS 23/1 *et seq.* Cmplt. ¶¶ 7-10.

The Plaintiffs in the *Cabrini* Case are *Gautreaux* Class Members

2. The class in the *Gautreaux* case is comprised of African-American public housing residents and applicants for public housing in Chicago. *Gautreaux v. Chicago Housing Authority*, 304 F.Supp. at 737; *id.*, 981 F.Supp. at 1092 n. 1. The *Gautreaux* case has governed CHA public housing development for decades and, in particular, has prohibited CHA from discriminating against African-American public housing residents in its redevelopment activities. The complaint in *Cabrini* confirms that the individual plaintiffs in that case are *Gautreaux* class members, since they allege that they are African-American residents of CHA property (Ms. Steele and Ms. Franklin) or were CHA residents retaining a right to return to CHA property (Mr. Steele). The organizational plaintiff, the Cabrini-Green Local Advisory Council (the “LAC”) is composed entirely of CHA residents at Cabrini-Green, all of whom are *Gautreaux* class members. *See* Cmplt. ¶¶ 18, 19, and 20.

Prior Cabrini Redevelopment Has Been Administered by the *Gautreaux* Court

3. In 1996, the Cabrini-Green Local Advisory Council (the “LAC”), the lead plaintiff in *Cabrini*, filed suit against the CHA to challenge a plan for the redevelopment of the northern portion of the Cabrini-Green site, called Cabrini Extension North. The case (*Cabrini-Green Local Advisory Council, et al. v CHA, et al.*, 96 C 6949) was assigned to Judge Coar. When the LAC and CHA tried to reach a resolution of the case, the *Gautreaux* court entered an order precluding the CHA from finalizing or otherwise going forward with any agreement it had reached with the LAC.

See, the Order of August 12, 1998, Exhibit B.

4. Instead of continuing to proceed before Judge Coar, independent of the *Gautreaux* court, on November 24, 1998, the LAC requested and was granted leave to intervene in the *Gautreaux* action for the limited purpose of seeking a waiver of the *Gautreaux* injunctive order so that the LAC's plan for redevelopment could proceed. A copy of the LAC's motion is Exh. C. On September 28, 1999, this court denied the LAC's request for a waiver, Exhibit D, and a working group that included the LAC, began negotiating a different redevelopment plan for the Cabrini Extension North portion of the Cabrini-Green public housing development. The plan which came out of these discussions was ultimately adopted and approved by the *Gautreaux* court on September 12, 2000, in orders that designated an expanded Near North revitalizing area where CHA would be permitted to develop public housing on and near the Cabrini site ("the Cabrini Revitalizing Order")¹, and re-designating certain census tracts in the Cabrini area as general areas. Exhibits E and F. The areas designated for redevelopment at Cabrini are immediately adjacent to the Rowhouses that are the subject of the *Cabrini* case. A map showing these areas is Exh. G. When the *Gautreaux* court permitted redevelopment on the Cabrini site in 2000, its order further granted the LAC (and the City of Chicago) "the right to intervene in this [the *Gautreaux*] litigation for the limited purpose of allowing these parties to participate fully in any motion filed in this litigation pursuant to paragraph I(F) of the consent decree." Paragraph I(F) reserved for the *Gautreaux* court authority over development issues at Cabrini.

5. Since 2000, the *Gautreaux* court regularly has entered orders permitting various parts

¹ In November of 1997, the *Gautreaux* court had earlier authorized development of public housing immediately north of the Cabrini site for Cabrini families. See, Order dated November 6, 1997.

of the Cabrini redevelopment to proceed, but only if it was in accord with the *Gautreaux* judgment order. So, on September 7, 2001, November 4, 2003, September 21, 2006, September 25, 2006, May 10, 2007, June 4, 2007, July 15, 2009 and April 1, 2010, the *Gautreaux* court entered orders permitting CHA to develop public housing units above the third floor at Cabrini. On March 6, 2003, the *Gautreaux* court entered an order permitting CHA to impose a minimum income requirement for certain public housing units at the Domain Lofts project, which is part of the Cabrini redevelopment.²

**The Future of Development at the Rowhouses Has Already Been Submitted to the
Gautreaux Court**

6. Over the ensuing years, redevelopment at Cabrini has proceeded. Buildings have been demolished, including buildings immediately across the street from the Rowhouses. A total of 2,124 units of housing have been built at or near Cabrini, including 434 public housing units, and 221 affordable units. In addition, a great deal of planning is ongoing through the Cabrini Working Group, which includes the LAC, along with the *Gautreaux* plaintiffs, the local alderman, CHA, The Habitat Co. (until recently) and the City departments of Planning and Housing. Planning and discussion about the Rowhouse site began years ago.

7. On September 8, 2009, the *Gautreaux* plaintiffs filed a motion with the *Gautreaux* court to obtain a conference on the question of the Rowhouses, which the Court allowed. The *Gautreaux* plaintiffs, representing the class of CHA residents, including those at Cabrini, felt

² Not every lawsuit pertaining to Cabrini is properly brought in the *Gautreaux* case. So, when the LAC challenged CHA's relocation of residents from the Green Homes and Cabrini Extension South portions of the Cabrini site in 2004, the matter proceeded before Judge Hibbler until it was voluntarily dismissed in 2009. *See, Cabrini-Green Local Advisory Council, et al. v CHA, et al.*, 04 C 3792. Relocation issues, as distinct from development issues, are not *Gautreaux* issues.

strongly that the Rowhouses should not be preserved as an island of 100% public housing in the middle of the vast mixed-income development at Cabrini, as it might imperil their remedy in *Gautreaux*. A copy of their motion is Exhibit H. The Court listened to all of the parties, including counsel for the LAC. The Court suggested that the parties continue talking about their differences on the Rowhouses. Following the Court's suggestion, the parties to the Working Group—including counsel for the LAC, this Court's Receiver, the CHA and the *Gautreaux* plaintiffs—conducted many and lengthy discussions on the Rowhouse questions over a two-year period. On September 15, 2011, the CHA brought the Rowhouse matter back to the *Gautreaux* court by motion to report on these discussions, and to advise the Court on the status of Rowhouse planning, as it related directly to the *Gautreaux* judgment. Counsel for the LAC appeared before the Court. The *Gautreaux* plaintiffs continued to insist on incorporating the Rowhouses into the mixed-income plan at Cabrini while the LAC sought to preserve the units as public housing. The CHA felt in principle that a mixed-income solution should prevail and advised the Court of its position, and further that the Working Group would continue to meet in order to implement a plan for the Rowhouses. Copies of the motion and the transcript on September 15, 2011 are Exhibits I and J.

II. Gautreaux and Cabrini Are Related Cases

8. Under LR 40.4(a), two cases are related if any one of four conditions is met. All four conditions are met here. In this case:

A. Both *Gautreaux* and *Cabrini* “involve the same property” under L.R. 40.4 (a)(1), in that decisions as to the future use of the property on which the Rowhouses are located will bear substantially on the market for housing of the adjoining property, which is the subject of the September 12, 2000 Cabrini Revitalizing Order. That is why the parties and interveners in

Gautreaux, including the LAC, have been meeting under this court's auspices to consider the future of the Rowhouses.

B. Both cases also "involve some of the same questions of fact or law." *See* L.R. 40.4 (a)(2). The plaintiffs in both *Gautreaux* and *Cabrini* allege that CHA has made racially discriminatory decisions with regard to the development of public housing in Chicago. This court entered the Cabrini Revitalizing Order, as well as supplementary orders, as part of the remedy in *Gautreaux*, and it has ongoing jurisdiction to assure that, in the future, all CHA family housing is located and developed so as not to further such discrimination, or to violate any of the the statutes and constitutional provisions on which the *Cabrini* plaintiffs seek relief. *See* ¶ 1 *supra* and Exhibit A; *see also, Fairbanks Capital Corp. v. Jenkins*, 2002 WL 31655277 *2 (N.D. Ill. 2002) (two cases involve common legal questions under L.R. 40.4(a) when they challenge the same conduct under the same federal statutes);

C. The two cases also "grow out of the same transaction or occurrence." *See* L.R. 40.4(a)(3). In the context of *Gautreaux*, this court approves uses of CHA property for the development of family public housing, including the property on which the Rowhouses are located and the adjacent property. Accordingly, transactions or occurrences that concern the Rowhouse property will affect transactions and occurrences for the property already subject to this court's remedial orders in *Gautreaux*.

D. The two cases are also "susceptible of disposition in a single proceeding." *See* L.R. 40.4(a)(3). Indeed, it would be detrimental to the efficient operations of this court and require the parties to incur substantial unnecessary costs, as well as put CHA at risk of inconsistent judgments if the cases were heard separately. With respect to the Rowhouses, CHA is confronted

by two sets of plaintiffs' attorneys who represent the same families. If CHA is forced to litigate against these attorneys in two separate courts (with one set of plaintiffs lawyers in each court), there is a clear risk of the Courts arriving at inconsistent results with respect to what CHA may do at the Rowhouses.

9. Under LR 40.4(b), two cases may be reassigned if four conditions are met. In this case:

A. Both *Gautreaux* and *Cabrini* "are pending in this Court." See L.R. 40.4(b)(1);

B. "[T]he handling of both cases by the same judge is likely to result in a substantial saving of judicial time and effort" within the meaning of Rule 40.4(b)(2) because, as part of the relief in *Gautreaux*, this court approves uses of CHA property for the development of family public housing, including whether to redevelop buildings on their existing sites, and the *Cabrini* plaintiffs seek relief with regard to the CHA property on which the Rowhouses are located. See, *Fairbanks Capital Corp.*, 2002 WL 31655277 at *2; *Murray v. America's Mortgage Banc Inc.*, 2004 WL 407010 *2 (N.D. Ill. 2004). Indeed, *Gautreaux* and *Cabrini* cannot be disposed of properly other than in a single proceeding since litigating on separate tracks creates the risk of conflicting judgments and would force the defendants to bear the additional costs of litigating common issues in separate courtrooms. *Cabrini* is therefore comparable to *Concerned Citizens of ABLA v. CHA*, 99 C 4959 ("*ABLA*"), a suit that was also filed in this district in order to challenge CHA redevelopment----in this case, at the ABLA development on the near southwest side. There, as here, the case was assigned to Judge Gettleman. On the motion of the CHA, its then Receiver (Habitat Co.) and the *Gautreaux* plaintiffs, this Court reassigned the *Concerned Citizens of ABLA* litigation to the *Gautreaux* court, and dismissed it without prejudice to the Concerned Citizens of ABLA

seeking leave to intervene in *Gautreaux* which would “allow ... [them] to present their complaints about the revitalization plan without ‘fostering a multiplicity of new lawsuits over the same complicated and emotional issues which have already once been fought out in an all too lengthy court battle.’” Exhibit K, at 2, *quoting Hines v. Rapides Parish School Board*, 479 F.2d 762, 765 (5th Cir. 1973); *see, Tompkins v. Alabama State University*, 15 F.Supp.2d 1160 (N.D. Ala. 1998), *aff’d mem.*, 174 F.3d 203 (11th Cir.1999); *Rivarde v. State of Missouri*, 930 F.2d 641 (8th Cir.1991); *Parents Against Controlled Choice v. Board of Education, Rockford*, 1999 WL 7905 (N.D. Ill. 1999). Moreover, absent reassignment, litigating the two cases could result in multiple orders concerning location and redevelopment of the Rowhouse property, and could result in conflicting orders.

C. The earlier case has not “progressed to the point where designating a later filed case as related would be likely to delay the proceedings in the earlier case substantially.” L.R. 40.4(b)(3). Of course, *Gautreaux* is among the oldest cases pending in this court; whereas *Cabrini* was filed just last month. However, the Cabrini Revitalizing Order was entered as part of the post-judgment proceedings in *Gautreaux*. Post-judgment proceedings, particularly those that arise “many years after [a] consent decree went into effect, are clearly separable from the proceeding that led up to the entry of the decree.” *Alliance To End Repression v. City of Chicago*, 356 F.3d 767, 771 (7th Cir. 2004). Litigation in *Gautreaux* concerning post-judgment relief near the Rowhouses has not progressed to the point where consolidating the two cases would delay *Gautreaux* substantially. Indeed, the greater risk is that, if the two cases are heard by different judges, they could enter inconsistent rulings that could delay fully realizing the benefits of relief orders entered in *Gautreaux*.

