

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

DOROTHY GAUTREAUX et al	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action
	)	No. 66 C 1459
THE CHICAGO HOUSING AUTHORITY, a	)	
Corporation, et al	)	
	)	
Defendants	)	

ORDER APPROVING CHICAGO HOUSING AUTHORITY
TENANT ASSIGNMENT PLAN

This matter coming on to be heard on the request of defendant Chicago Housing Authority for approval of its tenant assignment plan filed with this Court on October 31, 1969, as modified pursuant to conferences of the Court with the parties and their respective counsel, and a copy of which tenant assignment plan as so modified is attached hereto, and

The Court having determined pursuant to its Memorandum Opinion of February 10, 1969 and its judgment order of July 1, 1969 that the several provisions of said tenant assignment plan are necessary to prohibit the future use and to remedy the past effects of defendant Chicago Housing Authority's past unconstitutional tenant assignment procedures, and

The Court having therefore determined that said tenant assignment plan complies in all respects with the provisions of the Fourteenth Amendment to the United States Constitution and with the provisions of Title VI of the Civil Rights Act of 1964,

IT IS HEREBY ORDERED:

1. Said tenant assignment plan as so modified is approved, to become effective as provided therein on February 1, 1970;
2. All forms proposed to be delivered or exhibited to applicants in connection with such plan including without limitation the notice provided for in paragraph (1)(f) and

the written statement provided for in paragraph (1)(g) thereof, shall be served upon attorneys for plaintiffs not later than January 2, 1970;

3. Revisions of such forms shall be served on attorneys for plaintiffs within ten days following the date of each such revision;

4. The proposed forms of publicity provided for in paragraph (4)(c) of such plan shall be served upon attorneys for plaintiffs not later than twenty days prior to the first use thereof;

5. CHA shall, within twenty days following the end of each calendar quarter commencing March 31, 1970, serve upon counsel for the plaintiffs statements containing the following information as of the end of such calendar quarter:

(a) total numbers of all applicants on the waiting list referred to in paragraph (1)(a) of the tenant assignment plan and on the project lists referred to in paragraph (1)(c) of said plan, classified as Negro, Spanish speaking, other white and other;

(b) with respect to the four projects referred to in paragraph (3) of the tenant assignment plan the information required in paragraphs (i) and (ii) hereinafter set forth and with respect to each public housing project as defined in paragraph (2)(d) of the tenant assignment plan the information required in paragraphs (i), (ii) and (iii) hereinafter set forth:

(i) total number of apartments in project by bedroom size and number of vacant apartments by bedroom size;

(ii) total number of tenants in occupancy classified as Negro, Spanish speaking, other white and other;

(iii) the priorities, if any, of the tenants in occupancy as defined in paragraph (2) of the tenant assignment plan.

ENTER:

/s/ RBA
Judge, United States District Court

DATED: November 24, 1969

11/24/69

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

DOROTHY GAUTREAUX, et al.,

Plaintiffs

v.

THE CHICAGO HOUSING
AUTHORITY, et al.,

Defendants

Civil Action
NO. 66 C 1459

CHICAGO HOUSING AUTHORITY
TENANT ASSIGNMENT PLAN

This tenant assignment plan has been prepared pursuant to the provisions of Article VI of the judgment order entered July 1, 1969. Unless and until modified, this plan is intended to apply:

- to all apartments and single family residences at any time made available by or through CHA for occupancy by low-income, non-elderly families, whether initially made available to and occupied by such families prior or subsequent to the date of the judgment order; except only that this plan shall not apply to (i) apartments in CHA's leasing program which were occupied prior to CHA's leasing same by tenants who, by agreement with the owner, continue in occupancy following CHA's leasing same; (ii) any other

apartments in CHA's leasing program to the extent that the owner, as a condition of participation in the program, reserves the right to select tenants; and

(iii) apartments (presently 60 in number) held for emergency use (as authorized under CHA Resolution No. 68-CHA-237).

- to all applicants for such dwelling units, whether registered with CHA prior or subsequent to the date of the judgment order; and

- to present tenants of such dwelling units, as and to the extent hereinafter provided.

