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C. E. HUMPHREY
EXECUTIVE DIRECTOR

Chicago Housing Authority

June 4, 1969

Honorable Richard B. Austin
United States District Judge
United States Courthouse
219 South Dearborn Street
Chicago, Illinois

Re: Gautreaux v. CHA, 66 C 1459

Dear Judge Austin:

The enclosed form of Judgment Order has been drafted in furtherance of CHA's comments regarding the type of order proposed by plaintiffs and is submitted without prejudice to any right of appeal of CHA upon entry of a Final Order regardless of the form that order may take.

Very truly yours,

Kathryn M. Kula
General Counsel

KMK:rmt
Attachment

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

DOROTHY GAUTREAU, ODELL JONES,
DOREATHA R. CRENCRAW, EVA RODGERS,
JAMES RODGERS, ROBERT M. FAIRFAX
and JIMMIE JONES,

Plaintiffs

v.

THE CHICAGO HOUSING AUTHORITY, a
corporation, and C. E. HUMPHREY,
Executive Director,

Defendants

Civil Action
No. 66 C 1459

JUDGMENT ORDER

This matter coming on to be heard pursuant to this Court's Memorandum Opinion of February 10, 1969, and Orders entered on such date denying defendants' motions for summary judgment, denying plaintiffs' motion for summary judgment as to Count II of the Complaint, and granting plaintiffs' motion for summary judgment as to Count I of the Complaint, and

The Court having conferred with counsel for the parties and having determined that the several provisions of this judgment order are necessary to prohibit the future use and to remedy the past effects of the defendant Chicago Housing Authority's unconstitutional site selection and tenant assignment procedures, and to end that plaintiffs and the class of persons represented by them, Negro tenants of and applicants for public housing in Chicago, shall have the full equitable relief to which they are entitled,

It is hereby ordered:

1. For purposes of this judgment order,
 - A. "CHA" shall mean the defendant, Chicago Housing Authority.

- B. "Public Housing" shall mean dwelling units owned (not leased) by CHA which are located (1) on the same lot or parcel of real estate or (2) on two or more lots or parcels of real estate which are contiguous to one another, or are separated only by a lot or parcel of real estate, street, alley or the like.
- C. "Dwelling Unit" shall mean a public housing apartment or single family residence which is leased by CHA to a low income, non-elderly family.
- D. "Leased Dwelling Unit" shall mean a dwelling unit located in privately owned housing accommodations leased by CHA from the owner thereof and subleased to a low income, non-elderly family, pursuant to Section 23 of the United States Housing Act, as amended, herein referred to as the "Leasing Program."
- E. "Non-White Area" shall mean that part of the County of Cook in the State of Illinois which lies within census tracts of the United States Bureau of the Census having 50% or more non-white population. "White Area" shall mean the remaining part of the County of Cook in the State of Illinois. The term "non-white" and "white" shall have the meaning given to such terms by the United States Bureau of the Census.

II. Following the date of this judgment order CHA shall be under the following obligations in respect to the acquisition of sites for Public Housing and Leased Dwelling Units:

- A. CHA shall at all times use all due diligence and every reasonable effort to look for and select sites for Public Housing in such manner as to locate the greatest possible number of Dwelling Units in the White Area of the City of Chicago. CHA may also look for and select sites for Public Housing in the White Area outside the City of Chicago if reasonable provision is made for occupancy by CHA applicants residing in the City of Chicago.
- B. CHA is hereby enjoined from following any policy or practice of "pre-clearance" with aldermen of the City of Chicago or other public officials (meaning by "pre-clearance" the practice of pre-clearing sites for Public Housing found

by the Court in its Memorandum Opinion to be a denial of Plaintiffs' rights), except that this prohibition shall not be deemed to apply to CHA's consultation with employees of HUD or the Department of Development and Planning as may be necessary to make preliminary determinations of financial feasibility and overall city planning considerations.

- C. Except as the Court shall otherwise approve by order, not more than 200 dwelling units of Public Housing shall be developed in one location.
- D. CHA shall at all times use all due diligence and every reasonable effort to conduct and carry out its Leasing Program in such manner as to locate as many Leased Dwelling units in the White Area of the City of Chicago as may be accomplished.

III. Following the date of this judgment order the acquisition by CHA of any site for Public Housing shall be subject to prior Court approval in accordance with the following provisions:

- A. CHA shall file with the Court and serve upon counsel for plaintiffs, at least ten days before any official action is taken by CHA with respect to necessary approvals by other government agencies, a form of draft Order of Court approval accompanied by a statement of the following information respecting each Public Housing site proposed to be acquired by CHA:
 - 1. a map showing location and boundaries.
 - 2. the Census tract number and the white and non-white population of such census tract.
 - 3. the approximate number of Dwelling Units proposed to be provided at such location.

Unless counsel for plaintiffs or the Court request a hearing thereon, the draft Order shall be entered ten (10) days after filing.

- B. Subsequent to the entry of the Court's order of approval of a public housing site or sites, CHA shall file with the Court and serve upon counsel

for plaintiffs, a statement advising the Court of (1) any modifications in location or any substantial change, i.e., an increase or decrease in excess of 10%, in the number of dwelling units proposed to be made in connection with a previously Court approved public housing site; and (2) whether the modifications were proposed by CHA, together with its reasons therefor; or (3) whether the modifications resulted from any action, inaction, recommendation or regulation of any other government agency, together with the basis therefor. This statement shall be accompanied by a form of draft Order of Court approval of the proposed modifications. Unless counsel for the plaintiffs or the court request a hearing thereon, the draft Order shall be entered ten (10) days after filing.

- C. Upon entry of a Court order after the filing of the statements required by subsections A or B above approving CHA's site proposals or any modifications thereof, completion and occupancy of the public housing dwelling units shall be deemed to constitute compliance by CHA with the obligations imposed upon it in respect to the acquisition of sites under Section II of this judgment order.
- D. Subsequent to the entry of the order of Court approval of a public housing site or sites, CHA shall file with the Court and serve upon Counsel for plaintiffs, an annual report indicating the status of acquisition and development of the site or sites so approved.

IV. Following the date of this Judgment Order, CHA shall not, subject only to further order of the Court, adopt or follow any tenant assignment policy or practice inconsistent with the following:

- A. Subject to the provisions of subsection B hereof, CHA shall, in the acceptance, handling, and filling of tenant applications for dwelling units, administer its procedures without regard to the race, creed, color or national origin of the applicants.
- B. In furtherance of a policy intended to avoid racial segregation and to promote community stabilization and racial integration, there

shall be no presumption of racial discrimination in the assignment of tenants on the basis of race to any Public Housing site (either existing projects or projects hereinafter acquired), having an occupancy ratio at the time of not less than one-fourth non-white.

- V. This order shall be binding upon CHA, its officers, agents, servants, and employees, and upon those persons, and upon all other persons, including the members of the City Council of the City of Chicago, in active concert or participation with them who receive actual notice of this order by personal service or otherwise.
- VI. Jurisdiction of this cause is retained.
- VII. The costs of this action shall be borne by the respective parties incurring same.

Enter:

Judge, United States District
Court

Dated: _____, 1969