

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DOROTHY GAUTREAUX, et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	No. 66 C 1459
	)	No. 66 C 1460
CHICAGO HOUSING AUTHORITY	)	
	)	Judge Marvin E. Aspen
Defendant.	)	

MOTION TO INTERVENE OF NEAR WEST SIDE COMMUNITY DEVELOPMENT CORPORATION AND CENTRAL WEST COMMUNITY ORGANIZATION

Near West Side Community Development Corporation ("Near West") and Central West Community Organization ("Central West"), pursuant to Rule 24 of the Federal Rules of Civil Procedure, hereby respectfully move the Court for an Order allowing Near West and Central West to intervene in this action for the purpose of the moving to vacate, stay or amend the Court's March 9, 1995 and August 14, 1995 Orders allowing the construction and development of public housing units in a community located on the west side of Chicago designated by those Orders as the Horner Revitalization Area. In support of their motion, Near West and Central West state as follows:

INTRODUCTION

1. Near West is an Illinois not-for profit corporation engaged in the business of constructing low and middle-income housing on the near west side of Chicago, primarily in the West Haven community. West Haven is a neighborhood located on the near west side of Chicago. Near West has constructed over 200 homes in this neighborhood, including homes for

the elderly, homes for sale at market rates, rental homes, as well as public housing and replacement housing. Near West has also been involved in making repairs of existing housing stock occupied by seniors in the West Haven community for no charge. Near West has been one of the participants in construction joint ventures for the building of public housing replacement units located in the Horner Revitalization Area ("the HRA") which were constructed pursuant to the Court's March 9, 1995 and August 14, 1995 Orders. The geographical limits of the HRA and the West Haven community substantially overlap.

2. Central West is an Illinois not-for-profit corporation and is a community organization composed of residents of the West Haven community, including residents of the Horner Housing Project. Central West acts as an advocacy group on various issues affecting the quality of residential life in the West Haven neighborhood.

3. On March 9, 1995 and on August 14, 1995 this Court entered Orders ("the Revitalization Orders") which, in effect, waived requirements previously imposed by this Court in prior orders entered in this case and allowed the Chicago Housing Authority ("CHA") to develop and construct 466 public housing units in a residential area located on the west side of Chicago, which these Orders designate as the Horner Revitalization Area ("HRA"). These 466 new units were built to replace 466 dwelling units contained in five buildings owned by the CHA which were demolished.

4. Although the construction of 466 new public housing units within the West Haven community does not appear to be consistent with the remedial goal of previous orders of this Court to provide plaintiff class families with desegregated housing opportunities, this Court permitted such construction based upon presentations made by the U.S. Department of Housing

and Urban Development ("HUD") and CHA that forecast economic integration with a longer term possibility of racial desegregation in the West Haven community. As a result of these Revitalization Orders over 350 new homes have now been constructed in the HRA and tenants have now moved into newly constructed public housing units located in West Haven within the boundaries of the HRA. Whatever may have been the validity of the forecasts presented to the Court in connection with the Revitalization Orders, the prospects of economic integration and the possibility of racial desegregation have been severely jeopardized in the past two years by the manner in which these Orders have been implemented.

5. A representative of Near West has been invited by this Court to a conference in this Court's chambers on October 20, 1999 to consider the matters set forth in the motion of the Gautreaux plaintiffs concerning the Orders of March 9, 1995 and August 14, 1995. Among the issues raised by the Gautreaux plaintiffs' motion are:

- Whether the long term and short term goals of the Revitalization Orders are imperiled or are being frustrated;
- whether the terms of the Revitalization Orders have been violated or may be violated in the near future;
- whether the Orders should be amended;
- whether steps recently taken by CHA or proposed to be taken adequately address the concerns raised by the Gautreaux plaintiffs.

Near West welcomes its opportunity to participate in this conference but seeks, along with Central West, to intervene as a party in this case so that both Near West and Central West can formally seek relief from this Court concerning the continued implementation of the

Revitalization Orders and matters raised at this conference.

6. Near West and Central West have direct, significant and legally protectable interests in the enforcement and interpretation of the Revitalization Orders since the implementation of these Orders have adversely affected and will continue to adversely affect the safety and security of its members as well as the value of property owned by its members located in the West Haven community. Near West, as a developer engaged in the business of constructing, marketing, and selling housing within the community is also directly adversely affected. Near West and Central West were not parties to this case when HUD and CHA made their forecasts about the West Haven community which this Court relied upon in issuing the Revitalization Orders. Since the validity or continuing validity of these forecasts are at issue, Near West and Central West want to participate in any further determination as to how the Revitalization Orders will impact the West Haven community.

