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Via Electronic Facsimile and E-Mail

April 15, 2008

Chicago Housing Authority  
Management Analysis and Planning Department  
Attention: proposed Amended and Restated Moving To Work Agreement  
60 E. Van Buren Street, 12<sup>th</sup> Floor  
Chicago, IL 60605

Re: Central Advisory Council's Comments on CHA's proposed Amended and Restated Moving To Work Agreement

We are writing on behalf of the Central Advisory Council. On February 28, 2008, the Chicago Housing Authority published for public comment a draft Amended and Restated Moving To Work Agreement ("Proposed MTW"). CHA has proposed a broad array of waivers that in the CAC's view represents an unfortunate diversion from CHA's core mission of providing low-income housing for Chicago's low-income families.

**I. CHA's Refusal To Recognize LACs in Mixed Finance Communities Is An Effort To Squelch An Independent Voice For Public Housing Residents.**

Federal law (24 CFR Part 964) requires that public housing authorities recognize and financially support public housing resident councils. However, CHA is now requesting that HUD waive this federal requirement with respect to all of its mixed finance communities. See Proposed MTW, Attachment D, ¶ 23. Specifically, CHA has requested a waiver of 24 CFR 964.18, as well as 24 CFR 964, subpt B. CHA is also requesting authority to establish a Mixed Finance Resident Ombudsman to solicit concerns of public housing families residing in CHA's mixed finance communities, as an alternative to recognizing and supporting resident councils in these communities.

The CAC has no objection to the establishment of a Mixed Finance Resident Ombudsman. However, the CAC strongly objects to CHA's request that HUD waive its obligations under Part 964 and disagrees with its suggestion that somehow the Ombudsman can substitute for the important functions served by resident councils. Moreover, the CAC objects to the diversion of resident funding participation funding related to 24 CFR 990.190(e) and PUY funds attributable to mixed finance families to the Ombudsman program.

In Part 964, HUD articulates important principles that underlie the importance of giving voice to public housing residents through the formation of resident councils; principles *which are no less applicable to mixed finance communities*:

- “The purpose of [Part 964] is to recognize the importance of resident involvement in creating a positive living environment and in actively participating in the overall mission of public housing.” 24 CFR 964.1.
- “Residents have a right to organize and elect a resident council to represent their interests.” Id. at 964.11
- “The role of a resident council is to improve the quality of life and resident satisfaction and participate in self-help initiatives to enable residents to create a positive living environment for families living in public housing.” Id. at 964.100.
- The housing authority (“HA”) “shall recognize the duly elected resident council to participate fully through a working relationship with the HA. HUD encourages HAs and residents to work together to determine the most appropriate ways to foster constructively relationships, particularly through duly-elected resident councils.” Id.

In a letter dated February 1, 2008, Congressman Danny Davis wrote to Steven Meiss, HUD’s Illinois Director of Public Housing, expressing his strong disapproval of CHA’s waiver request and urged its rejection. In his letter, a copy of which is attached, he highlighted the importance of resident councils as a means to improving the community through resident empowerment, especially in the context of the institutional voices already speaking on behalf of market rate owners.

Tenants take more ownership in where they live if they have an actual voice in their community. Market-rate homeowners through their condo and townhouse associations have a legally recognized voice. Why not public housing residents? I believe that the concern that somehow public housing families thereby will be stigmatized is greatly outweighed by the community building that will be engendered by giving these families a true voice in their own communities.

CHA’s proposal is partly premised upon the assumption that public housing residents can “participate in the broader community-based neighborhood organizations that serve the entire

development” and, therefore, have no need to form separate resident councils. Proposed MTW, ¶ 23. The problem with this argument is that no such “community-based organizations” exist in these mixed income communities. The only organizations that do exist are townhouse and condo associations which public housing residents have no right to join or participate in because they are not market rate owners. Consequently, there exists no community wide association where a public housing resident can go “to address larger community issues and liaise with property managers,” as alleged by CHA in its proposal. Id.

