

2004

## CHA's "Plan for Transformation": A Status Report

Karine Polis

Follow this and additional works at: <http://lawcommons.luc.edu/pilr>



Part of the [Housing Law Commons](#)

---

### Recommended Citation

Karine Polis, *CHA's "Plan for Transformation": A Status Report*, 9 Pub. Interest L. Rptr. 15 (2004).

Available at: <http://lawcommons.luc.edu/pilr/vol9/iss1/5>

This Feature is brought to you for free and open access by LAW eCommons. It has been accepted for inclusion in Public Interest Law Reporter by an authorized administrator of LAW eCommons. For more information, please contact [law-library@luc.edu](mailto:law-library@luc.edu).

gious institutions, both faith-based and secular agencies continue to feed the hungry, employ the jobless, shelter the homeless, educate the disadvantaged and empower the disabled; and while the competition for grants may have grown, the more important question is how to serve so many disadvantaged people.

"There are more groups trying to do more with less," said Nelson of Bethel New Life. "There are drastic and unacceptable shortages of affordable housing for low-income families and seniors. What is really important is that HUD and the federal government have fewer dollars for any kind of programs or efforts with low-income people, whether they be faith-based or not."

1. Exec. Order No. 13199, 66 Fed. Reg. 8499 (Jan. 31, 2001), available at <http://www.whitehouse.gov/news/releases/2001/01/20010129-2.html>.

2. Bethel New Life, Inc., About Bethel, at <http://www.bethelnewlife.org/about.html>.

3. Press Release, Senior Service America, *Faith-Based Groups Help Chicago Seniors Find Jobs* (Sept. 19, 2002), at <http://www.seniorserviceamerica.org/news/nwschicago.html>.

4. Press Release, U.S. Dept. of Health and Human Services, *HHS Awards Grants to Improve the Capacity of Faith and Community-based Organizations to Serve People in Need* (Sept. 22, 2003), at [http://www.acf.hhs.gov/programs/ccf/citizens/citizens/citizens\\_hricgc.html](http://www.acf.hhs.gov/programs/ccf/citizens/citizens/citizens_hricgc.html).

5. E-mail from Mary Nelson, President and CEO, Bethel New Life, Inc., to Katherine Licup (Jan. 23, 2004) (on file with the author).

6. Press Release, White House, *Fact Sheet: White House Office of Faith-based and Community Initiatives* (Sept. 22, 2003), at <http://www.whitehouse.gov/news/releases/2003/09/20030922-1.html>.

7. Exec. Order No. 13199, 66 Fed. Reg. 8499 (Jan. 31, 2001), available at <http://www.whitehouse.gov/news/releases/2002/12/20021212-6.html>.

8. White House, *President Bush's Faith-Based and Community Initiative Overview*, at [http://www.whitehouse.gov/government/fbci/our\\_page\\_ofbci.pdf](http://www.whitehouse.gov/government/fbci/our_page_ofbci.pdf) (last visited Jan. 30, 2004).

9. White House, White House Office of Faith-Based Initiatives, at [www.fbci.gov](http://www.fbci.gov) (last visited Jan. 30, 2004).

10. *Faith-based Bias: How the White House is Tilting the Playing Field, Church and State*, Sept. 2003, at <http://www.au.org/church-state/03-09-editorial.htm>.

11. Exec. Order No. 13279, 67 Fed. Reg. 77,141 (Dec. 16, 2002).

12. Telephone Interview with Kenneth Brucks, Region V Community and Faith-Based Initiatives Coordinator, Dept. of Housing and Urban Development (Jan. 22, 2004).

13. White House, Conference Home Page, at <http://www.dtiassociates.com/fbci/index.cfm> (last visited Jan. 30, 2004).

14. Anne Farris, *Federal Homeless Grants Target Faith-Based Providers, The Roundtable on Religion and Soc. Welfare Pol'y*, Jan. 12, 2004, at [http://www.religionandsocialpolicy.org/news/article\\_print.cfm?id=1162](http://www.religionandsocialpolicy.org/news/article_print.cfm?id=1162).

