

**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.	)	

**JOINT MOTION OF PLAINTIFFS AND DEFENDANT CHICAGO HOUSING  
AUTHORITY FOR AN ORDER WAIVING THE RESTRICTION ON HOUSING  
FAMILIES WITH CHILDREN IN PUBLIC HOUSING UNITS ABOVE THE THIRD  
FLOOR FOR ONE BUILDING IN THE PILSEN NEIGHBORHOOD, A GENERAL  
AREA, AND AMENDING THE TENANT SELECTION AND ASSIGNMENT PLAN**

The Plaintiffs and Defendant Chicago Housing Authority (“CHA”) respectfully move this Court to enter an Order in the form attached which would:

- A) Waive the Gautreaux restriction on housing families with children in public housing units above the third floor for Casa Queretaro – one building located at 1614 S. Damen Avenue. Casa Queretaro is located in the Pilsen neighborhood, a General Area. The Affidavit of Guacolda Reyes (hereinafter “Reyes Affidavit”) describes the project in greater detail and is attached as Exhibit A. A map, site plan, and renderings showing the proposed building are attached as Exhibit B.
- B) Amend the Tenant Selection and Assignment Plan to require that the 15 public housing units that are the subject of this motion be made available first to eligible CHA families relocating under CHA’s Plan for Transformation and, if there are no such families available to occupy the units, to families on the CHA public housing waiting list.

In support of this Motion, the parties state as follows:

1. The parties seek the Court's authority for development of family public housing units above the third floor in one building known as Casa Queretaro. As described in the Reyes Affidavit, Casa Queretaro will be a single phase, mixed-income rental building located at 1614 S. Damen Avenue in the Pilsen neighborhood – a General Area.
2. Casa Queretaro will be a new construction, four-story elevator building.
3. The overall development plan for Casa Queretaro calls for approximately 45 new units, of which 15 will be public housing and 30 affordable housing.
4. All rental units will be financed by Low Income Housing Tax Credits and restricted for those earning at or below 60% of the Area Median Income (AMI). Under the proposed income mix 12 units will be made available to households earning less than 30% AMI (including 4 CHA units); 6 units will be made available to households earning less than 50% AMI (including 2 CHA units); and 27 units will be made available to households earning less than 60% AMI (including 9 CHA units).
5. The parties believe that housing CHA families in this building, with four public housing units above the third floor, meets the goal of creating mixed-income, desegregated housing opportunities for the following reasons:
  - a. The fifteen public housing units consist of eight one-bedroom and seven two-bedroom units. Under current occupancy standards, a total of two people can be assigned to a one-bedroom unit and no more than four people can be assigned to a two-bedroom unit.
  - b. Permitting public housing units above the third floor will provide additional high quality housing for CHA families in this amenity-rich General Area. It will also

provide additional options for families relocating under CHA's Plan for Transformation.

- c. Concentrations of families in public housing units will not occur in this building. Public housing units will account for one-third of the units and will be dispersed among and externally indistinguishable from the affordable units. Plaintiffs' counsel and the CHA have approved the initial locations of each public housing unit. Although some public housing families with children may be housed above the third floor, they will be neighbors with non-public housing families, thereby providing Plaintiff class families with mixed-income housing opportunities that may be racially mixed as well.
6. Because Casa Queretaro will be a mixed-income development in a General Area, the parties also move to amend the current Tenant Selection and Assignment Plan (TSAP), originally approved by Order of this Court on November 24, 1969, to require that the fifteen public housing units that are the subject of this motion be made available to eligible CHA families relocating under CHA's Plan for Transformation. If there are no such families available to occupy the units, such units should be made available to families on the CHA public housing waiting list. The TSAP otherwise approved by this Court and binding on the CHA would provide relocating CHA families with only one-quarter of these new public housing units. The Court has modified the CHA TSAP to permit relocating CHA families with access to newly developed mixed income units on numerous previous occasions, including recently on August 24, 2010 (Lawndale Complex replacement), April 2, 2013 (Stateway Gardens replacement), and February 26, 2014 (Robert Taylor replacement.)

