

September 14, 2022

Chicago Plan Commission
121 N. LaSalle St. Suite 1000
Chicago, IL 60602

SUBMITTED VIA EMAIL CPC@cityofchicago.org

RE: Opposition to the Chicago Housing Authority and City of Chicago's Request to Amend the Planned Development #896 to facilitate the development of the Chicago Fire practice facility on public housing land

Dear Chicago Plan Commission Members:

We are writing on behalf of Chicago Housing Initiative and Lugenia Burns Hope Center in opposition to the proposed amendment to Residential Business Planned Development #896, submitted by the City of Chicago Department of Planning and Development at 1201-1285 W. Cabrini Street ("Planned Development"). This land, owned by the Chicago Housing Authority ("CHA") and subject to a declaration of trust, is to be used exclusively for public and affordable housing that has not yet been built. The proposal we are challenging will continue patterns of economic and racial segregation, contrary to the City of Chicago's obligations to comply with civil rights laws. The City could move towards more economic and racial integration, fighting historic trends of segregation. Instead, the City continues to make decisions that perpetuate these segregative patterns. In this proposal, land that is promised for desperately needed affordable housing to predominantly serve the needs of Black families will be given to a billionaire with negligible benefits for the thousands of families of color seeking to live in Chicago's opportunity areas.

Chicago Housing Initiative ("CHI") is a coalition of nine community organizations working directly with low-income renters to forge a citywide organizing vehicle to increase their social, economic, and political power and advocate for the creation of accessible, integrated affordable housing across the City. Lugenia Burns Hope Center ("Hope Center") works to develop the civic engagement and empowerment of residents through education, leadership development, and community organizing to empower residents to envision how they want their communities to be developed. Both organizations have members who are ABLA/Roosevelt Square residents or who seek to move to ABLA/Roosevelt Square community when public housing becomes available. CHI and Hope Center are a part of a civil rights complaint under investigation with HUD's Office of Fair Housing and Equal Opportunity concerning the City of Chicago's violations of the Fair Housing Act by blocking the development of family affordable housing in predominantly white and gentrifying neighborhoods. This action represents yet another example of the City's pattern of thwarting affordable housing development in opportunity areas.

History of the Proposed Site

The parcels at issue are part of a former public housing development that included four separate projects--Jane Addams Homes, Robert Brooks Homes, Loomis Courts, and Grace Abbott Homes—and almost 3,600 residential units and was known by the acronym ABLA. As part of its Plan for Transformation, CHA demolished Addams and Abbott Homes, rehabilitated Brooks Homes and Loomis Courts, and displaced thousands of ABLA families to primarily racially segregated low opportunity areas of the city. For years, the CHA has promised those families they could return to the new or rehabilitated units and to their historic community.

CHA most recently committed to build 775 public housing replacement units on the ABLA footprint in a development now known as Roosevelt Square. That is far fewer than the 2,441 new and 455 rehabbed public housing units CHA promised in 2013 as part of its Plan Forward, which followed the Plan for Transformation. To date, CHA and the developer (Related Midwest) have delivered only 245 of the 775 promised units.¹

As recently as 2016, an updated Master Plan proposed developing the land primarily for residential housing, with a mix of commercial and open space. This vision has been long promised to the displaced ABLA residents and other CHA residents seeking to live in an opportunity area close to the Illinois Medical District, which offers a wide array of health care and disability services. In 2021, the City of Chicago and CHA approved the next phase of development that will include 80 public housing units. When completed, this will bring the number of delivered replacement public housing units to 325, about 40% of the promised 775 units.

The Proposal

Last year, the Mayor's Office, the City's Department of Planning & Development, and the Chicago Housing Authority presented the Chicago Fire with three potential sites for a soccer stadium—all on CHA land that is subject to ongoing replacement public housing commitments that have been outstanding for more than two decades. The Chicago Fire selected ABLA/Roosevelt Square.

During a May 3, 2022 virtual public meeting, and again during the CHA's May 17 Board Meeting, CHA explained that the proceeds from the lease agreement with the Chicago Fire would fund (1) renovations to Loomis Courts and the already extensively renovated Brooks Homes, (2) a parking lot for the seniors of William Jones Apartments, a nearby CHA senior building, and (3) some green space. The proposal does not include the creation of a single affordable housing unit.

¹ City of Chicago Department of Housing, "Next Phase of ABLA Homes Redevelopment Approved for the Near West Side" (July 20, 2022) *available at* https://www.chicago.gov/city/en/depts/doh/provdrs/housing_resources/news/2022/july/next-phase-of-abla-homes-redevelopment-approved-for-the-near-wes.html

On September 15, 2022, the City’s Department of Planning & Development will present this proposal to the Chicago Plan Commission. The proposal makes major changes to the 2016 Roosevelt Square Master Plan, which proposed redeveloping this same 25 acres of vacant land in a way that would meet CHA’s obligation to build 775 public housing unit. Now that the land is being offered to a professional sports team, the Department’s proposal, which became available online just three days before the meeting, appears to update the Master Plan by proposing an increased level of density in the peripheral areas of ABLA’s footprint. It is unclear from the proposal if CHA can or even will meet its current obligation to build 775 public housing units. The “Public Benefits” listed in the presentation are, in full: 200 estimated temporary constructions jobs and youth soccer programming, internship programs, mentorship programs, and “community focused events.”

