

**THE LATINO CONSENT DECREE 10 YEARS LATER:  
INCREASING LATINO ACCESS TO CHICAGO HOUSING  
AUTHORITY PROGRAMS**

**A BRIEFING PAPER PREPARED BY**



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## **Executive Summary**

In 1994 Latinos United filed lawsuits against the largest provider of affordable housing, the Chicago Housing Authority and its parent, the US Department of Housing and Urban Development. Consent Decrees were signed with these two agencies in 1996 and 1995 respectively. Seeking remediation for past discrimination of Latinos from access to housing, the decrees included provisions for inclusion of Latinos in waiting lists, remediation vouchers, development of bilingual systems, and special outreach to the Latino community.

Today, after ten years of the Consent Decrees, the Latino community is taking pause to reflect on this experience and to determine the next steps given the changing population in the city and the ongoing transformation of public housing.

### **Progress**

- When looking across all programs Latinos have gained significant access only to scattered-site units comprising 23.59% of those participating in the program.
- Spanish-language translations are more widely available than before the consent decree.
- Three Latino site offices with fully bilingual staff are now available in Humboldt Park, Pilsen and South Chicago. The Spanish Coalition for Housing operates them providing a wide range of services from intake and outreach to referrals.
- The CHA has bilingual staff in the Executive Office, Board of Commissioners, Development Management, Finance, Operations, General Counsel, Internal Support, Internal/External Communications, and Resident Services.
- Latinos United secured substantive changes in the way the Chicago Housing Authority collected and reported data on applicants to their programs that now provide a clearer understanding of Latino participation in CHA programs.

### **Remaining Challenges**

Perhaps the biggest challenge in the implementation of the consent decree has been the CHA's reluctance to integrate the spirit of the decree into its operating practices, as evidenced in the Plan for Transformation. Although the consent decree stipulates that its mandates are applicable to any current or future subcontractors and parties inheriting the duties of the agency, The Plan for Transformation did not integrate the necessary elements to create opportunities for Latinos to access its programs or services.

- In determining the number of units to be rebuilt or rehabilitated, the Plan for Transformation ignored its obligation to Latinos as determined by the Consent Decree.
- The use of housing choice vouchers as part of the relocation of residents in the Plan for Transformation reduced the number that could be available for both the General Wait List and the Latino Wait List.
- The U.S. Department of Housing and Urban Development is reducing funding to housing authorities, limiting their ability to provide additional housing choice vouchers to meet demand.
- Overlapping legal responsibilities and priorities regarding the Plan for Transformation undermine the reach of the Latino Consent Decree.
- Plaintiffs could not fully determine compliance with the decree due to inconsistent and often incomplete reporting on the part of CHA, high levels of turnover in the position of the

liaison in charge of monitoring compliance, assignment of duties that were unrelated to the liaison position, non-compliance with quarterly meetings and an often uncooperative environment in the quarterly meetings with the monitoring committee.

### **Changing Housing Context**

The number of Latinos has grown dramatically in the last three decades to the point of reversing the steady population decline in the City of Chicago taking place since the 1960s. Latinos are now the main source of population increase in the City of Chicago and its Metropolitan Area. Changing trends in the cost of living in Chicago - especially in the housing market, and widespread gentrification, have brought housing values and rentals to levels far beyond the reach of Latinos and most lower-income families causing a generalized housing crisis. This change in the local housing market makes many of the mandates in the Latino Consent decree especially relevant to the Latino community today, particularly in public housing.

### **Recommendations Regarding the Latino Consent Decree**

- Fold all elements in the consent decree into the Plan for Transformation requiring that developers develop bilingual and bicultural capacity to conduct outreach to Latinos, properly inform and assist them with applications, and diversify their tenancy to reflect the multiracial and multicultural composition of the city. Reporting and monitoring of progress should also be integrated into the Plan for Transformation reporting documents and should be made available to the public.
- Require compliance and reporting on the part of contractors along the lines of the consent decree.
- Stop the current practice of directing the resources of DOH, IHDA and other agencies to the Plan for Transformation and make sure that they support alternative forms of producing affordable housing for constituencies that do not fall under the CHA rubric or have very specific needs. Organizations serving Latinos, individuals with disabilities, battered women, people with AIDS and others should not be sacrificed to serve a single constituency as the one served by CHA.
- Promote and support the work of CDC's operating in communities throughout Chicago. Their intimate knowledge and relationship with their communities and the extremely creative ways they have developed to produce housing should be promoted rather than defunded for the sake of the Plan for Transformation. Not only do they serve special needs groups better but they do it in the context of natural communities while building community and self help with their work.