WHEREFORE, Plaintiffs and the Defendant CHA request the Court to enter an order in the form attached hereto waiving the restriction on housing families with children in public housing units above the third floor for the above described building in the Pilsen neighborhood, a General Area, and amending the Tenant Selection and Assignment Plan.

November 25, 2014

Respectfully submitted,

/s/ Julie Elena Brown  
One of the Attorneys for Plaintiffs

Alexander Polikoff  
Julie Elena Brown  
Business and Professional People for  
the Public Interest  
Chicago, Illinois 60602

/s/ Scott Ammarrell  
Attorney for the Chicago Housing Authority

Scott Ammarell, Chief Legal Officer  
Chicago Housing Authority  
60 E. Van Buren Street  
Chicago, Illinois 60605

## **EXHIBIT A**



**IN THE UNITED STATES DISTRICT COURT  
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CHICAGO HOUSING AUTHORITY, et al.,	)	Hon. Marvin E. Aspen
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**AFFIDAVIT OF Guacolda Reyes**

I, Guacolda Reyes, Vice President of Community Development of The Resurrection Project (TRP), being first duly sworn on oath, state on behalf of TRP:

1. The Chicago Housing Authority ("CHA") and TRP, as developer and an affiliate of Casa Queretaro Apartments Corporation, NFP, an Illinois not-for-profit corporation, the general partner of Casa Queretaro LP, an Illinois limited partnership (Owner), have developed plans to construct an affordable rental development known as Casa Queretaro. Casa Queretaro will be one four-story building consisting of 45 rental units, located at 1614 S. Damen, in the Pilsen neighborhood.
2. TRP a not-for-profit community development corporation serving Chicago's Southwest side, will build Casa Queretaro. Casa Queretaro will be an extension of TRP's broader affordable housing commitment to create healthy communities for its residents through education, organizing, and community development. TRP has developed nearly 600 units of affordable housing for both rental and purchase, as well as a 15-unit student housing dormitory. Over 1,500 individuals are currently provided with safe, and affordable quality housing through TRP's efforts

3. The plan for the Casa Queretaro has been endorsed and accepted as a blueprint by various stakeholders including the CHA and the City of Chicago. Exhibit I, attached hereto, is the proposed site plan for Casa Queretaro. The public housing units will be interspersed among affordable rental units to ensure a mixed-income environment. Casa Queretaro will have the following bedroom and income mixes:

	<b>Public Housing</b>	<b>Affordable Rental</b>	<b>TOTAL</b>
<b>One bedroom</b>	8	9	17
<b>Two bedroom</b>	7	11	18
<b>Three bedroom</b>	0	10	10
<b>Unit totals</b>	15	30	45
<b>Income Mix</b>	33.3%	66.6%	100%

4. **Public Housing Units Above Third Floor.** Fifteen (15) public housing units will account for approximately 33% of the total number of units (45) and will be dispersed among and externally indistinguishable from the affordable units. Of the eleven units planned for the fourth floor of the building, four (2 1-bedroom and 2 2-bedroom) units are to be public housing. Plaintiffs' counsel, the CHA, and TRP/Owner have approved the initial locations of each public housing unit.

5. **Management.** Casa Queretaro will be developed by TRP/Owner and managed by TRP. The TRP property management team includes a Director, Property Manager, Compliance Officer, Maintenance Supervisor, and support staff. TRP's property management team oversees a portfolio of 343 rental units within 36 buildings, including two developments with Project Rental Assistance ("PRA") units.

**6. Expected closing and Unit delivery.** TRP anticipates closing by December 8, 2014, with first units to be delivered in approximately 12 months.

**7. Neighborhood Improvements.** Casa Queretaro Apartments will be adjacent to a school, close to transit, and convenient to grocery stores and other retail and services.

