

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

DOROTHY GAUTREAUX, et al.	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 66 C 1459
	)	Judge Aspen
CHICAGO HOUSING AUTHORITY,	)	
	)	
Defendant.	)	

**JOINT MOTION BY PROPOSED INTERVENOR PLAINTIFFS,  
PLAINTIFFS, AND THE CHICAGO HOUSING AUTHORITY  
FOR ENTRY OF AN ORDER SETTLING RELATED LITIGATION**

The Cabrini-Green Local Advisory Council (“LAC”), proposed Intervenor-Plaintiffs as set out below, individual non-intervenor Plaintiffs Gloria Franklin, Carol Steele, and Travaughn Steele, Defendant Chicago Housing Authority (“CHA”), and *Gautreaux* Plaintiffs, jointly move that this honorable Court enter the attached Agreed Order that resolves outstanding litigation between these parties. In support of their joint Motion, the parties state as follows:

1. The area formerly known as Cabrini Green was made up of four public housing developments: Cabrini Extension North, Cabrini Extension South, William Green Homes, and the Francis Cabrini Rowhouses (“the Rowhouses”) (collectively, the “Cabrini Green site”).
2. All the buildings on the site except the Rowhouses were demolished as part of the CHA’s Plan for Transformation, to be replaced with housing targeted toward families with mixed incomes. A certain percentage of these new units will be public housing.
3. The CHA originally planned to rehabilitate the Rowhouses and keep them as 100% public housing. After rehabilitating 146 of the 586 Rowhouses, the CHA decided that it would

no longer support the Rowhouses as 100% public housing and would seek instead to turn the Rowhouses into a mixed-income community, with both public and non-public housing units.

4. The LAC, which represents the current and relocated Rowhouse residents, along with three individual plaintiffs, filed a lawsuit, *Cabrini-Green LAC, et al. v. CHA et al.*, No. 13-3642, in the United States District Court for the Northern District of Illinois seeking, among other things, to compel the CHA to rehabilitate the remaining vacant units at the Cabrini Rowhouses site as 100% public housing units.

5. The case was transferred to Judge Aspen, who oversees the *Gautreaux* litigation, as a matter related to *Gautreaux v. CHA*, No. 66 C 1459, and *Gautreaux* Plaintiffs intervened.

6. The Court later dismissed the complaint, without prejudice to the plaintiffs filing a motion to intervene in the *Gautreaux* litigation to raise the same issues, and the LAC filed a notice of appeal to the United States Court of Appeals for the Seventh Circuit (No. 14-3650).

7. The CHA wishes to move forward with the revitalization of the entire remaining Cabrini Green site and has, with *Gautreaux* Plaintiffs, through their counsel, filed an agreed motion in the *Gautreaux* litigation to declare the remaining Cabrini Green site a revitalizing area and enter an order (“Revitalizing Order”) so that the CHA may proceed with its Development Zone Plan for the site (Dkt. No. 487).

8. The LAC wishes to ensure that the CHA enters into a binding commitment to provide 1800 public housing units in the Near North Area bounded by Chicago Avenue on the south, North Avenue on the north, State Street on the east, and Halsted Street on the west, and that the CHA continues to recognize the LAC as a resident council pursuant to 24 C.F.R. § 964, *et seq.* at the Rehabilitated portion of the Rowhouses.

9. The LAC and the CHA entered into a Memorandum of Agreement on August 27, 2015 with the following pertinent provisions, which are reflected in the Proposed Agreed Order attached to this Joint Motion:

- a. The CHA will turn that portion of the Cabrini Rowhouses site which contains the 440 vacant units (“the unrehabilitated Rowhouse site”) into a mixed-income, mixed-finance community that will contain no less than 40% public housing units and no less than 15% affordable housing units.
- b. The CHA will use its best efforts to return at least 176 units of public housing on the unrehabilitated Rowhouse site.
- c. The CHA will offer Requests for Proposals for the unrehabilitated Rowhouse site that invite potential developers to propose either rehabilitation or total redevelopment of the Rowhouse property. Such proposals will be considered by the Near North Working Group in the same way as all other proposals under the Development Zone Plan. The CHA reserves the right to make the final decision on all developers and development proposals.
- d. With respect to 146 Cabrini Rowhouses that have been rehabilitated as of the date of this Order (“the rehabilitated Rowhouses”), the CHA currently has no plans to redevelop those public housing units in any manner whatsoever, or to operate them as anything but public housing units.
- e. The CHA will continue to recognize the LAC as the tenant Resident Council under 24 C.F.R. § 964.100 *et seq.* with respect to the 146 rehabilitated Rowhouses, as long as these units remain 100% rehabilitated public housing units. If the CHA’s recognition of the LAC comes into conflict with an applicable federal regulation, the

