

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

DOROTHY GAUTREAUX, et al.,

Plaintiffs,

-vs-

CHICAGO HOUSING AUTHORITY, et al.,

Defendants.

JOINT MOTION OF PLAINTIFFS AND THE CHICAGO HOUSING AUTHORITY  
SECTIONS V AND VI OF THE 1969 JUDGMENT  
JUDGMENT ORDER AND THE ORDER OF NO  
CHA'S TENANT ASSIGNMENT PLAN; AND  
IMPLEMENT ITS NEW, ONLINE SITE-BASED

The Plaintiffs and the Chicago Housing Authority ("CHA") request the Court to enter the attached proposed Agreed Order, which will amend the CHA's Tenant Assignment Plan and its November 24, 1969 Order approving CHA's Tenant Assignment Plan. CHA to implement a new online, site-based wait list program. The parties state as follows:

1. CHA currently leases apartments to non-elderly public housing, general, community, and project-based voucher ("PBV") wait list applicants. When a vacancy occurs, that unit is offered to the applicant who meets bedroom size and disability requirements and who has waited the longest on the relevant waiting list. If the applicant declines the offer of housing without good cause, that applicant is removed from the wait list. This is the case even if the applicant is offered a vacancy in a neighborhood or in a type of property where the applicant does not want to live. Given the large geographic area across which all CHA units are located, and the significant differences among different Chicago neighborhoods and CHA properties, this

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

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

**JOINT MOTION OF PLAINTIFFS AND THE CHA FOR AN ORDER: 1) MODIFYING  
SECTIONS V AND VI OF THE 1969 JUDGMENT ORDER, EXHIBIT B TO THE 1969  
JUDGMENT ORDER AND THE ORDER OF NOVEMBER 24, 1969 APPROVING  
CHA'S TENANT ASSIGNMENT PLAN; AND 2) AUTHORIZING CHA TO  
IMPLEMENT ITS NEW, ONLINE SITE-BASED WAIT LIST PLAN**

The Plaintiffs and the Chicago Housing Authority ("CHA") jointly move this Court to enter the attached proposed Agreed Order, which will amend this Court's 1969 Judgment Order and its November 24, 1969 Order approving CHA's Tenant Assignment Plan, in order to permit CHA to implement a new online, site-based wait list program. In support of this motion, the parties state as follows:

1. CHA currently leases apartments to non-elderly public housing applicants using its general, community, and project-based voucher ("PBV") waiting lists. When a vacancy occurs, that unit is offered to the applicant who meets bedroom size and disability requirements and who has waited the longest on the relevant waiting list. If the applicant declines the offer of housing without good cause, that applicant is removed from the wait list. This is the case even if the applicant is offered a vacancy in a neighborhood or in a type of property where the applicant does not want to live. Given the large geographic area across which all CHA units are located, and the significant differences among different Chicago neighborhoods and CHA properties, this

system results in most applicants being removed from the waitlist rather than accepting a unit in a location that is substantially different from where they want to live.

2. For many years, CHA's senior housing properties have used site-based waiting lists, which require an applicant to apply to a particular property rather than to one centralized waitlist. When a vacancy occurs in a senior property, that unit is offered to the applicant who has waited longest for a unit at that property, provided the applicant satisfies the property's screening requirements.

3. In an effort to give non-elderly CHA applicants greater information and choice regarding their public housing and PBV options, more information on when housing may be available to them, and to reduce the number of applicants removed from the public housing waiting list solely because they decline a unit in a neighborhood in which they have no desire to live, CHA has developed, in consultation with the Plaintiffs, an online, site-based waiting list plan for non-elderly applicants (hereafter the "Site-Based Wait List Plan"). This Site-Based Wait List Plan borrows from CHA's successful experience at its senior properties, but adds an important online component to increase the efficiency and fairness of the system.

4. The transition to the Site-Based Wait List Plan will begin with applicants currently on the CHA's public housing waiting lists, who will be asked to register online.<sup>1</sup> Once registered, current applicants will be able to use CHA's online tool to learn about and then select a CHA mixed-income, traditional, or scattered-site property (or group of scattered site properties) where they would like to live. Each applicant will be given an estimate of when a unit may become available in a selected property, based on the applicant's family characteristics and public

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<sup>1</sup> This process will also be employed for the PBV waiting list, which is separately administered as a matter of federal law.

housing registration date, historical turnover rates at the property, and the number of others ahead of the applicant on the waiting list, as measured by the initial registration date of each applicant.

