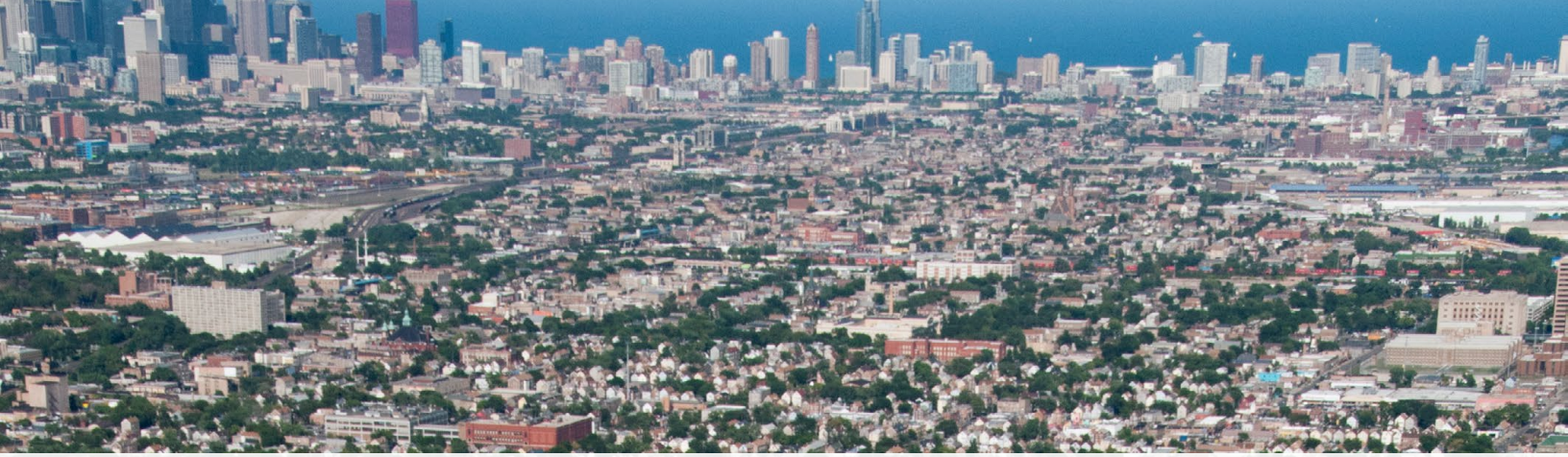


A CITY FRAGMENTED

HOW RACE, POWER, AND ALDERMANIC PREROGATIVE SHAPE CHICAGO'S NEIGHBORHOODS

CAFHA
CHICAGO AREA
FAIR HOUSING ALLIANCE

Acknowledgements

This report was created by the Chicago Area Fair Housing Alliance in partnership with Sargent Shriver National Center on Poverty Law.

The Chicago Area Fair Housing Alliance (CAFHA) is a 501 (c) (3) non-profit consortium of fair housing and advocacy organizations, government agencies, and municipalities. CAFHA works to combat housing discrimination and promote integrated communities of opportunity through education, advocacy, and collaborative action. CAFHA report contributors: Patricia Fron, Executive Director; Asia Bowman and Kate Spear, Policy & Advocacy Interns.

The Sargent Shriver National Center on Poverty Law (Shriver Center) is a non-partisan, 501(c)(3) organization providing national leadership in advancing laws and policies that secure justice to improve the lives and opportunities of people living in poverty. The Shriver Center's Housing Justice Program works to protect housing rights and expand housing opportunities for individuals and families with low income. Shriver report contributors: Kate Walz, Senior Director of Litigation & Director of Housing Justice; Nolan Downey, Law Intern; Ivan Parfenoff and Nivedita Sriram, Americorps VISTAs.

This report would not have been possible without the generous support of Albert C. Hanna. Mr. Hanna has spent nearly 50 years advocating for fair and affordable housing in Chicago. Using the knowledge he gained through his position as former Senior Vice President of Draper and Kramer and related senior positions in Chicago's commercial real estate and mortgage industries, Mr. Hanna has repeatedly litigated against the City of Chicago at his personal cost for what he characterizes as racially and economically discriminatory land-use policies. Research support was provided by Albert C. Hanna and Lauren Bean Buitta, Principal of Stele Consulting and consultant to Albert C. Hanna. Research, design, and graphics assistance was provided by Okrent Kisiel Associates, Inc. Okrent Kisiel report contributors: George V. Kisiel, AIA, AICP, President, Jason Jarrett, Senior Associate, Andrew Volz, Analyst, and Sharon Maloy, Graphic Designer.

Executive Summary

The City of Chicago, through the policy of aldermanic prerogative, which gives aldermen virtually unchecked control over their wards, allows housing and community development decision-making to be hindered by political influence and opposition to neighborhood racial change. In predominantly white areas this is substantiated in the erection of barriers to affordable housing and has resulted in significant impediments to place-based racial equity. The consequence of aldermanic prerogative has been decades of missed opportunities to develop affordable housing in areas lacking a sufficient supply. The impact of that loss is felt by all racial and ethnic groups in need of affordable housing, but disproportionately by black and Latinx families.

This report is the first of its kind to explicitly identify the current mechanics and quantify the impacts of aldermanic prerogative within a civil rights legal framework. The findings demonstrate that the City of Chicago has neglected to fulfill its civil rights obligations by failing to ensure more equitable family affordable housing opportunities and balance the power dynamics involved in community planning.[1] The 1969 decision in the civil rights case, *Gautreaux v. Chicago Housing Authority,* illuminated the fact that the City of Chicago had an intentional and deliberate policy to control where public housing was sited in the city, resulting in concentrations of public housing in predominately black, low-income neighborhoods. Now, almost 50 years later, the city has continued to allow aldermen to control where affordable housing is sited and as a result, maintain the city's rigid patterns of racial segregation.

Any attempt the city may make to advance affordable housing is destined for inadequacy unless and until the structural barriers imposed by aldermanic prerogative are dismantled.

SNAPSHOT OF FINDINGS

At the most fundamental level, aldermen have the ability to shape neighborhoods through the control of zoning. Zoning powers entitle aldermen the discretion to determine allowable land-uses and development within their wards. Aldermen therefore have the authority to dictate acceptable housing type and density, controlling the amount and type of housing units directly, impacting housing pricing and rent rates indirectly, and ultimately the type of households that may reside within the ward. Although the city has attempted to encourage inclusionary zoning—by binding affordable unit requirements to certain market rate developments through the Affordable Requirements Ordinance—aldermanic prerogative ensures that hyper-local controls can circumvent the citywide mandate.

Aldermen also control access to city funds and city-owned lots within their wards, effectively making or breaking affordable housing deals. Wards hostile to affordable housing become off-limits to developers by baking exorbitant financial risk into the development proposal process. Finally, aldermen can employ parliamentary and extra-parliamentary powers to delay development deals, ensuring that unwanted affordable housing will not be introduced or voted on before city council.

The unwritten code of aldermanic prerogative has resulted in the reduction of land area available for multifamily development—just 20% of the city's land (including the downtown central business district) is currently zoned for multi-family housing—and the concentration of family affordable housing outside of predominantly white and low-poverty areas. Aldermanic prerogative therefore creates geographic boundaries, limiting where low-income families, and predominantly black and Latinx households, can live in the City of Chicago.

TOOLS OF ALDERMANIC PREROGATIVE

Employed to Block Affordable Housing and Preserve Neighborhood Racial Demographics

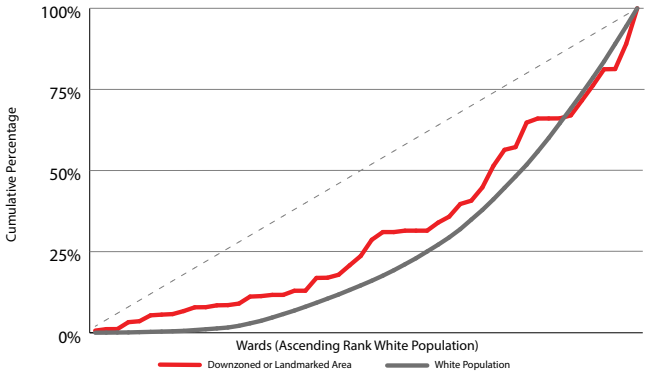
- Unfettered Zoning Power
- Access to City Funds
- Control of City-Owned Lots
- Evading the Affordable Requirements Ordinance
- Use of Parliamentary and Extra-Parliamentary Power

The Effects of Aldermanic Prerogative

ZONING

Chicago's 14 wards with majority white populations have aggressively used downzoning and landmarking to reduce multifamily development: these wards disproportionately account for 55% of the area downzoned or landmarked between 1970 to 2016, or roughly double the proportion expected if all Aldermen used the tool equally. As depicted in the chart, Chicago's white population and downzoned or landmarked properties are concentrated in the same wards.

Cumulative Percentage of White Population and Downzoning/Landmarking by Ward



75% of the city's current multifamily zoned land is located outside of majority white wards and 98% of new, affordable multifamily housing is constructed here. Conversely, 25% of the city's multifamily zoned land is located in predominantly white wards while just 2% of new affordable multifamily housing is constructed in these areas.

CONTROL OF CITY RESOURCES

Over the last 25 years, the city-approved loans for 3,394 subsidized units of multifamily housing in new construction projects, 90% (3,052 units) were sited outside of predominantly white, low poverty areas. Over half (59%) of all units were constructed in just 5 wards, while the aldermen of more than half (27 or 54% of total) of Chicago's wards did not accept even a single unit. As depicted in the chart, Chicago's white population and it's subsidized housing developments are concentrated in entirely opposite wards.

Conversely, over the same time period, about 6,900 units of new construction senior affordable housing were approved, more than double the multifamily new construction count. And only 11 wards excluded new construction senior affordable housing projects, an opt-out rate less than half that of the new construction multifamily housing.

After multiple FOIA requests and interviews with developers, there is no evidence of an affordable housing project receiving funds without a letter of aldermanic support, as the letter of support is a central requirement of the city's approval process.

Despite owning and controlling over 56 acres of land in majority white, low poverty areas as of the latest inventory publishing in 2017, no city-owned parcel of land in these areas has been used to build a single affordable dwelling unit.

Cumulative Percentage of White Population and New Construction Family Housing by Ward

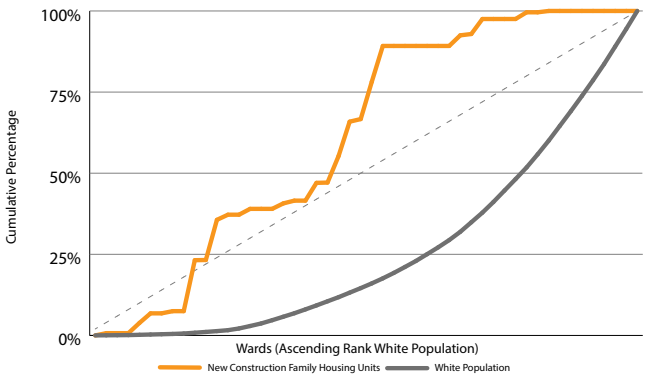


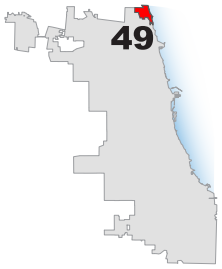
TABLE OF CONTENTS

Prerogative as Policy: Local Politics, Subsidized Housing, and Segregation

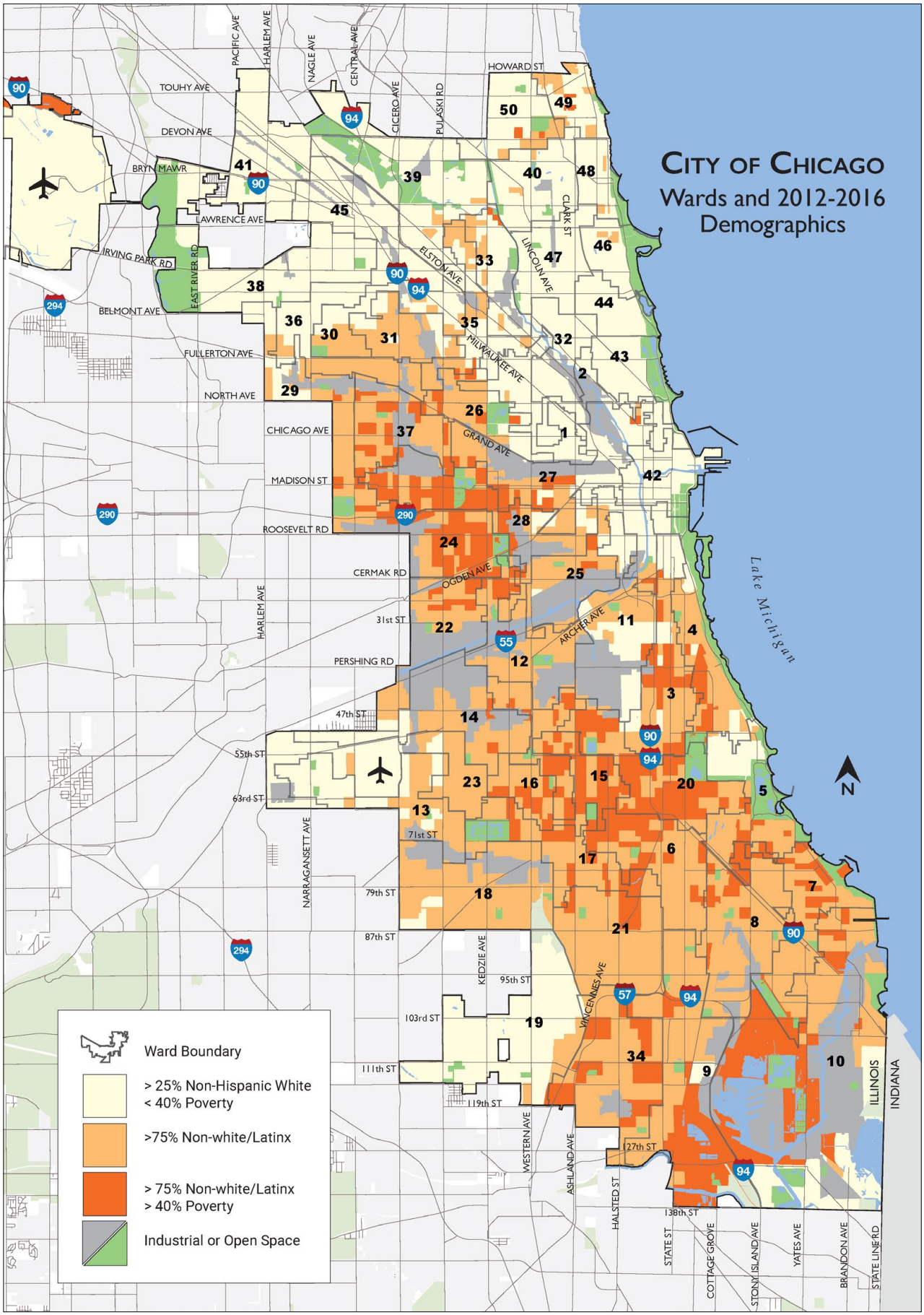
The City of Chicago is composed of 50 wards, and the interests of each ward are represented by an elected alderman. In theory, the distribution of aldermen among 50 wards is intended to create equal representation among the city's almost 3 million residents. However, the policy decisions that shape Chicago's communities—those that determine who gets to live where and what community amenities residents will have access to—are muddied by the dynamics of power, manifested through aldermanic prerogative, that pit ward against ward and snuff out cohesive efforts to further the common good.[2]

Through aldermanic prerogative, the City of Chicago has tacitly established "mini fiefdoms" held together by the simple understanding among aldermen and the city's administration that each alderman has the power to decide what happens within their ward.[3] While this semblance of power is not the result legislatively granted authority, it is rarely violated. Not only has the notion of "wards as fiefdoms" been observed by political analysts, aldermen themselves recognize, benefit from, and publicly acknowledge this power. Alderman Joe Moore of the 49th Ward, described Chicago's political system on a WBEZ "Curious City" episode: "I often liken the City of Chicago [to] a feudal system, where the mayor is sort of a de facto king, and each alderman is the lord — I guess, lady, for female aldermen — of their individual fiefdom."[4] These "fiefdoms," in turn, are plagued by an undercurrent of political influence concentrated among those who have their alderman's ear—notably those with money, power, and election clout—that force aldermen to either capitulate to the demands of their most powerful constituents or face ouster. Low-income Chicagoans, on the other hand, have little say in the decisions that impact where and how they live in this city. Aldermanic prerogative necessitates

> "I often liken the City of Chicago [to] a feudal system, where the mayor is sort of a de facto king, And each alderman is the lord — I guess, lady, for female aldermen — of their individual fiefdom."
>
> —Alderman Joe Moore, 49th Ward (2013)



Aldermanic Prerogative: also referred to as aldermanic privilege, is the power of Chicago City Council members to maintain control over their wards, primarily by initiating or blocking City Council or city government actions concerning their own wards. This power, although not the result of legislatively granted authority, is overwhelmingly assented to among the city's aldermen, the Mayor's office, and the Department of Planning and Development.


CITY OF CHICAGO
Wards and 2012-2016 Demographics
Ward Boundary
> 25% Non-Hispanic White
< 40% Poverty
>75% Non-white/Latinx
> 75% Non-white/Latinx
> 40% Poverty
Industrial or Open Space
Lake Michigan
ILLINOIS
INDIANA
HOWARD ST
TOUHY AVE
DEVON AVE
BRYN MAWR
LAWRENCE AVE
IRVING PARK RD
BELMONT AVE
FULLERTON AVE
NORTH AVE
CHICAGO AVE
MADISON ST
ROOSEVELT RD
CERMAK RD
31st ST
PERSHING RD
47th ST
55th ST
63rd ST
71st ST
79th ST
87th ST
95th ST
103rd ST
111th ST
119th ST
127th ST
138th ST
PACIFIC AVE
HARLEM AVE
NAGLE AVE
CENTRAL AVE
CICERO AVE
PULASKI RD
CLARK ST
LINCOLN AVE
ELSTON AVE
EAST RIVER RD
MILWAUKEE AVE
GRAND AVE
OGDEN AVE
ARCHER AVE
NARRAGANSETT AVE
KEDZIE AVE
VINCENNES AVE
WESTERN AVE
ASHLAND AVE
HALSTED ST
STATE ST
COTTAGE GROVE
STONY ISLAND AVE
YATES AVE
BRANDON AVE
STATE LINE RD
N

Chicago's most predominant racial/ethnic groups (white, black, Latinx) each make up about one third of the city's population[5]. Of Chicago's 50 wards, 18 (36%) are majority black, 14 (28%) are majority white, and 14 (28%) are majority Latinx[6] .

the continuation of the status quo, as aldermen rely on the preservation of neighborhood dynamics and demographics to secure their political longevity. Powerful and predominantly white neighborhood interest groups, in turn, have relied on aldermen to assist in the preservation of neighborhood racial makeup. This is historically rooted in a desire to explicitly restrict black access to white neighborhoods.[8] During the Great Migration, white communities devised outright barriers to stave off black integration.[9] With the enactment of the Federal Fair Housing Act in 1968, many of these direct practices were outlawed.[10] However, over the years, racially-based housing discrimination has manifested in ever more insidious fashions.

Present day proxies for racial discrimination are often most powerful when aimed at populations with the least political capital, namely those in need of affordable housing. Although affordable housing is needed at varying income levels and by all racial and ethnic groups, to many Chicagoans the face of affordable housing is black, and those in need of affordable housing have become racial stereotypes. Affordable housing and the discussions that stem from it—from property values and density, to parking and schools—have become dog whistles evoking both explicitly and implicitly biased fears of neighborhood racial change, and of black former public housing residents in particular. The consequences impact low- and moderate-income families of all racial and ethnic backgrounds, most acutely black and Latinx households, by erecting barriers to affordable rental housing, and to the greatest extent, family affordable housing.

Great Migration: The movement of African Americans from the South to the urban North from 1916-1970. The result was the demographic transformation of Northern cities like Chicago. Chicago attracted slightly more than 500,000 African Americans, growing the city's population from 2% of the total population to 33% by 1970.[7]

The result is the perpetuation of racial segregation and the concentration of poverty, which fuels vast inequities in community investments and access to opportunity for Chicago residents. Although this is unfortunately common throughout the country, what makes Chicago's (and the Midwest's generally) segregation unique, is its durational potency and the resulting racial inequities that are manifested in every facet of life for Chicago's residents.[11] Chicago is, by consequence, an incontrovertibly fragmented city, where:

- public investments and amenities are concentrated in select neighborhoods while others have been devalued and divested;

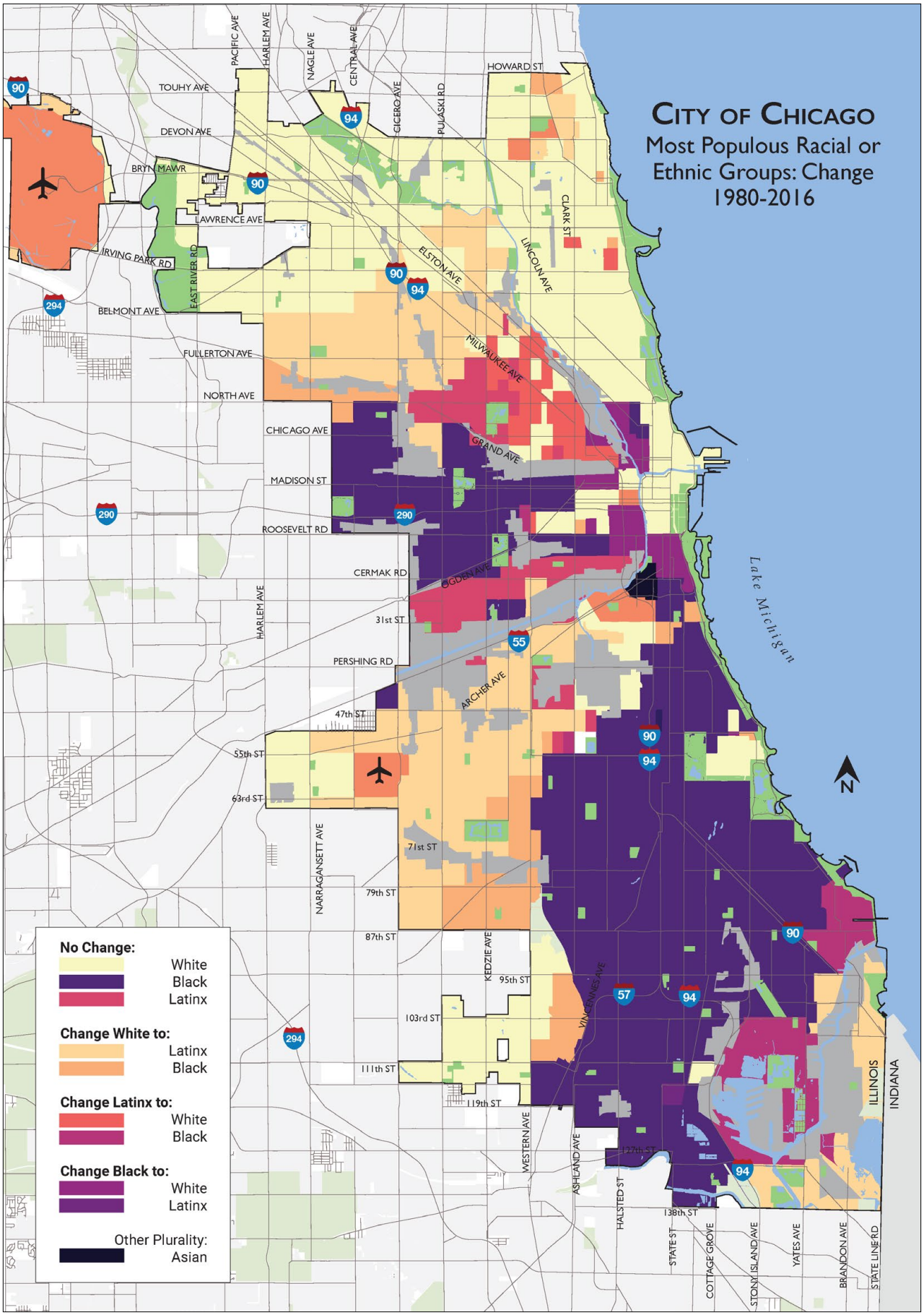
- exclusionary policies ensure that predominantly white and low-poverty areas remain difficult to access for low- and moderate- income households, and virtually impossible to access if those households are also black or Latinx;
- and where low- income individuals of all racial backgrounds have diluted power in shaping the housing decisions that determine where they can live in the city.

In turn, Chicago's white, black, and Latinx residents live, to a significant degree, in separate neighborhoods and face distinct life outcomes.[17] By the city's own admission to the U.S. Department of Housing and Urban Development (HUD), Chicago is now, and has been for more than 50 years, a "highly segregated city," with whites segregated on the North, Northwest, Southwest and far South Sides, blacks almost exclusively on the West and South Sides, and

In Chicago, 93% of families with children at or below the poverty line are families of color.
Black and Latinx families are disproportionately affected: 37% of black and 23% of Latinx families with children were at or below poverty line, compared with just 7% of white families with children in 2017. Families of color below the poverty line are most likely to have worst case housing needs, including facing severe rent burdens and severely inadequate housing.[12]

Fair Housing Act (FHA):
The Fair Housing Act of 1968, as amended, prohibits discrimination in the sale, rental, and financing of housing based on race, color, religion, sex, national origin, familial status, or disability in connection with the sale and rental of housing and other private real estate transactions.[13] When it was passed in 1968, it was declared the "policy of the United States" to provide "for fair housing" within the limits imposed by the Constitution.[14] The FHA bans both intentionally racially discriminatory conduct and those practices that have a disparate impact or disproportionately discriminatory effect on protected classes.[15] Ultimately, the statute's goal is to bring about "open, integrated residential housing patterns and to prevent the increase of segregation."[16]

Latinx populations in clearly identifiable clusters on the North, Northwest, Southwest and far South Sides. Except for the expansion of Latinx households, these color lines have remained virtually unchanged since the 1980 Census.[18] Black-white segregation remains the starkest in Chicago, and among the 10 most segregated large cities, Chicago's black-white segregation


CITY OF CHICAGO
Most Populous Racial or Ethnic Groups: Change 1980-2016
No Change:
White
Black
Latinx
Change White to:
Latinx
Black
Change Latinx to:
White
Black
Change Black to:
White
Latinx
Other Plurality:
Asian
Lake Michigan
ILLINOIS
INDIANA
N
HOWARD ST
TOUHY AVE
DEVON AVE
BRYN MAWR
LAWRENCE AVE
IRVING PARK RD
BELMONT AVE
FULLERTON AVE
NORTH AVE
CHICAGO AVE
MADISON ST
ROOSEVELT RD
CERMAK RD
31st ST
PERSHING RD
47th ST
55th ST
63rd ST
71st ST
79th ST
87th ST
95th ST
103rd ST
111th ST
119th ST
127th ST
138th ST
PACIFIC AVE
HARLEM AVE
NAGLE AVE
CENTRAL AVE
CICERO AVE
PULASKI RD
CLARK ST
LINCOLN AVE
ELSTON AVE
EAST RIVER RD
MILWAUKEE AVE
GRAND AVE
OGDEN AVE
ARCHER AVE
NARRAGANSETT AVE
KEDZIE AVE
VINCENNES AVE
WESTERN AVE
ASHLAND AVE
HALSTED ST
STATE ST
COTTAGE GROVE
STONY ISLAND AVE
YATES AVE
BRANDON AVE
STATE LINE RD
90
94
294
290
55
57

is the most severe, even among the city's most affluent households: "Black householdsearning over $100,000 are just as likely as black households earning less than $25,000 annually to be segregated from whites."[20] The city is well aware of this segregation and the ways in which it drives inequities in access to opportunities like jobs, community services, commercial and other neighborhood amenities, and high performing schools.[21]

NIMBY: is an acronym for "Not In My Backyard." The term, coined in the 1980s, is used to describe citizens that oppose proposed real estate developments in their neighborhood or town.[19]

Chicago's enduring residential racial and economic segregation has produced harmful collateral consequences for all.[22] Everything from homicide rates to educational and economic inequity could be alleviated by addressing segregation.[23] However, Chicago's political machine ignores what is good for all to advance what is good for the few. When making the decisions at the core of shaping Chicago neighborhoods, aldermanic prerogative forces aldermen to navigate a clamor of interests (from developers to advocates and NIMBYs)—the tone and tenor of which is unique to each ward—compelling many aldermen to do not what is best for the city or even their ward but what will least damage their reputation with powerful groups and their chances of reelection. The result is a culture where aldermen in predominantly white and low-poverty areas erect barriers to family affordable housing to preserve the status quo; aldermen in wards that have faced chronic disinvestment are obliged to take more than an equitable share of affordable housing because, if it is not built in their wards, it will not be built at all, and there exists a demonstrated need among their constituents; and aldermen in gentrifying areas have diminished power to stave off the market forces creating an increasingly unaffordable housing landscape.