15. Press Release, U.S. Dept. of Housing and Urban Development, *Illinois Receives Record of More than \$65.6 Million to Help the Homeless* (Dec. 19, 2003), at <http://www.hud.gov/local/il/news/2003-12-19.cfm>.

16. Ira Lupu and Robert Tuttle, *Legal Update: A Preview of the Pending Supreme Court Decision in Locke v. Davey, The Roundtable on Religion and Soc. Welfare Pol'y*, Oct. 14, 2003,

at [http://www.religionandsocialpolicy.org/legal/legal\\_update\\_print.cfm?id=20](http://www.religionandsocialpolicy.org/legal/legal_update_print.cfm?id=20).

17. *Locke v. Davey*, 299 F.3d 748 (9th Cir. 2002), cert. granted, 71 U.S.L.W. 3589 (U.S. May 19, 2003) (No. 02-1315).

18. Ira Lupu and Robert Tuttle, *Legal Update: A Preview of the Pending Supreme Court Decision in Locke v. Davey, The Roundtable on Religion and Soc. Welfare Pol'y*, Oct. 14, 2003, at [http://www.religionandsocialpolicy.org/legal/legal\\_update\\_print.cfm?id=20](http://www.religionandsocialpolicy.org/legal/legal_update_print.cfm?id=20).

## CHA's "Plan for Transformation": A Status Report

Karine Polis

In 1995, the Chicago Housing Authority (CHA) began to relocate public housing residents in order to rebuild CHA buildings. The CHA sought to renew the physical structure of their properties and promote self-sufficiency for public housing residents by replacing high-rise structures with mixed-income town homes and low-rise buildings.<sup>1</sup> Using Section 8 vouchers, public housing residents vacated high-rise structures and were relocated under the CHA's "Plan for Transformation."<sup>2</sup> Roughly 3,200 families were relocated from the high-rises to private housing units using Section 8 vouchers.<sup>3</sup> One of the primary goals of the CHA's plan is to end racial and class isolation, but critics argue that these families are being relocated to areas that are overwhelmingly African-American and poor.<sup>4</sup>

In October 1999, the CHA enacted a Relocation Rights Contract, an initiative that is part of the Plan for Transformation that grants CHA residents the right to return to their communities after the demolition and rehabilitation process is complete.<sup>5</sup> Approximately 25,000 families have relocated under the Relocation Rights Contract,<sup>6</sup> however the same pattern of relocation into disproportionately poor communities with an overwhelmingly African-American racial composition is apparent with this group as well.<sup>7</sup> Many public housing residents were enraged with what they perceived as a "perpetuation of

segregation" and filed a class action lawsuit in 2003 to confront the CHA on their empty promises, *Wallace, et al. v. The Chicago Housing Authority*.<sup>8</sup>

According to the CHA, the Plan for Transformation "represents a new beginning for public housing in Chicago and it provides an opportunity to change the stigmas of the past and create a new culture of success and hope" for CHA residents.<sup>9</sup> The CHA formed partnerships with other city agencies to offer residents services including employment assistance, substance abuse counseling, and guidance on how to become lease compliant. The demolition of the CHA high-rises to create mixed-income communities and rehabilitation of dilapidated CHA low-rises will ideally provide CHA residents with greater economic opportunities and a safer and more prosperous living environment. Also, all individuals who remain lease compliant and pass the CHA's screening process will have an unequivocal right to return to these newly constructed areas.<sup>10</sup> To pass the CHA's screening process, all individuals over the age of eighteen that are listed on the lease must pass a drug test, undergo credit

## FEATURES

checks, obtain employment, and pass a criminal background check.

