

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

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

**JOINT MOTION OF PLAINTIFFS AND
DEFENDANT CHICAGO HOUSING AUTHORITY TO
AMEND AGREED ORDER NO. 502, ENTERED SEPTEMBER 16, 2015**

The Plaintiffs and Defendant Chicago Housing Authority (“CHA”) respectfully move this Court to enter an Amended Agreed Order, in the form attached hereto, to replace the Agreed Order (Docket No. 502) entered September 16, 2015, designating the Near North Revitalizing Area, authorizing development of public housing units therein, and amending the CHA Tenant Selection and Assignment Plan.

The amendment would add the phrase “and be built and remain well distributed among” to Paragraph 2.c. so that the new paragraph would read: “On each site within the NNRA, non-elderly public housing units authorized by this Order shall be built and marketed roughly simultaneously with, and be built and remain well distributed among, affordable and market rate housing units planned to be developed on such site.” The proposed additional language is similar to language in prior revitalizing orders, but was inadvertently omitted during the drafting process for the proposed agreed order submitted on this occasion.

WHEREFORE, Plaintiffs and the Defendant CHA request the Court to enter an Amended Agreed Order in the form attached hereto, to replace the Agreed Order, No. 502, entered September 16, 2015.

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
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/s/ Thomas E. Johnson

Attorney for the Chicago Housing Authority

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

AGREED ORDER

This matter coming to be heard on the Joint Motion of Plaintiffs and the Defendant Chicago Housing Authority for an order: 1) designating a " near north Revitalizing Area"; 2) authorizing, subject to stated conditions, the development of not fewer than 930 additional non-elderly public housing units within such area; and 3) amending the CHA Tenant Selection and Assignment Plan; and

The Court having heard from the parties concerning the proposed order and being advised in the premises; 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]" found at 304 F.Supp. 736, 741 (N.D. Ill. 1969); and

The Court being of the view, based on the representations of the parties, that the proposed order is designed to achieve results consistent with the Judgment Order previously entered in this case;

NOW THEREFORE IT IS HEREBY ORDERED THAT:

1. The Court hereby designates as the Near North Revitalizing Area, hereinafter the "NNRA", comprised of two previously designated revitalizing areas and a proposed 2015 revitalizing area, the following geographic area: within the City of Chicago that area that is bounded on the south by Chicago Avenue; on the east by Orleans Street from Chicago Avenue to Division Street and Sedgwick Street from Division Street to North Avenue; on the north by North Avenue; and on the west by Halsted Street north of Division Street and Larrabee Street south of Division Street to Chicago Avenue, all as shown on Exhibit A, attached hereto and made a part hereof.

2. Subject to the conditions stated in this paragraph, the Chicago Housing Authority shall be free to develop, cause to be developed or otherwise acquire no fewer than 565 additional non-elderly public housing units with the "Proposed 2015 Revitalizing Area" shown on Exhibit A, and no fewer than 365 non-elderly public housing units within the other portions of the NNRA. Such 930 non-elderly public housing units shall be in addition to the 434 mixed-income public housing units completed, the 117 mixed-income public housing units under construction or planned for closing in the NNRA, as well as the 146 rehabilitated Rowhouse non-elderly public housing units, all within the NNRA.

a) Any of such 930 non-elderly public housing units to be developed on sites not identified in the *Cabrini-Green LAC v CHA*, 96 C 6949 consent decree shall account for no less than 33 nor more than 40 percent of total residential units on each such site, and may include project based voucher units under CHA's PRA program (with at least a twenty-year subsidy commitment) or HUD's Rental Assistance Demonstration ("RAD") Program. Should such consent decree be amended to permit public housing units to comprise more

than 30 percent of residential units per site, any of such 930 non-elderly public housing units to be developed on sites subject to such consent decree shall account for no less than 33 nor more than 40 percent of total residential units on each such site, and such units may be developed as project based voucher units under CHA's PRA program (with at least a thirty-year subsidy commitment) or HUD's Rental Assistance Demonstration ("RAD") Program. Notwithstanding the provisions of this subparagraph a), the exemptions delineated in the Cabrini consent decree shall govern development of the Parkside of Old Town development and the property to be built on the northwest corner of Clybourn and Division Streets.

b) In issuing and acting upon Requests for Proposals ("RFPs") for development of the 930 non-elderly public housing units within the NNRA provided for in this order, CHA shall provide that proposals to develop larger percentages of public housing units, up to a maximum of 40 percent, shall be accorded more favorable treatment than proposals to develop lesser percentages of such units

c) On each site within the NNRA, non-elderly public housing units authorized by this Order shall be built and marketed roughly simultaneously with, and be built and remain well distributed among, affordable and market rate rental housing units planned to be developed on such sites.

3. The Chicago Housing Authority Tenant Selection and Assignment Plan, originally approved by Order of this Court on November 24, 1969, and amended by numerous further orders is hereby further amended to require that the non-elderly public housing units identified in paragraph 2 of this Order, as well as any additional non-elderly public housing units that have been developed or will be developed in the NNRA, shall

be made available first to eligible former or present residents of the Cabrini-Green development who have not yet been afforded replacement housing; second, to eligible families from other CHA developments relocating pursuant to the Plan for Transformation; and thereafter to families on the CHA public housing waiting list. Notwithstanding the provisions of this paragraph, units governed by the consent decree in *Cabrini-Green LAC v CHA*, 96 C 6949, shall be tenanted in accordance with the provisions of that decree.

4. The CHA shall be free to provide to families with children public housing units above the third story in buildings within the NNRA, provided the following conditions are met:

- a) Public housing units shall comprise no more than one-third of all units within the building;
- b) No more than 20% of all units within the building contain three or more bedrooms;
- c) Each "unit size" (i.e. the number of bedrooms within a unit) in the building is available both to public housing and non-public housing families, unless the building contains only one unit of a particular size;
- d) Among the units containing more than two bedrooms, no more than 75% of the same unit size shall be public housing units, unless the building contains only one unit of that particular unit size;
- e) The public housing units are and remain well dispersed throughout the building; and
- f) This Court's orders previously entered waiving the restrictions on

providing public housing units above the third story to public housing families with children in specified buildings in the NNRA under specified conditions remain in full force and effect with respect to those specified buildings.

ENTER:

Judge Marvin E. Aspen

Dated: _____

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NOTICE OF MOTION

To: Thomas E. Johnson
Johnson, Jones, Snelling, Gilbert & Davis
36 S. Wabash Avenue
Suite 1310
Chicago, IL 60603

PLEASE TAKE NOTICE that on Thursday, September 24, 2015, at 10:30 a.m., we shall appear before the Honorable Marvin E. Aspen, Judge of the United States District Court for the Northern District of Illinois, Eastern Division, and then and there present the **Joint Motion of Plaintiffs and Defendant Chicago Housing Authority to Amend Agreed Order No. 502 Entered September 16, 2015**, a copy of which is attached and hereby served upon you.

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

September 22, 2015

Alexander Polikoff
Julie Elena Brown
Business and Professional People for the
Public Interest
25 East Washington Street, Suite 1515
Chicago, Illinois 60602
312- 641-5570; fax: 312-641-5454

CERTIFICATE OF SERVICE

I, Julie Elena Brown, an attorney, certify that on September 22, 2015, I caused copies of the foregoing Notice and Motion to be served upon the above-referenced counsel via CM/ECF.

/s/ Julie Elena Brown
Julie Elena Brown

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