

Occupancy: B, H, W (3 vacancies) CT: 4.1% B, 18.9% H, 50.3% W, 283%A

6024 N Washtenaw Pre-existing (3 units)

Litter - None

Landscaping - Needs parkway landscaping; only one on block

Visible need for repairs - OK

Over-all blending into neighborhood - Very good fit, by using pre-existing buildings that fit in as average for the block, they are a model for scattered-site public housing

Occupancy: B, H, W (3 vacancies) CT: 4.1% B, 18.9% H, 50.3% W, 283%A

6130 N Washtenaw Pre-existing(2)

Litter

Landscaping - Flowers all around

Visible need for repairs

Over-all blending into neighborhood - This is a regular 2-story building on the block; again, very good fit, by using pre-existing buildings that fit in as average for the block, they are a model for scattered-site public housing

Occupancy: B, H, W (3 vacancies) CT: 4.1% B, 18.9% H, 50.3% W, 283%A

CT # 203 2537 W Coyle Pre-existing building (2 units)

Litter

Landscaping - weeds & ailanthus need trim in rear

Visible need for repairs

Over-all blending into neighborhood - A two-flat among
two flats, fitting exceedingly well into block

Occupancy: B, H, W (3 vacancies) CT: 3.4% B, 7.2% H, 82.4% W, 8.5%A

2426 W Pratt Pre-existing (2 units)

Litter - None

Landscaping - OK, flowers present

Visible need for repairs - OK

Over-all blending into neighborhood - Very good . . . 2
units out of a small group of town homes

Occupancy: B, H, W (3 vacancies) CT: 3.4% B, 7.2% H, 82.4% W, 8.5%A

2428 W Fitch

Litter - None

Landscaping - OK

Visible need for repairs - None

Over-all blending into neighborhood - Nice appearance,
two nits rented from a large, relatively newer
building, fitting squarely into neighborhood

Occupancy: B, H, W (3 vacancies) CT: 3.4% B, 7.2% H, 82.4% W, 8.5%A

CT # 205 6414 N Claremont Pre-existing building (6 units)

Litter - None

Landscaping - OK

Visible need for repairs - OK

Over-all blending into neighborhood OK

Occupancy: B, H, W (vacancies) CT: 10.8% B, 20.1%H, 35.9W, 36.9% A

CT # 209 2208/10 W Granville (6)

Litter - A little by rear parking

Landscaping - OK

Visible need for repairs - OK

Over-all blending into neighborhood - Very good fit into
neighborhood

Occupancy: B, H, W (vacancies) CT: 14.1% B, 21.4% H, 39.9% W, 27.9% A

Rogers Park

CT # 102 New construction at time
7433 N Wolcott (6 units)
7437 N Wolcott (6 units)

Litter - None

Landscaping - OK, generally; needs removal of
tree limbs in rear with yardwork

Visible need for repairs - OK

Over-all blending into neighborhood - Blends reasonably
well

Occupancy: B, H, W (vacancies) CT: 36.3% B, 35.4% H, 38.8% W, 3.4% A

7358 N Seeley Pre-existing building (3 units)

Litter - None

Landscaping - OK, flowers present

Visible need for repairs - OK

Over-all blending into neighborhood - Small pre-existing
that fits in well with block

Occupancy: B, H, W (3 vacancies) CT: 3.4% B, 36.3% H, 38.8% W, 3.4% A

7418/20 N Paulina New construction (6 units)

Litter - None

Landscaping - Nice, flowers but less than last year

Visible need for repairs - OK

Over-all blending into neighborhood - Very well, even though ubiquitous new construction design, looks better than condo units across the alley

Occupancy: B, H, W (3 vacancies) CT: 3.4% B, 36.3% H, 38.8% W, 3.4%A

CT #106 New construction

6708 N Bosworth (6 units)

6712 N Bosworth (6 units)

Litter - None

Landscaping - OK

Visible need for repairs - OK

Over-all blending into neighborhood - Good blend; even though "new construction", design doesn't shout "public housing"

