

3/19/79 (21)

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

DOROTHY GAUTREAUX, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	66 C 1459
	)	66 C 1460
PATRICIA R. HARRIS, Secretary of	)	Consolidated
the U. S. Department of Housing	)	
and Urban Development and CHICAGO	)	
HOUSING AUTHORITY, et al,	)	
	)	
Defendants.	)	

To: The HONORABLE JOHN POWERS CROWLEY, Judge,
United States District Court

Plaintiff's motion for additional relief requests the Court not only direct but order the Secretary of Housing and Urban Development to impose clear and positive conditions on disbursement to City of Chicago of its Fourth Application for Community Development Block Grant funds. It is urged these directions are necessary and required as part of HUD's performance under the orders in the above cases. Plaintiff states that HUD's efforts in providing housing for the Gautreaux class under orders in this litigation have been productive of only negligible amounts of remedial housing; that HUD has not exercised its statutory power under its Regulations and under the Housing and Community Development Act of 1974 to compel the City of Chicago, through the Chicago Housing Authority, to provide more housing; that HUD has refused to exercise such power. Each year HUD has approved the applications for housing assistance plans presented by the City for Community Development Block Grant Program funds. The Secretary has previously admonished the City for its performance under the plans it had presented - among these criticisms being the lack of use by CHA of the fund reservation existent since 1971 of 1200 units of traditional public housing.

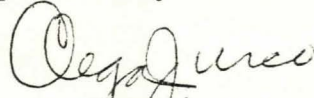
Arguments of the plaintiff, City of Chicago and HUD have been succinctly presented in well-written briefs. The delineation by plaintiff of HUD's admonishments to the City is presented as indicative of HUD's lack of aggressiveness to insure compliance by the City of Chicago.

The goal of the Community Development Block Grant Programs is to provide decent housing, suitable living environment, expand opportunities for persons of low and moderate income and increase the diversity and vitality of neighborhoods for persons of lower income. HUD is required to evaluate the Housing Assistance Plans presented for funding and to consider the applicant's past performance.

Although it is lamentable that housing progress by HUD and CHA under the Gautreaux orders has been discouragingly minimal, to restrict the responsibility of HUD under the Community Development Block Grant Program to performance of its role as a defendant in this case will encumber a program which is comprehensive in nature, encompassing myriad aspects of community development and will affect its impact on other members of the community involved in Community Development Block Grant and Housing Assistance Plans. See Gautreaux v. Romney, 457 F.2d 124 (7th Cir. 1972) with respect to Model Cities funds granted to the City of Chicago in this litigation. In addition, it is clear that the effect and purpose of the plaintiff's motion mandates a review of the disbursement judgment of HUD. Such review entails the application of judicial review standards on an abuse of discretion claim and is not properly before this Court.

It is recommended that the Court deny the motion for additional relief sought against the defendant HUD.

Respectfully submitted,



OLGA JURCO,
United States Magistrate

March 19, 1979

cc: Alexander Polikoff, Esquire
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Daniel C. Murray, Esquire
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