



April 15, 2015

Item No. 4

APPROVAL OF POLICY TO ALLOW FAMILIES IN ELEVATOR BUILDINGS

TO THE HONORABLE BOARD OF COMMISSIONERS:

RECOMMENDATION

It is recommended that the Board of Commissioners approve a *Policy to Allow Families in Elevator Buildings*, which substantively changes the CHA's current policy against providing Public Housing units and placing families above the third story in any structure unless otherwise approved by the *Gautreaux* Court through individual, property specific orders/waivers. Upon discussion and approval of this Policy, the CHA will jointly file with BPI a motion in the *Gautreaux* case seeking modification of the *Gautreaux* Judgment Order.

CORPORATE GOAL

Approval of the proposed Policy will reflect the present-day context of mixed-income development and allow the CHA to provide Public Housing units and place families above the third story in structures, provided specific conditions are met. Moreover, the proposed Policy would: allow the CHA to provide a greater number of Public Housing units for families, including large families, in various building types; address the need to secure multiple funding streams; and reduce the time spent seeking individual waiver orders from the *Gautreaux* Court for individual structures.

FUNDING

N/A

GENERAL BACKGROUND/EXPLANATION

On July 1, 1969, the Federal District Court for the Northern District of Illinois, Eastern Division entered a judgment order in *Dorothy Gautreaux, et al. v. Chicago Housing Authority* (No. 66 C 1459). Article IV, Section C of which provided that:

No [Public Housing] Dwelling Units shall be provided above the third story in any structure except for families without children and except Leased [Public Housing] Dwelling Units in a structure in which the number of [Public Housing] Dwelling Units aggregates no more than 20% of the total number of apartments in such structure....

Article IV also provided that the Court, "by order," could permit developments that were "specifically designed to assist in achieving the purposes" of the judgment order. Under Article X of the judgment order, the Court is authorized to issue,

...orders modifying or supplementing the terms [of the judgment order] upon the presentation of relevant information with respect to proposed developments designed by CHA alone or in combination with other private or public agencies to achieve results consistent with this order, material changes in conditions existing at the time of this order or any other....

Throughout the Plan for Transformation and Plan Forward, the CHA and BPI, counsel for the Gautreaux plaintiffs, have obtained individual Court orders (judicial waivers) permitting CHA to provide Public Housing units and place families above the third story in structures. In developing public housing, the CHA has met the following obstacles and factors: 1) limited land; 2) limited funding sources and the need for multiple funding streams; 3) the ability to provide adequate housing for all family sizes, which gives rise to a tension between the need to build low rise units for families with children (who currently cannot be placed above the third floor without a judicial waiver) and the need to build taller buildings to meet the overall need for more units on the available land; 4) CHA families with disabilities have a variety of reasons for needing buildings with elevator access, making second and third floor walk-up units unacceptable to them; and 5) the desire to reduce the time spent seeking waiver orders from the Court for individual structures.

Under the proposed policy, the CHA may be able to provide Public Housing units and place families above the third story, provided the following conditions are met:

- 1) The structure is located either in the Gautreaux General Public Housing Area or in a CHA Opportunity Area. In general, Opportunity Areas are areas of the City of Chicago with less than 20% poverty and less than 5% CHA housing saturation or are improving areas with moderate neighborhood indicators;
- 2) Public Housing units shall comprise no more than one-third of all units within the structure;
- 3) No more than 20% of all units within the structure contain 3 or more bedrooms;
- 4) Each "unit size" (i.e., the number of bedrooms within a unit) within the structure is available both to public housing and non-public housing families, unless the structure contains only one unit of a particular unit size;
- 5) Among units containing more than 2 bedrooms, no more than 75% of the same unit size shall be Public Housing units, unless the structure contains only one unit of a particular unit size; and
- 6) The Public Housing units are and remain well dispersed throughout the structure.

RESOLUTION NO. 2015-CHA-29

WHEREAS, the Board of Commissioners of the Chicago Housing Authority has reviewed the Board letter dated April 15, 2015, entitled: "POLICY TO ALLOW FAMILIES IN ELEVATOR BUILDINGS";

THEREFORE, BE IT RESOLVED BY THE CHICAGO HOUSING AUTHORITY:

THAT, the Policy to Allow Families in Elevator Buildings is approved.

THAT, that following the Board Approval of the Policy to Allow Families in Elevator Buildings, the CHA will jointly file with BPI a motion and appear before Judge Aspen of the Federal District Court of the Northern District of Illinois, Eastern Division to modify the *Gautreaux* judgment order and allow the CHA to provide Public Housing units and place families above the third story, under particular conditions, without returning to the Court to obtain individual, property specific orders/waivers.

