



Sargent Shriver National Center on Poverty Law  
*proudly presents*

## THE 2007 HOUSING JUSTICE AWARDS

*June 11, 2007*

*See page six for a complete list of awardees and events sponsors.*

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### RESIDENTS COMMITTEE LEADS TENANTS IN REVITALIZING HENRY HORNER HOMES

One of the nation’s most successful public housing redevelopment efforts is occurring on the Near West Side of Chicago, at the site of the Governor Henry Horner public housing development. Its success is due to a number of factors, but the most important is the day-to-day participation in the redevelopment process by the seven members of the Horner Residents Committee (HRC).

The Henry Horner development typified the decline of many public housing developments in Chicago and across the country. In November 1981 the overall vacancy rate at Horner was 2.3 percent or 40 vacant units. Due to severe cutbacks in federal housing funds and mismanagement by the Chicago Housing Authority (CHA), Horner’s vacancy rate climbed steadily for 10 years, peaking in May 1991 at 49.3 percent or 868 vacant units. Most of the occupied units were uninhabitable, and guns, drugs, gangs, and criminal activity permeated the development. In 1991 the CHA stated that, in the opinion of many residents, staff, and housing activists, Horner was “the authority’s most troubled development” and “one of the most distressed public housing projects in the nation.”

Due to the deteriorating conditions, several Horner tenants and a not-for-profit Horner tenants group retained counsel and filed a class action lawsuit in May 1991 against the CHA and the U.S. Department of Housing and Urban Development (HUD). The tenants sought declaratory and injunctive relief against the CHA and HUD, including an order requiring them to maintain reasonably full occupancy at the development after, among other improvements, making all the residential units there habitable.

After four years of litigation, the parties reached a settlement agreement. Under the terms of the agreement, approved by the federal district court in May 1995, with Judge James B. Zagel presiding, Horner was to be

redeveloped in phases; demolition was to be so phased as to minimize displacement.

The unique feature of the decree is the role it provides for the Horner residents. Under the decree, the plaintiffs formed the HRC. The HRC consists of seven public housing members who have been elected president of a building, block, or area by the Horner residents in elections every three years as part of selecting members of each development's tenant Local Advisory Council (LAC). The HRC, whose membership must be agreed to by the Sargent Shriver National Center on Poverty Law as class counsel for the Horner residents, determines, along with class counsel, the position of the residents regarding each aspect of the redevelopment process. Under the decree, the CHA, HUD, Horner management, and the Horner developers must consult and attempt to reach agreement with the HRC on every aspect of the redevelopment process. If agreement cannot be reached after good-faith consultation, either party may appeal to the Horner court for resolution. If the matter involves issues in Phase II of the redevelopment effort, the parties may first appeal to the Horner mediator, private attorney John R. Schmidt, a former official of the U.S. Department of Justice.

The decree provides that three members of the HRC sit on the Horner Tenant Selection Committee (TSC), along with three persons appointed by the CHA. The TSC interviews and either accepts or rejects all applicants who do not live at Horner but who wish to move there. Each applicant is carefully screened by the TSC, after the applicant gives information to the TSC relating to the applicant's family size, credit and criminal history, and other relevant factors.

Since 1995, the HRC has met monthly, and at "special call" meetings as necessary, with its legal counsel and the Shriver Center (William P. Wilen) and with its consultants (a structural engineer and a city planner). Under the decree, the HRC receives \$150,000 per year out of development funds to hire consultants to assist it in its negotiations with the CHA, HUD, management, and the developers. Since 1995, the HRC has met as a group over 150 times to discuss and vote on matters relating to the Horner redevelopment.

The scope of issues within the jurisdiction of the HRC is broad. The Horner court ruled that the CHA, HUD, Horner management, and the developers must attempt to reach agreement on such matters as tenant assignments to new units, selection of higher-income, non-Horner families for

## THE HUMAN MEASURE OF RENEWAL

By Jamie Kalven, HRC Consultant

I have had the privilege of serving as consultant to the Horner Resident's Committee for the past two years. While a relative newcomer in the Horner/West Haven community, I have worked for many years in other Chicago public housing communities. My experiences elsewhere provide a measure of perspective on the achievements of the HRC.