## **The Lawsuit and Settlement**

On February 28, 1994, five Latino organizations (Latinos United, Hispanic Housing Development Corporation, Bickerdike Redevelopment Corporation, Eighteenth Street Development Corporation, and Comité Latino) and five Latino community residents (Rosalia Rivera, Filomena Ceda, Raquel González Sypien, Gloria Cardona Quiñones, and Nilda Ortiz) filed a lawsuit against the CHA (Chicago Housing Authority)<sup>1</sup> and HUD (US Department of Housing and Urban Development) on behalf of all Latinos eligible for public housing in Chicago. The suit claimed administrative and operating practices of the CHA/HUD prevented Latinos from participating adequately in public housing programs.

On June 1, 1995 HUD and the plaintiffs agreed to a settlement that the U. S. District Court for the Northern District of Illinois Eastern Division sanctioned. This settlement provided Section 8 vouchers for 500 eligible Latino households and \$1.1 million in funding to educate the Latino community about the Section 8 program and to provide counseling to those families receiving the vouchers. One year later, on June 21, 1996, the plaintiffs and the CHA signed a separate consent decree also approved by the court. The settlements were based on the plaintiffs' claim that Latinos were being deprived of housing assistance on the basis of race, color and national origin, in direct violation of the Fourteenth Amendment to the U.S. Constitution<sup>2</sup>.

The lawsuits were the result of ten years of failed negotiations of a coalition of Latino organizations and individuals formed under the auspices of Mayor Harold Washington's Advisory Committee on Latinos Affairs (MACLA) in 1984 and incorporated as Latinos United in 1989. Both HUD and the CHA had consistently denied the allegations while failing to implement agreements reached with the coalition and organization. Many groups and individuals including the Mexican American Legal Defense Fund, the Puerto Rican Legal Defense and Education Fund, the Legal Assistance Foundation of Chicago, Business and Professional People for the Public Interest, Latino Institute, The National Council of La Raza, the National Puerto Rican Coalition, the Chicago Lawyers Committee for Civil Rights under the Law, Inc., the private law firms of Skaden, Arps, Slate et al., Didley and Austin, Adley and Kayser, and Sidley and Austin assisted Latinos United with research, development of the lawsuit, and the legal work involved.

## **Significance of the Settlement**

The lawsuit against the CHA was the first of its kind for Latinos in the United States. It charged a government agency with historical discrimination against a group on the basis of race, color and national origin.<sup>3</sup> Symbolically, it advanced the ideal that those government entities, acting as stewards of public resources, must employ affirmative practices to ensure that the various groups in the community meeting requirements for eligibility are made aware of, and understand how to access public programs and services. Indeed, the media and many institutions and individuals believed that the settlement would alter the face of public housing and racial integration in Chicago.<sup>4</sup>

Certainly, discrimination was not new within public housing: Chicago was a national case study about the segregation of African Americans in high concentrations of poverty. The 1966 Gautreaux Decree ratified this. Today, the Plan for Transformation is tearing down public housing high-rises and is redeveloping the land into mixed income housing changing the playing field along the way. It seeks to end the stigma and poverty concentrations of public housing by developing mixed-income communities that both eliminate such concentrations and help households out of poverty. Tearing down the high-rises, however, has proved traumatic as it disrupts and disperses the community and its social ties and destroys crucial survival networks and support mechanisms on which many

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<sup>1</sup> Defendants included the Chicago Housing Authority, U.S. Department of Housing and Urban Development, Vincent Lane, Robert D. Whitfield, and Former HUD Secretary Henry Cisneros.

<sup>2</sup> Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d)

<sup>3</sup> McRoberts, Flynn. "HUD Settles Latino Bias Suit." Chicago Tribune: June 9, 1995.

<sup>4</sup> Garza, Melita Marie. "The CHA Opens Section 8 Lists for Latinos." Chicago Tribune: April 23, 1996.

residents depended for their survival and advancement. Mixed income arrangements, meanwhile, try to develop highly engineered and controlled non-traditional communities across race and class. Additionally, the CHA must satisfy the demands of several site-specific consent decrees as different resident groups have fought to define and defend their communities.

Furthermore, *Wallace v. The Chicago Housing Authority*, which was settled in May of 2005, illustrates how little the CHA is doing to make sure current residents relocating out of public housing are not re-segregated into high-poverty, primarily African-American communities. After finding that most residents were not living in less segregated areas, the parties agreed to two relocation programs for current and former CHA residents: (1) CHA's current relocation program, encouraging moves to racially integrated areas of metropolitan Chicago and providing for case-managed social services, would be applied to families initially moving from public housing; and (2) an agreed-upon modified program run by CHA's voucher administrator, CHAC Inc., would encourage former CHA residents to relocate to economically and racially integrated communities as well as give them increased access to social services.<sup>5</sup>

## **Ten Years Later after the Latino Consent Decrees with HUD/CHA**

The CHA Latino Consent Decree is set to expire on June 21, 2006. After three decades of advocacy and ten years of the consent decree the community wants to know the answer to the question: ***“Is there better access for Latinos within Chicago Housing Authority programs?”***

The following data and considerations help to answer this question by examining changes in key indicators and practices between 1995 and 2006. There have been notable successes, particularly within the scattered site housing and mobility counseling programs. However, as with most endeavors seeking systemic change, significant challenges remain particularly as the Plan for Transformation – initiated four years after the Latino Consent Decree – changed the scope, approach and vision for public housing programs in the City of Chicago.