Aldermanic prerogative emerges within public discourse every few years as the possible linchpin of a range of Chicago issues from political corruption to inequities in city services.[24] Its encumbrance on affordable housing development is the most recent to garner attention.[25] Yet it remains ingrained in the very fabric of the city—part and parcel of Chicago's vestiges of machine politics. Within a civil rights legal framework, however, aldermanic prerogative is for the first time exposed as a present-day conservator of racial segregation and the reason for Chicago's dwindling supply of family affordable housing.

A Stout Fight: Historic Control of Subsidized Housing Development

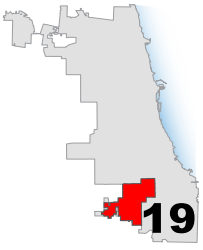
EARLY EFFORTS BY THE CITY TO CONTROL THE SITING OF AFFORDABLE HOUSING

The City Council's control and influence over the siting of affordable housing has been central to the city's operation since the 1930s, beginning with decisions made over where public housing would be sited. In spite of aldermanic prerogative being exposed nearly 50 years ago, it remains the central mechanism wielded to maintain residential segregation.

When Chicago Housing Authority's (CHA) first executive secretary, Elizabeth Wood, was appointed in 1939, she set out to champion the construction of racially-integrated public housing across Chicago. But both the federal government and Chicago aldermen fiercely opposed her efforts.[27] First, in 1939, the federal government imposed the Neighborhood Composition Rule, which required the racial composition of public housing projects reflect the racial composition of the surrounding neighborhoods, meaning that national policy would maintain residential segregation.[28] After World War II, CHA, like housing authorities throughout the country, was tasked with finding housing for returning veterans. In order to expedite the construction, Chicago Mayor Kelly directed housing construction on plots already owned by city departments even though most of the city-owned land was in white neighborhoods. While the CHA had to house veterans proportionately, the Neighborhood Composition Rule made it incredibly difficult to house black veterans in the available areas. As a result, in 1946, the CHA defied the Neighborhood Composition Rule and developed a list of 22 sites for new veteran housing, mostly in white areas.

Elizabeth Wood, the first director of the Chicago Housing Authority. (Chicago Housing Authority Photo Archives)

> "By putting up a project in every section of Chicago they could infiltrate Negroes."
> –Alderman John Duffy, 19th Ward (1946)[26]



White residents, concerned that racially integrated public housing would be "the end of their neighborhoods," compelled their aldermen to oppose the siting. Alderman John Duffy accused the CHA and Wood of stirring up unrest in Chicago. "By putting up a project in every section of Chicago they could infiltrate Negroes," Duffy said, which would "stir up trouble and keep the pot boiling – never let it stop."[29] In response, the CHA kept the smaller projects entirely white, limiting black residents to

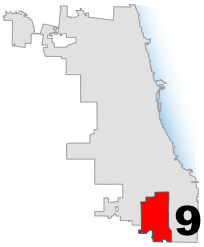
only the largest of projects. Even then, the CHA screened black potential tenants heavily, and capped the black residential population at 10% of the total residential population per building.

In 1947, when CHA tried to institute integrated housing in Fernwood Park Homes on the far South Side, local alderman Reginald DuBois said that "[w]e all want to protect our homes, and the people of this community will put up a stout fight."[30] DuBois went so far as to join the leaders of a violent backlash that met the new black tenants as they attempted to integrate. DuBois introduced a resolution to the City Council, declaring that the CHA insisted on using housing strategies that were singular from the opinions of both other local agencies and "a great majority" of Chicago residents.[31]

In 1948, out of fear that impending federal legislation would lead to integrated public housing in white neighborhoods, the City Council pressured the Illinois legislature to bestow the City Council with powers to approve or disapprove sites selected by the CHA. The next year, Congress enacted the Housing Act of 1949, which focused heavily on urban renewal as well as new public housing construction, with federal money set aside to construct more than 800,000 new units of public housing across the U.S. The same day that the legislation was enacted, the CHA submitted a proposal to the City Council that 40,000 integrated units sited all over the city be built in the next six years. The debate in the City Council over where to site the first seven buildings, with 10,000 units of housing, went on for days. The aldermen approved two of the sites located near existing public housing in predominantly black neighborhoods, and rejected the rest. With the aldermen staunchly against integration of public housing, and the CHA refusing to back down, Mayor Martin Kennelly authorized the aldermen to work directly with the CHA to devise a plan. John Duffy and William Lancaster used the opportunity to develop what came to be known as the Duffy-Lancaster compromise, which sited 10,500 units of public housing on either land within impoverished black areas or vacant land just outside of these areas.[32] When the plan went to the national Public Housing Administration (PHA)[33] for approval, PHA raised few objections despite obvious weaknesses, and the city was permitted to advance its segregated housing plan. The plan was approved by the City Council in August 1950.[34]

After the ousting of Wood as executive secretary in 1954, the power of the CHA to operate independently of the City Council eroded quickly. Wood's successor, General William Kean, decided that the City Council's involvement was integral to exacting the location of future projects. Kean saw the CHA's involvement as purely "economic and developmental," and felt only aldermen could fully evaluate "various other factors" that might affect project siting.[35] He outlined a new site-selection process that provided aldermanic clearance authority, without which the site would be withdrawn from consideration. The aldermen and their constituents would now have a significant role in deciding if public housing would be situated in their wards.

"We all want to protect our homes, and the people of this community will put up a stout fight."
—Alderman Reginald DuBois, 9th Ward (1947)



Mayor Richard J. Daley-appointee Alvin Rose succeeded Kean to the executive director role, and under his leadership, cooperation between the CHA and aldermen in the siting of public housing developments only increased. While Kean was brought in to weaken CHA racial integration practices, under Rose's leadership, there would no longer be any attempts to integrate.[36] Aldermen were contacted before the CHA even considered a site, so they could gauge community reaction. If the community and the alderman objected to a proposed site, it had, according to Rose, "no chance of getting through."[37]

DOROTHY GAUTREAUX ET AL. V. CHICAGO HOUSING AUTHORITY

Through the 1950s and 1960s, the CHA built more than 20,000 units of family public housing, nearly all situated in black communities. This segregation was largely due to the power wielded by the City Council. Aldermen with primarily white constituents dismissed proposals for public housing in their wards, while black City Council leadership would push through proposals for public housing in their wards, recognizing their constituents' need for affordable housing.[38]

After the passage of the Civil Rights Act in 1964, a collective of 53 black neighborhood organizations, called the West Side Federation, wrote a letter in August 1965 to the U.S. Department of Housing and Urban Development (HUD). The West Side Federation asked HUD to disapprove of the CHA's newest proposal for nine more developments, citing the CHA's "pervasive pattern" of segregation.[39] In response, Marie McGuire, Commissioner of the Public Housing Administration, said that the CHA's site selection process was in line

Elizabeth Wood seated at her desk at the Chicago Housing Authority. (Chicago Tribune)

with PHA's regulations, and tenant selection reflected CHA applicants' indicated location preferences. McGuire also suggested that there was no federal violation of civil rights law because it was Chicago aldermen who were standing in the way of integration. She wrote that "[we] are also advised that sites other than in the south or west side, if proposed for regular family housing, invariably encounter sufficient objection in the Council to preclude Council approval."[40]

> "We are also advised that sites other than in the south or west side, if proposed for regular family housing, invariably encounter sufficient objection in the Council to preclude Council approval."
>
> –Letter from the Public Housing Administration to the West Side Federation (1965)

These policies and practices led to the nation's first major public housing desegregation lawsuit – *Gautreaux et al. v. Chicago Housing Authority*. Judge Richard Austin, who issued the first judgment order in Gautreaux in 1969, marveled that more than 99% of CHA family units could be deeply

segregated, with black tenants in black neighborhoods, "without the persistent application of a deliberate policy."[43]

As part of the judgment order, the CHA was both required to provide options, like scattered site housing, for public housing residents to relocate out of segregated, high-poverty neighborhoods, and severely limit the construction of new public housing in majority-black neighborhoods.[44] Following further litigation, the CHA was ordered by the court to ignore the Illinois statute that required aldermanic approval of sited public housing.[45] The City Council, stripped of the ability to informally pre-veto individual sites, chose to instead exercise their statutory veto power[46] by refusing to hold mandatory approval hearings for sites.[47] The CHA, believing that any public housing they sought to build would be shot down by a recalcitrant City Council, did not submit any proposals or build any public housing between 1969 and 1974.[48] Judge Austin took the formal veto power away from Chicago aldermen in 1974, theoretically placing the power to site housing in the hands of CHA, instead of the City Council.[49]

Even so, in 1987, after only a few thousand units were built over the nine years following the judge's order to ignore City Council's statutory veto, the court appointed a receiver to oversee scattered site construction in Chicago.

Gautreaux: In 1966, *Gautreaux et al. v. Chicago Housing Authority* was the nation's first major public housing desegregation lawsuit. Dorothy Gautreaux was an Altgeld Gardens resident, and lead plaintiff in the case that ultimately found the Chicago Housing Authority to have engaged in racially discriminatory housing practices by concentrating public housing in predominantly black neighborhoods. Since this time, the Chicago Housing Authority has been prohibited from concentrating public housing. These restrictions catalyzed mobility programs and continue to govern where public housing can be built in Chicago today.[41]

A companion lawsuit was filed at the same time, ***Gautreaux et al. v. Romney*** (1966), which alleged that by providing funds to the CHA, HUD was also responsible for Chicago's segregated public housing. Since the findings in the case against HUD were dependent on the results of the case against CHA, judgment in this case was stayed until that time. However, after the CHA was found responsible, Judge Austin dismissed the claims against HUD. The plaintiffs appealed successfully to have HUD held responsible alongside CHA.[42]

The sites that were constructed, even under receivership, were located primarily in black or Latinx wards, and were nowhere near enough to house everyone in need of affordable housing.[50]

HOUSING CHOICE VOUCHERS

The creation of the tenant-based Section 8 program in 1974, which ultimately became the Housing Choice "Section 8" Voucher program, created the first opportunity to potentially eliminate local government veto powers over the siting of public housing.[51] The hope that the voucher program would move tenants to integrated communities has not been realized. In spite of laws banning voucher discrimination, voucher holders, especially black voucher holders, experience rampant discrimination in the housing market. This discrimination is especially persistent in white communities in Chicago.[52] As a result, voucher holders are virtually as segregated as their public housing counterparts. The discrimination against voucher holders, rooted in anti-black racism and stereotypes about public housing residents, predicates opposition to all affordable housing and impacts low- and moderate-income households of all racial and ethnic backgrounds, most notably black and Latinx households.

> "Affordable Housing is a dirty word in many communities in Chicago, it's too much tied to CHA and section 8."
>
> – Local Housing Developer (2018)

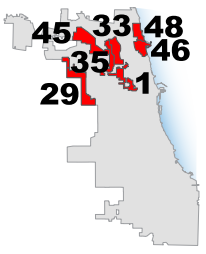
No Place Here: Current Patterns of Subsidized Housing Development

Predominately white communities, fearing neighborhood racial change, often engage in aggressive NIMBY tactics to block family affordable housing deals. These tactics include publicly framing objections as concerns over school overcrowding, lowering property values, and community safety. In the face of this pressure, aldermen – whether they personally agree with the community's view or not - capitulate to these demands and prevent affordable housing projects from moving forward.

Yet local governments that advance the racial animus of private citizens in their decision-making do so at their peril. In examining whether the actions of a governmental body were motivated by racial animus, statements made by private citizens and decision makers during the sequence of events leading up to the denial of housing are highly relevant.[53] References to community changes as a result of the inclusion of affordable housing, such as fear that a community will become "a ghetto" or the residential character or shared values of the community will change, or that there will be an increase in blight or crime and/or a decrease in property values have all been found to be camouflaged racial expressions.[54] A local government does not avoid liability by claiming that it was simply acquiescing to a desire of their constituents.[55] Indeed, a decision made in the context of strong, discriminatory opposition becomes tainted with discriminatory intent even if the decision-makers personally have no strong views on the matter.[56]

The City of Chicago is a longtime recipient of federal housing and community development funds, a significant portion of which are to address the affordable housing needs of low- to moderate-income households. For fiscal year 2017, Chicago received $101,423,429 in federal Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), Home Investment Partnership Act (HOME), and Housing Opportunities for Persons with AIDS (HOPWA) program funds. As a condition of receipt of these funds, Chicago certifies annually to compliance with federal civil rights laws, including the duty to affirmatively further fair housing. This obligation requires the City of Chicago to take meaningful actions, beyond simply combating

> "We understand that for far too long, aldermen on the North and Northwest sides have done far too little to open our communities to low-income and minority families… Chicago's history of racism has left a legacy of exclusion we must respond to today."
>
> —Alderman Pawar, Alderman Mell, Alderman Taliaferro, Alderman Osterman, Alderman Arena, Alderman Moreno, and Alderman Ramirez-Rosa in a letter to City Council



discrimination, to address disparities in housing needs and access to opportunity, and to create "balanced and integrated living patterns."[58] The AFFH certification is Chicago's promise that it will analyze segregation and disparities in access to opportunity, take appropriate actions to address the factors that contribute to segregation, and maintain records reflecting the analysis and action steps taken.[59]

For new construction projects using HOME funds, additional analysis of each project according to the Site and Neighborhood Standards is required to ensure that each project will not further segregation.[60] Under this analysis, the participating jurisdiction is prohibited from placing a project in an area of minority or poverty concentration unless "sufficient and comparable opportunities exist" outside of concentrated areas or one of several conditions of overriding need are met. The conditions for placing housing in areas of minority and poverty concentration may not be repeatedly used "if the use of this standard in recent years has had the effect of circumventing the obligation to provide housing choice."[61] The analysis requires the participating jurisdiction to identify the racial and ethnic makeup of the area, justify the placement of the project, and to consider the marginal effect of the project's placement on the opportunities offered by the participating jurisdiction's housing inventory.

Alderman Walter Burnett, who is noted by many developers to be one of the few Northside aldermen open to affordable housing developments. (Logan Jaffe/WBEZ)

Aldermanic prerogative is one of the key vehicles for the infiltration of racial animus into Chicago's decision-making over new rental housing, putting Chicago at odds with its civil rights obligations. Through interviews with affordable housing developers, advocates, and city officials, it is evident that "unwritten rules" of aldermanic prerogative dictate where rental housing is built in Chicago. As a result, most affordable housing developers, at least

Affirmatively Further Fair Housing (AFFH):
The key Fair Housing Act provision,[57] which obligates grantees of federal housing dollars to "affirmatively further fair housing," commonly referred to as the "AFFH obligation." AFFH requires grantees, in addition to addressing discrimination, to take proactive measures to identify patterns of segregation, assess underlying contributors to segregation, and take action to rectify the public and private policies, programs, or actions that perpetuate segregation. Grantees are expected to utilize U.S. Department of Housing and Urban Development grant programs to further such obligations.

those savvy about Chicago politics, will not bother to propose developments in wards where aldermen or powerful local stakeholders are known to oppose affordable housing. Because aldermen have certain tools at their disposal to block developments completely or substantially influence the number and type of affordable units, developers focus their efforts on a few wards friendly to affordable housing.[62]

However, this power is not equalized. As evident in the case studies that follow, despite overwhelming deference to aldermanic prerogative, the Mayor's office and the Department of Planning and Development, in instances in which aldermanic prerogative is deployed to advance affordable housing, often ignore, and at times actively work against, that prerogative. For example, the Chicago Sun Times recently obtained private emails to and from Mayor Rahm Emanuel though a Freedom of Information Act request and found that the Mayor corresponded with Northwest Side residents regarding a proposal to build affordable housing in the Jefferson Park community. This development proposal (highlighted in a case study to follow) was supported by the local 45th ward alderman John Arena, yet faced substantial opposition from community groups. In response to complaints from area residents about the proposal, Mayor Emanuel replied: "….we always scrutinize any development that requires or more accurately seeks public assistance tax dollars. I am going to let my planning staffers know of your views and you can keep them informed. I know these are tough times and issues. Really believe that leaning in on the community-driven process we discussed can move forward from managing an issue to practically tackling the challenge. Here to help. Hang in there."[63]

The aggregate effect is the reduction of land area available for multifamily development— just 20% of the city's land (including the downtown central business district) is currently zoned for multi-family housing—and the concentration of family affordable housing outside of predominantly white and low-poverty areas.[64] Since 1970, the developable density of over 5,000 acres has been reduced by downzoning or landmarking. In affluent lakefront communities, downzonings from R-7 to R-5 or RT-4/RM-4.5 were common, reducing the estimated maximum units allowed on a typical double lot from 43 to 15 or 6 units respectively (ignoring parking requirements and other limitations). This places undue geographic limitations on housing for low-income, and predominantly black and Latinx households.

Mayor Emanuel discussing the public input process for the Jefferson Park affordable housing development proposal. (Chicago Tribune)

THE TOOLS OF ALDERMANIC PREROGATIVE:

- Unfettered Zoning Power
- Evading the Affordable Requirements Ordinance
- Access to City Funds
- Control of City-Owned Lots
- Use of Parliamentary and Extra-Parliamentary Power

THE EFFECTS OF ALDERMANIC PREROGATIVE:

Zoning:

The 14 current wards with majority white populations have aggressively used downzonings, comprising 55% of all downzonings since 1970.

The average majority white ward has reduced the potential for housing development by downzoning or landmarking .46 square feet of space for every remaining foot of multifamily zoned land in their wards today. Comparatively, wards without a majority white population have downzoned or landmarked .09 square feet of space for every remaining foot of multifamily zoned land present in their wards today.

Since 1970, predominantly white, low-poverty areas have had a rapid decrease in rental affordability, or units of any size affordable to households at 60% of the Chicago median household income. In low-poverty census tracts where downzoning and landmarking have been used, affordable units as a proportion of the rental housing stock has declined by an average of 46%.

Comparatively, less affluent census tracts that have not downzoned or landmarked significant areas have had, on average, only a 3% decline in affordability. 75% of the city's current multifamily zoned land is located outside of majority white wards and 96% of new, affordable multifamily housing is constructed here. Conversely, 25% of the city's multifamily zoned land is located in predominantly white wards while just 2% of new affordable multifamily housing is constructed in these areas.

Access to City Funds:

Over the last 25 years, the city approved loans for 3,394 subsidized units of multifamily housing in new construction projects, 90% (3,052 units) were sited outside of predominantly white, low poverty areas. Over half (59%) of all units were constructed in just 5 wards, while the aldermen of more than half (27 or 54% of total) of Chicago's wards did not accept even a single multifamily unit.

Conversely, over the same time period, about 6,900 units of new construction senior affordable housing were approved, more than double the multifamily new construction count. And only 11 wards excluded new construction senior affordable housing projects, an opt out rate less than half that of the new construction multifamily housing.

TIF is actively used by 48 of 50 wards. 34 wards have used TIF for housing targeted to some population group, but only 16 wards have used TIF for non-CHA family housing units.

After multiple FOIA requests and interviews with developers, there is no evidence of an affordable housing project receiving funds without a letter of aldermanic support, as the letter of support is a central requirement of the city's approval process.

Control of City-Owned Lots

Despite owning and controlling over 56 acres of land in majority white, low poverty areas as of the latest inventory publishing in 2017, no city-owned parcel of land in these areas has been used to build a single affordable dwelling unit.

SIDESTEPPING THE LAW: TOOLS OF ALDERMANIC PREROGATIVE

1) UNFETTERED ZONING POWER

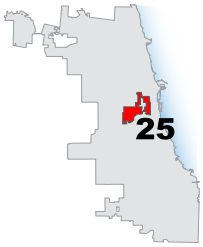
The cornerstone of aldermanic prerogative is the power to control zoning, as this allows or limits density. Limiting or reducing density on a single site has the effect of eliminating the financial feasibility of a particular affordable housing proposal on that site. Limiting or reducing density over a larger area artificially limits the supply of dwelling units, inflating both housing and land costs in a neighborhood and eliminating the financial feasibility of affordable housing on a broader basis. The city has delegated this vast power to aldermen and provides virtually no check on its use. Aldermen, either on their own or through a ward committee process, ultimately decide the fate of residential and commercial development by utilizing multiple levers to control zoning. Although there is a small tide rising to challenge the common narrative, the use of these levers has traditionally served to keep affordable housing out of predominantly white wards or those with predominantly white pockets and heavily concentrate it in predominantly black and/or Latinx areas.[67]

"Zoning is their prerogative. They are elected by local residents in regards to the quality of life they provide in each ward."

— Mayor Richard M. Daley (2008)." [66]

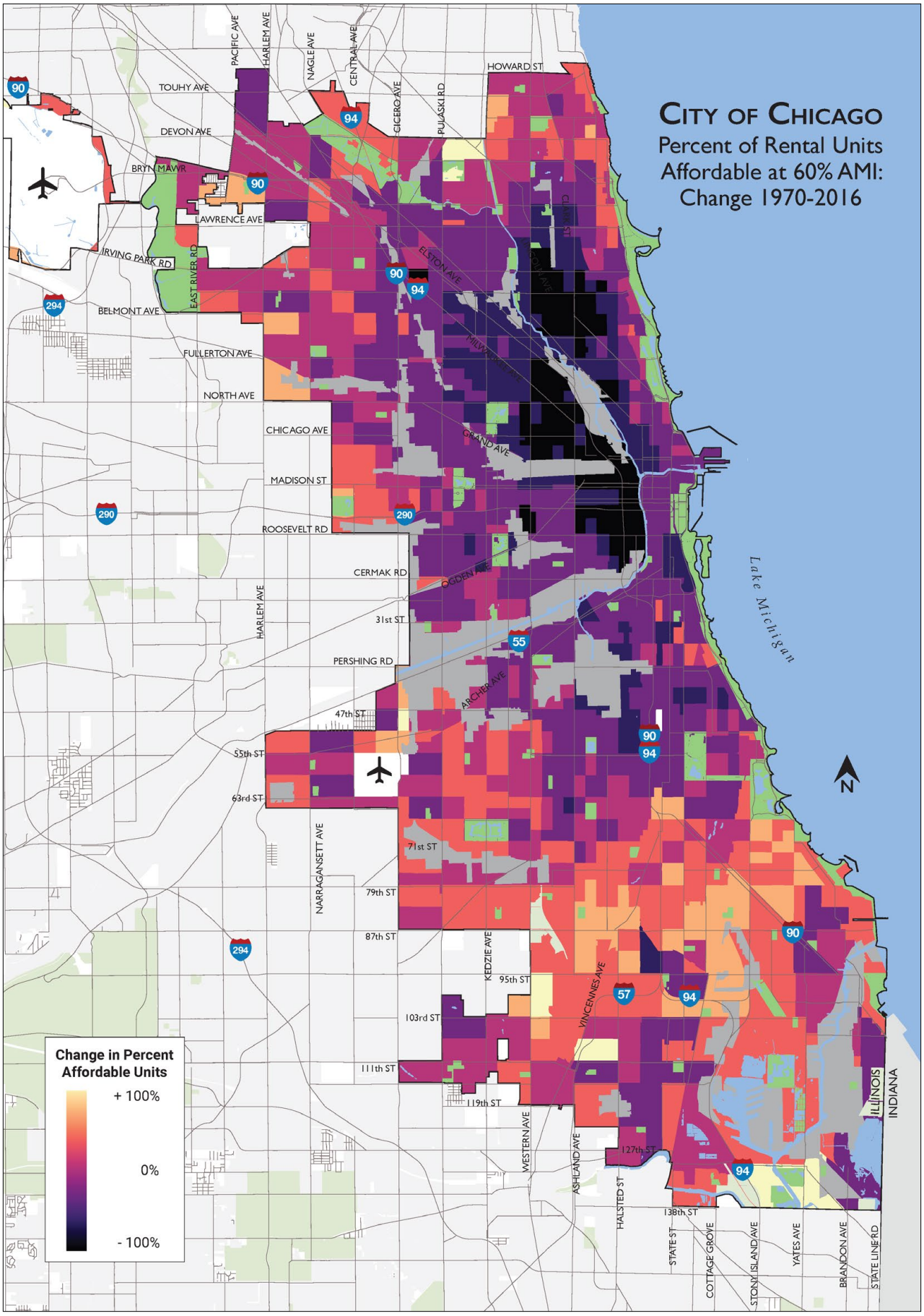
"Alderman Solis greatly respects his colleagues and the fact that they have been chosen by the voters to represent them. On matters of zoning changes, the Chicago City Council has always given great deference to the Alderman of the ward where a change is requested." [65]

—Thomas Brown, Spokesperson for Alderman and Zoning Committee Chair Danny Solis, 25th Ward (2018)



Aldermanic manipulation of zoning, specifically downzoning, to limit the density of housing, is used extensively despite significant consequences to market rate rents. Downzoning undermines future development and ensures that developers will need to go through individual ward protocol to secure higher zoning before projects may be pursued.

Such restrictions on land-use in predominantly white and low-poverty areas correspond to declining rental affordability.



Chicago's affordability is declining, especially in the majority white North Side.

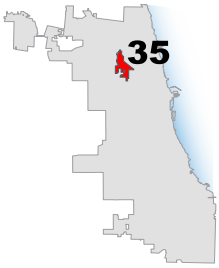
Zoning Advisory Councils and the Development Proposal Process

One of the most powerful tools used to influence zoning and development is the use of constituent committees to decide or advise on most residential zoning matters in the ward. These committees are intended to inform and consult with their respective aldermen on community processes ranging from rezoning to sanitation. Ten wards, a majority of which (eight) are on the North or Northwest side, have established formal Zoning Advisory Councils (ZAC) and aldermen within these wards rely on the ZAC as the primary informer on issues relating to residential and commercial development (see Appendix B for a listing of ward ZACs).

When looking on a granular level at the demographics of wards with ZACs, it is apparent that ZACs are often used not just to preserve the demographic makeup of a single ward, but also as a means of preserving predominantly white populations within wards as well. This type of demographic preservation transcends geographic trends. Despite the North and Northwest Side's disproportionate use of ZACs, the same practices are seen within wards outside of the North and Northwest side that contain pockets of white neighborhoods. For example, Alderman O'Shea's 19th ward on the Southwest Side has an active ZAC and a history of attempting to prevent new, "high density" residential development in those areas within his ward that are predominantly white, such as Mount Greenwood.[69]

> "It's not a perfect tool, but it gives me cover." — Alderman Rey Colon, in discussing his zoning advisory council (2008)[68]

ZACs are formed and populated through various processes. Many aldermen appoint community members who they perceive as possessing specialized knowledge of urban planning, using their own discretion to determine who can and should have access to and influence over decision-making within their ward.[70] In some cases, the balance of professional expertise is tipped in favor of those who may benefit from commer



The June 1, 2016 meeting of the 41st Ward Zoning Advisory Committee on the 5150 N. Northwest Highway proposal. (Heather Cherone/DNAinfo)

cial and/or upscale housing development (such as commercial real estate developers and realtors) over affordable housing development.[71] ZACs use this power to not only block zoning change requests but to impact the overall character and nature of a development. For example, ZACs, as a pre-condition of receiving their approval, will often require a developer to reduce the number of affordable housing units in a project, reduce the size of units so they are not available to families with children, or even require the developer to change their proposal to include for sale units rather than rental units.[72] This is especially true in wards on the North and Northwest sides of the city.

Nine additional wards, six of which are on the North or Northwest sides, in lieu of establishing official ZACs, call on resident advisors or neighborhood associations within their wards to coalesce into a type of ad hoc ZAC when needed. Regardless of whether ZACs are formal or more ad hoc, they possess tremendous power in their abilities to influence aldermen, and in many instances make final decisions related to affordable housing development, effectively shutting down proposals before the City's Department of Planning and Development's own required consideration of a proposal.

An additional and related hurdle to the development of affordable housing, most notably on the North and Northwest sides, is the ward-level development proposal processes, most often included as an additional and preliminary supplement to the Department of Planning and Development's own required proposal process. Often developed by the ZACs and aldermanic offices, these processes set forth a maze of varied ward-by-ward requirements and subsequent cost-burdens placed on residential and commercial developers. Processes range from alerting all residents within 1,000 feet of the proposed site at the developer's expense, respecting architectural heritage, holding public hearings in conjunction with the respective neighborhood associations, and/or obtaining certification through the Chicago Green Homes Program.[73] While many development requirements are necessary components of a construction site, such as a pledge to cease construction at 8pm, many present significant and costly obstacles.[74]

> "Every alderman has their own local process – some have internal committees, some have external committees, some make the decision on their own. They all have their own unique process that you have to work with."
>
> —Housing Developer (2018)

These requirements and accompanying financial investment often have the effect of deterring developers from attempting to develop affordable housing in certain wards entirely. In other cases, developers may spend significant time and money on completing one or more of these tasks, only to have their proposal rejected at the whim of an alderman or their ZAC.

