

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

DOROTHY GAUTREAUX, et al.,	)	
	)	
Plaintiffs,	)	No. 66 C 1459
	)	
v.	)	No. 66 C 1460
	)	
CHICAGO HOUSING AUTHORITY, et	)	(Consolidated)
al., and GEORGE W. ROMNEY,	)	
	)	
Defendants	)	

ANSWER

Defendants City of Chicago and Richard J. Daley, Mayor of the City of Chicago, in answer to the Supplemental Complaint filed in the above cause state: .

1. Defendants admit the allegations of paragraph 1 of the Supplemental Complaint which asserts that Richard J. Daley is the duly elected Mayor of the City of Chicago and possesses certain powers pursuant to the Illinois Revised Statutes.
2. Defendants admit the allegations of paragraph 2 of the Supplemental Complaint which asserts that the named Defendants in paragraph 2 are all

of the duly elected and acting members of the City Council.

3. Defendants admit the allegations of paragraph 3 of the Supplemental Complaint which asserts that the City of Chicago is a Municipal Corporation having a population of more than 500,000 and is governed by the City Council.
4. Defendants admit that on February 10, 1969 this Court entered a memorandum opinion reported at 296 F. Supp. 907.
5. Defendants admit that on July 1, 1969 this Court entered a judgment order reported at 304 F. Supp. 736.
6. Defendants admit that on September 10, 1971, the Court of Appeals for the Circuit Court issued its opinion (448 F 2nd 731), but further answering, Defendants deny each and every other allegation set forth in paragraph 6 of Plaintiffs' Supplemental Complaint.
7. Defendants admit that the matter set forth in paragraph 7 of the Supplemental Complaint is a portion of a judicial order entered on July 1, 1969. (See 304 F. Supp. at 741).

8. Defendants deny the allegations set forth in paragraph 8 of Plaintiffs' Supplemental Complaint for the reason that said allegations are improper conclusions.
9. Defendants admit that pursuant to Chapter 67-1/2 Ill. Rev. Stats. Sec. 9, it is mandatory for the legislative body of the City of Chicago, namely, the City Council, to approve the acquisition of any real property to be acquired by the Chicago Housing Authority. And further answering, the Defendants neither admit nor deny the remaining allegations set forth in said paragraph 9 on the ground that they are without knowledge or information sufficient to form a belief.
10. Defendants admit that from July 1, 1969 until March 5, 1971 the Chicago Housing Authority did not advise the City Council of any real property that it proposed to acquire in accordance with the provisions of Ill. Rev. Stats. Ch. 67-1/2 Par. 9, but further answering, moves the Court to strike the remaining allegations of said paragraph 10 in that they are conclusions.

11. The Defendants admit that on March 1, 1971, an Order was entered directing the Chicago Housing Authority to advise the City Council on or before March 5, 1971 of real property proposed to be acquired by it for the purpose of providing sites for 1500 dwelling units and that on March 5, 1971 the Chicago Housing Authority did so advise the City Council.
12. To the best information and belief of the Defendants, this Court on January 3, 1972 entered an Order directing the Chicago Housing Authority to file certain plans with the Court on or before January 18, 1972, February 2, 1972 and February 17, 1972, and further, that the response of the Chicago Housing Authority is filed in this Court. The defendants do not however admit the truth of the statements contained in the response of the Chicago Housing Authority.
13. The Defendants admit the allegations set forth in paragraph 13 of the Plaintiffs' Supplemental Complaint, and further answering, directs the Court to Defendants' Exhibit A, attached hereto and incorporated herein.

14. Defendants deny the allegations set forth in paragraph 14 of Plaintiffs' Supplemental Complaint and state that said allegations are conclusions and should be stricken.
15. To Defendants best information and belief, this Court entered an Order on January 3, 1972, the contents of which are a part of this record.

ADDITIONAL DEFENSES

16. That pursuant to Ill. Rev. Stat. Chapter 67-1/2 Par. 9, the City Council of the City of Chicago has been vested with the authority to approve sites for the building of low income housing.