CHA’s proposal to replace resident councils with an Ombudsman fails in numerous respects to provide an alternative “voice” for the residents. It is fanciful to believe that a person hired by the housing authority, paid by the housing authority, and subject to termination by the housing authority can independently advocate on behalf of public housing residents. Such a proposal is comparable to suggesting that an employer-controlled union speak on behalf of the workers. A CHA-supervised Ombudsman is no substitute for the free and independent voice of the resident councils.

Contrary to what CHA’s claims, formation of a public housing resident council does nothing to undermine their participation in a larger community association, assuming one did exist. Just as an individual can simultaneously be a citizen of the City of Chicago, the State of Illinois, and the United States of American, a public housing resident can be both a member of a LAC and a community-wide association. One certainly does not negate the other.

Finally, public housing residents will not be stigmatized by forming a resident council. In fact, a critical component to real community building is that public housing families have a clear presence in the community. Currently, the mixed income communities are being marketed as if public housing families do not exist. Market rate owners move in and are then surprised that their neighbors include public housing families. When conflicts do arise among neighbors, not uncommonly along economic and racial lines, there are no institutions to help bridge this gap. Public housing resident councils provide an important institutional bridge to assist in communications and resolve community-wide issues among the various diverse groups in the community. To squelch this potential resource and, thereby, effectively sweep public housing residents under the rug as if they did not exist, is the real stigmatization.<sup>1</sup>

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<sup>1</sup> Resident councils also provide an important resource both for displaced families who are thinking about returning and families who in fact return. Resident councils are an important resource in assisting CHA in locating displaced public housing who wish to exercise their right to return. One barrier to families returning is their perception that they will arrive with no support system in place. The residents council, therefore, also provides a sort of “welcome wagon” that can assist returning families navigate the new challenges of a mixed income community and increase the likelihood they will have a successful experience.

## II. CHA's Work Requirement

### A. CHA's Work Requirement Will Result In Additional Homelessness.

The CAC joins with the CHA in its goal to promote employment among all its able-bodied residents. However, the CAC objects to the way in which the CHA is attempting to achieve that goal because, as currently proposed, CHA's Work Requirement will necessarily result in hundreds of families being evicted over the next few years.<sup>2 3</sup> Paragraph 24(e) of the Proposed MTW specifically provides that the resident's lease will be terminated for failure to comply with the CHA Work requirement. CHA's choice of a stick, instead of a carrot approach is poor public policy and will only result in additional homelessness for the City of Chicago.

This is ironic because the City of Chicago is committed to a continuum of care to address the problem of homelessness.<sup>4</sup> Chicago's Plan to End Homelessness focuses on the concept of "Housing First." See "Getting Housing, Staying Housed: A Collaborative Plan To End Homelessness."<sup>5</sup> The Housing First approach is best articulated by Denise Roger (Minnesota Housing Finance Agency), quoted in the plan as saying:

"I don't think you can address the other problems that people have unless you give them a decent place to live. We believe that an awful lot of people who end up homeless are just poor people with a housing crisis, and it would be a lot cheaper to get them back into housing."

In other words, problems that people have finding employment can best be addressed by housing them first. Without a decent place to live, a potential bread earner has little to no chance of becoming employed. That is why CHA's proposed work combined with eviction as a sanction

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<sup>2</sup> CHA's proposed work requirement is set forth ¶ 24 of the Proposed MTW.

<sup>3</sup> Such a requirement goes far beyond what Congress deemed necessary to insure that unemployed public housing residents are engaged in some productive activity. Under federal law, unemployed adults must engage in eight hours per month of community service activities or economic self-sufficiency activities. See 24 CFR Part 960, subpart F.

<sup>4</sup> Over the course of a year, approximately 166,000 people experience homelessness in the Chicago Metropolitan area. Chicago Coalition for the Homeless, <http://www.chicagohomeless.org/files/images/factsheet05.pdf>

<sup>5</sup> <http://www.chicagocontinuum.org/tenyrplan/plan.html>

represents a cruel step backwards in the City's commitment to Housing First, a commitment which recognizes that a family needs a home as a starting point for finding employment.

