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

DOROTHY GAUTREAUX, et al..)

v.)

CHICAGO HOUSING AUTHORITY, and)
GEORGE W. ROMNEY, SECRETARY OF)
DEPARTMENT OF HOUSING AND URBAN)
DEVELOPMENT, et al.)

66 C 1459

66 C 1460

(Consolidated)

TO: The Honorable JOHN POWERS CROWLEY, Judge
United States District Court

FINAL REPORT AND RECOMMENDATIONS OF
MAGISTRATE OLGA JURCO

The Special Master began hearings on March 5, 1975, under a Reference Order of Judge Richard B. Austin of November, 1974. Approximately 68 sessions were held in the more than 4 years the reference order has been in effect. By agreement of the parties, each session was tape recorded in order to eliminate attendant court report costs.

The object of such hearings were, as directed by the district judge, "to pinpoint responsibility for defendants' apparent lack of diligence and to develop methods for achieving compliance with my orders." In reaching that objective, the Master was directed to "study and review existing patterns of racial segregation in Chicago Public

① Reference Order + CCA opinion
② Bathe order
③ Bathe report

Housing;" (2) "to determine and identify precise causes for the five-year delay in implementing my judgment orders;" and (3) "to recommend a plan of action that will expedite the realization of my various orders and judgments."

Within the parameters of such direction, however, Judge Austin declared that

"In so doing, the Master shall not be limited to determining whether HUD and CHA have employed their 'best efforts,' but shall examine all possibilities to expedite the mandate of this Court that the supply of dwelling units in Chicago shall be increased as rapidly as possible, including, without limitation, utilization of new housing programs established by the Housing and Community Act of 1974."
384 F.Supp. 37 (1974)

The responsibility given was subsequently interpreted by the Court of Appeals and served to describe the scope and format for the Special Master Report to the District Court. 511 F.2d 82 (1975). The Court stated that the Terms of the Reference Order neither require "the Master to make findings of fact and conclusions of law" nor "contemplated or will result in determination by the Master which will bind or prejudice the rights of CHA." As the Court declared: "It can well be argued that the proceeding before the Master is limited to preliminary inquiry and the result to recommendations as to steps the Court itself might consider initiating."

In the years since 1969 when CHA was ordered to provide dispersed public housing in a minimum of 700 dwelling units in the General Public Housing Area for plaintiff class and to eliminate "past patterns of residential separation of the races" effected by CHA through "unconstitutional site selection and tenant assignment procedures" and ordered to "use its best efforts to increase the supply of dwelling units as rapidly as possible" to meet that end, that goal continues to echo over a partially filled void. 304 F.Supp. 736. By order of Judge Austin on July 20, 1970, [(see 436 F.2d 306)] CHA was ordered to present to the Chicago City Council for authority to acquire 260 sites for construction of approximately 1500 dwelling units in the City of Chicago and also "to take all steps necessary to that end, including making allocations of federal funds and carrying out all necessary planning and development."

The defendant HUD was declared by the Court of Appeals to have violated the due process clause of the Fifth Amendment and Section 60(k) of the Civil Rights Act of 1964 by knowing approval and acquiescence in funding to CHA of moneys used to construct segregated public housing [Gautreaux v. Romney, 448 F.2d 731 (1971)]. Judge Austin, on September 11, 1973, in the context of determining the

area of metropolitan relief, ordered that HUD "shall use their best efforts to cooperate with CHA in its efforts to increase the supply of dwelling units. . ." 363 F.Supp. 690, 691.

The past four years of sessions can be best described as "monitoring" sessions testing the incentive and resultant means to achieve CHA public housing progress to "increase the supply of dwelling units" to Gautreaux plaintiffs primarily in the General Public Housing Area.

In point of fact, not much greater tangible progress to more public housing has been made in these years before the Special Master than the five years and four months while the cause was before the District Court. It is, however, also the fact that a broader range of exploration to achieve the goals of the court order were commenced and remain in progress.

In seeking a rational terminus to the Special Master's "preliminary investigation," two events have occurred which logically appear to call for a final evaluation to be made of the three directives of the Reference Order.

First, with the Court's approval, an urban consultant, Mr. Richard F. Babcock, was employed September 15, 1978, to consult with the Special Master, and assist in the purposes of the Reference Order. The court order required the urban consultant to state his conclusions and recommendations

to the Special Master in six specified areas. The Report of the urban consultant was presented to the Special Master on March 15, 1979.

