



**Sargent Shriver National Center on
Poverty Law**
proudly presents

THE 2008 HOWARD LANDAU HOUSING JUSTICE AWARDS

June 17, 2008

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event sponsors.*

AN ACTIVE YEAR FOR HOUSING LEGISLATION

The Shriver Center’s housing attorneys (Kate Walz and Samantha Tuttle) have been actively crafting new legislation to improve housing laws and tenant rights in Illinois. Working with fellow advocates from Housing Action Illinois, they sought to advance legislation to protect survivors of domestic and sexual violence, vulnerable homeowners, and renters living in condemned housing. The 2008 proposed legislation included the following bills:

The Safe Homes Act, which became law in 2007 due to the efforts of the Shriver Center and Housing Action Illinois, established critical protections for domestic and sexual violence survivors who live in rental housing. The Safe Homes Act allows victims of domestic and sexual violence to end, in certain circumstances, their lease early or seek an emergency lock change. But advocates recognized that additional provisions were needed to protect the privacy of survivors who disclose, under the Act, information about domestic or sexual violence—such as a medical or police report describing a sexual assault. Nothing currently prevents landlords from sharing this sensitive information with a prospective landlord, thereby jeopardizing the ability of survivors and of their families to secure new safe housing. Senate Bill 2287 proposes to (1) keep private a survivor’s decision to exercise his or her rights under the Act and the corresponding information he or she gives, unless he or she chooses to waive such privacy in writing; (2) make clear that when a survivor provides the documentation necessary to protect herself pursuant to the

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Safe Homes Act, the provision of records does not waive any confidentiality that the survivor may have with a counselor, physician, or other person assisting the survivor of violence; and (3) provide a limited financial penalty for the violation of the privacy provisions of the Act. The bill passed both the House and Senate and is on the concurrence calendar for the Senate. A deadline extension may allow the bill to move forward toward final passage.

Throughout Illinois, municipalities have been forced to condemn dangerous and uninhabitable housing when property owners fail to maintain or repair their rental properties. Municipalities frequently bear the burden of covering the emergency-relocating costs of the families displaced from such condemnation, without any assurance under Illinois law that they can recover costs from the property owners. The Relocation Assistance Act (House Bill 5170) would (1) provide a means to secure relocation assistance from landlords for tenants of dwellings under court-issued vacate or condemnation orders due to landlord failure to meet health and safety standards and (2) permit a municipality to pay out the relocation costs of displaced tenants and then recoup those costs, plus expenses, from the landlord. The bill passed out of the House's Housing and Urban Development Committee but did not proceed further.

Elderly and disabled homeowners whose property taxes are delinquent are often at great risk of losing their homes. Currently in Illinois a homeowner who is delinquent in his or her taxes may lose possession of his or her home for a fraction of its value to a private party who pays the homeowner's delinquent taxes, rather than paying the market value of the property. The private party then assumes ownership, irrespective

of the years the homeowner may have been making payments on the home. This unjust system is amplified when homeowners do not receive notice that they could lose their home and therefore do not take the steps necessary to protect it when mortgage companies fail to pay taxes on the homes or when family members or caregivers of independent senior citizens or disabled persons fail to receive notice of the tax delinquency because notice is given only by personal service or certified mail. Proposed Amendments to Illinois Property Tax Code (Senate Bill 2007) would add that notice should be given by first-class mail, thereby making it more likely to reach the property owner, caregiver, or family and allowing homeowners to satisfy their tax obligations and save their homes. At present, once a tax deed has been issued, the law limits the homeowner's chance to reopen the case to allegations of fraud or procedural error. Thus challenging the loss of one's home for tax delinquency is more difficult than for almost all other court judgments. The proposed amendments would eliminate these additional restrictions and provide homeowners who lose their home to a tax purchase the same recourse as any other citizen challenging a court order. Given the fierce opposition of the tax purchaser lobby, the bill did not pass out of Senate Committee.

