



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-5000

ASSISTANT SECRETARY FOR
PUBLIC AND INDIAN HOUSING

April 19, 2011

Ms. Laurie Newson
Executive Director
Housing Authority of Cook County
175 West Jackson Blvd, Suite 350
Chicago, Illinois 60604

Dear Ms. Newson:

Due to the *Jenkins v. HUD* litigation concerning the October 29, 2010, approval of the Housing Authority of Cook County's (HACC) application for demolition of Celina Blake Homes, HUD has compiled the Administrative Record which sustains the Department's final agency action. After examining the documents contained in the record, the Department has determined that the approval was contrary to law.

42 U.S.C. § 1437p(b) mandates that "the Secretary shall disapprove an application submitted under subsection (a) if the Secretary determines that—(1) any certification made by the (PHA) under that subsection is clearly inconsistent with the information and data available to the Secretary or information or data requested by the Secretary" (emphasis added). Further, 24 C.F.R. § 970.29(a) provides that:

HUD will disapprove an application if HUD determines that:

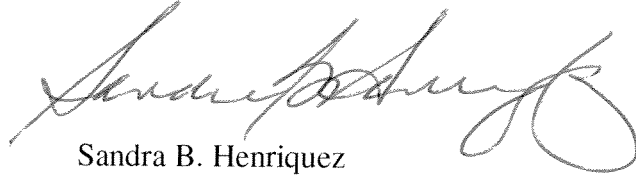
- (a) Any certification made by the PHA under this part is clearly inconsistent with . . .
- (2) Any information and data available to HUD related to the requirements of this part, such as failure to meet the requirements for the justification for demolition or disposition as found in §970.15 or 970.17; or
- (3) Information or data requested by HUD[.]

In a demolition application document entitled "Exhibit A: Reason for Removal, PHA Certification of Compliance Section 18 Demolition" the HACC certified the following: "The building foundations of the Celina Blake Homes units have been compromised by termite infestation, as well as sewer and water network problems." The Special Applications Center (SAC) directed a total of three HUD engineers to travel to Celina Blake Homes to try to confirm the data provided to HUD by the HACC regarding the project's obsolescence. On two separate site visits, these engineers could not confirm the existence of any termite infestation or sewer problems. In addition, HACC employees disclosed to the engineers that they were not aware of any termite infestation or sewer problems.

Pursuant to 42 U.S.C. § 1437p(b) and 24 C.F.R. § 970.29(a)(2)-(3), the Secretary determines that certain information found in the HACC's Celina Blake demolition certification is clearly inconsistent with information and data available to the Secretary and the data requested. For that reason, effective immediately, the October 29, 2010, approval for demolition for Celina Blake Homes (IL025000006), executed by SAC Director Ainars Rodins, is hereby rescinded. The HACC's October 22, 2009, application for the demolition of the Celina Blake Homes is disapproved.¹

Notwithstanding the determination and rescission made in the preceding paragraph, there is ample evidence in the Administrative Record to satisfy 42 U.S.C. § 1437p's obsolescence requirement and for HUD to re-approve another demolition application that fulfills the requisite statutory and regulatory requirements. Staff at the SAC will be available to provide technical assistance should the HACC decide to prepare and submit another application for the demolition of Celina Blake Homes in the immediate future. Please contact Ainars Rodins should you have further questions at (312) 913-8766.

Sincerely,



Sandra B. Henriquez
Assistant Secretary

¹ The approval for the Edward Willet Homes (IL025000012), contained in the same October 29, 2010 document, is still valid.