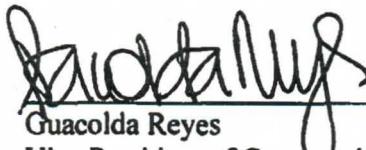
- a. **Educational Institutions.** One block from the development site is the Orozco Fine Arts and Sciences Magnet School. Benito Juarez High School is located at Ashland Avenue and Cermak Road. There are numerous schools run by religious organizations and several public schools in the vicinity of 16<sup>th</sup> Street and Ashland Avenue.
- b. **Community Institutions.** The Pilsen neighborhood is rich in cultural institutions, and the east side of the neighborhood along Halsted Street is one of Chicago's largest art districts. 2nd Fridays Gallery Night populates the numerous art galleries in this area.
- c. The National Museum of Mexican Art is located on 19<sup>th</sup> Street near Harrison Park.
- d. Thalia Hall, which dates back to the 1890s, was restored in 2013 as multi-use space that includes a restaurant, bar and concert venue.
- e. In February 2012, Alderman Danny Solis introduced a ward-wide public art initiative designed to transform neglected, inactive spaces or sites plagued with vandalism, and to develop a restorative and preservation plan for older community murals. Additionally, this initiative connects artists with creative opportunities throughout the ward.
- f. The Chicago Park District, Chicago Cubs, Pritzker Traubert Family Foundation, Alderman Daniel Solis, Cristo Rey Jesuit High School and members of the community celebrated the opening of a new state-of-the-art, all-weather athletic turf field at



Harrison Park in November of 2012. Harrison Park also contains playing fields for baseball, soccer and other sports, tennis courts, and basketball courts. In addition, it has a field house with a swimming pool, exercise facilities, and plenty of space for a variety of craft and other classes.

- g. The Chicago Public Building Commission is currently undertaking the approximately 18,000-square-foot 2-story addition to the Chicago Children's Advocacy Center's existing structure located at 1240 South Damen Avenue. The expansion will double the center's capacity to provide mental health services for children who are sexually abused and add dedicated space for hosting community trainings. The work is expected to be complete in December 2014.
  - h. The Pilsen Historic District, bounded roughly by Halsted Street, Western Avenue, Cermak Road and the railroad embankment just north of 16th Street, is significant due to its extraordinary architecture and urban landscape created entirely by and for its newly arrived Bohemian settlers who arrived in 1871, which is characterized by its dense urban fabric that fosters the creation of a cohesive community.
  - i. **Commercial Development.** 18<sup>th</sup> Street, one block south of the development site, is the prime commercial corridor of Pilsen and has maintained a vibrant commercial environment fueled by entrepreneurs and small businesses.
  - j. There are several grocery stores within walking distance of the Casa Queretaro site, including Supermercado El Guero and Aldi. Cermak Produce is slightly farther away.
8. **Transportation.** The site is near bus routes along Damen Avenue and 18<sup>th</sup> Street. The CTA Pink Line rail line stop is approximately one-quarter mile from the building.

Further Affiant sayeth not.

  
Guacolda Reyes  
Vice President of Community Development  
The Resurrection Project

SUBSCRIBED AND SWORN to  
Before me this 24<sup>th</sup> day of  
NOVEMBER, 2014.