The consent decree in *Henry Horner Mothers Guild v. Chicago Housing Authority* established a rational, equitable framework for the redevelopment of the Henry Horner Homes and ensured resident participation in the process. It is the envy of public housing residents throughout the city.

The HRC's mission has been to give the broad principles embodied in the consent decree concrete meaning in the lives of Horner residents. This has been a matter of endless meetings and negotiations. Month after month. Year after year. It has demanded sustained attention and care, steadfastness and attention to detail. Individually and as a group, the members of the HRC have met this challenge. In the process, they have created a model of community leadership that inspires.

When I became consultant to the HRC, I joined a group that has participated deeply in shaping the history of the place where they lived. They have long worked together. They have deliberated and strategized together, prayed and laughed together. They have also nurtured over the years the capacity to argue productively with one another and the statesmanship to deal effectively with other institutions in the redevelopment process.

Too often the logic of public housing "transformation" accepts high levels of collateral damage to individuals, families and the fabric of community as necessary costs of redevelopment. It is easier to focus on blocks razed and new units built than on the individual fates of individual residents. That this has not been the case at Horner/West Haven is due in large part to the way the HRC monitors the redevelopment process household by household, resident by resident. Its enduring achievement has been to insist at every stage that attention be paid to the human measure of renewal.

occupancy, approving “family splits” whereby an adult household member with children may separate from the original leaseholder and obtain another apartment, the timing and manner of management inspection of tenant apartments, the automobile towing policy, the timing and manner of HRC “walk-down” inspections of both new and existing units, the role of the Horner service agencies, and all major contracts.

As a result of the efforts of the HRC, the Government Accountability Office reported in November 2003 that, of the 20 public housing redevelopment sites studied, Horner had the highest level of resident participation in the redevelopment process: “Under a settlement agreement, any decisions regarding the revitalization of Henry Horner Homes in Chicago are subject to approval of the Horner Residents Committee.” Some of the more difficult decisions made by the HRC over the years include a determination to litigate the CHA’s failure to complete the Phase I new construction in accordance with the timetable in the decree, the selection of the Phase II developer of mixed-income housing in Phase II of the redevelopment effort, and the decision to file contempt proceedings against the Phase I Horner property manager for repeated violations of the decree.

So who are these seven HRC members, all women, who have been so courageous and dedicated over the years? Remember that they are not compensated for their work; it is strictly a volunteer effort undertaken by these residents, who want to see Horner’s revitalization succeed.

*Photo Credit Rebecca Marchiel*



*William P. Wilen celebrates Phase II of Horner Redevelopment*

Mamie Bone. The longtime president of the HRC is



Mamie Bone, who was born in Tennessee and moved to Chicago in the early 1950s. She moved into the midrise at 1936 West Washington Street and lived there almost 50 years, raising her family of three children with her husband. In 2006 she received her permanent replacement housing

under the decree—one of the 119 units in a luxury condominium constructed as part of Phase II at 100 North Hermitage Avenue. Ms. Bone, who was the Horner LAC president for several years, also served as the president of the citywide tenants’ Central Advisory Board and was appointed a CHA commissioner by Mayor Richard M. Daley.

Florence Wright. The HRC’s vice president was born in



Tunica, Mississippi, and came to Chicago in 1971. She moved in 1975 into the 16-story Horner high-rise at 2215 West Lake Street, where she lived for 23 years and raised four children.

In 1998 she and her family moved to her permanent replacement housing—a unit in the Horner “Superblock” on Maypole Street between Damen Avenue and Hoyne Avenue.

Crystal Palmer. The HRC’s secretary was born in



Chicago and has lived at Horner for 31 years, raising three children there. She lived at the midrise building at 2051 West Lake Street before moving to her permanent replacement housing on the Near West Side of Chicago.

Ms. Palmer was elected Horner LAC president in 2005 and joined the HRC in 2006.