(1) Tenant Selection and Assignment - General

This plan allows for certain priorities among applicants for dwelling units, and makes special provisions for the assignment of tenants to four existing public housing projects - all as hereinafter provided. Subject only to such priorities and provisions, this plan is intended to afford equal opportunity to all applicants for public housing, without regard to race, creed, color, national origin or ancestry. "Equal opportunity" means the opportunity of each family to be housed as dwelling units become available, in the order determined solely by date of registration, family size and the desire of the family to be housed at a specified public housing project. Accordingly,

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(a) CHA shall at all times maintain five registration lists, by family size and corresponding bedroom size of dwelling units, as follows:

<u>List</u>	<u>Family Size</u>	<u>Bedroom Size</u>
1	1 - 2 persons	0 - 1
2	3 - 4 "	2
3	5 - 7 "	3
4	8 - 10 "	4
5	11 or more persons	5

These lists shall be known collectively as the "waiting list" for public housing for low-income, non-elderly families. Each list shall show the registration number, name and family composition of each registrant. The registrant's place on the appropriate list shall be determined by his number, with all numbers to be assigned in order of date of registration. In the event of changes in family composition occurring while a registrant remains on the waiting list, affecting bedroom size, the registration shall be transferred to the appropriate list, again with the registrant's place on such list to be determined by his number.

(b) Following registration and before the availability of a dwelling unit for such registrant may reasonably be anticipated, each registrant shall be interviewed, in order that his application may be completed and his eligibility for public housing determined and certified (and such certification and any re-certifications shall be deemed to be valid for a period of one year from date thereof). At such time eligible applicants may designate their choice of public housing projects or loca-

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tions. Eligible applicants shall remain on the appropriate list, in numerical order. Applicants determined to be ineligible shall be removed from the waiting list (and there shall be no re-assignment of their registration numbers).

(c) As dwelling units become available for occupancy (or as their availability may reasonably be anticipated), such dwelling units shall, irrespective of location but depending only upon bedroom size, be offered to eligible applicants on the appropriate list, in numerical order (unless their applications are then being held for a designated public housing project as hereinprovided). Eligible applicants accepting such dwelling units shall be housed accordingly. Eligible applicants refusing such dwelling units shall have their applications so documented, and shall be asked to designate and shall designate a public housing project of their choice. (And for this purpose: (a) in the case of scattered sites developed with structures containing relatively small numbers of dwelling units, all sites coming within a single CHA project number shall be deemed to constitute a single "public housing project"; and (b) all leased dwelling units in CHA's leasing program on the north side, south side and west side respectively of the City of Chicago shall in each case be deemed to constitute a single "public housing project."). Thereafter, the applications of such applicants shall be held for the public housing project so designated, and dwelling units becoming available for occupancy in such project shall, depending only upon bedroom size, be made available first to such applicants and any other eligible applicants whose applications are then

being held for such project, in numerical order; thereafter (or at any time when there may be no applications being held for such project), to eligible applicants then on the appropriate list whose applications are not then being held for a designated public housing project, again in numerical order.

(d) For those applicants who, given the opportunity, have refused the dwelling units offered them and have not been housed in the public housing project designated by them within one year from the date of certification of their eligibility, there shall be a review of their eligibility at such time. Following such review, such applicants then remaining eligible shall again be offered dwelling units first becoming available thereafter, irrespective of location but depending only upon bedroom size, again in numerical order. Eligible applicants accepting such dwelling units shall be housed accordingly. Eligible applicants refusing such dwelling units shall again have their applications so documented, and shall again be asked to designate and shall designate a public housing project of their choice (which may be the same as or different from their earlier designation). Thereafter, the applications of such applicants shall be held for the public housing project so designated, and dwelling units becoming available for occupancy in such project shall, depending only upon bedroom size, be made available first to such applicants and any other eligible applicants whose applications are then being held for such project, in numerical order; thereafter, as provided in paragraph (c) above.

(e) For those applicants who, following the review and offer of housing provided for in paragraph (d) above, have again refused the dwelling units offered them and have not been housed in the public housing project designated by them within one year from the date of re-certification of their eligibility, there shall be a further review of their eligibility at such time. Following such review, such applicants then remaining eligible shall again be offered dwelling units first becoming available thereafter, irrespective of location but depending only upon bedroom size, again in numerical order. Eligible applicants accepting such dwelling units shall be housed accordingly. Eligible applicants refusing such dwelling units shall again have their applications so documented, and shall again be asked to designate and shall designate a public housing project of their choice (which may be the same as or different from their earlier designation). Thereafter, the applications of such applicants shall be held for the public housing project so designated, and dwelling units becoming available for occupancy in such project shall, depending only upon bedroom size, be made available first to such applicants and any other applicants whose applications are then being held for such project, in numerical order; thereafter, as provided in paragraph (c) above.

(f) Eligible applicants who have refused the housing opportunities offered them as provided in paragraphs (c), (d) and (e) above, shall not thereafter be again offered dwelling units becoming available irrespective of location, but their

applications shall continue to be held for the public housing project of their designation, in numerical order. Such applicants thereafter will be advised at least annually by written notice or personal interview of their right to designate a choice of project different from their earlier designation in addition to being supplied the information called for by paragraph (g) below.

