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

DOROTHY GAUTREAUX, et al,  
Plaintiffs,

VS.

CHICAGO HOUSING AUTHORITY, et al,  
Defendants.

) ) ) ) ) ) ) )

No. 66 C 1459

Hon. Marvin E. Aspen

**JOINT MOTION OF PLAINTIFFS AND DEFENDANT CHICAGO HOUSING AUTHORITY TO  
1) AUTHORIZE DEVELOPMENT OF CHA UNITS IN TWO BUILDINGS IN GENERAL AND  
OPPORTUNITY AREAS, 2) WAIVE THE RESTRICTION ON HOUSING CHA FAMILIES WITH  
CHILDREN IN UNITS ABOVE THE THIRD FLOOR IN THOSE BUILDINGS, AND  
3) AMEND THE TENANT SELECTION AND ASSIGNMENT PLAN**

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

- A) Permit the development of CHA family units in the buildings to be known as Concord at Sheridan and Pennycuff Memorial Apartments:
- B) Waive the Gautreaux restriction on housing families with children in public housing units above the third floor in such buildings; and
- C) Amend the Tenant Selection and Assignment Plan to require that the CHA family units that are the subject of this motion be made available first to eligible CHA families relocating under the CHA Plan for Transformation/Plan Forward and, if there are no such families to occupy the units, that fifty (50%) percent be made available to families from the appropriate Community Area waitlist and fifty percent (50%) to families from the CHA transfer and CHA public housing waitlists, with a priority for transfer families up to 25% of the total available units.

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

**CONCORD AT SHERIDAN**

1. Concord at Sheridan, to be located at 6418 N. Sheridan, is in a General Area in the Rogers Park neighborhood, across the street from an Opportunity Area. It will be a single phase, new construction, mixed-income rental building consisting of a seven-story elevator building on the site of an existing parking lot owned by CHA. The first floor will have approximately 30,000 square feet of ground-level retail space and residential amenity spaces will be located on the second floor. The building will have 65 one-bedroom and 46 two-bedroom units.

2. A portion of the rental units will be financed by Low Income Housing Tax Credits and restricted for those earning at or below 50% and 60% of the Area Median Income (AMI). The CHA units will also be financed by Rental Assistance Development Project-Based Voucher ("RAD PBV") Transfer of Assistance funding from Lathrop Homes. The CHA units will be counted toward fulfilling CHA's obligation under this Court's Order of December 22, 2016 to provide 524 Lathrop replacement units in General and Opportunity Areas on the North Side of Chicago.

3. The overall development plan for Concord at Sheridan calls for 111 new one and two bedroom units. Of the 111 new units, 65 are to be CHA units, with the balance of the units to be unsubsidized ("market rate") units. The CHA will acquire both one and two bedroom units.

**Proposed Unit Mix**

| <b>Unit Type</b> | <b>CHA</b> | <b>Market Rate</b> | <b>TOTAL</b> |
|------------------|------------|--------------------|--------------|
| <b>1 BR</b>      | <b>47</b>  | <b>18</b>          | <b>65</b>    |
| <b>2 BR</b>      | <b>18</b>  | <b>28</b>          | <b>46</b>    |
| <b>TOTAL</b>     | <b>65</b>  | <b>46</b>          | <b>111</b>   |

4. Three Corners Development, the master developer of the site, was selected by CHA through its Pre-Qualified Development Team process and approved as the developer by the CHA Board of Commissioners in June, 2016.

**JOHN PENNYCUFF MEMORIAL APARTMENTS**

5. John Pennycuff Memorial Apartments will be a single phase, new construction, mixed-income rental building consisting of a seven-story elevator building. The building will be located within the Logan Square neighborhood, in both a General and an Opportunity Area, on a triangular site on the northwest corner of the intersection of North Milwaukee Avenue and North Campbell Street.

6. The co-developers, Metropolitan Housing Development Corporation (MHDC) and Southern Illinois Healthcare Foundation (SIHF), will provide 88 new housing units consisting of 28 studios, 48 one-bedroom, and 12 two-bedroom units. This new property will include approximately 2500 square feet of commercial space on the first floor.