At this time it is particularly critical for the Latino community to reflect on the experience and decide how to move forward. In particular, we have to pay attention to the dramatic changes taking place since the decree was signed. Thus, three major tasks/issues deserve special attention:

- **Evaluating the impact of the Consent Decrees:** Was discrimination corrected? Has the CHA transformed itself to continue serving Latinos in the same way it has served other communities? Has the process been respectful of Latinos and their right to quality housing in non-discriminatory environments?
- **Integrating the spirit of the Consent Decree into the Plan for Transformation:** We have to consider here the fact that the Consent Decree addressed CHA as it existed at the time of the lawsuit. Although CHA was already working on a new plan, it did not disclose it to the community or tried in good faith to make sure that the decree included/extended to the Plan for Transformation. In this way, to some extent, the decree was obsolete and largely irrelevant at the time of signing.
- **Serving a growing and distinct Latino Community.** Latinos have grown at unexpected proportions in the last decades. This growth actually reversed the population decline for the City of Chicago and has been the major factor of population increase for the entire metropolitan area. A series of circumstances including de-industrialization, labor segmentation by race, and discrimination have ascribed Latinos low-wage jobs preventing them from buying their basic needs in the market with their wages. Latinos have been the most poorly housed group in the City and Metropolitan area of Chicago. In contrast, agencies providing affordable housing have excluded them largely from their ranks thus

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<sup>5</sup> *Wallace v. Chicago Housing Authority* No. 03 C 0491 (N.C. Ill. June 2, 2005) [www.povertylaw.org](http://www.povertylaw.org)

exacerbating the housing crisis of the community. The records of CHA, DOH, and IHDA, to mention only the major ones are dismal in this respect.

In short, there is a huge and growing disconnect between the realities of the Consent Decree, the agencies in charge of offering affordable housing to the population on an equal opportunity basis, the Plan of Transformation, and the priorities of the City of Chicago as it chooses to direct all resources to the success of a Plan with a dismal record vis-à-vis the Latino community.

## **Goals and Objectives of the Settlement**

The over-arching goal of the Latino Consent Decree was to change the ways the CHA operates so that funding, processing, and administrative practices of publicly assisted programs did not systematically prohibit or discourage Latinos from the opportunity to participate. Latinos United believed that the following components of the decree would begin to achieve that goal.

- Marketing and Outreach
  - Translation of forms and telephone automated systems into Spanish.
  - Establishment of two site offices with bilingual (Spanish-English) personnel.
- Bilingual Staffing
  - Make certain that an adequate bilingual (Spanish-English) staff at all levels of employment is available in those offices and locations where Spanish-speaking individuals residing in or registering for public housing may need assistance in Spanish.
- Monitoring and Reporting
  - Hiring of a Latino Liaison to ensure compliance with the consent decree throughout all departments of the CHA and its subcontractors and representatives.
  - Consultation with Plaintiff's representatives - In order to ensure the goals and objectives established by the consent decree were met. The CHA would report on a quarterly basis to discuss the implementation of the decree and other matters of concern to Latinos in Chicago.

Special instructions were also stipulated to directly benefit those individuals and families that were and/or may have been discriminated against. This was an effort to address previous discriminatory practices for those residents that could be identified.

- Reinstatement of households removed or "purged" from any CHA waiting list since January 1, 1980, because of their failure to respond to any notification from the CHA or to notify the CHA of the changes in address.
- Creation of a Section 8 Waiting List limited to individuals and families "who would have registered for the CHA's Section 8 program between 1974 and 1985 if the CHA had not been unlawfully discriminated against Latinos..."<sup>6</sup>

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<sup>6</sup> Latino Consent Decree: July 21, 1996.

## Latino Participation in CHA Housing Programs

Progress:

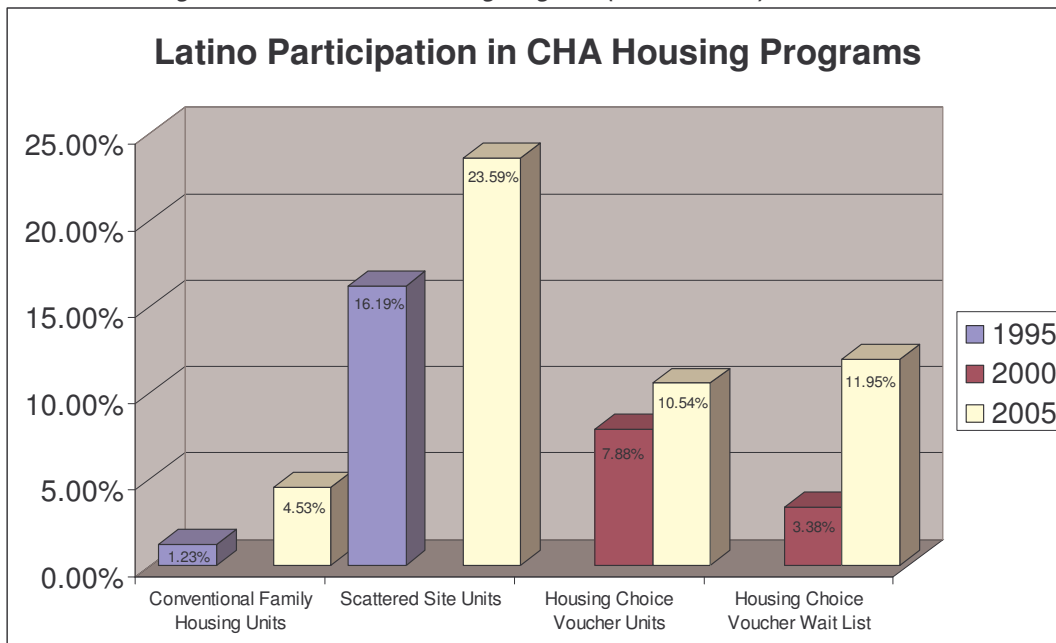
- When looking across all programs Latinos have gained significant access only to scattered-site units comprising 23.59% of those participating in the program.

The challenges:

- Participation in both the Conventional Family Housing Program and the Housing Choice Voucher Program has increased at a dismal rate. In 1995 Latinos comprised 1.23% of those in the former and 7.88% of HCV holders. As of the beginning of 2006, Latinos comprised 4.53% of those in Conventional Family Housing and 10.54% of HCV holders.
- Although the number of Latinos on the Waiting List for Housing Choice vouchers increased between 2000 and 2005 this only reflects access to a list and not to real housing units. As of December 2005 there were 988 Latinos on the Latino Wait List or 11% of the general Waiting list - this list includes 8,698 applicants some of whom are also Latino.<sup>7</sup>
- Several factors limit our ability to present a comprehensive analysis of results over time. They include inconsistencies in the quality and timeliness of CHA reports, prolonged vacancies in the Liaison position, and drastic changes in the CTA's reporting systems. In particular the way in which the CHA calculates the percentage of Latino participation in its programs exaggerates the "net gain" for Latinos (*see Monitoring and Reporting, p. 12*).

The table below describes Latino participation at the beginning of the consent decree and ten years later. Notice that data is not available to show the percentage of Latino participation for Conventional Family Housing Units and Scattered Site Units for the year 2000. Likewise, data is not available to show the overall growth from 1995 for Housing Choice Vouchers and the Housing Choice Voucher Wait List.

**Table 1. Percentage of Latinos in Public Housing Programs (1995 and 2005).**



<sup>7</sup> Demographic breakdown of participants in the General Wait List is not reported by the Chicago Housing Authority.

## **Marketing and Outreach**

### Progress

Spanish-language translations are more widely available than before the consent decree. Translated documents include notices to residents, applicants, advertising, and surveys. The quality of translations was of concern early on, but there has been some improvement recently. A portion of the website is also in Spanish.

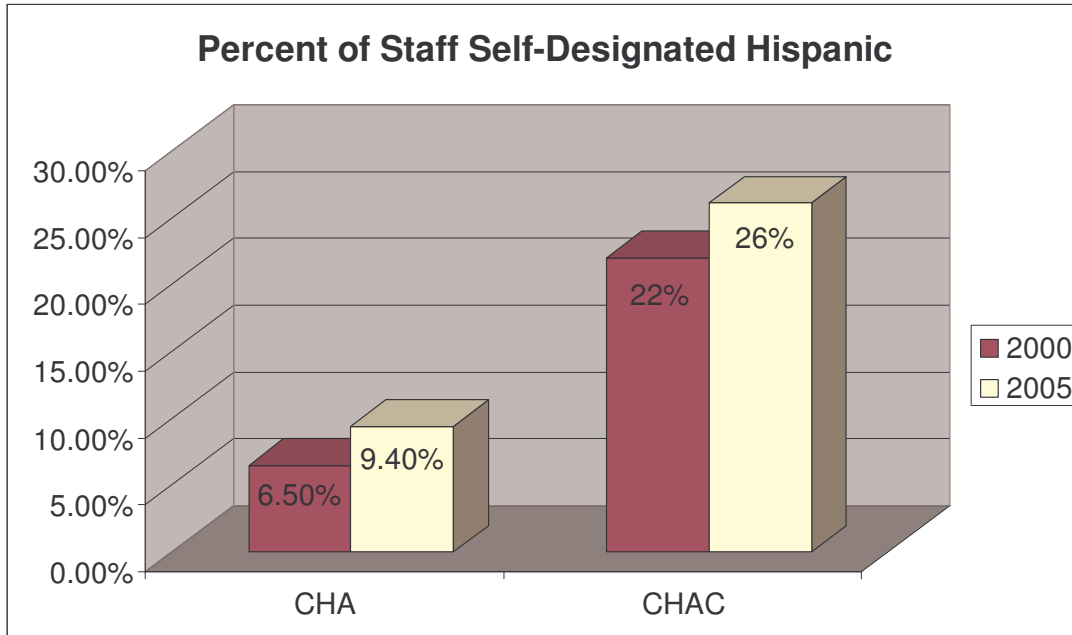
- Three Latino site offices with fully bilingual staff are now available in Humboldt Park, Pilsen and South Chicago. The Spanish Coalition for Housing operates them providing a wide range of services from intake and outreach to referrals.