A common element of the development processes is the formal or informal requirement to hold a community meeting before the developer receives aldermanic support. Community meetings, although intended to inform and elicit transparent feedback, are often hijacked by a vocal minority fearful of neighborhood change and invite early and discriminatory opposition to a project. In neighborhoods

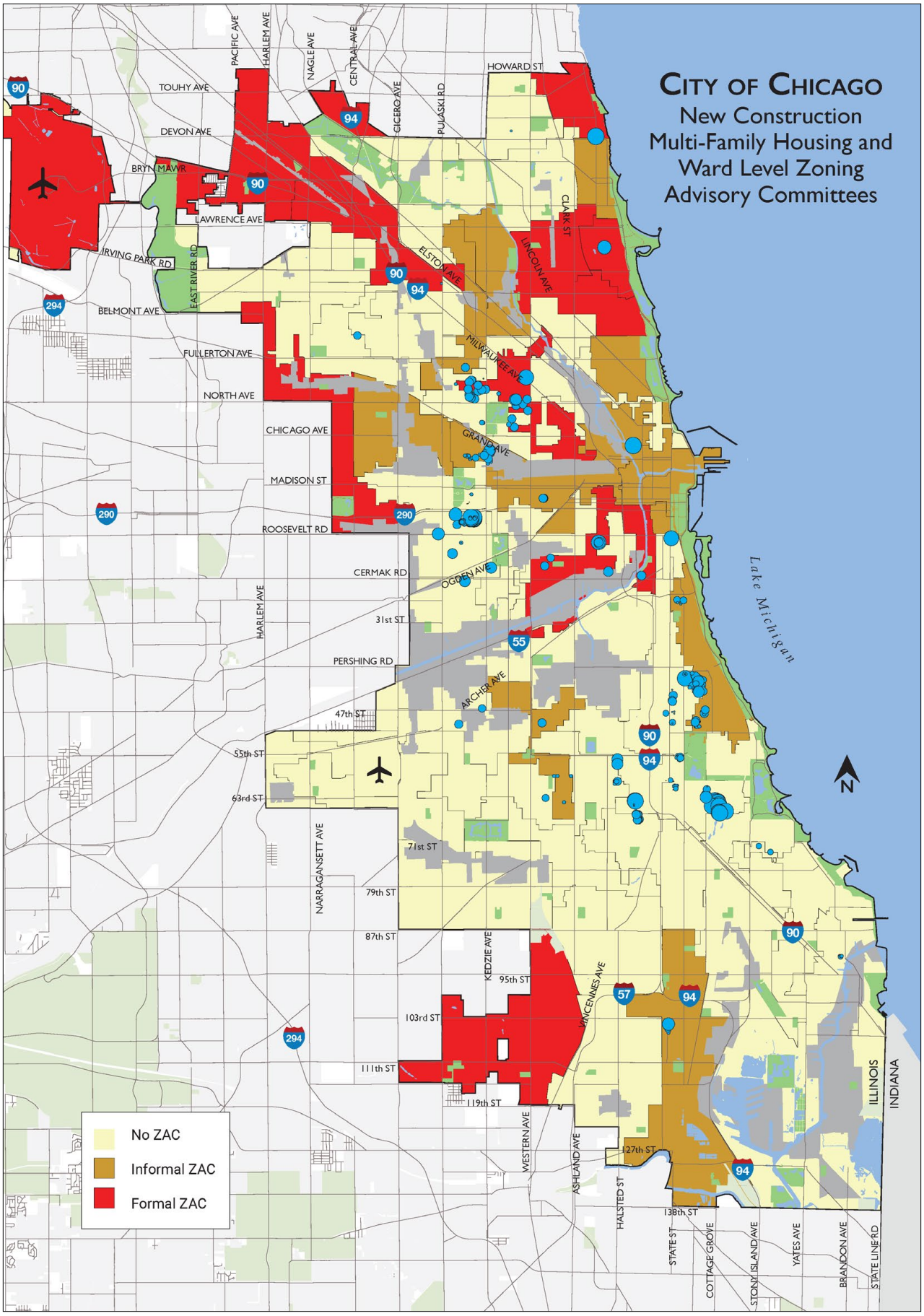
A resident speaks out against the proposal regarding 5150 N. Northwest Highway on February 9, 2017 at a public meeting in Jefferson Park. (Alex Nitkin/DNAinfo)

characterized by predominantly white populations, these community meetings have become sounding boards for expressions of NIMBYism and fear-mongering and can instigate significant conflict between residents, aldermen, ZACs, and developers. In many instances, such fear-based opposition is expressed in virtual spaces as well, such as EveryBlock or Facebook, where aldermen are known to participate.[75]

Equivalent ward-level discretion over development does not exist to the same extent in the city's South and West Sides, with some exceptions related to the intentional preservation of affordability in areas that are resisting gentrification or the aforementioned concerted effort to preserve predominantly white pockets.[76] While 62% of majority white wards have a ZAC, 31% of majority black and/or Latinx wards have a ZAC. Predominantly black and/or Latinx wards with a ZAC, whether informal or formal, have on average 320% more affordable units in the ward than their majority white counterparts. Therefore, ZACs in predominantly black and/or Latinx wards function differently than those in white wards, with predominantly white ward ZACs blocking affordable housing and predominantly black and/or Latinx ward ZACs facilitating the development of affordable housing.

"We would have a public meeting and if the alderman felt it was too hot of an issue, they would pull their support."

—Housing Developer (2018)



Aldermen predominately use ZACs to prevent housing development in their wards.

The Process Of Securing Affordable Housing Financing In Chicago

STEP ONE
The developer identifies the site and confers with the local alderman about the potential project. The developer also pursues non-city financing.

STEP TWO
The developer prepares the initial application to DPD for multi-family financing. If the developer does not have aldermanic support, it is unlikely the developer will pursue the project due to considerable upfront financial costs. The DPD Multi-family finance application also requires a letter of aldermanic support. Without it, DPD will not accept the project for further review.

STEP THREE
A complete application will be assigned to a DPD Development Officer. The developer drafts an executive summary of the project. The application and executive summary are sent to the DPD Internal Loan Committee for review. If the Loan Committee recommends approval, DPD and the City's law department draft a loan ordinance and submit it to the City Council Committee on Finance.

STEP FOUR
The Finance Committee can indefinitely defer the consideration of the loan ordinance, effectively preventing a decision on it. If the Finance Committee recommends a vote on the ordinance it moves to the full City Council for consideration.

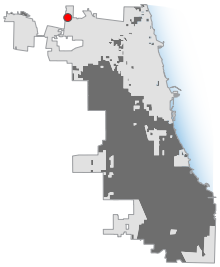
STEP FIVE
Due to the policy of aldermanic prerogative, 49 members of the City Council will defer to the decision of the local alderman about the project and vote in accordance with their wishes, effectively creating a single voter system on multi-family applications for affordable housing.

STEP SIX
If the City Council approves the financing proposal, materials are sent to the City Law Department to prepare for closing. For the first time, the City considers whether or not the project meet the Site and Neighborhood Standards. Even if the project does not meet these standards, approval of the project at this juncture is virtually guaranteed.

CASE STUDY: THE OLIPHANT DEVELOPMENT

The proposed Oliphant development in Edison Park serves as an example of aldermanic zoning power through the ZAC. Edison Park is a predominately white (89% white, 7% Latinx, and 1% black with a total population of 11,150) , single family home community on the North Side of Chicago represented by Alderman Anthony Napolitano and within the 41st ward. Home to many employees of the City of Chicago, Edison Park enjoys quality schools and a touted "small town" feel.[78] In 2016, developer Troy Realty proposed to construct a 44-unit ornate Italian Renaissance-styled residential and commercial development at 6655 N. Oliphant in Edison Park. Troy Realty sought a zoning change from the city. Per city protocol and practice, the developer was to secure that zoning change from Alderman Napolitano. Alderman Napolitano, in turn, referred the request to his Zoning Advisory Committee and vowed to uphold whatever decision the ZAC made.[79]

"It is a beautiful building, but it has no place in Edison Park."[77]
—Edison Park Resident (2016)



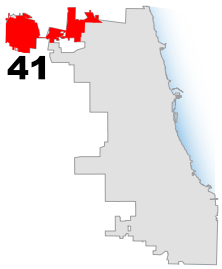
Troy Realty's Proposal, designed by Funke Architects, for the four-story development at 6655 N. Oliphant in Chicago. (Troy Realty/Funke Architects)

CASE STUDY: THE OLIPHANT DEVELOPMENT

On May 26, 2016, Alderman Napolitano sent an email to constituents announcing a Zoning Advisory Council meeting to discuss the Oliphant project, which expressly identified the proposal as creating rental units (the initial proposal was for all of the residential units to be rental). As a condition of compliance with the 2007 Affordable Requirements Ordinance triggered by the zoning change, the developer was to set aside four units as affordable and rent them at no more than 60% of the area median rent.[80]

On June 1, 2016, the Zoning Advisory Committee met to discuss the project at a local park facility. The developer opted-out of attending this meeting as it had become apparent that the presence of groups opposed to this development would dominate the meeting. As a result of the backlash, Napolitano urged the developer to consider building condominiums rather than rental housing "in an attempt to win the community's support."[81] When more than 500 people showed up to object to the proposal, the ZAC had to move the meeting to the field house's gym. Alderman Napolitano accused his political opponents of further inciting opposition to the development by claiming the project would create 127 residential units which would be rented to Housing Choice "Section 8" voucher holders.

In response to this opposition, the developer agreed to reduce the number of units from 44 to 30 and build condominium rather than rental units. Under the ARO, the developer would still be required to sell three condominium units at 60% of the market price. Instead, the developer agreed to sell one condominium unit at 60% of its market price and contribute a $250,000 in-lieu-of fee to the city's affordable housing fund. Nevertheless, community



Alderman Anthony Napolitano (Brian Jackson/ Chicago Sun-Times)

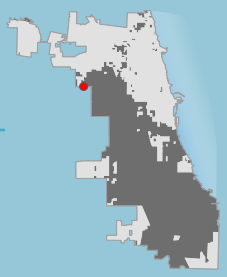
opposition continued to grow, with residents claiming the proposed project would burden overcrowded schools, and create traffic and parking challenges, even though more than 150 parking spaces would be provided and the bulk of the 30 units would be one and two-bedroom apartments. [82]

In two of the later public ZAC meetings regarding the development, the power of ward residents to move their alderman becomes abundantly clear. At the October 6, 2016 meeting, Napolitano promised ward residents that he would not allow the project to be built over their objections. "If the community does not want it, I do not want it," he said. "I would never do that to you."[83]

At the subsequent ZAC meeting on November 10, 2016, the majority of the 65 attendees came to voice their opposition to the project. One resident said that she was "paying massive taxes to live here, so I want people who are living the same way as me."[84] Finally, in January 2017, the ZAC voted against the mixed-use development's zoning change request. One of the stated reasons for opposing the development was the concern over "newcomers into the tight knit neighborhood."[85] Napolitano accepted ZAC's decision, effectively killing the proposal.[86]

In defending the process, Napolitano said, "[p]eople cherish where they live, and they want to safeguard it … They have every right to do that, and I'll protect their right to do that, as long as I'm representing them."[87] "You have a lot of people here who work for the city, and when they come back home, they want it to be their sanctuary," Napolitano said. "People are paying a lot to live in this neighborhood exactly as it is, and they don't necessarily want to see it filled with multi-unit rental buildings."[88]

CASE STUDY: THE GALEWOOD PROJECT



A market rate rental project proposed for the far West Side neighborhood of Galewood suffered a similar fate to the Oliphant. While Galewood is a diverse neighborhood, it has a larger white population than the predominately black community area surrounding it (Austin). Galewood is 50% black, 24% Latinx, and 23% white, compared to the Austin area being 82% black, 16% Latinx, and 5% white.[89] Home to many employees of the City of Chicago, including many fire and police employees, Galewood enjoys quality schools and a community where "everyone knows each other."[90] In September 2017, Noah Properties proposed to construct an 80-unit, three-building luxury apartment complex on 6600-6700 W. North Avenue that would be composed of two-bedroom units, most of which would be leased for $1,800 a month — 10% of which would be affordable under the Affordable Requirements Ordinance.[91]

Before approving the proposal, Alderman Chris Taliaferro (29th Ward) sent the plan to a vote before Taliaferro's ZAC, the 29th Ward North Avenue Business Development Committee. Like most other ZACs, the North Avenue Business Development Committee members are appointed by Taliaferro.[92] Alderman Taliaferro also held no less than four public meetings on the proposed development. In the meetings, residents expressed concern about the type of residents that rental apartments and affordable housing would bring to Galewood.[93] One Galewood resident commented that "[w]e have so many strange people walking in the area already. You're talking about more buildings, more strange people walking around." Another resident voiced similar concerns saying that "I don't care if you charge $1,800. There are certain people you want to live here, and certain people that you don't."[94] Responding to online rumors about who would live at the development, Taliaferro assured residents that the project would not be eligible for Housing Choice Vouchers. Although Taliaferro voiced support for the project and argued that additional housing on North Avenue would improve foot traffic to North Avenue businesses, he made clear the community's view of the project mattered greatly. "Community input," Taliaferro said. "That's going to weigh whether we pursue it."[95]

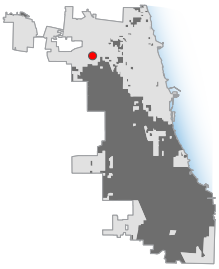
On October 25, 2017, Taliaferro announced he would not support the development. "After multiple community meetings, the committee vote, and listening to the residents of Galewood, I will not support the proposed project," wrote Taliaferro in a letter posted to the 29th Ward Facebook page.[96] This announcement effectively killed the project.

CASE STUDY: THE CENTRAL PROJECT

Portage Park is one of four neighborhoods located within the 36th ward on the far Northwest Side of the city. While the 36th ward is 67% Latinx, 26% white, 4% black, and 3% Asian,[97]
Portage Park is the only plurality white neighborhood within the ward with 49% white, 43% Latinx, and 1% black, and a total population of 64,523. Considered part of the bungalow belt, the ward is represented by Alderman Gilbert Villegas.

In January 2016, Full Circles Communities proposed the development of a $17 million, 55-unit affordable housing complex, called the Central, for veterans in Portage Park.[98] The lot for the proposed development had sat vacant for more than 10 years.

As part of development process requirements for the ward, Alderman Villegas requested that the Full Circle developers hold a community meeting prior to Full Circle receiving city permits or applying for state low-income housing tax credits.[99] Prior to the meeting, Portage Park community members voiced opposition to the development on EveryBlock, citing concerns related to increased crime, declining property values, density, increased traffic, and parking shortages.[100] Other comments made derogatory and discriminatory statements about the development's potential residents. "I have over 15 years of law enforcement experience and working in low-income areas and high-income areas. I Have worked in high income areas in Lincoln park which have low income housing apartments, marshalfield gardens and Cabrini green, but are responsible for 90 percent of robberies, shootings and drug



A Jan 26, 2016 community meeting on a 55-unit affordable housing proposal at 3655 N. Central Avenue ended with Alderman Gilbert Villegas committing not to move forward with the project. (Brian Nadig/ Nadig Newspapers)

transactions which occur daily. This idea is a disaster and we are all in big trouble if it comes. We all need to unite and come together and oppose this plan. As taxpayers, homeowners and residents who care about our neighborhoods we need to stand up to this new alderman and let him know it is Not in our interest to put our families in danger."(sic)[101]

Another commenter asked "[a]re Muslim refugees in the plan to settle in the building? Mosque is at Narragansett and Belmont. Our political leaders, Obama, Durbin, Quigley and the Mayor are supporting the efforts to bring them over by plane loads."[102]

More than 500 residents showed up to the January 26, 2016 community meeting.[103] A second meeting had to be scheduled to accommodate the residents who were denied access due to overcrowding concerns.[104] Many in attendance expressed concerns that the project would attract crime to the area. "They'll come in and treat this place like crap," one woman said.[105] Other residents wanted to limit the prospective tenants to seniors and veterans, noting that children may engage in criminal activity. Alderman Nicholas Sposato, whose 38th ward borders the 36th ward, also attended the meeting. Sposato said that some of the crime concerns were overstated. "I'm sick and tired of people saying it's a crime-ridden neighborhood," Sposato said. "You do not live in an unsafe community." Full Circle staff urged the audience to think about "the human element" of the project due to the housing resources it would bring to families looking for assistance.[106]

The meeting ended with Alderman Villegas pulling the plug on the project: "I've heard nothing but 'you don't want this,'" Villegas told the crowd. "I don't think we're going to move forward with this."[107] Just a few hours after the community meeting, Villegas officially announced that he would not be supporting the proposal. Villegas indicated that the overwhelming negative response from community members drove his decision: "The response from the community tonight was overwhelming. I have decided not to support the proposed development at 3655 W. Central Ave. I hope to see new options in the near future."[108] The following year, Full Circle Communities proposed the same project at 5150 Northwest Highway in Jefferson Park.

In June 2017, Alderman Villegas announced that Anthem Memory Care was planning on developing a three-story, 66-bed assisted living facility in Portage Park. At a community meeting, where the proposal was met with praise, developer Bernard Edelman promised that he would not build any affordable housing, acknowledging that the community had made its opposition clear during the Full Circle development process: "I wouldn't insult the neighborhood by even thinking like that."[109]

Downzoning & Landmarking

By reducing density through downzoning, aldermen increase the power they have to block affordable housing development by preemptively reducing the likelihood of higher density proposals and ensuring proposals that do come through will trigger ward specific approval processes, such as Zoning Advisory Council approval.

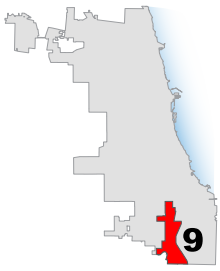
By reducing allowable density, housing supply is constricted, raising not only housing cost – particularly rents – but land value as well, much to the detriment of affordable housing development. Downzoning also eliminates the potential incentive to redevelop existing properties by reducing or eliminating "zoning headroom" or the difference between the amount of development (floor area/number of dwelling units) that exists on a particular property and what is allowed by the zoning district in which it is located. By reducing zoning headroom, properties that may have been targets for redevelopment, with a potential for an affordable housing component, are in effect eliminated.

Downzoning:
rezoning to a more restrictive classification with respect to either floor area ratio (F.A.R.) or minimum lot area per dwelling unit (M.L.A.) which limits the amount of floor area and number of dwelling units allowed on a site.

Landmarking:
as defined by the Chicago Landmarks Ordinance is to preserve and protect historically and architecturally significant buildings and districts. Landmarking limits densities by ensuring that designated property cannot be demolished or significantly altered without permission of the Landmarks Commission.

> "If I know what is best for my community, who are they to tell me otherwise?"[110]
>
> —Quoted from Alderman Beale in response to questions about aldermanic downzoning (2018)

Aldermen have used their land-use powers to downzone large swathes of land, often under pressure from local community group who opposed developments (affordable or otherwise). In areas where development pressure exists, areas suitable for multifamily development are frequently downzoned to reduce the allowable floor area and number of dwelling units permitted in an attempt to prevent or limit new construction. Again, this power is not equalized. Downzoning to advance future affordable housing opportunities is not always offered the same support from the city as downzoning with the intention to block it.



Additional restrictions on the development potential in an area can be enacted through the application of landmark districts. Although originated with the motivation to preserve historic structures, the Chicago Landmarks Ordinance has been used to promote racial and economic segregation. Historically, aldermen have expressed

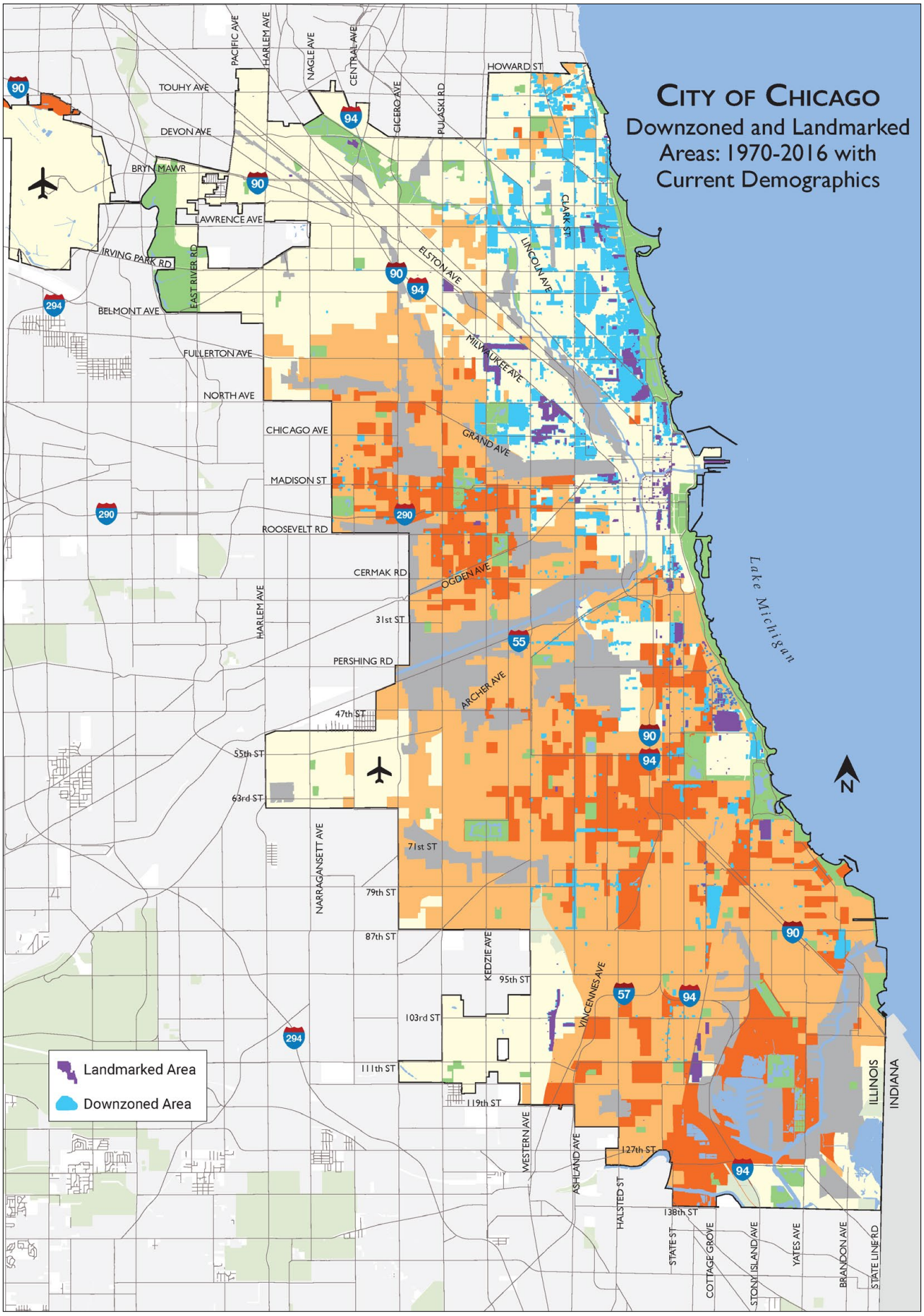
concern that landmarking has not had the intended results and has become another form of downzoning, used by neighborhood associations to control development.[111] During the Landmarks Commission's hearing in October 1976, Alderman Bernard Stone of 5th ward commented, "there is a danger of indiscriminate use of the Landmarks Ordinance as a substitute for rezoning. We have been considering hodge podge proposals."[112]

Once a landmark designation has been made, it is virtually impossible to develop affordable units. Any alteration or modification of designated landmarks or properties in landmark districts must be approved by the city's Commission on Chicago Landmarks through a process that can require permit fees, public hearings, and appeals to the City Council.[113] Designated landmarks are also subject to additional building code restrictions and limitations not imposed on non-landmark buildings or districts. Lastly, landmarking can substantially limit the availability of affordable housing by inhibiting the modification or development of residential properties.[114]

As politically controlled and localized land-use tools, downzoning and landmarking have been applied more forcefully in predominantly white, low-poverty areas and have shaped these wards over time, altering future development potential. Since 1970, the average majority white ward has downzoned or landmarked 0.46 square feet of space for every remaining foot of multifamily zoning in their wards today, significantly reducing the supply of housing and erecting barriers to housing development. Excluding the 46th ward previously represented by affordable housing supporter, Alderman Helen Shiller, the 13 other majority white wards account for 48% of the total downzoning's in the city and only a single new construction multifamily project, the 2017, 44 unit Independence Library Project in the 45th ward. 1% of the total new, affordable multifamily units have been constructed in these wards, despite containing 25% of the present multifamily zoned land of the city.

Lincoln Park alone accounts for 18% of the residential downzonings in the city since 1970, and has seen a corresponding 25% loss of its population since 1960. Rent in the community area is remarkably high and increasing as the remaining duplex housing stock is redeveloped into luxury single family homes, which remain as the only viable development type in the community area, as this type of housing does not require zoning approval from the alderman. The few multifamily developments that have occurred have face protracted legal battles from community opponents, regardless of affordable housing components. Lincoln Park and Lake View have experienced a concurrent decline in the availability of rental housing and the affordability of the remaining rental units. Since 1970, the community areas have lost 25% of their rental housing stock and the percentage of affordable units of any size has decline from nearly 50% to an estimated 12%.[115]

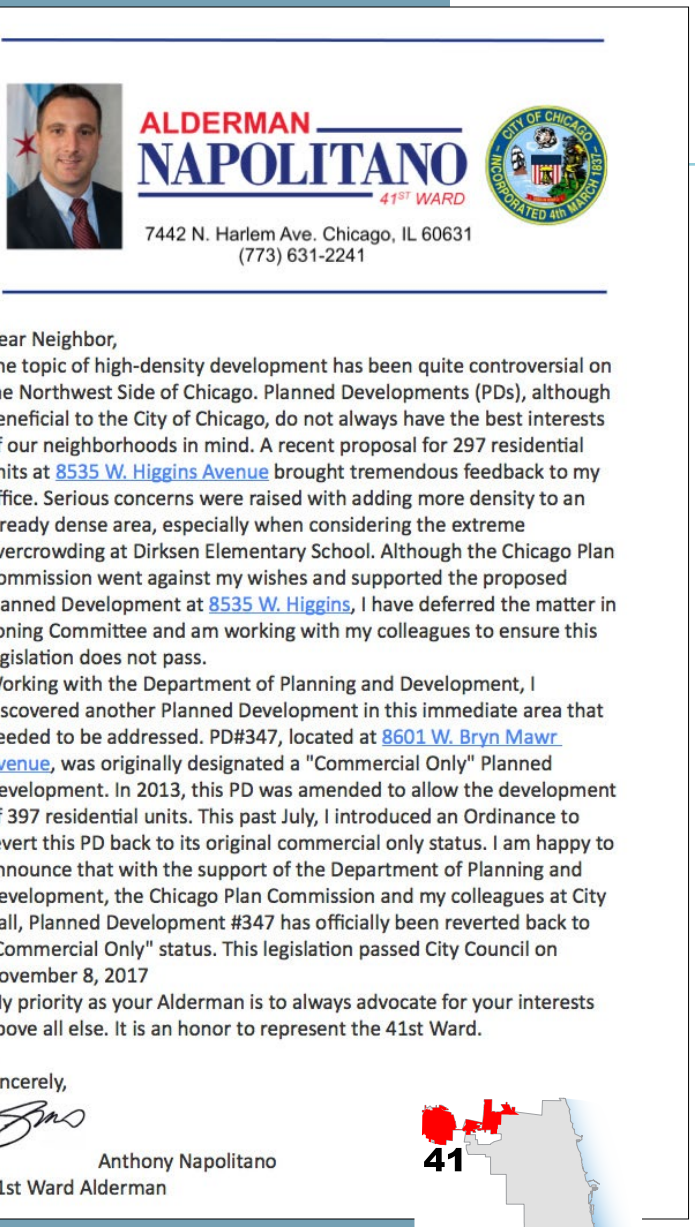
Comparatively, since 1970 wards with a majority black and/or Latinx population have downzoned 0.09 square feet of space for every remaining foot of multifamily zoning present in their wards today. These aldermen do exercise their zoning powers, but at a rate nearly five times slower than their counterparts in majority white wards. These 35 wards account for just under 30% of total downzoning's in the city. 96% of new, affordable multifamily units are constructed in these wards, disproportionately high compared to the 75% of the multifamily zoned land area they comprise.



Downzoning and landmarking are overwhelming used in the affluent, north lakefront wards.