Second, on May 18, 1979, the Court approved and adopted an order wherein CHA sought an exception to the basic July 1, 1969 order which will provide 2233 dwelling units in the City of Chicago consisting of 537 HUD repossessed homes to be acquired by CHA (a previous effort along these lines had been presented by CHA during the reference); 886 dwelling units of elderly housing; and 800 family unit dwellings of new construction and rehabilitation to be equally divided, 400 in the General Public Housing Area and 400 in the Limited Public Housing Area (a previous effort by CHA for a one-on-one GPH and LPH rehabilitation program was presented during the reference). All progress to date in sessions before the Special Master, minimal as it is, appears now to be coalesced into the May 1979 order because CHA states it has no additional moneys than those HUD has provided for the May 1979 program and further that its efforts must now be primarily directed to completing the May 1969 program. The HUD funds made available to CHA were from a CHA 1969 fund reservation for the original 1500 dwelling units and a CHA fund allocation for 1979.

Recognizing that the parties' efforts, work and time consumed are difficult to perceive when encompassed into a capsulized review and the need to omit many of the problems discussed, argued and ordered, it nevertheless seems appropriate to review the activity for the purposes of this Report.

The record establishes that CHA presently has ownership of 31 sites (one of these is in the buffer zone of Census Tract 316 and one in Uptown) which are suitable for construction of 86 dwelling units to be contained in 18 single family residences, 10 two-flat building, 2 three-flat buildings, and 7 six-unit buildings. (CHA Report No. 31, March 1979 per order of April 16, 1971). Construction was ordered to proceed on one Census Tract 316 site.

In December 1975, CHA submitted 420 vacant sites for HUD appraisal and environmental review (some of these were sites procured through a 1975 Mid-America survey). Of these 420, 209 were approved and appraised by HUD and of these 209 CHA approved 187 sites (600 dwelling units) for acquisition; title searches were ordered. Of these 187 sites, the 31 sites above referred to were acquired; the balance of 156 remain "in limbo." An additional 172 sites (500 dwelling units) were appraised by HUD, but CHA refused to acquire title to these because of construction cost limits. CHA was

ordered to proceed with title searches on 112 1/2 sites. Of these 112 1/2 sites, 102 1/2 sites according to CHA, remain approvable for low-income housing as follows: 89 1/2 for either single residence or two-flat; 6 sites suitable for six-flat; 7 sites suitable for three-flat. In 1977, CHA was ordered to acquire all sites it determined would be suitable for development of six-flat construction and any additional sites suitable for two-to-three-flat construction which could be packaged to meet HUD cost prototypes. In 1978, CHA approved acquisition of 6 sites for six-flat dwelling units.

With the conclusion in September 1975 of the Mid-America survey confined to the General Public Housing Area, CHA conceded that suitable vacant residential sites would not equal the 1233 dwelling units remaining under the 1969 Judgment Order. The survey covered 3727 vacant residentially zoned lots in the General Public Housing Area; only 233 sites were deemed by CHA to meet developmental criteria - or 6% of total. Some 2311 were found to be sideyards. Of the 2311 sideyards, CHA determined 73 sites belonged to non-adjacent owners and thus had potential acquirability and 25 were later determined by CHA to be approvable for site acquisition. CHA found unsuitable for developmental purposes 1911 of the 3727.

By the conclusion of the Mid-America survey, it became clear that the goal of 1233 housing units or the 700 General Public Housing Area dwelling units would not be available through the residential survey and consideration was given to the potential existent in vacant and abandoned business, commercial and industrial sites. That survey was suggested in September 1975 and CHA requested the Department of Planning and Development which was engaged in a comprehensive rezoning study to locate and select sites for CHA review. A completed report from Mr. Murphy, Department Planning and Development, was received March 16, 1979. That survey identified 30 sites for potential residential rezoning and 39 additional sites with a marginal potential for rezoning. In March 1978, CHA reported that the list of 30 sites disclosed December 1978, yielded only 11 sites deemed suitable for development of housing. CHA requested the Department of Development and Planning to take necessary action to have these sites rezoned for residential use as soon as possible rather than wait for a comprehensive rezoning of the entire city. Of the 30, 15 sites were deleted from consideration because not suitable for construction of a six-flat and 4 sites were deleted because they were in the buffer zone of Census Tract 316. CHA has, to date, sent 7 sites with a potential of 81 dwelling units

to HUD for its environmental and appraisal review. Thereafter, CHA states an owner option will be sought subject to rezoning. It was represented that such a rezoning will be sought by CHA. The mechanics for rezoning application remains a continuing problem.