CHA will seek (under its Moving to Work authority) any HUD waivers necessary to continue to recognize the LAC.

f. Before the CHA adopts any plan with regard to the 146 rehabilitated Rowhouses, it must meet and consult with the LAC in good faith. It must provide the LAC with 30 days advance written notice of the meeting, and must hold any such meeting(s) with the LAC before presenting any proposed plan for the 146 rehabilitated Rowhouses to the Near North Working Group or this Court.

g. With respect to that portion of the Cabrini Green site which has not yet been redeveloped, identified in the Development Zone Plan, other than the Cabrini Rowhouses site, the CHA will create incentives for developers to develop more than 33% public housing units, but in no case more than 40% public housing on any portion of the sites. Said incentives shall include awarding additional points to such proposals under the scoring criteria for bid submissions.

h. The CHA will rehabilitate, redevelop, acquire or enter into long-term project-based voucher contracts for a total of at least 1800 subsidized units of various bedroom sizes in the area bounded by North Avenue on the north, State Street on the east, Chicago Avenue on the south, and Halsted Street on the west. This commitment may be satisfied by the rehabilitation, redevelopment, or acquisition of public housing units, or the use of project based housing choice vouchers through the CHA's Property Rental Assistance program ("PRA") (with statutory minimum contracts) or the federal Rental Assistance Demonstration program ("RAD"), provided that PRA units acquired or developed on the City and CHA-owned sites governed by the Consent Decree in *Cabrini-Green Local Advisory Council v. Chicago Housing Authority*, No. 96 C 6949, shall have a minimum

30-year subsidy commitment, and PRA units acquired or developed in the balance of the Cabrini Green revitalizing area shall have a minimum 20-year subsidy commitment.

i. The CHA shall use its best efforts to promptly deliver the agreed-upon units. In the event that the CHA anticipates it will not be able to deliver such 1800 units by December 31, 2022, the CHA shall promptly notify the LAC of its inability to deliver all such units under this timeframe; shall meet with the LAC to discuss the plans, impediments and timeline to deliver such units; shall negotiate a new timeline; and, thereafter, shall meet with the LAC semi-annually to discuss the CHA's progress in delivering such units.

j. The LAC and the CHA will amend the Consent Decree in *Cabrini-Green Local Advisory Council v. Chicago Housing Authority*, No. 96 C 6949, to allow the development of no less than 33% public housing units on the remaining undeveloped sites that are subject to the Consent Decree.

k. The LAC and the CHA will amend the Consent Decree *Cabrini-Green Local Advisory Council v. Chicago Housing Authority*, No. 96 C 6949, to allow the CHA to fulfill its obligations under the Consent Decree through its PRA (with 30-year contracts) and RAD (with 40 year contracts).

l. The LAC may seek leave to intervene for the limited purpose of enforcing this Order and the CHA will not oppose intervention for this limited purpose.

10. Because the Rowhouses will be revitalized as a mixed-income community in accordance with the remainder of the Cabrini Green site, the parties agree to submit this Agreed Order to the jurisdiction of the *Gautreaux* Court.

11. The CHA and the *Gautreaux* Plaintiffs consent to the LAC's intervention in *Gautreaux v. Chicago Housing Authority*, No. 66 C 1459 for the limited purpose of entering and enforcing the Agreed Order attached hereto.
12. The parties further agreed that upon entry of an Order memorializing this agreement, and after the necessary modifications to the Consent Decree in *Cabrini-Green Local Advisory Council v. Chicago Housing Authority*, No. 96 C 6949, the LAC and all other plaintiffs promptly will dismiss their appeal in *Cabrini-Green Local Advisory Council v. Chicago Housing Authority*, No. 14-3650.
13. This Agreed Order will facilitate the completion of the Cabrini Redevelopment by resolving pending litigation and not hindering the CHA's Development Zone Plan.
14. Completion of the Cabrini Redevelopment, with public housing integrated into a racially and economically diverse area will provide relief to plaintiff class families. .
15. The parties believe that their Agreement is designed to achieve results consistent with the Judgment Order.

*Wherefore*, the Proposed Intervenor Plaintiffs, Plaintiffs, and the CHA respectfully request that this Honorable Court:

- A. Enter the Proposed Agreed Order attached hereto as Exhibit A;
- B. Grant the Cabrini-Green Local Advisory Council Intervenor Status for the limited purpose of enforcing the Agreed Order attached as Exhibit A;
- C. Provide such other relief as may be just and proper.