(g) Written statements of the current apparent relative waiting times at all public housing projects, issued not less frequently than quarterly, shall be made available upon request to applicants and to the public at CHA's central and project offices. Such statements shall be delivered to applicants at the time of each interview held pursuant to paragraph (b) above, at the time of each offer of dwelling units made pursuant to paragraphs (c), (d) and (e) above, and at the time of each notice delivered or interview held pursuant to paragraph (f) above. Applicants may at such time (or, by notifying CHA, at any other time while they remain eligible and have not been housed) designate a choice of project different from their earlier designation. In such event their applications shall

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thereafter be held for the project so designated, in numerical order, unless and until a different designation is made.

(h) Files of eligible applicants having been referred to a designated public housing project as of the effective date of this plan, shall continue to be kept at such project, but shall be disposed of in accordance with the provisions of paragraphs (c), (d), (e), (f) and (g) hereof.

(2) Tenant Selection and Assignment - Priorities

Subject to the provisions herein, "priority" means the right of eligible applicants who qualify to take precedence over all other eligible applicants for public housing, irrespective of date of registration but depending only upon bedroom size. That is, the priority family takes precedence over all non-priority families waiting on the appropriate list for the same bedroom size of dwelling unit, including such other families whose applications are then being held for a designated public housing project. Among eligible applicants with the same priority and requiring the same bedroom size, precedence is determined, first,

by taking into account any urgent or compelling circumstances that make public housing a more immediate need in one case than in another, and otherwise by the date of registration in numerical order.

Pursuant to applicable law priority for public housing is presently granted to:

- families displaced or to be displaced through governmental action or catastrophe (provided they apply for public housing within one year from date of displacement); and
- Veterans with a service-connected disability (provided they receive disability compensation).

These priorities shall continue to be recognized under this tenant assignment plan.

Eligible applicants having a priority as above shall, depending only upon bedroom size, be offered dwelling units first becoming available following completion of their application and determination of their eligibility (which shall be done as promptly as possible following their registration). Such applicants accepting such dwelling units shall be housed accordingly. Such applicants refusing such dwelling units shall

be asked to designate and shall designate a public housing project of their choice. Thereafter, the applications of such applicants shall be held for the public housing project so designated, and dwelling units becoming available for occupancy in such project shall, depending only upon bedroom size, be made available first to such applicants. If any such applicants have not been housed in the project so designated within one year from the date of certification of their eligibility, there shall be a review of their eligibility at such time, as provided in paragraph (1) (c) hereof, and thereafter (unless they have not yet been offered dwelling units in the public housing project of their choice, in which case their priority shall continue until such offer is made) no further priority on their part shall be granted and disposition of their applications shall be in accordance with the provisions of paragraphs (1) (d), (1) (e), (1) (f) and (1) (g) of this plan.

CHA has heretofore recognized a dire need for immediate relocation on the part of some families due to emergency conditions occurring from time to time. Accordingly, 60 apartments are presently held for emergency use by such families (CHA Resolution No. 68-CHA-237). Such families temporarily afforded such emergency housing who are eligible for public housing and make application therefor shall, for purposes of the foregoing priorities, be treated the same as other eligible applicants having a displaced family's or disabled veteran's priority; except that CHA may consider the apartments in which they are first temporarily housed as the dwelling units first becoming available following completion

of their application and determination of their eligibility; and CHA may, in the case of any applicants refusing such dwelling units, permit them to remain in occupancy for as long as other housing is not available to them.

In addition to the foregoing priorities heretofore recognized, this tenant assignment plan grants, pursuant to the judgment order, the following neighborhood priority in respect of dwelling units in all "public housing projects" (as hereinafter defined):

(a) The City of Chicago is comprised of 75 "community areas." The names by which these community areas are commonly known and the U. S. census tracts comprising each are shown on the "Schedule of Community Areas" attached to and made a part of this tenant assignment plan. Names of community areas outside the City of Chicago, and the geographical extent of each by U. S. census tracts or otherwise, shall be added to the attached schedule as may hereafter be required by the location outside the city of one or more public housing projects.

(b) As dwelling units become available for occupancy in each public housing project, both at the time of initial availability and as vacancies occur from time to time thereafter, such units shall, depending only upon bedroom size, be offered first to eligible applicants who reside at the time in the community area within which the project is located to the extent that such area residents shall have a priority to occupy 50% of the dwelling units in such project less the number thereof, if any, occupied by non-minority tenants who have transferred thereto from CHA's Trumbull, Lathrop, Lawndale and Bridgeport projects; then, if any dwelling units to which such priority applies remain available for occupancy, such units shall be offered next to eligible applicants who reside at the time in any community area adjacent to such community area and thereafter in accordance with the general provisions of this tenant assignment plan as set forth in paragraph (1) above.