7. For the reasons set forth below, Near West and Central West oppose any further construction or development of public housing units in the HRA pursuant to these Revitalization Orders or any further transfer of tenants into newly constructed units within the HRA. Near West and Central West believe that further implementation of these Orders will not promote and will, in fact, undermine the short term goal of economic integration of the West Haven community as well as the longer term possibility of racial desegregation in that community. Further implementation of these Orders will not promote and, in fact, will undermine, the purpose of providing public housing families with desegregated housing opportunities.

8. During the past two years there have been repeated incidents of violent crime, drug dealing, and other criminal activity in or about the new housing units constructed pursuant

to the Revitalization Orders within the HRA. The climate of crime has lead to predictable consequences. Gang activity is prevalent in both the Horner Homes and in the scattered site replacement housing in the HRA. Ten new units, located on Maypole Street and constructed pursuant to the Revitalization Orders, all less than one year old, have been vacated and boarded up. This includes one unit that has been damaged since November of 1998 and another fire damaged unit unrepaired since June 1999. To date, these units have not been repaired despite the adverse publicity generated by a first page article in the Chicago Tribune on September 20, 1999.

9. In addition, Intervenor believe that approximately 23 other newly constructed units in the HRA have also been vacated. Working families, whose incomes are within the range of 50-80% of median income, living in the new housing built in the HRA who, under the Revitalization Orders, were to occupy 50% of the new housing units have moved out of newly constructed units. Intervenor believe that the mix of 50% poor/50% working poor mandated by this Court's Revitalization Orders is not being met and will likely not be met.

10. These events have a number of causes, including:

- A) An unrealistic view of the number of new public housing units that can be built within the West Haven community which is consistent with the goals of economic integration with the possibility of racial desegregation;
- B) An unrealistic view of the optimum income mix for the new housing in the HRA which has jeopardized the chances for success of the Revitalization Orders and has undermined the short and long term goals of this Court's prior orders;
- C) Failure to maintain the required mix of low income and 50% to 80% of

median income residents in the scattered site housing in the HRA as contemplated by the Revitalization Orders;

- D) The failure of CHA to provide adequate security for the residents of both the new units in the HRA and the existing Henry Horner units;
- E) The failure of CHA to adequately initiate or prosecute eviction proceedings against public housing tenants in the HRA who have violated the terms of their leases;
- F) The failure of CHA to provide any social service needs assessment for tenants electing to transfer or who have already transferred to new units in the HRA. This needs assessment is designed to identify the families' needs in terms of employment capabilities, day care, transportation, literacy, parenting skills, gang involvement, housekeeping skills, substance abuse problems and similar matters, and to recommend assistance or facilities for addressing those needs;
- G) Failure of CHA to provide any voluntary or mandatory transitional training or meaningful orientation to families moving to the new scattered site units in the HRA regarding any matters identified in the needs assessment. CHA has failed to establish such a program even though substantial funding for such transitional training has been offered to it; and,
- H) The failure and refusal of CHA to screen tenants who elect to transfer into HRA public housing units using the standard criteria that would be

applicable if these same tenants elected under the Gautreaux Housing Program to transfer into any scattered site unit located outside the HRA. For example, any tenant electing to transfer to such scattered site housing located outside of the HRA is required to complete a screening process ordinarily required of every other participant in the Gautreaux housing program. However, no such screening is done if tenants elect to be transferred to units located in the HRA. The HRA is the only area in the City of Chicago singled out for such disparate treatment.

ARGUMENT

NEAR WEST AND CENTRAL WEST ARE ENTITLED TO INTERVENTION AS A MATTER OF RIGHT TO BECAUSE THEIR INTERESTS ARE DIRECTLY AFFECTED BY THIS ACTION AND ARE NOT ADEQUATELY PROTECTED BY THE PARTIES

Rule 24(a) Permits Intervention Of Right Where Disposition Of An Action Impedes A Non-Party's Ability To Protect An Affected Interest

11. Rule 24 of the Federal Rules of Civil Procedure provides for intervention as a matter of right to allow non-parties affected by the disposition of an action to protect their interests:

Upon timely application anyone shall be permitted to intervene in an action . . . (2) when the applicant claims an interest relating to the property or transaction which is the subject of the action and the applicant is so situated that the disposition of the action may as practical matter impair the applicant's ability to protect that interest, unless the applicant's interest is adequately represented by existing parties.

Fed. R. Civ. P. 24(a); Gautreaux v. Pierce, 548 F. Supp. 1284, 1287 (N.D. Ill. 1982) (allowing

intervention under Rule 24(a)(2) for purpose of determining whether HUD's authorization of Section 8 housing to New West Side development violated consent decree); Gautreaux v. Kemp, 132 F.R.D. 193, 196 (N.D. Ill. 1990) (noting that intervention by citizen groups may be allowed where existing parties do not adequately represent interests of intervenor).