The Shriver Center also actively challenged legislation proposing to amend the Forcible Entry and Detainer Act. Senate Bills 2139 and 2124 would have fundamentally overhauled eviction court proceedings and likely made it more difficult for tenants keep their homes or receive proper due process protections, including a fair opportunity to be heard or the ability to raise counterclaims or affirmative defenses. Both bills were defeated before they came before the full Senate. ■

PRESERVATION SUCCESS STORY: GROVE PARC TENANTS SAVE THEIR HOMES



Caption for GPTA Aldermanic Rally

The residents of Grove Parc, a Project-Based Section 8 development in the burgeoning Woodlawn community on Chicago's South Side, received some good news recently—their homes would be preserved as subsidized housing, a new owner would take control of the development and bring in new management, and much of the housing would be rebuilt and spread out beyond the property's original footprint. Resident leaders, organized as the Grove Parc Tenants Association (GPTA), who had fought for this victory for the past two years had achieved a success they thought was nearly out of reach only a few months earlier. The Shriver Center (Kate Walz and Samantha Tuttle) is proud to represent GPTA in its effort to preserve Grove Parc.

More important, GPTA initially recruited the property's prospective new owner—Preservation of Affordable Housing (POAH), a national nonprofit affordable housing developer based in Boston, Massachusetts. The current owner, the Woodlawn Preservation Investment Corporation (WPIC), was committed to saving the residents' homes and historic community while also preserving the

Project-Based Section 8 contract. At the residents' request, WPIC worked with POAH to determine if POAH could take ownership of the property. HUD has granted preliminary approval of the transfer to POAH, and the parties are now negotiating all aspects of Grove Parc's redevelopment plan. POAH's property division now manages the property and is working with WPIC to improve the property's conditions.

But just six months ago, residents, advocates, WPIC, and public officials believed that the property and its 504 units of Project-Based Section 8 housing would be permanently lost. Poor property conditions led to failing inspection scores by the U.S. Department of Housing and Urban Development (HUD). The property was at risk of foreclosure and possible abatement and termination of its Project-Based Section 8 contract.

The loss of the Project-Based Section 8 contract would have meant that tenants would lose one of the best affordable housing resources in the country (low-income tenants pay no more than 30 percent of their income toward rent). And while most of the residents at Grove Parc would have received Housing Choice "Section 8" vouchers, they would have been unable to remain at Grove Parc and would have likely been displaced from their historic community of Woodlawn. This displacement would have come just as employment opportunities and quality schools were available to them in the neighborhood.

This affordable housing would have been permanently lost to hundreds of families on the development's waiting list as well as the thousands of low-income families in desperate need of affordable housing in Chicago. And, unlike tenant-based

subsidies, Project-Based Section 8 subsidies ensure that affordable housing and the low-income families who need it remain in a community even when faced with rapid gentrification or condominium conversion.



Caption for Faith and Lonnie

The preservation of Grove Parc serves as a great example of how residents can work with housing advocates, current and prospective owners, public officials, and HUD to preserve their homes. Congratulations, GPTA, on this significant achievement!

The Shriver Center is proud to confer its highest housing honor, the Housing Justice Award, on Grove Parc Tenants Association. ■

THE SHRIVER CENTER AND PRAIRIE STATE LEGAL SERVICES PRODUCE A VICTORY FOR LOW-INCOME FAMILIES IN ROCKFORD

On July 31, 2007, two tenants of Jane Addams Village, a public housing development in Rockford, Illinois, filed a federal lawsuit against the U.S. Department of Housing and Urban Development (HUD) and the Rockford Housing Authority (RHA) to challenge the proposed demolition of Jane Addams Village. The tenants are represented by the Shriver Center attorneys (William Wilen, Kate Walz, and Samantha Tuttle) and Prairie State Legal Services (Jeremy Bergstrom and Catherine Ritts).

In July 2006, the RHA submitted an application seeking HUD’s approval to demolish Jane Addams Village. Jane

Addams Village consisted of eighty-four family town homes in a historic, riverfront community. In its application, RHA claimed that the property was physically obsolete, satisfying a prerequisite for demolition under federal law. HUD approved the demolition application based, in part, on this claim of physical obsolescence.

In the spring of 2007, the Shriver Center and Prairie State engaged a structural engineer, Donald Kimball Jr. (S.E., P.E., CCS, Principal, K2N Crest, PC), to inspect Jane Addams Village and assess its physical condition. Kimball issued a report concluding that the property came nowhere close to satisfying the physical obsolescence requirement for demolition under federal law.

