

**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 AUTHORIZE UNITS FOR FAMILIES
WITH CHILDREN ABOVE THE THIRD FLOOR IN ONE
BUILDING AND AMEND THE TENANT ASSIGNMENT PLAN**

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 in the form attached, which would waive the Gautreaux restriction, under the conditions described below, on housing families with children in public housing units above the third floor in a building to be constructed at 1350 W. Taylor Street, the Taylor Street Library and Apartments. The building is located in the ABLA Revitalizing Area and is part of the redevelopment of the former ABLA public housing site. 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.

Gautreaux v. Chicago Housing Authority, 304 F. Supp. 736, 739, 1969 U.S. Dist. LEXIS 10211,

*9. 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.

Id. at 304 F. Supp. 736, 741, 1969 U.S. Dist. LEXIS 10211, *15.

2. On June 19, 1998, this Court approved a joint motion of the *Gautreaux* parties designating the area that includes where Taylor Street Library and Apartments is to be located as the ABLA Revitalizing Area and authorizing the development of non-elderly public housing units. On August 16, 2005, the Revitalizing Area Order was amended to authorize development of 1,084 public housing units out of a total of approximately 2,895 residential units within the Revitalizing Area, along with other low income and market rate units. The new mixed income development on the former ABLA site is known as Roosevelt Square.

3. The Parties agree that it would be beneficial if CHA could house families with children above the third floor in the Taylor Street Library and Apartments. The Taylor Street Library and Apartments is a mixed-use, mixed income development to be located at the northwest corner of Taylor and Ada Streets in the Revitalizing Area, and will be part of Roosevelt Square. The Roosevelt Square developer, Related Midwest, is a private development firm with considerable experience creating mixed income and affordable housing in Chicago.

4. Roosevelt Square is situated between two major institutions, the Illinois Medical

District (IMD) and the University of Illinois at Chicago (UIC), that are significant employment centers and important community resources. It is also well served by transit and retail.

5. The building will total seven floors. The first floor of the building will contain the new, approximately 16,000 square foot Taylor Street Library. The library will include an early learning center for children, a YOUmedia Digital Lab for teenagers, and community meeting and study rooms.

6. The Taylor Street Apartments, on floors two through six of the same building, will consist of 73 residential units in the following mix:

	Market	Affordable	CHA	Total
1 bedroom	2	23	20	45
2 bedroom	5	6	17	28
Total	7	29	37	73

7. Concentrations of families in public housing units will not occur in this building as they will be dispersed among and externally indistinguishable from affordable and market-rate units. Counsel for the plaintiffs and the CHA will approve the initial locations of all CHA units to ensure appropriate dispersal.

8. On a number of occasions, upon the parties' request, the Court has issued orders permitting CHA to provide public housing 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 [Dkt. 435], and June 11, 2014 [Dkt. 445.]

9. On August 6, 2015 [Dkt. 493] 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 three 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 two bedrooms, no more than 75% of the same unit will be public housing units Dwelling Units.

10. The proposed building meets three of the five criteria listed above: 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, and there are no units containing more than two bedrooms. While the building is not in a General or Opportunity Area, it is in a Court-approved Revitalizing Area. CHA units comprise 51% of the total units.

11. The parties believe the requested authority will enable CHA to provide additional public housing units for families in an amenity-rich mixed income context. In doing so, the order would reflect the present-day reality of mixed-income development. With the limited land and funding available today, providing adequate housing for all family sizes gives rise to a tension between the desire to build low-rise units for families with children and the ability to build taller buildings to provide more units on the available land. In addition, some families have a variety of reasons for needing buildings with elevator access, making second and third floor walk-up units unacceptable to them.

12. Because the 37 public housing units will be built as part of a new mixed-income development that serves as replacement housing for the ABLA Homes, the parties also move to

amend the current Tenant Assignment Plan to require that the public housing units in the Taylor Street Library and Apartments be made available to eligible CHA families relocating under CHA's Plan for Transformation, with a priority for families from the former ABLA development. If there are no such families available to occupy the units, such units shall be made available to families on the CHA public housing wait list. The Tenant Assignment Plan otherwise approved by this Court and binding on the CHA would provide CHA relocatees with only one-quarter of these new public housing units. In similar circumstances, the Court has modified the CHA Tenant Assignment Plan to permit CHA relocatees access to newly developed units.

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 for the Taylor Street Library and Apartments, and amending the Tenant Assignment Plan.

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/ Thomas N. Osran

Attorney for the Chicago Housing Authority

James L. Bebley,
Chief Legal Officer
Thomas N. Osran
Chicago Housing Authority
60 E. Van Buren Street
Chicago, IL 60605

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

AGREED ORDER

This matter coming to be heard on the Joint Motion of Plaintiffs and Defendant Chicago Housing Authority ("CHA"), for an order waiving the restrictions on families with children in public housing units above the third floor for the building called the Taylor Street Library Apartments, located in a development known as Roosevelt Square (on the former site of the ABLA Homes), in an approved Revitalizing Area;

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 proposal to locate public housing units above the third floor in this building is designed to achieve results consistent with the Judgment Order previously entered in this case;

Now, therefore, IT IS HEREBY ORDERED:

1. Notwithstanding the provisions of Article IV, section C of said Judgment Order of July 1, 1969, CHA shall be free to provide families with children public housing units above the third story in a structure called the Taylor Street Library and Apartments, provided that such structure meets the following conditions:

a. the location of the units shall be subject to approval of plaintiffs' counsel and,

b. the units are and remain well-distributed among the affordable and market rate units to be constructed in the building.

2. The Tenant Assignment Plan shall be amended to require that the 37 public housing units that are the subject of this motion be made available to eligible CHA families relocating under CHA's Plan for Transformation, with priority given to families from the former ABLA development. If there are no such families available to occupy the units, such units shall be made available to families on the CHA public housing waiting list.

3. Except as modified by this Order, this Court's previous Orders shall remain in full force and effect.

ENTER:

DATED: _____

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FOR THE NORTHERN DISTRICT OF ILLINOIS
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TO: All Parties and Counsel of Record

NOTICE OF MOTION

PLEASE TAKE NOTICE that on the day of November 30, 2017 at 10:30 a.m. or as soon thereafter as counsel may be heard, Defendant, the Chicago Housing Authority, a Municipal Corporation, shall appear before the Honorable Judge Marvin E. Aspen of the United States District Court for the Northern District of Illinois in Room 2568 at 219 S. Dearborn Street, Chicago, IL, and shall then and there present the attached **Joint Motion to Authorize Units for Families With Children Above the Third Floor in One Building and Amend the Tenant Assignment Plan**, a copy of which is herewith served upon you.

CHICAGO HOUSING AUTHORITY

By: _____
Thomas N. Osran

James L. Bebley
Chicago Housing Authority
60 East Van Buren
Chicago, IL 60605
(312) 913-7088
(313) 901-7091 Fax