**Near West And Central West Have Vital Interests In The
Interpretation Of The March 9, 1995 Order And Enforcement Of The
Horner Consent Decree**

12. Under Rule 24, the "interest" claimed by an applicant for intervention need not be an actual property interest in the subject of the litigation. Solid Waste Agency of Northern Cook County v. United States Army Corps of Eng'rs, 101 F.3d 503, 505 (7th Cir. 1996). Rather, it is sufficient that the intervenor's interest be "direct, significant and legally protectable." Id. In Gautreaux v. Pierce, for example, this Court found that the petitioners, as residents and developers of a Near West Side housing development, had a "strong interest in the interpretation and construction of the consent decree and in the provision of housing under that decree which is the subject matter of this action at the present time." Gautreaux v. Pierce, 548 F. Supp. at 1287. The Court noted that the intervenors' interests were "integrally related" to the construction and interpretation of the consent decree and therefore sufficient to justify intervention under Rule 24(a). Id.

**The Interests of Near West and Central West Are Not Adequately
Protected By The Parties To The Horner Consent Decree Or To This
Action**

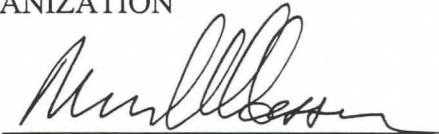
13. Representation of the interests that Near West and Central West seek to protect is inadequate or non-existent, the parties to this case do not share intervenors views on the impact of the Revitalization Orders on the prospects for economic integration or racial desegregation of

the West Haven community. Furthermore, during the past two years intervenors have made repeated failed attempts to convince the CHA to provide the adequate security, needs assessment, transitional training, and tenant screening discussed above. The failure of any party to this case to challenge these failures, to the detriment of the interests of Near West and Central West, demonstrates the inadequacy of representation by existing parties.

WHEREFORE, for the foregoing reasons, Near West Side Community Development Corporation and Central West Community Organization respectfully request that this Court allow their intervention in this action for the purpose of moving to stay, vacate or modify this Court's Revitalization Orders referred to above.

Respectfully submitted,

NEAR WEST SIDE COMMUNITY
DEVELOPMENT CORPORATION
AND CENTRAL WEST COMMUNITY
ORGANIZATION

By: 
One of Its Attorneys

Michael R. Hassan
John F. Kloecker
LORD, BISSELL & BROOK
115 S. LaSalle Street
Chicago, IL 60603
(312) 443-0461

CERTIFICATE OF SERVICE

Michael R. Hassan, an attorney, hereby certifies that he caused the foregoing **Motion to Intervene of Near West Side Community Development Corporation and Central West Community Organization** to be served upon:

Alexander Polikoff
Julie Elena Brown
Business and Professional People
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by causing same to be delivered via messenger this 18th day of October, 1999.



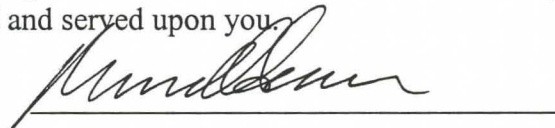
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Plaintiffs,	)	
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vs.	)	No. 66 C 1459
	)	No. 66 C 1460
CHICAGO HOUSING AUTHORITY	)	
	)	Judge Marvin E. Aspen
Defendant.	)	

NOTICE OF MOTION

TO: SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that we will appear before the Honorable Marvin E. Aspen, or any other judge who may be sitting in his place or stead, in Room 2541, 219 S. Dearborn Street, Chicago, Illinois at 9:30 a.m. on October 22, 1999 and there present **Motion to Intervene of Near West Side Community Development Corporation and Central West Community Organization**, a copy of which is hereby attached and served upon you.



Michael R. Hassan
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Firm I.D. No. 90495

CERTIFICATE OF SERVICE

Michael R. Hassan, an attorney, hereby certifies that he caused the foregoing **Notice of Motion and Motion to Intervene of Near West Side Community Development Corporation and Central West Community Organization** to be served upon:

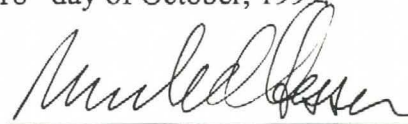
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cc Julie
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October 18, 1999

VIA MESSENGER

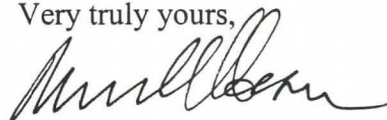
The Honorable Judge Marvin E. Aspen
United States District Court, Northern District
of Illinois, Eastern Division
219 S. Dearborn Street
Room 2541
Chicago, IL 60604

Re: *Gautreaux, et al. v. Chicago Housing Authority,*
Nos. 66 C 1459/66C 1460

Dear Judge Aspen:

I have enclosed a courtesy copy of a Motion to Intervene of Near West Side Community Development Corporation and Central West Community Organization. This matter is scheduled to be heard before you on Friday, October 22, 1999 at 9:30 a.m.

Very truly yours,



Michael R. Hassan

MRH/kl
Enclosure

cc: All Counsel of Record (w/enclosures)