CASE STUDY
8601 W. BRYN MAWR

After the fallout from the Higgins Road project, Alderman Napolitano used downzoning to limit future rental housing in his ward, specifically in the O'Hare community area that is 73% white, 9% Latinx, and 2% black with a total population of 12,902. In a letter to his constituents, Napolitano said that in response to "high-density" developments that "do not have the best interests of our neighborhood in mind" he had downzoned another planned development. "Working with the [DPD], I discovered another Planned Development in this area that needed to be addressed." Napolitano had found that PD#347, located at 8601 W. Bryn Mawr Avenue, originally designated a "Commercial Only" Planned Development, had been amended in 2013 to allow for the development of 397 residential units. Napolitano assured his constituents that he had introduced an ordinance to revert this PD back to its original commercial only status:



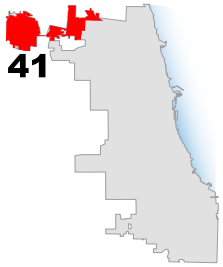
ALDERMAN
NAPOLITANO
41ST WARD

7442 N. Harlem Ave. Chicago, IL 60631
(773) 631-2241

Dear Neighbor,
The topic of high-density development has been quite controversial on the Northwest Side of Chicago. Planned Developments (PDs), although beneficial to the City of Chicago, do not always have the best interests of our neighborhoods in mind. A recent proposal for 297 residential units at 8535 W. Higgins Avenue brought tremendous feedback to my office. Serious concerns were raised with adding more density to an already dense area, especially when considering the extreme overcrowding at Dirksen Elementary School. Although the Chicago Plan Commission went against my wishes and supported the proposed Planned Development at 8535 W. Higgins, I have deferred the matter in Zoning Committee and am working with my colleagues to ensure this legislation does not pass.
Working with the Department of Planning and Development, I discovered another Planned Development in this immediate area that needed to be addressed. PD#347, located at 8601 W. Bryn Mawr Avenue, was originally designated a "Commercial Only" Planned Development. In 2013, this PD was amended to allow the development of 397 residential units. This past July, I introduced an Ordinance to revert this PD back to its original commercial only status. I am happy to announce that with the support of the Department of Planning and Development, the Chicago Plan Commission and my colleagues at City Hall, Planned Development #347 has officially been reverted back to "Commercial Only" status. This legislation passed City Council on November 8, 2017
My priority as your Alderman is to always advocate for your interests above all else. It is an honor to represent the 41st Ward.

Sincerely,

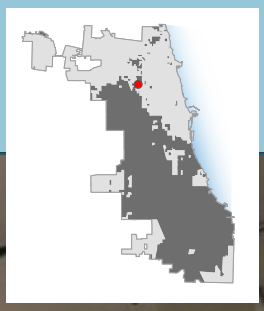
Anthony Napolitano
41st Ward Alderman



"My priority as your Alderman is to always advocate for your interests above all else."

–Alderman Napolitano, 41st Ward (2018)

CASE STUDY: MILWAUKEE AVENUE



Anthony Joel Quezada, staffer of Alderman Carlos Ramirez-Rosa, addressing a community meeting regarding the rezoning of Milwaukee Avenue on October 30, 2017. (Mina Bloom/DNAinfo)

While the City Council deferred to Alderman Napolitano's aldermanic prerogative to downzone 8601 N. Bryn Mawr in order to block affordable housing, Alderman Carlos Ramirez-Rosa, when attempting to downzone to promote affordable housing was granted no such deference. Alderman Rosa represents Chicago's 35th Ward, which is located in the Northwest Side of Chicago and in a rapidly gentrifying community, including one of the city's fastest gentrifying neighborhoods, Logan Square. The ward is 69% Latinx, 20% white, 5% black, and 5% Asian, while Logan Square is 45% white, 45% Latinx, and 5% black, with a total population of 74,606.[116]

Working in concert with community groups and affordable housing advocates, Alderman Ramirez-Rosa has often utilized downzoning to curb gentrification. Like most aldermen on the Northside of Chicago, Alderman Ramirez-Rosa engages in a community-driven process for zoning. Ramirez-Rosa requires that all meetings on zoning be public and that anyone who attends the meeting have the opportunity to vote, with votes weighted depending on how close the voter lives to the proposed project.

In August 2017, in an effort to stem the tide of up-zoning and high-density development, a coalition of community

organizations called on Alderman Ramirez-Rosa to rezone Milwaukee Avenue from Central Park to Kimball so that high-density buildings would have to undergo public scrutiny.[117] The downzoning would trigger the ARO and ensure a process for future zoning proposals that would support affordable housing. In October 2017, Alderman Ramirez-Rosa introduced the rezoning proposals to the City Council.[118] On October 30, 2017, Alderman Ramirez-Rosa held a community meeting for feedback on the downzoning proposals.[119] The meeting was emotionally charged, and attendees debated the impacts of gentrification. One attendee interrupted Ramirez-Rosa to note that he was "born and raised in this community. I've seen 10,000 working class families – Latinos, too – move out of this community."[120] The committee voted to move the downzoning forward, with 39 voting in support and 8 opposed.[121]

But the downzoning proposal never moved forward. Zoning Chairman Solis indefinitely deferred the matter in the Zoning Committee, citing concerns from the city's Law Department. In spite of multiple requests by Alderman Ramirez-Rosa for an explanation, Solis has not responded.

2) EVADING AFFORDABLE REQUIREMENTS ORDINANCE

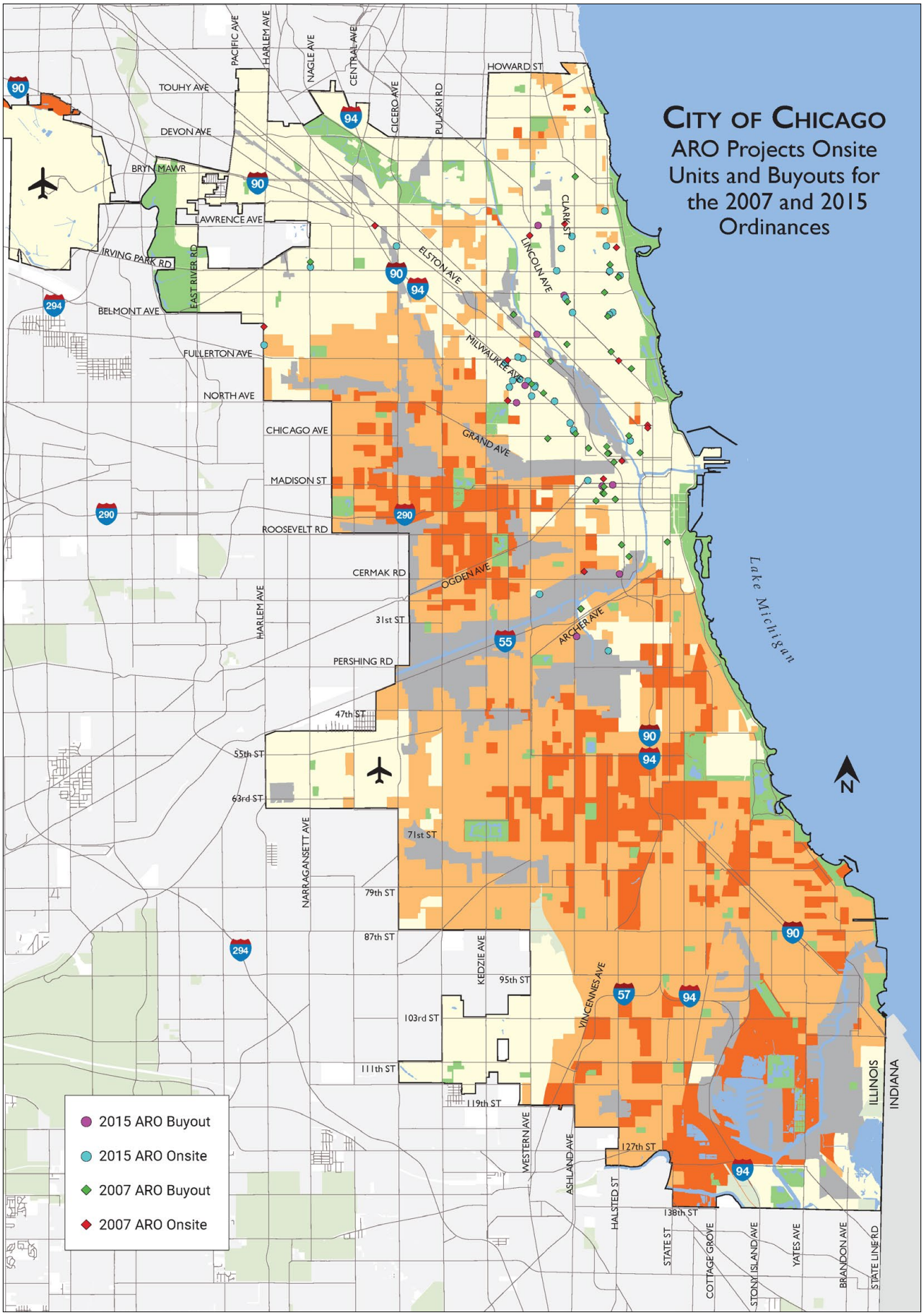
Chicago's Affordable Requirements Ordinance (ARO) mandates an affordable housing component for all projects that require rezoning, use of city-owned lots, or that receive city financial assistance. Along with having de facto veto power over ARO triggers through the exercise of aldermanic prerogative, aldermen also have discretion over the manner in which the requirements of the ARO are satisfied. Under the current ARO, developers may construct units on-site, off-site, or pay an in-lieu fee (into a city fund earmarked for subsidizing rent or funding affordable housing developments) in order to comply. In wards where aldermen or their constituents are averse to the construction of affordable housing, invariably, developers are encouraged to pay the in-lieu fees rather than construct units on site. Additionally aldermen control all zoning activity within their ward boundaries and have the power to alter the allowable density of development or even permitted uses on any particular parcel of land within those boundaries. The city's ARO is triggered by rezonings that, for the most part, increase density. Aldermen may impede affordable development within their wards by simply refusing to support zoning changes that would trigger the ARO, or by preemptively reducing density or rezoning to a district that does not allow for residential use.[122]

The ARO has been amended several times because it is not achieving the intended results of creating affordable housing opportunities in low-poverty areas. This is largely due to aldermanic powers to evade ARO requirements. In March 2017, the Office of Inspector

General of Chicago (OIG) reported an audit of the Department of Planning and Development's administration of the Affordable Housing Requirements Ordinance. One of the main goals of the audit was to determine the geographic outcomes of ARO units both on-site and those financed through city funds. The OIG ultimately found that the city was doing little to further geographically equitable affordable housing and explicitly identified aldermanic prerogative as an impediment: "OIG understands that there are multiple parties involved with the city's decision on where and how to invest ARO and Density Bonus fees, including aldermen, community members, and the developers themselves. Individual aldermen, for example, exert influence on the question of whether to bring ARO and Density Bonus fee-funded development into their wards or, alternatively, to keep such developments out."[123] The OIG recommended that if the Department of Planning and Development had an empirically-based strategy for equally distributing affordable housing across the city, then it might be able to combat aldermanic sway by more effectively incentivizing aldermen to approve affordable housing options.

Prior to the 2015 ordinance amendments, 82% of developments triggering the ARO in predominantly white wards did not include on-site affordable units. Wards without a predominantly white presence opted-out of on-site affordability in 67% of developments. This high opt-out rate across the board is indicative of the financial disincentive to build on-site. As most wards covered by the 2015 non-buy-out provisions are majority white, the landscape post 2015 looks significantly different, with 17% of ARO triggering developments opting out of affordable unit provisions in predominantly white wards and 24% in wards without a predominantly white population. However, this amounts to just 39 units in the 17 projects in majority white wards, and 94 units in the 17 projects in majority non-white wards under the post 2015 ARO.

"Individual aldermen, for example, exert influence on the question of whether to bring ARO and Density Bonus fee-funded development into their wards or, alternatively, to keep such developments out."
—OIG Audit Findings (2017)


City of Chicago
ARO Projects Onsite Units and Buyouts for the 2007 and 2015 Ordinances
2015 ARO Buyout
2015 ARO Onsite
2007 ARO Buyout
2007 ARO Onsite
Lake Michigan
ILLINOIS
INDIANA
N
TOUHY AVE
DEVON AVE
BRYN MAWR
LAWRENCE AVE
IRVING PARK RD
BELMONT AVE
FULLERTON AVE
NORTH AVE
CHICAGO AVE
MADISON ST
ROOSEVELT RD
CERMAK RD
31st ST
PERSHING RD
47th ST
55th ST
63rd ST
71st ST
79th ST
87th ST
95th ST
103rd ST
111th ST
119th ST
127th ST
138th ST
HOWARD ST
PACIFIC AVE
HARLEM AVE
NAGLE AVE
CENTRAL AVE
CICERO AVE
PULASKI RD
CLARK ST
LINCOLN AVE
ELSTON AVE
MILWAUKEE AVE
GRAND AVE
OGDEN AVE
ARCHER AVE
EAST RIVER RD
NARRAGANSETT AVE
KEDZIE AVE
VINCENNES AVE
WESTERN AVE
ASHLAND AVE
HALSTED ST
STATE ST
COTTAGE GROVE
STONY ISLAND AVE
YATES AVE
BRANDON AVE
STATE LINE RD
90
94
294
290
55
57

ARO EXPLAINED

Seeking to address a shortfall of nearly 49,000 affordable housing rental options in Chicago, in 2003, City Council passed the first iteration of the Affordable Requirements Ordinance (ARO).[124] An individual or family qualifies for affordable housing if their household income falls below 60% of the area median household income. The 2003 ARO was relatively lax in its affordable housing requirements because it only specified requirements in two narrow circumstances when a building was proposed with 10 or more residential units:

1) whenever the city sold land to a private developer below market value;

2) whenever a developer received city funding, particularly TIF money.

In the first instance, to meet the affordable requirements, the developer would either have to set aside 10% of the building's units for affordable housing or pay an in-lieu-of fee of $100,000 per unit, paid into a city fund earmarked for subsidizing rent or funding affordable housing developments. In the second instance, where the developer received city funding, 20% of the building's units would have to be set aside for affordable housing or pay the in-lieu of fee of $100,000 per unit.

The 2003 ARO had accomplished very little in the way of reaching the ordinance's original goals, which were to increase residents' access to a geographic diversity of affordable housing options. City officials and housing stakeholders found that there was little opportunity to incentivize developers to include affordable housing options,[125] given the narrow circumstances under which a developer was required to include ARO options. Recognizing the potential areas in need of improvement, City Council amended the ARO. The 2007 ARO expanded the conditions that would trigger ARO requirements:

1) whenever the developer received a zoning change that permitted a higher floor area ratio, changed the plot from a non-residential to a residential use, or permitted residential uses on ground floor;

2) whenever land was purchased from the city even if it was at market value; or

3) whenever the building was proposed on a Planned Development (PD) in a downtown zoning district.

The idea was to capture zoning changes that many developers in low-poverty areas seek, in the hope that this would incentivize the construction of affordable housing in the downtown and Northside areas. The 2007 ARO also rounded-up when counting the number of units for affordable housing, so a 20 unit building would require 2 units for affordable housing, whereas a building with 21-29 units would have to set aside 3 units for affordable housing. However, the

ARO EXPLAINED

in-lieu of fee remained set at $100,000.

Once again city officials and affordable housing stakeholders found the 2007 ARO wanting. In 2015, city council passed a new ARO.[126] The 2015 ARO, similar to the 2007 amendments, expanded the circumstances in which a developer would be required to include affordable housing units, but it also raised the in-lieu of fee for higher-income areas, included incentives for building affordable housing near public transit, and included an option for downtown area developers to build their required affordable housing units off-site. The 2015 ARO aimed at not only incentivizing the inclusion of affordable housing throughout all of the City of Chicago, but placed greater emphasis on the inclusion of affordable housing in the downtown area, in high-income areas, and near public transit hubs.

3) ACCESS TO CITY FUNDS

Aldermanic Support Requirements

Typically, affordable housing projects utilize a mosaic of funding sources approved by Chicago City Council. By and large Low-Income Housing Tax Credits (LIHTC) available from both the State of Illinois and the City of Chicago are the primary source of financing with other city programs such as the Multifamily Loan Program (MFLP) providing gap financing. Allocation and distribution of these funds require "evidence of community support" and in the case of the MFLP, a letter of aldermanic support. At a very basic level, aldermen control the funding mechanisms for affordable housing and have the power to refuse funding for developments they do not approve of. This holds true for all forms of financial support including TIF and city-owned lots.

The City of Chicago's internal Department of Housing Procedures (2004), note that development projects in need of city funds over $150,000 will not be reviewed by the administration's internal loan committee—a necessary step in the approval process—unless and until there is documented aldermanic support.[127] Once the internal loan committee approves the project, an Intergovernmental Affairs Memo packet is prepared for City Council review. Internal procedures dictate that this packet must include a signed aldermanic support letter—the first item listed in the mandatory checklist.[128] Chicago's Multifamily Financing Program Guide also directs project managers, when conducting feasibility reviews, to assess the level of aldermanic and community support. Finally, Chicago's Qualified Allocation Plan

"You absolutely need aldermanic approval before going to DPD with a proposal. This is part of unwritten rules of doing development"
–Housing Developer (2018)

CHICAGO'S MULTIFAMILY LOAN PROGRAM

Chicago channels significant portions of the HUD funds it receives for affordable housing development into the Multifamily Loan program. The MFLP centralizes the application for all affordable housing funds. The financing sources include low-income housing tax credits, federal, state, and local funds (including TIF). These funds are awarded as first and second mortgage loans, city land, and city bonds. Developers are responsible for identifying projects, performing groundwork, and approaching the department with an application for funding.

A subset of the projects are selected each year, with some projects deferred to later dates. The Department of Planning and Development performs application reviews, focusing on responsible use of funds, and will then move the project to City Council for a vote—a process triggered by the presence of $150,000 or more of federal dollars.[129]

As the MFLP aggregates multiple funds, it also aggregates, and in practice abdicates, fair housing requirements. DPD primarily handles this by including language in the application that places the burden of ensuring adherence to federal requirements on the developer.

aligns with these internal procedures by requiring development applications to include "evidence of community input and support for the project."[130] Not only do these requirements hinder development but they are inconsistent with fair housing requirements and recent guidance by the Internal Revenue Service. IRS Revenue Ruling 2016-29 clarified that the Internal Revenue Code "neither requires nor encourages housing credit agencies to honor local vetoes."[131]

MFLP projects are continually sited outside of predominantly white and low-poverty areas. This concentration is unlikely to change due to aldermanic support requirements and burdensome application processes and costs. For example, in addition to pre-application materials, the first stage of the two-stage application process has 30 items, including "a Plan for Community Input, and

"[because of aldermanic prerogative] you end up in some of the usual wards, you tend to get back to the usual suspects."

—Housing Developer (2018)

a letter of support from the alderman."[132] Each portion of the application has a significant cost, which must be borne by the developer. High cost uncertainty over the approval of the development and high likelihood of rejection in predominantly white and low-poverty areas, drive developers to restrict their operations to safer bets—areas where affordable housing has previously been approved.

It is this relationship, between developers and housing-friendly aldermen, which leads to the accumulation of affordable housing in a few select areas of the city. By way of unofficial relationships and required descriptions of past work within the city in the MFLP application, a feedback loop emerges where developers who receive federal funds are deemed more capable of performing additional development and those who do not are less likely to receive funding in the future. Many developers express frustration with the aldermanic support requirement because it deters developers from expending resources in areas where they know it will be futile to seek local approval based on their own past experience, or the experience of others in the industry. After multiple FOIA requests and interviews with developers, there is no evidence of a project receiving funds without a letter of aldermanic support. The letter of support is, in actuality, the most important and very first thing attended to by a developer. Despite using the same application and process for securing subsidies, senior housing does not show the same absolute concentration by wards. For example, despite seniors (or those over age 65) making up only 10% of Chicago's population, senior housing made up 39% of all affordable new construction and preservation from 2009-2013. Senior housing is also the only type of affordable housing constructed in predominantly white areas.[133]

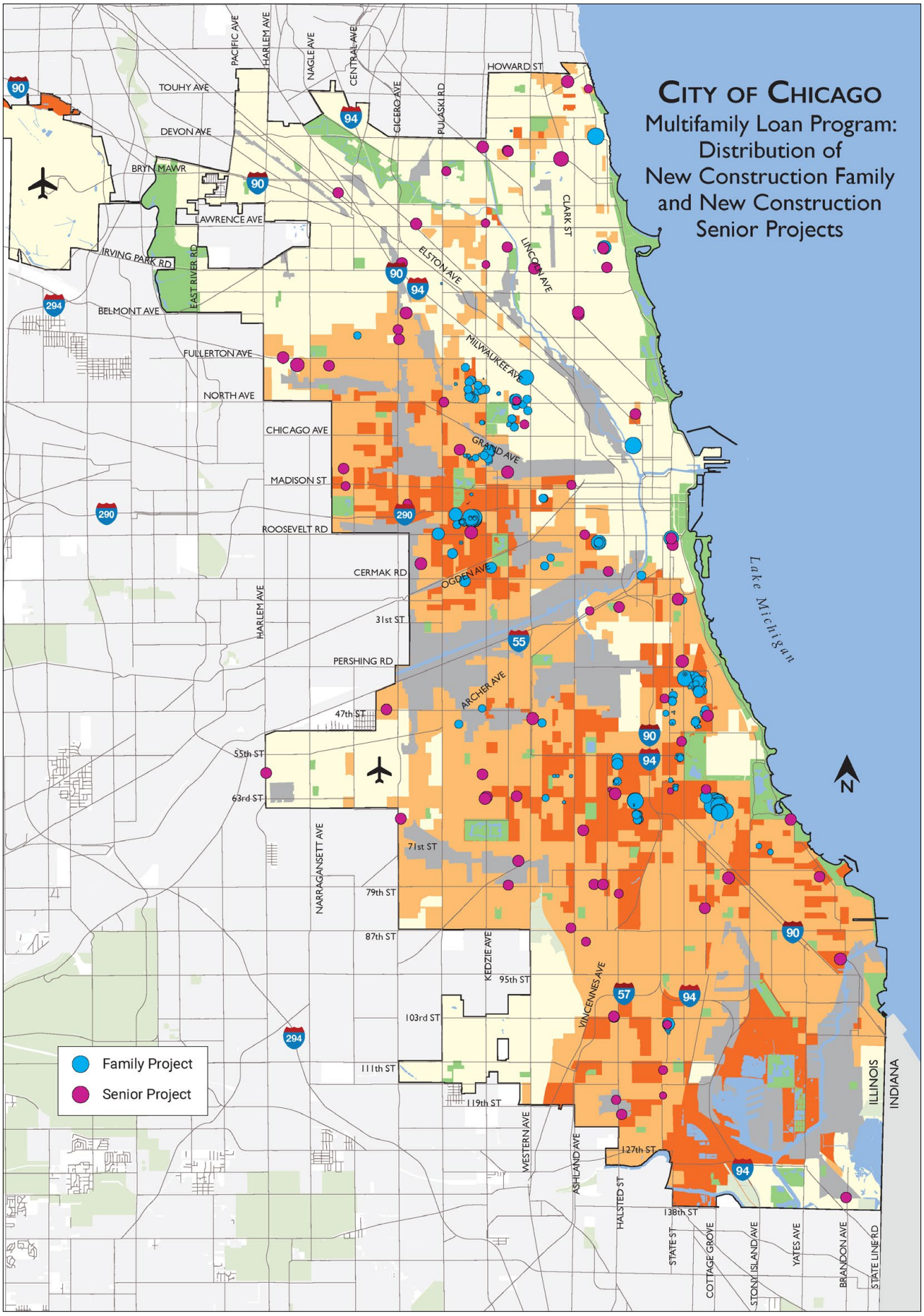
Between the start of 1992 and the end of 2017, the city approved loans for nearly 3,394 subsidized units of multifamily housing in new construction projects:

- 3,052 (90%) of these units were located outside of predominantly white and low-poverty areas.
- Just 5 wards, or 10% of total wards, accepted over half (59%) of all units, while the aldermen of more than half (27 or 54% of total) of Chicago's wards did not accept even a single multifamily unit.
- For the wards that opted-out of affordable housing, 62% of their constituent block groups were majority white and low-poverty.

While evidence was clearly available to demonstrate that all of Chicago's family rental housing was being located in predominantly black and/or Latinx and high poverty areas, aldermen continued to wield aldermanic prerogative to erect barriers to affordable housing projects in white areas.

Inequities within affordable housing development become even more apparent when breaking down development by housing type. Concentration of housing varies by target population, with senior developments having a relatively more equitable placement. It seems that aldermen relax their use of zoning tools to restrict housing development considerably for senior housing; the same majority white

"Aldermen on the Northside see senior housing as a no brainer, a political win that won't offend anyone."
—Housing Advocate (2018)


CITY OF CHICAGO
Multifamily Loan Program:
Distribution of
New Construction Family
and New Construction
Senior Projects
Family Project
Senior Project
Lake Michigan
ILLINOIS
INDIANA
N
TOUHY AVE
DEVON AVE
BRYN MAWR
LAWRENCE AVE
IRVING PARK RD
BELMONT AVE
FULLERTON AVE
NORTH AVE
CHICAGO AVE
MADISON ST
ROOSEVELT RD
CERMAK RD
31st ST
PERSHING RD
47th ST
55th ST
63rd ST
71st ST
79th ST
87th ST
95th ST
103rd ST
111th ST
119th ST
127th ST
138th ST
PACIFIC AVE
HARLEM AVE
NAGLE AVE
CENTRAL AVE
CICERO AVE
PULASKI RD
HOWARD ST
CLARK ST
LINCOLN AVE
ELSTON AVE
EAST RIVER RD
MILWAUKEE AVE
GRAND AVE
OGDEN AVE
ARCHER AVE
NARRAGANSETT AVE
KEDZIE AVE
VINCENNES AVE
WESTERN AVE
ASHLAND AVE
HALSTED ST
STATE ST
COTTAGE GROVE
STONY ISLAND AVE
YATES AVE
BRANDON AVE
STATE LINE RD
90
94
294
290
55
57

wards which account for 2% of new construction multifamily housing account for 15% of all senior housing.

From 1992-2017, 64% of the almost 6,900 units of senior housing was placed outside of predominantly white wards. The top 5 wards accounted for 27% of the total units and only 3 wards opt-out of senior development completely. Senior and multifamily developments use the same application, have access to the same resources, and the same review process as the multifamily units. Differences in the outcomes of the targeted buildings are not attributable to differences in the program as written, but to disparities in the execution of the program. One of the main differences is that senior housing is simply less controversial, and is not associated with the same negative stereotypes that multifamily developments are. Lower community opposition opens up more of the city and reduces dependence on positive relationships with specific aldermen. Multifamily developers rarely move outside of their service areas, and if they do, they often work with other aldermen known to be amendable to family affordable housing; efforts to develop in other wards become cost and time prohibitive due to aldermanic prerogative.

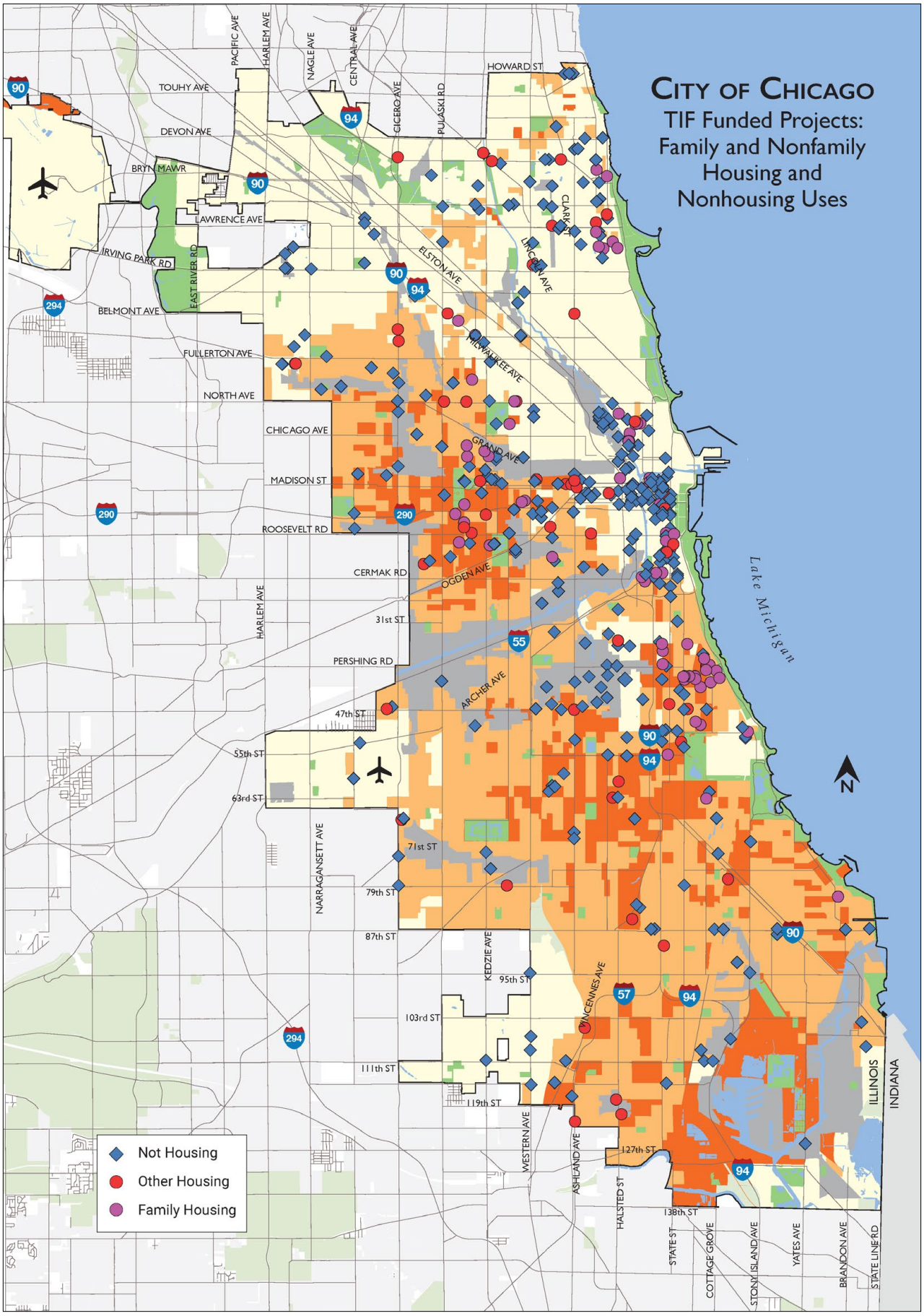
The relative distribution of senior projects suggests that a more equitable spatial placement of family affordable housing units is indeed possible were it not for community opposition and its influence on aldermanic prerogative. Fear of neighborhood racial change has hindered balanced family affordable housing development in Chicago and undercuts the city's duty to affirmatively further fair housing. Changing the process, specifically removing aldermen as gatekeepers for development in their wards, would make it viable for developers to operate outside of the limited areas which have historically allowed the development of affordable housing.

