

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

29
10/22/79

Name of Presiding Judge, Honorable John Powers Crowley

Cause No. No. 66 C 1459

Date October 22, 1979

66 C 1460

Title of Cause GAUTREAUX, et al. v. CHICAGO HOUSING AUTHORITY, et al.

Brief Statement
of Motion

The rules of this court require counsel to furnish the names of all parties entitled to notice of the entry of an order and the names and addresses of their attorneys. Please do this immediately below. (separate lists may be appended).

Names and
Addresses of
moving counsel

Representing

Names and
Addresses of
other counsel
entitled to
notice and names
of parties they
represent.

Reserve space below for notations by minute clerk

Plaintiffs' motion to reconsider is granted. The

parties are directed to draw up a joint proposal for

implementation of this relief to be submitted to the

Court for final approval. (DRAFT)

Hand this memorandum to the Clerk.

Counsel will not rise to address the Court until motion has been called.

29
10/22/79

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

DOROTHY GAUTREAUX, et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	NO. 66 C 1459
	)	66 C 1460
CHICAGO HOUSING AUTHORITY,	)	(consolidated)
and GEORGE W. ROMNEY,	)	
SECRETARY OF DEPARTMENT	)	
OF HOUSING AND URBAN	)	
DEVELOPMENT, et al.,	)	
	)	
Defendants.	)	

MEMORANDUM OPINION AND ORDER

John Powers Crowley, District Judge

On March 30, 1979, this Court denied plaintiffs' motion for further relief. We held that an injunction against HUD which would preclude distribution of funds under the City of Chicago's fourth year Community Development Block Grant Program (CDBG) was too broad a remedy and therefore inappropriate. Before the Court at this time is plaintiffs' motion to reconsider.

It was never the Court's intention to rule out the possibility of any and all relief. Rather, the underlying basis of the March 30 ruling was an apparent misapprehension as to the scope of relief sought by plaintiffs. As we

indicated on March 30, the ten years since the original remedial order in this case has seen little, if any, compliance with that order or any of the numerous subsequent orders and agreements with the significant exception of the order of May 18, 1979. It is apparent that unless the last ten years is to be reduced to an exercise in judicial futility, the Court must exercise its broad equity powers to assure compliance with prior orders. The inadequacy of CHA, according to plaintiffs, is exacerbated and even encouraged by HUD's refusal to exercise its power to require the City to provide more remedial housing.

Plaintiffs ask this Court to enjoin HUD from wholesale distribution of CDBG funds unless and until HUD imposes specific enforceable conditions on the City that will facilitate the development of remedial public housing.

Contrary to the Court's earlier understanding, plaintiffs do not propose that the entire fourth year CDBG grant be enjoined. Rather, plaintiffs merely request that the approval of the grant be subject to specific conditions pertaining to public housing. If, and only if, the City fails to fulfill those conditions will funds be enjoined.

Further, specific and designated amounts of the grant, rather than the entire grant, would be subject to these terms. Plaintiffs' request is consistent with the approach HUD has taken in the approval of grants for other cities. Appendix A, Plaintiffs' Reply Memorandum, filed November 13, 1978.

It is clear that "a district court's equitable powers to remedy past wrong is broad, for breadth and flexibility are inherent in equitable remedies." Swan v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1, 15 (1971).

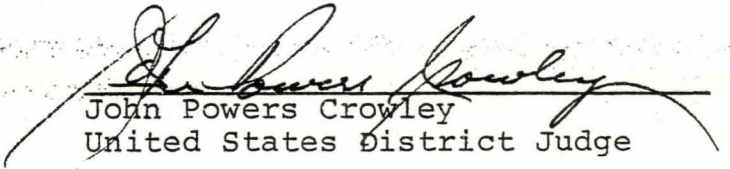
Formulation of equitable relief is vested with the sound discretion of the trial judge and should be designed so that the remedy is "commensurate with the violation to be repaired." Hills v. Gautreaux, 425 U.S. 284, 295 (1975). Moreover there must be sufficient nexus between the relief and the wrong to be remedied. United States v. City of Chicago, 549 F. 2d 115 (7th Cir., 1977), cert. denied, 434 U.S. 829 (1977).

Preliminarily we must keep in mind that HUD has been found to be equally culpable, along with the City and CHA, of deliberately perpetuating segregated housing. Gautreaux v. Romney, 448 F. 2d 731 (7th Cir., 1971). It is therefore

equally incumbent upon HUD to use every available method to comply with court orders and to provide remedial housing for the plaintiff class. One such method, which HUD has employed in other cities, is to condition the approval of CDBG grant requests on fulfillment of specific terms pertaining to public housing. Given that HUD is under an affirmative duty to take all practicable steps to provide such housing, its failure to use this authority in this case is unexplained.

Further, while only part of the CDBG grant is specifically earmarked for housing, plaintiffs have correctly pointed out that all activities under the Housing and Community Development Act of 1974 are to be coordinated and undertaken on a unified basis. In light of the legislative purpose behind the grant, I incorrectly characterized those portions of the grant request not specifically designated as related to housing as "untainted" by defendants' discrimination. Indeed the housing practices of defendants must necessarily have a substantial adverse impact on all facets of the urban and community programs covered by the grant.

Therefore, plaintiffs' motion to reconsider is granted.
The parties are directed to draw up a joint proposal for
implementation of this relief to be submitted to the Court
for final approval.


John Powers Crowley
United States District Judge

DATED: October 22, 1979.

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FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

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	)	
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	)	
vs.	)	NO. 66 C 1459
	)	66 C 1460
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SECRETARY OF DEPARTMENT	)	
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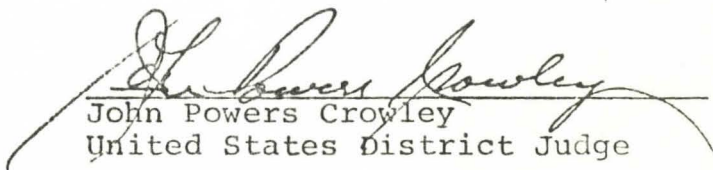
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Therefore, plaintiffs' motion to reconsider is granted.
The parties are directed to draw up a joint proposal for
implementation of this relief to be submitted to the Court
for final approval.


John Powers Crowley
United States District Judge

DATED: October 24, 1979.