Armed with this report, the Shriver Center and Prairie State



Caption for Prairie State

State demanded that HUD rescind approval of the demolition application. In response, HUD conducted its own inspection and concluded that Jane Addams Village was not physically obsolete. Nonetheless, apparently at HUD’s suggestion, the RHA submitted a revised demolition application relying on another provision of federal law—the application claimed the demolition of Jane Addams Village would contribute to the viability of another public housing development located immediately adjacent to Jane Addams Village. HUD approved this revised demolition application, acknowledging that Jane Addams was not physically obsolete but finding that the RHA’s viability showing satisfied federal law.

In essence, HUD's approval suggested that federal law allows demolition of a property if *either* the property is physically obsolete *or* the demolition would contribute to the viability of adjacent properties. The Shriver Center and Prairie State disagreed: the plain language of the statute requires that a property is *both* physically obsolete *and* contributes to the viability of the remaining public housing development.



Caption for photo taken day consent decree was entered

So, the Shriver Center and Prairie State again demanded that HUD rescind its approval of the revised application because it failed to satisfy federal law. HUD refused. In response, the Shriver Center and Prairie State filed suit on behalf of two Jane Addams tenants; the suit claimed that the proposed demolition violated federal law and that the relocation of Jane Addams residents violated the Fair Housing Act and was steering families into neighborhoods providing less opportunity.

Soon after the tenants filed suit, HUD admitted that it misapplied federal law and that the Shriver Center and Prairie State's interpretation of the statute was correct. HUD posted a Web notice acknowledging this lawsuit and adopting the Shriver Center and Prairie State's interpretation of the demolition requirements under federal law for all such demolitions throughout the country.

After HUD's admission, the parties began settlement negotiations. On January 24,

2008, the court entered a consent decree that marks a profound victory for the plaintiffs, former residents of Jane Addams Village, and low-income families throughout the Rockford area. The settlement allows the demolition of Jane Addams Village but protects low-income housing by requiring the RHA, with HUD oversight, to develop seventy-seven units of low-income housing as replacement. Moreover, the RHA must establish a housing mobility program rooted in fair housing principles within its Section 8 voucher program to assist families and better inform their moving processes.

In sum, the Jane Addams Village litigation produced a national change in HUD policy and ended in a landmark settlement championing the rights of tenants and preserving low-income housing units for the Rockford community.

The Shriver Center is proud to confer its highest housing honor, the Housing Justice Award, on Prairie State Legal Services. ■

REVITALIZATION OF HENRY HORNER HOMES REACHES ANOTHER MILESTONE

The last of the tenants residing at the Henry Horner public housing development on Chicago's Near West Side moved, in March 2008, to their newly constructed replacement housing. For the Horner residents, who are represented by the Shriver Center, this momentous event culminated a thirteen-year effort to revitalize Horner pursuant to the terms of a class action lawsuit that was filed on their behalf in 1991 and settled by consent decree in 1995.

When the lawsuit was filed, the Chicago Housing Authority stated that Horner was

the authority's most troubled development and one of the most distressed public housing properties in the nation. The vacancy rate at Horner in May 1991 was 49.3 percent, or 868 units, and most of the remaining occupied units contained serious code violations.

Under the terms of the consent decree, Horner was to be revitalized in phases. Phase I of the revitalization effort was completed in 2000. During Phase I, 466 Horner units were demolished and replaced by 461 public housing units on-site and in the surrounding neighborhood at a cost of over \$50 million. The residents of the Horner Annex, a 109-unit three-building complex located just south of the United Center, were permitted to vote on whether their buildings would be demolished or rehabilitated. In December 1995 the Annex residents voted 54 to 14 for rehabilitation. In May 1997 the buildings' rehabilitation was completed at a cost of \$10 million.



Caption for Horner Pic

In Phase II the remaining 1,204 Horner public housing units will be demolished and 744 new units will be constructed at a cost of over \$200 million. Of these 744 units, 262 will be public housing units, 130 will be affordable units (up to 60 percent of area

median income), and 352 will be market-rate units. As of the date of this article, 191 public housing, 77 affordable, and 187 market-rate units have been constructed. Virtually all of the public housing units have been occupied by Horner residents. In cases where there are no Horner families for the appropriate bedroom size to fill the unit, the units are occupied by non-Horner CHA residents who have selected Horner as their choice of replacement housing. Construction of the remaining new units at Horner will be completed in March 2010, and occupancy of these units will be completed by May 2010. Non-Horner CHA families will occupy the remaining public housing units as the replacement housing choices of all the Horner residents have been satisfied.