D. “[T]he cases are susceptible of disposition in a single proceeding” as required

by Rule 40.4(b)(4). “Judges of this Court have ruled that a movant satisfies this condition if issues of *both* law and fact are the same in the related cases.” *Lawrence E. Jaffe Pension Plan v. Household International, Inc.*, 2003 WL 21011757 *3 (N.D. Ill. 2003), *citing*, *Fairbanks Capital Corp.*, 2002 WL 31655277 at *3 (other citations omitted). In the Cabrini Revitalizing Order, this court approved redevelopment adjacent to the Rowhouses, and the parties and interveners have since discussed plans for the Rowhouse property under the auspices of this court’s orders in *Gautreaux*. To assure that relief as to the adjacent homes is not undermined, this court will have to determine the permissible uses for the property on which the Rowhouses are located.

10. The individual plaintiffs in *Cabrini* are *Gautreaux* class members. *See* ¶ 1, *supra*. In any event, as this court has noted, intervention is required even when plaintiffs in a newly-filed suit are not class members in the original suit. *See* Exhibit K, at 2, *citing*; *Hines v. Rapides Parish School Board*, 479 F.2d 762, (5th Cir. 1973) (permitting “collateral attack on a desegregation consent decree by white parents who were not members of the original plaintiff class”); *Davis v. Board of School Commissioners of Mobile County*, 517 F.2d 1044, 1049 (7th Cir. 1975) (plaintiff who raises claims in addition to those heard in earlier suit must nonetheless intervene in earlier suit). Nor does it matter that the *Cabrini* plaintiffs seek to add Charles Woodyard, a defendant who has not previously been joined in *Gautreaux*. First, the *Cabrini* plaintiffs are suing Mr. Woodyard in his official capacity as the chief executive officer of CHA. Accordingly, his joinder represents nothing more than another way to sue CHA. *See Kentucky v. Graham*, 473 U.S. 159 (1985) (official-capacity suits are another way of pleading an action against a public entity) (citation omitted).

In any event, “[t]he necessity for an orderly administration of the courts does at times require the consolidation of actions or a direction to seek intervention in ongoing class actions” where the

same issues are presented, the plaintiffs are apparently members of the existing class and they are proceeding against the same *or some of the same defendants*. *Miller v. Bd. of Ed. of Topeka Un. School Dist. 501*, 667 F.2d 946, 949 (10th Cir. 1982)) (emphasis supplied). If the *Cabrini* plaintiffs proceed independently of *Gautreaux*, the CHA could be subjected to conflicting orders.

WHEREFORE, CHA requests that: 1) this court order that *Cabrini* be reassigned to this court; and; 2) that this court dismiss the *Cabrini* suit without prejudice to the *Cabrini* plaintiffs' right to seek leave to intervene in *Gautreaux*.

Respectfully submitted,

By: /s//Thomas E. Johnson
One of the Attorneys for Defendant CHA

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Dated: June 14, 2013

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

DOROTHY GAUTREAUX, et al.,)	
)	
Plaintiffs,)	
v.	)	No. 66 C 1459
	)	Judge Aspen
CHICAGO HOUSING AUTHORITY)	
)	
Defendant.)	

**DEFENDANT CHICAGO HOUSING AUTHORITY’S MOTION
TO REASSIGN A NEWLY-FILED COMPLAINT AND TO DISMISS
THAT COMPLAINT WITHOUT PREJUDICE TO THE RIGHT OF
PLAINTIFFS THEREIN TO SEEK LEAVE TO INTERVENE IN THIS CASE**

EXHIBITS

- A. Complaint in *Cabrini*
- B. Order dated August 12, 1998
- C. Motion of the Cabrini-Green Local Advisory Council
- D. Order dated September 28, 1999
- E. Agreed Order dated September 12, 2000 on Joint Motion of Plaintiffs
- F. Agreed Order dated September 12, 2000 on CHA’s Motion to Approve Consent Decree
- G. Map of Area
- H. Plaintiffs’ Motion for Conference on Frances Cabrini Rowhouses
- I. CHA’s motion to report on status of Rowhouses on September 15, 2011
- J. Transcript of September 15, 2011 proceeding

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

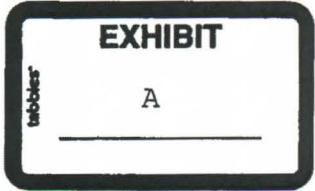
CABRINI-GREEN LOCAL ADVISORY COUNCIL, CAROL STEELE, TRAVAUGHN STEELE, and GLORIA FRANKLIN,)	
)	
Plaintiffs,	)	No. _____
)	
v.)	
)	
CHICAGO HOUSING AUTHORITY ("CHA"), an Illinois Municipal Corporation; and CHARLES WOODYARD, In his Official Capacity as Chief Executive Officer of the CHA,)	
)	
Defendants.)	

COMPLAINT FOR INJUNCTIVE AND OTHER RELIEF

I. PRELIMINARY STATEMENT

1. In 2000, the Chicago Housing Authority ("CHA") embarked on a massive "Plan for Transformation," with the goal of (a) tearing down all its high-rise public housing developments in Chicago and replacing them with mixed-income communities and (b) rehabilitating other, non-high rise developments that had fallen into disrepair. As part of the plan, the CHA promised to redevelop 25,000 units of new public housing through a combination of rehabilitation and new construction.

2. The Plan for Transformation provided that the Francis Cabrini Rowhouses ("Rowhouses") were to be rehabilitated, not torn down, and that they would remain 100% public housing. In December 2006, the CHA issued the first set of relocation notices to Rowhouse residents to relocate temporarily, in preparation for the rehabilitation of their units. Many families relied on these notices and moved, anticipating a temporary absence while their units



were rehabilitated. Relocated residents who did not take permanent housing choice vouchers have a right of return to the Rowhouses.

3. Four phases of rehabilitation were planned, but only one phase — 146 units — was ever completed (in 2009).

4. On September 15, 2011, the CHA announced for the first time that the Rowhouses would not be redeveloped as 100% public housing, but rather would be turned into mixed-income housing, which significantly reduces the units available for public housing residents.

5. In renegeing on its promises to retain the Rowhouses as 100% public housing, the CHA will eliminate several hundred units of low-income public housing from the North Side of Chicago, an opportunity area with low poverty, good schools, good access to transportation, low crime, and diverse employment opportunities.

6. The CHA intends to make up for this loss of housing in a vibrant neighborhood by adding public housing units in high poverty, segregated areas of Chicago.

7. The CHA's plan to make the Rowhouses mixed-income violates its mandate to affirmatively further fair housing and will have a disparate impact on racial minorities, a protected class under the Fair Housing Act. 42 U.S.C. §§ 3601 *et seq.*

8. Plaintiffs bring this action directly under the provisions of Title VIII of the Civil Rights Act of 1968, known as the Fair Housing Act, codified at 42 U.S.C. §§ 3601 *et seq.*

9. Plaintiffs are also suing under 42 U.S.C. § 1983 to enforce rights secured by:

- a. Title VI of the Civil Rights Act of 1964, codified at 42 U.S.C. § 2000d;
- b. Executive Orders 11063 and 12892; and

- c. Section 511 of the Quality Housing and Work Responsibility Act of 1998, 42 U.S.C. § 1437c-1(d)(15).

10. Plaintiffs invoke the supplemental jurisdiction of this court to enforce their state law claims under the Illinois Civil Rights Act of 2003, 740 ILCS §§ 23/1 *et seq.*

11. Plaintiffs seek an order declaring that the CHA must keep the Rowhouses as 100% public housing with no net loss of public housing units at the site of the original Rowhouses.

II. JURISDICTION AND VENUE

12. This court has jurisdiction over Plaintiffs' claims under 28 U.S.C. §§ 1331 (federal question) and 1367 (supplemental jurisdiction) and 42 U.S.C. § 3613 (fair housing). Venue is proper in this judicial district under 28 U.S.C. § 1391(b).

III. PARTIES

Plaintiff Cabrini-Green Local Advisory Council

13. Plaintiff Cabrini-Green Local Advisory Council ("LAC") is a tenant organization representing the public housing residents of Cabrini-Green. The membership of the LAC consists of all the lessees and authorized residents 18 years or older in compliance with a CHA Residential Lease. The LAC board is composed of elected representatives from the membership.

14. The purposes and powers, among others, of the LAC are:

- a. to act for and on behalf of the residents who live in the Cabrini-Green development;

- b. to improve the quality of life and resident satisfaction and participate in self-help initiatives to enable residents to create a positive living environment for families living in public housing;
- c. to take such steps or actions as may be necessary to effect change in rules, regulations, practices or policies of the CHA management if such rules, regulations, practices or policies are found to be unfair or inequitable to residents of the Cabrini-Green development;
- d. to take such steps as may be necessary for protection of the life or property of residents of the Cabrini-Green development;
- e. to engage in all activities as will promote the educational, cultural and economic welfare of the residents of the Cabrini-Green development; and
- f. to negotiate, agree upon and execute contracts, agreements or other binding relationships, on behalf of the tenants of the development with the Chicago Housing Authority, other social agencies, and as otherwise deemed necessary and appropriate.

15. The CHA recognizes that the LAC represents the interests of current Cabrini-Green public housing residents and former residents who are temporarily relocated but who have a right of return, especially as those interests relate to the redevelopment of Cabrini-Green. Furthermore, the CHA recognizes the LAC as the sole representative of the residents of Cabrini-Green, as required by federal regulation. *See* 24 C.F.R. § 964.18(a)(1).

16. The LAC has acted as the organized advocate for residents and former residents of Cabrini-Green who have been displaced by demolition, rehabilitation, or construction activities at Cabrini-Green; is responsible for giving such individuals an opportunity to participate in the planning and implementation of redevelopment initiatives and other projects which are intended to revitalize public housing in the Cabrini-Green area; is involved in efforts to prevent and address discrimination against Cabrini-Green residents; and works with residents,

the CHA, and other governmental entities to promote residents' ability to obtain safe, decent and affordable housing.

17. All LAC board members are African-American and are low-income.

Individual Plaintiffs

18. Carol Steele is a 62-year-old African-American resident of the Rowhouses. She was relocated from an unrehabilitated Rowhouse to a rehabilitated Rowhouse in June 2012. She is the president of the LAC and has been a resident in this community for her whole life. If CHA makes the Rowhouses only one-third public housing, Ms. Steele may be required to relocate from her current unit to a segregated area of Chicago to accommodate market-rate units where the Rowhouses now stand.

19. Travaughn Steele is a 41-year-old African-American male who lives in CHA public housing with his wife, four children and three grandchildren. He and his family were relocated from the unrehabilitated Rowhouses in March 2012 and moved more than eight miles south, to a predominantly African-American, low-income neighborhood on Chicago's South Side. Mr. Steele wants to move back to the Rowhouses because he was born and raised in that neighborhood, has friends and family in the area, and would like to give his two minor children and three grandchildren the opportunity to go to the public schools available to North Side residents. In addition, the Rowhouses are closer to his and his wife's jobs on the North Side than their current apartment.

20. Gloria Franklin is a 46-year-old African-American woman, and a former resident of the Rowhouses. Ms. Franklin is the guardian for her adult, disabled sister. Ms. Franklin and her sister relocated from their Rowhouse to a CHA scattered site unit in June 2012. Ms.

Franklin and her sister should retain a priority right to return to the Rowhouses, where they have lived for almost 30 years. Ms. Franklin's sister obtained services related to her disability there, and Ms. Franklin received medical care on the North Side. Ms. Franklin is currently living in a predominantly African-American, low-income neighborhood on the South Side of Chicago. Ms. Franklin wants to move back to the Rowhouses.

Defendants Chicago Housing Authority and Charles Woodyard

21. Defendant CHA is an Illinois municipal corporation, created and existing under the Housing Authorities Act, 310 ILCS § 10/1 *et seq.* The CHA is a Public Housing Agency ("PHA") within the meaning of 42 U.S.C. § 1437 and administers federally subsidized and assisted low-rent housing as authorized by the United States Housing Act and implementing federal regulations.

22. Defendant Charles Woodyard is the Chief Executive Officer of the CHA. He is charged with establishing and administering the policies of the CHA, including those relating to the daily operation, administration and maintenance of all public housing in the City of Chicago.

IV. APPLICABLE STATUTES

The Fair Housing Act

23. Title VIII of the Civil Rights Act of 1968 ("The Fair Housing Act"), 42 U.S.C. §§ 3601 *et seq.*, provides that it shall be unlawful to refuse to rent or negotiate for the rental of a dwelling unit or "otherwise [to] make unavailable or deny a dwelling unit to any person because of race, color, religion, sex, familial status, or national origin." 42 U.S.C. § 3604(a).