### The Challenges

- Latinos currently participating in CHA housing programs are facing challenges with compliance of new and old rules and regulations imposed by the CHA. Language barriers and lack of experience navigating the system have in some cases put them at risk of losing their vouchers. This remains a concern for current and future residents.
- Although able to serve many families, Latino site offices often cannot meet their various needs. By not running a uniform set of programs, they put an additional burden on people who may have to travel to more than one office to get the proper information or assistance.
- Marketing to the Latino community at large has been inconsistent. Often times, marketers employ generic marketing tactics that do not reach the community. However, the Latino community – as other communities – requires special types of marketing and outreach strategies that are language appropriate and culturally relevant. This kind of effort can be labor-intensive and challenge the high technology world of today that either is not available to CHA customers or is not properly customized to diverse publics.
- A contrast between the high success of the initial outreach conducted by Latinos United and the bare bones successes of marketing efforts since testifies to the sharp cultural differences existing between different groups and the need to tailor them properly.

## Bilingual Staffing

Table 2. Percentage of Latino Staff in the CHA and CHAC (1995 and 2005).



### Progress

- The total number of bilingual Latino employees has increased overall during the consent decree period in both the CHA and CHAC. As of the 4<sup>th</sup> Quarter of 2005, there are 41 bilingual personnel out of roughly 494 employees at the CHA.
- The CHA has bilingual staff in the Executive Office, Board of Commissioners, Development Management, Finance, Operations, General Counsel, Internal Support, Internal/External Communications, and Resident Services.

### The Challenges

- In 2003 an informal audit by Latinos United found that many of the bilingual employees listed in monitoring reports no longer worked with the companies or organizations indicated and/or may have been replaced by non-bilingual employees.<sup>8</sup>
- The CHA does not report the number of employees that have been certified as bilingual. Although the CHA reports that they regularly notify staff regarding the existence of the consent decree and its implications for their work, they do not report or provide any information on how this is done, nor copies of those notices. Certainly, they do not collect information from them that could allow for an evaluation of unit distribution, compliance with the decree or possible violations.
- It is also unclear how the CHA ensures that subcontractors and developers of mixed income housing are aware of the decree mandates; as a result they may not have the proper bilingual staff or fail to market to the Latino community properly. In our repeated questions to the agency about this, we have always received inadequate answers ranging from the claim that the consent decree does not apply to this aspect to suggestions that we work with them. In general the agency has not complied with the requirement that these agreements apply to their contractors.

<sup>8</sup> Nagy, Gabriel Internal 2004 Latinos United Report Analysis.