On May 20, 1977, CHA submitted a map which would identify areas within the General Public Housing Area where CHA determines it has statutory authority under "slum and blighted area" authority to acquire properties and then rehabilitate through use of federal funds. In November 1977, CHA was directed to prepare a written proposal for an acquisition program for existing buildings in need of rehabilitation. CHA submitted a proposal in April 1977 for acquisition of HUD vacant and abandoned properties; such proposal was deemed an insufficient effort in that most of said housing was located in Limited Public Housing Area.

In February 1978, CHA wrote a letter of intent to HUD requesting a program reservation for 200 dwelling units for rehabilitation purposes. In 1979, 22 buildings (75 dwelling units) were deemed suitable for rehabilitation and leasing as low rent housing and were sent to HUD for environmental clearance and appraisal. HUD reported it was able to obtain entry into only 7 of the buildings. CHA has sent offering letters to owners of these seven. No building has been

acquired to date. CHA reports there exists another potential of 19 buildings which are under review. CHA has limited its interest to rehabilitable buildings, which are not over three-story height, and which could produce 3-4 bedroom dwelling units within HUD cost limits for rehabilitation.

In January 1978, CHA submitted a plan encompassing new construction and rehabilitation in slum and blighted areas to be developed in the GPH and LPH on a one-to-one basis whereby CHA would acquire vacant buildings or sites to accommodate 6 or more units, and would use an inventory compiled by HUD vacant and abandoned buildings, community resource agencies, including private lending institutions, real estate boards, community groups, and its own site and building inventory. Because such a putative plan was not accompanied by precise detail and would be a diversion from GPH area emphasis, it was not encouraged at that time.

In September 1978, plaintiffs called to attention of the Master, an existent list of properties given to the City of Chicago prepared by the Department of Development and Planning. Said listing of properties was made available to plaintiffs and CHA was to review suitability in connection with the on-going programs. The list identified 1372 vacant lots, of which 148 were in the General Public Housing Area having a potential of 4000 dwelling units situated in

Uptown (43 sites), Logan Square (45 sites), and Edgewater (60 sites). It was reported in December 1978, that 35 of the 148 vacant sites were receiving serious consideration. CHA review stated that 3 sites would accommodate buildings in excess of the Gautreaux Order limits of three stories and would not be considered. Deleted from consideration also were 100 sites located in high-density areas because of high acquisition costs. In the City of Chicago list there were a total of 96 vacant buildings. Two buildings (6 dwelling units each) in Census Tract 316 were also deleted from CHA consideration because the tract was reaching the 30% non-white population limit. Buildings over three stories were rejected for rehabilitation due to the Gautreaux prohibition of housing families beyond the third floor. CHA review of developed properties resulted in 8 buildings for some 105 dwelling units which were to be inspected and owner communication would be established.

CHA has used Section 8 Housing Assistance Funds for rent subsidies to place Gautreaux class into leased housing but has not used or applied for Section 8 new construction of public housing. In November 1975, it received Section 8 funds for rent subsidies for 571 units which were divided 343 into family units and the balance of 228 units for

elderly. Some eighteen months transpired before these units were fully leased and in February 1978, CHA reported that all family units were leased with approximately 139 to the Gautreaux class and 204 to new applicants. CHA has adhered in its leasing programs to place 3 leases for family units in GPH before it proceeds to lease 2 in the LPH. In September 1976, CHA again applied for Section 8 leasing funds on 875 family units and as of July 1979, approximately 874 units were leased with Gautreaux class occupancy in 283 of the family units and 591 new applicants. In April 1979, CHA applied for Section 8 rent subsidy funds for 782 family units. The application was granted in July 1979.

In connection with CHA self-imposed limit to build or rehabilitate housing which would provide 3 to 4 bedroom family units, CHA was directed to provide and is presently completing a tenant analysis to show need for 3 or 4 bedroom family units. During the course of the hearings before the Special Master in 1978, CHA had represented that it would be seeking a revision of the 60/40% ratio on Section 8 leasing to permit more frequent leasing in the Limited Public Housing Area because its experience has shown that tenants have expressed a desire to remain in their neighborhoods in lieu of moving into GPH. This putative suggestion was not pursued.