Annette Hunt. The HRC's treasurer was born in Chicago and moved into the Horner Annex in 1970. She has lived in the Annex ever since and played a major role in the building's rehabilitation during 1995–1997. She also found time to raise two girls and twin boys there.

her permanent replacement housing on the Near West Side of Chicago in 2004.

*The Shriver Center is proud to confer its highest housing honor, the Housing Justice Award, on the Horner Residents Committee. ■ Article photo credits: Jamie Kalven*

## SHRIVER CENTER RECEIVES \$250,000 MACARTHUR GRANT FOR HOUSING PRESERVATION

Recognizing the Sargent Shriver National Center on Poverty Law's crucial advocacy work, the John D. and Catherine T. MacArthur Foundation recently awarded the Shriver Center's housing unit a three-year, \$250,000 grant to support housing preservation. The funds will help underwrite the Shriver Center's legal assistance, policy, and advocacy work to preserve subsidized housing in Cook County. Through the grant, the Shriver Center and the Chicago Rehab Network (CRN) will form the Chicago Area Rental Housing Alliance, fostering increased collaboration and intervention to save affordable units. The initiative is part of the Preservation Compact, a countywide project funded by the MacArthur Foundation to ensure an ample supply of affordable rental housing by 2020.

According to CRN, Chicago may lose more than 18,000 units of federally subsidized housing by the end of 2009. The project-based Section 8 program attaches federal housing subsidies to the unit, rather than the tenant, so that the rent remains affordable when a tenant leaves. Landlords, however, are not required to stay in the program and are frequently opting out and converting to market-rate rents or condominiums. Researchers at Loyola University recently reported that between 1989 and 2004 Chicago lost nearly 3,300 (or 31 percent) of its large apartment buildings (seven or more units). Over 97,000 apartment units were removed from the city's housing stock, while over 102,000 condo units were added.

To counteract the alarming trends of gentrification, owner opt-out, and expiring contracts, the Shriver Center will lead and strengthen a network of housing preservation advocates. We will identify at-risk buildings, provide educational resources, and work with key organizations and tenants to advance preservation action plans. We will disseminate information about our

Sarah Ruffin. Born in Meridian, Mississippi, Sarah Ruffin came to Chicago in 1966.



She moved into the Horner Annex in 1970, raised five boys there, and is serving as building president. With Ms. Hunt, she spearheaded the rehabilitation of the annex in 1995–1997; she met with the contractors

and architects for more than eight months during planning of the rehabilitation.

Cloteal Butler. Mississippi-born Cloteal Butler came to Chicago in 1952. In



1961 she moved to the midrise building at 1936 West Washington Street, where she lived for 42 years before moving to her permanent replacement housing in the 100 block of

Wood Street, in Phase II of the Horner redevelopment.

Edna Pearce. Born in Columbus, Georgia, Edna Pearce



came to Chicago in the mid-1940s. She moved to Horner in 1959 and moved to the 16-story high-rise at 111 North Wood Street, where she resided for 45 years, raising five boys and a girl. She moved to

experiences in order to empower other advocates working locally and nationally on this issue.

The Shriver Center is already tackling several preservation cases to save hundreds of at-risk units. Two threatened Chicago properties are Grove Parc Plaza, a public housing project in Woodlawn with over 500 units, and Pensacola Place, a Lakeview project-based Section 8 property for seniors.

The Shriver Center and CRN will advocate policy changes that recognize the centrality of housing preservation. We will focus on laws, policies, and regulations that impede preservation; we will work toward a better preservation climate both locally and nationally. We will push for increased use of Illinois's Federally Assisted Housing Preservation Act. Passed in 2004, the Act gives tenants broad rights to seek ownership of troubled buildings or those with expiring subsidies. The Act also requires owners to give notice if the property may be converted to market-rate or condo units. These major protection provisions have rarely been utilized, but the Shriver Center will lead efforts to preserve affordable housing under the Act. ■

## ADVOCATES FIND NEW WAY TO PRESERVE SUBSIDIZED HOUSING

Attorneys from the Sargent Shriver National Center on Poverty Law last fall spearheaded a class action lawsuit against the Moody Bible Institute (MBI) to challenge the school's unlawful conversion of subsidized senior housing into student dormitories. Katherine E. Walz of the Shriver Center was joined by Jack Cann of the Minneapolis Housing Preservation Project and pro bono attorneys Max Stein, James Rolfes, and Casey Westover of Sachnoff & Weaver Ltd. Together they filed suit on behalf of current residents, applicants on the waiting list, and the Jane Addams Senior Caucus (JASC), a 30-year-old Chicago nonprofit organization.