A. The City Council of the City of Chicago has on June 4, 18, and 24, 1971 ~~took~~ *taken* action resulting in the approval of 100 sites suitable for 732 units. Of these units, approximately 300 were in the General Public Housing Area; approximately 104 units were located in the Spanish speaking community and approximately 33 units were located in the Lincoln Park Urban Renewal Area.

- B. That the City Council of the City of Chicago has under advisement approximately 1400 units which are pending in the Planning and Housing Committee of the City Council.
- C. That the Planning and Housing Committee of the City Council and its staff have been reviewing the propriety of the said sites.
- D. That the sites for approximately 1500 units as submitted to this Court by the Chicago Housing Authority as "Part II" have been carefully reviewed by the City of Chicago and that in general the site selection procedures of the Chicago Housing Authority in submitting said sites as suitable for public housing are deficient in that many of the sites can not be used for said purposes. (See "Exhibit A" attached hereto and incorporated herein).
- E. That 56 of the said sites for 430 units are contrary to the existing zoning duly established by the City Council of the City of Chicago, pursuant to the Comprehensive Zoning Ordinance duly adopted in 1957; that 39 of the said sites providing

for 264 units are in a business zoned district which would prohibit the building of residential units on the 1st floor; that 16 of the sites providing for 148 units are in a commercial zoned district; that 1 site for 18 units is located in a manufacturing zoned district. In addition to the foregoing deficiencies, several of the sites are inappropriate in that 15 of the sites providing for 55 units are proposed to be built on a side yard which has been duly landscaped by the adjoining owner and utilized in connection with his living structure which would result in an exorbitant acquisition price, since said price must include "damages to the remainder", that 3 of the sites providing for 14 units contain buildings or foundations which have been constructed pursuant to permits recently issued; 25 of the sites providing for 188 units are utilized for parking facilities in connection with adjoining properties, the acquisition of which would impede the conduct of an on-going business.

56
15
3
25
99 sites

- F. That the City of Chicago is in the process of and is continuing to examine the appropriateness of the said sites. (See "Exhibit B" attached hereto and incorporated herein.)
- G. That the Defendants state there are new and appropriate methods to provide housing for low income families who reside in the City of Chicago and the Defendants have been diligently exploring these new concepts and have conducted numerous studies and research in this regard with an end to providing the needed housing at a greater rate and in the most economically prudent manner without causing added relocation problems or added demolition problems and in this regard:

- (1) The Defendants have caused a study to be made which would provide for the immediate construction of 450 units of low income housing in the General Public Housing Area disbursed throughout a "new community"

which would contain a total of approximately 5,000 units. (See "Exhibit C" which is attached hereto and incorporated herein).

- (2) The Defendants have caused a study to be made in the General Housing Area which would provide for approximately 1,000 units of low income housing in a "new community" which would contain a total of approximately 7,000 units. (See "Exhibit D" as filed herewith and incorporated herein).

Accordingly, it is not true as Plaintiffs imply in their Supplemental Complaint that the Defendants have been inactive in providing a solution to the shortage of low income housing in the City of Chicago.

17. That the original restrictive judgment decree of this Court operates to unconstitutionally discriminate against residents of the City of Chicago in that:

- A. There does presently exist in the central areas of the City of Chicago acres of vacant land suitable for the construction of low income housing demanded and

needed by the residents of the respective areas. That the Judgment Order (304 F. Supp. 736) prohibits construction of single family low income housing in these areas thus resulting in unconstitutional discrimination against these residents.

B. That the arbitrary requirement of a one mile buffer zone by order of this Court effectively deprives all Spanish speaking communities of any subsidized low income housing demanded by the residents of those areas.