**B. CHA's Work Requirement Violates the Illinois Wrongs to Children Act.**

CHA's Work Requirement, as it applies to single parents with children under six years of age, violates the Wrongs to Children Act, a criminal offense under the Illinois Code of Criminal Procedure. Section 3.1 of the Wrongs to Children Act provides that:

No agency of the State or unit of local government shall require a single parent or other person having the care, custody or control of any child under the age of 6 to accept employment that would unreasonably interfere with such responsibilities to the child. It is unlawful for any person acting under color of law to require or to attempt to require such employment of a parent or other person having the care, custody or control of such a child.

See 720 ILCS 150/3.1. The Act makes both the unit of local government and its board members and officials criminally liable for any "attempt to require" such employment that would unreasonably interfere with the parent's responsibilities to her preschool children.

The Act establishes a clear legislative determination that single parents should not be forced to place their preschool children in day care in order to accept employment, thereby relinquishing their right to personally care for their children. The Illinois legislature has sent a clear signal that as between daycare and parental care of the child at home, home care by the parent is the preferred and required route.

The Act also evinces a strong legislative intent that it should be up to the parent to be the final arbiter as to whether offered day care is of sufficient quality to meet the needs of her child. In her book "The Emotional Life of the Toddler," author Alicia Lieberman states that the question is not so much whether or not early child care is detrimental to the child's relationship to the parents, but "what are the emotional costs to the child of not providing adequate substitute care" when the parents must work out of the home. *Id.* at p. 221.

Finally, under CHA's Work Requirement a single mother and her children can be evicted if she does not comply. Forcing homelessness upon the family certainly constitutes "unreasonable interfer[ance]" with the mother's responsibilities to her children to provide a roof over their head. Therefore, any such requirement, as applied to such single mothers, certainly cannot include eviction as a sanction for noncompliance.

CHA takes the position that its work requirement does not violate the Wrongs to Children Act. The CAC requests that until such time that a final determination is made on this question by a court of law or the Illinois Attorney General's office that, at a minimum, the CHA include in its Safe Harbor provision the following language: "A single parent or other person having the care, custody or control of any child under the age of 6."<sup>6</sup>

**C. Day care resources are insufficient to meet the needs of single mothers.**

Even if a single parent should decide to place her child in day care, there are not enough day care slots. CHA has contracted with Illinois Action for Children to assist CHA residents in finding daycare. But even IAC's own research reports indicate that the number of licensed day care slots is insufficient to meet the need. For example, there are only two child care centers with a total of 216 slots in the Riverdale neighborhood, a population of 9,809 (2000 census) that includes Altgeld Gardens. Of these 216 slots, there are no slots for infants or toddlers, four slots for children age two, and only 108 slots for children ages three and four. See "Child Care Providers and Capacity by Chicago Community Area, 2007," Illinois Action for Children.<sup>7</sup> The vast majority of these slots are available only during the day. However, 42% of Illinois parents work evening, weekend or variable hours, and only three percent of child care centers offer care during evening hours, while merely one percent provide weekend care. Elements of Child Care Supply and Demand 2007 (for FY 2006).<sup>8</sup>

In the face of this daunting lack of licensed day care, CHA offers the possibility of single parents using friends and relatives to care for the children. However, this program ( called license exempt home day care) pays only \$12.87 per day per child. Moreover, it only covers children age eleven and under, whereas CHA's new lease requires supervision of children twelve and thirteen years of age. See ¶ 8(p) of the CHA 2007 Residential Lease Agreement.

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<sup>6</sup> In its proposed MTW Agreement, CHA does not define what constitutes a Safe Harbor which would temporarily excuse the resident from the work requirement. The CAC requests that whatever Safe Harbor provision that CHA finally adopts (now located in CHA's Admissions and Continued Occupancy Plan) be formally included in the finalized Restated MTW agreement.

<sup>7</sup> See [http://www.actforchildren.org/\\_uploads/documents/live/2007\\_Child\\_Care\\_Data\\_by\\_Chicago\\_Community\\_Area.pdf](http://www.actforchildren.org/_uploads/documents/live/2007_Child_Care_Data_by_Chicago_Community_Area.pdf).