The Horner redevelopment effort has received praise as a national model for public housing revitalization. In November 2003 the Government Accountability Office (GAO) issued a report that studied resident issues and changes in twenty public housing redevelopment efforts across the country. The GAO found that, of the twenty sites studied, Horner had the highest level of resident participation in the redevelopment process as well as the highest increase in housing values (215 percent) in the surrounding neighborhood. In February 2005, the Local Initiative Support Corporation/Chicago, among others, selected Phase IIA of Horner (consisting of 87 public housing units, 31 affordable units and 37 market-rate units) as the best for-profit real estate project for Chicago in 2005.

Why has the Horner redevelopment effort been successful? First, demolition was phased so resident displacement was minimized. No Horner family was involuntarily relocated from Horner during the period of new construction.

Second, due to the consent decree, reasonable screening procedures were in place so that Horner residents could qualify for the replacement housing. The Horner screening process, together with case-managed social services, resulted in nearly 90 percent of the Horner families being able to move into the new units.

Third, effective resident participation in the redevelopment process endowed Horner residents with a stake in the outcome of the revitalization effort. The tenants are led by the Horner Residents Committee (HRC), a group of seven building, block, or area presidents at Horner. Under the consent decree, the CHA, the Horner developer, and Horner management must consult and attempt to reach agreement with the HRC, as represented by the Shriver Center, on all matters relating to the revitalization effort.

Fourth, under the consent decree, enforceable procedures protect residents' interests and allowed resident issues to be resolved fairly. If the HRC is unable to reach agreement with CHA, the developer, or management, any party may appeal to the Horner Mediator, attorney John R. Schmidt, or to Hon. James B. Zagel, the Horner judge. Such appeals were made when delays occurred in construction of the Phase I units, when other stakeholders objected to aspects of the redevelopment process, and when CHA and Horner management failed to follow the decree or agreed-upon rules and procedures.

Fifth, each Horner resident is assisted by competent social service providers and by legal representation when necessary. These services are designed to help residents maintain residency, resolve issues relating to the residents' current housing, and assist residents in meeting the eligibility for

replacement housing and dealing with issues arising after moving into the replacement housing.

As noted above, the last of the Horner families moved into their replacement units in March 2008. Thus the primary issue facing Horner residents now is adapting to a life in the new mixed-income community at Horner. The HRC recently reached agreement with the CHA on a new program, the Horner Engagement Program, designed to help residents become employed or otherwise become productive members of the revitalized Horner community. The HRC and the Shriver Center will be devoting much of their time over the next two years in assisting residents under the Horner Engagement Program. ■

PRESERVATION COMPACT

The Shriver Center is a proud partner of the Preservation Compact—a Cook County rental housing preservation strategy supported by the MacArthur Foundation and guided by the Urban Land Institute. The Compact strives to preserve 75,000 units of affordable rental housing in Cook County by 2020, improve coordination of housing preservation work among public and private bodies, and accelerate housing preservation activity to account for the ever-increasing loss of rental housing.

The Problem: Loss of Affordable Rental Housing in Cook County

While renters make up a substantial portion of Cook County's population, **approximately ___ percent** (and that figure is projected to grow between now and 2020), the supply of affordable rental housing in Cook County continues to decline. If present trends continue, two affordable rental units will be lost for every one built. Without the

Preservation Compact, by the year 2020 Cook County will have a shortfall of 78,000 affordable rental housing units and more than 185,000 households will need but be unable to access affordable rental housing. Cook County's rental housing crisis is representative of the rental housing crisis nationally. According to the National Low-Income Housing Coalition, in 2006 more than nine million renter households in the United States paid more than half of their income for housing.

Why has the affordable rental supply in Cook County diminished? The boom of condo conversions, the subsidized stock facing expiring subsidies or funding gaps, a lack of a coordinated response by public and private bodies, and high energy costs and property taxes all may have contributed to the loss. The foreclosure crisis may only exacerbate this problem. In a recent report by the Woodstock Institute, approximately 35 percent of foreclosure filings in the Chicago were of two- to six-unit rental properties.

The Solution: The Preservation Compact

The Preservation Compact's goal to preserve 75,000 units of affordable rental housing by 2020 will be accomplished by the six preservation keystone initiatives. These initiatives collectively strive to meet this goal by squarely addressing some of the reasons much of this affordable rental housing has been lost.