## Monitoring & Reporting

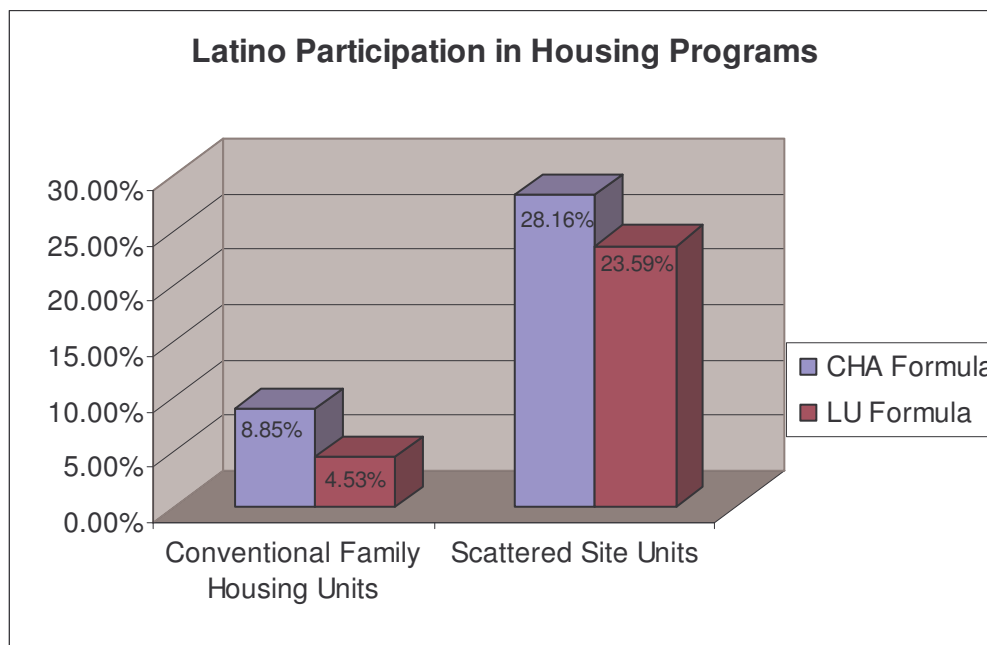
### Progress

- Throughout 2003, Latinos United fought for substantive changes in the way the Chicago Housing Authority collected and reported data on applicants to their programs. Working closely with the Latino Liaison, new reporting mechanisms were implemented that now provide a clearer understanding of Latino participation in the CHA programs.

### The Challenges:

- **Frequent lack of a Latino Liaison.** Vacancies and the hiring of a liaison that lacked the necessary qualifications to oversee the decree resulted in a period of approximately three years where the work was stalled or otherwise compromised. This had a direct impact on the scheduling of meetings in a timely manner – on a quarterly basis as had been stipulated in the consent decree. This severely compromised the opportunity for Latinos United to intervene on behalf of the community or monitor compliance.
- **Unwillingness on the Part of CHA to inform contractors about the decree and require compliance and reporting from them.** This is a crucial element as it is impossible to determine compliance with the terms of the agreement on the part of contractors and subcontractors and, most particularly, to determine the distribution of units in each of the developments by group.
- **Lack of appropriate data collection.** Particularly during the early years of monitoring, Latinos United realized that the CHA simply did not collect the kind of data that would be useful for measuring improvements in opportunity for any of its residents. Upgrades and changes in their collection methods severely limit long-term accountability about the growth of the Latino population in its programs.

Table 3: Latino Participation in Housing Programs CHA v. Latino United Formulas



As the table above illustrates, the CHA uses its own formula to report the percentage of Latinos in its programs. Since the Plan for Transformation called for an overall reduction in

the number of public housing units available to the poor, their formula (below) presents a snapshot of current conditions under the Plan for Transformation. The formula actually inflates the percentage of Latinos participating in the program because it is based in a figure established after the consent decree and thus not necessarily applicable to it.

**Total number of Latinos / Total number of occupied units = %Latino**

Latinos United uses the formula below based on the argument that the total number of units available at the time of the lawsuit were not underutilized and therefore not needed as the CHA contended, but that those units if rehabilitated could be used by the Latino community: Although somewhat integrating the CHA's spirit under the Plan for Transformation, this formula is more in line with the terms that existed at the time of the Consent Decree.

**Total number of Applicants / Total number of Units = %Latino**

## **The Plan for Transformation**

***This Consent Decree is binding on the CHA, its officers, employees, agents, successors and assigns, as well as any person or entity that, by contract or otherwise, administers, manages or supervises any program currently under the jurisdiction of the CHA, or any program that is the successor to or replacement of such a program. ” – Latino Consent Decree***

A consent decree is not meant to be infinite in its timeframe. However, the stipulations of a consent decree can be regarded as complete only when the organization charged with fulfilling its requirements can prove they have been fully incorporated into the everyday practices of the organization. Meanwhile, the spirit of the Consent Decree focused on partnering with CHA to make sure that it transformed itself from being an entrenched bureaucracy poorly serving and isolating a community into an accountable entity serving all constituencies within a multi-racial and multicultural spirit. In fact, if the agency had been working within the spirit of the decree, it would have taken the initiative to include all of its elements in the Plan for Transformation. Although not directly mandated by the consent decree, this was not outside the decree's binding agreement. Instead, CHA resorted to technicalities to avoid its own transformation in this direction and to comply with the minimum of the letter in the decree. As a result, over the life of the consent decree there has been ambiguity when determining what applies and/or does not apply to the Plan for Transformation. This ambiguity and spirit have harmed implementation and limited the scope and extent of the Consent Decree in significant ways:

- **In determining the number of units to be rebuilt or rehabilitated, the Plan for Transformation ignored its obligation to Latinos as determined by the Consent Decree.** In doing so, the CHA neglected its commitment to serve all communities that qualify for CHA services, and not just current tenants and waiting list applicants. At the end of the Plan for Transformation there will be a net loss of the amount of housing units available to ALL qualifying households, which means fewer units for Latinos than at the time of the Consent Decree.
- **The use of housing choice vouchers for the relocation of residents in the Plan for Transformation reduced the number that could be available for both the General Wait List and the Latino Wait List.** At the start of 2006, approximately 10,000 households were on the list waiting for a voucher. In comparison, about 90% of the households that were added to the Latino Wait List when it was created in 1998 are still waiting for their opportunity to access public housing programs.
- **The U.S. Department of Housing and Urban Development is reducing funding to housing authorities, limiting their ability to provide additional housing choice vouchers to meet demand.** Additionally, the reduction in HOPE VI funding has a direct

impact on the ability of the Chicago Housing Authority to stay on track with the redevelopment of some of its properties.<sup>9</sup>

- **Overlapping legal responsibilities and priorities regarding the Plan for Transformation undermine the reach of the Latino Consent Decree.** Specifically, the use of vouchers in the relocation process, consent decrees that protect existing residents from undue evictions, and desegregation requirements minimize the total number of units and vouchers that can be allocated to serving the Latino community. Clearly, existing residents' struggles to protect and defend their rights are fully merited. However, it is important to understand how these overlapping commitments indirectly impact other communities that are eligible for such programs.<sup>10</sup> From the beginning of negotiations with CHA/HUD, Latinos United were very clear about the need to expand vouchers and services to accommodate the new class without sacrificing existing classes. The Plan of Transformation ignored this and in fact entered in contradiction with the Latino consent decree by pre-emptying the possibility of accommodating them within a reasonable period of time. Hence, de facto those Latinos discriminated as per the lawsuit were turned into a special class de facto perpetually discriminated against

As the Plan for Transformation moves forward, it remains uncertain if the CHA will ever embrace the spirit of the decree and fully commit to removing institutional barriers to opportunity for anyone seeking to participate in its public housing programs – without a legal mandate. Without an extension of key provisions of the original consent decree to the Plan of Transformation, the Latino community runs the risk of losing the groundwork established thus far. Hence, Latinos United believes the following provisions of the Consent Decree should continue and be fully folded into the Plan for Transformation, the CHA, HUD, contractors and subcontractors and any other agents, successors or assignees:

- **Marketing & Outreach:** The translation and availability of Spanish-language materials is a crucial element in the involvement of the Latino community. With each property management company responsible for its own marketing and outreach, the CHA does not report on its efforts to ensure that property management companies are in compliance with the consent decree. Marketing and communications strategies need to be closely monitored for effectiveness so that limited financial resources can be efficiently allocated.
- **Bilingual Staffing:** Although bilingual staffing numbers are reported, recruitment and certification practices are not reported. Certification is important because individuals who self-identify as “Hispanic,” may not speak Spanish. Additionally, there may be “Non-Hispanic” staff members that have a level of proficiency in Spanish that should be reported. The need to evaluate and recruit staff with an adequate level of Spanish-language proficiency. This is especially important given the growing number of Latinos in the region.
- **Monitoring & Reporting:** Data collection and analysis need to be improved so that the impact of the Plan for Transformation can be properly measured, the participation of different groups is adequate and adjustments be made as the plan continues in its implementation phase. The CHA consistently reports on program successes, but those in the advocacy community do not have a way to verify that success. Without such accountability the community cannot participate properly in improving the CHA Plan for Transformation. The CHA needs to be more genuine in its transparency and more consistent in its reporting documents, e.g. annual reports.

The Chicago Housing Authority should broaden its annual report to include more specific information about the changing demographic background of its residents. Tracking and reporting such changes in age, race, family size, disability, etc. would allow everyone

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<sup>9</sup> Solomon, Rod. Discussion Paper, “Public Housing Reform and Voucher Success: Progress and The challenges, The Brookings Institution Metropolitan Policy Program: January 2005.

<sup>10</sup> See *Gautreaux v. CHA*. Although this consent decree ended in 1998 some aspects of this case remain. Also, *Henry Horner Mothers Guild v. CHA* and *Cabrini-Green Residents v. CHA*.

involved with the success of the PFT (developers, government, advocates) to forecast what specific services or types of housing residents need allowing them to plan for the distribution of resources in ways that prove effective in reaching current and future residents.

- **Results.** At the end of the day, both the Consent Decree and the Plan for Transformation are about improving on the failures of the past. The proper implementation of the former and the permanent incorporation of the issues addressed in the Decree will assure a proper distribution, a transparent operation, and the accountability of the CHA to the public. Should the CHA embrace the full spirit of the Consent Decree and turn it into a permanent internal culture, the agency will most likely reach a fair representation of all groups and a multicultural integration of its tenants, programs and staffing — *a true diversity*.