<sup>8</sup> See [http://www.daycareaction.org/\\_uploads/documents/live/2006\\_Report\\_On\\_Cook\\_County\\_Child\\_Care.pdf](http://www.daycareaction.org/_uploads/documents/live/2006_Report_On_Cook_County_Child_Care.pdf).

**D. CHA's Work Requirement Will Have A Disparate Impact Upon Protected Classes Under The Fair Housing Act, And, Therefore, It Should Be Implemented Initially As Pilot Program.**

In a letter dated February 1, 2008 to Steven Meiss, HUD's Illinois Public Housing Director, Congressman Danny Davis expressed his concern that if not properly applied, CHA's work requirement could result in "needless homelessness for this vulnerable population," referring to CHA's public housing families. A copy of the Congressman's letter is enclosed. He further stated that CHA's work requirement "will have a disparate impact upon people protected under the Fair Housing Act, including African Americans, women (because the vast majority of families are female heads of households), and children" and urged HUD to insure that the work requirement is implemented "in a manner that will minimize unfair evictions of families who are unable to work."

Congressman Danny Davis concluded his letter by requesting that CHA "delay implementation of the work requirement until much later this year until such time that the City is certain that FamilyWorks will be up and running, and . . . launch the work requirement as a one-year pilot program at only one public housing development so that the kinks can be worked out of the program to insure that no family is unfairly evicted."

The CAC joins the Congressman in his recommendations that if CHA does ultimately implement a work requirement, that it be implemented only after FamilyWorks is fully operational and then only on a pilot project basis.

**E. CHA's Work Requirement Fails To Incorporate Resident Protections Mandated Under the Relocation Rights Contract.**

**1. Independent Hearing Officer Grievance Standards And Procedures Missing.**

CHA's Work Requirement, as currently drafted, does not include the important resident protections required under the Relocation Rights Contract. Because CHA's Work Requirement "exceed[s] the minimum HUD regulatory requirements (24 CFR 966)," it is a "new authority-wide requirement" within the meaning of Paragraph 1(h) of the Relocation Rights Contract. See Relocation Rights Contract, ¶¶ 1(h) & (j). As such, certain resident protections attach.

A Leaseholder who is and remains lease compliant . . . , but who is not in compliance with the additional lease requirements shall have the right not to be evicted and shall continue to have the right to return to a newly constructed or rehabilitated public housing unit . . . , unless an independent hearing officer, as

described in subparagraph 1(I), finds that the Leaseholder is not making a good faith effort to comply with the additional lease requirements. In making such a determination, the hearing officer shall take into consideration all of the Leaseholder's circumstances, including, but not limited to, the ability of the Leaseholder to comply with the additional lease requirements and to access adequate outreach, assessment, referral or follow-up services as part of the initiative to assist the Leaseholder to comply with additional lease requirements.

Relocation Rights Contract, ¶ 1(h).

The CHA Work Requirement fails to incorporate these Independent Hearing Officer grievance standards and procedures. Specifically, the work requirement must state that before a family can be evicted an independent hearing officer must first make a determination that the leaseholder "is not making a good faith effort to comply" with the work requirement. Therefore, as a prerequisite to any eviction for violation of the work requirement, CHA must first bring the matter before an independent hearing officer to obtain the necessary order.

Secondly, the work requirement must specify that when CHA does bring the matter before an independent hearing officer, the hearing officer must "take into consideration all of the Leaseholder's circumstances, including, but not limited to, the ability of the Leaseholder to comply with the [work requirement] and to access adequate outreach, assessment, referral or follow-up services as part of the initiative to assist the Leaseholder to comply with [the work requirement]." Id.

## **2. CHA's Work Requirement Fails To Include Exemptions Mandated Under The Relocation Rights Contract.**

CHA's Work Requirement fails to incorporate all of the community service exemptions as required under the RRC.

A Leaseholder who is exempt under the Community Service Requirements . . . , as set forth in 24 CFR 960.601 . . . , shall not be required to comply with additional lease requirements that consist of work requirements or require other actions related to the basis of the such exemption.