Date: September 10, 2015

Respectfully submitted,

/s/ R. Elizabeth Rosenthal

Richard M. Wheelock  
Lawrence Wood  
R. Elizabeth Rosenthal  
Lea Weems  
**LAF**  
120 S. LaSalle, Suite 900  
Chicago, Illinois 60603  
(312) 341-1070

Richard F. O'Malley, Jr.  
Veena K. Gursahani  
Steven J. Horowitz  
**Sidley Austin LLP**  
One South Dearborn St.  
Chicago, IL 60603  
(312) 853-7000

*Attorneys for Proposed Intervenor Plaintiffs  
Cabrin-Green Local Advisory Council and  
non-Intervenor individual Plaintiffs Gloria  
Franklin,  
Carol Steele, and Travaughn Steele.*

Respectfully submitted,

s/ Thomas E. Johnson

Thomas E. Johnson  
Jeffrey B. Gilbert  
**JOHNSON JONES SNELLING  
GILBERT & DAVIS P.C**  
36 South Wabash, Suite 1310  
Chicago, IL 60603  
(312) 578-8100

*Attorneys for Defendant Chicago Housing  
Authority*

Respectfully submitted,

s/ Julie Elena Brown

Alexander L. Polikoff  
Julie Elena Brown  
**BPI**  
25 East Washington Street  
Suite 1515  
Chicago, IL 60602  
(312) 641-5570  
*Attorneys for Plaintiffs*

# **EXHIBIT A**



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

DOROTHY GAUTREAUX, et al.	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 66 C 1459
	)	Judge Aspen
CHICAGO HOUSING AUTHORITY,	)	
	)	
Defendant.	)	

**AGREED ORDER**

This matter has come to be heard on the Joint Motion of the Cabrini-Green Local Advisory Council (“LAC”), Intervenor-Plaintiffs as set out below, individual non-intervenor Plaintiffs Gloria Franklin, Carol Steele, and Travaughn Steele, Defendant Chicago Housing Authority (“CHA”), and *Gautreaux* Plaintiffs, for an Order that resolves outstanding litigation between these parties; the Court being duly advised in the premises. The Court finds:

A. The LAC and non-intervenor plaintiffs filed a lawsuit entitled *Cabrini-Green LAC, et al. v. CHA et al.*, No. 13-3642, in the United States District Court for the Northern District of Illinois seeking, among other things, to compel the CHA to rehabilitate the remaining vacant units at the Cabrini Rowhouses site as 100% public housing units.

B. The case was transferred as a matter related to *Gautreaux v. CHA*, No. 66 C 1459, and *Gautreaux* Plaintiffs intervened. The Court later dismissed the complaint, without prejudice to the plaintiffs filing a motion to intervene in the *Gautreaux* litigation to raise the same issues, and the LAC filed a notice of appeal to the United States Court of Appeals for the Seventh Circuit (No. 14-3650).

C. The CHA wishes to move forward with the revitalization of the entire remaining Cabrini Green site and has, with *Gautreaux* Plaintiffs, filed an agreed motion in the *Gautreaux* litigation to declare the remaining Cabrini Green site a revitalizing area and enter an order (“Revitalizing Order”) so that the CHA may proceed with its Development Zone Plan for the site.

D. The LAC wishes to ensure that the CHA enters into a binding commitment to provide 1800 public housing units in the Near North Area of Chicago bounded by Chicago Avenue on the south, North Avenue on the north, State Street on the east, and Halsted Street on the west and that the CHA continue to recognize the LAC at the Rehabilitated Rowhouses as a Tenant Resident Council, pursuant to 24 C.F.R. § 964.100 *et seq.*

E. With respect to 146 Cabrini Rowhouses site which have been rehabilitated as of the date of this Order (“the rehabilitated Rowhouses”), the CHA currently has no plans to redevelop those public housing units in any manner whatsoever, or to operate them as anything but public housing units.

F. The LAC seeks intervention in *Gautreaux v. Chicago Housing Authority*, No. 66 C 1459 for the limited purpose of entering and enforcing this Order. The CHA and the *Gautreaux* Plaintiffs have no objection to such limited intervention.