**Proposed Unit Mix**

| Unit Type | CHA | Affordable | TOTAL |
|-----------|-----|------------|-------|
| Studio    | 0   | 28         | 28    |
| 1 BR      | 35  | 13         | 48    |
| 2BR       | 12  | 0          | 12    |
| TOTAL     | 47  | 41         | 88    |

7. Rents for all units will be set at affordable levels for households who have incomes up to 60% AMI. The CHA will acquire 47 one and two bedroom units which will also be financed by RAD PBV Transfer of Assistance funding from Lathrop Homes. These CHA units will also be counted toward fulfilling CHA's obligation under this Court's Order of December 22, 2016 to provide 524 Lathrop replacement units in General and Opportunity Areas on the North Side of Chicago.

**UNITS DESIGNED FOR OCCUPANCY BY MORE THAN 120 PERSONS**

8. The Judgment Order entered on July 1, 1969 prohibits a "Public Housing Project" from including CHA units designed for occupancy by more than 120 persons, except that such a Project may contain CHA units for not more than 240 persons "if it will assist in achieving the purposes of this judgment order...". The Concord building meets the definition of Public



Housing Project in the Judgment Order (see Par. I.E. of the Order) and will contain units that could house more than 120 persons. However, because it is to be located in a General Area across the street from an Opportunity Area, and it is to be a mixed income building that includes a substantial number of non-subsidized units, the parties believe that including the CHA units in this building will assist in achieving the Judgment Order's purposes. (Given the unit sizes in the Pennycuff building, it will house fewer than 120 persons in the CHA units.)

#### **UNITS ABOVE THE THIRD FLOOR**

9. On August 6, 2015 this Court entered an Order modifying the Judgment Order to allow CHA to provide units to families with children above the third floor in buildings that meet certain criteria: 1) the structure is located in a General Area or Opportunity Area; 2) the public housing Dwelling Units comprise no more than one-third of all units within the structure; 3) No more than 20% of all units within the structure contain 3 or more bedrooms; 4) each "unit size" (i.e. the number of bedrooms within a unit) within the structure is available to both public housing and non-public housing families; and 5) among units containing more than 2 bedrooms, no more than 75% of the same unit will be public housing Dwelling Units.

10. The proposed two (2) sites meet several of the required criteria, including being located in Opportunity and/or General Areas. However, the sites do not meet all of the requirements listed above. In both Concord and Pennycuff, the CHA will acquire more than one-third of the units within the property. In Pennycuff, the CHA will not acquire any studio apartments for its potential families.

11. Because the sites do not meet all of the criteria described above, the parties ask this Court to waive the restriction on housing families above the third floor for the proposed sites for the following reasons:

- a. The parties believe that housing CHA families in the Concord and Pennycuff buildings will meet the goal of creating mixed-income, desegregated housing opportunities. Permitting the CHA units above the third floor will provide additional high quality housing for CHA families in these amenity-rich areas. It will also provide

additional options for families relocating under the CHA's Plan for Transformation/Plan Forward.

- b. Concentration of CHA units will not occur. While the CHA units will account for more than one third of the units in the buildings, the units will be dispersed among and externally indistinguishable from the nonsubsidized units.
- c. Plaintiff's counsel and CHA will have approval of the initial location of each CHA unit. Although some families with children may be housed in CHA units 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.

#### **AMENDING THE TENANT SELECTION PLAN**

12. The parties also move this Court to amend the current Tenant Selection and Assignment Plan (TSAP), originally approved by Order of this Court on November 24, 1969, and modified by various subsequent orders, to require the CHA units that are the subject of this motion be made available to eligible CHA families relocating under the CHA's Plan for Transformation/Plan Forward. If there are no such families available to occupy the units, fifty (50%) percent should be made available to families from the appropriate Community Area waitlist and fifty (50%) to families from the CHA transfer and CHA public housing waitlists, with a priority (but not a requirement) for transfer families up to 25% of the total available units.

13. The Court has modified the CHA TSAP to permit relocating CHA families access to newly developed mixed income units on numerous occasions including recently on August 24, 2010 (Lawndale Complex replacement); April 2, 2013 (Stateway Gardens replacement); February 26, 2014 (Robert Taylor replacement); and December 3, 2015 (Casa Queretaro, General Area housing).