The threatened property, Morningside I, is located just west of Chicago's Magnificent Mile and originally provided 201 units of affordable housing for low-income seniors. Because Morningside is a project-based Section 8 property, government subsidies were attached to Morningside's units rather than to the tenants. The Section 8 subsidy stays with the property when tenants move out so that affordable units would be available for future

residents. In 1993 MBI purchased Morningside and initially followed its obligations under the Section 8 contract. But since the late 1990s, after receiving approval from the Illinois Housing Development Authority (IHDA), MBI instead gradually converted the property into a student dormitory. Around the time the lawsuit was filed, about 160 students and their spouses resided at Morningside, where they enjoyed Internet access in well-maintained rooms. Disabled and elderly residents complained that they were denied similar upgrades in their rooms and even parking spaces in the building's lot, forcing them to walk across four-lane streets to reach their homes. Eligible applicants were told that the building was no longer intended for disabled and elderly residents.

Shortly after the lawsuit was initiated, the parties, IHDA, and the U.S. Department of Housing and Urban Development (HUD) entered into settlement discussions. Those talks brought forth an innovative settlement agreement which will preserve all 201 units of subsidized housing, extend the Section 8 contract for several more years, and allow MBI to use a portion of the property to house students. Pursuant to Section 8(bb) of the U.S. Housing Act, HUD will permit MBI to split the Section 8 contract into two contracts. The second contract, comprising a little over half of the units, will be transferred to Maple Pointe Apartments, a senior-designated Low-Income Housing Tax Credit apartment complex located just down the street. Residents who elect to remain at Morningside are guaranteed project-basing until 2018. Residents who volunteer to move to Maple Pointe will have project-based Section 8 housing until 2033. This agreement should allow other low-income seniors access to affordable housing for decades to come.

In this pioneering agreement, the parties successfully used a new approach to housing preservation. Morningside is one of the first cases in which advocates were able to persuade HUD to split a Section 8 contract to maintain the same number of subsidized units. As affordable housing becomes ever more scarce, we must uncover new ways of saving these vital units. Morningside thus opens up important possibilities for preserving affordable housing, both in Illinois and nationwide.

*The Shriver Center is proud to confer its highest housing honor, the Housing Justice Award, on Jane Addams Senior Caucus. ■*

## PROMOTING THE SAFE HOMES INITIATIVE THROUGHOUT ILLINOIS

The Sargent Shriver National Center on Poverty Law (Attorneys Wendy Pollack and Katherine E. Walz) and Housing Action Illinois last year advocated passage of the Safe Homes Act, and, after the law came into effect in January, advocates have been actively working to raise awareness of its new provisions. The Safe Homes Act establishes rights for domestic and sexual violence survivors living in rental housing in Illinois. Under the Act, survivors may either end their leases early or change their locks on an emergency basis so that they may protect themselves and their families. Now that the Safe Homes Act is in effect, survivors may move to new apartments without having to pay damages or rent due after leaving home. Frequent contact with advocates and survivors confirms that the Safe Homes Act is helping a considerable number of women and their families achieve housing safety.

Since public awareness is crucial to the law's success, the Shriver Center has launched the Safe Homes Initiative, a major outreach campaign throughout Illinois. Advocates have created informational flyers and translated brochures into several languages, including Spanish, Vietnamese, Urdu, and Chinese. Materials have been sent statewide to more than a thousand organizations, ranging from direct service providers, legal assistance and community agencies, police departments, state's attorneys, and public housing authorities to tenants' groups. All of these materials are available on our website, [www.povertylaw.org](http://www.povertylaw.org), promoting even wider distribution.