24. The Fair Housing Act provides further that the United States Department of Housing and Urban Development ("HUD") shall administer its programs and activities relating to housing and urban development in a manner that affirmatively furthers fair housing. 42 U.S.C. § 3608(e)(5).

25. HUD has, in turn, promulgated regulations mirroring the language of 42 U.S.C. § 3608(e). These regulations require that local housing authorities affirmatively further fair housing. 24 C.F.R. § 960.103(b).

26. Additional regulations expand upon this obligation, requiring local housing authorities to certify annually to HUD that they will affirmatively further fair housing, *see* § 903.7(o)(1), and setting forth the standards by which such certifications shall be judged. *See* § 903.7(o)(3).

Executive Orders 11063 and 12892

27. Executive Order 11063, issued by President Kennedy, and titled "Equal Opportunity in Housing," directs "all departments and agencies in the executive branch of the Federal Government, insofar as their functions relate to the provision, rehabilitation, or operation of housing and related facilities, to take all action necessary and appropriate to prevent discrimination because of race, color, creed, or national origin. . . ." Exec. Order 11063, § 101, 27 Fed. Reg. 11527 (Nov. 20, 1962).

28. Executive Order 12892 reiterates the basic mandate of Executive Order 11063 to affirmatively further fair housing, directs other federal agencies to cooperate with HUD in its enforcement, and amends the language of 11063 to extend its reach to the prevention of

discrimination on the basis of sex, disability, and familial status. Exec. Order 12892, § 6-604(b), 59 Fed. Reg. 2939 (Jan. 17, 1994).

29. HUD has promulgated regulations implementing Executive Orders 11063 and 12892, which provide as follows:

All persons receiving assistance from, or participating in, any program or activity of the Department involving housing and related facilities shall take all action necessary and proper to prevent discrimination on the basis of race, color, religion (creed), sex or national origin.

24 C.F.R. § 107.21 (2002).

Title VI of the Civil Rights Act of 1964

30. Title VI of the Civil Rights Act of 1964 provides that “[n]o person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance.” 42 U.S.C. § 2000d.

31. HUD regulations implementing Title VI state that a recipient of federal funding may not on the basis of race, color or national origin:

(i) Deny a person any housing, accommodations, facilities, services, financial aid, or other benefits provided under the program or activity;

...

(iii) Subject a person to segregation or separate treatment in any matter related to his receipt of housing, accommodations, facilities, services, financial aid, or other benefits under the program or activity;

(iv) Restrict a person in any way in access to such housing, accommodations, facilities, services, financial aid, or other benefits, or in the enjoyment of any advantage or privilege enjoyed by others in connection with such housing, accommodations, facilities, services, financial aid, or other benefits under the program or activity.

24 C.F.R. § 1.4(b)(1).

32. The regulations also impose a duty upon a covered agency to take affirmative steps to remedy past discrimination:

(i) In administering a program regarding which the recipient has previously discriminated against persons on the ground of race, color, or national origin, the recipient must take affirmative action to overcome the effects of prior discrimination. . . .

(ii) Where previous discriminatory practice or usage tend . . . to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this Part 1 applies, the applicant or recipient has an obligation to take reasonable action to remove or overcome the consequences of the prior discriminatory practice or usage, and to accomplish the purpose of the act.

24 C.F.R. § 1.4(b)(6).

Quality Housing and Work Responsibility Act of 1998

33. The Quality Housing and Work Responsibility Act of 1998 (“QHWRA”) requires every public housing authority to prepare and submit for HUD approval an “annual public housing agency plan” detailing the public housing authority’s policies in the administration of its programs. 42 U.S.C. § 1437c-1.

34. QHWRA requires the public housing authority to certify in the plan that it will “carry out the public housing plan in conformity with . . . the Fair Housing Act . . . and will affirmatively further fair housing.” 42 U.S.C. § 1437c-1(d)(15).

The Illinois Civil Rights Act of 2003

35. The Illinois Civil Rights Act of 2003 provides that “[n]o unit of State, county, or local government in Illinois shall: (1) exclude a person from participation in, deny a person the benefits of, or subject a person to discrimination under any program or activity on the grounds of

that person's race, color, or national origin; or (2) utilize criteria or methods of administration that have the effect of subjecting individuals to discrimination because of their race, color, or national origin." 740 ILCS § 23/5(a).

V. INTERNATIONAL LAW

36. As a party to and principal drafter of the Universal Declaration of Human Rights ("UDHR"), adopted and proclaimed by UN General Assembly Resolution 217A (III), December 10, 1948, the United States recognizes a human right to housing, as set out in Article 25.

37. The United States is a signatory to the International Covenant on Economic, Social and Cultural Rights, which "recognizes the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions," Art. 11(1). As a signatory, the United States cannot lawfully engage in conduct which undermines that right.

38. The United States additionally is bound by the Convention on the Elimination of All Forms of Racial Discrimination ("CERD"), 660 U.N.T.S. 195 (1966), which guarantees the equal enjoyment of the right to housing and prohibits practices which have the effect of impairing that right for any racial group. Article 5(e)(iii).

39. International law should inform the application of the domestic law claims because it underscores the gravity of violations of the CHA residents' domestic rights under federal law and is useful to the proper interpretation and application of these domestic rights.

VI. STATEMENT OF FACTS

40. The area formerly known as the Cabrini-Green public housing development consisted of the William Green Homes, Cabrini Extension North, Cabrini Extension South, and the Francis Cabrini Rowhouses, and was historically one of only two public housing developments on Chicago's North Side.

41. The Rowhouses are located between Chicago Avenue on the south, Oak Street on the north, Larrabee on the west, and Hudson on the east.

42. The Rowhouses have:

historical and architectural significance. Completed in 1942, the Rowhouses – 586 units of low-rise public housing – were built to accommodate low-income war-industry workers and their families. Renowned architects such as Ernest Grunsfeld Jr., who designed the Adler Planetarium, and Henry Holsman, an associate of Frank Lloyd Wright, were among those who contributed to the buildings' designs.

Chicago Housing Authority, FY 2006 Moving To Work Annual Plan, Plan for Transformation Year Seven, at 43 (October 31, 2005). (<http://www.thecha.org/filebin/pdf/FY2006-Annual-Plan.pdf>.)

43. As of October 1, 1999, 468 families resided in the Rowhouses.¹ Census data shows that in 2000, 97% of the Rowhouse families were African-American, 90% of the Rowhouse families had a female head of household, and 77% of the Rowhouse families had minor children.

¹ October 1, 1999 was the CHA's benchmark date for measuring which families had relocation rights and rights of return pursuant to the Plan for Transformation. As of October 1, 1999, those 468 families had a presumptive right of return to a new or rehabilitated unit.

44. In 2000, the CHA and HUD executed a "Moving to Work" agreement ("MTW"), which memorialized the CHA's Plan for Transformation. United States Department of Housing and Urban Development and Chicago Housing Authority, Moving to Work Demonstration Agreement (February 6, 2000).

45. The CHA's Plan for Transformation called for the demolition of all of the CHA's high-rise buildings and the redevelopment of 25,000 units of public housing, either through rehabilitation or new construction, by 2010. Under the CHA's Plan for Transformation, all lease-compliant families residing in public housing as of October 1, 1999 had a right to return to a newly constructed or rehabilitated public housing unit.

46. Pursuant to the Plan for Transformation, the Rowhouses were to be rehabilitated, not torn down. Section 202 of the Omnibus Consolidated Rescissions and Appropriations Act of 1996, Pub. L. 104-134, § 202 (1996) ("Section 202"), required PHAs to demolish public housing developments that failed to pass a "viability cost test." In 2001, HUD determined that the Rowhouses passed that test. Amendment No. 1 to CHA's Moving to Work Agreement, at 3 (January 18, 2001).

47. In 2006, the CHA convened an *ad hoc* Working Group which included representatives of the LAC and the CHA to plan for and implement the rehabilitation of the Rowhouses, including the temporary relocation of Rowhouse residents until work was completed. The rehabilitation was to occur in four phases, which the CHA anticipated would be complete by 2011.

48. The CHA and the LAC agreed that Phase I of the rehabilitation would include the public housing units located along the west side of Cambridge Avenue, between Oak Street and Chicago Avenue.

49. In December 2006, the CHA served temporary relocation notices upon the families residing in the units slated for Phase I rehabilitation. Families who relocated with temporary vouchers or moved to other public housing developments had, and continue to have, a priority right to return to the rehabilitated Rowhouses.²

50. On September 12, 2007, the CHA Board awarded a \$3.9 million contract to HLF Construction Company to commence work on Phase I.

51. In February 2008, the CHA sent temporary relocation notices to residents whose units were to be rehabilitated in Phases II, III, and IV. Relying on these notices, many families in these Rowhouses moved out. These families also had, and continue to have, a priority right to return to the rehabilitated Rowhouses.

52. In 2008, HUD reaffirmed its determination that the Rowhouses were viable under Section 202, and the CHA agreed that it would "expeditiously take steps so that substantially all vacancies can be brought on line in full compliance with Uniform Physical Condition Standards and in accordance with the Plan for Transformation." Amended and Restated Moving To Work Agreement, Attachment D, at 41 (July 7, 2008). (http://www.thecha.org/filebin/pdf/mapDocs/Amended_Restated_MTW_Agreement.pdf.)

² Families could choose to return to their own rehabilitated development, move to another redeveloped area, or take a permanent housing choice voucher. Families who relocated from the Rowhouses have higher priority to return to their original area than families from other developments do.

53. The CHA completed Phase I of the Rowhouses rehabilitation in 2009, resulting in 146 rehabilitated public housing units.

54. Each year from 2004 through 2010, the CHA restated again and again in its MTW Annual Plans its promise to rehabilitate the Rowhouses. No further rehabilitation, however, has been performed on the Rowhouses since Phase I was completed in 2009, even though the remaining Rowhouse families were relocated.

55. By 2011, the unrehabilitated Rowhouses had a 92% vacancy rate. As the Rowhouses were emptied, CHA did not adequately secure the buildings and allowed them to deteriorate.

56. On September 1, 2011, Carlos Ponce, CHA Interim Chief Executive Officer, announced to the LAC that the Rowhouse residents remaining in the non-rehabilitated portion of the site, approximately 30 households, would receive temporary relocation notices. Again, these families have a priority right to return to rehabilitated Rowhouses.

57. On September 8, 2011, Mr. Ponce invited written input from the LAC on two questions regarding the future of the non-rehabilitated Rowhouses: (1) whether the existing Rowhouses should be rehabilitated or torn down, and (2) whether the Rowhouses should remain 100% public housing or turned into mixed-income housing.

58. By letter dated September 12, 2011, a copy of which is attached hereto as Exhibit A, the LAC responded, urging the CHA to rehabilitate the Rowhouses as 100% public housing. The LAC argued that converting the Rowhouses into a mixed-income community would mean the loss of public housing units in a racially diverse community and the development of replacement housing in segregated areas of the city in violation of the Fair Housing Act.

59. The CHA never responded in writing to the concerns expressed by the LAC in its September 12, 2011 letter.

60. By Memorandum dated September 15, 2011, a copy of which is attached hereto as Exhibit B, Mr. Ponce advised the working group that "CHA has determined that it will not support the row house property remaining as 100 percent public housing. Rather, the CHA will actively support the creation of a mixed-income community at the property."

61. CHA reiterated its position in the 2013 Moving To Work Annual Plan, Chicago Housing Authority, FY 20103 Moving To Work Annual Plan, Plan for Transformation Year 14 (October 18, 2012) at 18 ("CHA has concluded that it will no longer support 100% public housing at the Cabrini Rowhouses property."). (http://www.thecha.org/filebin/FY2013_Annual_Plan_Final_Draft2.pdf)

62. In the context of the Plan for Transformation, "mixed-income" has meant that no more than one-third of the units in a new development are public housing, with the remainder being one-third market-rate, for-sale housing, and one-third "affordable" rental housing targeted toward families earning no more than 60% of area median income. (HUD determined that 2012 median income in Cook County was \$75,800 for a family of four.)

63. The Near North Side of Chicago is an area of opportunity: besides being a low-poverty area, the neighborhood that includes the Rowhouses, known as the "Near North" neighborhood, is in close proximity to public transportation, diverse employment opportunities, grocery stores, schools, and medical providers.

64. The Near North neighborhood is also an area of opportunity because it is racially diverse.

65. By reneging on its promise to retain the Rowhouses as 100% public housing and instead developing the site as a mixed-income community, the CHA is eliminating 400 units of low-income public housing from the North Side of Chicago.