Tax Increment Financing

Tax increment financing in Chicago is controlled by City Council. The Community Development Commission acts as a recommending body, working through the Department of Planning and Development, and requiring council approval prior to any action.[134] Such actions can include the designation of redevelopment areas, creation of redevelopment plans (including the enumeration of objectives for the area),

Tax Increment Financing (TIF) is a government finance tool intended to combat blight and enable investment in distressed areas. Establishing a TIF district freezes current tax revenues in a defined area for up to 23 years and applies any tax revenue growth above the base level (the tax increment) into a special fund for payment on projects within the area. The boundaries and eligible uses of the TIF funds are limited by the ordinance establishing the individual district, which is the purview of the City Council in Chicago.

Outside of City Council chambers, affordable housing advocates speak against a TIF subsidy for an Uptown luxury apartment on January 11, 2016. (Ellyn Fortino/Progress Illinois)


CITY OF CHICAGO
TIF Funded Projects:
Family and Nonfamily
Housing and
Nonhousing Uses
Not Housing
Other Housing
Family Housing
Lake Michigan
ILLINOIS
INDIANA
N
HOWARD ST
TOUHY AVE
DEVON AVE
BRYN MAWR
LAWRENCE AVE
IRVING PARK RD
BELMONT AVE
FULLERTON AVE
NORTH AVE
CHICAGO AVE
MADISON ST
ROOSEVELT RD
CERMAK RD
31st ST
PERSHING RD
47th ST
55th ST
63rd ST
71st ST
79th ST
87th ST
95th ST
103rd ST
111th ST
119th ST
127th ST
138th ST
PACIFIC AVE
HARLEM AVE
NAGLE AVE
CENTRAL AVE
CICERO AVE
PULASKI RD
CLARK ST
LINCOLN AVE
ELSTON AVE
MILWAUKEE AVE
GRAND AVE
OGDEN AVE
ARCHER AVE
EAST RIVER RD
NARRAGANSETT AVE
KEDZIE AVE
CICERO AVE
WESTERN AVE
ASHLAND AVE
HALSTED ST
STATE ST
COTTAGE GROVE
STONY ISLAND AVE
YATES AVE
BRANDON AVE
STATE LINE RD
90
94
294
290
55
57

acquiring or dispossessing of property, and lending or grant making with TIF funds or bonds.[135] Due to the council's adherence to aldermanic prerogative, the application of TIF Districts and TIF funding requires the support of the local alderman.

Through state enabling statutes, projects selected for funding must be consistent with the goals of the local redevelopment plan.[136] Though TIF can be used for a wide array of projects, including affordable housing, requiring consistency with a council approved redevelopment plan allows aldermen to constrain the scope of uses and deny housing developers TIF funds. In fact, affordable housing must be explicitly included in the plan to be considered an "allowable use."[137] Many TIF districts have an industrial focus, creating a reasonable rationale for excluding housing from the redevelopment plan, but others exclude affordable housing from their objectives despite covering commercial areas with viable zoning for mixed-use. Other districts use specificity to shape the type of housing allowed. For example, the Western Avenue North Redevelopment Plan encourages "the development of Senior Housing" and no other types.[138]

With these limitations, aldermen mostly avoid affordable housing-related TIF requests; however, any use of TIF funds still requires a council vote for approval. As an additional mechanism for aldermen to deny housing funds, the vote guarantees that only aldermen friendly to affordable housing will use TIF for those purposes. The result is that TIF is actively used by 48 of 50 wards, but in various proportions for housing. 34 wards have used TIF for affordable housing targeted to some population group, but only 16 wards have used TIF for non-CHA family affordable housing units. The result is that majority white, low poverty wards spend less TIF on affordable family housing than the wards with higher poverty levels and higher black and/or Latinx populations.

4) CONTROL OF CITY-OWNED LOTS

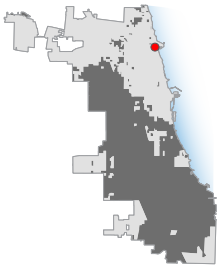
The City of Chicago controls a large inventory of parcels throughout the city and, through various programs, makes them available to developers, community organizations, and the public at large. This land inventory provides opportunities to build affordable housing by reducing a major cost barrier to development, especially in highly desirable areas. In fact, any sale of city-owned land for residential development triggers the city's Affordable Requirements Ordinance mandating 10% of the units be affordable.

Indeed, city-owned land is often used in affordable development projects as a part of the "local matching contribution" required for the use of federal funds such as the HOME program. Projects that do utilize city-owned land for housing developments are universally located in the South and West Sides of the city. No city-owned parcel of land has been used to build a single affordable dwelling unit in the majority white, low-poverty wards on the north side of the city. This, even though the city owns and controls over 56 acres of land in these areas as of the publishing of the latest inventory in October, 2017. Disposition of the properties requires city council action thus providing the opportunity for the exercise of aldermanic prerogative. Not only is land disposition under the Negotiated Sales Program subject to a letter of aldermanic support and Redevelopment Agreement with the city, but certain parcels may be earmarked by aldermen for "potential city projects," in effect removing them

CASE STUDY: MONTROSE/CLARENDON TIF DISTRICT

In November 2012, Alderman Cappleman announced the development of a glass 800-unit luxury high rise at the former site of Maryville Academy in the Montrose/ Clarendon TIF District.[139] This would fall within the Uptown Community Area that is 54% white, 19% black, and 13% Latinx with a total population of 56,296. This project began under his predecessor, Alderman Helen Shiller, who insisted that the developer commit 20% of the units as affordable pursuant to the 20% affordability requirements of the TIF and the 10% affordability requirements of the ARO.[140] After Alderman Cappleman took power, the developer, JDL Development, stated that they would lower the amount of affordable housing units to a 10% set-aside by contributing to the city's affordable housing fund.[141] The president of JDL, James Letchinger, defended the decision to substantially reduce the number of affordable units within the project. "There is too much low-income housing in the neighborhood already," Letchinger said. "Neighbors have been overwhelmingly opposed to affordable housing."[142]

In February 2014, Alderman James Cappleman's development committee announced the approval of the use of $14 million in TIF funds towards the project.[143] However, JDL was seeking



> "This is an urgent matter we need to rush through."
> (Alderman Burke)

$32 million in TIF funds to support the $220 million deal.[144] When they could not secure additional TIF funds, JDL Development then reduced the units to 380.[145] According to the Redevelopment Agreement and the Community Development Staff Report for the Montrose/ Clarendon TIF District, the city and the developer settled on 20 affordable units (5% of the total units) and a $5.7 million in-lieu fee for the remaining 57 units required by the ARO. JDL was to receive $15.8 million in TIF funds.[146]

Local affordable housing advocates objected to the deal,

arguing that the allocation of TIF funds for a luxury housing project went against the stated goals of TIF. When the matter came before the City Council, city staff blocked affordable housing advocates from gaining access to council chambers, by marking seating as "reserved" and having city staff interns fill seats.

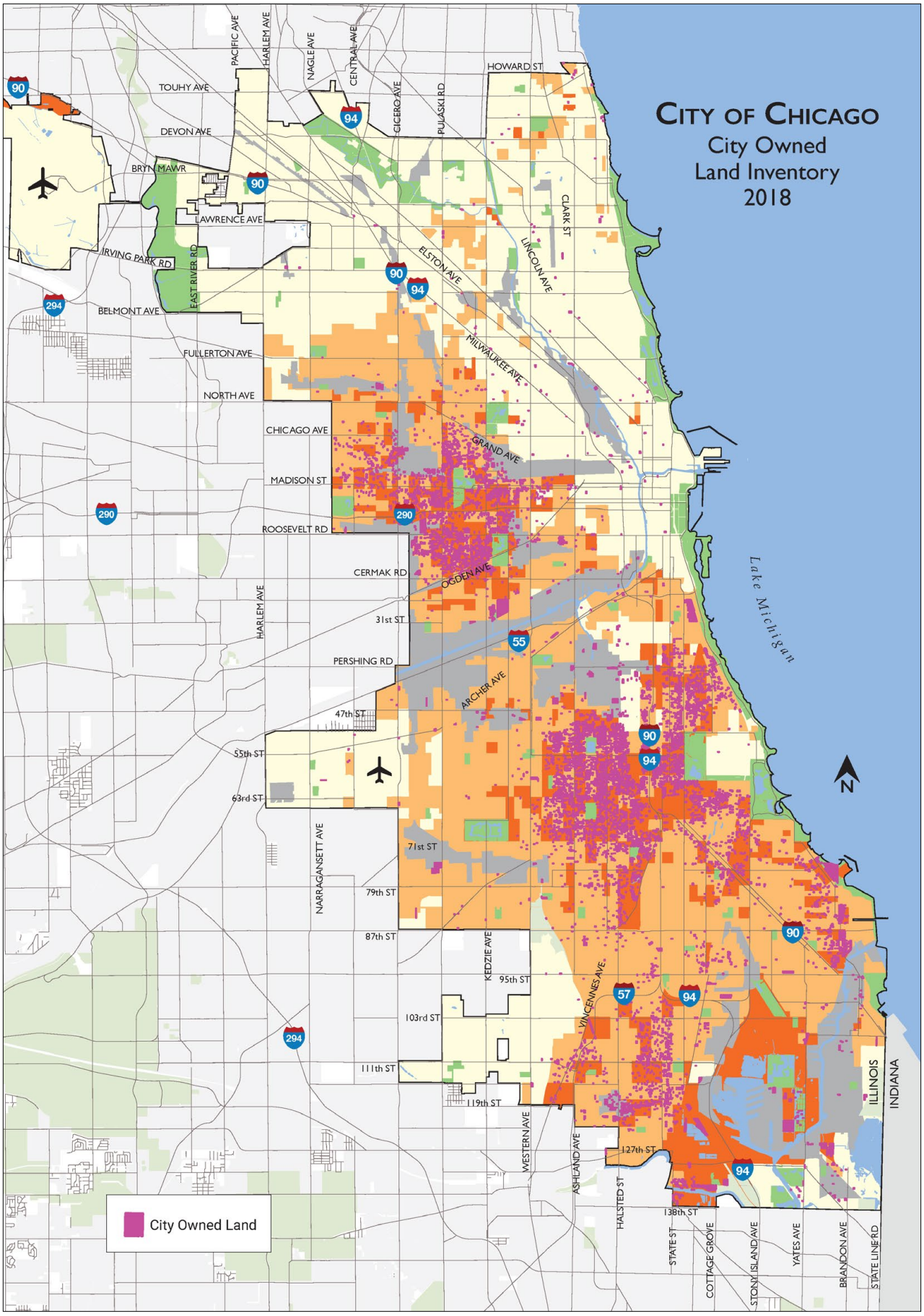
In July 2016, advocates filed a lawsuit against the city, claiming that the City Council violating the Open Meetings Act by systemically blocking the organizers from the May and June Council meetings when the city approved the development on the Montrose/ Clarendon TIF District.[147]

In December 2016, a judge ruled that the Council did indeed violate the Open Meetings Act, and ordered the city to come up with new rules for addressing public comments.[148]

from the developable land inventory. Aldermen opposed to the construction of affordable housing in their wards may withhold city-owned land for "other purposes" or simply refuse to approve sale of land resources for housing projects eliminating the application of the city's ARO.

The city owns 12,986 lots, most on the South and West Sides.[149] The city maintains several programs which make the lots available to developers for a variety of uses. For housing, most city lots are made available through the New Homes for Chicago (NHFC) and City Lots for City Living program. Under these programs, Chicago makes residential lots available for one dollar and provides permit fee waivers to eligible developers.[150] The developers build single family and two flat homes on the lots and, for income eligible buyers, provide an additional purchase price subsidy of up to $30,000 from the city's HOME allocation. As of the 2016 ACS estimates, 93% of the NHFC developments were located outside of low-poverty areas. The 7% that are located in low-poverty areas are in communities which have been under immense gentrification pressure recently, and were not low-poverty at the time the parcels were given to developers.

Despite the high percentage of NHFC units placed outside of predominantly white and low-poverty areas, the city-owned land inventory does have potential for development in low-poverty areas: 324 parcels with a total area of 2,413,660 square feet fall within low-poverty areas. An analysis of these city-owned land inventory identified parcels by size and current zoning estimates and found a portion sufficient to develop, estimating 2,567 units by right in low-poverty areas, 615 of which are located in some of the wealthiest and/ or quickest gentrifying, communities in Chicago including Lakeview, Lincoln Park, the Near North Side, Near West Side, Near South Side, Logan Square, and West Town. If all of these parcels were developed with new, multifamily housing through the NHFC or Negotiated Sales Program in combination with the MFLP, the supply of affordable housing in opportunity areas would nearly double. However, Aldermanic prerogative creates a major impediment to accessing and developing these parcels for affordable housing.


CITY OF CHICAGO
City Owned
Land Inventory
2018
City Owned Land
Lake Michigan
ILLINOIS
INDIANA
N
TOUHY AVE
DEVON AVE
BRYN MAWR
LAWRENCE AVE
IRVING PARK RD
BELMONT AVE
FULLERTON AVE
NORTH AVE
CHICAGO AVE
MADISON ST
ROOSEVELT RD
CERMAK RD
31st ST
PERSHING RD
47th ST
55th ST
63rd ST
71st ST
79th ST
87th ST
95th ST
103rd ST
111th ST
119th ST
127th ST
138th ST
HOWARD ST
PACIFIC AVE
HARLEM AVE
NAGLE AVE
CENTRAL AVE
CICERO AVE
PULASKI RD
CLARK ST
LINCOLN AVE
ELSTON AVE
MILWAUKEE AVE
GRAND AVE
OGDEN AVE
ARCHER AVE
EAST RIVER RD
NARRAGANSETT AVE
KEDZIE AVE
VINCENNES AVE
WESTERN AVE
ASHLAND AVE
HALSTED ST
STATE ST
COTTAGE GROVE
STONY ISLAND AVE
YATES AVE
BRANDON AVE
STATE LINE RD
90
94
294
290
55
57

5) USE OF PARLIAMENTARY AND EXTRA-PARLIAMENTARY POWER

In situations where zoning relief is required for an affordable housing development, or a residential project that triggers the city's ARO, aldermen have been known to use parliamentary and extra-parliamentary maneuvers to delay, or in essence, stop projects in the approval process. In this sense, affordable housing is treated much differently from market-rate and luxury housing deals. Whereas in the Case Study Montrose/Clarendon TIF District, Alderman Edward Burke, chairman of the City Council Finance Committee, when discussing the luxury TIF development, expressed: "[t]his (TIF) is an urgent matter we need to rush through."[151] Advocates speculated that this urgency stemmed from the soon-to-be in effect 2015 ARO amendments, which would enhance the required inclusion of affordable housing units.[152] Expediency, however is generally not awarded to affordable housing developments. To the contrary, aldermen who wish to block affordable housing deals have employed extra-procedural deferrals to extinguish deals.

Part of the reason aldermanic prerogative is so effective is the deference given to this power when exercised. City Council members, especially when the power is being used to block affordable housing, defer to aldermanic ward decisions and even foster efforts to carry those wishes out.

All zoning map amendments and planned developments are required to be reviewed by Chicago City Council Committee on Zoning, Landmarks and Building Standards before going to the full City Council for passage. The committee chairperson has the power to defer matters upon the request of an alderman and may "defer a matter indefinitely" which would have the effect of killing the project "in committee." This "courtesy" is a component of aldermanic prerogative, indicative of deference to zoning matters to individual aldermen. While it is well known in the development community at large, and especially well known for developers of affordable housing—that the exercise of aldermanic prerogative ensures that unwanted developments will not get zoning approval—there is no formal restriction on a developer who wishes a hearing before the City Council Zoning, Landmarks, and Building Standards Committee. However, a developer would only request a meeting before City Council's Zoning, Landmarks, and Building Standards Committee in the rare occurrence when the developer has made the decision to sue on the matter, requiring the exhaustion of administrative means before the case is ripe for litigation. In these cases, the parliamentary maneuver of deferring or indefinitely deferring the matter for 6 months will have the effect of denying the application, regardless of whether full City Council has a vote on the application or not.

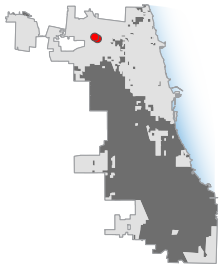
> "They were given courtesies outside of the normal due process—and outside of normal aldermanic privilege dictates."
>
> —Housing Advocate, in reference to the opponents of an affordable housing development (2018)

CASE STUDY: THE JEFFERSON PARK TRANSIT CORRIDOR

Jefferson Park is located within the 45th ward on the Northwest Side of Chicago and is 64% white, 23% Latinx, and 1% black with a total population of 26,755.[154] The 45th ward is represented by Alderman John Arena. The 45th ward's alderman since 2011, Arena has supported affordable housing efforts, including signing a pledge to bring at least 50 CHA-sponsored apartments to the ward before his term ends. Jefferson Park is home to many city and county employees and has been known as the "Gateway to Chicago" in recognition of the community as a main transportation hub for the city.[155]

In 2014, on a property vacant for over 20 years and located at the intersection of Long Avenue and Argyle Street near the Jefferson Park Transit Center, Alderman Arena unveiled a plan for developing two five-story apartment buildings with 48 apartments.[156] Opponents of the plan, most notably the Jefferson Park Neighborhood Association (JPNA), feared that the proposal was too dense, too big, too tall, too close to single family homes, and would set a dangerous precedent for the Northside with one resident stating: "We want to keep our neighborhood a neighborhood."[157] Meeting fierce opposition, crystallizing in a 650-signatory petition calling on Alderman Arena to reject the proposal,[158] Alderman Arena scrapped the plan, fearing the possibility of losing reelection in 2015.[159]

After winning reelection in 2015, Alderman Arena moved forward with his commitment to revitalize the Jefferson Park Transit Center Area.[160] Returning to the 48-unit proposal, Alderman Arena reduced the two-buildings from five-stories to four-stories, while remaining



"You can have an alderman who is courageous every now and then, someone will stand up for racial justice, but because of segregation s/he… will potentially lose their seat."[153]
— Housing Advocate, 2018

committed to the 48 total units, five of which would be set aside for affordable housing.[161] The JPNA reaffirmed their opposition to any development that would require a zoning change to increase density.[162] In May of 2016, JPNA members continued to voice opposition to Alderman Arena's plans. One longtime resident of the area predicted that "...people are going to leave Jefferson Park because that's not what we want."[163] JPNA President, Bob Bank, took a more fatalist stance: "Let's not wreck this great neighborhood."[164] On September 2, 2016, Alderman Arena approved the zoning changes required to build the 48-unit apartment complex.[165] The approved proposal included 5 units set aside for affordable housing.[166]

On January 26, 2017, Alderman Arena announced the Northwest Highway development proposal, 5150 N. Northwest Highway, a seven-story L-shaped building with 100 units, 80 of which will be offered at affordable rents, including 20 reserved for Chicago Housing Authority vouchers with marketing geared toward veterans and people with disabilities.[167] The project was proposed to Alderman Arena after the development had been abandoned in the face of community opposition in

Alderman John Arena (Abel Uribe/Chicago Tribune)

A May 16, 2016 community meeting regarding a proposed housing development near the Jefferson Park Transit Center. (Heather Cherone/DNAinfo)

Alderman Villegas' 36th Ward.[168] In order for the project to move forward, the site first required a zoning change that would allow for the construction of a storage facility.

Immediately after being announced, the JPNA began objecting to the rezoning request, claiming the residents of the property would invite crime and lower property values.[169] JPNA President Bank stated that "[e]veryone I talk to is pretty upset about the idea of stuffing all this low-income housing into one building in one neighborhood. I think it's just going to bring a bunch of desperate low-income families that are going to overcrowd our schools and bring crime, and bring all their problems with them."[170]

At a community meeting held on the project on February 9, 2017, hundreds of Jefferson Park residents crowded into a neighborhood church and gathered on the sidewalks outside to protest the proposal.[171] Residents opposed to the development continued to advance fears about residents with vouchers living in the buildings: "This is a solid ward we've got here, and we pay a lot of money to live here. There's no reason we should have to pack all this Section 8 housing into one building, right where we live."[172] Other residents were more

Protesters rally against the proposed development at 5150 N. Northwest Highway on February 21, 2017, outside of Alderman John Arena's office. (Alex Nitkin/DNAinfo)

direct, asking the developer and Alderman Arena "[w]hat ability do you have, if any, to prevent a renter from passing the screening process, and then bringing in every miscreant brother, uncle, cousin, son they have? You can call us elitist ... but I call us homeowners. I've lived here my whole life, and if you think we're going to believe this building will only be for retirees and veterans, then you're crazy."[173] Alderman Arena sought to get his constituents to see past their biases: "The folks who are low-income

will buy sandwiches from the deli, just like you do. They have insurance, and they need medical services, just like you do. So I'm sorry, but it's not fair to judge someone who makes less than you do, as if they spent no money." Another audience member asked if the developer would "screen people under 18 years old?" When the developer stated that they could not screen children under 18, someone yelled "there goes the neighborhood!" After a white veteran testified in support of the affordable housing project, an attendee responded that "the community knows that the housing will not serve veterans *like this*."[174]

Outside the meeting, protesters chanted "No Section 8" and "No CHA" and held signs reading "No CHA—No Crime" and "Jefferson Park not Rogers Park" and "Cabrini Green Started as Vet Housing." Protesters shouted slurs such as "faggot," "thug," "gangbanger," and "freeloader." A protester claiming to be a Chicago police homicide detective said that "[t]hese people are like dirty diapers" - allegedly a reference to the predominately black residents of Chicago's public housing.[175] And that he, "felt sorry for anyone who had to live near public housing."[176]

After publicity surrounding these events, the organized opposition instructed their followers to temper their remarks in public.[177] Public positions from then on concerned the height of the building, the density proposed at the site, and the zoning process itself. Comments on social media, and in testimony before the Chicago City Council, however, continue to express discriminatory animus against the presumed residents of the development: families with children and people of color.

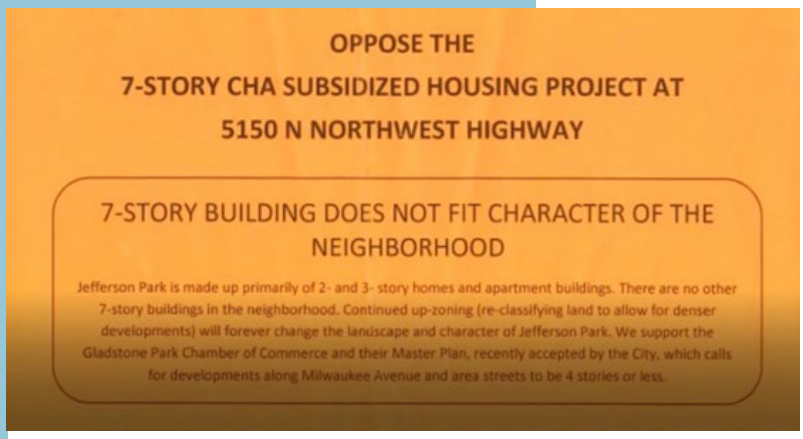
Contemporaneously with the public backlash against the Northwest Highway development, local residents, alarmed by the vitriol, began to connect on social media, seeking to counteract the negative stereotypes about affordable housing and to identify ways to advocate in favor of the proposal in their community. These residents made contact with the Chicago Housing Initiative, a veteran housing organizing group

working on the ground in Jefferson Park to try to support the development. After the public meeting on February 9th, these neighbors came together as a group to advocate for affordable housing.

These volunteers formed Neighbors for Affordable Housing in Jefferson Park (NfAH) which after a year of grassroots organizing boasts over 750 members. NfAH is entirely run by volunteers, with organizing guidance provided by the Chicago Housing Initiative and the Disability Rights Action Coalition for Housing, and is open to any resident of the Northwest Side of Chicago or stakeholder (including persons with disabilities, veterans, or anyone in need of affordable housing).

In March 2017, the affordable housing complex became a city-wide issue, after a new group – Northwest Side Unite – emerged solely to oppose affordable housing and organize against the Northwest Highway development. NSU was able to pressure the city to convene a special meeting of the Chicago Plan Commission to discuss the Northwest Highway development.[178]

While the proposal passed the Chicago Plan Commission on March 16th, a week later 14th Ward Alderman Ed Burke stepped in to block its passage in the zoning committee based on a claimed procedural defect (lack of quorum) that is routinely ignored during the zoning process.[179] The project was again stalled in April 2017, when Alderman Arena requested an unprecedented zoning meeting where proponents and opponents to the development could be heard.[180] The hearing lasted more than three hours. Opponents also filed a lawsuit against the city to stop the rezoning.[181]



A flier urging Jefferson Park Residents to oppose the proposed affordable housing project on 5150 N. Northwest Highway, on the grounds that the density and height of the proposed structure would "forever change the landscape and character" of the neighborhood. (obtained by the Chicago Housing Initiative)

Next, came a turn of events underscoring how the power

of aldermanic prerogative depends on the purpose for which it is used. In May 2017, Alderman Napolitano of the 41st ward took up the call of Northwest Side Unite by representing their interests in blocking the development. Alderman Napolitano went so far as to defend the protestors outside the community meeting and appear with NSU leaders at a press conference to denounce the proposal.[182] Alderman Ricardo Munoz noted how unusual Napolitano's attempts to interject himself in another ward's business were, violating a longstanding practice of deferring to the decisions aldermen make in their wards.[183] Despite Alderman Napolitano's opposition, the development passed the city Planning Commission and the full City Council, with only Alderman Napolitano voting nay.[184]

In late May 2017, Mayor Rahm Emanuel also weighed on the controversy, criticizing Arena for not having a process "as one where you hear people and they need to be heard. As much as [Arena] is offering his idea, residents who live in that area need to be heard." Emanuel's comments ignored the lengthy community process Arena had advanced, including multiple community meetings and a special meeting with the chair of the Zoning Committee. It also implicitly placed a higher value on the voices of residents who opposed affordable housing over the residents who supported it. Cook County Commissioner Jesus "Chuy" Garcia called out the Mayor for his comments, arguing that "Emanuel's words, that anti-affordable housing activists 'need to be heard', functions as an acquittal of racial animus, masquerading as a white-washed call for process."[185] Garcia also noted the Jefferson

More than 100 protesters gathered outside the Branch Community Church in Jefferson Park on February 9, 2017 to protest proposed affordable housing in Jefferson Park. (Ryne Poelker/Chicago Housing Initiative

Park of the 1950s as compared to today has changed:
Fifty-one years ago, around the same time that Martin Luther King Jr. marched for open housing in Marquette Park, a parallel march for open housing occurred in Jefferson Park, equally met with bricks and violence. What is different today on the Northwest Side is that amidst the resurgence of prejudice and hateful energy by some factions in Jefferson Park, there is also an energetic movement growing among anti-racist, largely white, homeowners, who are as committed to opening their community to new neighbors, as others are to keeping it closed.[186]

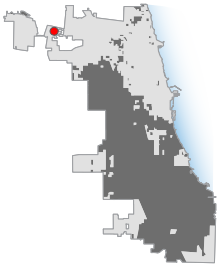
Despite support from Alderman Arena for the project, the Northwest Highway project did not receive state nor city low-income housing tax credits. On February 8, 2018, Alderman Arena announced that Full Circle Communities would reduce the number of affordable housing units at the Northwest Highway project from 100 to 75 and reduce the number of family-sized units.[187] Arena said that Full Circle made the changes in response to "community feedback" including concerns over school overcrowding.
In early February 2018, Alderman Arena filed a complaint with the Civilian Office of Police Accountability, charging that 31 Chicago police officers made "racially charged" comments regarding the 5150 proposal.[188] The officers denied the claims. However, housing advocates point to anti-5150 flyers on neighborhood police district windows as evidence of the local police districts opposition to the development. In early March 2018, in response to a FOIA request, Mayor Emanuel's office released a spreadsheet of individuals who had made racist comments about the 5150 proposal compiled by Alderman Arena's staff, listing 70 individuals, including the 31 police officers that Alderman Arena had filed a complaint against.[189] In April 2018, the Fraternal Order of Police filed a complaint with the city Inspector General alleging that Alderman Arena was filing false claims against city workers, and that Alderman Arena was "cyberstalking" and harassing Chicago police officers.[190] Alderman Arena denied the claims.