As part of the Safe Homes Initiatives, advocates have distributed additional information about the Violence Against Women Act of 2005 (VAWA), which protects survivors living in public housing. VAWA also applies to survivors living with Housing Choice "Section 8" vouchers and in project-based Section 8 housing. Under VAWA, victims are entitled to confidentiality, protections in admissions and evictions, and the right to split the lease to terminate assistance to their abuser. The Shriver Center is currently working with the Mayor's Office on Domestic Violence and the Chicago Housing Authority to implement VAWA policies for the housing authority's residents and applicants.

The Shriver Center is also offering free training to a variety of stakeholders about the Safe Homes Act and

**Sargent Shriver  
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## THE 2007 HOWARD LANDAU HOUSING JUSTICE AWARDS

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

THE HORNER RESIDENTS COMMITTEE

AND

THE JANE ADDAMS SENIOR CAUCUS

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VAWA. With our full-time project coordinator, we are helping educate both landlords and tenants, as well as housing authorities, service providers, and other professionals. After attending one such training, Chicago's 13th Police District decided to devote its annual fundraiser to supporting survivors who need additional resources to move or change their locks under the Safe Homes Act. We will continue offering additional training in the coming months. By combining legislative advocacy, targeted training, and widespread outreach, the Shriver Center is helping ensure safe, secure housing for survivors of domestic and sexual violence. To learn more, visit <http://www.povertylaw.org/advocacy/women-and-family/safe-homes-act> or contact Miriam Beyer at [miriambeyer@povertylaw.org](mailto:miriambeyer@povertylaw.org) to schedule a training.

Miriam Beyer, the aforementioned project coordinator, notes the overwhelmingly positive response to the Safe Homes Act training. After learning about her rights under the Act, a survivor declared, "I now feel a surge of hope.... This will be a great start in balancing the scales of justice for women all over."

The Shriver Center and Housing Action Illinois are working together this year to strengthen the Safe Homes Act. Senate Bill 534 extends the Act's emergency lock-change provisions to tenants with oral leases and to survivors of violence when the perpetrator is a leaseholder. State Sen. Kwame Raoul, the Act's sponsor in 2006, led the effort again this year to protect further the housing rights of survivors of violence. The Illinois Senate passed S.B. 534 unanimously, and the House of Representatives should pass it shortly. Once the governor signs the new law, the Shriver Center will update materials and educate stakeholders on the Safe Homes Act's expanded provisions. ■

## **SHRIVER CENTER, PRAIRIE STATE LEGAL SERVICES THREATEN SUIT TO STOP ILLEGAL DEMOLITION**

The Sargent Shriver National Center on Poverty Law (William P. Wilen and Katherine E. Walz) and the Prairie State Legal Services recently demanded that the Rockford Housing Authority (RHA) immediately rescind its

demolition application for Jane Addams, an 84-unit public housing development in Rockford, and cease issuing Housing Choice Vouchers to Jane Addams residents. The attorneys at the Shriver Center and Prairie State charge that the RHA intends to demolish all 84 units at Jane Addams, provide no housing mobility counseling, and convert the land to green space. The RHA's plans to demolish Jane Addams come at a time when the surrounding community, comprised of historic Rockford Victorian homes, is beginning to revitalize and gentrify.

The attorneys also contend that the housing at Jane Addams does not meet the federal law demolition requirements that the property be physically obsolete. To the contrary, the property is a solidly constructed, spacious public housing in a revitalizing area of Rockford. If any repairs or modifications are necessary or desirable for Jane Addams, they could be done easily and quite cost-effectively, well under the RHA's estimated \$14.3 million in rehabilitation costs presented in its demolition application with the U.S. Department of Housing and Urban Development.