Under the Section 8 voucher program, 94 percent of relocatees moved to areas with an 80 to 100 percent concentration of African-Americans and 97 percent were relocated to the South Side or West Side.<sup>11</sup> These areas are characterized

**"I want to wake up one day and have a white neighbor on one side of the house and a Hispanic neighbor on the other side and I want my children to attend good schools that are diverse and safe."**

by economic despair with low median incomes and high poverty rates.<sup>12</sup> In addition, these neighborhoods host high crime rates, poor school systems, and inadequate municipal services.<sup>13</sup> This is a difficult situation for the CHA since more affluent communities, which could provide CHA residents with increased opportunities, fear the arrival of CHA structures in their community due to the negative stigma that plagues public housing. Also, Cabrini Green, which is surrounded by areas of economic prosperity and development, is being converted into mixed-income communities and those individuals wish to return and have complied with the CHA's requirements will have the opportunity to do so.

Unfortunately, though, the CHA residents who were relocated prior to the enactment of the Relocation Rights Contract do not have the right to return to their communities. Similarly, those individuals that were relocated after the Contract still have to comply with rigorous

requirements in order to be eligible to return. Ideally, CHA's requirements are meant to assure that those who will be returning to these mixed-income and newly renovated areas will be able to maintain their communities and become more self-sufficient, but is this may not be a realistic goal. The rate of incarceration for African-American males between the ages of 15 and 25 coupled with a lifetime of living in an impoverished area that harbors crime and drug use may make it difficult for families to return.

Approximately 91 percent of all CHA residents relocated after October 1999 want to return to their communities now that they are going to be revitalized and turned into viable mixed-income communities.<sup>14</sup> However, the average rate of return of residents who are relocated from public housing is a mere 12 percent.<sup>15</sup> Still, the requirements that are set forth by the CHA are meant to protect the residents moving back to their communities by assuring these people that they will no longer be surrounded by drug users, gangs, and criminals. Those people that are able to comply with the CHA requirements will now have the opportunity to live in a community that will be sure to prosper and this is the primary objective of the Plan for Transformation.

Rajesh Nayak, a Staff Attorney at the Sargent Shriver National Center on Poverty Law, is one of the attorneys representing the CHA residents in the Wallace class action. He explains "to build successful mixed-income housing, it is necessary to look at the surrounding areas. A more affluent community

will be better suited to incur more public housing and will provide residents with real opportunities to prosper."<sup>16</sup> He continues by stating "situating CHA residents in poor neighborhoods and implementing programs that discourage them from returning to their newly renovated communities is a real injustice."

Diane Wallace, a plaintiff in the lawsuit, agrees and states that she "wants to wake up one day and have a white neighbor on one side of the house and a Hispanic neighbor on the other side and she wants her children to attend good schools that are diverse and safe."<sup>17</sup>

So the obvious question might be for whom is the CHA rebuilding these public housing units? There are those who are comfortable in their new homes such as Chavele Adams who now lives in a 4-bedroom house that she claims is "big and roomy and much more private" than her apartment at the Robert Taylor Homes.<sup>18</sup> Also, CHA senior units are being revamped at a much more generous pace than the family units so these individuals are not being kept away from their homes for such a



long period of time. The CHA estimates that the 25,000 projected units will be completed by 2009.<sup>19</sup> Once these are complete, those who have complied can move back and be

offered opportunities that have not previously been available. Still, those people who are relocated to areas that are not as economically stable and that either were not given the right to return or were unable, for screening reasons, will continue to live in economically desperate communities with little or no chance of reaping the benefits that the CHA's Plan for Transformation aspires to provide to its displaced residents.

The future of the Plan for Transformation is indefinite. Some CHA residents are content in their new surroundings, while others feel that the CHA has denied them the opportunities that will be available in these new mixed-income communities. The Wallace case addresses many of these overwhelming issues and, as a result, CHA may decide to implement a relocation plan that is better able to suit the needs of public housing residents. Still, as of today, the CHA's Plan for Transformation has accomplished little more than the extensive demolition of CHA high-rise structures.

