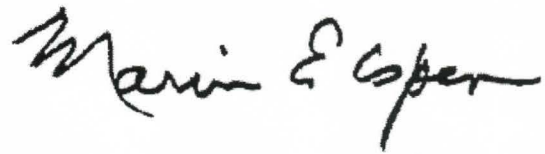


United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Marvin Aspen	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	66 C 1459	DATE	7/23/2009
CASE TITLE	Gautreaux vs. CHA, et al		

DOCKET ENTRY TEXT

Accordingly, it is ordered that the parties and the receiver appear in chambers on September 15, 2009, at 2:00 p.m. to present their respective views on feasibility of a termination, its timing, and its implementation.



■ [For further details see text below.]

Notices mailed by Judicial staff.

STATEMENT

(Reserved for use by the Court)

ORDER

This litigation dates back over forty years, to 1966, when approximately 43,000 African-American tenants of, and applicants for, Chicago's public housing brought a class action against the Chicago Housing Authority ("CHA") and the Department of Housing and Urban Development ("HUD"), alleging that defendants violated federal constitutional and statutory provisions by basing public housing policies and practices on race. In the early stages of the litigation, both agencies were found to have discriminated "by selecting housing project sites in predominantly black neighborhoods and by using racial quotas to limit the number of blacks in housing projects in predominantly white neighborhoods." *Gautreaux v. Pierce*, 690 F.2d 616, 619 (7th Cir. 1982); see also *Gautreaux v. CHA*, 296 F. Supp. 907, 909 (N.D. Ill. 1969) (addressing the CHA's conduct and liability); *Gautreaux v. Romney*, 448 F.2d 731, 739-40 (7th Cir. 1971) (addressing HUD's role and liability). This court issued a judgment order against the CHA on June 30, 1969, *Gautreaux v. CHA*, 304 F. Supp. 736 (N.D. Ill. 1969), and, following years of litigation at all levels of the federal judiciary, the plaintiffs and HUD entered into an approved consent decree in 1981, which purportedly terminated the litigation, *Gautreaux v. Landrieu*, 523 F. Supp. 665 (N.D. Ill. 1981), *aff'd*, 690 F.2d 616 (7th Cir. 1982).

Despite our repeated orders directing the CHA to promptly remedy the discrimination and implement acceptable practices, the CHA initially dragged its feet. Accordingly, and with the CHA's eventual acquiescence, we exercised our authority to appoint a receiver – Daniel E. Levin and the Habitat Company – on August 14, 1987. Plaintiffs previously, and repeatedly, had sought the rather extraordinary remedy of the appointment of a receiver. See *Gautreaux v. Pierce*, No. 66 C 1459, 1987 WL 135900, at *1-2 (N.D. Ill. July 9, 1987) (noting that, in 1984, we vacated an earlier order appointing a receiver, based on the CHA's promises of compliance, but allowing limited additional discovery on the receivership issue); *Gautreaux v. Landrieu*, 498 F. Supp. 1072, 1075 (N.D. Ill. 1980) (denying, "with great reservation, the motion to appoint a receiver" and further exhorting the CHA to eliminate bureaucratic inefficiencies and deliver the racially integrated housing ordered eleven years

STATEMENT

earlier). We granted plaintiffs' motion in light of the CHA's recalcitrance and the parties' general inability to cooperate at that time. *See, e.g., Gautreaux v. CHA*, 178 F.3d 951, 953 (7th Cir. 1999) (explaining that we appointed the receiver after 18 years of "patiently wait[ing] in vain for the CHA to develop what has become known as 'scattered site housing'"); *Gautreaux v. Pierce*, 1987 WL 135900, at *1-2 (rejecting the CHA's reliance on good faith arguments and bureaucratic excuses as valid reasons for denying the receivership motion).

To the credit of all parties involved, much has changed since 1987. The CHA appears to have reformed its practices to enable compliance with our orders. The animosity between plaintiffs and the CHA has evolved into a productive working relationship, as evidenced by their regular practice of filing joint agreed motions before this court. It is clear that without the receiver's exemplary service over the past decades, the accomplishments of all the parties in improving public housing in Chicago would not have been possible. This Court's action and that of the receiver has been an extraordinary involvement in what is clearly a local government responsibility. However, as described above, circumstances have changed since our early orders and the time may now be ripe for an orderly termination of the receivership.

Accordingly, it is ordered that the parties and the receiver appear in chambers on September 15, 2009, at 2:00 p.m. to present their respective views on feasibility of a termination, its timing, and its implementation.

Marin E. Spera