66. There is little or no property available in the Near North neighborhood, on the North Side of Chicago, or in other desegregated areas of Chicago that meets the HUD cost limits for the acquisition of property.

67. Therefore, the CHA will be forced to make up this loss of housing in high-poverty, segregated areas of Chicago where land values are lower, in order to honor its commitment of 25,000 public housing units under the Plan for Transformation.

68. In effect, 400 families will have to start over in areas that are poor, segregated, and, under the CHA's own standards, "low opportunity."

69. CHA is relying on the Housing Choice Voucher Program (HCV) and Project-Based Vouchers (PBV) to replace units that will not be redeveloped at the mixed-income sites and to meet its obligation to replace 25,000 units total. These programs however, have resegregated low-income families — including families displaced by CHA's demolition activities — almost uniformly into neighborhoods that are densely African-American with high concentrations of poverty.

70. The CHA has not made up for the housing that will be lost by converting the Rowhouses into a mixed-income community and has no adequate plans for making up for that loss in higher-income, non-segregated areas of opportunity, specifically on the North Side of Chicago.

71. Accordingly, families displaced from the Rowhouses will be segregated into racially homogeneous, low-income areas and will be denied the opportunity to return to a non-segregated area of Chicago.

72. In the recent years of the Plan for Transformation, it has been CHA's pattern to remove public housing in areas of opportunity.

73. After an initial commitment to keep Lathrop Homes, a historic, low-rise public housing community located on the North Side of Chicago at North Clybourn Avenue and Diversey Avenue, at 100% public housing, the CHA reversed course and decided to redevelop Lathrop Homes as mixed-income housing, displacing approximately 500 units of public housing from an economically and racially diverse area.

74. Additionally, at the former Henry Horner Homes in the revitalized Near West Side neighborhood, the CHA recently sought to dismantle the one area of 100% public housing that had been maintained pursuant to a consent decree, eliminating more than 120 units of public housing.

75. According to the CHA's own data, as of September 30, 2011, the CHA had satisfied only 52% of Rowhouse families' right to return. This does not include the families relocated after September 1, 2011 and the families whose Right of Return was ostensibly satisfied when they moved into the rehabilitated Rowhouses. Their future is now unclear.

VII. INJURY TO THE INDIVIDUAL PLAINTIFFS, THE LAC AND ITS MEMBERS

76. At all times relevant to this action, Defendants have been aware that the LAC represents the interests of low-income, racial minority households.

77. At all times relevant to this action, Defendants have been aware of the irreparable harms already suffered by public housing families who have been segregated into high-poverty, low-opportunity areas.

78. Plaintiffs have no adequate remedy at law.

VIII. CLAIMS FOR RELIEF

COUNT I (Fair Housing Act)

79. The Plaintiffs re-allege paragraphs 1-26 and 40-78 of this Complaint and incorporate them herein.

80. Defendants' abrupt and unilateral decision to convert the Rowhouses into a mixed-income development will result in public housing units previously planned for the Rowhouses — already part of a mixed-race, mixed-income community on the North Side of Chicago — to be replaced with units in predominantly low-income and predominantly African-American neighborhoods, thereby perpetuating segregation, in violation of 42 U.S.C. § 3604.

COUNT II (Duty to Affirmatively Further Fair Housing)

81. Plaintiffs re-allege paragraphs 1-26 and 40-78 of this Complaint and incorporate them herein.

82. Defendants are "persons" within the meaning of 42 U.S.C. § 1983, and their actions described herein were taken under color of state law.

83. Defendants' abrupt and unilateral decision to convert the Rowhouses into a mixed-income development will result in public housing units previously planned for the

Rowhouses — already part of a mixed-race, mixed-income community on the North Side of Chicago — to be replaced with units in predominantly low-income and predominantly African-American neighborhoods, thereby perpetuating segregation. Therefore, Defendants have violated their duty to affirmatively further fair housing. 42 U.S.C. § 3608(e)(5); 24 C.F.R. §§ 960.103(b) and 903.7(o)(1).

84. By breaching their duty to affirmatively further fair housing, Defendants are depriving the Plaintiffs of rights secured to them by federal law in violation of 42 U.S.C. § 1983.

COUNT III (Executive Orders 11063 and 12892)

85. Plaintiffs re-allege paragraphs 1-22, 27-29, and 40-78 of this Complaint and incorporate them herein.

86. Defendants are “persons” within the meaning of 42 U.S.C. § 1983, and their actions described herein were taken under color of state law.

87. Defendants’ abrupt and unilateral decision to convert the Rowhouses into a mixed-income development will result in public housing units previously planned for the Rowhouses — already part of a mixed-race, mixed-income community on the North Side of Chicago — to be replaced with units in predominantly low-income and predominantly African-American neighborhoods, thereby perpetuating segregation. Therefore, Defendants have violated their duty to affirmatively further fair housing. Exec. Order 11063, 27 Fed. Reg. 11527 (1962); 24 C.F.R. § 107.21; Exec. Order 12892, 59 Fed. Reg. 2939 (1994)

88. By breaching their duty to affirmatively further fair housing, Defendants are depriving Plaintiffs of the rights secured to them by federal law in violation of 42 U.S.C. § 1983.

COUNT IV (Title VI)

89. Plaintiffs re-allege paragraphs 1-22, 30-32, and 40-78 of this Complaint and incorporate them herein.

90. Defendants are “persons” within the meaning of 42 U.S.C. § 1983, and their actions described herein were taken under color of state law.

91. Defendants know that their plan for the Rowhouses will exacerbate and perpetuate residential housing segregation by sending families who want to return to or remain in the mixed-race, mixed-income community at Cabrini-Green into predominately African-American neighborhoods, thereby violating 42 U.S.C. § 2000d, and its implementing regulations, 24 C.F.R. §§ 1.4(b)(1) & (6).

92. Despite knowing of the segregative consequences of its decision, the CHA refuses to return to its plan to rehabilitate the Rowhouses as 100% public housing as originally promised.

93. The known segregative consequences of Defendants’ decision deprives Plaintiffs of rights secured to them by federal law in violation of 42 U.S.C. § 1983.

COUNT V (Quality Housing and Work Responsibility Act)

94. Plaintiffs re-allege paragraphs 1-22, 33-34, 40-78 of this Complaint and incorporate them herein.

95. Defendants are “persons” within the meaning of 42 U.S.C. § 1983, and their actions described herein were taken under color of state law.

96. Defendants’ abrupt and unilateral decision to convert the Rowhouses into a mixed-income development will result in public housing units previously planned for the Rowhouses — already part of a mixed-race, mixed-income community on the North Side of

Chicago — to be replaced with units in predominantly low-income and predominantly African-American neighborhoods, thereby perpetuating segregation. Therefore, Defendants have violated their duty to affirmatively further fair housing. 42 U.S.C. § 1437c-1(d)(15)

97. By breaching their duty to affirmatively further fair housing, Defendants are depriving Plaintiffs of rights secured to them by federal law in violation of 42 U.S.C. § 1983.

COUNT VI (Illinois Civil Rights Act)

98. Plaintiffs re-allege paragraphs 1-22, 35, and 40-78 of this Complaint and incorporate them herein.

99. Defendants' abrupt and unilateral decision to convert the Rowhouses into a mixed-income development will result in public housing units previously planned for the Rowhouses — already part of a mixed-race, mixed-income community on the North Side of Chicago — to be replaced with units in predominantly low-income and predominantly African-American neighborhoods, thereby perpetuating segregation, in violation of the Illinois Civil Rights Act of 2003, 740 ILCS § 23/5.

IX. RELIEF REQUESTED

WHEREFORE, the Plaintiffs pray that this Court:

A. Issue an injunction barring the CHA from converting the Rowhouses into less than 100 % public housing;

B. Declare the Defendants' abrupt decision not to maintain the Rowhouses as 100% public housing a violation of the Fair Housing Act and its implementing regulations, Title VI of

the Civil Rights Act, Executive Orders 11063 and 12892, Section 511 of QHWRA, and the Illinois Civil Rights Act of 2003;

- C. Award Plaintiff's reasonable costs and attorney fees;
- D. Grant Plaintiffs such further relief as this Court deems just and proper.

Dated: May 16, 2013

Respectfully submitted,

/s/ R. Elizabeth Rosenthal

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

CABRINI-GREEN LOCAL ADVISORY)	
COUNCIL, CAROL STEELE, TRAVAUGHN)	
STEELE, and GLORIA FRANKLIN,)	
)	
Plaintiffs,	)	No.
)	
v.)	
)	
CHICAGO HOUSING AUTHORITY)	
("CHA"), an Illinois Municipal Corporation; and)	
CHARLES WOODYARD, In his Official)	
Capacity as Chief Executive Officer of the CHA,)	
)	
Defendants.)	

EXHIBITS TO COMPLAINT FOR INJUNCTIVE AND OTHER RELIEF

- Exhibit A:** Letter from Cabrini-Green Local Advisory Council to Carlos Ponce, September 12, 2011
- Exhibit B:** Memorandum from Carlos Ponce to Near North Redevelopment Area Working Group, September 15, 2011

EXHIBIT

A



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Medical Debt Relief
(312) 431-2118
Private Attorney Involvement
Pro Se Divorce Clinic
(312) 431-2801
Public Benefits Hotline
(888) 898-5327
Veterans' Law Project

September 12, 2011

via email and first class mail

Carlos Ponce
Acting Chief Executive Officer
Chicago Housing Authority
60 E. Van Buren
Chicago, IL 60605

Dear Mr. Ponce:

At Thursday's Near North Redevelopment Initiative Working Group Meeting, you invited our input on two questions regarding the non-rehabilitated Cabrini Rowhouses. The first question you asked is whether the existing Rowhouses should be rehabilitated or torn down; the second was whether the Rowhouses should remain 100% public housing or turned into mixed-income. We are writing on behalf of the Cabrini-Green Local Advisory Council to urge that the Rowhouses be rehabilitated ("rehabbed") and that they remain 100% public housing. Rehabbing the Rowhouses as 100% public housing is quicker, more cost-effective, and provides a needed stock of low-income housing on the North Side, an area of opportunity that has traditionally had a dearth of public and affordable housing.

I. The Rowhouses should be 100% Public Housing

Maintaining the Rowhouses as 100% public housing serves the underlying principles of the *Gautreaux* decree by providing safe, decent, affordable housing to low-income, predominantly African-American families on the Near North Side, a non-poverty area that is racially diverse. The Near North Side is an area of opportunity: the Rowhouses are accessible to public transportation (Chicago Bus, Division Bus, Halsted Bus, LaSalle Bus, Clark Bus, State Street Bus, Red Line, and Brown Line); grocery stores (Dominick's, Jewel, Trader Joe's, Whole Foods, Potash Bros., and Treasure Island all less than a mile away); potential employment at numerous businesses including big box stores and jobs in the nearby Loop; and some of the best schools in the city. The opportunities for low-income families to have safe, stable, healthful, and productive futures in this area are boundless.

If the Rowhouses are demolished and replaced with a mixed-income community, over 400 units of public housing would be lost on the north side.¹ Where would CHA make up that lost housing? Unfortunately, because of cost limits

¹ The Rowhouses contain 586 units of housing. If CHA demolished the site and returned only 30% of the housing, that would constitute a loss of 410 units.

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 September 12, 2010
 Page 2

imposed by HUD, purchasing other land on the North Side or any other racially diverse, non-poverty area would be cost prohibitive. Therefore, CHA would be forced to make up this loss of housing in impoverished, racially segregated areas on the west side and south side of Chicago.

The CHA's Project-Based Voucher (PBV) program is not the solution: an analysis of the (PBV) program, which CHA hopes to use to create replacement housing, reveals that 83% of current and planned PBV units are located in "poverty" community areas and 60% of these units are located in racially segregated community areas.²

Similarly, the CHA's Housing Choice Voucher (HCV) program will be of little assistance in keeping families in the North Side community area. According to CHA's own report, the Near North Side has only 19 HCV 10-1-99 relocatee families (but the community has lost a total of 1,278 10-1-99 families).³ Lincoln Park, just to the north, has only two HCV 10-1-99 relocatee families (but the community has lost a total of 255 10-1-99 families). Lakeview, the next community north, has only four HCV relocatees. West Town, to the west, has only 19 HCV relocatees. By contrast, the Greater Grand Crossing neighborhood on the South Side, which accounted for only five public housing families on 10-1-99, now has 206 HCV relocatee families. This is just one example -- the same applies to a number of mid and far South Side communities like Englewood and Auburn Gresham and West Side communities like Austin and West Garfield Park.