Id.

The CHA Work Requirement fails to include the following Community Services exemptions established by HUD (24 CFR § 960.601(b)):



Any adult who:

- (1) is engaged in work activities; or
- (2) meets the requirements for being exempted from having to engage in a work activity under Illinois' welfare program (Transitional Assistance For Needy Families or "TANF") or under any other welfare program of the State in which the PHA is located, including a State-administered welfare-to-work program; or
- (3) is a member of a family receiving TANF assistance or under any other welfare program of the State in which the PHA is located, including a State-administered welfare-to-work program, and has not been found by the State or other administering entity to be in noncompliance with such a program.

CHA's Work Requirement does include an exemption for individuals "[r]eceiving TANF and [that] have an active Responsibility and Services Plan." However, this exemption is too narrowly drawn and should be expanded to include every adult member of a family which is receiving TANF assistance or any other state assistance program, including Food Stamps, General Assistance and Transitional Assistance.

Also, CHA must exempt any adult member who meets one of the work exemptions under TANF or any other Illinois welfare program, regardless of whether the family is actually receiving such assistance. TANF's work requirements are waived for participants with certain barriers to employment, including: participants caring for a child, spouse, or other person due to that person's medical condition (PM 21-001-04-c & d) or participants who are victims of domestic violence which makes it hard or unsafe to participate in the work requirements (PM 21-001-05). The exemptions for the other Illinois welfare programs, such as General Assistance, Transitional Assistance, and Food Stamps should also be included.

Finally, as described above, residents engaged in "work activities" are to be exempted. HUD broadly defines "work activities" to include community service programs.<sup>9</sup> Therefore,

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<sup>9</sup> Work activities are defined as follows (1) unsubsidized employment; (2) subsidized private sector employment; (3) subsidized public sector employment; (4) work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available; (5) on-the-job training; (6) job search and job readiness assistance; (7) community service programs; (8) vocational educational training (not to exceed 12 months with respect to any individual); (9) job skills training directly related to employment; (10) education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency; (11) satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate; (12) the provision of child care services to an individual who is participating in a community service

CHA's requirement that "Volunteer and community service opportunities will not count for more than 50% of the required hours" (proposed ¶ 24(c)) must be stricken. Proposed Section 24(c) must also include "job search and job readiness assistance," because these activities are also included in the "work activities" defined by HUD.<sup>10</sup>

### III. Other Occupancy Waiver Requests

In its Proposed MTW, CHA requests waivers of critical federal protections for public housing residents. While some of the waiver requests are clear, the following waiver requests are ambiguous, making commenting on them difficult: (1) term limits; (2) rent calculation; and (3) local leases. Moreover, these waiver requests serve to undermine the mission of public housing, which is to serve low-income families.

#### A. Term Limits Are Arbitrary and Will Only Lead to Homelessness

The Proposed MTW references term limits for public housing and housing choice voucher program (see Proposed MTW, Attachment ¶ C (11) and D(2)(d)), but the Agreement fails to define what is meant by term limits and how such limits will be structured. As of today, the only way that a resident can be evicted from public housing is by violating his/her lease. However, if CHA is granted its term limit request, a resident could be evicted due to no fault of the resident.

If this is not egregious enough, the term limit waiver also violates the Relocation Rights Contract (RRC). Under the RRC, residents have the right to return to a newly constructed or rehabilitated public housing unit. The RRC allows for no term limits.

The term limit waiver is simply bad policy and lessons from welfare reform demonstrate this. The CHA term limit is similar to the 5 year (or 60 month) term limit that was placed on welfare recipients in 1996. No family that included an adult can receive TANF assistance more than 60 months.<sup>11</sup> While people believe and there is data showing that the time limits decreased

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program. See 42 U.S.C. 607(d)

<sup>10</sup> As stated above, one of HUD's CSS exemptions is engagement in work activities. Therefore, if CHA does not expressly cite "engagement in work activities" as an exemption, CHA must at minimum acknowledge all of the "work activities," as defined by HUD, either in the activities listed in ¶ 24(c) or in its Safe Harbor provision (¶ 24(e)).