The attorneys recently met with the RHA and hope to resolve this matter short of litigation. HUD has directed the RHA to cease all demolition and relocation activities until HUD has had a chance to review its approval of the demolition application. ■

## **SHRIVER CENTER CHALLENGES THE UNLAWFUL DENIAL OF UTILITY ASSISTANCE**

An Illinois housing authority illegally denied basic utility assistance to its voucher recipients for at least the past 10 years, advocates charged this spring. The Sargent Shriver National Center on Poverty Law (Attorney Katherine E. Walz), the Land of Lincoln Legal Assistance Foundation, and the Law Offices of Thomas E. Kennedy III are threatening to file a lawsuit accusing the St. Clair County Housing Authority (SCCHA) of failing to pay utility assistance to 1,600 families with Housing Choice Vouchers. For the last two years alone, the defendants owe their 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 has not paid the required utility allowances to the county’s voucher recipients, who live near East St. Louis. SCCHA’s illegal actions have 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, have only heightened the tenants’ financial difficulties. For some, utility rates have risen up to 80 percent now that a 10-year rate freeze has ended. But SCCHA continues to pay insufficient amounts toward utilities and to terminate low-income tenants unable to maintain their utilities.

The Shriver Center aims to recover monetary damages for the plaintiffs, a new utility allowance, and a pledge by SCCHA not to terminate any additional tenants who fail to maintain their utilities. ■

## **RELOCATED CHA RESIDENTS STILL SEARCHING FOR HOUSING IN AREAS OF OPPORTUNITY: AN UPDATE ON WALLACE v. CHA LITIGATION**

In June 2005 the U.S. District Court in Chicago, with Judge Ruben Castillo presiding, approved settlement of *Wallace v. Chicago Housing Authority (CHA)*, a class action lawsuit being litigated by the Sargent Shriver National Center on Poverty Law (William P. Wilen and Katherine E. Walz) and the Chicago Lawyers’ Committee for Civil Rights Under Law. Starting in 1995, thousands of public housing families were relocated by CHA to racially

concentrated and high-poverty neighborhoods on the South Side and West Side of Chicago. The residents were relocated by CHA so that the buildings could be demolished as part of CHA’s Plan for Transformation. The *Wallace* plaintiffs alleged that CHA was in violation of federal fair housing laws and its own contractual obligations by failing to provide adequate relocation and effective social services to these residents. After two and one-half years of litigation, the parties entered into a settlement agreement.

Under the settlement agreement, CHA is obligated to use its “best and reasonable efforts” to provide programs to *Wallace* class members to allow them to exercise their own choices in relocating to economically and racially integrated communities. The primary program utilized by CHA in implementing the settlement is the Enhanced Housing Opportunity Program (EHOP). Under EHOP, relocated public housing tenants are being provided enhanced relocation and mobility counseling, including one-on-one counseling, van tours to opportunity areas, and assistance in relocating. They are offered housing in “EHOP neighborhoods,” which are less than 24 percent poverty and less than 30 percent African American.

However, according to the latest information from CHA, the *Wallace* relocation programs have achieved mixed results. Since June 2005, CHA’s Housing Choice Voucher Program administrator, CHAC Inc., has notified over 3,000 relocated families of the availability of EHOP. Of this number, 441 or approximately 15 percent have made the decision to enroll. But only 5 percent of the total number enrolled, or 22 families, moved to an EHOP Opportunity Area. An additional 111 families (25 percent of the total number enrolled) moved to low-poverty areas that were more than 30 percent African American. Most of the families (192 families or 44 percent of the total enrolled) continued to move to areas of high poverty and high racial concentration. The remaining families “ported out” (i.e., moved to another jurisdiction), were terminated from EHOP for cause, or simply did not move.

On the plus side of the equation, 30 percent of the families enrolled moved from high-poverty to low-poverty areas, resulting in a vast improvement over their current neighborhood. However, 70 percent of the participants have not moved to lower-poverty neighborhoods, and many have moved to areas of high racial concentration.

Under the terms of the settlement, plaintiffs' counsel are permitted to monitor CHA and CHAC's performance until June 2008. Since June 2005, we have met with CHA and CHAC personnel to seek improvements in the implementation of the settlement. The parties are currently involved in discussions regarding changes in the program to make it more effective. ■

## SHRIVER CENTER ADVISES U.S. HOUSE FINANCIAL SERVICES COMMITTEE

The Sargent Shriver National Center on Poverty Law (William P. Wilen) 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 housing legislation soon to be proposed by the committee.