5. Much like families looking for an apartment in the private housing market, CHA applicants will be able to change their property choice as many times as they like, until CHA provides their name to a property manager for screening. An applicant who prioritizes speed of placement over location of housing may base his or her selection on which property has the shortest wait time.

6. Current applicants who do not register for the online CHA Site-Based Wait List Plan as requested or decline a unit without good cause will be removed from the waiting list. If an applicant has good cause for not timely registering for the Site-Based Wait List Plan or for declining a unit, that applicant will maintain their position on the waiting list.

7. Once the current waiting list applicants have registered online, made their selections, and been given an estimated wait time for their property of choice, CHA may open some or all of its site-based waiting lists to additional applicants. New applicants will register online, view relevant information on CHA properties, and be able to select a property that fits their needs and desires, including how quickly they need housing.<sup>2</sup>

8. In addition to the online and site-based features of the Site-Based Wait List Plan, the parties have agreed on certain preferences with respect to scattered-site units. In the past, 50% of

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<sup>2</sup> Applicants currently on the public housing waiting list will also be able to register on the PBV waiting list using their existing public housing registration date. Applicants currently on the PBV waiting list will be able to register on the public housing waiting list, but will receive a new public housing registration date. New applicants who register after CHA opens its waiting lists will be able to register on both the public housing and PBV waiting lists. This is designed to enhance choice, by allowing applicants to choose both a public housing property and a PBV location.

all such units went to eligible applicants who lived in the community area where the housing was located. Under the Site-Based Wait List Plan, a modified 25% community preference will be applied to scattered-site units, in the form described in the attached proposed agreed order. The parties agree that under the Site-Based Wait List Plan, a 50% preference is not necessary as a means of affording community residents the opportunity to live in public housing units in their own neighborhood.

9. The parties have also agreed to a 25% preference in scattered site units for resident-initiated transfers, in the form described in the attached proposed agreed order, if an adequate number of such transfer families are available for the vacancies that exist. The Site-Based Wait List Plan also creates a 40% preference and incentives for resident-initiated transfers that are “Gautreaux transfers.” Resident-initiated transfers are deemed “Gautreaux transfers” when a resident requests to move from a Limited Area to a General, Opportunity, or Revitalizing Area, as designated by orders of this Court. CHA has agreed to affirmatively outreach to CHA residents to explain the new transfer opportunities, and has agreed to pay for the moving and utility re-connection costs of Gautreaux transfers. The Gautreaux transfer program is intended to give CHA residents living in Limited Areas a meaningful opportunity to move to a desegregated or Opportunity area—an option that is available in part because CHA now has a greater number of units in General, Opportunity, and Revitalizing areas. CHA will retain the right, without limitation, to make administrative transfers to all of its units in order to accommodate families who face emergencies, special challenges, or need smaller, larger or accessible units.

10. The details of CHA’s Site-Based Wait List Plan are set out in the proposed Agreed Order filed with this motion. The Site-Based Wait List Plan is ready to be implemented as soon as the parties secure the approval of the Court. Throughout the planning process, CHA has met

with and solicited the input of plaintiffs' counsel regarding the Site-Based Wait List Plan and the related planned outreach to inform and assist the Gautreaux plaintiffs as the Plan is implemented. The parties are hopeful that this system will allow CHA to fill vacancies more efficiently, while expanding choice and opportunity for CHA applicants.

