

**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.)	

**PLAINTIFFS' RESPONSE TO DEFENDANT CHICAGO HOUSING AUTHORITY'S
MOTION TO DEVELOP PUBLIC HOUSING ELDERLY/SENIOR UNITS IN
ROSENWALD COURTS**

Defendant Chicago Housing Authority ("CHA") has moved this Court to enter an Order that would authorize the acquisition of 60 elderly public housing units in Rosenwald Courts, a development located on the entire city block bounded by Michigan Avenue, Wabash Avenue, 46th and 47th Streets in Chicago. This is a Limited Area under the Gautreaux judgment order.

While the plaintiffs do not object to the acquisition "on the merits", the plaintiffs are of the view that the CHA must obtain this Court's authorization to proceed, for the following reasons:

1. The 1969 Judgment Order imposes a number of specific constraints on CHA's future administration of its public housing system. Recognizing, however, that the system's racial segregation might be maintained or reinforced in ways not explicitly contemplated by these constraints, the Court also included the following obligation in section VIII of the Order:

CHA shall affirmatively administer its public housing system *in every respect (whether or not covered by specific provisions of this judgment order)* to the end of disestablishing the segregated housing system which has resulted from CHA's unconstitutional [practices]. Judgment Order at 741 (emphasis added).

In addition to this general "disestablishment" obligation, the Judgment Order further provides that "CHA shall use its best efforts to increase the supply of Dwelling Units as rapidly as possible ... and shall take all steps necessary to that end...". *Id.*

In plaintiffs' view the combined effect of these two provisions is to place a heavy obligation upon CHA to prioritize use of its resources ("best efforts") to develop Dwelling Units -- that is, family units -- in General Areas, as against using those resources for other purposes (including elderly units). In this instance, involving a proposed substantial expenditure of resources for elderly units, plaintiffs have reviewed CHA-provided information about such proposed use and have determined not to object.

2. Plaintiffs' understanding of the combined effect of the disestablishment and best efforts provisions of the Judgment Order is - as regards elderly housing -- in effect embodied in this Court's order of October 29, 1982, one of a number of orders that authorize CHA elderly units. The 1982 order, authorizing the use of CHA resources for housing development -- including elderly housing -- addressed plaintiffs' concern that CHA might seek to avoid the political challenges of developing new public housing for families in General Areas by diverting funds to the more politically expedient construction of elderly units. The Order therefore prohibited the reservation of funding for elderly units "without a further order of this Court." Order of October 29, 1982 at 2. (This was done in the context of approving a compromise among the parties to facilitate the development of new family housing, changing the ratio of General to Limited Area units from three-to-one to one-to-one, and imposing other restrictions on CHA development activities.)

3. The plaintiffs believe that the disestablishment and "best efforts" provisions of the 1969 Judgment Order, coupled with the 1982 Order's prohibition on elderly unit construction

without court authorization, mean that CHA's acquisition of elderly units in the Rosenwald Development requires Court authorization. The CHA disagrees. Nevertheless, because they do not object to the acquisition of the Rosenwald elderly units "on the merits", the plaintiffs are willing to allow CHA to proceed without resolving their disagreement at this time, so long as doing so is without prejudice to the parties' respective positions on the legal issues presented. Having reviewed the proposed Order, we believe it accomplishes this result, and if the Court is willing to proceed in this manner, we have no objection to its entry.

WHEREFORE, Plaintiffs do not object to the Court entering an order in the form attached to CHA's motion authorizing the CHA to acquire 60 elderly/senior public housing units in Rosenwald Courts.

Respectfully submitted,

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

December 5, 2014

Alexander Polikoff
Julie Elena Brown
Business and Professional People for
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Chicago, Illinois 60602
Attorneys for the Plaintiffs

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NOTICE OF FILING

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 th Floor	Chicago, IL 60603
Chicago, IL 60605	

PLEASE TAKE NOTICE that on Friday, December 5, 2014, we filed with the Clerk of the U.S. District Court for the Northern District of Illinois, Eastern Division, the **Plaintiffs' Response to Defendant Chicago Housing Authority's Motion to Develop Public Housing Elderly/Senior Units in Rosenwald Courts**, a copy of which is attached and hereby served upon you.

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

December 5, 2014

Alexander Polikoff
Julie Elena Brown
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for the Public Interest
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CERTIFICATE OF SERVICE

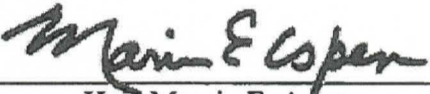
I, Julie Elena Brown, an attorney, hereby certify that on Friday, December 5, 2014, I caused copies of the foregoing Notice and **Plaintiffs' Response to Defendant Chicago Housing Authority's Motion to Develop Public Housing Elderly/Senior Units in Rosenwald Courts**, to be served upon the above-referenced counsel via CM/ECF.

/s/ Julie Elena Brown
Julie Elena Brown

Apartments, located on the entire city block between Michigan Avenue and Wabash Avenue and 46th and 47th Streets in Chicago.

- B. Such authorization shall be without prejudice to the position of either party as to the applicability of this Court's Orders on development of elderly/senior units and this Order shall not be cited by either party as bearing on such applicability.
- C. This Court's Judgment Order previously entered on July 1, 1969, as modified from time to time, shall remain in full force and effect, and this court retains jurisdiction to enforce the same.

Enter:



Hon. Marvin E. Aspen
United States District Court

Dated: DEC 12 2014