For example, the Interagency Coordinating Council coordinates the preservation activities of key public agencies, including the U.S. Department of Housing and Urban Development, the Illinois Housing Development Authority, the City of Chicago Department of Housing, and the Cook County Government. These bodies work

together to identify at-risk properties and develop joint solutions around preservation.

In turn, the Interagency Coordinating Council works in collaboration with another keystone, the Rental Housing Alliance, a joint effort by the Shriver Center (attorneys Kate Walz, Samantha Tuttle, and Americorps*VISTA Alexis Hamilton) and the Chicago Rehab Network to provide legal, educational, and technical support to subsidized tenants and community organizations to help preserve federally assisted housing. The two keystones regularly meet to confer about collective strategies to preserve at-risk federally assisted rental housing, typically those properties with Project-Based Section 8 contracts. While the Rental Alliance serves as a contact between a property's residents and affiliated community organizations, the Interagency Council establishes a relationship with the property's owner to determine their continued interest in keeping their property's subsidies and affordability in place. Information is then exchanged between the two keystones to determine what strategy will be necessary to preserve the housing. This collective spirit toward preservation should help the Preservation Compact meet its goals.

Other keystones help advance the Preservation Compact's efforts. Rising energy costs likely contributed and may continue to contribute to the declining supply of affordable rental housing. The Energy Savers Program, coordinated by the Center for Neighborhood Technology and the Community Investment Corporation, can help property owners of multifamily rental building reduce their operating costs. For owners, the program offers building energy assessments or "energy audits" and low-cost financing (half of prime) for energy saving improvements. In 2008 program participants

are enjoying energy costs reduced by 30 percent.

The Preservation Fund keystone will provide up to \$100 million in bridge loans to help preservation buyers quickly acquire and improve at-risk, affordable rental properties while long-term financing is assembled. Smaller, low-cost loans and grants will also be available for long-term owners to maintain existing rental housing. These new loan programs should be available sometime this summer.

The Cook County Assessor's Office, which has already reduced the property taxes of affordable rental properties in Cook County through the Class S and Class 9 property tax reduction programs, plans as part of its keystone initiative to revise further the property tax classifications to aid in the preservation of this stock.

All of these keystones rely upon a precise and timely analysis of the rental market in Cook County. The last keystone, the Rental Housing Data Clearinghouse, in partnership with the Real Estate Center at DePaul University, supplies data to the keystones and to the public on at-risk subsidized and unsubsidized affordable rental housing. For the first time, this type of comprehensive picture will be available to housing advocates and public officials as they work together to stop the loss of more affordable rental housing. ■

TENANTS JOIN THE FIGHT TO SAVE EVERGREEN TERRACE, A PROJECT-BASED SECTION 8 DEVELOPMENT IN JOLIET, ILLINOIS

The Shriver Center (Kate Walz and Samantha Tuttle) is working to save

Evergreen Terrace, a Project-Based Section 8 development in Joliet, Illinois. Since 2005, the owners of Evergreen Terrace, along with the U.S. Department of Housing and Urban Development (HUD), have been embroiled in federal litigation to stop the City of Joliet from taking Evergreen Terrace by eminent domain. On December 21, 2007, six Evergreen Terrace tenants, represented by the Shriver Center, joined in the litigation to save Evergreen Terrace. The outcome of this litigation is likely to affect Project-Based Section 8 developments across the country.

Evergreen Terrace is a 356-unit development that has benefited from Project-Based Section 8 subsidies since the early 1980s, which allows it to provide affordable housing to low-income residents of Joliet. As the initial Section 8 subsidy contracts (known as HAP contracts) for the development were about to expire, the owners of Evergreen Terrace applied for "Mark-to-Market" (M2M) restructuring with HUD. M2M restructuring would provide Evergreen Terrace with millions of dollars for rehabilitation and improvement of the property and would secure the property as Project-Based Section 8 for twenty years.

From the beginning, the City of Joliet actively campaigned against the M2M restructuring. Instead the City supported demolition of the property and the relocation of residents with Section 8 vouchers, with which securing housing in the Joliet area would be very difficult, in light of the local housing market. Eventually HUD approved final M2M restructuring agreements, securing Evergreen Terrace as a Project-Based Section 8 development.