CASE STUDY: THE HIGGINS ROAD PROJECT

The proposed mixed-use rental property, Cumberland Place at 8535 W. Higgins Road in the Jefferson Park community, highlights the many ways an alderman can exert power to block affordable housing, even when other structures they have created support it. Located near O'Hare Airport and adjacent to many hotels, stores, and office parks, the project would have supplied needed rental housing in this job rich area.[191] However, at each step in the process, Alderman Napolitano (41st ward) found one way after another to block it. This exercise of parliamentary prerogative presented a "whack-a-mole" type challenge for the developer and supporters of affordable housing.

In 2015, Host Hotels & Resorts filed a request for a zoning change with the City of Chicago.[192] In August 2015, the planned development proposal for a residential and commercial development was presented to the 41st ward Zoning Advisory Committee. At the ZAC meeting, the developer, Higgins Development, was asked "if the housing would be rental" and "how you would accommodate families with kids?" The ZAC also asked that the height of the residential building be reduced from 180 feet to 80 feet, pedestrian paths be added, and the setback increased on the residential building.[193]

In December 2015, Higgins Development again went before the ZAC. During the meeting, it was stated that the proposed 230-unit residential rental tower would primarily include studio and one-bedroom units geared towards young professionals. In response to ZAC's requests, Higgins Development also reduced the residential building to 80 feet, resulting in the loss of 10 units,[194] and added the pedestrian paths and setback increase. Even though the project required no zoning change due to the Planned Development Application, ZAC voiced its support for the project and instructed Alderman Napolitano to send DPD a letter of support.



On January 20, 2016, Alderman Napolitano sent a letter of support for the proposal to DPD Commissioner David Reifman. In the letter, Alderman Napolitano stated that the "mixed-use nature of the site is highly complimentary to the adjacent hotel, conference center, and other surrounding uses."[195] Napolitano also noted that the developer had made the changes requested by the 41st Ward ZAC.

Later that year, the property went under contract for sale to Glenstar Properties.[196] Glenstar also proposed to construct a mixed-use development, with 297 luxury rental "micro-units" in Jefferson Park.[197] In November of 2016, the results of two studies regarding the potential impact of the project, one on school overcrowding and the other on traffic, were released. The school study found that the development would have no impact on the local elementary school.[198] The study also noted that "[i]f the on-site amenities are aimed at adults without children, and the marketing of the property is similarly focused as were recent TOD and lifestyle projects within the Chicago metro area, then the actual results are likely to be lower than these overly conservative projections." The study concluded that "[t]he impact of both design, TOD location and immediate surrounding environments are likely to make this a very successful TOD with a very low number of resident students attending CPS system.[199] Similar low-impact assessments were made concerning traffic density.[200]

After hearing Glenstar present its proposal and findings in December 2016,[201] on January 4, 2017, Alderman Napolitano's ZAC unanimously approved Glenstar's proposal, a plan that included seven affordable units and a payment of $2.9 million in-lieu of putting 23 more affordable units on site.[202]

Alderman Napolitano's position on the Higgins development starkly shifted after he joined the ranks of the anti-affordable housing group, Northwest Side Unite. Once 41st ward constituents joined the outrage against the 5150 project, Alderman Napolitano began using every tactic possible to block the Higgins development.[203] Napolitano informed the ZAC that he had reversed his position on the

Higgins development, citing the opposition to the Northwest Highway development in an email to the ZAC chair.[204] Alderman Napolitano also attempted to discredit the education and traffic report by arguing that the addition of two more units to the building invalidated the study.[205] Ahead of the June 2017 meeting of the Chicago Plan Commission, Alderman Napolitano triggered a 30-day delay while simultaneously imploring for an indefinite delay of the meeting for the Higgins development.[206] The delay was granted at the request of Glenstar, not Alderman Napolitano, so that the developer could communicate with the Alderman about his concerns.[207] On July 7, 2017, the Glenstar plan was approved, with only one nay vote coming from Alderman Tom Tunney who wished to respect Alderman Napolitano's authority, while Alderman Tunney also took the time to criticize the plan for its lack of affordable housing options.[208]

Displeased with the outcome, Napolitano wrote e-mails to Department of Planning and Development commissioners, demanding to know why a vote had been held on the Higgins

From: Vittorio, Chris
To: delucas@cps.edu
Subject: Letter
Date: Tuesday, August 22, 2017 12:42:34 PM

Hi Principal Lucas,

Thanks for taking the time to meet with us earlier. As we discussed, the letter should be addressed to members of the Zoning Committee (Alderman). Please specify your concerns with the proposed amended Planned Development at 8535 W. Higgins for 297 residential units and the previously approved Planned Development at 8601 W. Bryn Mawr for 397 residential units, both of which reside in your school district. Please share specifics regarding Dirksen's capacity and actual enrollment as well as the growth rate during your time at Dirksen. Please also explain the result of any potential increase in enrollment. Finally, please explain your vision for a long term solution without which the area cannot sustain more density and additional students.

Chris Vittorio
Chief of Staff
41st Ward Alderman Anthony Napolitano

building after he asked for it to be indefinitely deferred.[209] In one response, DPD managing deputy commissioner, Patti Scudiero, reminded Napolitano that, per Chicago's zoning ordinance, only the developer had the right to ask for a deferral in Plan Commission hearings.[210]

As the Higgins development moved onto a September 2017 hearing before the city's zoning committee, Alderman Napolitano continued to obfuscate the plan. In preparing for the zoning committee meeting, Alderman Napolitano's chief of staff coached the Dirksen Elementary School principal to write a letter that would most effectively derail the development.[211]

Napolitano also sought to prevent the Higgins building from being considered before the zoning committee with the same "indefinite deferral" request he made before the Plan Commission.[212] This time he was successful. Shortly before the hearing, Glenstar announced it would increase the number of affordable housing units from seven to 30, by essentially forgoing the previously planned in-lieu of fee under the ARO.[213] At the meeting, Napolitano and Glen Star Properties sparred over the proposal. At one point, in violation of the Open Meetings Act, Zoning Committee Chair Danny Solis (25th ward) called a recess of the hearing and invited Napolitano and the committee to speak off the record behind

From:	Napolitano, Anthony
To:	mcabrera@cabreracapital.com; Reifman, David
Cc:	Scudiero, Patti; Szafraniec, Noah; Solis, Daniel; Murphey, Patrick
Subject:	8535 Higgins
Date:	Wednesday, June 14, 2017 5:07:48 PM

Chairman Cabrera,

This email is regarding the recent phone conversation I had with the zoning administrator, Patti Scudiero. I have already expressed my intentions, to all copied on this email, that I would like indefinitely defer the amended PD at 8535 W. Higgins. I am now being told from Patti that the applicant is planning to request a continuance on the matter, something that I cannot deny but the Plan Commission can approve. I would like to express my displeasure with this. I have clearly stated that I do not support this amended PD. Continuing this matter until July will not change my mind. This makes me believe that something more is going on here.

Although the applicant appeared in front of the 41st ward zoning advisory committee, the committee's opinion on the matter is merely a recommendation to me. The proposal has changed since it was presented to the 41st ward zoning advisory committee and now includes more 1 and 2 bedroom units. The changes made to the proposal completely nullify the school impact study and traffic study they provided to the committee. Dirksen Elementary is the local school that would accommodate children in this building at 8535 Higgins. Dirksen has a capacity for just under 600 students and currently has over 900 students enrolled. This is one of the many reasons why I have not provided a letter of support for this proposal for 299 residential units.

Although I was scheduled to give a commencement speech for Oriole Park Elementary tomorrow at 9 am, I have canceled to ensure that I will be in attendance for your 10 am start. I am urging you to respect my wishes and defer this matter indefinitely at tomorrow's

Respectfully,
Anthony
Anthony Napolitano

City Council chambers.[214] More than 10 minutes later, the public meeting resumed with Solis announcing that 15th ward Alderman Raymond Lopez had a motion on this item. Lopez moved to defer it. All committee members voted in favor of deferral.[215] Alderman Napolitano then lobbied Solis for an "indefinite deferral" of the project proposal, meaning that Glenstar would never receive a hearing and vote before the city's zoning committee before the Plan Commission's approval becomes null and void.[216]

In response to allegations that delaying a vote on the zoning of the project due to objections to affordable housing may violate civil rights laws, a spokesman for Solis defended the action as in deference to aldermanic privilege.[217] "Alderman Solis greatly respects his colleagues and the fact that they have been chosen by the voters to represent them," he said in an e-mailed statement to the *Chicago Reader.* "On matters of zoning changes, the Chicago City Council has always given great deference to the Alderman of the ward where a change is requested."[218]

In March 2018, GlenStar Properties sued the City of Chicago for blocking the project due to opposition to affordable housing, arguing that the City's "long ingrained custom and practice of 'Aldermanic prerogative' for zoning matters" is illegal and an unlawful delegation of power.[219]

Planning Against Prerogative: Towards a Less Segregated Chicago

Irrefutable patterns of residential segregation are kept in place by the tools of aldermanic prerogative wielded with the effect of blocking family affordable housing. The resulting limitations on affordable housing disparately harm black and Latinx households in need of such housing and restrict access to housing opportunities.

A recent report by the Institute for Research on Race and Public Policy, concludes that Chicago's racial and ethnic inequities remain "pervasive, persistent, and consequential" due to failures to address widespread private, public, and entrenched institutional discrimination.[220] This institutional discrimination leads to what social scientists refer to as the "poverty trap" which is perpetuated indefinitely when local government is blind to, or willfully ignorant of, its critical role in designing and enacting interventions against structural disadvantage.[221] Perhaps it is no surprise then, that in the face of this willful ignorance, the city is losing residents—8,638 residents from 2015 to 2016—and that these residents are disproportionately black and disproportionately low- and moderate-income.[222] Census data shows that from 2000-2010 alone, Chicago lost 181,000 black residents.[223] Since 1980, Chicago has lost a full quarter of its black population.[224] Moreover, economic trends further paint the picture of a city in flux—with low- and moderate- income residents moving out and higher income households moving in. Nearly 32,000 households making over $100,000 moved into the city from 2010-2015. Over the same time period, the city has lost 29,000 households that make less than $100,000.[225]

The social impact of this demographic shift could be profound, as Mary Pattillo, a Northwestern University sociology and African American studies professor, commented in an article on the topic, "As blacks take flight, that shifts Chicago's role nationally as a center of African American culture, one that gave rise to everything from the blues to the first black president. It doesn't mean there won't be black creativity or black economic development, it's just going to happen somewhere else."[226] When individuals are left to languish in a trap of poverty, when entire communities are devalued, and when housing is not provided at a range of affordability levels and for a range of household types, reactionary outmigration is the natural consequence. Until the city provides an objective and centralized system for approving affordable housing and creates a comprehensive plan for community investment that is grounded in achieving racial equity, the city will remain segregated and will risk extinguishing its vibrancy, its very core and constitution.

> "We need a citywide transparent zoning process that advances racial equity."
> —Housing Advocate (2018)

RECOMMENDATIONS

Create a Citywide Comprehensive Plan

Despite its prominence as a world-class city that heavily influenced the field of urban planning, the City of Chicago implements land-use policies without a comprehensive plan for development. Principles for a comprehensive plan were drafted in 1964 and 1981, and highlight the significant shifts in the city's philosophy of development—moving from urban improvement to neighborhood preservation—but a subsequent plan was not adopted. The 1964 principles emphasize the core theme of ensuring that Chicago is a "city for all people," which, according to the principles means: "The city must insure a wide range of housing in different kinds of neighborhoods and at different densities. It must insure that there is the broadest possible choice of housing costs and type to meet the needs of different families of different incomes."[228] It touches on the need to foster "harmonious, stabilized neighborhoods attractive to families of all races" to bring about a better racial balance.[229] Also within the 1964 policies were undertones of "urban renewal" language centered on eliminating substandard housing and blight. As mentioned, this plan was never adopted, the remediation of blight was carried out with no assurances for stabilization and the promotion of housing choice to counterbalance the housing instability of those living within blighted areas.

The 1981 principles demonstrate a core shift in philosophy with a greater emphasis on neighborhood preservation: "Most people choose to live in communities where others share their basic lifestyle. This has resulted in neighborhoods that house people steeped in the same traditions… this means that the city government should continue to work with such neighborhood entities to meet local needs and preserve neighborhood ambience."[230] This sentiment characterizes the development activity over the next several decades and was codified within the principles for zoning reform enacted in 2004.[231]

Today, what the city does plan and report is fragmented, segmented by issue area and continues to skirt issues of segregation and NIMBYism that are at the core of "neighborhood preservation." For example, the city develops plans based on HUD reporting requirements for the use of federal housing and community development funds. In addition, for the last 20 years, the City of Chicago has drafted and adopted a 5-year housing plan. Notably, this plan does not address issues related to residential segregation nor racial equity. Finally, the city creates plans targeting other issues such as homelessness, health, transportation, and economic development.

Comprehensive Plan:
A long-term plan to guide community development and land-use decisions related to residential, commercial, transportation, parks and open space.[227]

These individual and issue-specific plans fail to connect housing and community development issues together and adequately assess the landscape of racial and economic segregation, the mechanisms that fuel present-day manifestations of segregation, and the consequential social-ills that stem from it. Without this level of analysis and planning, Chicago continues to

develop on an ad hoc basis, without consideration given to overall effect on either the supply of housing or the impact on segregation, allowing hyper-local influence to shape Chicago's neighborhoods to the detriment of the city as a whole.

The city must therefore streamline housing and community development planning by producing a central comprehensive plan that assesses citywide community development and affordable housing needs and barriers, identifies where affordable housing is lacking, where other types of investments—such as infrastructure improvements—are lacking, and creates measureable goals and benchmarks for meeting community development and affordable housing need. This plan should include analysis of past and existing subsidized affordable housing units that can be updated quarterly with tabulation indicating neighborhood distribution. The plan should include benchmarks for the equitable distribution of future subsidized affordable housing units including subsidies (LIHTC, HOME, ESG, TIF, LIHTF, etc.) geographically. This plan must address issues of segregation and inequities in community investment that underpin racial disparities in access to opportunity and serve as a policy plan that guides decision-making and funding.

Further, the plan must be created with support structures to assist its execution and address the issues raised in this document. The deputy commissioner in charge of housing should be made an ex oficio member of the Chicago Zoning Board of Appeals, the Chicago Plan Commission and the Chicago City Council Zoning Committee in order to ensure planned developments, zoning map amendments, and special use decisions are consistent with the comprehensive housing plan component.

This housing plan should form the basis for HUD reporting and include all of the required components mandated therein including an identification of impediments to fair housing expressly stating that aldermanic prerogative is indeed an impediment to affirmatively furthering fair housing. The comprehensive plan should be updated every 5 years and the Bureau of Housing will be charged with creating an annual report measuring performance against the plan goals for equitable distribution funding and unit construction.

Implement a Racial Equity Impact Assessment as a Central Component of Citywide Planning and Housing Decision Making

In acknowledgement that racial inequities are borne out of systematic, institutionalized racism perpetuated through public policy, Racial Equity Impact Assessments provide a systematic examination of the racial impacts of proposed decisions before any harm can be done. Similar to an Environmental Impact Report, such assessments are used to proactively identify unintended consequences and influence proposed decisions to mitigate adverse outcomes. Otherwise, when racial equity is not consciously addressed, "racial inequality is often unconsciously replicated."[232] There are several cities that have taken steps to implement Racial Equity Impact Assessments in various fashions in the public policy sphere. This protocol was developed in Seattle, Washington and has now been implemented in over 125 jurisdictions nationwide and codified within local ordinances in areas such as King County in Washington, Minneapolis, Minnesota, Madison, Wisconsin, and Portland, Oregon.[233]

Although consideration should be given to implementing Racial Equity Impact

Assessment at a broader level in the City of Chicago, for the purposes of this report, it is recommended that Racial Equity Impact Assessments be employed as a requirement of comprehensive planning and as a component of the centralization of zoning. Advancing racial equity should be a guiding principle of comprehensive planning and of zoning review processes, with a diverse array of community stakeholders involved throughout the process, including data gathering, goal and benchmark setting, and evaluation. All of the identified benefits and burdens imposed by the proposed goals should be assessed through a racial equity lens. Accountability and transparency should be a central component of the decision-making process.

Centralization of Zoning

Decisions over municipal zoning are considered a police power of local legislative bodies in Illinois. This means that the power over zoning cannot be completely removed from the Chicago City Council. However, the city's policy and practice of delegating zoning decisions to individual aldermen, and in turn, many aldermen delegating that power to ZACs, is an unauthorized exercise of that zoning power.

The city must revise its zoning ordinance to prohibit ward level control over zoning. The zoning ordinance must also be amended to be consistent with a comprehensive plan grounded in advancing racial equity, meaning that each zoning decision is evaluated as to whether or not it advances the city's commitment to racial equity. The zoning ordinance must remove all references to "preserving the character of existing neighborhoods," which only serves to maintain residential segregation. The City Council's decisions over zoning must be guided by a limited set of criteria evaluating if the zoning request is consistent with the city's comprehensive plan.

The city's zoning administrator must be tasked with bringing a greater level of fairness and racial equity to zoning and land-use review. In cities that have adopted this model, political influence has been reduced, zoning corruption has been curtailed, and individual zoning and land-use decisions have been better aligned with local planning documents.[234]

Transparency and Accountability

To bring about greater transparency and accountability to the housing development review process, the city should establish uniform proposal and approval processes, with mandated timelines, for affordable housing development applications that is not infringed by ward-specific barriers and rules. The application process should place a favorable emphasis on projects that further the goals of the comprehensive plan, bring about more balanced affordable housing, and enhance racial equity. The city should also establish an open and uniform policy for the transfer, sale, and donation of city-owned lots that adheres to the comprehensive plan. Finally, the city should establish an open and uniform policy for TIF project financing with required justifications for the ways in which each proposed project will further the goals of the comprehensive plan.

Financing

To eliminate the impact of aldermanic prerogative on the affordable housing development process, the city must remove the required evidence of aldermanic/community support and letter of aldermanic support requirement from the Multi-Family Loan Program, Qualified Allocation Plan, and any internal city procedures related to the review of affordable housing applications

for public financing.
Rather than obligate developers to secure aldermanic support, the city could require applicants to certify that their proposed request for financing is consistent with the city's comprehensive plan. If an alderman opposes a project, they could submit comments based upon a set of specific and limited reasons. Such reasons might include the proposed project perpetuating segregation or being located in a flood plain. In this manner, local officials would be required to make public the reasons for their opposition and those reasons must be factual and clearly related to rational interests in the "sticks and bricks" of the project, and not the demographics of the residents of the proposed project. Moreover, the opposition must be consistent with treatment of non-affordable housing plans. Any selective opposition by an alderman would not be considered legitimate.

The City's financing decisions utilizing public funds must also align with the goals of the comprehensive plan. The City should incorporate AFFH requirements into the Multi-Family Loan Program, such as issuing guidance on how target population or development characteristics count for or against the development during the review process, and prioritizing the development of multi-family affordable housing in low-poverty areas.

Actively Discourage NIMBYism

The city could also consider adapting Anti-NIMBY laws enacted in states such as California[235] to the municipal context. Such an ordinance could bar aldermen and/or their constituents from blocking or stalling affordable housing developments, as long as those developments align with the comprehensive plan and meet other specifications. Aldermen could still retain the power to impose certain requirements on developers and influence the overall developments, but if there is a need for affordable housing in the ward, the aldermen would not be able to block or delay the deal.

ARO Recommendations

To create more balanced affordable housing options for low-income families, the ARO should include deeper incentives for larger units and the prioritization of deeply-affordable units. The city should remove ward controlled influence over the ARO, such as the use of ZACS to dictate the inclusion of on-site units, and the type of units made available.

City-owned Lots

To further balance affordable housing development the city could prioritize the donation of city-owned lots in predominantly white, low-poverty areas to non-profit affordable housing developers. 324 parcels of city-owned lots with a total area of 2,413,660 square feet fall within low-poverty areas. If all of these parcels were developed with new, multifamily housing, the supply of affordable housing in opportunity areas would nearly double.

Education

The City of Chicago should incorporate mandatory annual AFFH and racial equity training for city employees involved in housing and community development programs.

Appendix A: Methodology

INTERVIEWS

This report was informed by the experiences of housing advocates, affordable housing developers, and former public officials who provided input and guidance through interviews carried out from December 2017 through May 2018.

QUANTITATIVE DATA GATHERING

This study analyses the location of affordable housing in Chicago, exploring the demographic and economic characteristics of neighborhoods selected for affordable housing development in context of the physical, political, and regulatory constraints on developing housing in the city. These factors contribute to the creation of segregated spaces. This Appendix provides context for the aggregated sources of affordable housing information, the characterization and grouping of neighborhoods according to racial and economic characteristics, and additional information regarding analysis of the multifamily programs and others. Analysis and data management was performed using Python, PostgreSQL, and QGIS. Graphics and design were completed with Adobe InDesign and Illustrator.

DOWNZONING AND LANDMARKING DATA

The 1970 to 2016 downzoning data base was generated through digitization and comparison of zoning maps in the city at decade intervals by Okrent Kisiel Associates.[236] Each zoning map was compared against the maps from the following decades and underlying parcels with reductions in the zoning classification were flagged with the pre and post zoning classification for each interval. As such, the area calculations given represent the sum of parcel areas and do not include right of ways or other area included in the zoning district's total area.

Current zoning data were obtained from Chicago's GIS system.[237]

Landmarks and landmark district data were obtained from Chicago's GIS system.[238]

SPATIAL DATA OF SUBSIDIZED AFFORDABLE HOUSING IN CHICAGO

To prepare the evaluation of Chicago's affordable housing inventory and programs, the location, funding, and other characteristics of developments were collected from various sources and assembled into a single database. The database was designed to hold building level records of every subsidized housing project identified in the city of Chicago, making assessments accurate down to the census block or block group level in the event of multi building projects. The level of accuracy allows for correctly identifying wards and identifying placement of buildings in limited pockets of segregation or poverty that might otherwise not be visible.

The primary source of information for the city's affordable housing projects from 1994 to 2017 was the Affordable Housing Quarterly reports. The reports offer a summary of all projects selected to receive city financing over

the previous quarter. For the period between 2009 and 2017, the quarterly reports were retrieved from Chicago's website.[239] Quarterly reports prior to 2009 were obtained from a FOIA request to the city's Department of Planning and Development. The quarterly reports contain much of the information required, but do not always reflect the final state of the project: financing sources can change between quarterly report publication and loan closing, as can the configurations of some buildings.

City led projects prior to 1994 were identified through the Cook County Journal of Proceedings records, from the reports of the Committee on Housing and on Finance. Financing information for all projects was cross referenced with the Journal of Proceedings. Additional FOIA requests to the city for Loan Closing documents and various internal databases maintained by the city of Chicago's Department of Planning and Development to track ongoing projects were made to further complete missing information.

Additional information on projects, including housing not funded by the city directly was pulled from the HUD Multifamily Insured Properties databases, HUD Multifamily Portfolio Datasets, and the HUD LIHTC database.[240] [241] [242]

Project location, confirmation of ownership information, and additional data were obtained from the City's buildings database, the Cook County Assessor's Office parcel and address points files, and the Cook County Recorder of Deeds. If buildings had been torn down, outlines and location were recreated through historic aerials.

New construction family housing projects were selected as the level of analysis as they carry the highest level of scrutiny under AFFH regulations and represent the city's best chance to place units in areas outside of high poverty and racial segregation. Senior housing was chosen as a counterpoint as the distribution of projects is significantly different despite sharing the same application process and funding sources.

TIF projects were obtained from the Chicago's GIS system.[243] Classification of these projects was performed to address the use of TIF funds as housing or not housing related, and to identify the targeted population of housing projects.

ARO projects were obtained from the City's quarterly reports. If a project had multiple revisions with changes in the units or fees associated with the project, the most recent changes prevail, and prior versions were stricken from the data set.

The city-owned land inventory data was obtained from the city's Data Portal.[244] Missing locations were corrected with the Cook County Assessor's Office parcel data. Parcel area was compared to the minimum lot area of the associated zoning to create a rough estimate of the total developable units, barring additional limitations from parking.

RACIAL/ECONOMIC SEGREGATION IN CHICAGO

Demographic breaks on the maps in the document were selected at 25% Non-Hispanic White for race and ethnicity and 40% of the population below the poverty line. While this level is substantially above a simple racial majority (>50%) for block groups, Chicago is so segregated that the majority in practice does not significantly increase the total count of block groups in the analysis. The 40% poverty threshold was selected as it is a commonly used break point for determining high poverty areas.[245]

Over time, relative proportions of census block groups <25% non-Hispanic white or >40% poverty are stable, only significantly expanding along the southwestern and north western corridor of the city where the Latinx population has grown. The Milwaukee avenue corridor and far north of the city have transitioned to >25% non-Hispanic white population due to advancing gentrification. In 1990, 48% of the city's block groups were >25% non-Hispanic white and <40% poverty, and in 2016 46% of the block groups are. 25% non-Hispanic white represents roughly the median block group concentration of that population for the 2012-2016 ACS 5 Year Estimates (20.3%) and very few high poverty tracts are also not <25% non-Hispanic white, hence the roughly equal division of the city by area.

For cross period analysis with census data, areal area weighted interpolation was performed at the tract level as described in Logan et. al. (2014) with a Python implementation written by Okrent Kisiel Associates.[246]

Census data for the preceding Census (i.e. 1990 is used for all years 1990-1999) was used to identify the proportion of non-Hispanic white population and proportion of the population under the poverty level at the block group in which the building is located. This allows the study to analyze the placement of subsidized affordable housing developments against the backdrop of what the city knew at the time of approval.

ANALYZING CONCENTRATIONS OF HOUSING

Given the role of aldermen in dictating the site selection of affordable housing units, concentrations of affordable housing are measured in context of ward boundaries. As ward boundaries are unstable, project information was aggregated to the active boundaries during the time of council approval for analysis.

Ward boundaries were obtained and digitized for 1940, 1986, 1992, 1996, 2003, and 2015. Classification of the wards as majority non-Hispanic white/non-white is based on the 2000 and 2010 Census data used for the redistricting. The second ward presents a special case due to its changing location (from the south to the north side) and is treated as separate wards between its 2003 and 2015 boundaries as it has no overlapping boundaries and the demographic changes significantly. No other ward has had as significant changes and most share relatively consistent boundaries and population classifications according to the white and non-white binary split.

Relative shares for each ward of housing and zoning were compared against the ward level shares of demographics to explore differences in the distributions and other associations between the variables. Further measures of inequality in housing siting were explored to test departures from placement under the expectations of equal or random distribution.

