



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Midwest Regional Office, Region V
Ralph H. Metcalfe Federal Building
77 West Jackson Boulevard – Room 2101
Chicago, Illinois 60604-3507

Office of Fair Housing and Equal Opportunity

December 1, 2021

VIA EMAIL

SUBJECT: CAFHA, et al. v. City of Chicago
HUD File No. 05-19-3886-6/8/9

Dear Alderperson:

This letter concerns the above-referenced complaint alleging that the City of Chicago (“City”) has violated the federal Fair Housing Act, Section 109 of Title I of the Housing and Community Development Act of 1974, Title VI of the Civil Rights Act of 1964, and their implementing regulations at 24 C.F.R. Parts 1, 6, and 100-125. The complaint alleges that aldermanic privilege works against the equitable distribution of affordable housing throughout Chicago, “generally working in service of community voices that are opposed to affordable housing types in their predominantly white wards.” Please find the complaint attached for your reference.

The Department is seeking answers to the questions below from all Alderpersons as part of its investigation. Please contact Imron Bhatti at imron.a.bhatti@hud.gov no later than **December 17th** to submit your responses or to schedule an interview in lieu of submitting written answers.

Thank you in advance for your timely cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Kimberly Nevels".

Kimberly Nevels
Director of Programs and Compliance, Region V
Office of Fair Housing & Equal Opportunity
U.S. Department of Housing & Urban Development

Questionnaire

“**Affordable housing**” refers to income-restricted housing with or without subsidy, as well as “naturally occurring affordable housing,” or market rate housing affordable to low- or moderate-income households, as defined by the City.¹

“**Aldermanic prerogative**” refers to the power of an alderperson to maintain control over their wards by unilaterally initiating or blocking City actions concerning their wards, whether such power is granted or required by the Municipal Code of Chicago or by tradition or custom.²

1. Is the above definition consistent with your understanding of aldermanic prerogative? If not, how would you define it?
2. How do you use aldermanic prerogative? In what circumstances is it a useful tool?
3. Do you support eliminating or restricting aldermanic prerogative over decisions affecting the siting and development of affordable housing? Why or why not? How would such restrictions best be implemented?
4. How have you seen aldermanic prerogative affect the viability and placement of affordable housing in your ward and throughout the City?
5. What factors other than aldermanic prerogative do you see affecting the viability and placement of affordable housing in your ward and throughout the City?
6. In what other ways circumstances have you seen aldermanic prerogative invoked during your time in City Council? Were affordable housing issues more or less likely than these other circumstances to lead to alderpersons invoking prerogative to stop a rezoning, etc.?
7. Does your ward have a Zoning Advisory Council? How do you implement its feedback?
8. What effect have you observed from the Mayor’s Executive Order prohibiting City departments from deferring to aldermanic prerogative?³ In your opinion, where can the City’s Executive Branch push farther?
9. In your opinion, how effective has the Affordable Requirements Ordinance (ARO) been as a tool to promote desegregation? In what ways do you think it could be improved?
10. How do you think the City should address the lack of affordable housing in the City’s wealthiest areas?

¹ Chicago Dep’t of Planning & Dev., *Citywide Affordable Rental Housing Analysis*, https://www.chicago.gov/city/en/depts/dcd/supp_info/citywide-affordable-rental-housing-aalysis.html

² Exec. Order No. 2019-2, <https://www.chicago.gov/content/dam/city/depts/mayor/Press%20Room/Press%20Releases/2019/May/ExecutiveOrder.pdf>; Shriver Center, et al., *A City Fragmented*, <https://www.poverty.org/article/a-city-fragmented-2/>.

³ City of Chicago, *Sixty-Day Report on Implementation of Executive Order No. 2019-2*, https://www.chicago.gov/content/dam/city/depts/mayor/Press%20Room/Press%20Releases/2019/August/MLEL_SixtyDay_Rprt_FINAL.pdf.