In 2005, as it became apparent that the City would not be able to stop the mark-to-market restructuring and resulting extension of Evergreen Terrace's life as a Project-

Based Section 8 development, the City of Joliet initiated a lawsuit seeking to take Evergreen Terrace by eminent domain (also called condemnation). Eminent domain is the power of a state or local government to seize private property, without the owner's consent, even if the property is in good condition. The case is pending in federal court. HUD, the owners, and the Evergreen Terrace tenants represented by the Shriver Center are defendants in the lawsuit and oppose the condemnation, which would result in the permanent loss of 356 units of affordable housing in the Joliet community. The case represents a unique collaboration among property owners, tenants, and HUD to save affordable housing. The owners of Evergreen Terrace, and later Evergreen Terrace tenants, have each filed affirmative lawsuits to stop the condemnation under the federal Fair Housing Act; they allege that the City's true purpose in taking the property is discriminatory.

Because HUD has an interest in the property, a central issue in the condemnation litigation is whether the City needs HUD's consent to take the property. HUD, the owners, and the tenants maintain that the City may not take the property without HUD's permission. The City claims that it does not need HUD's consent to exercise its power of eminent domain over property within the city. If the courts adopt the City's theory, there could be dire consequences to the stock of federally subsidized housing across the nation. Such a decision would mean that municipalities could unilaterally rid themselves of the federally subsidized housing stock in their communities via eminent domain even if the federal government opposed it. The power to preserve or eliminate federally subsidized housing then would rest in the hands of local, rather than federal, government. Owners, too, like the owners of Evergreen

Terrace, would find themselves vulnerable to the whims of municipalities and subject to substantial financial loss should municipalities unilaterally decide to take their property after significant investment.

The question of whether federal law prohibits a city from condemning federally subsidized property has not been finally resolved by the court. The resolution of this question will determine the next steps in the litigation and may ultimately save Evergreen Terrace. ■

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**THE 2008 HOWARD
LANDAU HOUSING
JUSTICE AWARDS**
June 17, 2008

In recognition of their extraordinary courage and tireless work in taking action to end poverty through the preservation of affordable, decent housing, the Shriver Center honors

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LAND OF LINCOLN LEGAL ASSISTANCE FOUNDATION AND THE SHRIVER CENTER WIN IMPORTANT UTILITY ALLOWANCE VICTORY

Advocates charged, in May 2007, that an Illinois housing authority illegally denied basic utility assistance to its voucher recipients for at least the previous ten years. The Shriver Center (attorney Kate Walz) and the Land of Lincoln Legal Assistance Foundation notified the St. Clair County Housing Authority (SCCHA) that they intended to file suit against the housing authority for failing to pay utility assistance to families with Housing Choice Vouchers. From 2005 – 2007 alone, the defendants owed their 1,600 low-income tenants approximately \$1.5 million to cover the costs of electricity, water, and trash collection.

Housing Choice “Section 8” Vouchers provide subsidies to help low-income families pay for rental units in the private market. Public housing authorities receive federal dollars to help low-income tenants cover the cost of both rent and utilities.

However, SCCHA simply had not paid the required utility allowances to the county’s voucher recipients, who live near East St. Louis. SCCHA’s illegal actions forced these low-income tenants to choose between paying rent to save their homes and vouchers, buying food for their families, and maintaining basic utilities. When some tenants lacked sufficient resources to cover all their expenses, SCCHA terminated them from the program—even though the housing authority knew that the improper utility allowance caused or contributed to the families’ inability to make payments.

The dramatic utility rate hikes, effective in January 2007, only heightened the tenants’ financial difficulties. For some, utility rates went up by 80 percent after a ten-year rate freeze ended. But SCCHA continued to pay insufficient amounts toward utilities and to terminate low-income tenants unable to maintain their utilities.

In response to the threat of litigation, the SCCHA revised its utility allowance schedule to account for the spike in utility rates. The SCHHA also compensated SCCHA voucher holders for the years of deficient utility allowances. Between December 2007 and January 2008, SCCHA voucher holders received approximately \$1.5 million from the SCCHA, with each household receiving from \$700 to \$1,500. ■

The Shriver Center thanks the generous supporters of today’s event, as well as the following funders of our housing work:

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SHRIVER CENTER CONTINUES TO ADVISE THE U.S. HOUSE FINANCIAL SERVICES COMMITTEE

The Shriver Center and other members of the Housing Justice Network, a national group of attorneys and advocates for public and subsidized housing residents, have been giving the Financial Services Committee of the U.S. House of Representatives detailed information and guidance regarding proposed housing legislation.