CHA had also been directed to seek the cooperation of local housing authorities in the Chicago Metropolitan Area. In 1976, letters were mailed by CHA urging them to enter into an agreement with CHA to construct housing within their jurisdictions to be made available on an equal basis to local residents and CHA Gautreaux applicants and tenants. These local housing authorities would have available to them for such housing funds which had been reserved by HUD and CHA. Only one local housing authority responded indicating interest in such a program. All other housing authorities declined the opportunity or expressed no interest. The one local housing authority expressing interest, after there had been an approval of an agreement with CHA, ultimately rescinded such agreement.

The above and foregoing are the basic activities which in their progress have taken more than four years before the Special Master. The activities of HUD have not been here similarly detailed because there has been HUD involvement in subsidized housing not only in Chicago but throughout the Metropolitan area. HUD has regularly made federal funds available in the administration and operation of Section 8 new construction and rehabilitation, and made such availa-

bility known to both the public and private sector developers through publication. That funding was conditioned by the requirement that occupancy in any such housing be made available by developers to Gautreaux class plaintiffs. HUD and plaintiff agreed and it was ordered, that the dispersal of Section 8 housing in City of Chicago be on a 60/40 (60% GPH - 40% LPH) ratio rather than the 75/25 ratio contained in the 1969 Judgment Order. HUD has also, through funding under the 1974 Housing Act, made funding available to the Illinois Housing Development Authority on the condition that housing therein be made available to Gautreaux class members. New construction funds have also been used by private developers. Three modifications of the 1969 Judgment Order were sought by HUD and approved by the Court to permit construction to proceed in the Limited Housing areas.

In connection with HUD involvement with CHA site selection, the duty of HUD to review CHA submitted sites for environmental impact and value appraisal has resulted in eliminating cumbersome procedures formerly followed.

The foregoing summary of effort in the past four years is indicative that at long last, CHA has accepted the

finality of the course of conduct it must follow.

Statistics are the tangible measurement of accomplishment and while they do not disclose the effort expended to generate them, I cannot equate the performance of CHA as that of a forceful and aggressive actor in the progress made. I cannot overlook the urban consultant's disclosure that in the same four years of hearings before me, CHA has built some 4131 units of housing for elderly of which 875 were built in essentially white neighborhoods. An evaluation of CHA efforts in four years before me to achieve the 1969 Judgment Order goals have been expertly diagnosed by the urban consultant in his Report.

The precise causes of existent delay and the responsibility of CHA with regard thereto have been encompassed in part in a five-point directive to the urban consultant for his conclusions and recommendations. In addition, he was directed to explore whether CHA should take other action to increase the pace of remedial housing. As to each of the first five points, the urban consultant has concluded that CHA had not "taken all practicable steps" (1) in identifying all residentially zoned land suitable for development of remedial housing, (2) in acquiring such

identified land, (3) in packaging projects, soliciting construction bids, and proposing sufficiently large projects to maximize the possibility of complying the HUD construction cost limits, (4) to submit proposals under Article X of the 1969 Judgment Order, and (5) to implement its acquisition program.

R From the previous recitation of proceedings before me, I concur and adopt the conclusions of the urban consultant. CHA site search and acquisition have neither been efficient nor vigorous and therefore not numerically productive. His recommendation that there be a re-evaluation of existent sideyards inventory and a review of large sites (Ex. D, pp. 31-32) in the General Public Housing Area is also accepted and recommended by me to the Court. Exclusion of sideyards because the adjacent site is owner-occupied should cease and new vacant site search should not be so limited. CHA should also conduct new site surveys in the Limited Public Housing Areas with the likely use of Article X modification of the 1969 Judgment Order. The urban consultant found CHA site records incomplete and not current. CHA must presently and in the future maintain statistically accurate lists of the number of sites, not only of these in which it

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R has title, but of all sites which are progressing to consideration for acquisition. Such records should list each site, size, location, present status in connection with CHA review as well as HUD review, include dates on which action sought by the Board of Commissioners, and result thereof. To insure a continuity of search for identifiable sites, CHA should add more personnel and develop a specialized segment thereof with expertise to keep abreast of availability of vacant sites and potential buildings in the same manner and efficiency as a private developer of real estate would do. Report of Urban Consultant, p. 11.