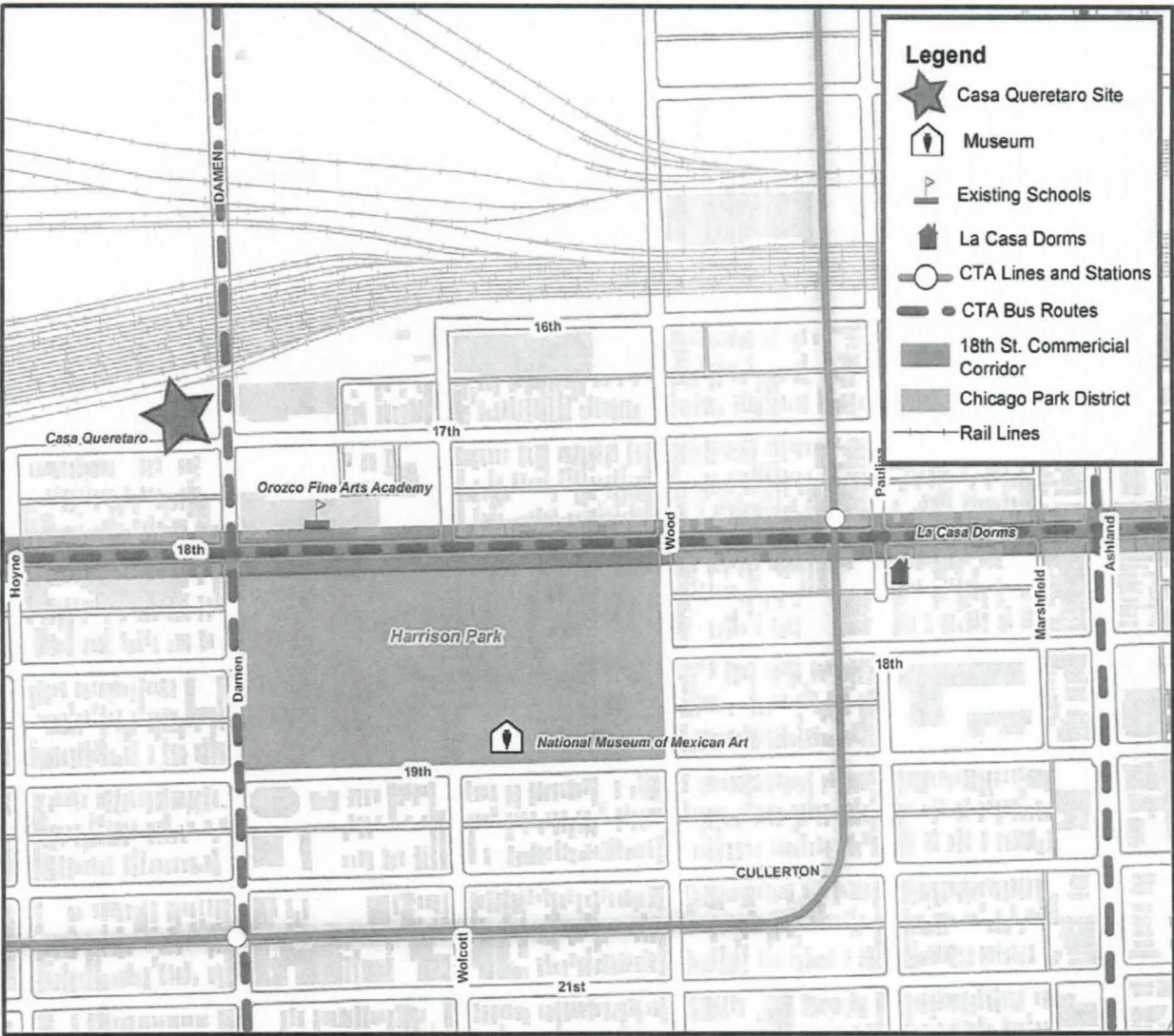
  
Notary Public

My commission expires: \_\_\_\_\_



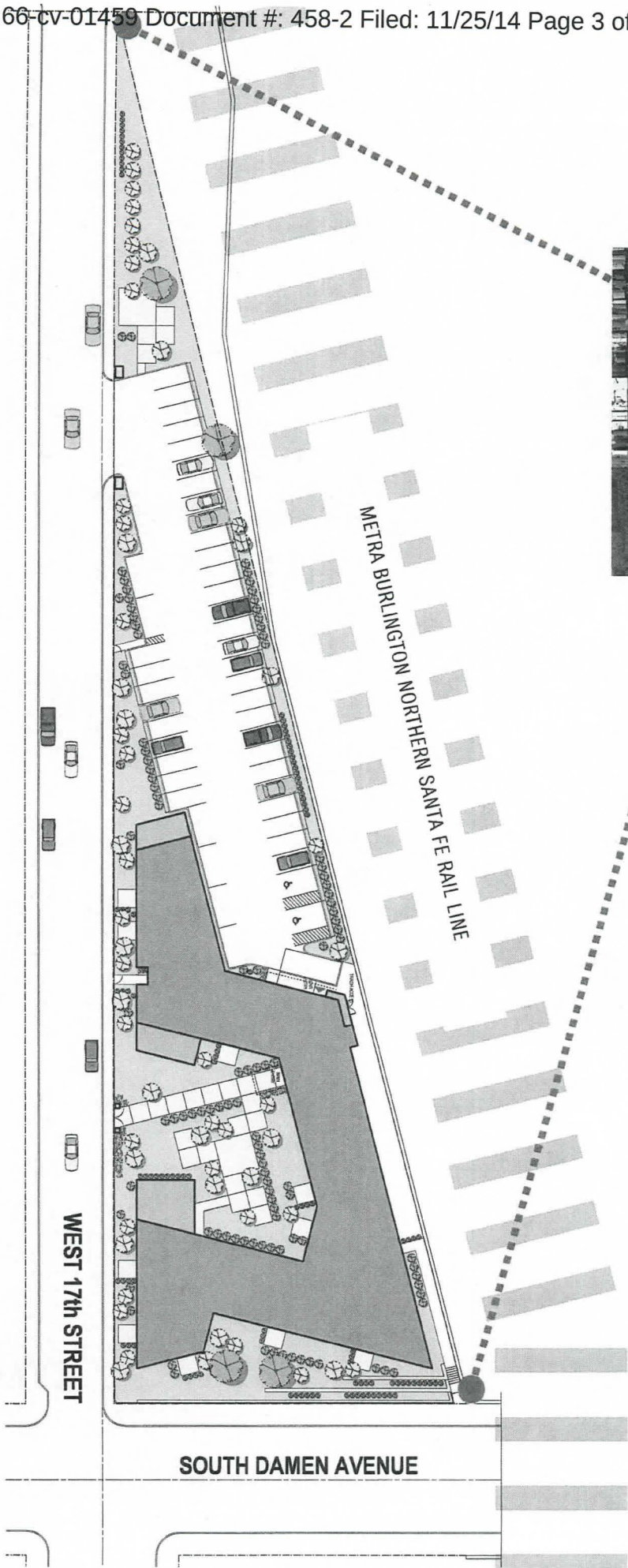
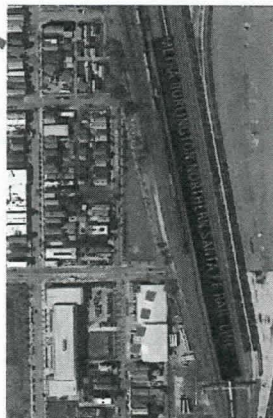
## **EXHIBIT B**

Neighborhood Map





JANUARY 14, 2013



**PROJECT SITE PLAN**

**Casa Querétaro**  
45 Unit Residential Rental Affordable Housing Project  
1814 South Damen Avenue - Chicago, Illinois 60608

**THE RESURRECTION PROJECT**  
Building Relationships. Creating Healthy Communities.

**DESIGN BRIDGE**  
ARCHITECTS & DESIGNERS

## Casa Queretaro Renderings



View of North-West corner of W. 17<sup>th</sup> Street and S. Damen Avenue



Front Entrance – Courtyard view facing West 17<sup>th</sup> Street





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	)	No. 66 C 1459
v.	)	
	)	Hon. Marvin E. Aspen
CHICAGO HOUSING AUTHORITY, et al.,	)	
	)	
Defendants.	)	