(c) Eligible applicants who, once given the opportunity, have refused dwelling units in a public housing project offered them pursuant to this neighborhood priority, shall, depending only upon bedroom size, be offered dwelling units becoming available in the next such project for which their place of residence entitles them to a priority in accordance with the provisions of paragraph (b) above. For any such applicants who again refuse dwelling units offered them, no further priority on their part shall be granted and disposition of their applications shall be in accordance with provisions of paragraphs (1) (c), (1) (d), (1) (e), (1) (f), and (1) (g) of this plan.

(d) The term "public housing project" for purposes of this neighborhood priority, means any two or more "dwelling units" located (1) in the same structure, (2) on the same lot or parcel of real estate, or (3) on two or more lots or parcels of real estate which are contiguous to one another, or are separated only by streets, alleys, bodies of water, railroad tracks or the like; and, in the case of single family residences, also means any two or more dwelling units located in the same block or contiguous blocks. The term "dwelling units" means all apartments and single family residences initially made available by or through CHA for occupancy by low income, non-elderly families subsequent to the date of the judgment order, other than (i) the dwelling units to be provided in pending CHA projects Ill. 2-27, 2-28, 2-32, 2-33, 2-51, 2-64, 2-69 and 2-74, and (ii) apartments in CHA's leasing program.

(e) This neighborhood priority shall take precedence over the "displaced families" and "disabled veterans" priorities hereinabove mentioned.

The judgment order also provides that present CHA tenants be given reasonable opportunity to apply for dwelling units in public housing projects made available hereafter in the General Public Housing Area (as defined in the judgment order). Accordingly, this tenant assignment plan also grants the following CHA tenant priority in respect of dwelling units in all public housing projects (as defined above) in the General Public Housing Area:

(a) As dwelling units become available for occupancy in each public housing project in the General Public Housing Area both at the time of initial availability and as vacancies occur from time to time thereafter, such units shall, depending only upon bedroom size, be offered first to families who are CHA tenants at such time and who are eligible for transfer as herein-after provided to the extent that such tenants shall have a priority to occupy 25% of the dwelling units in such projects; thereafter, if any part of such percentage of dwelling units remains available for occupancy, such units shall be offered in accordance with the general provisions of this tenant assignment plan as set forth in paragraph (1) above. Among CHA tenants with this priority, and depending upon bedroom size, precedence shall be determined, first, by taking into account any urgent or compelling reasons that make transfer a more immediate need in one case than in another (e.g., length of travel time to and from employment, change in family size requiring a different size apartment, and other factors heretofore recognized by CHA as justifying inter-project transfers), and otherwise by the date of

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commencement of occupancy of the apartments from which the tenants would be transferred. Requests for transfer may be made at any time from and after the date to be announced as a part of the publicity provided for in paragraph (4) of this tenant assignment plan. CHA shall maintain a file of such requests for transfer, showing the name and family composition of each transfer applicant.

(b) Tenants requesting transfer who, once given the opportunity, have refused dwelling units in a public housing project in the General Public Housing Area offered them pursuant to this CHA tenant priority, shall, depending only upon bedroom size, be offered dwelling units becoming available in the next such project. For any such tenants who again refuse dwelling units offered them, no further priority on their part shall be granted and their requests for transfer shall be removed from the file of such requests.

(c) CHA tenants shall be eligible for transfer under this CHA tenant priority if (i) their tenancy commenced prior to the date this tenant assignment plan becomes effective as hereinafter provided; (ii) they are reasonably able to perform such tenant maintenance as may be required at a public housing project to which they would be transferred (it being contemplated that these will be comparatively small projects where yard work and the like may be involved); and (iii) they remain eligible for continued public housing occupancy based on income.

(d) CHA tenants requesting transfer pursuant to these provisions shall have the same project designation rights as are granted under this plan to applicants for public housing.

(e) This CHA tenant priority shall take precedence over the "displaced families" and "disabled veterans" priorities hereinabove mentioned.

(3) Tenant Selections and Assignment - Trumbull, Lathrop, Lawndale and Bridgeport.