<sup>11</sup> Wendy Pollack, *Introduction to TANF*, CLEARINGHOUSE REVIEW, p. 457, January-February 2003.

the “welfare rolls” and, therefore, people are now more self-sufficient, it is important to take a careful look at this data. We urge the CHA to not fall into a similar trap of thinking that term limits will necessarily lead people to become homeowners or private market renters.

As of July 1, 2002, five years after welfare reform, families in almost every state reached their time limit.<sup>12</sup> The families that reached the time limit are known in the welfare system as the “hard to serve” and the barriers that kept them from working were similar across the board: education, experience, skills (less than a high school education, low work experience, fewer than four job skills, knows five or fewer work norms); perceived discrimination (reports four or more instances of discrimination); transportation (has no car and/or driver’s license); mental health and substance abuse (major depressive disorder, posttraumatic stress disorder, generalized anxiety disorder, alcohol dependence, drug dependence); physical health (mother has health problem, child has health, learning, or emotional problems); and domestic violence (severe abuse within the last year).<sup>13</sup> During the first two years of welfare reform in Illinois, these barriers were clearly having an impact. For the first 21 months of the program in Illinois, one out of nine cases had used all 21 months of TANF eligibility, almost 19 percent had used 20 or 21 months, and almost 35 percent had used at least 17 months.<sup>14</sup> The likelihood of being unable to work and, therefore, “timing out” increases with a severe experience of one barrier or, more commonly, the experience of multiple barriers.<sup>15</sup> While data may indicate a drop in welfare rolls, the same cannot be said for poverty levels. In Wisconsin, between 1986 and 1997, the number of people on welfare fell by 67 percent, but the number of people in poverty fell only 12 percent.<sup>16</sup> Also, those individuals who made it off the “rolls” were employed only at rates between 50 percent and 80 percent.<sup>17</sup>

The aforementioned barriers for welfare recipients are similarly experienced by many CHA residents. CHA should look at how time limits affected and still affect families receiving welfare and keep in mind that each family is different and moves at a different pace toward economic security. Just like some families on welfare were unable to find and keep jobs, some families in public housing are unable to reach the ultimate goal of renting or buying in the private

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<sup>12</sup> Id.

<sup>13</sup> John Bouman, *A High Dive into a Water Glass? Serving the “Hard to Serve” in Welfare to Work*, CLEARINGHOUSE REVIEW, p.488, January-February 2000.

<sup>14</sup> Id. at 486-487.

<sup>15</sup> Id. at 489.

<sup>16</sup> Id. at 500.

<sup>17</sup> Id.

market. The reality that some families move slower to reach this goal or cannot reach this goal should not be grounds for eviction because if it is, the result will be additional homelessness in the streets of Chicago. "Federal housing assistance programs of HUD can make significant contributions by helping some. . . families make a successful transition to financial self-sufficiency and by making sure that persons unable to work their way out of poverty at least have homes in which to live."<sup>18</sup>

Finally, as a practical matter, the imposition of time limits would lead to an administrative and fiscal nightmare. For example, if CHA has a normal 15% turnover rate and then imposes a 5-year term limit, CHA could have a 35% turnover rate per year in the family developments. The cost of repainting and preparing more than one-third of the family units each year would be staggering. CHA would lose at least one month's rent for preparing each unit and re-renting it, resulting in a minimum vacancy rate of 3% ( $35\% \times 1/12$ ). However, even more important, such a high turnover rate will destabilize communities. If the goal is building viable communities, CHA does not want to create such an arbitrary revolving door for public housing families.

At the April 8, 2008 CHA morning public hearing forum, CHA's CEO, Lewis Jordan stated that term limits were not going to be imposed as of right now, and so the CAC requests that CHA not take a step backward and seek a term limit waiver from HUD. Such a waiver will only lead to an increase of homeless families on the streets of Chicago.