**WHEREFORE** Plaintiffs and the Defendant CHA request this Court to enter an order in the form attached hereto authorizing development of CHA units, waiving the restriction on

housing families with children in public housing units above the third floor, and amending the Tenant Selection and Assignment Plan.

Respectfully submitted,

By: /s/ Elizabeth M. Silas  
Elizabeth M. Silas  
One of the Attorneys for the Defendant

By: /s/ Julie Elena Brown  
Julie Elena Brown  
One of the Attorneys for the Gautreaux Plaintiffs

August 7, 2017

Alexander Polikoff  
Julie Elena Brown  
Business and Professional People  
for the Public Interest  
East Washington Street, Suite 1515  
Chicago, IL 60614  
(312) 641-5570

Elizabeth M. Silas  
Deputy General Counsel  
Chicago Housing Authority  
60 E. Van Buren Street, 12<sup>th</sup> Floor 25  
Chicago, IL 60605  
(312) 913-7090

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

|                            |   |                      |
|----------------------------|---|----------------------|
| DOROTHY GAUTREAUX, et al,  | ) |                      |
| Plaintiffs,                | ) |                      |
| v.                         | ) | 66 C 1459            |
|                            | ) | 66 C 1460            |
|                            | ) |                      |
| CHICAGO HOUSING AUTHORITY, | ) | Hon. Marvin E. Aspen |
| et al,                     | ) |                      |
| Defendants.                | ) |                      |

**AGREED ORDER**

This matter coming to be heard on the Joint Motion of Plaintiffs and Defendant Chicago Housing Authority ("CHA") for an Order to: A) develop CHA family units in the buildings to be known as Concord at Sheridan and Pennycuff Memorial Apartments; B) waive the Gautreaux restriction on housing families with children in public housing units above the third floor in such buildings; and C) amend the Tenant Selection and Assignment Plan; 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 representation of the parties, that the proposals for the buildings are designed to achieve results consistent with Judgment Orders previously entered in this case;

IT IS HEREBY ORDERED:

The Chicago Housing Authority shall be free to:



- A) Develop 65 CHA family units (out of a total of 111 units) in the building to be known as Concord at Sheridan and 47 CHA family units (out of a total of 88 units) in the Pennycuff Memorial Apartments;
- B) Waive the Gautreaux restriction on housing families with children in public housing units above the third floor in such buildings, provided that the units will be dispersed among and externally indistinguishable from the non-subsidized units; and
- C) Amend the Tenant Selection and Assignment Plan to require that the CHA family units in such buildings be made available first to eligible CHA families relocating under the CHA Plan for Transformation/Plan Forward and, if there are no such families to occupy the units, that fifty percent (50%) be made available to families from the appropriate Community Area waitlist and fifty percent (50%) to families from the CHA transfer and CHA public housing waitlists, with a priority for transfer families up to 25% of the total available units.

ENTER:

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Honorable Marvin E. Aspen

DATED:

August \_\_\_\_\_, 2017



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

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

**NOTICE OF MOTION**

To: Attached List

PLEASE TAKE NOTICE that on Thursday, August 10, 2017, 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 1) Authorize Development of CHA Units in Two Buildings in General and Opportunity Areas; 2) Waive the Restriction on Housing CHA Families With Children in Units Above the Third Floor in Those Buildings; and 3) Amend the Tenant Selection and Assignment Plan**, a copy of which is attached and hereby served upon you.

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

August 7, 2017

Alexander Polikoff  
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, Julie Elena Brown, an attorney, certify that on August 7, 2017, I caused copies of the foregoing Notice and Motion to be served electronically upon the persons whose names appear on the attached service list.

/s/ Julie Elena Brown

Julie Elena Brown

**SERVICE LIST**

Thomas E. Johnson  
Johnson Jones Snelling Gilbert & Davis  
36 South Wabash Avenue  
Suite 1310  
Chicago, Illinois 60603

James Bebley, Chief Legal Officer  
Elizabeth Silas  
Office of General Counsel  
The Chicago Housing Authority  
60 E. Van Buren Street  
Chicago, Illinois 60605