

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

DOROTHY GAUTREAUX, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 66 C 1459
	)	
CHICAGO HOUSING AUTHORITY, <i>et al.</i> ,	)	Hon. Marvin E. Aspen
	)	
Defendant.	)	

**JOINT MOTION TO MODIFY THE JUDGMENT ORDER**

The plaintiffs and defendant Chicago Housing Authority (“CHA”) respectfully move this Court, pursuant to Article X of this Court’s judgment order of July 1, 1969 (“judgment order”), to enter an order modifying the judgment order to allow CHA to provide to families with children Dwelling Units above the third story in a structure under certain conditions, as described below.

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

1. On July 1, 1969, this Court entered a judgment order, Article IV, Section C of which provided that

No [CHA] Dwelling Units shall be provided above the third story in any structure except for families without children and except Leased Dwelling Units in a structure in which the number of Dwelling Units aggregates no more than 20% of the total number of apartments in such structure.

However, Article IV also provided that the Court, “by order,” could permit developments that were “specifically designed to assist in achieving the purposes” of the judgment order. And under Article X of the judgment order, this Court is authorized to issue

orders modifying or supplementing the terms [of the judgment order] upon the presentation of relevant information with respect to proposed developments designed by CHA alone or in combination with other private or public agencies to achieve results consistent with this order, material changes in conditions existing at the time of this order or any other matter.

2. On a number of occasions, upon the parties' request, the Court has issued orders permitting CHA to provide Dwelling Units above the third story in structures where, because of particular conditions, the proposals to do so were "designed to achieve results consistent with the judgment order." *See, e.g.*, Orders of May 31, 2012, February 26, 2014, and June 11, 2014.

3. For the reasons detailed below, the parties now request that this Court enter an Order in the form attached authorizing CHA to provide to families with children Dwelling Units above the third story, provided that the following conditions are met:

a. The structure is located either in the Gautreaux General Public Housing Area or in a CHA Opportunity Area. In general, Opportunity Areas are areas of the City of Chicago with less than 20% poverty and less than 5% CHA housing saturation or are improving areas with moderate neighborhood indicators. The current Opportunity Areas, as agreed to by the parties, are identified on the map attached hereto as Exhibit A. Changes to the Opportunity Areas map may be made from time to time by agreement of the parties and CHA will publish any such changes in an updated map.

b. Dwelling Units comprise no more than one-third of all units within the structure;

c. No more than 20% of all units within the structure contain 3 or more bedrooms;

d. Each "unit size" (i.e., the number of bedrooms within a unit) within the structure is available both to public housing and non-public housing families, unless the structure contains only one unit of a particular unit size;

e. Among units containing more than 2 bedrooms, no more than 75% of the same unit size will be Dwelling Units, unless the structure contains only one unit of a particular unit size; and

f. The Dwelling Units are and remain well dispersed throughout the structure.

4. The parties believe that the requested authority will enable CHA to provide a greater number of Dwelling Units for families, including large families, than would otherwise be the case, while both preserving the Article IV requirement that CHA "not concentrate large numbers of Dwelling Units in or near a single location" and addressing the conditions that led to the prohibition on units for families above the third story. In doing so, the order would reflect the present-day context of mixed-income development. With the limited land and funding sources available today, providing adequate housing for all family sizes gives rise to a tension between the need to build low rise units for families with children (who currently cannot be placed above the third floor without a judicial waiver) and the need to build taller buildings to meet the overall need for more units on the available land. Allowing CHA families with children to be housed throughout taller buildings allows for production of more units in a variety of mid- and high-rise structures and also increases the ability to access multiple funding streams that may be available for that type of development. In addition, a number of families have a variety of reasons for needing buildings with elevator access, making second and third floor walk-up units



unacceptable to them. The Parties also believe that the requested authority will reduce the time spent in seeking waiver orders from this Court for individual structures.

5. The proposed Agreed Order does not limit the ability of the parties to seek authority from this Court to provide to families with children Dwelling Units above the third story in structures that do not comply with the specified conditions. The Court's prior waivers allowing CHA to provide Dwelling Units above the third story in specified structures, subject to specified conditions contained therein, would remain in full force and effect.

WHEREFORE, plaintiffs and CHA request the Court to enter an Order, in the form attached hereto, modifying Article IV, section C of the judgment order to allow CHA to provide Dwelling Units above the third story subject to the conditions set out therein.

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  
25 E. Washington Street, Suite 1515  
Chicago, IL 60602

/s/ Scott W. Ammarell

Attorney for the Chicago Housing Authority

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