Occupancy: B, H, W (3 vacancies) CT: 28.9% B, 27.9% H, 48.2% W, 5.5%A

6749/57 N Bosworth New construction (5 units)

Litter - Some litter in parking at rear/side

Landscaping - Lawn has several bare-dirt patches

Visible need for repairs - OK

Over-all blending into neighborhood - Design identified with "public housing"; otherwise, something of a blend

Occupancy: B, H, W (3 vacancies) CT: 28.9% B, 27.9% H, 48.2% W, 5.5%A

CT #109 New construction

6655 N Ashland (6 units)
1551/3/5 W Albion (3 units)

Litter - None

Landscaping - OK

Visible need for repairs - OK

Over-all blending into neighborhood - Reasonably good
blend; design indicative of "public housing"

Occupancy: B, H, W (3 vacancies) CT: 22.1% B, 32.1% H, 42.7% W, 9.2%A

CT #108 Pre-existing

1700 W Wallen Pre-existing building (6 units)

Litter - None

Landscaping - Basic

Visible need for repairs - Could use some exterior paint

Over-all blending into neighborhood - Blends in
reasonably well to block

Occupancy: B, H, W (3 vacancies) CT: 21.1% B, 52.7% H, 41.2% W, 6.3%A

CT #103 7500 N Rogers New construction (5 units)

Litter - None

Landscaping - Could use some rear yard work

Visible need for repairs - OK

Over-all blending into neighborhood - Fits into
neighborhood

Occupancy: B, H, W (3 vacancies) CT: 31.8% B, 42.7% H, 15.4% W, 3.5%A

CT #101 7715 N Marshfield Pre-existing building (3 units)

Litter - None

Landscaping - OK

Visible need for repairs - OK

Over-all blending into neighborhood - A 3-story building
representative of the block

Occupancy: B, H, W (vacancies) CT: 56.2% B, 14.3 % H, 27.2% W, 2.8% A

1616/8 W Juneway Pre-existing building (6 units)

Litter - OK

Landscaping - OK

Visible need for repairs - OK

Over-all blending into neighborhood - A 3-story by 3-
story representative of the block

Appendix C - Racial Demographics

ROGERS PARK 92 units

		<u>%age of NESS residents by race</u>	<u>Rogers Park %age by race</u>
African American	62	77.5%	29.6%
Community Area	33		
Transfer	18		
Waiting List	11		
Hispanic	7	8.8%	27.8%
Community Area	5		
Transfer	1		
Waiting List	1		
White	4	5%	31.8%
Community Area	3		
Transfer	0		
Waiting List	1		
Asian	7	8.8%	6.5%
Community Area	3		
Transfer	0		
Waiting List	4		
Designated vacancy	12		
Community Area	2		
Transfer	4		
Waiting List	6		

WEST RIDGE 46 units

		<u>%age of NESS residents by race</u>	<u>West Ridge %age by race</u>
African American	22	48.5%	6.78%
Community Area	4		
Transfer	9		
Waiting List	9		
Hispanic	7	15.6%	15.5%
Community Area	3		
Transfer	1		
Waiting List	3		
White	10	22.2 %	49.7%
Community Area	10		
Transfer	0		
Waiting List	0		
Asian	6	13.3%	22.4%
Community Area	3		
Transfer	2		
Waiting List	1		
Designated vacancy	4		
Community Area	1		
Transfer	2		
Waiting list	1		

EDGEWATER 76 units

		<u>%age of NESS residents by race</u>	<u>Edgewater %age by race</u>
African American	47	66.2%	16.98%
Community Area	17		
Transfer	17		
Waiting List	13		
Hispanic	15	21.1%	19.6%
Community Area	11		
Transfer	1		
Waiting List	3		
White	4	5.6%	47.9%
Community Area	2		
Transfer	0		
Waiting List	2		
Asian	5	7%	11.7%
Community Area	4		
Transfer	1		
Waiting List	0		
Designated vacancy	5		
Community Area	3		
Transfer	0		
Waiting List	2		