Appendix B

Ward-by-Ward Zoning Advisory Councils and Development Process

Information pulled from 2010 Census Block-Level Redistricting Data, ward websites, personal communication via phone and email with ward staff, LinkedIn profiles, and newspaper archives

Ward	Alderman	Demographics of Ward[1]	Geographic Area	Associated neighborhoods	Presence of a ZAC (informal[2] or formal[3])	Name of ZAC and/or relevant community organizations	Ward-Level Developer Checklist
1	Joe Moreno	White: 45.12 % Black: 7.02% Latinx[4]: 43.11% Asian: 3.76%	North side	Wicker Park, West Town, Ukrainian Village, Logan Square	Yes – formal	Wicker Park Preservation and Development Committee	Yes, extensive application with guidelines and checklist required[5]
2	Brian Hopkins	White: 76.51% Black: 6% Latinx: 9.36% Asian: 7.33%	North side	Lincoln Park, Wicker Park, Ukrainian Village, Gold Coast, Old Town, Bucktown	No	N/A	Yes, extensive application with guidelines and checklist required
3	Pat Dowell	White: 22.42% Black: 64.62% Latinx: 3.72% Asian: 8%	South side	Hyde Park, Bronzeville, Fuller Park	No	N/A	No
4	Sophia King	White: 22.75% Black: 63.75% Latinx: 3.68% Asian: 8.28%	South side	Museum Campus, Kenwood, Lakefront from Grant Park to Hyde Park	Yes – informal	North Kenwood-Oakland Conservation Community Council	No
5	Leslie Hairston	White: 23.3% Black: 64.3% Latinx: 3.72% Asian: 7.23%	South side	Indian Village, Hyde Park, Jackson Park, South Shore, Greater Grand Crossing	No	N/A	No
6	Roderick T. Sawyer	White: 0.43% Black: 97.54% Latinx: 1.02% Asian: 0.06%	South side	Chatham and Englewood	No	N/A	No

Ward	Alderman	Demographics of Ward[1]	Geographic Area	Associated neighborhoods	Presence of a ZAC (informal[2] or formal[3])	Name of ZAC and/or relevant community organizations	Ward-Level Developer Checklist
7	Greg Mitchell	White: 1.51% Black: 92.06% Latinx: 4.98% Asian: 0.19%	South side	Calumet Heights, Pill Hill, South Chicago, South Deering, South Shore	No	N/A	No
8	Michelle Harris	White: 0.56% Black: 96.9% Latinx: 1.34% Asian: 0.15%	South side	Avalon Park, Burnside, Calumet Heights, Chatham, South Shore, Greater Grand Crossing	No	N/A	No
9	Anthony Beale	White: 1.46% Black: 93.32% Latinx: 4.22% Asian: 0.07%	South side	Pullman, Roseland, Burnside, Altgeld Gardens, West Pullman	Yes – informal	1. Greater Roseland Chamber of Commerce 2. Calumet Area Industrial Commission 3. Chatham Business Association	No
10	Susan Sadlowski Garza	White: 17.77% Black: 18.02% Latinx: 63.23% Asian: 0.38%	South side	South Chicago, East Side, South Deering, Calumet Heights, Hegewisch, Arizona	No	N/A	No
11	Patrick D. Thompson	White: 37.3% Black: 4.77% Latinx: 23.08% Asian: 34.05%	South side	Bridgeport, Armour Square, McKinley Park, Fuller Park, New City	No	N/A	No
12	George Cardenas	White: 8.65% Black: 2.17% Latinx: 81.51% Asian: 7.25%	South side	McKinley Park, Brighton Park, Little Village	No	N/A	No
13	Marty Quinn	White: 33.11% Black: 1.84% Latinx: 63.77% Asian: 0.86%	South side	West Lawn, Clearing, West Elsdon, Garfield Ridge	No	N/A	No
14	Edwards Burke	White: 16.87% Black: 1.5% Latinx: 79.89% Asian: 1.47%	South side	Garfield Ridge, Archer Heights, Brighton Park	No	N/A	No

Ward	Alderman	Demographics of Ward[1]	Geographic Area	Associated neighborhoods	Presence of a ZAC (informal[2] or formal[3])	Name of ZAC and/or relevant community organizations	Ward-Level Developer Checklist
15	Raymond Lopez	White: 4.74% Black: 22.27% Latinx: 71.6% Asian: 0.98%	Southwest side	Brighton Park, Gage Park, Canaryville, West Englewood, Back of the Yards	Yes – informal	The Business Licensing and Zoning meeting takes place every first Monday – all business owners in the 15th ward are invited to attend and participate	No
16	Toni Foulkes	White: 1.4% Black: 68.50% Latinx: 29.2% Asian: 0.18%	Southwest side	Englewood, Gage Park, West Englewood, Chicago Lawn	No	N/A	No
17	David Moore	White: 2.19% Black: 81.15% Latinx: 15.78% Asian: 0.22%	Southwest side	Chicago Lawn, Marquette Park, Gresham, Auburn Gresham, West Englewood	No	N/A	No
18	Derrick Curtis	White: 12.67% Black: 54.67% Latinx: 31.18% Asian: 0.78%	Southwest side	Ashburn, Marquette Park, Auburb Gresham	No	N/A	No
19	Matthew O'Shea	White: 67.14% Black: 25.83% Latinx: 5.41% Asian: 0.83%	Southwest side	Beverly, Mount Greenwood, Morgan Park, Washington Heights	Yes – formal	19th Ward Zoning Advisory Board	Yes, extensive application with guidelines and checklist required
20	Willie B. Cochran	White: 3.86% Black: 79.44% Latinx: 14.28% Asian: 1.42%	Southwest side	Back of the Yards, Canaryville, Washington Park, Englewood	No	N/A	No
21	Howard Brookins Jr.	White: 0.29% Black: 98.01% Latinx: 0.91% Asian: 0.04%	South side	Auburn Gresham, Washington Heights, Gresham, Chatham, Roseland	No	N/A	No
22	Ricardo Munoz	White: 3.96% Black: 8.29% Latinx: 87.07% Asian: 0.37%	West side	Little Village, South Lawndale, Archer Heights	No	N/A	No

Ward	Alderman	Demographics of Ward[1]	Geographic Area	Associated neighborhoods	Presence of a ZAC (informal[2] or formal[3])	Name of ZAC and/or relevant community organizations	Ward-Level Developer Checklist
23	Michael Zalewski	White: 29.61% Black: 2.59% Latinx: 66.67% Asian: 0.75%	West side	West Elsdon, West Lawn, Garfield Ridge, Clearing	No	N/A	No
24	Michael Scott Jr.	White: 3.98% Black: 85.72% Latinx: 9.55% Asian: 0.23%	West side	North Lawndale, Douglas Park, Little Village	No	N/A	No
25	Daniel Solis	White: 19.93% Black: 9% Latinx: 56.23% Asian: 14.21%	Southwest side	Lower West Side, Pilsen, Greektown, Chinatown, University Village/Little Italy	Yes – formal	Pilsen Land Use Committee	Yes, extensive application with guidelines and checklist required
26	Roberto Maldonado	White: 19.56% Black: 12.7% Latinx: 65.8% Asian: 1.3%	Northwest side	Humboldt Park, Hermosa, Ukrainian Village, Logan Square	No	N/A	No
27	Walter Burnett, Jr.	White: 25.18% Black: 59.89% Latinx: 10.10% Asian: 3.77%	Northwest side	East Garfield Park, Humboldt Park, Near West Side, Illinois Medical District, Greektown, United Center Park, Near North Side	Yes – informal	Eckhart Park Community Council	No
28	Jason Ervin	White: 11.65% Black: 75.65% Latinx: 6.74% Asian: 5.11%	Northwest side	West Garfield Park, East Garfield Park, Austin, Douglas Park, Illinois Medical District, University Village/ Little Italy	No	N/A	No
29	Chris Taliaferro	White: 15.61% Black: 69.17% Latinx: 13.14% Asian: 1.31%	Northwest side	Austin, Montclare, Belmont-Cragin	Yes – formal	1. 29th Ward North Avenue Business Development Committee 2. Galewood Business Development Committee (newly formed in 2017)	No
30	Ariel Reboyras	White: 28.02% Black: 2.31% Latinx: 65.54% Asian: 3.36%	Northwest side	Belmont-Cragin, Portage Park, Irving Park	No	N/A	No

Ward	Alderman	Demographics of Ward[1]	Geographic Area	Associated neighborhoods	Presence of a ZAC (informal[2] or formal[3])	Name of ZAC and/or relevant community organizations	Ward-Level Developer Checklist
31	Milly Santiago	White: 18.96% Black: 2.49% Latinx: 75.88% Asian: 2.06%	Northwest side	Hermosa, Belmont-Cragin, Logan Square	No	N/A	No
32	Scott Waguespack	White: 72.55% Black: 3.02% Latinx: 18.11% Asian: 5.52%	North side	Wicker Park, Logan Square, Bucktown, Lincoln Park, Roscoe Village	No	N/A	Yes, extensive application with guidelines and checklist required
33	Deb Mell	White: 32.3% Black: 3.9% Latinx: 52.9% Asian: 9.64%	North side	Albany Park, Irving Park, Avondale	Yes – informal	Avondale Neighborhood Association	No
34	Carrie Austin	White: 0.53% Black: 97.27% Latinx: 1.29% Asian: 0.08%	Southwest side	West Pullman, Washington Heights, Morgan Park, Roseland	No	N/A	No
35	Carlos Ramirez-Rosa	White: 19.64% Black: 4.69% Latinx: 69.31% Asian: 5.42%	Southwest side	Albany Park, Irving Park, Avondale, Logan Square, Hermosa	Yes - informal	1. Logan Square Preservation 2. Logan Square Neighborhood Association 3. We Are/Somos Logan Square	Yes, extensive application with guidelines and checklist required
36	Gilbert Villegas	White: 26.28% Black: 3.55% Latinx: 66.64% Asian: 2.92%	Northwest side	Montclare, Portage Park, Belmont-Cragin, Hermosa	No	N/A	No
37	Emma Mitts	White: 1.46% Black: 79.38% Latinx: 18.15% Asian: 0.38%	Northwest side	Austin, Humboldt Park	Yes – informal	West Humboldt Development Council	No
38	Nicholas Sposato	White: 69.20% Black: 1.04% Latinx: 24.43% Asian: 4.65%	Northwest side	Portage Park, Dunning	No	N/A	No

Ward	Alderman	Demographics of Ward[1]	Geographic Area	Associated neighborhoods	Presence of a ZAC (informal[2] or formal[3])	Name of ZAC and/or relevant community organizations	Ward-Level Developer Checklist
39	Margaret Laurino	White: 53.92% Black: 3.04% Latinx: 23.46% Asian: 17.97%	Northwest side	North Park, Jefferson Park, Albany Park	No	N/A	No
40	Pat O'Connor	White: 50.86% Black: 7.34% Latinx: 23.95% Asian: 16.81%	North side	Lincoln Square, Edgewater, West Ridge	No	N/A	No
41	Anthony Napolitano	White: 82.34% Black: 1.19% Latinx: 9.99% Asian: 5.82%	Northwest side	Edison Park, Edgebrook, Norwood Park, O'Hare	Yes – formal	41st Ward Zoning Advisory Committee	Yes, extensive application with guidelines and checklist required
42	Brendan Reilly	White: 69.46% Black: 5.57% Latinx: 5.79% Asian: 18.10%	North side	The Loop, Streeterville, Near North Side, Greektown	Yes – informal	River North Residents Association	No
43	Michele Smith	White: 84.82% Black: 3.41% Latinx: 4.81% Asian: 6.15%	North side	Lincoln Park, Old Town	Yes – informal	1. Diversey Harbor Lakeview Association 2. Gold Coast Neighbors 3. Lincoln Central Association 4. Mid-North Association 5. Old Town Merchants and Residents Association 6. Old Town Triangle Association 7. Park West Community Association 8. RANCH Triangle 9. Sheffield Neighborhood Association 10. South of North Avenue Association 11. Wrightwood Neighbors Association	

Ward	Alderman	Demographics of Ward[1]	Geographic Area	Associated neighborhoods	Presence of a ZAC (informal[2] or formal[3])	Name of ZAC and/or relevant community organizations	Ward-Level Developer Checklist
44	Tom Tunney	White: 82.57% Black: 3.22% Latinx: 6.36% Asian: 6.99%	North side	Lakeview	Yes – formal	Community Directed Development Council	Yes, extensive application with guidelines and checklist required
45	John Arena	White: 64.34% Black: 1.88% Latinx: 24.54% Asian: 8.23%	Northwest side	Old Irving Park, Portage Park, Jefferson Park, Norwood Park	Yes – formal	Ward Advisory Committee	Yes, extensive application with guidelines and checklist required
46	James Cappleman	White: 57.24% Black: 20.28% Latinx: 11.51% Asian: 9.54%	North side	Uptown, Buena Park, Lakeview	Yes – formal	46th Ward Zoning and Development Committee	Yes, extensive application with guidelines and checklist required
47	Ameya Pawar	White: 74.76% Black: 3.07% Latinx: 13.98% Asian: 7.17%	North side	North Center, Roscoe Village, Lincoln Square, Uptown	Yes – formal	47th Ward Zoning Advisory Committee	Yes, extensive application with guidelines and checklist required
48	Harry Osterman	White: 53.86% Black: 16.75% Latinx: 13.88% Asian: 13.95%	North side	Edgewater, Andersonville, Uptown	Yes – informal	Over 20 block clubs and chambers of commerce can be involved in zoning processes	Yes, extensive application with guidelines required

Ward	Alderman	Demographics of Ward[1]	Geographic Area	Associated neighborhoods	Presence of a ZAC (informal[2] or formal[3])	Name of ZAC and/or relevant community organizations	Ward-Level Developer Checklist
49	Joe Moore	White: 38.81% Black: 27.63% Latinx: 24.07% Asian: 7.5%	North side	Rogers Park	Yes - formal	49th Ward Zoning Committee **Dorothy Gregory** – profession unknown but noted advocate of the selling of public land to Loyola University **Vernandez Jones** - Youth counselor at Howard Area Community Center **Joe Maschek** - Landscape Architect **Richard Moran** – Self-employed accountant and board member of Northside Community Resources **Cynthia Ryan** – Economic Development Manager at Rogers Park Business Alliance **Jonathan Rivera** – Real estate developer and Director at Capright **Mike Glasser** – President and owner of Magellan Properties, President of Northside Community Development Corporation, President of the Rogers Park Builders Group (has been sued twice by HOPE Fair Housing Center for fair housing violations)	Yes, extensive application with guidelines and checklist required
50	Debra Silverstein	White: 45.17% Black: 10.6% Latinx: 18.87% Asian: 23.68%	North side	West Rogers Park	No	N/A	No

1 Data is sourced from the 2010 Census Block-Level Redistricting Data

2 "Informal ZAC" is defined as a committee assembled at the behest of aldermen, typically comprised of various neighborhood councils, chambers of commerce, and/or residents perceived as having particular "expertise" on zoning and development. These ZACs are most often assembled "ad hoc" for specific development or zoning change proposals when aldermen have decided to seek outside input.

3 "Formal ZAC" is defined as a fixed assemblage of residents who meet routinely and are most often appointed to their positions by aldermen. They often have formal decision-making power over a development or zoning change proposal.

4 2010 Census Data uses the category "Hispanic" which we have re-categorized as "Latinx"

5 For those wards that do have extensive guidelines and checklists required for proposals, the full extent of these guidelines is typically found on the wards' website.

Endnotes

[1] City of Chi. Dep't. of City Planning, Comprehensive Plan Goals and Policies (1981).
[2] Faisal Khan & Kelly Tarrant, *How a Chicago alderman has used zoning law and political strong-arming to control private businesses*, PROJECT SIX GOVERNMENT ACCOUNTABILITY TASK FORCE (May 16, 2017), https://thesecretsix.com/investigation/how-a-chicago-aldermanhas-used-zoning-law-and-political-strongarming-to-control-private-businesses/.
[3] Maya Dukmasova, *How's Chicago supposed to desegregate when developments with affordable housing can be blocked by aldermen on a whim?* CHI. READER, (Jan. 5, 2018), https://www.chicagoreader.com/Bleader/archives/2018/01/05/hows-chicago-supposed-to-desegregate-when-developments-with-affordable-housing-can-be-blocked-by-aldermen-on-a-whim.
[4] Alex Keefe, *Pregnancy Tests? Pigeon Poo? What Chicago Aldermen Really Do*, WBEZ NEWS (June 11, 2013), https://www.wbez.org/shows/curious-city/pregnancy-tests-pigeon-poo-what-chicago-aldermen-really-do/4d099e24-9b47-4b9d-8d39-fbbc92d379c0.
[5] This report focuses on the three most predominant racial and ethnic groups in Chicago. Authors acknowledge the need to assess impacts on other racial and ethnic groups represented in Chicago.
[6] Elliott Ramos, *Interactive: City Council-approved Chicago Ward Map*, WBEZ NEWS (Jan. 19, 2012), https://www.wbez.org/shows/wbez-news/interactive-city-council-approved-chicago-ward-map/52630c78-06ad-4e98-8aab-05bd3ca72e24.
[7] *Great Migration,* ENCYCLOPEDIA OF CHICAGO (2004), http://www.encyclopedia.chicagohistory.org/pages/545.html.
[8] Richard Rothstein, *The Color of Law: A Forgotten History of How Our Government Segregated* 77-91 (2017).
[9] *Id.*, at 143- 146.
[10] Title VIII of the Civil Rights Act of 1968 ("the Fair Housing Act"), 42 U.S.C. §§ 3601 *et seq.*, as amended by the Fair Housing Amendments Act of 1988.
[11] John C. Austin, *Segregation and changing populations shape Rust Belt's politics*, THE BROOKINGS INST. (Sept. 14, 2017), https://www.brookings.edu/blog/theavenue/2017/09/14/segregation-and-changing-populations-shape-regions-politics/.
[12] U.S. DEP'T OF HOU. AND URBAN DEV., *Worst Case Housing Needs: 2017 Report to Congress*, (2017), https://www.huduser.gov/portal/sites/default/files/pdf/Worst-CaseHousing-Needs.pdf.
[13] The Fair Housing Amendments Act of 1988 amended the original FHA, to include sex, disability, and familial status among the protected classes. 42 U.S.C. §3601 *et seq* (2012).
[14] *United States ex. rel. Anti-Discrimination Ctr.*, *Inc. v. Westchester Cty.*, 495 F. Supp. 2d 375, 384 (S.D.N.Y. 2007).
[15] *United States v. Starrett City Assoc.*, 840 F.2d 1096, 1100 (2d Cir. 1988); see generally *Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252 (1977) (superseded on other grounds, 42 U.S.C. § 1973(b)(1982).)
[16] *Westchester Cty.*, 495 F. Supp. 2d at 385 (quoting *Otero v. New York City Hous. Authority*, 484 F.2d 1122, 1134 (2d Cir. 1973).)
[17] Inst. for Research on Race and Public Policy, *A Tale of Three Cities: The State of Racial Justice in Chicago* (2017), http://stateofracialjusticechicago.com/.
[18] City of Chicago Consolidated Plan, 2010-2014, 19-20, https://web.archive.org/web/20151017100751/http://www.cityofchicago.org/content/dam/city/depts/obm/supp_info/ConsolidatedPlan_and_Related-Docs/2010-2014ConsolidatedPlan.pdf.
[19] *What is a NIMBY?*, NIMBY WARS, http://nimbywars.com/what-is-a-nimby.
[20] *A Tale of Three Cities*, *supra* note 9.
[21] The City of Chicago, *Bouncing Back: Five Year Housing Plan*, 2014-2018.
[22] *A Tale of Three Cities*, *supra* note 9.
[23] Metro. Planning Council, *The Cost of Segregation*, 4 -8 (2017), http://www.metroplanning.org/uploads/cms/documents/cost-of-segregation.pdf.
[24] Thomas J. Gradel & Dick Simpson, *Patronage, Cronyism and Criminality in Chicago Government* Agencies (2011); In April 2017, the Office of Inspector General released a report of its audit of the city's Department of Transportation's Aldermanic Menu program, whereby the city gives each alderman control of $1.32 million annually to fund residential infrastructure projects in their ward, including street and alley resurfacing, street lighting, speed humps, and sidewalk replacement. The audit demonstrated that aldermanic control of these funds has resulted in imbalanced investments across the city, because funding is not based on need. The report also noted abuses of alder-

manic power: "We also found that in the years 2012 through 2015, the city allowed aldermen to designate $15.1 million of Menu funds for projects unrelated to core residential infrastructure improvements. ... Furthermore, in 2014, the city permitted aldermen to spend Menu funds on projects located outside of the wards they represented at the time and within their yet-to-be-effectuated future ward boundaries." The audit noted that "[t]hese findings are deeply troubling and point to serious systemic issues in the city's residential infrastructure planning which disproportionately affect certain parts of the city." Chicago Office of the Inspector General, CDOT Aldermanic Menu Program Audit (Apr. 20, 2017).

[25] Maya Dukmasova, *Aldermen's absolute veto power over ward projects gets unlikely court challenge*, CHI. READER, (Apr. 16, 2018), https://www.chicagoreader.com/Bleader/archives/2018/04/16/aldermens-absoluteveto-power-over-ward-projects-gets-unlikely-court-challenge; Marisa Novara, *When Local Control Goes Wrong*, METRO. PLANNING COUNCIL (Apr. 3, 2018), http://www.metroplanning.org/news/8552/When-Local-Control-Goes-Wrong.

[26] Cohen & Taylor, *supra* note 17, at 70.

[27] Adam Cohen & Elizabeth Taylor, *American Pharaoh: Mayor Richard J. Daley - His Battle for Chicago and the Nation* 70 (2001).

[28] Rothstein, *supra* note 5, at 20.

[29] Cohen & Taylor, *supra* note 17, at 77.

[30] *Id.*, at 79.

[31] *Id.*, at 76-77.

[32] *Id*, at 86.

[33] The Public Housing Administration (PHA) was a branch of the Housing and Home Finance Agency (HHFA), created in July 1947. PHA was the federal agency responsible for administering federally-assisted affordable housing. Its responsibilities were superseded by the U.S. Department of Housing and Urban Development in September 1965.

[34] Cohen & Taylor, *supra* note 17, at 86; While the City Council tightened their control over the siting of public housing in order to maintain residential segregation, Urban Renewal took hold in Chicago. Urban Renewal was a federal program that began in the late 1940s after the passage of Title 1 of the Housing Act of 1949. P.L. 81-171. It aimed to revitalize major cities by providing federal subsidies for redevelopment of identified "slums," areas with little economic impact or activity. The act was further amended in 1954 to increase federally-backed incentives for city-developers to seize, raze, and renew low-income housing tracts. While Urban Renewal was federally funded, all plans had to be approved by City Council vote. By the late-1960s, through Urban Renewal programs, the City Council had displaced around 13,043 families, and 79.6% of those families were Black. Arnold R. Hirsch, *Making the Second Ghetto: Race and Housing in Chicago 1940-1960* 306 (1998).

[35] Hirsch, *supra* note 24, at 240.

[36] Cohen & Taylor, *supra* note 17, at 201.

[37] *Id*.

[38] Mary Pattillo, *Black on the Block: The Politics of Race and Class in the City*, 188 (2007).

[39] BPI Chicago, *What is Gautreaux?* (2013), https://www.bpichicago.org/wp-content/uploads/2013/12/what-is-gautreaux.pdf.

[40] *Id.*

[41] BPI Chicago, *The Gautreaux Lawsuit*, https://www.bpichicago.org/programs/housing-community-development/public-housing/gautreaux-lawsuit/.

[42] *Gautreaux v. Romney,* 448 F.2d 731 (7th Cir 1971).

[43] Pattillo, *supra* note 28, at 188.

[44] Pattillo, *supra* note 28, at 185.

[45] Larry Bennett, Janet Smith, & Patricia Wright, *Where are Poor People to Live?: Transforming Public Housing Communities* 245 (2006)

[36] 310 Ill. Comp. Stat. Ann. §10/9 (2007)

[47] Janet K. Levin, *Rewriting Beginnings: The Lessons of Gautreaux*, 28 J. MARSHALL L. REV. 57, 70 (1994).

[48] Bennett, supra note 33, at 245.

[49] Gautreaux 342 F. Supp. 827 (N.D.Ill. 1972), aff'd sub nom., *Gautreaux v. City of Chi.*, 480 F.2d 210 (7th Cir. 1973), cert. denied, 414 U.S. 1144, 94 S.Ct. 895, 39 L.Ed.2d 98 (1974) (district court ordered CHA to by-pass Chicago City Council approval for selection of sites for low rent housing.).

[50] Bennett, *supra* note 33, at 245.

[51] Alexander Polikoff, *Waiting for Gautreaux: A Story of Segregation, Housing, and the Black Ghetto*, 140 (2006).
[52] Chi. Policy Research Team, *Not Welcome: The Uneven Geographies of Housing Choice*, https://docs.wixstatic.com/ugd/664803_7e496bfc89d345a7b6b3210991b38476.pdf (2017)
[53] *Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 267 (1977) (finding that certain facially innocuous statements to be evidence of racial animus, especially when made during the sequence of events preceding challenged decision).
[54] *See Smith v. Clarkton*, 682 F.2d 1055 (4th Cir. 1982); *See also Greater New Orleans Fair Hous. Action Ctr. v. St. Bernard Par.*, 641 F. Supp. 2d 563, 565 (E.D. La. 2009); *See also Atkins v. Robinson*, 545 F. Supp. 852, 871-72 (E.D. Va. 1982) (finding statement that resident "feared the projects 'would degenerate to slumlike conditions, with an abundance of crime' to be a veiled reference to race."); *See also Sunrise Dev., Inc.*, 62 F. Supp. 2d at 775 (finding substantial likelihood of discriminatory intent under FHA when residents of community voiced opposition to construction of assisted living facility, including by criticizing the "appearance and activity" of such facilities and asserting that such facilities would "alter the residential character," lower property values, and drain community services.); *See also Ave. 6E Invs., LLC v. City of Yuma*, U.S. Dist. LEXIS 14913, *2 (D. Ariz. Jan. 29, 2018) (where citizens decried higher-density and lower-priced housing because it would increase crime and reduce property values based on the "demographics" that they associated with the developer's other properties, which were at least 50% Hispanic).
[55] *See Palmore v. Sidoti*, 466 U.S. 429, 433 (1984); *See also Lucas v. Colo. Gen. Assembly*, 377 U.S. 713, 736-37 (1964); *See also United States v. Yonkers Bd. of Educ. (Yonkers I)*, 837 F.2d 1181, 1224 (2d Cir. 1987). *See also Innovative Health Sys. Inc. v. City of White Plains*, 117 F.3d 37, 49 (2d Cir. 1997) (finding that "a decision maker has a duty not to allow illegal prejudices of the majority to influence the decision-making process. A … discriminatory act [is] no less illegal simply because it enjoys broad public support.").
[56] BPI Chicago, *supra* note 51.
[57] 42 U.S.C. § 3608 (2012).
[58] *See* 42 U.S.C. §§ 3608(d), 3608(e)(5)(2012) (requiring that HUD administer funding programs in a manner "affirmatively to further" the policies of the Fair Housing Act). §3608 has long been recognized to impose binding obligations on agencies/entities administering federal housing programs and receiving HUD funding. *See,* e.g., *Otero*, 484 F.2d at 1133-34 (finding that "the affirmative duty placed on … HUD by §3608(e)(5)" also extends to "other agencies administering federal assisted housing programs"); *Langlois*, 234 F. Supp. 2d at 73 (declining to "construe the boundary of the duty to affirmatively further fair housing as ending with [HUD]"); *Wallace v. Chi. Hous. Auth.*, 298 F. Supp. 2d 710, 719 (N.D. Ill. 2003) (recognizing that recipients of HUD funding have an obligation to HUD to affirmatively further fair housing).
[59] 24 C.F.R. §§ 91.225(a)(1); 570.601(a)(2)(2017).
[60] 24 C.F.R. §§ 92.202(b)(2017); 24 CFR 983.57(e)(2017).
[61] 24 C.R.F. § 983.57(e)(3)(vi) (2017).
[62] Multiple developers independently noted that Alderman Walter Burnett (27th Ward) was one of the few Northside alderman to openly welcome and support affordable housing.
[63] Fran Spielman, *Emanuel's private emails filled with complaints about crime*, CHI. SUN-TIMES (May 24, 2018), https://chicago.suntimes.com/news/emanuels-private-emails-filled-with-complaints-about-crime/.
[64] Appendix A.
[65] Dukmasova, *supra* note 3.
[66] Gary Washburn, *Daley defends system of aldermanic zoning decisions,* CHI. TRIB. (Jan 29, 2008), http://articles.chicagotribune.com/2008-01-29/news/0801280572_1_aldermenmayorrichard-daley-upzoning.
[67] John Byrne, *Seven North Side aldermen vow to add affordable housing to end 'legacy of exclusion,'* CHI. TRIB. (May, 10 2017), http://www.chicagotribune.com/news/local/politics/ct-chicago-aldermen-affordable-housing-met-0511-20170510-story.html.
[68] Robert Becker and Dan Mihalopoulos, *Community input an illusion*, CHI. TRIB. (Jan. 28, 2008), http://www.chicagotribune.com/news/chi-code-astroturfjan28-story.html.
[69] Howard Ludwig, *New Condos, Apartments on 111th St. Would Require Neighbors' OK Under Plan*, DNAINFO (Sept. 29, 2015), https://www.dnainfo.com/chicago/20150929/mt-greenwood/new-condos-apartments-on-111th-st-would-require-neighbors-ok-under-plan/.
[70] 47th Ward Alderman Ameya Pawar, *47th Ward Zoning Advisory Committee*, http://chicago47.org/projects/zoning/.
[71] Alderman Napolitano 41st Ward, *Zoning Advisory Committee*, https://www.chicago41.com/zoning-advisory-committee.
[72] The 2015 proposed mixed-use rental property at 8535 W. Higgins Road in Alderman Napolitano 41st Ward is one

such example of the ZAC's ability to leverage its power in order to change the character and nature of a development. At the request of the ZAC, the Higgins Development reduced the residential building by 80 feet (resulting in the loss of 10 units), added pedestrian paths, and increased the building's setback from the street.