Respectfully submitted,

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

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

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

**AGREED ORDER**

This matter having come to be heard on the joint motion of the Plaintiffs and the Defendant Chicago Housing Authority (“CHA”) for an order 1) modifying Sections V and VI of the 1969 Judgment Order, 304 F. Supp. 736 (1969), Exhibit B to the Judgment Order, and the Order of November 24, 1969, approving the CHA Tenant Assignment Plan, and 2) authorizing CHA to implement a new, online site-based wait list program;

The Court having considered the presentations of the parties, being cognizant that the principal remedial purpose of orders previously entered in this case has been to provide plaintiff class families with desegregated housing opportunities;

The Court having retained jurisdiction to issue orders in this case “designed ... to achieve results consistent with [the Judgment Order],” 304 F. Supp. 736, 741 (1969); and

The Court being of the view, based on the presentations of the parties, that the proposal to revise the CHA Tenant Assignment Plan to provide for site-based wait lists administered in a

manner consistent with the provisions below is designed to achieve results consistent with the Judgement Order,

Now therefore, IT IS HEREBY ORDERED:

**Site-Based Wait List Plan**

1. CHA is authorized to replace its current general public housing and community area wait lists for non-elderly public housing with site-based wait lists and the online, site-based wait list program described herein (hereafter, collectively, “the Site-Based Wait List Plan” or the “Plan”).

2. The Site-Based Wait List Plan shall be used to house applicants in four types of non-elderly housing: a) mixed-income developments which include public housing units dispersed among market and/or affordable housing units in the same building or buildings; b) traditional public housing developments that are multi-family developments including only public housing units; c) scattered-site public housing units scattered individually or in small groups, or in buildings with fewer than 50 public housing units; and d) Project-based voucher (“PBV”) units, operated through CHA’s Property Rental Assistance (“PRA”) program. Each mixed-income and traditional property will have its own site-based wait list or be grouped with other properties to form a wait list. A single mixed income building that is not part of a development and contains more than fifty public housing or PBV units may have its own site-based wait list. CHA may group individual mixed income buildings with fewer than fifty public housing units together with similar buildings on one site-based wait list, provided that the tenant selection criteria for all of the buildings so grouped are substantially similar. Groups of scattered site units located within a

single Chicago Community Area, or groups of scattered sites having other common characteristics such as a single owner with uniform screening criteria or providing supportive services for specific needs, shall each have their own site-based wait lists. Groups of PBV units located within a single Chicago Community Area, or groups of PBV units having other common characteristics such as a single owner with uniform screening criteria or providing supportive services for specific needs, shall each have their own site-based wait lists.

### **Outreach and Information to be Provided**

3. CHA has prepared an Outreach Plan, which has been reviewed and discussed with plaintiffs' counsel, for the purpose of informing all current applicants of the transition to Site-Based Wait Lists. Following entry of this order, CHA shall seek to contact all applicants on its current general public housing wait list and community area wait lists ("current applicants") pursuant to the agreed upon Outreach Plan, advising them that in order to be placed on a CHA wait list, each such applicant must register online and provide current information as to family composition, income, need for disability accommodation, and housing preferences. CHA shall provide appropriate assistance to facilitate applicants in their efforts to initially register and manage their registrations online through in-person help centers, telephone help lines, and property management offices. Current applicants who do not respond to CHA's request to register and update their relevant information online within the required time frame, which shall be not less than 60 days, shall, after appropriate CHA follow-up, be removed from the wait list, except that an applicant so removed who demonstrates "good cause" for not responding to CHA's

outreach will be entitled to register with their original registration date. A separate outreach plan for CHA residents wishing to transfer is required by paragraph 13, below.

4. CHA's online tool developed to implement the Site-Based Wait List Plan shall provide information about each of the properties or, if scattered sites or PBV units, groups of properties. The information provided shall include the location of the property, a description of the type of housing (e.g. mixed-income, scattered-site, traditional or PBV), a summary of its amenities, site-specific eligibility requirements, a summary of the neighborhood amenities available, as well as information about accessibility. The online tool shall also provide information about the registration process and the right of applicants to change their housing and wait list preferences, as provided in Paragraph 8, below.

#### **Site Selection Process**

5. CHA shall implement the Site-Based Wait List Plan in two phases, as set forth in paragraphs 6-8 below.

#### **Phase I**

6. Current applicants on CHA's non-elderly public housing and community area wait lists will be asked to use CHA's online tool to choose a property on one of the site-based wait lists and, by supplying the requisite information, register for occupancy at that property. An applicant's priority for the next available unit for which that applicant is eligible (based on bedroom size, accessibility requirements and screening requirements) will be determined solely by the date of their registration for public housing, except as provided in paragraphs 11-13 below. When an applicant has registered for a wait list at the same time as another applicant, CHA shall

randomize the priority of such applicants electronically. Once all current applicants have chosen a property, CHA will inform each applicant of the estimated time to obtain occupancy at their chosen property, basing such estimates on historical turnover rates at the property, the number of applicants seeking units at the property, and the position of the particular applicant on the wait list.