1. Chicago Housing Authority, *The CHA's Plan for Transformation*, (2004) at <http://www.thecha.org>.
2. Fischer, Paul, *Where are the Public Housing Families Going? An Update*, (Jan. 22, 2003), available at <http://www.povertylaw.org>.
3. *Id.* at 12.
4. *Id.* at 1.
5. Plaintiff's First Amended Complaint at 8, *Wallace, et al. v. The Chicago Housing Authority, et al.* (2003) (No. 03 C 0491).
6. Sargent Shriver National Center on Poverty Law, *Plan for Transformation Year 5 - NCPL's Analysis*, (2004), at <http://www.povertylaw.org>.
7. Fischer, *supra* note 2 at 13.
8. Silver, Daniel, *Families file lawsuit against CHA for forcing them to move to poor communities*, (Jan. 23, 2003) available at <http://xavier.cs.northwestern.edu>.
9. *Chicago Housing Authority*, *supra* note 1
10. *Id.*
11. Fischer, *supra* note 2 at 5.
12. *Id.* at 6.
13. Plaintiff's First Amended Complaint at 2, *supra* note 5.
14. Sargent Shriver National Center on Poverty Law, *Hearing on Hope VI and the Low Income Housing Crisis*, (2003), at <http://www.povertylaw.org>.
15. False HOPE, *A Critical Assessment of the HOPE VI Public Housing Redevelopment Program*, June 2002, prepared by the National Housing Law Project, Poverty & Race Research Action Council, Sherwood Research Associates, and Everywhere and Now Public Housing Residents Organizing Nationally Together (ENPHRONT).
16. Rajesh D. Nayak, Staff Attorney, Sargent Shriver National Center on Poverty Law.
17. Silver, *supra* note 8.
18. Chicago Housing Authority, *Resident Stories - Chavele Adams*, (2004) at <http://www.thecha.org/relocation/chavele.adams.html>.
19. Chicago Housing Authority, *supra* note 1.

# Illegal Mahogany Lands Greenpeace in Federal Court

Mary E. O'Malley

The environmental group Greenpeace has a new, albeit unwanted label: criminal defendant. *United States of America v. Greenpeace, Inc.* marks the first time that a public-interest organization must defend itself against criminal charges for the protest activities of its members.<sup>1</sup> Greenpeace claims the government action is a "heavy-handed attempt" aimed at punishing prior protests against the Bush Administration. Assistant U.S. Attorney Cameron Elliott claimed in court papers that Greenpeace simply broke the law.

## Civil Disobedience or Sailor Mongering?

On April 12, 2002, *Jade*, a cargo ship carrying seventy tons of Brazilian-cut mahogany, lowered its fifty-foot ladder three miles off of the Miami coast. Exporting or importing Brazilian mahogany is illegal. A harbor pilot climbed aboard to steer the ship into the Port of Miami, but he was not alone. Reacting to intelligence that indicated mahogany was on board, Scott Anderson and Hillary Hosta, hired by Greenpeace, leapt from inflatable boats to climb aboard *Jade*. Toting a banner stating "President Bush, Stop Illegal Logging," the two activists climbed up the ladder.

However, the activists were stopped before they could unfurl the banner. They and fellow demonstrators pled no contest to a misdemeanor charge of "sailor mongering" and

paid fines between \$100 to \$500. "Just another day at the office for Greenpeace," said Scott Paul, one of the arrested protestors. But that was only the beginning.

In July 2003, fifteen months after the arrests, a federal grand jury indicted Greenpeace. The government charged Greenpeace with violating a 19th century federal law originally intended to stave off brothel owners from climbing aboard ships "about to" dock. Owners used to row out to incoming ships and persuade sailors to patronize the brothels upon docking. Responsive sailors were soon parted with their money.

The government likens Greenpeace and its protestors to those brothel owners. The indictment announced that Greenpeace supplied money and people to facilitate the Florida protest. The user of a single Greenpeace corporate credit card rented the rafts and small boats used to stop the *Jade*.

The Danger of Mahogany  
The *Jade* occurrence evolved from Greenpeace's work in protecting forests, such as the Brazilian Amazon.<sup>2</sup> Mahogany is the only Amazonian wood valuable enough to entice loggers into the rainforest.<sup>3</sup> Roads built by mahogany loggers cause the Amazon's destruction.<sup>4</sup> Clean air and water, animal and plant species, and people and cultures are all threatened by deforestation.<sup>5</sup>

Dealing in mahogany contraband also requires playing a dangerous game. Large criminal enterprises