To date, CHA has identified no alternative sites for replacement housing that would not perpetuate segregation in violation of the Fair Housing Act or would not be located in high poverty areas of the City.

The concern we have heard repeatedly from CHA is that the Rowhouses would be an "island of poverty," but we do not agree. CHA currently has in place a work requirement as a condition of admission and continued occupancy. This policy has and will continue to dramatically impact the economic mix of the Rowhouses. Those effects have already been seen. A recent article in the Chicago Tribune reported that since 1999, the employment rate for CHA families has risen from 15% to over 41%, and the annual average income for those families has risen from \$10,160 to \$19,244.⁴ Therefore, a Rowhouse community that is 100% public housing will in fact be a mixed-income community that will provide a realistic option for many currently

² These figures are based on an analysis of 2,515 city-based PBVs issued through the Chicago Supportive Housing Initiative, the Regional Housing Initiative, and other Property Rental Assistance (see Amended FY2011 Moving to Work Annual Plan, pp. 29 - 32) and the income and racial makeup of the City's community areas where these units are located (see http://data.cmap.illinois.gov/chicagoareahousing.org/Query_Intro.asp?skipquery=t). "Poverty area" is defined as an area where at least 20% of residents are poor. See <http://www.census.gov/population/socdemo/statbriefs/povarea.html>. "Racially segregated" is defined as an area where 30% or more of the residents are African-American based on the Gautreaux definition for "Limited Public Housing Area."

³ See *The Plan for Transformation: An Update on Relocation*, April 2011.

⁴ See Antonio Olivo, *Chicago Housing Authority seeks to use struggling economy to its advantage as it awaits new CEO*, Chicago Tribune, August 29, 2011.

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displaced families. If you combine this economic diversity with proper community policing, adequate social services, and good management, the Rowhouses become an even more viable, thriving, community.⁵ Rather than being seen as an "island of poverty," the Rowhouses should be seen as an area of opportunity for families seeking a better quality of life as a part of a larger, economically, socially, and racially diverse community.⁶

The current mixed-income communities on the north side, such as North Town Village and Parkside, do provide an important source of affordable public housing for families who can get in. However, there will not be enough units at these developments to accommodate all the displaced families who can and want to return to the Near North area. That is why it is critical that the Rowhouses remain a viable option for these displaced families to return to this "opportunity" area.

II. The Rowhouses should be rehabilitated

We note that going back to 2001, the CHA's Annual Plans consistently discussed the Rowhouses as being slated for rehab. Phase I of that project was completed and many relocatees have moved into the 146 rehabbed units. Most of the residents of units slated for rehab in Phases II, III, and IV have been relocated since 180-day notices were sent out in 2008, in anticipation of rehab work beginning on those subsequent phases. There is no good reason for CHA to frustrate residents' expectations by reversing course on the rehab of the Rowhouses. Although CHA did not adequately secure the Rowhouses left vacant after relocation (see our May 31, 2011 letter), the buildings are not lost to rehabilitation. As recently as 2008, the CHA stated in its Amended and Restated Moving to Work Agreement that the Rowhouses were viable structures and had secured HUD's agreement that the Rowhouses are "not subject to the requirement to develop and carry out a plan for removal over time from the public housing inventory under Section 202" (MTW Agreement, Attachment D, ¶ 17, June 28, 2008). With the proper measures that it seems the CHA is starting to take to secure the buildings adequately to prevent further disrepair, the structures should certainly be sound enough to support full rehabilitation.

Rehabilitation makes sense. The Rowhouse buildings have "good bones" that have stood the tests of time. As we know from the completed Phase I rehab, the existing structures lend themselves well to rehabilitation, even if the interiors need to be reconfigured for modern needs. It is more cost-effective for CHA to fix the existing structures than to tear down the buildings, clear the site, and start from scratch. From an environmental perspective, it is "greener" to use

⁵ The ABLA Rowhouses is a successful example of a 100% rehabilitated housing site within a larger mixed-income housing community.

⁶ We flatly reject BPI's unsubstantiated position that "the rehabilitation of the Francis Cabrini Rowhouses as a 100% public housing enclave within the economically integrated communities previously referred to would have the effect of negatively and seriously impacting those residential communities and thereby imperiling the relief they have provided for [Gautreaux] plaintiff class members." See *Gautreaux v. CHA*, 66 C 1459, Pl. Mot. for Conference on Francis Cabrini Rowhouses, ¶ 7 (No. 317). BPI has presented no evidence to contradict the fact that the current slow-down in the sale of market-rate units at Parkside and other CHA mixed income communities is due to the current economic crisis, not due to the existence of the Cabrini Rowhouses (rehabilitated or non-rehabilitated).

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Page 4

existing structures than to tear them down and put them in landfills and then use all new materials. The flat roofs, green space, and small scale at the existing Rowhouses are all in line with current thinking on environmentally sustainable communities. From our experience in the Working Group we are aware that CHA is committed to "greener practices," even hoping to secure LEED certification in some of its developments. We support these efforts and believe the Rowhouses can be a piece in CHA's "green" portfolio. Furthermore, we believe that the Rowhouses are eligible for "landmark" status, and therefore eligible for federal rehab tax credits.

Furthermore, rehabilitating the Rowhouses as 100% public housing would allow reconfiguration of units to provide much needed larger family rental units which are not being accommodated in the mixed income mid-rise developments. Because the Rowhouses are by definition low-rise, CHA would avoid concerns about children being on high floors in multi-unit, elevator buildings.

Finally, rehabilitating the Rowhouses as 100% public housing will also pave a quicker path of return for displaced CHA families. This is vital because of the time relocated families have waited to return to stable homes on the Near North Side. CHA's mixed income developments have included for-sale and rental units at different income levels. Because of the current economic decline and market-rate housing crisis, the development of for-sale components of CHA's mixed-income developments has practically ground to a halt,⁷ jeopardizing the success of all components – both rental and for-sale – of those developments. The same pressure would not apply to rehabilitation of the Rowhouses, which would not depend on the strength of the private housing market.

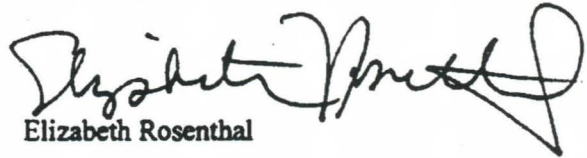
For these reasons, we urge CHA to keep its promises to rehabilitate the Rowhouses and keep them 100% public housing. We believe that to expedite return of families who have waited so long for replacement housing, the CHA should reconvene the Cabrini Rowhouses Working Group that stopped meeting in 2009, to put this rehabilitation project back on a fast-track.

We appreciate your time and attention to this matter.

Sincerely,



Richard Wheelock
Counsel for the LAC



Elizabeth Rosenthal
Counsel for the LAC

⁷ See Matthew Blake, *Roosevelt Square Housing Development has Stalled*, The Chicago Journal, August 31, 2011.

EXHIBIT B



Inter-Office Memorandum

TO: Near North Redevelopment Area Working Group
FROM: Carlos Ponce, Interim Chief Executive Officer
DATE: 9/15/11
SUBJECT: Cabrini Row Homes

Thank you to all parties who submitted comments following the last working group meeting regarding the issue of whether to bring back the row homes as 100 percent public housing. I have now had an opportunity to review those comments as well as consider the many prior discussions on the topic. As a result, the CHA has determined that it will not support the row house property remaining as 100 percent public housing. Rather, the CHA will actively support the creation of a mixed income community at the property.

As stated before, all planning considerations for the future use of the row houses will now be conducted through the Cabrini Working Group. We look forward to everyone's participation and contribution to that process.

Thank you.

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	8/12/1998
CASE TITLE	Gautreaux 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) ☐ General Rule 21 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Receiver's motion for the entry of an order directing the CHA to comply with the 1987 receivership order and our 1988 HOPE VI orders is granted.
- (11) ☒ [For further detail see order attached to the original minute order.]

<input type="checkbox"/> No notices required, advised in open court.		number of notices	Document Number
<input type="checkbox"/> No notices required.			
<input checked="" type="checkbox"/> Notices mailed by judge's staff.			
<input type="checkbox"/> Notified counsel by telephone.			
<input type="checkbox"/> Docketing to mail notices.			
<input type="checkbox"/> Mail AO 450 form.			
<input type="checkbox"/> Copy to judge/magistrate judge.	courtroom deputy's initials	date docketed	EXHIBIT
GL		docketing deputy initials	
		8/12/1998	
		date mailed notice	B
		GL	
		mailing deputy initials	
		Date/time received in central Clerk's Office	

ORDER

The Receiver has moved for the entry of an order directing the CHA to comply with the 1987 receivership order and our 1998 HOPE VI orders. The plaintiffs and the City of Chicago support this motion. The CHA contests it.

The receivership order in this case gives the Receiver "all powers of CHA respecting the scattered site program necessary and incident to the development and administration of such program." It specifies that these powers include, *inter alia*, "negotiating any contracts or other documents necessary or appropriate to implement the scattered site program." It also provides that the CHA must provide the receiver with "full access to all information, records, documents, [and] files relating to the scattered site program." As we have instructed the CHA previously, compliance with our orders is not optional and we will take every necessary step to ensure the compliance of all parties.

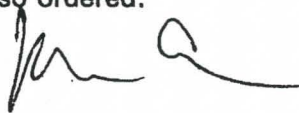
The present dispute arose when the local media reported that the CHA had reached an agreement with representatives of residents of the Cabrini-Green housing development with regard to future development on the Cabrini-Green site. This agreement, if approved, would settle a case brought by the residents against the CHA which is now pending before Judge Coar. The Receiver complains that it was not allowed to participate in the discussions which led to this agreement, and it asks that we enjoin the CHA from further unilateral non-elderly housing development activities and from implementing the Cabrini (and any other similar) deal, and that we compel the CHA to turn over control of such development to the Receiver and to disclose all information about CHA's non-elderly development activities to the Receiver.

The CHA's only meaningful objection to this request is that it has intended all along to seek a waiver of the primary injunction in this case, which, if we consented, would mean that the Receiver would have no role in development at Cabrini-Green. The problem is that *no waiver has been sought*. Without a waiver the CHA lacks the authority to unilaterally negotiate *any* contract or agreement respecting the construction of housing, for the receivership order provides that the scattered site program includes *all* non-elderly housing.

The CHA is hereby enjoined from developing or negotiating or otherwise pursuing any agreement with any person or entity regarding the development of dwelling units (a term defined in the original injunction in this case) without the full participation of the Receiver unless, of course, it has already secured a waiver for the contemplated development. By full participation we mean that the Receiver must have timely and unfettered access to "all information, records, documents, [and] files" relating to the contemplated development and that the Receiver must be given advance notice of all meetings (whether conducted in person or by any other means of communication) related to such development and allowed to attend and give his input. The Receiver, of course, possesses *all* of the CHA's development authority, so the CHA may not come to any agreement regarding development without his written consent.

As for the CHA's agreement with the Cabrini-Green representatives, the parties must now return to the drawing board and renegotiate their agreement with the full participation of the Receiver since the CHA has not yet secured a waiver of the injunction. If the CHA chooses instead to seek a waiver, it should know that we will consult the Receiver on the merits of the proposed waiver (and we will require the CHA to provide "all information, records, documents, [and] files" concerning the Cabrini-Green development and proposed waiver to the Receiver so that he may offer us intelligent and informed comments on the proposed waiver). So, the more prudent, effective, and efficient course will be to negotiate with the Receiver prior to seeking our involvement.

The Receiver's motion is granted. It is so ordered.




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

DOROTHY GAUTREAUX, <i>et al.</i>)	
)	
Plaintiffs,	)	66 C 1459
)	
v.	)	Hon. Marvin E. Aspen
)	
)	
CHICAGO HOUSING AUTHORITY and)	
JOSEPH SHULDINER, Executive Director,)	
)	
Defendants.)	

NOTICE OF MOTION

TO: Counsel on attached service list

On November 24, 1998 at 9:30 a.m., or as soon thereafter as counsel may be heard, the Cabrini-Green Local Advisory Council shall appear before the Honorable Marvin E. Aspen of the United States District Court for the Northern District of Illinois in Room 2548 at 219 S. Dearborn Street, Chicago, IL, or before any other judge in his place, and shall then and there present the attached **MOTION OF THE CABRINI-GREEN LOCAL ADVISORY COUNCIL TO INTERVENE**, a copy of which is herewith served upon you.