18. The relief requested by the Supplementary Complaint cannot reasonably produce the result sought by the Plaintiffs; nor, can it achieve the desired goals, sought by all of the litigants, of rapidly increasing the supply of decent integrated low income housing in Chicago, and, also for the same reasons, the original restrictive judgment decree of this Court will not achieve these ends and further the relief requested by the Plaintiff would create additional legal impediments that cannot be resolved by this Court e.g., defective Eminent Domain Procedure, inability to obtain title insurance, the breaching of contractual obligations.

19. The Complaint fails to state a claim upon which relief can be granted in that:

- A. It does not allege facts which if proved would establish that the Defendants are guilty of violating any federal law nor does it request any specific relief against the Defendants.
- B. The Supplemental Complaint in effect prays for relief which would direct a legislative body to exercise its proper and vested legislative discretion contrary to the established concept of "Separation of Power".
- C. The relief that is prayed for would deprive the Defendants of due process of law in that said Defendants were never a party to the original proceedings upon which the Supplemental Complaint is based.

"EXHIBIT A"

"EXHIBIT B"

"EXHIBIT C"

20. The relief is contrary to both the Federal and State Statutory Law in that:

- (1) 42 U.S.C. 1415 requires that the local public body (City Council) approve a Project prior to the financing by H.U.D. of a project for low-income housing, (2) Ill. Rev. Stat., Chapter 67-1/2, Sec. 9, provides that the prior approval by the City Council of the City of Chicago be obtained before the Chicago Housing Authority can commence with the acquisition of real property, (3) That pursuant to the Police power vested in the City Council of the City of Chicago, that Body has the duty and obligation to approve any changes in the zoning laws of the City of Chicago in order to effectuate an orderly development of the City. (Ill. Rev. Stat. Chapter 24, Sec. 11-13-1).

WHEREFORE, Defendants move the Court to strike
the Supplemental Complaint and to dismiss the Defendants
AND/OR alter and amend the Judgment Order of July 1, 1969.
(304 F Supp 736).

CITY OF CHICAGO, A Municipal
Corporation and
RICHARD J. DALEY, Mayor of
the City of Chicago

By RICHARD L. CURRY, Corporation
Counsel

EARL L. NEAL, Special Assistant
Corporation Counsel

WILLIAM R. QUINLAN, Assistant
Corporation Counsel

RICHARD L. CURRY,
Corporation Counsel
City Hall - Room 511
Chicago, Illinois 60602
744-6900

Court
file

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

DOROTHY GAUTREAUX, et al.,)

Plaintiffs,)

v.)

CHICAGO HOUSING AUTHORITY,
et al., and GEORGE W. ROMNEY,)

Defendants.)

No. 66 C 1459

No. 66 C 1460

(Consolidated)

NOTICE

TO: James R. Thompson
United States Attorney
Attn. James Murray, Esq.
219 South Dearborn Street
15th Floor
Chicago, Illinois

Patrick W. O'Brien, Esq.
231 South LaSalle Street
19th Floor
Chicago, Illinois 60604

✓ Alexander Pelikoff
109 N. Dearborn Street
Chicago, Illinois 60602

PLEASE TAKE NOTICE that on February 22, 1972 we filed with the Clerk of the United States District Court for the Northern District of Illinois, 20th Floor, 219 South Dearborn Street, the Answer of the City of Chicago and Richard J. Daley, Mayor of the City of Chicago in the above-cited case, copies of which, together with Exhibits appended thereto, are herewith served upon you.

RICHARD L. CURRY
Corporation Counsel of the City of Chicago
511 City Hall, Chicago, Illinois 60602

CERTIFICATE OF SERVICE

The undersigned, one of the attorneys for the City of Chicago and the Mayor of the City of Chicago, hereby certifies that he caused to be served a copy of the foregoing Notice, together with the Answer and Exhibits thereto referred to therein, upon the persons named in the Notice, at the addresses indicated, by causing copies of the same to be delivered to them this 22nd day of February, 1972.

— Allan N. Lasky —

February 22, 1972

Per agreement with Milt Shadur, this
will be presented by stipulation.