G. The Court is 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 that the Court is 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). The Court is 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 CHA will turn that portion of the Cabrini Rowhouses site which contains the 440 vacant units (“the unrehabilitated Rowhouse site”) into a mixed-income, mixed-finance community that will contain no less than 40% public housing units and no less than 15% affordable housing units.
2. The CHA will use its best efforts to return at least 176 units of public housing to the unrehabilitated Rowhouse site.
3. The CHA will offer Requests for Proposals for the unrehabilitated Rowhouse site that invite potential developers to propose either rehabilitation or total redevelopment of the Rowhouse property. Such proposals will be considered by the Near North Working Group in the same way as all other proposals under the Development Zone Plan. The CHA reserves the right to make the final decision on all developers and development proposals.
4. The CHA will continue to recognize the LAC as the Tenant Resident Council under 24 C.F.R. § 964.100 *et seq.* with respect to the 146 rehabilitated Rowhouses, as long as these units remain 100% rehabilitated public housing units. If the CHA’s recognition of the LAC comes into conflict with an applicable federal regulation, the CHA will seek (under its Moving to Work authority) any HUD waivers necessary to continue to recognize the LAC.
5. Before the CHA adopts any plan with regard to the 146 rehabilitated Rowhouses, it must meet and consult with the LAC in good faith. It must provide the LAC with 30 days advance written notice of the meeting, and must hold any such meeting(s) with the LAC before presenting

any proposed plan for the 146 rehabilitated Rowhouses to the Near North Working Group or this Court.

6. With respect to that portion of the un-redeveloped Cabrini site, identified in the Development Zone Plan, other than the Cabrini Rowhouses site, the CHA will create incentives for developers to develop more than 33% public housing units, but in no case more than 40% public housing on any portion of these sites. Said incentives shall include awarding additional points to such proposals under the scoring criteria for bid submissions.

7. The CHA will rehabilitate, redevelop, acquire or enter into long-term project-based voucher contracts for a total of at least 1800 subsidized units of various bedroom sizes in the Near North Area bounded by North Avenue on the north, State Street on the east, Chicago Avenue on the south, and Halsted Street on the west. This commitment may be satisfied by the rehabilitation, redevelopment, or acquisition of public housing units, or the use of project based housing choice vouchers through the CHA's Property Rental Assistance program ("PRA") (with statutory minimum contracts) or the federal Rental Assistance Demonstration program ("RAD"), provided that PRA units acquired or developed on the City and the CHA-owned sites governed by the Consent Decree in *Cabrini-Green Local Advisory Council v. Chicago Housing Authority*, No. 96 C 6949, shall have a minimum 30-year subsidy commitment, and PRA units acquired or developed in the balance of the Cabrini revitalizing area shall have a minimum 20-year subsidy commitment.

8. The CHA shall use its best efforts to promptly deliver the agreed-upon units. In the event that the CHA anticipates it will not be able to deliver such 1800 units by December 31, 2022, the CHA shall promptly notify the LAC of its inability to deliver all such units under this timeframe; shall meet with the LAC to discuss the plans, impediments and timeline to deliver such units;

shall negotiate a new timeline; and, thereafter, shall meet with the LAC semi-annually to discuss the CHA's progress in delivering such units.

9. The LAC and the CHA will amend the Consent Decree in *Cabrini-Green Local Advisory Council v. Chicago Housing Authority*, No. 96 C 6949, to allow the development of no less than 33% public housing units on the remaining undeveloped sites that are subject to the Consent Decree.

10. The LAC and the CHA will amend the Consent Decree *Cabrini-Green Local Advisory Council v. Chicago Housing Authority*, No. 96 C 6949, to allow the CHA to fulfill its obligations under the Consent Decree through its PRA (with 30-year contracts) and RAD (with 40 year contracts).

11. Upon entry of this Order, including the necessary modifications to the Consent Decree in *Cabrini-Green Local Advisory Council v. Chicago Housing Authority*, No. 96 C 6949, the LAC and all other plaintiffs promptly will dismiss their appeal in *Cabrini-Green Local Advisory Council v. Chicago Housing Authority*, No. 14-3650.

12. The LAC is granted leave to intervene in *Gautreaux v. CHA*, No. 66 C 1459, for the limited purpose of enforcing this Order.

13. Nothing in this Agreed Order shall be construed to change or affect any Plaintiff's relocation rights or right to return pursuant to either the Consent Decree in *Cabrini-Green Local Advisory Council v. Chicago Housing Authority*, No. 96 C 6949, or the CHA's Relocation Rights Contract.

14. The CHA, the LAC, and the individual plaintiffs shall each be responsible for any and all of their own attorneys' fees and costs associated with the litigation in *Cabrini Green LAC, et al. v. CHA et al.*, No. 13-3642, and the pending appeal in that matter, the modification of the

Consent Decree in *Cabrini-Green Local Advisory Council v. Chicago Housing Authority*, No. 96 C 6949, and the entry of the Revitalizing Order (Dkt No. 487).

15. The Court retains jurisdiction to enforce the terms of this Order.

**ENTER:**

**Dated:** \_\_\_\_\_

\_\_\_\_\_  
**Judge Marvin E. Aspen**