**AGREED ORDER**

This matter coming to be heard on the Joint Motion of Plaintiffs and Defendant Chicago Housing Authority for an order to: A) Waive the Gautreaux restriction on housing families with children in public housing units above the third floor in Casa Queretaro, one building located at 1614 S. Damen Avenue in the Pilsen neighborhood, a General Area. B) Amend the CHA Tenant Selection and Assignment Plan to require that the public housing units in Casa Queretaro be made available first to eligible public housing families relocating under CHA’s Plan for Transformation and, if there are no such families available to occupy the units, to families on the CHA public housing waiting list; and

The Court having heard from the parties concerning the proposed order; 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 being authorized to issue orders in this case “designed...to achieve results consistent with [the Judgment Order]” (304 F. Supp. 736, 741); and

The Court being of the view, based on the representations of the parties, that the proposal to locate public housing units above the third floor in the building that is the subject of the Joint Motion and to amend the CHA Tenant Selection and Assignment Plan is designed to achieve results consistent with the Judgment Order previously entered in this case;

Now, therefore, IT IS HEREBY ORDERED:

A. The Chicago Housing Authority shall be free, subject to approval of the location of the units by plaintiffs' counsel, to house families with children in units above the third floor in Casa Queretaro, provided, however, that the units are and remain well-distributed among the affordable rental units to be constructed in the building. The general restriction on housing families in public housing families above the third story remains in effect unless otherwise ordered by this Court.

D. The Chicago Housing Authority Tenant Selection and Assignment Plan, originally approved by Order of this Court on November 24, 1969, and subsequently amended several times, including on August 24, 2010, April 2, 2013 and February 26, 2014, is hereby amended to require that the 15 public housing units that are the subject of this Order be made available first to eligible public housing families relocating under the CHA's Plan for Transformation and, if no such families are available to occupy any such units, that the remaining units be made available to families on the CHA public housing waiting list.

ENTER:

---

Judge

Dated: \_\_\_\_\_



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Defendants.	)	

**NOTICE OF MOTION**

To: Scott Ammarell (via CM/ECF)	Thomas Johnson (via CM/ECF)
General Counsel	Johnson, Jones, Snelling, Gilbert & Davis
Chicago Housing Authority	36 S. Wabash Avenue, Suite 1310
60 E. Van Buren Street, 12 <sup>th</sup> Floor	Chicago, IL 60603
Chicago, IL 60605	

PLEASE TAKE NOTICE that on Thursday, December 18, 2014, at 10:30 a.m., we shall appear before the Honorable Marvin E. Aspen and then and there present the **Joint Motion of Plaintiffs and Defendant Chicago Housing Authority for an Order Waiving the Restriction on Housing Families with Children in Public Housing Units Above the Third Floor in One Building in the Pilsen Neighborhood, a General Area, and Amending the Tenant Selection and Assignment Plan**, a copy of which is attached and hereby served upon you.

/s/ Julie Elena Brown  
Julie Elena Brown  
One of the Attorneys for Plaintiffs

November 25, 2014

Alexander Polikoff  
Julie Elena Brown  
Business and Professional People  
for the Public Interest  
25 E. Washington Street, Suite 1515  
Chicago, IL 60602  
(312) 641-5570

**CERTIFICATE OF SERVICE**

I, Julie Elena Brown, an attorney, hereby certify that on Tuesday, November 25, 2014, I caused copies of the foregoing Notice and Joint Motion of Plaintiffs and Defendant Chicago Housing Authority for an Order Waiving the Restriction on Housing Families with Children in Public Housing Units Above the Third Floor in One Building in the Pilsen Neighborhood, a General Area, and Amending the Tenant Selection and Assignment Plan, to be served upon the above-referenced counsel via CM/ECF.

/s/ Julie Elena Brown  
Julie Elena Brown