R In addition, CHA should develop pragmatic and sure approaches to speed up owner identity, owner communication, formulation of contractual means to secure CHA commitment for site acquisition, and more frequent use of condemnation procedures where owner access and agreement are not successful, as well as use of contingent contracts where rezoning effort on business, commercial and industrial sites is being made by CHA. Report of Urban Consultant, pp. 27, 22.

Other causes for delay have been interwoven in two problems recurring in the past four years. These causes are attributable to factors not completely within the control of CHA or HUD, but which as noted by the urban consultant, should have been anticipated by them and must be prepared for in the future because they continue. One of these is the vagary of economic forces, i. e., the inflationary spiral with its concurrent impact on value of real estate (affecting CHA financial means to acquire land and buildings since such are not HUD funded) and concurrent impact on construction costs compounded by CHA scattered site construction. Serious consideration and overview was given last year by HUD, after CHA inability to attract construction bids within HUD prototype limits, to alleviate that deterrent to remedial housing. In June 1979, HUD prototype construction cost limits were raised approximately 50%. Economic uncertainty for the future mandates a positive and continuing review by both CHA and HUD of construction costs, in order to curtail delay on sites which CHA has presented a "package" for construction with an accompanying contractor's bid. Further, as had been often expressed by CHA, but only once used, and as the urban consultant recommends, CHA must use a mix of elderly and family unit buildings to effect construction bids which will remain within HUD prototype limits. If the May 18, 1979 Order is

the first beginning after ten years to use such a package combination, it must be used more frequently in the future. Report of the urban consultant, p. 32.

Another recurring problem is attributable to the shift of minority population into the General Public Housing Areas, such as was evident in relation to Census Tract 316 and its effect on the one-mile buffer zone area. The result of the 1980 Census will in due course set to rest the need for piecemeal evaluations of certain geographical areas in the General Public Housing Area in order to maintain the provisions of the 1969 Judgment Order. It is my conclusion that CHA reluctance to proceed in such areas except under order to do so is warranted. However, non-action by CHA either on site identification or acquisition or construction should not be self-evaluative. In other words, CHA internal exercise of judgment in continuing site identification must cease and use of the Court for ultimate determination must be made.

Permeating the Report of the urban consultant and the proceedings before the Special Master has been CHA adherence to the concept expressed in Article IV(C) of the 1969 Judgment Order that "no dwelling units shall be provided above the third story in any structure except for families without children" and its rejection by non-action of the

concept expressed in that Judgment Order Article IV(A) permitting public housing "supplying dwelling units designed for occupancy by no more than 120 persons." CHA in its internal judgmental exercise has limited its acquisition to sites which will accommodate no more than three story buildings and acquisition of buildings suitable for rehabilitation limited to three stories in height. Such limitation also plays a part in higher construction costs. The CHA tenant analysis which has been in progress for several months and will be a factor in determining the rightness of CHA decision that greater need exists for three and four bedroom family units than it does for families of smaller size who can be housed in one and two bedroom family units. As does the urban consultant, I concur in the primary emphasis of CHA in providing remedial housing for families with children and thus a need to provide three or four bedroom units. However, after a delay of more than four years, there has been a failure to meet those needs, let alone to substantiate that they exist in larger numbers than other members of the plaintiff class. I agree and adopt the recommendation of the urban consultant that CHA must explore imaginatively the maximum 120 person housing for the plaintiff class. I do not however believe that such consideration should extend to CHA rehabilitation

program whereby CHA has rejected buildings over three stories in height and excluded buildings which contain "hotel-type units" which increase cost of rehabilitation. This departure from the urban consultant's recommendation stems from my decision subject to Court review that CHA authority is confined to slum and blighted areas. In that climate, the Gautreaux class needs must have a more limited approach.

Some doubt has been cast by the urban consultant on three CHA areas designated slum and blighted which leads to his conclusion that CHA "procedures to identify slum and blighted areas is a complete failure." Report of urban consultant, p. 49. However, CHA screening of blocks in the General Public Housing Area was done with a nine-point criteria to be applied in an overview of buildings rather than specific geographical location and any block with a point total in excess of 20 would be preliminarily identified as deteriorated or deteriorating or possible slum and blighted area. (CHA letter of July 11, 1977 to Magistrate Jurco.)