One of Movant's Attorneys

Richard M. Wheelock
Diana White
Brenda Grauer
Lawrence Wood
Wendy Stasell
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Stanley L. Hill
Stanley L. Hill & Associates
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Chicago, IL 60603
312/917-8888

Certificate of Service

I, Richard M. Wheelock, an attorney, certify that I caused to be hand delivered to the counsel on the attached service list a copy of **Motion of the Cabrini-Green Local Advisory Council To Intervene** on November 20, 1998.



Service List

Alex Polikoff
BPI
17 E. Monroe, Suite 212
Chicago, IL 60603

Jerome M. Butler
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Office of General Counsel
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Chicago, IL 60606

Susan Getzendanner
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Skadden, Arps, Slate,
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Michael L. Shakman
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Miller, Shakman, Hamilton, Kurtzon &
Schlifke
208 S. LaSalle St., Suite 1100

Andrew S. Mine
City of Chicago
30 N. LaSalle St., Ste. 900
Chicago, IL 60602

on the near north side of Chicago, Illinois. Cabrini-Green is owned and operated by the Chicago Housing Authority.

3. The Cabrini-Green LAC initiated a civil action against the CHA (later amended to include the City of Chicago), challenging the Near North Redevelopment Initiative ("NNRI"). The LAC alleged that the NNRI displaced Cabrini-Green residents and reduced the supply of affordable housing units at Cabrini, thereby resulting in a discriminatory impact upon African Americans, women, and children.

4. In September 1997, the LAC, the CHA, and the City of Chicago engaged in intensive negotiations which lasted through the summer of 1998. The parties negotiated a proposed consent decree which resolved all issues in the litigation. The proposed consent decree would approve the implementation of a plan providing for demolition of eight Cabrini-Green high rises and the creation of a mixed-income community, in the same area, including market rate, affordable (moderate income), and public housing.

5. The proposed consent decree, if implemented, would result in a significant deconcentration of public housing in the area and the creation of a economically and racially diverse community. The LAC has also identified the firm of Corcoran Jennison Companies -- a developer with a national reputation in mixed-income development, HOPE VI, and resident partnerships -- to serve as the development manager for the redevelopment of the CHA parcels.

6. Efforts to present the proposed consent decree to Judge Coar and this Court were halted when the Gautreaux Receiver, Daniel Levin and the Habitat Company, moved this Court for an order directing the CHA to comply with the 1987 Receivership Order and with subsequent orders relating to the HOPE VI program. This Court invited all interested parties (including the LAC) to respond to the Receiver's motion, which they did. On August 12, 1998, this Court

enjoined the CHA from presenting the proposed consent decree to Judge Coar until Habitat (which exercises CHA's responsibilities in the construction of all new, non-elderly public housing) had the opportunity to review and comment on the proposed consent decree.

7. Since then the Cabrini-Green LAC has met on nine (9) separate occasions times and exchanged information with counsel for Habitat and the plaintiff class in Gautreaux. The parties have not been able to reach agreement. See November 18, 1998 letter from Habitat's counsel, including enclosures, to this Court.

8. Accordingly, the Cabrini-Green LAC seeks leave to intervene to present a motion seeking (a) a waiver of the locational and height restrictions on public housing construction under the terms of the Gautreaux injunction order so that the proposed consent decree can be approved by Judge Coar, and (b) a modification of the 1987 Receivership Order to allow the Corcoran Jennison Companies to serve as development manager for the new construction to take place on CHA land at Cabrini. A copy of the LAC's motion for waiver is attached.

9. The Cabrini-Green LAC is not a party to the Gautreaux litigation, is not represented by either party, and has interests that are distinct from the interests of both parties.

10. The CHA is adverse to the Cabrini-Green LAC in the Cabrini law suit and therefore cannot fully represent the interests of the LAC. The plaintiffs' goal is to integrate public housing on a City-wide basis. The Cabrini-Green LAC seeks to maximize the ability of current and former Cabrini-Green residents to remain in their neighborhood, in a mixed-income development which is an integral part of the larger, City-sponsored NNRI.

11. The implementation of the proposed consent decree will substantially benefit a significant number of Cabrini-Green families, and furthers the goals of the HOPE VI program and the goals of the Gautreaux injunction.

12. The LAC has a significant interest which is, and continues to be impacted, by this Court's orders.

13. Counsel for the CHA and the Gautreaux plaintiff class have indicated that they are not opposed to the LAC's motion to intervene.

WHEREFORE, the petitioner LAC moves this Court to permit the LAC to intervene for the limited purpose of filing its motion for a waiver, as described above.

Respectfully submitted,



One of Petitioner's Attorneys

Richard M. Wheelock
Diana White
Brenda Grauer
Lawrence Wood
Wendy Stasell
Legal Assistance Foundation of Chicago
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Stanley L. Hill
Stanley L. Hill & Associates
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Chicago, IL 60603
312/917-8888

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	9/28/1999
CASE TITLE	Gautreaux 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:

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Filed motion of [use listing in "Motion" box above.]

Brief in support of motion due _____.

Answer brief to motion due _____. Reply to answer brief due _____.

Ruling/Hearing on _____ set for _____ at _____.

Status hearing re-set for 10/29/1999 at 10:00 A.M..

Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.

Trial[set for/re-set for] on _____ at _____.

[Bench/Jury trial] [Hearing] held/continued to _____ at _____.

This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ General Rule 21 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).

[Other docket entry] Cabrini Green Local Advisory Counsel's motion for a partial waiver of the original injunction entered in this case and a limited modification of our 1987 order designating a receiver is denied. The status hearing set for 10/8/99 is stricken.

[For further detail see order on the reverse side of the original minute order.]

<input type="checkbox"/>	No notices required, advised in open court.			number of notices				
<input type="checkbox"/>	No notices required.							
<input checked="" type="checkbox"/>	Notices mailed by judge's staff.							
<input type="checkbox"/>	Notified counsel by telephone.							
<input type="checkbox"/>	Docketing to mail notices.							
<input type="checkbox"/>	Mail AO 450 form.							
<input type="checkbox"/>	Copy to judge/magistrate judge.	Date/time received in central Clerk's Office	9/28/1999	date docketed	docketing deputy initials			
GL	courtroom deputy's initials					GL	date mailed notice	mailing deputy initials

EXHIBIT
D

(Reserved for use by the Court)

ORDER

Having been granted permission to intervene in this case, the Cabrini-Green Local Advisory Counsel ("LAC") now moves for a partial waiver of the original injunction entered in this case and a limited modification of our 1987 order designating a Receiver and granting it "all powers of the CHA respecting the (*Gautreaux*) scattered site program necessary and incident to the development and administration of such program." The motion requests first that we waive the locational requirements of the *Gautreaux* decree and declare the Cabrini-Green public housing development a "revitalizing area" as we defined that term in *Gautreaux v. Landrieu*, 523 F.Supp. 665 (N.D.Ill. 1981), which would allow for the construction of low income and public housing in the area. Second, the motion asks that we allow a private company to oversee and manage all construction of new and replacement housing at Cabrini-Green, in place of the Receiver.

Presumably, LAC's motion stems from our August 12, 1998 order enjoining them from presenting to Judge Coar a consent decree they negotiated with the CHA and the City but without the Receiver, that sought to implement a revitalization and development plan in the Cabrini-Green development. Specifically, our order stated that "[w]ithout a waiver the CHA lacks the authority to unilaterally negotiate *any* contract or agreement respecting the construction of housing, for the receivership order provides that the scattered site program includes *all* non-elderly housing."

LAC's motion and memoranda in support do not request that we waive the requirement that the Receiver participate in the negotiation of all development plans concerning scattered-site housing under the *Gautreaux* decree. Instead, the majority of LAC's submissions consist of arguments touting the feasibility and desirability of their proposed plan, and refutation of the Receiver's serious objections. They do not provide any reason why the Receiver should not have to approve the plan for development at Cabrini-Green. Thus, even if we were to grant the motion, the LAC would still be barred from implementing its proposed plan without additional approval from this Court waiving the Receiver's right to involvement. Nothing in the LAC's papers convinces us to grant such approval, especially in the face of the Receiver's (and the *Gautreaux* plaintiffs') well reasoned objections. Thus, we deny both motions.

The only possible objection to the Receiver that we can glean from the LAC's briefs is their contention that *Gautreaux* does not require that all development maximize the objectives of the consent decree, but just that it adheres to those objections. They cite no authority for this proposition, and we have found nothing to support it. Given that we have imbued the Receiver with the authority to act in place of the CHA when developing new and replacement public housing, we have been given no reason to approve a plan which the Receiver does not back, even though it may otherwise adhere to the letter of the *Gautreaux* decree and enjoys some localized support. To rule otherwise would render the Receiver's authority meaningless.

We appreciate the time and effort expended by all parties in trying to negotiate a settlement of their differences. Although these negotiations did not result in a settlement, it appears that many of the LAC's original concerns - those dealing with the number of replacement units for low income and working families and those dealing with resident involvement in the planning process - have been considerably reduced or eliminated through negotiation. And while we do not wish to minimize the LAC's desire for partial ownership in the project and management by a private entity, its motions must be denied. It is so ordered.



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

DOROTHY GAUTREAUX, et al.,)	
)	
Plaintiffs,)	
)	
v.	)	66 C 1459
)	
CHICAGO HOUSING AUTHORITY, et al.,	)	Hon. Marvin E. Aspen
)	
Defendants.)	

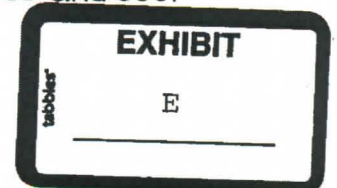
AGREED ORDER

This matter coming to be heard on the Joint Motion of the plaintiffs, the defendant Chicago Housing Authority and the Receiver for an Order reclassifying census tracts 0806 and 0807 as General Areas, designating an Expanded Near North Revitalizing Area and authorizing development of public housing units therein; and

The Court being cognizant that the principal remedial purpose of the orders previously entered in this case has been to provide plaintiff class families with desegregated housing opportunities; and

The Court also being cognizant that on occasion it has permitted public or assisted housing to be provided in census tracts other than the General Public Housing Area upon a sufficient showing of "revitalizing" circumstances such that a responsible forecast of economic integration, with a longer term possibility of racial desegregation, could be made; and

The Court having determined that the circumstances described in the Joint Motion and attached affidavit justify a reclassification of census tracts 0806 and 0807



from Limited to General and an expansion of the boundaries of the Near North Revitalizing Area as proposed in the Joint Motion; and

The Court being of the view that the aforementioned circumstances evidence a substantial likelihood that plaintiff class families will be provided desegregated housing opportunities if the terms and conditions of this order are met;

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Census tracts 0806 and 0807 of the City of Chicago are reclassified as General Area tracts;
2. The Near North Revitalizing Area is expanded to include the portion of the City of Chicago shown on Exhibit C of the Joint Motion;
3. The Receiver shall be authorized to arrange for the development within the existing and expanded Revitalizing Area of 700 public housing units, or such greater number as may be authorized by further order of this Court, by lease, new construction or otherwise. Pursuant to the consent decree entered in *Cabrini-Green LAC v. CHA and City of Chicago*, 96C6949, such public housing units shall account for no more than 30 percent of the total number of housing units in each development, except as otherwise permitted by the revised *Cabrini* consent decree.

ENTER:

A handwritten signature in black ink, appearing to be 'Ma 92', is written over a horizontal line.

Dated: September 12, 2000

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

DOROTHY GAUTREAUX, et al.,)	
Plaintiffs,)	
-vs-	)	No. 66 C 1459
)	
CHICAGO HOUSING AUTHORITY, et al.,	)	Hon. Marvin E. Aspen
Defendants.)	

AGREED ORDER

This matter having come before the Court on CHA's Motion to Approve the Consent Decree Entered in Cabrini LAC v. CHA, et al., 96 C 6949 and to Permit the Cabrini LAC and the City of Chicago to Intervene, the Motion being supported by the Cabrini LAC, the Gautreaux plaintiffs, the Receiver and the City of Chicago and the Court having found, in accordance with Federal Rule of Civil Procedure 24(a)(2), that both the Cabrini LAC and the City of Chicago have interests relating to the redevelopment of the Cabrini-Green public housing development which is, in part, the subject of this action and are so situated that the disposition of this action may as a practical matter impair or impede the Cabrini LAC and the City of Chicago's ability to protect their respective interests, IT IS HEREBY ORDERED THAT:

1. The Consent Decree entered in Cabrini LAC v. CHA, et al., 96 C 6949, is hereby approved, as required by Section XI of the Decree.
2. The Cabrini LAC and the City of Chicago are hereby granted the right to intervene in this litigation for the limited purpose of allowing these parties to participate fully in any motion filed in this litigation pursuant to paragraph I(F) of the Consent Decree entered in Cabrini LAC v. CHA, et al., 96 C 6949.