7. CHA's PBV wait list has, as required by federal law, been maintained separately from the general public housing wait list. However, in order to provide plaintiff class families access to PBV units, CHA has -- pursuant to an agreement between the CHA and plaintiffs' counsel -- enabled applicants from the general public housing wait list and community area wait lists to apply for and be housed in PBV units. Accordingly, such applicants shall be permitted to register for the PBV wait list, and their current public housing wait list registration date shall be used to determine their place on the PBV wait list. Current PBV wait list applicants, who will be permitted to register for a public housing site-based wait list in Phase II, shall however, be accorded a position on the public housing site-based wait list that corresponds to the date they applied to such list.

8. When all current eligible applicants have registered online for occupancy and been informed of their estimated wait times, such applicants may change their selected property as often as desired for any reason and at any time until CHA provides their name to a property manager for screening, maintaining unchanged their public housing registration date.

## **Phase II**

9. Once the applicants on CHA's current wait lists have registered online for occupancy in

accordance with the Site-Based Wait List Plan, and been informed of the estimated wait times for the property or list they have selected, CHA may open any or all of its site-based wait lists for additional applicants. CHA shall allow new applicants to register using the online tool developed as part of the Site-Based Wait List Plan. New applicants may register for both a site-based public housing wait list and for a Project Based Voucher wait list. Each such new eligible applicant shall be provided with an estimated wait time for the property selected, calculated in the same manner as for current applicants. An eligible new applicant's position on a site-based wait list shall be determined solely by reference to the date of their registration, their family size and their need for a disability accommodation, except as provided in paragraphs 11-13 below. Such new applicants may change their selected property as often as desired for any reason and at any time until CHA provides their name to a property manager for screening.. At the time they register for housing, applicants will be informed of this right to change their housing selection.

10. Except as otherwise provided in this Order, all public housing units shall be filled pursuant to the Site-Based Wait List Plan.

#### **Preferences**

11. Notwithstanding any other provisions of this order, CHA shall be free to honor both federally-mandated housing preferences and housing preferences set forth in CHA's HUD-approved Admissions and Continued Occupancy Plan ("ACOP".)

12. Notwithstanding any other provisions of this order, when vacancies occur in scattered site properties and are not filled through CHA administrative transfers (as defined in the CHA ACOP), CHA shall supply the property manager with a group of applicant names for the purpose

of screening and housing such applicants. In supplying such names to property managers, 25% shall be names of applicants on the site-based wait list who currently live in the community area in which the housing is located and an additional 25% shall be from the CHA transfer list maintained in accordance with Paragraph 13 of this Order, provided, however, that if there are insufficient such eligible applicants available, vacant units may be made available to other eligible applicants in accordance with the Site-Based Wait List Plan. The provisions herein supersede and replace the first priority for applicants who reside in the census tract in which such units are located mandated by this Court's Order of October 6, 1994.

Once CHA has supplied a property manager with the group of names of such applicants, and the applicants have completed screening at the relevant property, the property manager shall hold these applicant names for 120 days or until all of the applicants in the group are housed, returned to their original position on the wait list or removed from the wait list.

13. Within 30 days of the date CHA begins its online registration process in Phase 1 of the Site-Based Wait List Plan, CHA shall create a non-elderly Transfer list, which will include any resident currently living in CHA non-elderly public housing who has requested, or subsequent to the date of this order requests, a transfer to a different property. A resident's position on such Transfer list will correspond to the date the transfer request was made. Residents requesting a transfer may, using the online wait list tool, select a property to which they would like to transfer. If the resident seeks to transfer from a CHA public housing unit in a Limited Area to a CHA public housing unit in a General Area, as defined in this Court's 1969 Judgment Order and subsequent amendments thereto, or to a Revitalizing Area, as determined by an Order of this

Court, or to an Opportunity Area previously recognized in Orders of this Court, CHA shall recognize such transfer request as a “Gautreaux transfer” and CHA shall pay the costs associated with moving and the transfer of utilities for such transfers.