In February 2007 several members of the Housing Justice Network were invited to Washington, D.C., to participate in the committee's HOPE VI Roundtable, a discussion among tenant advocates, industry representatives, and other interested parties. The Shriver Center, which is coordinating the responses of the Housing Justice Network in this endeavor, is urging the committee to change the HOPE VI statute (under which over 80,000 units of public housing have been demolished over the past ten years) to be more protective of tenants' rights.

The network is urging that Congress amend not only the HOPE VI statute but also the general demolition statute, Section 18 of the U.S. Housing Act. The network is proposing that Congress adopt a "universal right of return" that would apply to all demolitions and dispositions of public housing units, regardless of under which U.S. Department of Housing and Urban

Development (HUD) program the unit is being demolished or disposed (e.g., HOPE VI, general demolition, or mixed-finance). Under this proposal, all public housing residents displaced by demolition



*Henry Horner Revitalization  
Photo Credits: Rebecca Marchiel*

activities would be offered a universal right of return to the revitalized public housing development. Public housing authorities and other managers of replacement public housing units would be prevented from denying replacement housing to any person who has been displaced through demolition or disposition by use of any eligibility, screening, occupancy, or other policy or practice. As long as the resident's tenancy or right of occupancy has not been lawfully terminated, the resident would have a right of return, regardless of the time of displacement. The network is proposing this amendment because housing authorities around the country are adopting strict screening requirements for new public housing units being built on the sites of demolished units. Advocates estimate that less than 20 percent of the residents displaced will be able to meet the stricter screening requirements for admission into the new public housing units, most of which are located in gentrifying, mixed-income communities.

The other major issue being addressed by the Housing Justice Network is the permanent loss of public housing units throughout the country. Before 1996, federal law required HUD to replace each unit demolished with another unit of public housing or with a unit affordable to a low-income family. In 1996 Congress repealed this requirement. During the next ten years, the United States suffered a net loss of over 123,000 units of public housing. In order to ensure no further net loss of public housing units, the network is urging Congress to amend Section 18 to provide that every public housing unit demolished in the future shall be replaced with a newly constructed public housing unit or with a newly constructed unit that is affordable for the longest feasible term to an extremely low-income family. These units shall be constructed on the original public housing location, or in the same neighborhood as the original public housing, and in other locations throughout the metropolitan area, consistent with the goal of expanding educational and economic opportunities. A sufficient number of units will be constructed on the original public housing site, or in the same neighborhood of the original public housing site, to accommodate all public housing residents there who

elect to remain in the community after construction of the replacement public housing units.

The network has also proposed a series of HOPE VI and Section 18 amendments that would increase resident input on demolition, relocation, and return. These include requiring that HUD implement formal federal regulations to implement the HOPE VI program (currently the program is governed by Notifications of Funding Assistance, or NOFAs, which change each year), that HUD make all demolition documents available online, that HUD enforce fair housing laws in the demolition and relocation process, that Congress make the demolition statutes privately enforceable, and that Congress make the Uniform Relocation Act apply to all demolitions and dispositions.

In April 2007 counsel for the Financial Services Committee contacted several members of the Housing Justice Network, including the Shriver Center, asking us to list our top five priorities for the committee's proposed legislation. On April 25 the network responded, listing its priorities as having the committee, first, amend Section 18 of the U.S. Housing Act as proposed by the network; second, provide that the only public housing units to be demolished under HOPE VI would be those previously designated as "distressed" by the housing authority; third, provide a private right of action to enforce demolition statutes; fourth, make the Uniform Relocation Act applicable to all demolition activities; and fifth, make all demolition, disposition, and relocation activities comport with federal fair housing requirements. The network is awaiting responses of the committee to these priorities and has offered to provide the committee any further assistance as requested in the future. ■

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For more information our housing advocacy, visit us on the web at <http://www.povertylaw.org/advocacy/housing>