The urban consultant recommends and I agree and adopt such recommendation, that CHA use Article X of 1969 Judgment Order; that its site search move into the Limited Housing Area with a concomitant approach in the General Public Housing Area; and that it use HUD repossessed properties.

in its rehabilitation program. Until the May 18, 1979 Court Order, CHA has never used the provisions of Article X of the 1969 Judgment Order to present relevant information for its modification to permit proposed developments designed by CHA alone or in combination with other private or public agencies "to achieve the results consistent with this order."

The phrase "best efforts" has been often repeated. It means effort of the highest quality and effort most suitable to achieve success; and the phrase "as rapidly as possible" means happening speedily. Like the phrase "with all deliberate speed" used twenty-five years ago as a mandate from the Supreme Court of the United States in Brown v. Board of Education, 347 U.S. 483 (1954), the phrases defy precise measurement. The prevalent deterrent to CHA performance has been a reluctance to relinquish application of self-imposed criteria in the exercise of its judgment of what it concludes to be suitable remedial housing for plaintiff class as well as an inefficient bureaucratic operation. It is my opinion that CHA's restrained judgment has inhibited the flow of site and building availability by not using the highest quality of effort to date to supply housing "as rapidly as possible" for plaintiff class. I do not, however, recommend that CHA be ordered to use a nominee or other agent

✓ in securing appropriate real estate or buildings; nor do I recommend that a receiver be appointed at this time to carry out the 1969 Judgment Order. CHA action in the past four years is not attributable to abdication of responsibility or to studied disobedience of Judge Austin's directive. CHA now has the meaningful critique of the expert urban consultant and has the recommendations now being made to the Court.

CONCLUSION

R I adopt the following recommendations of the urban consultant and recommend to the District Court that the following positive steps be taken by CHA:

(1) Employ additional personnel having real estate expertise whose exclusive and sole responsibility will be to keep current on land site and building availability through all available sources and initiate and follow through all stages of inquiry and investigation in connection therewith. Further, that CHA keep and maintain a clear and precisely-detailed inventory of all sites and buildings examined in such fashion as to make total information readily accessible and retrievable on proper inquiry.

(2) Improve procedures for owner identification,

communication, and negotiations and use all methods to achieve site and building acquisition, including initiation of rezoning ordinances, use of contingent contracts, and condemnation where owners cannot be found or where negotiation fails.

(3) Reconsideration for acquisition of available "sideyard" sites in Mid-America Survey rejected because of owner-occupied adjacent property and not to apply such restriction in any on-going or future residential land survey.

(4) Conduct new vacant site survey in General Public Housing Area.

(5) Conduct on-going habitable building surveys to assure adequate inventory of buildings suitable for rehabilitation.

(6) To affirmatively expand its land acquisition and programs for development of public housing to effect a full utilization of housing for occupancy by the maximum number of persons permitted by Article IV(A) of the July 1, 1969 Judgment Order and in preparation of programs for development of new construction and acquisition with rehabilitation include a mix of elderly and family units as may from time to time be authorized by the Department of Housing and Urban

Development or by the Court.

(7) CHA and HUD shall conduct annual review of construction cost prototype limits.

(8) CHA shall actively prepare and apply for HUD housing assistance funds which will be available in 1980 and each year thereafter. At the last hearing, it was disclosed that CHA had declined HUD annual notice of availability of funds in 1977. CHA states that its non-use of this fund availability was due to its prior 1969 fund reservation and HUD prototype costs. CHA also declined use of 1978 HUD funds for the reason it was limited to family units. It had requested modification of the allocation to permit 50 per cent to be used for elderly housing which was denied by HUD. CHA received a 1978 fund reservation for 200 public housing units for rehabilitation and has presently applied for funding under Section 8 for 459 units for rehabilitation. HUD approval rests upon the evaluation of CHA past performance under present programs in developing family unit housing. With the evinced enthusiasm of CHA in performance for the program under the May 1969 Order, CHA must keep, as plaintiffs urge, "a pipeline of annual funds flowing to it." The cost of site and building acquisition are not so funded. However,

CHA should use an available method of "preliminary loan" from HUD or any other fund-productive method to insure that acquisition of real estate and buildings continues above and beyond the May 1979 program.

(9) Because of CHA's expressed single purpose to channel its efforts into realization of the May 1979 Order, CHA is directed to continue apart from that Order in continuing the process to select and screen sites and buildings and to present programs for development and construction.

The Special Master remains subject to any future directive from the District Court in performance of further functions which the Court deems necessary to implement the Orders of the Court.

Respectfully submitted,

August 31, 1979

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United States Magistrate

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