#### **B. CHA Wants to Change the Universally Accepted Definition of Rent**

Federal law currently allows CHA to charge no more than 30% of a resident's income as rent.<sup>19</sup> This law is commonly known as the Brooke Amendment and it is the universally accepted definition of affordable rent because it allows a family to use the remainder of its income to pay for food, gas, electricity, and other necessities of life. Senator Brooke who initiated the law stated that a cap was needed on the rent that could be charged to public housing tenants so as not to "exclude the very poorest and most needy of our citizens from participation in public housing projects."<sup>20</sup>

CHA is requesting a waiver of this 30% rent calculation cap. See Proposed MTW, Attachment C(11) and (D)(2)(a). However, similar to the term limit waiver, CHA does not

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<sup>18</sup> David B. Bryson, *Housing for Families with Children and the Welfare System*, CLEARINGHOUSE REVIEW, p.474, January-February 1999.

<sup>19</sup> 42 U.S.C.A. 1437a

<sup>20</sup> 115 CONG. REC. 26,721-22 (Sept. 23, 1969).

define this rent calculation waiver. The definition of rent reasonableness, income, and earned income can all be changed if the waiver is granted. Also, it is unclear if residents will now have to pay 40%, 50%, 60%, or even more of their incomes toward rent. If the waiver is granted, any of these percentages are possibilities which will cause a strain on families and result in additional evictions and homelessness when residents are unable to pay higher rents.

### **C. Local Lease Waiver**

The local lease waiver set forth in ¶ C(9)(b) of Attachment C fails to include important resident protections and resident consultation requirements found in the current MTW agreement. Under the current MTW Agreement (Part I, ¶ 18), any proposed local lease would be:

subject to State and local law, would not permit no-cause evictions, and would retain a grievance process. HUD agrees with CHA that any such provisions may be adopted only after full public comment and hearing, including input from CAC/LAC, and formal amendment to CHA's Admission and Occupancy Policy. Unless HUD subsequently approves a waiver request from CHA, lease provisions must be consistent with the minimum requirements of leases established in 24 CFR 966.

These requirements should be reinstated in ¶ C(9)(b) of Attachment C of the Proposed MTW Agreement.

### **D. Requisite Resident Consultation and HUD Oversight Lacking In Attachment C Waivers**

Attachment C waivers that are ultimately proposed by CHA should be subject to greater HUD oversight and resident consultation requirements. Under the proposed MTW Agreement (¶ A(3) of Attachment C), "authorizations listed in this Attachment C are granted fully without requiring any additional HUD authorizations." Moreover, "meaningful citizen participation" in reviewing proposed CHA waivers is not adequately defined. Paragraph A(3) should be amended to require specific HUD approval of any proposed Attachment C waivers and include the resident participation requirements that are currently applicable to proposed local leases. See MTW Agreement (Part I, ¶ 18).

## **IV. CHA/HUD Resident Protection Agreement Should Be Included.**

In the current MTW agreement, HUD has mandated compliance with a Resident Protection Agreement. See MTW Agreement, Part II. This resident protection agreement includes provisions that address the following areas: Section 8 Market Study, Relocation and Demolition Schedules, Monitoring of the Section 8 Contract, Fair Housing Commitment, and

Chicago Housing Authority

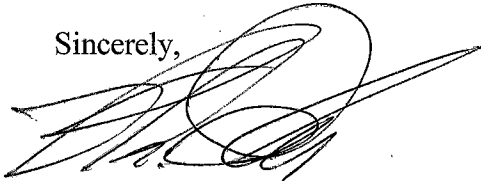
April 15, 2008

Page 14

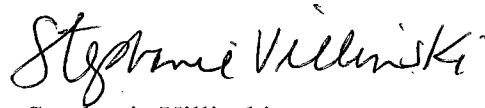
Relocation Process and Rights of Relocates. These sections should be updated and included as part of the Restated and Amended MTW Agreement.

In conclusion, the CAC urges CHA to adopt its recommendations as set forth above and is available to discuss in further detail alternative language to implement these recommendations.