Chicago has an Obligation to Comply with Federal Civil Rights Laws

The City of Chicago has a duty not to discriminate, and to comply with the Fair Housing Act, which prohibits policies and practices that have the intent or effect of discriminating against members of a protected class.² The challenged proposal would allow more than 25 acres of CHA land, located in a rapidly gentrifying community and long intended to be used as affordable housing – which primarily serves Black families and people with disabilities – to be leased for development by a private sports team owned by a billionaire. This action fails to address the ongoing needs for replacement housing in the ABLA community while offloading more than half of the remaining land available for redevelopment.

Because the City of Chicago receives federal housing-related funds, such as Community Development Block Grants and HOME funds, the City likewise has a duty to affirmatively further fair housing. Specifically, it must (as a condition of receiving the grants and funds) certify that its housing policies affirmatively further fair housing. 42 U.S.C. § 5304(b)(2). The duty to affirmatively further fair housing requires that “[a]ctions must be taken to fulfill, as much as possible, the goal of open integrated residential housing patterns and to prevent the increase of segregation.”³ A failure to comply with this duty jeopardizes the City’s receipt of federal funds.⁴

Finally, as a recipient of federal dollars, the City of Chicago is also subject to Title VI of the Civil Rights Act of 1964 and has a duty not to discriminate on the basis of race, national origin, or color in any program or activity that receives federal funds or other federal financial assistance.

In deciding whether to apply for the change to the Planned Development, the City should first consider the civil rights implications. Specifically, the City should evaluate the ongoing need for affordable housing on the Near West Side by considering market rents, vacancy rates, household incomes, rates of housing cost burden, and public and subsidized housing waiting lists. This

² *Texas Department of Housing & Community Affairs v. The Inclusive Communities Project, Inc.* 576 U. S. 519 (2015).

³ *Otero v. New York City Hous. Auth.*, 484 F.2d 1122, 1134 (2nd Cir. 1973).

⁴ *United States ex. Rel. Anti-Discrimination Center Inc. v. Westchester County*, 668 F. Supp. 2d 548, 569 (S.D.N.Y. 2009); See generally HUD’s 2021 Interim Final Rule Restoring Affirmatively Furthering Fair Housing Definitions and Certifications available at <https://public-inspection.federalregister.gov/2021-12114.pdf>.

analysis should consider the supply of affordable rental housing in areas of opportunity with easy access to public transportation, good jobs and schools, and high-quality healthcare. Finally, the City should consider how its decision will affect people of color, families with children, people with disabilities, and other protected classes.⁵ On information and belief, the City failed to undertake any of this analysis prior to serving as the applicant seeking an amendment to the Planned Development.

Had the City done this analysis, all of these factors should have caused the City to elect to refuse to surrender valuable public housing land to a professional soccer team. Here's what an analysis would have uncovered:

In 1998, at CHA's request, the court monitoring the housing authority's fair housing obligations in the *Gautreaux* litigation deemed ABLA/Roosevelt Square a "Revitalizing Area," recognizing that it will likely become racially and economically integrated in a short period of time.⁶ The last twenty-plus years have borne that out. Surrounding ABLA/Roosevelt Square are rapidly gentrifying neighborhoods on Chicago's Near West Side: to the North are University Village, Little Italy, and the campus of the University of Illinois at Chicago (UIC). To the northwest are the Illinois Medical District and Tri-Taylor neighborhood. To the east is the massive "South Campus" development of market rate housing and commercial businesses. To the south – in addition to the several luxury developments along 15th and 16th Streets – is the most rapidly gentrifying and whitest part of Chicago's Pilsen (Lower West Side) community.

The ABLA area offers easy access to good jobs, healthcare, shopping, parks, universities, and many other amenities in Chicago's booming central core – access that thousands of CHA families once had but lost over the past two decades as the Plan for Transformation pushed families out to the Far South and Far West sides of Chicago.

Further, the challenged proposal involves the largest vacant area, and more than half of the remaining land available, to complete the Roosevelt Square redevelopment of the former ABLA Homes. If the Plan Commission approves the proposal, there would be fewer than 20 acres remaining for the development of 1,650 public housing, affordable housing, and market rate housing units plus public ways, green space, and other amenities.

To date, Related Midwest and the CHA have delivered barely a third of the promised public units at Roosevelt Square. The CHA and the City need to create more site-based affordable housing in communities of opportunity and ought to use this land to meet its obligations. The CHA successfully accomplished this at both the Cabrini Rowhouses and at Lathrop Homes. The CHA and Related Midwest's delays in delivering replacement units cannot serve as the basis to jettison a vital supply of coveted, available, public housing land in a gentrifying community.

⁵ See, e.g. *Access Living of Metropolitan Chicago v. City of Chicago*, No. 1:18-cv-03399 (N.D. Ill.) (challenging the City of Chicago's use of millions of dollars in federal funding on affordable housing development that is noncompliant with accessibility requirements under the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and the Fair Housing Act).

⁶ See Settlement Agreement, Ex. A at 1-2, *Gautreaux v. Chi. Hous. Auth.*, 981 F. Supp. 1091 (No. 66-cv-1459), available at <https://cha-assets.s3.us-east-2.amazonaws.com/s3fs-public/signed%20settlement%20agreement.pdf>.

Based upon the above, we therefore ask that the Plan Commission do what the City should have done and recommend that the City Council deny the challenged proposal to amend the Planned Development.

Conclusion

We urge the Plan Commission to recommend that the City of Chicago oppose the amendment to the Planned Development, consistent with the City's civil rights obligations.

Sincerely,

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