[73] Appendix B.

[74] *Id.*

[75] Members of a closed Facebook group who opposed the 5150 N. Northwest Highway project frequently posted thinly veiled comments rooted in racist and classist misconceptions toward affordable housing and voucher holders.

[76] An example of this is seen in Pilsen's affordable housing mandate, where the city's affordable housing mandate is effectively doubled so that all new developments of 10 or more units are required to provide 21 percent of all units at an affordable rate.

[92] Cherone, *supra* note 81.

[78] *Welcome to the Neighborhood: Edison Park*, CHICAGO REALTOR (2010), https://chicagorealtor.com/wp-content/uploads/2014/09/CR_Autumn2010_Neighborhood.pdf.

[79] Alex Nitkin, *Edison Park Condo Proposal Shot Down by Advisory Committee*, DNAINFO (Jan. 5, 2017), https://www.dnainfo.com/chicago/20170105/edison-park/edison-park-condo-development-41st-ward-advisory-committee-oliphant.

[80] Heather Cherone, *Things Get Ugly as Rival Politicians Clash Over Edison Park Apartment Plan*, DNAINFO (June 2, 2016), https://www.dnainfo.com/chicago/20160602/edison-park/things-get-ugly-as-rival-politicians-clash-over-edison-park-apartment-plan/.

[81] *Id.*

[82] Heather Cherone, *Proposed Edison Park Mixed-Use Condo Project Blasted By Residents*, DNAINFO (Oct. 7, 2016), https://www.dnainfo.com/chicago/20161007/edison-park/downtown-edison-park-condos-troy-realty-napolitano-heneghan/.

[83] *Id*

[84] Alex Nitkin & Heather Cherone, *Edison Park Condo Proposal Still Faces Heat From Community, Despite Tweaks*, DNAINFO (Nov. 11, 2016), https://www.dnainfo.com/chicago/20161111/edison-park/edison-park-mixed-use-condo-development.

[85] Jay Kozlarz, *Local zoning committee scuttles condos planned near Edison Park transit stop*, CURBED CHI., (Jan. 5, 2017), https://chicago.curbed.com/2017/1/5/14178360/chicago-development-news-edisonparkcondo-project-killed.

[86] Alex Nitkin, *Red Hot Edison Park Wants To Stay Exactly As It Is, Alderman Says,* DNAINFO (Jan. 10, 2017), https://www.dnainfo.com/chicago/20170110/edison-park/edison-park-real-estate-property-taxes-condos-proposal-defeated-chioromski.

[87] *Id.*

[88] *Id.*

[89] Census Reporter, *Census Tract 2505, Cook, IL*, https://censusreporter.org/profiles/14000US17031250500-census-tract-2505-cook-il/.

[90] Jeffrey Steele, *Galewood a convenient, close-knit Chicago neighborhood,* CHI. TRIB. (Feb. 12, 2010), http://www.chicagotribune.com/ct-home-0212-galewood-profile-chomes-20100210-story.html.

[91] Igor Studenkov, *Proposed apartments in Galewood spark debate*, OAKPARK.COM (Oct. 12, 2017), http://www.oakpark.com/News/Articles/10-12-2017/Proposed-apartments-in-Galewood-spark-debate/.

[92] *Id.*

[93] Igor Studenkov, *Taliaferro won't support luxury apartment proposal*, AUSTIN WEEKLY NEWS, (Oct. 31, 2017), http://www.austinweeklynews.com/News/Articles/10-31-2017/Taliaferro-won't-support-luxury-apartment-proposal-/.

[94] Igor Studenkov, *Proposed apartments in Galewood spark debate*, OAKPARK.COM (Oct. 12, 2017), http://www.oakpark.com/News/Articles/10-12-2017/Proposed-apartments-in-Galewood-spark-debate/.

[95] *Id.*.

[96] Jay Koziarz, Galewood apartment development blocked by local alderman, CURBED CHI. (Nov. 1, 2017), https://chicago.curbed.com/2017/11/1/16593024/galewood-apartment-development.

[97] Elliott Ramos, *Interactive: City Council-approved Chicago Ward Map*, WBEZ NEWS (Jan. 19, 2012), https://www.wbez.org/shows/wbez-news/interactive-city-council-approved-chicago-ward-map/52630c78-06ad-4e98-8aab-05bd3ca72e24.

[98] Heather Cherone, 55-Unit Affordable Apartment Complex Proposed for Portage Park, DNAINFO (Jan 25, 2016), https://www.dnainfo.com/chicago/20160125/portage-park/55-unit-affordable-apartment-complex-proposed-for-

portage-park/.
[99] Portage Parke, *Low income development at central and patterson (the vacant lot north of the CVS),* EveryBlock Chi. (Jan 18, 2016), https://web.archive.org/web/20160122032644/https://chicago.everyblock.com/kindness/jan18-low-income-development-central-and-patterson-vacant-lot-7301705/.
[100] *Id.*.
[101] *Id.*
[102] *Id.*
[103] Brian Nadig, *Alderman Villegas pulls plug on affordable housing plan for Portage Park*, Nadig Newspaper (Jan. 27, 2016), http://nadignewspapers.com/2016/01/27/alderman-villegas-pulls-plug-on-affordable-housing-plan-for-portage-park/.
[104] *Id.*
[105] *Id.*
[106] *Id.*
[107] *Id.*.
[108] Gilbert from Chicago on behalf of Ald. Villegas, *Proposed Development at 3655 W. Central Ave,* EveryBlock Chi. (Jan. 26, 2016), https://chicago.everyblock.com/announcements/jan26-proposed-development-3655-w-central-ave-7315571/.
[109] Alex Nitkin, *Portage Park Dementia Care Facility Plan Wins Praise From Neighbors*, DNAINFO (June 30, 2017), https://www.dnainfo.com/chicago/20170630/portage-park/anthem-memory-care-alzheimers-dementia-assisted-living-treatment-center-portage-park.
[110] Chuck Sudo, *When Aldermen Downzone, It Can Hurt Small Businesses*, BISNOW (Apr. 5, 2018), https://www.bisnow.com/chicago/news/commercial-real-estate/aldermen-and-the-power-to-rezone-buildings-86767.
[111] Vincent Lesczynski Michael, *Preserving the Future: Historic Districts in New York City and Chicago in the late 20th Century*, University of Chicago (2007).
[112] *Id.*
[113] 2 Chi., Ill. Code §120-740 -120-850 (2017).
[114] *See* 13 Chi., Ill. Code §32-020 (2017); 13 Chi., Ill. Code §32-120 (2017); 13 Chi., Ill. Code §32-200 (2017); 13 Chi., Ill. Code §32-205 (2017); 13 Chi., Ill. Code §200-100 – 105. (2017); 18 Chi. Ill. Code §13-101 (2017).
[115] Affordable rental units are characterized here as units of any size with annual rents less than 30% of a low-income family's earnings (60% of the AMI, roughly equivalent to rents in LIHTC properties). Note that this does not cross tabulate unit size and uses contract rent. Growth of utility expenses and other factors of rent, plus the pricing of smaller units make this less affordable respective to family size than the data is able to demonstrate.
[116] Elliott Ramos, *Interactive: City Council-approved Chicago Ward Map,* WBEZ News (Jan. 19, 2012), https://www.wbez.org/shows/wbez-news/interactive-city-council-approved-chicago-ward-map/52630c78-06ad-4e98-8aab-05bd3ca72e24.
[117] Mina Bloom, *Logan Square Building Boom Has Neighbors In Avondale Looking For* Control, DNAINFO (Sep. 27, 2017), https://www.dnainfo.com/chicago/20170927/avondale/avondale-downzoning-effort-corner-project-alderman-carlos-ramirez-rosa-milwaukee-change.
[118] Mina Bloom, *Ald. Rosa Flexes Muscles On Milwaukee: No New Developments Without Approval,* DNAINFO (Oct. 12, 2017), https://www.dnainfo.com/chicago/20171012/avondale/alderman-carlos-ramirez-rosa-rezoning-downzoning-avondale-milwaukee-avenue.
[119] Mina Bloom, *Tensions High As Neighbors Debate Milwaukee Avenue Rezoning Plan*, DNAINFO (Nov. 1, 2017), https://www.dnainfo.com/chicago/20171101/avondale/milwaukee-avenue-rezoning-milwaukee-avondale-alderman-carlos-ramirez-rosa-downzoning.
[120] *Id.*
[121] *Id.*
[122] The only exception is a mandatory (or elective) planned development in a D (Downtown) zoning district.
[123] City of Chi. Office of the Inspector Gen., *Department of Planning and Development Affordable Requirements Administration Audit* (March 2017).
[124] Rick Wendy & David Warner, *Chicago Expands Mandatory Affordable Housing for Private Residential Development*. Chicago, IL: Freeborn and Peters, LLP.
[125] 2 Chi., Ill. Code §45-110 (2017) (2007 affordable housing commitment).
[126] 2 CHI., ILL. CODE §45-115 (2017) (2015 affordability requirements).

[127] City of Chi. Dept. of Hous., *Internal Procedures* (2004).
[128] City of Chi. Dept. of Hous., *Internal Procedures* (2005) (Internal Program Descriptions – Home Improvement/ Special Needs. Revision Date: Summer 2005 Multi-unit Lending Procedures).
[129] CHI. SO2017-7654, Section 7 (Dec. 4, 2017).
[130] *City of Chi. Qualified Allocation Plan* (2011), Section III. Tax Credit Reservation Process B., Application Forms and Documentation (the requirement was also included in the same location the qualified allocation plans for the years 2001, 2006 and 2009).
[131] Rev. Rul. 2016-29, 6. ("When state housing credit agencies allocate housing credit dollar amounts, § 42(m)(1)(A)(ii) does not require or encourage these agencies to reject all proposals that do not obtain the approval of the locality where the project developer proposes to place the project. That is, it neither requires nor encourages housing credit agencies to honor local vetoes.") The Ruling finds that state housing finance agency Qualified Allocation Plans that have a local support requirement are acting inconsistent with § 42 (m)(l)(A)(ii) as well as federal fair housing laws. *Id.*
[132] City of Chi. Dept. of Planning and Dev., *Multi-Family Housing Financial Assistance Application Instructions* (2017), https://www.cityofchicago.org/content/dam/city/depts/dcd/general/housing/2017_MF_Application_Instructions.doc.
[133] Marisa Novara, *Is fear of young people driving our housing supply?*, Metro. Planning Coun. (Mar. 16, 2016), http://www.metroplanning.org/news/7283/Is-fear-of-young-people-driving-our-housing-supply.
[134] 2 CHI., ILL. CODE § 124-030(a) (2017).
[135] 2 CHI., ILL. CODE §124-030(b) (2017).
[136] 2.CHI., ILL. CODE §124-030(b)(3) (2017).
[137] 65 ILC.S. § 5/11-74.4-4(c);(e);(j).
[138] City of Chi., *Western Avenue North Redevelopment Project Area: Tax Increment Financing District Eligibility Study, Redevelopment Plan, and Project* (2000), https://www.cityofchicago.org/content/dam/city/depts/dcd/tif/plans/T_084_WesternNorthRDP.pdf.
[139] Adeshina Emmanuel, $220M Development Proposed for Former Maryville Academy Site, DNAINFO (Nov. 28, 2012), https://www.dnainfo.com/chicago/20121128/uptown/220m-developmentproposed-forformer-maryville-academy-site.
[140] Interview with housing advocate.
[141] *Id.*
[142] Adeshina Emmanuel, *Developer Says Uptown Has 'Too Much' Affordable Housing, Aims For Luxury,* DNAINFO (Dec. 27, 2012), https://www.dnainfo.com/chicago/20121227/uptown/critics-say-planned-luxury-lakefront-complex-needs-more-affordable-units/.
[143] Adeshina Emmanuel, *$14 Million TIF for Uptown Luxury Housing Draws Committee OK, Protests,* DNAINFO (Feb. 26, 2014), https://www.dnainfo.com/chicago/20140226/uptown/14m-tif-for-uptown-luxury-housing-draws-ok-by-local-committee-protests/.
[144] Adeshina Emmanuel, *Developer Could Change Plan for Luxury Housing Amid Financial Uncertainty,* DNAINFO, (July 1, 2014), https://www.dnainfo.com/chicago/20140701/uptown/developer-could-change-plan-for-luxury-housing-amid-financial-uncertainty/.
[145] Mina Bloom, *Controversial Luxury Development in Uptown Moving Forward,* DNAINFO (Apr. 2, 2015), https://www.dnainfo.com/chicago/20150402/uptown/controversial-luxury-development-uptown-moving-forward-despite-setbacks
[146] City of Chi. Dept. of Cmty. Dev., Montrose Clarendon Tax Increment Financing Plan and Project (2010) https://www.cityofchicago.org/content/dam/city/depts/dcd/tif/plans/T_173_MontroseClarendonRDP.pdf; Ted Cox, *Council 'Iced' Activists From Meeting By Using Interns to Fill Seats: Suit,* DNAINFO (July 14, 2016), https://www.dnainfo.com/chicago/20160714/uptown/council-iced-activists-from-meeting-by-using-interns-fill-seats-suit/.
[147] *Id.*
[148] Hal Dardick, *City Council must allow public comment, judge rules*, Chi. Trib. (Dec. 20, 2016), http://www.chicagotribune.com/news/local/politics/ct-chicago-city-council-open-meetings-met-1221-20161220-story.html.
[149] Chi. Data Portal: City Owned Land Inventory (Oct. 6, 2017).
[150] City of Chi. Dep't of Planning and Dev., New Homes for Chicago: City Lots for City Living Application.
[151] Ken Hare, *Chicago City Council Sued Over Alleged Closed TIF Meeting*, CHI. DEFENDER (Aug. 5, 2016), https://chicagodefender.com/2016/08/05/chicago-city-council-sued-over-closed-tif-meeting/.
[152] *Id*
[153] Interview with housing advocate.

[154] Chicago Metropolitan Agency for Planning, *Community Data Snapshot: Jefferson Park* (June 2017), http://www.cmap.illinois.gov/documents/10180/126764/Jefferson+Park.pdf.
[155] *Jefferson Park,* Encyclopedia of Chicago (2004), http://www.encyclopedia.chicagohistory.org/pages/667.html.
[156] Heather Cherone, *Jefferson Park Apartment Complex Opponents to Launch Petition Drive*, DNAINFO (June 25, 2014), https://www.dnainfo.com/chicago/20140625/jefferson-park/jefferson-park-apartment-complex-opponents-launch-petition-drive.
[157] *Id.*
[158] Heather Cherone, *Petition Against Jefferson Park Apartment Complex Delivered to Ald. Arena,* DNAINFO (July 24, 2014), https://www.dnainfo.com/chicago/20140724/jefferson-park/petition-against-jefferson-park-apartment-complex-delivered-ald-arena.
[159] Heather Cherone, *Alderman's Support for Dense Developments Near Transit Hubs Sparks Debate*, DNAINFO (Jan. 21, 2015), https://www.dnainfo.com/chicago/20150121/jefferson-park/aldermans-support-for-dense-developments-near-transit-hubs-sparks-debate.
[160] Heather Cherone & Ted Cox, *Jefferson Park Gateway Project Approved by City Commission on Second Try*, DNAINFO (Sept. 8, 2015), https://www.dnainfo.com/chicago/20150908/jefferson-park/jefferson-park-gateway-project-approved-by-city-commission-on-second-try.
[161] Heather Cherone, *Plan for 48 Apartments Near Jeff Park Transit Center Revived, Alderman Says*, DNAINFO (May 6, 2016), https://www.dnainfo.com/chicago/20160506/jefferson-park/plan-for-48-apartments-near-jeff-park-transit-center-revived-alderman-says.
[162] *Id.*
[163] Heather Cherone, *Argument Over Jeff Park's Future Boils Over During Debate About Apartments,* DNAINFO (May 17, 2016), https://www.dnainfo.com/chicago/20160517/jefferson-park/argument-over-jeff-parks-future-boils-over-during-debate-about-apartments
[164] *Id.*
[165] Heather Cherone, *48-Unit Apartment Complex Near Jefferson Park Transit Hub Gets Arena's OK*, DNAINFO (Sept. 6, 2016), https://www.dnainfo.com/chicago/20160902/sauganash/48-unit-apartment-complex-near-jefferson-park-transit-hub-gets-arenas-ok.
[166] *Id.*
[167] Alex Nitkin, *Jeff Park Plan For 100 Mixed-Income Apartments Unveiled by Ald. Arena*, DNAINFO (Jan. 26, 2017), https://www.dnainfo.com/chicago/20170126/jefferson-park/jefferson-park-mixed-income-affordable-apartments-john-arena.
[168] Alex Nitkin, *Jefferson Park Mixed-Income Housing Would Bring 'Miscreants,' Neighbors Say.* DNAINFO, (Feb. 12, 2017) https://www.dnainfo.com/chicago/20170210/jefferson-park/jeffeson-park-mixed-income-housing-meeting-arena.
[169] Nitkin, *supra* note 166.
[170] Alex Nitkin, *Jefferson Park Mixed-Income Housing Proposal Sparks Fierce Backlash,* DNAINFO (Feb. 3, 2017), https://www.dnainfo.com/chicago/20170126/jefferson-park/jefferson-park-mixed-income-affordable-apartments-john-arena.
[171] *Northwest Side Residents Against the 5150 Northwest Highway*, https://www.change.org/p/jefferson-park-neighborhood-association-northwest-side-residents-against-the-5150-northwest-highway-development-project.
[172] Alex Nitkin, *Jefferson Park Mixed-Income Housing Would Bring 'Miscreants,' Neighbors Say,* DNAINFO (Feb. 12, 2017), https://www.dnainfo.com/chicago/20170210/jefferson-park/jeffeson-park-mixed-income-housing-meeting-arena.
[173] *Id.*
[174] Interview with housing advocate.
[175] *Id.*
[176] *Id.*
[177] Northwest Side Neighbor, *News: March 7th Ward Night Protest*, Facebook, https://www.facebook.com/events/1831738160429456/.
[178] Alex Nitkin, *Jeff Park Storage Facility To Be Considered At Unprecedented Zoning Meeting,* DNAINFO (May 5, 2017), https://www.dnainfo.com/chicago/20170505/jefferson-park/jefferson-park-affordable-housing-storage-facility-john-arena-northwest-side-unite.
[179] Alex Nitkin & Heather Cherone, *Jeff Park Storage Facility Gets Final OK Despite Napolitano's 'No' Vote.* DNAINFO. May 24, 2017 https://www.dnainfo.com/chicago/20170524/jefferson-park/jefferson-park-affordable-housing-storage-facility-john-arena-anthony-napolitano/.

[180] *Id.*
[181] Jay Kozlarz, *25 units cut from controversial Jefferson Park apartment plan,* Curbed Chi. (Feb. 8, 2018), https://chicago.curbed.com/2018/2/8/16986216/jefferson-park-northwest-highway-development-update.
[182] Heather Cherone, *Aldermen Fight Over Affordable Housing On NW Side: 'Stay Out Of The 45th'* DNAINFO, (May 18, 2017 https://www.dnainfo.com/chicago/20170518/downtown/two-far-nw-side-aldermen-square-off-over-affordable-housing-jeff-park; Cyryl Jakubowski, *Protest goes on outside church during Arena's community meeting,* Nadig Newspapers (Feb. 14, 2017), http://nadignewspapers.com/2017/02/14/protest-goes-on-outside-church-during-arenas-community-meeting/.
[183] Heather Cherone, *Aldermen Fight Over Affordable Housing On NW Side: 'Stay Out Of The 45th'* DNAINFO, (May 18, 2017 https://www.dnainfo.com/chicago/20170518/downtown/two-far-nw-side-aldermen-square-off-over-affordable-housing-jeff-park.
[184] *Id.*
[185] Jesús "Chuy" Garcia, *Letter: The fight for affordable housing in Jefferson Park continues*, Chi. Trib. (June 6, 2017), http://www.chicagotribune.com/news/opinion/letters/ct-affordable-housing-jefferson-park-emanuel-arena-garcia-20170606-story.html.
[186] *Id.*
[187] Jay Kozlarz, *25 units cut from controversial Jefferson Park apartment plan*, Curbed Chi. (Feb. 8, 2018), https://chicago.curbed.com/2018/2/8/16986216/jefferson-park-northwest-highway-development-update.
[188] Brian Nadig, *Complaint charges cops made racist remarks on housing plan Nadig Newspapers* (Feb. 9, 2018), http://nadignewspapers.com/2018/02/09/complaint-charges-cops-made-racist-remarks-housing-plan/; John Byrne, *Northwest Side alderman files complaint against cops, alleging racially charged language in housing controversy*, Chi. Trib. (Feb. 9 2018), http://www.chicagotribune.com/news/local/politics/ct-met-arena-northwest-side-housing-police-complaint-20180202-story.html.
[189] Brian Nadig, *Dozens of government workers, including firefighters, and retired teachers faced scrutiny from Arena's office for their social media comments*, Nadig Newspapers (Mar. 3, 2018), http://nadignewspapers.com/2018/03/03/update-nearly-60-current-retired-government-workers-faced-scrutiny-arenas-office-comments-housing-proposal/.
[190] Brian Nadig**,** *Fraternal Order of Police files complaint against Ald. Arena with Inspector General,* Nadig Newspapers (Apr. 6, 2018), http://nadignewspapers.com/2018/04/06/fraternal-order-of-police-files-complaint-against-ald-arena-with-inspector-general/.
[191] Nadig**,** *supra* note 189.
[192] Alby Gallun, *Residential tower planned next to O'Hare Marriott*, Crain's Chi. Business (Sept. 23, 2015), http://www.chicagobusiness.com/realestate/20150923/CRED03/150929948/residential-tower-planned-next-to-ohare-marriott.
[193] 41st Ward Zoning Advisory Board (Aug. 5, 2015), https://docs.wixstatic.com/ugd/fbd82e_60848ce386914125910267cce46e299d.pdf.
[194] Dukmasova, supra note 3.
[195] Ald. Napolitano letter to Commissioner Reifman, on file with the author.
[196] 41st Ward Zoning Advisory Board (Aug. 5, 2015), https://docs.wixstatic.com/ugd/fbd82e_60848ce386914125910267cce46e299d.pdf.
[197] Dukmasova, supra note 3.
[198] Alex Nitkin, *297 Apartments Near O'Hare Approved Over Alderman's Objection*, DNAINFO (July 20, 2017), https://www.dnainfo.com/chicago/20170720/ohare/napolitano-glenstar-ohare-297-apartments-cumberland-blue-line-passed-plan-commission.
[199] Memorandum from Tesca Associates to Lawrence Debb, *Student Pop. Estimate*, Nov. 9, 2016, on file with the author.
[200] Dukmasova, supra note 3.
[201] Alex Nitkin, *299 Luxury Micro Apartments Proposed Next To Cumberland Marriott,* DNAINFO (Dec. 8, 2016), https://www.dnainfo.com/chicago/20161208/ohare/cumberland-blue-line-marriott-apartments-micro.
[202] Nitkin, *supra* note 200.
[203] *Id.*
[204] Dukmasova, *supra* note 3.
[205] *Id.*
[206] Alex Nitkin, *New Apartments Near O'Hare Opposed By Napolitano, Citing 'Density' Concerns*, DNAINFO (June 16, 2017), https://www.dnainfo.com/chicago/20170616/ohare/napolitano-glenstar-ohare-297-apartments-cumberland-blue-line.

[207] Lawrence A. Debb, *Letter to Alderman Napolitano* (July 11, 2017), https://www.chicagoreader.com/general/201801/July-11-2017-Letter-from-GlenStar.pdf.
[208] Nitkin, *supra* note 200.
[209] Dukmasova, *supra* note 3.
[210] *Id.*
[211] *Id.*
[212] *Id.*
[213] *Id.*
[214] *Id.*
[215] *Id.*
[216] *Id.*
[217] *Id.*
[218] *Id.*
[219] Danny Ecker, *Developer sues city for blocking apartment project*, CRAIN'S CHI. BUSINESS (Mar. 22, 2018), http://www.chicagobusiness.com/realestate/20180322/CRED03/180329942/developer-sues-city-for-blocking-apartment-project; *Glenstar O'Hare, LLC., v. City of Chi.*, 2018 CH 03622 (March 20, 2018).
[220] *A Tale of Three Cities*, *supra* note 9.
[221] Robert J. Sampson, *Great American City: Chicago and the Enduring Neighborhood Effect*, (2011).
[222] Marwa Eltagouri, *Chicago only major U.S. city to lose population from 2015 to 2016*, CHI. TRIB. (May 25, 2017), http://www.chicagotribune.com/news/local/breaking/ct-chicago-census-met-20170524-story.html.
[223] *Id.*
[224] David Mendell, *The Real Problem with Chicago's Shrinking Population*, CHI. MAGAZINE (May 8, 2017), http://www.chicagomag.com/Chicago-Magazine/June-2017/Chicagos-Population-Problem/.
[225] Inst. for Hous. Studies at DePaul Univ., *Calculation of data from American Communities Survey 5-year estimates*, 2006-2010 and 2011-2015.
[226] Mendell, *supra* note 226.
[227] Chi. Metro. Agency for Planning, *Overview of Comprehensive Plans* (2011), http://www.cmap.illinois.gov/documents/10180/199110/Comp_Plan_Presentation-05-09-2011.pdf/6b2958af-7634-49cb-8bda-0909e54207ee.
[228] City of Chi. Dep't. of City Planning, *Basic Policies for the Comprehensive Plan of Chicago* (1964).
[229] *Id.*
[230] City of Chi. Dep't. of City Planning, *Comprehensive Plan Goals and Policies* (1981).
[231] Progress Report of the Mayor's Zoning Reform Commission, *Principles for Chicago's New Zoning Ordinance: Recommendations for Preserving, Protecting, and Strengthening Chicago's Neighborhoods* (May 2002), http://www.cct.org/wp-content/uploads/2015/05/ChicagoCentralAreaPlan2003.pdf.
[232] Race Forward: The Center for Race Justice Innovation, *Racial Equity Impact Assessment Toolkit,* https://www.raceforward.org/practice/tools/racial-equity-impact-assessment-toolkit.
[233] *Id.*
[234] Sara Pratt & Michael Allen, *Addressing Community Opposition to Affordable Housing Development: A Fair Housing Toolkit* (2004), http://www.fhcsp.com/Links/toolkit.pdf. "Austin, Texas: SMART Housing works with developers to ensure submissions respond to legitimate community concerns about land use impact and explicitly reject extraneous grounds of opposition. By getting the developer and the neighbors at the same table early in the process, the staff is able to identify and deal with legitimate land use issues. Its internal goal is to have a zoning application on the docket of City Council for final action within 45 days after it is filed" (17).
[235] In 1982, California adopted the Housing Accountability Act. Cal. Gov't Code § 65589.5(a)(1)(A).
[236] City of Chicago Zoning Maps [book], Chicago: Index Publishing Corporation, 1970-2010.
[237] City of Chicago Map Server. Current Zoning, http://gisapps.cityofchicago.org/arcgis/rest/services/ExternalApps/Zoning/MapServer/1 (May 2018).
[238] City of Chicago Map Server. Landmark Districts, http://gisapps.cityofchicago.org/arcgis/rest/services/ExternalApps/Zoning/MapServer/5 (May 2018).
[239] City of Chicago, Department of Planning and Development, Affordable Housing Quarterly Reports, https://www.cityofchicago.org/city/en/depts/dcd/supp_info/quarterly_housingreports.html (May 2018).
[240] US Department of Housing and Urban Development, Low Income Housing Tax Credit Database, https://lihtc.huduser.gov/ (April 2018).
[241] US Department of Housing and Urban Development, Multifamily Insured Properties Database, https://egis-hud.opendata.arcgis.com/datasets/8047154d02664441acb2b1e8881cdad3_0 (June 2018).

[242] US Department of Housing and Urban Development, Multifamily Housing Portfolio Database, https://egis-hud.opendata.arcgis.com/datasets/83d334f8b4614cce9e67b0e0a1105520_0 (June 2018).
[243] City of Chicago Open Data Portal, TIF Projects, https://data.cityofchicago.org/Community-Economic-Development/Tax-Increment-Financing-TIF-Projects/mex4-ppfc/data (May 2018).
[244] City of Chicago Open Data Portal, City Owned Land Inventory, https://data.cityofchicago.org/Community-Economic-Development/City-Owned-Land-Inventory/aksk-kvfp (May 2018).
[245] Paul Jargowsky, *Concentration of Poverty in the New Millenium*, The Century Foundation, https://tcf.org/assets/downloads/Concentration_of_Poverty_in_the_New_Millennium.pdf (2013).
[246] Logan et. al. Interpolating US Decennial Census Tract Data from as Early as 1970 to 2010: A Longitudinal Tract Database, https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4134912/ (April 2018).