United States District Judge

Dated: 9/12/00

EXHIBIT

F

**EXISTING CABRINI
REVITALIZING
AREA
' H PROPOSED
SCHEME "A"**
8/31/2000

EXISTING

PROPOSED

EXHIBIT

G

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

DOROTHY GAUTREAUX, et al.,)	
)	
Plaintiffs,)	
)	
v.	)	66 C 1459
)	
CHICAGO HOUSING AUTHORITY,	)	Hon. Marvin E. Aspen
)	
Defendant.)	

NOTICE OF MOTION

To: Attached List

PLEASE TAKE NOTICE that on Tuesday, September 8, 2009, at 10:30 a.m., or as soon thereafter as counsel may be heard, we will appear before the Honorable Marvin E. Aspen, of the U. S. District Court, 219 South Dearborn Street, Chicago, Illinois, and present the attached **Plaintiffs' Motion for Conference on Frances Cabrini Rowhouses**, a copy of which is hereby served upon you.

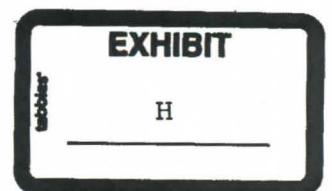
Respectfully submitted,

/s/ Alexander Polkoff

One of the Attorneys for the *Gautreaux* Plaintiffs

September 4, 2009

Alexander Polkoff
Julie Elena Brown
BUSINESS AND PROFESSIONAL PEOPLE
FOR THE PUBLIC INTEREST
25 East Washington Street - #1515
Chicago, Illinois 60602
312/641-5570; fax: 312/641-5454



CERTIFICATE OF SERVICE

I, Alexander Polikoff, an attorney, hereby certify that on Friday, September 4, 2009, I caused a copy of the foregoing Notice of Motion, together with a copy of the **Plaintiffs' Motion for Conference on Frances Cabrini Rowhouses** to be served electronically on the persons listed on the attached Service List.

/s/ Alexander Polikoff

Service List

Scott Ammarell, General Counsel
Chicago Housing Authority
60 East Van Buren Street
Chicago, IL 60605

Edward Feldman,
Attorney for Receiver
Miller, Shakman & Hamilton
180 North LaSalle Street - #3600
Chicago, IL 60601

Richard M. Wheelock,
Attorney for Cabrini Green Local Advisory Council
Legal Assistance Foundation of Metro Chicago
111 West Jackson Boulevard - #300
Chicago, IL 60604-3502

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

DOROTHY GAUTREAUX, et al.,)	
)	
Plaintiffs,)	
	)	No. 66 C 1459
vs.)	
	)	Hon. Marvin E. Aspen
CHICAGO HOUSING AUTHORITY, et al.,)	
)	
Defendants.)	

**PLAINTIFFS' MOTION FOR CONFERENCE
ON FRANCES CABRINI ROWHOUSES**

Now come plaintiffs, by their attorneys, and move the Court to schedule a conference, in chambers if the Court is agreeable, to consider how relief previously authorized by this Court in the form of public housing units within economically integrated communities on and adjacent to the Chicago Housing Authority's (CHA) Cabrini-Green site may be negatively affected by CHA plans to rehabilitate CHA's Frances Cabrini Rowhouses as an enclave of 100 percent public housing within the Cabrini-Green area.

In support of this motion, plaintiffs say:

1. In 1995, respecting the then proposed redevelopment of Henry Horner Homes, this Court entered orders the effect of which was to authorize the Court's

Receiver to develop public housing units within an economically integrated residential community, and to accept such units as "relief" for members of the plaintiff class. The Court termed this so-called mixed-income approach "a 21st century view of the City of Chicago and its housing problems." (Orders of March 9, 1995 and August 14, 1995; Transcript of Proceedings of March 8, 1995, 42.)

2. Subsequently and similarly, this Court authorized the Receiver to develop as further relief for members of the plaintiff class additional public housing units within mixed-income residential developments on and adjacent to CHA's Cabrini-Green site. On November 6, 1997, this Court designated a Near North Revitalizing Area and authorized the acquisition of public housing units therein. On September 12, 2000, this Court entered an order expanding the NNRA to include more of the Cabrini neighborhood and to allow for the development of at least 700 public housing units therein. (Orders of November 6, 1997, and September 12, 2000.)

3. Pursuant to such orders, the Receiver has since developed some 389 public housing units in 14 different developments, all within a few city blocks of CHA's Frances Cabrini Rowhouses development (the "Rowhouses"). Some 176 of these recently developed units, as well as 45 additional units currently being developed, are in mixed-income developments immediately adjacent to the Rowhouses. (The Habitat Company, CHA Scattered Site and Replacement Housing Programs Quarterly Report, Second Quarter, 2009, 14.) Another 466 public housing units are planned to be located in immediately adjacent mixed-income developments. (CHA Draft FY1010 Annual Plan, 28.)

4. The Rowhouses consist of 586 units of (exclusively) public housing in some 55 two- and three-story buildings (the latter situated on the perimeter of the Rowhouses' sixteen-acre site). A well-regarded history of Chicago public housing describes "the rows and rows of houses [as] very regimental in appearance, giving the impression of army barracks." (Devereux Bowly, Jr., *The Poorhouse: Subsidized Housing in Chicago, 1895-1976* (Carbondale and Edwardsville: Southern Illinois University Press, 1978), 36.)

5. CHA initially determined that the Rowhouses had the potential to be a mixed-income community (Rowhouses development not yet planned, but Rowhouses "has the potential to become a mixed income and mixed finance property," CHA, FY2001 Annual Report, 12), but later decided to rehabilitate the Rowhouses as 100 percent public housing (CHA, FY2003 Annual Report, 20).

6. CHA has commenced rehabilitation of about one-quarter of Rowhouse units, but none have been completed to date, and rehabilitation of the remaining three-quarters has not begun. (CHA, FY2008 Annual Report, 3, 4.)

7. Substantial accumulated evidence from other CHA sites suggests that the rehabilitation of the Frances Cabrini Rowhouses as a 100 percent public housing enclave within the economically integrated communities previously referred to would have the effect of negatively and seriously impacting those residential communities and thereby imperiling the relief they have provided for plaintiff class members.

WHEREFORE, Plaintiffs seek a conference with the Court, defendant CHA, and the Receiver to consider the effect of current CHA plans for the Rowhouses upon remedial units previously authorized by this Court to be developed in and around CHA's Cabrini-Green site.

September 4, 2009

Respectfully submitted,

/s/ Alexander Polikoff
One of the Attorneys for Plaintiffs

Alexander Polikoff
Julie Elena Brown
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25 East Washington Street, Suite 1515
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Attorneys for Plaintiffs

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

DOROTHY GAUTREAUX, et al.,)	
Plaintiffs,)	
)	
-vs-	)	No. 66 C 1459
)	
CHICAGO HOUSING AUTHORITY, et al.,	)	Hon. Marvin E. Aspen
Defendants.)	

AMENDED NOTICE OF MOTION

TO: SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that on **September 15, 2011 at 10:30 a.m.**, or as soon as counsel may be heard, I shall appear before the Honorable Judge Aspen in the courtroom usually occupied by him, at the U.S. District Courthouse, 219 South Dearborn Street, Room 2568, Chicago, Illinois, and then and there present THE CHA'S MOTION TO REPORT ON THE STATUS OF THE FRANCES CABRINI ROWHOUSES.

/s/Thomas E. Johnson
One of the Attorneys for CHA

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Attorney for CHA

CERTIFICATE OF SERVICE

Thomas E. Johnson, an attorney, hereby certifies that a copy of this Notice and attached Motion was served upon the parties on the attached Service List by the electronic filing system on Aug. 30, 2011.

/s/ Thomas E. Johnson



SERVICE LIST

Gautreaux, et al. v. CHA, et al.
Case No. 66 C 1459

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Legal Assistance Foundation
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Chicago, IL 60604

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

DOROTHY GAUTREAU, et al.,)	
Plaintiffs,)	
)	
-vs-	)	No. 66 C 1459
)	
CHICAGO HOUSING AUTHORITY, et al.,	)	Judge Aspen
Defendants.)	

**THE CHA'S MOTION TO REPORT ON THE
STATUS OF THE FRANCES CABRINI ROWHOUSES**

The Chicago Housing Authority ("CHA"), by its attorneys, seeks an opportunity to report to the Court on the CHA's plans for the Frances Cabrini Rowhouses, in accordance with the CHA's promise to keep the Court advised as to the status of the Rowhouses in the context of the CHA's larger Plan for Transformation and the larger redevelopment of the Cabrini-Green development. In support of this motion, the CHA states as follows:

1. As this Court knows from the monthly reports supplied to the Court (and the CHA's regular appearances before the Court), the CHA has made great progress in its Plan for Transformation, both in terms of the rehabilitation of its senior and scattered-site housing, the rehabilitation of various public housing developments and its development of new, mixed-income communities.
2. At the Cabrini development alone, all of the old high-rises have been demolished, and in their place, 2017 new public housing, affordable and market units have been constructed and occupied. Another 112 units are under construction, and more than 1000 additional units are in the planning stage. In addition to this dramatic development of new, mixed-income housing, new

schools, police and fire stations and parks have been built and commercial development has occurred throughout the neighborhood.

3. In the midst of all this redevelopment activity sit the 586 public housing units in the 55 two and three-story Frances Cabrini Rowhouses. Only 38 of these units remain occupied.

4. Because of the importance of the Rowhouses to CHA's overall redevelopment effort at Cabrini, and the relief which the plaintiffs have secured in this case, the parties have kept the Court abreast of developments occurring with respect to the Rowhouses. Back on September 4, 2009, the plaintiffs sought a conference on the future of the Rowhouses, which occurred with the Court (and all interested parties) on September 15, 2009. Since that conference, there is much to report with respect to planning at the Rowhouses.

5. By this motion, CHA seeks an opportunity to orally advise the Court, as well as the plaintiffs and other interested parties, as to its plans with respect to the Rowhouses.

/s/Thomas E. Johnson
One of the Attorneys for the CHA

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SERVICE LIST

Gautreaux, et al. v. CHA, et al.
Case No. 66 C 1459

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(Courtesy Copy)

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

DOROTHY GAUTREAUX, et al.,

Plaintiffs,

vs.

CHICAGO HOUSING AUTHORITY, et al.,

Defendants.

Docket No. 66 C 1459

Chicago, Illinois
September 15, 2011
10:30 o'clock a.m.

TRANSCRIPT OF PROCEEDINGS - MOTION
BEFORE THE HONORABLE MARVIN E. ASPEN

APPEARANCES:

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EXHIBIT

J

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10 For Cabrini-Green
11 Local Advisory LEGAL ASSISTANCE FOUNDATION OF
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10:30:44 1 (The following proceedings were had in open court:)

10:30:44 2 THE CLERK: 66 C 1459, Gautreaux v. CHA.

10:35:50 3 MR. AMMARELL: Good morning, your Honor; Scott

10:35:52 4 Ammarell on behalf of the Chicago Housing Authority.

10:35:54 5 MR. POLIKOFF: Good morning, your Honor; Alex

10:35:56 6 Polikoff for the plaintiffs and Julie Brown from our office as
10:36:02 7 well.

10:36:02 8 MR. WHEELLOCK: Good morning, your Honor; Richard

10:36:04 9 Wheelock on behalf of Cabrini-Green.

10:36:06 10 MS. ROSENTHAL: Good morning, your Honor; Elizabeth

10:36:06 11 Rosenthal on behalf of the Cabrini-Green Local Advisory

10:36:08 12 Council.

10:36:08 13 MR. FELDMAN: Good morning, your Honor; Edward

10:36:10 14 Feldman on behalf of The Habitat Company in its capacity as

10:36:14 15 control of development manager.

10:36:16 16 THE COURT: All of the usual suspects are present.

10:36:18 17 MR. AMMARELL: Yes, we are, your Honor.

10:36:20 18 THE COURT: Proceed.