LINCOLN SQUARE 41 units

		<u>%age of NESS residents by race</u>	<u>Lincoln Square %age by race</u>
African American	16	42.1%	3.01%
Community Area	4		
Transfer	4		
Waiting List	8		
Hispanic	16	42.1%	26.5%
Community Area	11		
Transfer	4		
Waiting List	1		
White	3	7.9%	53.2.8%
Community Area	2		
Transfer	0		
Waiting List	1		
Asian	2	5.2%	13.3%
Community Area	2		
Transfer	0		
Waiting List	0		
Designated vacancy	3		
Community Area	1		
Transfer	1		
Waiting List	1		

UPTOWN 189 units

		<u>%age of NESS residents by race</u>	<u>Uptown %age by race</u>
African American	127	76.5%	21.1%
Community Area	59		
Transfer	38		
Waiting List	30		
Hispanic	21	12.7%	19.94%
Community Area	14		
Transfer	3		
Waiting List	3		
White	5	3.1%	42.15%
Community Area	3		
Transfer	1		
Waiting List	1		
Asian	13	7.8%	12.99%
Community Area	9		
Transfer	0		
Waiting List	4		
Designated vacancy	19		
Community Area	4		
Transfer	0		
Waiting List	19		

NORTH CENTER 5 units

		<u>%age of NESS residents by race</u>	<u>North Center %age by race</u>
African American	2	40.0%?	4.2%
Community Area	0		
Transfer	2		
Waiting List	0		
Hispanic	3	60.0%	20.5%
Community Area	1		
Transfer	1		
Waiting List	1		
White	0	0%	68.8%
Community Area	0		
Transfer	0		
Waiting List	0		
Asian	0	0%	4.9%
Community Area	0		
Transfer	0		
Waiting List	0		
Designated vacancy	0		
Community Area	0		
Transfer	0		
Waiting List	0		

LAKEVIEW 52 units

		<u>%age of NESS residents by race</u>	<u>Lakeview %age by race</u>
African American	25	52.1%	4.4%
Community Area	5		
Transfer	12		
Waiting List	8		
Hispanic	16	33.3%	8.7%
Community Area	9		
Transfer	3		
Waiting List	4		
White	6	12.5%	79.5%
Community Area	5		
Transfer	0		
Waiting List	1		
Asian	1	2.1%	5.2%
Community Area	1		
Transfer	0		
Waiting List	0		
Designated vacancy	4		
Community Area	1		
Transfer	2		
Waiting List	1		

LINCOLN PARK 18 units

		<u>%age of NESS residents by race</u>	<u>Lincoln Park %age by race</u>
African American	9	60.0%	5.2%
Community Area	2		
Transfer	3		
Waiting List	4		
Hispanic	4	26.6%	5.1%
Community Area	2		
Transfer	0		
Waiting List	2		
White	2	13.3%	84.5%
Community Area	2		
Transfer	0		
Waiting List	0		
Asian	0	0%	3.7%
Community Area	0		
Transfer	0		
Waiting List	0		
Designated vacancy	3		
Community Area	3		
Transfer	0		
Waiting List	0		

NEAR NORTH 2 units

		<u>%age of NESS residents by race</u>	<u>Near North %age by race</u>
African American	2	XXX	19.1%
Community Area	1		
Transfer	0		
Waiting List	1		
Hispanic	0	XXX	3.9%
Community Area	0		
Transfer	0		
Waiting List	0		
White	0	XXX	69.2%
Community Area	0		
Transfer	0		
Waiting List	0		
Asian	0	XXX	6.2%
Community Area	3		
Transfer	2		
Waiting List	1		
Designated vacancy	0		
Community Area	0		
Transfer	0		
Waiting List	0		