### **The Opportunity Costs of Putting all Eggs in the Same Basket**

The City of Chicago has managed to line up all housing agencies at the city and state level around the Plan of Transformation to the detriment of all other programs and all other communities in need. Most of the resources from the Department of Housing, the Illinois Housing Development Authority and even private foundations housing funds have been redirected away from other programs into the Plan. To the extent the Plan fails to serve the Latino community, funds and resources previously available to Latinos are now redirected to serve the traditional constituencies of CHA and the new constituencies gaining from the (subsidized) market rate and affordable portions of these developments. Largely built in black communities or in areas of advanced white gentrification, at the end of the day, all housing resources in the city are serving the residents of those communities to the exclusion of Latinos. Only voucher based programs in Latino communities reach Latinos via the 50 percent resident clause. As small as these programs are in comparison to the Plan for Transformation, affordable housing services to Latinos have become dismal. Multifamily housing development is an example of the missed opportunities. In the absence of significant funding for this program in partnership with community organizations, multifamily buildings are increasingly turning condominium developments depriving the community of many of its traditionally available rental units.

### **Recommendations**

- Fold all elements in the consent decree into the Plan for Transformation requiring that developers develop the bilingual and bicultural capacity to conduct outreach to Latinos, properly inform and assist them with applications, and diversify their tenancy to reflect to the best possible the multiracial and multicultural composition of the city.
- Require compliance and reporting on the part of contractors, subcontractors, agents or designees along the lines of the consent decree.
- Stop the current practice of directing the resources of DOH, IHDA and other agencies to the Plan for Transformation and make sure that funds are available to support alternative forms of producing affordable housing for constituencies that do not fall under the CHA rubric or have very unique needs not addressed by the CHA. Organizations serving Latinos, the disabled, battered women, people with AIDS and others should not be sacrificed to serve a single constituency as the one served by CHA.
- Promote and support the work of CDC's operating in communities throughout Chicago. Their intimate knowledge and relationship with their communities and the extremely creative ways they have developed to produce housing should be promoted rather than defunded for the sake of the Plan for Transformation. Not only do they serve better special needs groups but they do it in the context of natural communities while building community and self help with their work.

### **Conclusion**

Over the last ten years significant steps have been made to remove institutional barriers that exclude Latinos from the opportunity to access housing programs managed by the Chicago Housing Authority. The Latino Consent Decree sought to address past inequality and challenged the CHA to alter its management practices to prevent future discrimination. Latinos United understands that this is an enormous and assiduous undertaking in the best of circumstances. The process of implementation of the Decree has been an uphill struggle, not only for Latinos United, but for the CHA as well. Unfortunately, rather than viewing this as an opportunity to form a partnership with the Latino community, the CHA often resisted or minimized the mandates in the decree by focusing on the letter of the Decree rather than embracing the spirit and building it into the Plan for Transformation.

Fiscal and programmatic changes and priorities – in some cases initiated by the federal government – have hampered progress along the way by reducing funding that could have expanded marketing and outreach efforts, as well as provided needed vouchers critically needed by the community. This poses a serious threat to the stability of the growth observed as a result of the consent decree. The united voice of the communities in need behind funding requests and programs could enhance the CHA's lobbying power with the federal government. To achieve this, however, the CHA has to prove to the community that the Plan for Transformation includes its own transformation in the directions suggested here.

Moving beyond public housing issues, Latinos, as well as other ethnic communities are feeling the impact of gentrification, condo conversions priced well-above the median income of neighboring residents and thereby reducing the total number of affordable housing units, and the demolition of small to mid-size single family homes.

A recent report from the Illinois Assisted Housing Action Research Project (IHARP), found that Latinos are not benefiting at a rate proportional to their needs from the HOME Housing Investment Partnerships Program. For example, in Chicago Latino households were 28.8% of the city's families with children living below the federal poverty line, but comprised only 10.9% of the HOME beneficiaries in the city. Statewide, Latino households comprise 7.1% of the beneficiaries, while being 20.5 of families living with children below poverty.<sup>11</sup>

Nationwide, Latinos are becoming the targets of discriminatory enforcement practices by local governments that seek to use building codes and ordinances to deter families from living in their towns. For those lucky enough to obtain a housing voucher, discrimination based on their source of income remains a vulnerable area that continues to threaten the opportunity for families to secure housing.

Another report released by the Chicago Area Fair Housing Alliance shows that over 68% of the Latino households using vouchers are in areas that are more than 30% Latino, a level greater than that of ethnic residential segregation in the Chicago region.<sup>12</sup>

Latinos United will continue to analyze and advocate for continued access to housing opportunities in government and private market programs with the goal of ensuring that every Latino can secure housing that is affordable, safe, meets the size and type needed individual or family, and is within adequate proximity to jobs, transportation nodes and community resources.

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<sup>11</sup> Illinois Assisted Housing Action Research Project. "Home Program IHARP Report". November 2004.

<sup>12</sup> Chicago Area Fair Housing Association, "Putting the Choice in Housing Choice Vouchers, Part 3: July 2004.