Sincerely,



Richard M. Wheelock  
Attorney at Law



Stephanie Villinski  
Attorney at Law

cc: Mary E. Wiggins  
Robert Whitfield  
Jorge Cazares  
Courtney Minor, Assistant General Counsel for the Midwest, U. S. Department of  
Housing and Urban Development (HUD)  
Steve Meiss, Illinois Director of Public Housing, HUD  
Congressman Danny Davis  
Senator Dick Durbin  
Evelyn Diaz  
Linda Kaiser

Enclosures

DANNY K. DAVIS

7TH DISTRICT, ILLINOIS

COMMITTEE ON  
GOVERNMENT REFORM AND OVERSIGHT  
COMMITTEE ON SMALL BUSINESS DISTRICT OFFICE:  
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1222 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-5006**Congress of the United States****House of Representatives****Washington, DC 20515-1307**

February 1, 2008

Steven Meiss  
Director, Illinois Office of Public Housing  
U.S. Department of Housing and Urban Development  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

Re: CHA's waiver request regarding 24 CFR Part 964 (resident participation)

Dear Mr. Meiss:

As you know, federal law (24 CFR Part 964) requires that public housing authorities recognize and financially support public housing resident councils. However, I have been informed that CHA is requesting that HUD waive this federal requirement for the mixed-income communities being built under its Plan For Transformation.

I am deeply disturbed by this waiver request, and ask that HUD deny this request. Public housing residents are entitled to their own voice, even in these mixed-income communities and perhaps more so. Tenants take more ownership in where they live if they have an actual voice in their community. Market-rate homeowners through their condo and townhouse associations have a legally recognized voice. Why not public housing residents? I believe that the concern that somehow public housing families thereby will be stigmatized is greatly outweighed by the community building that will be engendered by giving these families a true voice in their own communities.

Please contact me at your earliest convenience regarding this matter.

Sincerely,



Danny K. Davis  
Member of Congress

DANNY K. DAVIS  
7TH DISTRICT, ILLINOIS

COMMITTEE ON  
GOVERNMENT REFORM AND OVERSIGHT  
COMMITTEE ON SMALL BUSINESS

## Congress of the United States

House of Representatives

Washington, DC 20515-1307

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February 1, 2008

Steven Meiss  
Director, Illinois Office of Public Housing  
U.S. Department of Housing and Urban Development  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

Re: CHA's proposed work requirement

Dear Mr. Meiss:

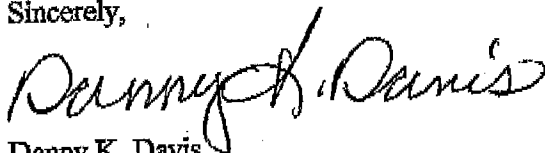
On December 18, 2007, the Chicago Housing Authority Board approved the FY2007 Residential Lease Agreement for its public housing residents. The lease, which goes into effect July 1, 2008, includes a new work requirement for all able-bodied adults in the household. Families who do not comply with this requirement may be evicted. While I support this new work requirement, I am concerned that if not properly applied, such a requirement could result in needless homelessness for this vulnerable population. As you can appreciate, this will have a disparate impact upon people protected under the Fair Housing Act, including African-Americans, women (because the vast majority of families are female heads of household), and children. Therefore, it is incumbent upon HUD to insure that this requirement is implemented in a manner that will minimize unfair evictions of families who are unable to find work.

CHA and the City of Chicago have announced that they are launching a new service connector program, called FamilyWorks, that will provide critical social services, including employment and day care referrals, to public housing families subject to this new work requirement. CHA has touted this new program as a guard against any family being evicted because of the new work requirement. However, the requests for proposals for FamilyWorks have just been issued and this program will not be launched until much later this year.

I am, therefore, making to you the following request: please instruct CHA (1) to delay implementation of the work requirement until much later this year until such time that the City is certain the FamilyWorks will be up and running, and (2) to launch the work requirement as a one-year pilot program at only one public housing development so that the kinks can be worked out of the program, to insure that no family is unfairly evicted.

Please contact me at your earliest convenience regarding this matter.

Sincerely,



Danny K. Davis  
Member of Congress