UPTOWN CT 317

		<u>%age of NESS</u>	<u>UPTOWN CT 317</u>
		<u>residents by race</u>	<u>%age by race</u>
African American	74	79.57%	22.2%
Community Area	33		
Transfer	22		
Waiting List	19		
Hispanic	10	10.75%	31.0%
Community Area	5		
Transfer	3		
Waiting List	2		
White	3	3.23%	49.1%
Community Area	2		
Transfer	0		
Waiting List	1		
Asian	6	6.45%	6.3%
Community Area	5		
Transfer	0		
Waiting List	1		
Designated vacancy	7		
Community Area	1		
Transfer	2		
Waiting List	7		

**ROGERS PARK CLUSTER SELECTED
AS COMPARABLE TO UPTOWN CT 317**

Although though in 3 different Census Tracts (106, 108 or 108), all the buildings are within 2.5 or 3 blocks from each other: 6708 N. Bosworth, 6712 N. Bosworth, 6648/52 N. Ashland, 1700/2 W. Wallen, 6555 N. Ashland, 1551/3/5 W. Albion.

		<u>%age of NESS residents by race</u>	<u>Composite CT %age by race</u>
African American	22	78.6%	21.3%
Hispanic	5	17.9%	32.7%
White	0	0	39.0%
Asian	1	3.6%	6.2%

Comparing the Rogers Park Composite CT to Uptown CT 317:

	Comparison of NESS Residents within CT And Composite CT		Racial Comparison of CT & Composite CT	
	Uptown CT 317	Rogers Park Composite CT	Uptown CT 317	Rogers Park Composite CT
African American		79.6% vs. 78.6%	22.3% vs. 21.3%	
Hispanic		10.8% vs. 17.9%	31.0% vs. 32.7%	
White		3.2% vs. 0	49.1% vs. 39.0%	
Asian		6.4% vs. 3.6%	6.3% vs. 6.2%	

By inspection Uptown CT 317 and the comparator composite CT have comparable racial demographics. Visual inspection also produced comparable results. Uptown CT 317 has the largest concentration of scattered site units than any other NESS census tract. Even

though the external inspection revealed no significant differences in the provision of maintenance services by the property manager, that property manager is responsible for more scattered site units in CT 317 than in any other CT. This is a reflection of siting identified by the receiver and approved by the Court along with counsel for the plaintiff class. Therefore, any remedy lies within the exclusive jurisdiction of the Court.

APPENDIX D: Tables**Table 1: NESS Global Demographics by Race and *Gautreux* source**

	Community Area	Transfer	Waiting List	TOTAL
African American	124 (54%)	103 (82.4)%	84 (69.4%)	312
Hispanic	56 (24.3%)	14 (11.2)%	23 (19%)	93
White	27 (11.7%)	1 (0.8%)	6 (4.9%)	34
Asian	22 (9.6%)	7 (5.6%)	8 (6.6%)	37
	230 <100%	125 <100%	121 <100%	476

(Does not of course include vacancies)

The sum of transferees and wait listees exceeds the number of residents from Community areas by 246 to 230. Under *Gautreux*, the two should be equal; however, this is influenced by the kinds of designated vacancies available at any one time; in addition, the court order suggests that arithmetic absoluteness is not required.

Even though the CA source favored African Americans, the numbers for the other two categories (transferees and wait listees) enormously favored African Americans. Therefore, having the sum of transferees and wait listees slightly exceed the number of those from community areas tends to favor African-American representation.

Table 2: Global NESS Racial Representation (including all sources)

African American	312	(65.56%)
Hispanic	93	(19.54%)
White	34	(7.15%)
Asian	37	(7.74%)
TOTAL	476	(99.99%)

**Table 3: NESS MOVE-Ins FROM OCTOBER 1999 FORWARD
BY RACE AND BY GAUTREAUX SOURCE**

	Community Area	Transfer	Waiting List	TOTAL
African American	21	4	5	30 (78.9%)
Hispanic	6	0	0	6 (15.8%)
White	0	0	0	0 (0)
Asian	2	0	0	2 (5.3%)
TOTAL	29	4	5	38 (99.9%)

Question: How come the CAs exceeded the Ts and WLs by a factor over 3 to 1, when the pattern over the years had the sum of Ts and WLs totaling slightly more than the Cas.

