

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

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OCT 20 1997

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

DOROTHY GAUTREAUX, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 66 C 1459
	)	Chief Judge Aspen
CHICAGO HOUSING AUTHORITY,	)	
	)	
Defendant.	)	

**RESPONSE OF THE UNITED STATES DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT TO CHICAGO HOUSING AUTHORITY'S
EMERGENCY MOTION TO CLARIFY INJUNCTION**

On September 30, 1997, the Chicago Housing Authority ("CHA") filed an emergency motion requesting clarification of the 1969 remedial order entered against CHA. For the reasons set forth in its supporting memorandum, CHA sought confirmation that the 1969 order does not govern CHA's HOPE VI funding and programs and that such funding and programs are not part of the remedial relief granted to plaintiffs in this case.

CHA alleges that the emergency was caused by HUD's inclusion of a requirement for court approval in its September 18, 1997 letter approving CHA's revised Revitalization Plan and Budget for the Cabrini-Green HOPE VI/Urban Demonstration Program. That letter stated "that within 30 days of the date of this letter, CHA provide evidence that the [Gautreaux] plaintiffs and Court ... have approved or have no objection to the development/acquisition of replacement public housing in the quantities and locations proposed in the HOPE VI Revitalization Plan". See Exhibit A, Declaration of Kevin Marchman, ¶¶ 1&2.

The stated requirement did not, and was not intended, to reflect any independent determination by HUD that CHA's HOPE VI program was covered by the 1969 judgment order. Rather the purpose of the quoted passage was to insure that CHA promptly obtained plaintiffs' agreement to the Authority's understanding of the Order or alternatively obtain appropriate clarification from the court. Exhibit A, ¶ 3.

HUD believes that CHA presents substantial arguments raising serious question as to whether the 1969 judgment order governs HOPE VI funding and programs and whether the court intended its remedial order to encompass HOPE VI funding and programs. HUD has a strong interest in insuring that the Cabrini-Green HOPE VI/Urban Demonstration Program proceeds promptly and that this implementation not conflict with the judgment order entered against the CHA in this case. To that extent, HUD supports CHA's motion for clarification of the 1969 judgment order.

Respectfully submitted,

SCOTT R. LASSAR
United States Attorney

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
Eastern Division

DOROTHY GAUTREAUX, et al.	)	
	)	
Plaintiffs	)	
	)	
v.	)	NO. 66 C 1459
	)	
	)	
CHICAGO HOUSING AUTHORITY	)	
	)	
Defendant	)	

DECLARATION OF KEVIN MARCHMAN

I, Kevin Marchman, the Acting Assistant Secretary for Public and Indian Housing of the United States Department of Housing and Urban Development hereby declare under penalty of perjury, based upon my personal knowledge and information provided to me by my staff:

1. My Deputy Assistant Secretary for Public Housing Investments, Elinor R. Bacon, issued a September 18, 1997 letter approving the Chicago Housing Authority's (CHA) Revitalization Plan and Budget for the Cabrini-Green HOPE VI/Urban Demonstration Program. I have been advised that this letter is referenced in paragraph 7 of CHA's Emergency Motion To Clarify Injunction.

2. The letter contains a requirement that by October 18, 1997, "CHA provide evidence that the Plaintiffs and the Court in the Dorothy Gautreaux, et al., case have approved or have no objection to the development/acquisition of replacement public housing in the quantities and locations proposed in the HOPE VI Revitalization Plan."



3. That requirement does not reflect any independent determination by the Office of Public and Indian Housing that the HOPE VI program was covered by CHA's judgment order. It has been my understanding that the CHA believed that the HOPE VI program is excluded from that order. The purpose of the requirement was to insure that CHA promptly obtain the plaintiffs' agreement to that position or to seek a clarification from the Court. HUD has an interest in insuring that the Cabrini HOPE VI program be able to proceed promptly and that it not conflict with the CHA's judgment order.



Kevin Marchman
Acting Assistant Secretary for
Public and Indian Housing
U.S. Department of Housing and
Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

Executed on: OCT 14 1997

AFFIDAVIT OF MAILING

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

MARY ANNE MARTIN being first duly sworn on oath deposes and says that she is employed in the Office of the United States Attorney for the Northern District of Illinois; that on the 20th day of October 1997, she placed a copy of RESPONSE OF THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO CHICAGO HOUSING AUTHORITY'S EMERGENCY MOTION TO CLARIFY INJUNCTION in a postage prepaid envelope addressed to each of the following named individual(s) and caused each envelope to be deposited in the United States mail chute located in the Everett McKinley Darken Building, Chicago, Illinois on said date at the hour of 5:00 p.m.

To: See Attached Service List

Mary Anne Martin
SUBSCRIBED AND SWORN TO before
me this 20th day of October, 1997

Catherine A. Manahan

NOTARY PUBLIC

My Commission Expires



SERVICE LIST

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