10:36:20 19 MR. AMMARELL: First of all, thank you for seeing us

10:36:22 20 this morning. The purpose of our being here is to report on

10:36:26 21 the status of a series of discussions that were held between

10:36:30 22 all of the stakeholders and interested parties, including all

10:36:34 23 the parties that are present today, following your suggestion

10:36:36 24 that we meet to discuss the future of the Cabrini-Green row

10:36:42 25 houses which is a separate property from the rest of the

10:36:44 1 Cabrini-Green development.

10:36:46 2 Following that suggestion, we conducted a series of
10:36:48 3 meetings with all of the stakeholders during which we
10:36:52 4 discussed everybody's position on what the future of the row
10:36:56 5 houses should be. Specifically we discussed the residents'
10:37:00 6 position which was to bring the property back and maintain the
10:37:04 7 property as a hundred percent public housing, we discussed
10:37:10 8 BPI's position which was suggestive of a change in the
10:37:12 9 thinking and to bring the property and create a mixed income
10:37:16 10 community at the property. We also discussed Habitat's
10:37:20 11 position, and at that time, they were the receiver for the CHA
10:37:22 12 and now they are the development manager.

10:37:24 13 We also discussed one of the -- what I think is one
10:37:28 14 of the key factors which is the prior statements of the CHA
10:37:32 15 and the various annual plans that we developed under our
10:37:36 16 moving to work agreement with HUD in which the CHA had
10:37:40 17 indicated that it had planned to bring the row houses back as
10:37:44 18 a hundred percent public housing. We did state our position
10:37:46 19 that these were simply plans, that they were not mandatory
10:37:50 20 obligations, and that behind the purpose of the annual MTW
10:37:58 21 plan was the idea that CHA should consider developing
10:38:02 22 conditions, changing thought, et cetera, and announcing what
10:38:06 23 its plans were for various properties.

10:38:10 24 As a result of these meetings, there was no consensus
10:38:14 25 that was reached, and at that time, the CHA suggested that we

10:38:18 1 fold this consideration of the future of this property into
10:38:24 2 the existing working group process which was charged with
10:38:26 3 having a broader community group including all of the present
10:38:30 4 parties to look at and determine what the future of the
10:38:34 5 property would be. It was so folded into that process, but
10:38:40 6 unfortunately, again, no consensus was reached regarding what
10:38:44 7 in fact the CHA's position was on the future of the row house
10:38:48 8 property.

10:38:50 9 Following a series of meetings where it became
10:38:54 10 apparent that that kind of a decision was necessary, the CHA,
10:38:58 11 its interim CEO, myself, and others attended one of their
10:39:02 12 working group meetings and we asked the parties that had any
10:39:06 13 interest in this issue to provide in writing their position to
10:39:10 14 the CHA by the end of last week. We have now reviewed all of
10:39:14 15 the positions of all the parties, both in writing and all the
10:39:18 16 positions that were set forth and discussed at our series of
10:39:22 17 discussions, and the CHA has now reached its own conclusion as
10:39:26 18 to what its desired preference is for the future of the row
10:39:30 19 house properties.

10:39:32 20 As a result of that, the CHA has determined that it
10:39:34 21 is not going to support the property as 100 percent public
10:39:40 22 housing, but instead, the CHA intends to work to create a
10:39:46 23 mixed income community at the row house property. Obviously
10:39:50 24 that entails a lot of details and a lot of decisions,
10:39:54 25 including the actual mix that would be suggested for the mixed

10:40:00 1 income community between public housing, affordable housing,
10:40:04 2 and market rate. It would also include decisions as to what
10:40:08 3 to do with the existing structures that are there. And the
10:40:12 4 CHA intends and believes that the answers and determinations
10:40:16 5 to those questions properly belong with the working group and
10:40:20 6 it will in its future efforts encourage the working group to
10:40:24 7 consider all of those issues and again try to come to a
10:40:28 8 consensus under that structure of what should become of the
10:40:32 9 actual structures and how the mixed income communities should
10:40:36 10 be created.

10:40:38 11 Again, your Honor, it is the CHA's position at this
10:40:40 12 time that it will not support a hundred percent public housing
10:40:44 13 at the Cabrini row house property.

10:40:46 14 THE COURT: Thank you.

10:40:50 15 All right. You were asked to give an oral report. I
10:40:56 16 have heard it. If anyone wants to comment briefly.

10:41:00 17 MR. WHEELLOCK: I just have a follow-up question, your
10:41:04 18 Honor. There are 146 rehab units in the row houses. What is
10:41:08 19 CHA's position regarding --

10:41:10 20 THE COURT: Let me stop you. Talk to them. You
10:41:14 21 don't need a court order to ask some questions. You get along
10:41:18 22 very nicely. If there is any legal issues that have to be
10:41:22 23 decided that I have jurisdiction to decide, come on back and
10:41:28 24 see me. Other than that, thank you for informing me as to
10:41:32 25 what you have done and I look forward to seeing you again.

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10:41:38
10:41:40
10:41:42

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MR. AMMARELL: Thank you, your Honor.
MR. POLIKOFF: Thank you, your Honor.
MR. WHEELock: Thank you, your Honor.
MS. ROSENTHAL: Thank you.

(Which were all the proceedings had in the above-entitled
cause on the day and date aforesaid.)
I certify that the foregoing is a correct transcript from
the record of proceedings in the above-entitled matter.

Carolyn R. Cox	_____	_____
Official Court Reporter		Date
Northern District of Illinois		
<u>/s/Carolyn R. Cox, CSR, RPR, CRR, FCRR</u>		

Case # 66 C 1459 Document #: 416-1 Filed: 06/14/13 Page 65 of 66 PageID #: 4752		Name of Judge or Magistrate Judge Marvin Aspen		Sitting Judge if Other than Assigned Judge			
CASE NUMBER		66 C 1459		DATE		11/4/1999	
CASE TITLE		Gautreaux vs. CHA					

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly 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) ☐ General Rule 21 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Before us is a joint motion of the Gautreaux plaintiffs and the Receiver for entry of an order whose effect would be to dismiss a complaint filed in front of Judge Gettleman by the Concerned Residents of ABLA (CRA) and certain individuals, without prejudice to their right to intervene in the Gautreaux case. We grant the motion by reassigning the ABLA case to this Court pursuant to Local Rule 40.4 and then dismissing it without prejudice to the ABLA plaintiffs' right to seek intervention in Gautreaux.
- (11) ☒ [For further detail see order on the reverse side of the original minute order.]

<input type="checkbox"/> No notices required, advised in open court.		number of notices
<input type="checkbox"/> No notices required.		
<input checked="" type="checkbox"/> Notices mailed by judge's staff.		
<input type="checkbox"/> Notified counsel by telephone.		
<input type="checkbox"/> Docketing to mail notices.		
<input type="checkbox"/> Mail AO 450 form.		
<input type="checkbox"/> Copy to judge/magistrate judge.		date docketed
GL	courtroom deputy's initials	docketing deputy initials
		11/4/1999
		date mailed notice
		Date/time received in central Clerk's Office

tabbies	EXHIBIT
	K

(Reserved for use by the Court)

ORDER

Before us is a joint motion of the *Gautreaux* plaintiffs and the Receiver for entry of an order whose effect would be to dismiss a complaint filed in front of Judge Gettleman by the Concerned Residents of ABLA (CRA) and certain individuals, without prejudice to their right to intervene in the *Gautreaux* case. HUD and the CHA support the motion. For the following reasons, we will grant the motion by reassigning the ABLA case to this Court pursuant to Local Rule 40.4 [formerly Local General Rule 2.31] and then dismissing it without prejudice to the ABLA plaintiffs' right to seek intervention in *Gautreaux*.

In 1998, the CHA and HUD, along with the *Gautreaux* Receiver, the *Gautreaux* plaintiffs, and an ABLA tenants' group called the ABLA LAC developed a plan to build new and replacement housing at the ABLA public housing developments. On June 19, 1998, we entered an order designating an ABLA "revitalizing area" – a necessary step under the *Gautreaux* decree to allow new public housing to be constructed there – and authorized the Receiver to construct new public, low income, and market rate housing in the area. The ABLA plaintiffs want Judge Gettleman to declare that the ABLA plan violates various housing, relocation, and civil rights laws, and requests an injunction requiring, *inter alia*, the development of a modified plan for the area that addresses their concerns.

Because the ABLA complaint directly attacks the relief we ordered for the ABLA area pursuant to the *Gautreaux* decree, it is appropriate to reassign the case to this Court and then dismiss it without prejudice to the ABLA plaintiffs' right to intervene. See *Hines v. Rapides Parish School Board*, 479 F.2d 762 (5th Cir. 1973). This result will allow the ABLA plaintiffs to present their complaints about the revitalization plan without "fostering a multiplicity of new lawsuits over the same complicated and emotional issues which have already once been fought out in an all too lengthy court battle." *Id.* at 765.

The ABLA plaintiffs contend that *Hines* and its progeny are not applicable here because some of them are not members of the *Gautreaux* class and because the ABLA complaint encompasses issues not covered by the *Gautreaux* decree. We do not find these arguments persuasive – *Hines* itself involved a collateral attack on a desegregation consent decree by white parents who were not members of the original plaintiff class. And although the ABLA complaint alleges new statutory violations in addition to those covered by the *Gautreaux* decree, the entirety of the complaint attacks the revitalization plan created pursuant to this Court's June 19, 1998 order. See *Davis v. Board of School Commissioners of Mobile County*, 517 F.2d 1044, 1048 (5th Cir. 1975) (ordering plaintiff to seek intervention even though he added a Title VII claim to his attack on the consent decree).

Pursuant to Local Rule 2.31, we find it appropriate to deem the ABLA case related to the *Gautreaux* action and transfer it to this Court. Reassignment will promote judicial economy by avoiding the possibility that Judge Gettleman will order relief that is inconsistent with or otherwise violative of *Gautreaux*. See August 12, 1998 order (enjoining a Cabrini-Green redevelopment plan created without the required input of the Receiver).

Second, there is little chance that reassignment will delay the *Gautreaux* case because the ABLA piece is still in the development phase, unlikely to move forward until the CRA challenge is resolved. And finally, all of the ABLA plaintiffs' challenges to the ABLA revitalizing plan may be addressed in a single proceeding concerning the development of the area. Any plan for the area that involves the construction of public housing must be approved by a host of entities, all of whom are parties to the *Gautreaux* litigation. It would be much more expedient to address all of the challenges to the ABLA plan now, in one forum, instead of pursuing piecemeal litigation in different courts with the intention of later moving for waivers and approval pursuant to the *Gautreaux* decree. We therefore grant the joint motion, reassign the case to this Court, and dismiss it without prejudice to the ABLA plaintiffs' right to intervene in *Gautreaux*. It is so ordered.



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

DOROTHY GAUTREAUX, et al.,)	
)	
Plaintiffs,)	
v.	)	No. 66 C 1459
	)	Judge Aspen
CHICAGO HOUSING AUTHORITY)	
)	
)	
Defendant.)	

NOTICE OF MOTION

To: All counsel of record and to the following counsel in *Cabrini-Green Local Advisory Council, et al. v Chicago Housing Authority, et al.*, 13 C 3642:

Mr. Richard Francis O'Malley
Mr. Steven J. Horowitz
Ms. Veena K. Gursahani
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PLEASE TAKE NOTICE that on Thursday June 20, 2013 at 10:30 a.m., or as soon thereafter as counsel may be heard, counsel for plaintiffs shall appear before the Honorable Judge Marvin Aspen, or any judge sitting in his stead, in Courtroom 2568, at the United States District Court for the Northern District of Illinois, 219 S. Dearborn Chicago, IL 60604, and then and there present the attached Defendant Chicago Housing Authority's Motion to Reassign A Newly-Filed Complaint and to Dismiss that Complaint Without Prejudice to the Right of Plaintiffs Therein to Seek Leave to Intervene in this Case.

/s/ Jeffrey B. Gilbert
Attorney for Defendants

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CERTIFICATE OF SERVICE

Jeffrey B. Gilbert, an attorney, hereby certifies that, on June 14, 2013, he served a copy this Notice of Motion and Defendant Chicago Housing Authority's Motion to Reassign A Newly-Filed Complaint and to Dismiss that Complaint Without Prejudice to the Right of Plaintiffs Therein to Seek Leave to Intervene in this Case upon the attorneys of record in this case by the court's e-filing system and to the plaintiffs' attorneys in *Cabrini-Green Local Advisory Council, et al. v Chicago Housing Authority, et al.*, 13 C 3642, by email and hand delivery.

/s/ Jeffrey B. Gilbert

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