Starting in December 2006, after the midterm elections in which the Democrats gained control of Congress, the Housing Justice Network began working with Rep. Barney Frank, the committee chairman and with Rep. Maxine Waters, the chairwoman of the Subcommittee on Housing and Community Opportunity, regarding proposed housing legislation.

HOPE VI Legislation

In February 2007 the committee invited several members of the Housing Justice Network to Washington, D.C., to participate in a HOPE VI roundtable to discuss possible amendments to the HOPE VI statute (42 U.S.C. § 1437v). HOPE VI is a federal program that provides grants to public housing authorities to demolish and thereafter revitalize public housing developments. HOPE VI did not require the replacement on a one-for-one basis of units demolished under the program. For this reason, the Housing Justice Network worked with the committee on language that would require one-for-one replacement in all HOPE VI programs.

In September 2007 the committee reported out a bill, H.R. 3524, which required one-for-one replacement of all public housing units

demolished under HOPE VI. However, the committee's bill limited the location of off-site and out-of-neighborhood replacement housing units to areas "within the jurisdiction of the housing authority."

In a letter sent to the committee in mid-September 2007, the Shriver Center, which is coordinating the responses of the Housing Justice Network, argued that the committee's language would unnecessarily restrict housing authorities or their private-sector partners or both from acquiring or building replacement units in desirable, newly developing areas outside an authority's jurisdiction—areas that would make sound real estate sense and offer tenants better educational and economic opportunities.

The committee subsequently revised its HOPE VI bill to include language that off-site replacement housing must be provided in areas within a housing authority's jurisdiction having low concentrations of poverty. If the housing authority has limited areas within its jurisdiction having low concentrations of poverty, then the replacement housing units are to be provided in areas within a twenty-five-mile radius of the on-site and neighborhood units in low-poverty areas outside the jurisdiction of the housing authority.

H.R. 3524, with the revised language included, passed the U.S. House on January 17, 2008, and has been referred to the Senate Banking Committee for consideration.

Section 18: Demolition/Disposition Legislation

In October 2007 staff of the committee invited the Housing Justice Network, the National Low-Income Housing Coalition, and the National Training and Information

Center to submit concept proposals for amendments to Section 18 of the U.S. Housing Act, 42 U.S.C. § 1437p. Section 18 governs demolition or disposition of public housing units, including those demolished under HOPE VI.

In January 2008 the Shriver Center, on behalf of the three groups, submitted concept proposals to the committee. The three groups made several suggestions, including the need for one-for-one replacement, a guaranteed right of return for displaced residents, and the creation of a private right of action to ensure that tenants could enforce the revised Section 18.

In February 2008 representatives of the three groups conferred with committee staff to discuss the proposed amendments. After clarifying several issues, the committee invited the three groups to submit proposed statutory language to amend Section 18.

In March 2008 the Shriver Center, on behalf of the three groups, submitted proposed statutory language to the committee. The committee's Discussion Draft of proposed amendments to Section 18 adopted all of the suggestions of the three groups, and the committee invited further comment and discussion from the Housing Justice Network.

In May 2008 the Shriver Center hosted a conference call with the Housing Justice Network Demolition/Disposition Group to consider further amendments. In June 2008 the Housing Justice Network submitted to the committee its revised recommendations on Section 18. These recommendations provide that

- the one-for-one replacement requirement shall apply to all units demolished or disposed of after January 1, 2005;

- sufficient units shall be built or provided on-site or in the surrounding neighborhood to accommodate all residents wanting to return to the community;
- remaining replacement units must be provided within the housing authority's jurisdiction having low concentrations of poverty, and if there are limited areas within the jurisdiction meeting that criterion, then the units must be provided within a twenty-five-mile radius of the on-site and neighborhood units;
- the housing authority must apply for vouchers for all units demolished, create a relocation plan for residents displaced, and provide other assistance;
- all displaced residents have a right to return to the units on-site or in the neighborhood as long as the residents' tenancy or right of occupancy has not been validly terminated; and
- any affected person has the right to enforce privately the provisions of Section 18. ■

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