To the extent there are Transfer list residents seeking Gautreaux transfers on particular site-based wait lists for scattered-site properties, such residents shall constitute forty percent of the applicants whose names are sent to property managers to fulfill the 25% Transfer preference denoted in Paragraph 12, above.

In addition to the Outreach required by Paragraph 3, above, and in the same time frame, CHA will, in accordance with the Outreach plan approved by plaintiffs, notify all current residents of its non-elderly public housing of its new non-elderly Transfer list, and of the availability of Gautreaux transfers, including information about how to request a transfer, the difference between Gautreaux transfers and other resident initiated transfers, and that CHA will prioritize and pay the moving and utility transfer costs of Gautreaux transfers.

**Authority to Remove Applicants From the Wait lists**

14. When an applicant on one of CHA’s site-based wait lists fails to respond to outreach and appropriate follow-up, declines the offer of a unit without good cause or fails to respond to a unit offer within two business days, CHA may remove such applicant from the site-based wait list. If the applicant had good cause to refuse the offer of housing, CHA shall return the applicant’s name to the CHA wait list from which it was removed in the order of the applicant’s original date of registration. “Good cause” for refusing an offered unit shall include, but not be limited to: a member of the applicant’s household will suffer undue hardship, including due to the

timing of the offer; the unit is not ready for move-in on the date projected, or is not accessible to a disabled member of the applicant's household; the location of the unit relative to the applicant family's source of employment, education, job training, medical provider or day care would require the applicant's household to forego these sources of self-support; accepting the unit offer will create a danger to a member of the applicant household's life, health or safety; or the health condition of a member of the applicant's household precludes a timely move-in.

#### **Reporting and Assessment**

15. CHA shall report in writing annually to plaintiffs' counsel during the first two years following the date of this order, and at agreed upon intervals thereafter, on the public housing applicants housed at each CHA mixed-income, traditional, PBV and scattered-site property, including the number of applicants housed at each site; whether the applicant had a community area, Gautreaux, or resident-initiated transfer preference; the race of the family head of household (if the applicant has provided this information); the bedroom size of the unit occupied; and whether the applicant required a disability accommodation. CHA shall also report on the total number of Gautreaux transfers provided, as well as the overall composition of all mixed income, scattered site and PBV properties according to their percentages of public housing resident households that were drawn from the community area and transfer lists. Should such written reports raise issues that plaintiffs' counsel deem significant, CHA shall discuss the issues with plaintiffs' counsel and determine how best to address them. CHA shall also share with plaintiffs' counsel the annual report on the operation of the Site-Based Wait List Plan prepared by CHA's external auditor.

16. CHA and plaintiffs' counsel shall meet semi-annually, starting six months from the date CHA opens the new site-based wait lists in Phase I, to review the implementation of the Site-Based Wait List Plan including, when CHA has provided its annual report to plaintiffs' counsel as required by Paragraph 15, the information contained in such report. The parties shall then, in good faith, seek to determine if any changes should be made in the Site-Based Wait List Plan and, if changes are needed, what those changes might be. In the event the parties are unable to reach agreement on the need for changes or the nature of such changes, the Court retains jurisdiction to resolve disputes.

17. The Court's previous orders pertaining to the application of CHA's Tenant Assignment Plan to specific mixed-income developments and/or buildings will remain in full force and effect, provided, however, that references in those Orders to the CHA's general public housing wait list shall be deemed to refer to the new site-based wait lists created pursuant to this Order.

18. Except as provided herein, 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:

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Judge Marvin E. Aspen

Dated: \_\_\_\_\_, 2018

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

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, February 1, 2018, 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 the CHA for an Order: 1) Modifying Sections V and VI of the 1969 Judgment Order, Exhibit B to the 1969 Judgment Order and the Order of November 24, 1969 Approving CHA's Tenant Assignment Plan; and 2) Authorizing CHA to Implement Its New, Online Site-Based Wait List Plan**, a copy of which is attached and hereby served upon you.

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

January 25, 2018

Alexander Polikoff  
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**CERTIFICATE OF SERVICE**

I, Julie Elena Brown, an attorney, certify that on January 25, 2018, 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

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