The judgment order provides that this tenant assignment plan may contain provisions designed to assure that CHA's Trumbull, Lathrop, Lawndale and Bridgeport public housing projects do not become racially segregated. Accordingly, tenant selection and assignment in respect of these four projects shall be subject to the following provisions:

(a) "Minority" families shall include Negroes, American Indians, Spanish Americans (Mexican Americans, Latin Americans, Cubans, Spanish Americans, Puerto Ricans), Orientals (Japanese, Chinese, Filipinos), Aleuts, Eskimos, Hawaiians and Part Hawaiians.

(b) As dwelling units become available for occupancy in any of the four projects, such dwelling units shall, depending only upon bedroom size, be offered to eligible applicants on the appropriate list in such manner that not more than approximately fifteen per cent (15%) of all dwelling units in any of the projects shall from time to time be occupied by Negro families; and in such manner that not more than approximately twenty-five per cent (25%) of all dwelling units in any of the projects shall from time to time be occupied by other minority families.

(c) In order to effectuate these provisions, it shall be proper for CHA to make inquiry and determine, at the time of determination of eligibility or at some other suitable time,

whether a family registering for public housing is or is not a minority family; and to document each application accordingly.

Except as above provided, tenant selection and assignment in respect of these four projects shall be in accordance with the general provisions of this tenant assignment plan as set forth in paragraph (1) above.

(4) Temporary Ending of New Registrations

The judgment order provides for new registrations on CHA's waiting list to be temporarily ended; for a determination then to be made as to which registrants remain eligible for and still desire public housing; for publicity then to be employed relative to anticipated availability of substantial numbers of dwelling units in the General Public Housing Area in the City of Chicago; for the waiting list thereafter to be reopened to new registrants and for the opportunity at the same time to be given to present CHA tenants to apply for such dwelling units. Accordingly,

(a) CHA's waiting list for public housing for low-income, non-elderly families has been temporarily closed, except for applicants having a priority as heretofore recognized, effective as of the close of business August 14, 1969, for a period of 90 days. No new registrations during this period (and during any extension thereof that may be required as herein provided) shall be accepted, except as and only to the extent that a registrant has a priority as heretofore recognized or that vacancies occurring during such period (including any extension thereof) can not otherwise be filled by the assignment of families currently

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registered with CHA and determined to be eligible for public housing.

(b) Promptly following the closing of the waiting list, CHA undertook a determination of the current eligibility and continued desire for public housing of families now registered with CHA. This requires personal interviewing in addition to communication by mail. CHA will make every reasonable effort to carry out and complete this determination as soon as may be done. It may be, however, that this will require more than the 90 days above provided for, having in mind the large number of families now registered with CHA; in which case such period shall be extended, but not unreasonably, by appropriate action of the CHA Board. All families now registered with CHA and determined to be no longer eligible for or desirous of public housing shall be removed from the waiting list (and there shall be no reassignment of their registration numbers).

(c) As soon as may be done following completion of the determination of current eligibility and desire for public housing as provided in paragraph (b) above, CHA shall inform low-income families throughout the City of Chicago, including present CHA tenants, that CHA is looking for sites to permit substantial numbers of dwelling units to be made available in the General Public Housing Area of the city pursuant to the provisions of the judgment order. This shall be done by suitable publicity (including paid advertisements, to the extent the CHA Board deems them necessary or desirable) in the major Chicago daily newspapers; in such Chicago neighborhood or community daily newspapers or periodicals as the CHA Board deems necessary or desirable; and in CHA's own publication regularly distributed to

its tenants. Such publicity shall include notice of the neighborhood and CHA tenant priorities granted by this plan in respect of the dwelling units to be made available. Such publicity shall also include notice of the date as of which CHA's waiting list shall be reopened to new registrants and as of which CHA tenants who are eligible may apply for eventual transfer to such dwelling units. Such date shall be a date not to exceed 10 days after such publicity first appears in the four major Chicago daily newspapers.

(d) CHA's waiting list shall be reopened as of the date fixed and publicized as provided in paragraph (c) above. New registrations, and CHA tenant applications for transfer, shall be accepted by CHA as of such date.

(5) Effect Upon Existing Policies and Procedures

CHA's policies and procedures heretofore in respect of tenant eligibility, selection and assignment are set forth in the Rental and Occupancy provisions of its Policy Manual and the Tenant Selection provisions of its Operating Manual. Such provisions are hereby deemed modified by this tenant assignment plan, as and to the extent required by the provisions hereof; otherwise, they remain in force and effect unless and until further modified. This tenant assignment plan supersedes CHA Board Resolution No. 68-CHA-232 (Tenant Selection and Assignment Plan, being Exhibit B attached to the judgment order).

(6) Effective Date

Subject to further Court order, this tenant assignment plan shall become effective February 1, 1970.

SCHEDULE OF COMMUNITY AREAS