Possible answer: all units are earmarked by *Gautreaux* source codes and many Community Area-designated units were vacant; hence, the need for an outreach.

Comment: the results of the 1999 outreach has significantly favored African-Americans; 78.9% of the 38 post-September 1999 move-ins have been African American, 15.8% have been Hispanic, 5.3% Asians and 0 have been white.

Note: The last "outreach" for NESS by HRC occurred in September 1999 and 21 of the 38 new residents who were African Americans from the Community Area waiting lists or 55.26%. Over-all, the per centage of current (whenever they moved in, either before or after September 1999) residents who have been African Americans from Community Area waiting lists is 26.05% (124 of 476).

Comment: counter-intuitive as it may seem, the 1999 HRC outreach favored African-Americans over non-African Americans by a ratio of 2.5 to one (21 of 29).

Even though at this point FHEO would normally conduct a skip-over analysis, we find it unnecessary to proceed with further analysis, in light of the preponderance of housing opportunities having been created for African-Americans through the operation of the Community Area system.

THE UNITED STATES DISTRICT COURT
FOR THE NORTHEASTERN DISTRICT OF ILLINOIS
EASTERN DIVISION

WILLIE BURRELL, individually, and as President of)
the DOROTHY GAUTREAUX NORTHEAST)
SCATTERED SITE LOCAL ADVISORY COUNCIL and the)
NORTHEAST SCATTERED SITE RESIDENT)
MANAGEMENT CORPORATION)

Plaintiffs,)

VS.)

CHICAGO HOUSING AUTHORITY (CHA); TERRY)
PETERSON, in his Official Capacity as Chief Executive)
Officer of the CHA, UNITED STATES DEPARTMENT of)
HOUSING AND URBAN DEVELOPMENT (HUD), Office of)
Public Housing; MEL MARTINEZ, in his Official Capacity)
as Secretary of HUD, HOUSING RESOURCE CENTER)
(HRC); JANE ADDAMS HULL HOUSE ASSOCIATION)
(IHA); CLARANCE WOOD, in his Official Capacity as Chief)
Executive Officer of HHA, HELEN SHILLER, in her Official)
Capacity as ALDERMAN for the CITY OF CHICAGO and)
SUE BRADY, Agent for HRC and IHA, ALEXANDER L.)
POLIKOFF in his Official Capacity as a Supervisor/Management)
with the Business and Professional People for the Public Interest,)

Defendants.)

DECLARATION

I, Miniard Culpepper, pursuant to 28 U.S.C. Section 1746, declare and state as follows:

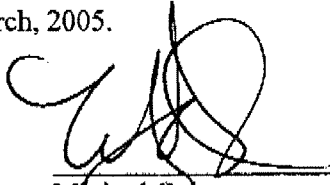
1. I am the Regional Counsel for the New England Region for the United States Department of Housing and Urban Development.

2. In this position I am responsible for supervising the review and processing of all tort claims filed with the United States Department of Housing and Urban Development pursuant to the Federal Tort Claims Act. Under HUD procedures, administrative tort claims filed with HUD must be referred to my office for processing under 24 C.F.R. Part 17, Subpart A.



3. A search of the files in my office indicates that the named plaintiff, has not filed a claim for injury or damages with the U.S. Department of Housing and Urban Development.

Executed on this 17th day of March, 2005.

A handwritten signature in black ink, appearing to read 'Minjard Culpepper', written over a horizontal line.

Minjard Culpepper
Regional Counsel for New England
U.S. Department of Housing and Urban Development
10 Causeway Street, Room 310
Boston, MA 02222