

constitutes a fair and equitable remedy for DHA's violations of the 1987 Decree and promises to provide for steady progress toward the elimination of the conditions of segregation found in Walker III, it is therefore ordered that DHA comply with the following provisions of this Supplemental Decree.

3. Furthering The Purposes Of This Decree. DHA, its officers, officials, agents, employees, and all persons and organizations in active concert or participation with DHA are permanently enjoined from

(a) engaging in conduct intended to segregate public housing or community development or which discriminates on the basis of race in the providing of public housing or community development;

(b) violating the terms of this order or which unlawfully inhibits or obstructs the operation of this decree or other orders of this Court; and

(c) failing to administer all DHA programs related to housing and community development in a manner reasonably expected to affirmatively further fair housing and the remedial purposes of this decree and all other orders in this case.

4. Distribution Of The Supplemental Decree. Within thirty days after the date of this decree, DHA shall provide a

copy of this Supplemental Decree to each DHA commissioner, the executive director, the deputy executive director, the director of information services, the director of leased housing, to each official and employee of DHA whose duties and responsibilities include the selection or assignment of low rent public housing residents or the administration of the Section 8 rental assistance program, and to each DHA official and employee whose duties involve responsibilities under this supplemental decree, together with a statement by DHA emphasizing the necessity of adherence to the terms of the Supplemental Decree. DHA shall advise each official and employee that failure to comply with the provisions of this decree will subject them to disciplinary action.

5. Equalization of Projects and Neighborhoods. The Special Master will conduct an Equalization Survey of housing, housing-related conditions and neighborhood amenities within the Survey Area, which consists of

- (a) every DHA project and its neighborhood,
- (b) every neighborhood in Dallas County in which any person receives rental assistance through DHA,
- (c) every neighborhood in Dallas County in which a HUD-assisted project is located, and
- (d) every DHA elderly project and its neighborhood.

5.1. The Special Master will file with the Court an Equalization Survey Report which will describe, for each project and neighborhood in the Survey Area,

(a) the availability of social, recreational, retail and health facilities and services,

(b) the availability of child day care facilities and services,

(c) the availability of public transportation, both existing and planned,

(d) the proximity of neighborhood public schools, the racial composition of those schools, and student achievement evaluations at those schools,

(e) the availability of public and private recreational facilities and programs for children and adults,

(f) the existence of adverse natural or artificial environmental conditions,

(g) the existence of any condition detrimental to family life,

(h) the existence of substandard housing or other structures,

(i) the availability of employment opportunities,

(j) the availability of public library facilities and programs,

(k) current and past levels of residential and commercial lending and any conditions which are perceived as limiting the area's eligibility or desirability for financing,

- (l) zoning and zoning violations,
- (m) per capita crime rate,
- (n) availability of public and private job training programs,
- (o) the quality of housing facilities and the existence and quality of housing-related facilities and neighborhood amenities, and
- (p) other conditions relevant to the quality of housing and family life.

5.2. Within 90 days after the filing of the Equalization Survey Report, DHA shall prepare and submit to the Court an Equalization Plan, based on the Equalization Survey Report, for equalizing conditions in and around predominantly African-American DHA projects, in and around DHA-assisted units located in predominantly African-American neighborhoods, and in neighborhoods in which class members receive housing assistance through DHA, so that conditions in and around those projects, units and neighborhoods are not inferior to conditions at predominantly white-occupied and racially integrated HUD-assisted projects and are not inferior to neighborhoods in which white persons receive rental assistance through DHA. DHA in developing the Equalization Plan shall consider the use of all available federal, state and local resources and programs and all resources which are available through grants, loans or other forms of assistance from other governmental entities upon application or request by DHA.

5.3. The Court will approve the Equalization Plan only upon a satisfactory showing that the timely implementation of the Equalization Plan will result in public housing and publicly-assisted housing and neighborhoods in which

(a) any lingering effects of segregation are eliminated,

(b) affirmative placement of class members or white DHA program applicants will not work an objective hardship on those households because of unit, project or neighborhood conditions,

(c) there are no natural or artificial adverse environmental conditions,

(d) conditions are not seriously detrimental to family life, and the area is not one in which substandard dwellings or other undesirable elements predominate, and

(e) access to social, cultural, recreational, educational, religious, commercial and medical facilities and other services is not inferior to facilities and services found in predominantly white-occupied HUD-assisted housing projects and the neighborhoods where those predominantly white-occupied projects are located, and is not inferior to facilities and services in neighborhoods where white persons receive rental assistance through DHA.

5.4. DHA, using funds provided by HUD or the City of Dallas pursuant to Section 5.5, below, shall expeditiously

implement the Equalization Plan, to improve dwelling units, project support facilities, neighborhood facilities and neighborhood services in predominantly African-American DHA projects and in predominantly African-American neighborhoods in which class members receive housing assistance through DHA, in order to ensure that those dwelling units, facilities and services are not inferior to dwelling units, facilities and services in predominantly white-occupied HUD-assisted housing projects and the neighborhoods where those predominantly white-occupied projects are located, and are not inferior to dwelling units, facilities and services in neighborhoods where white persons receive rental assistance through DHA.

5.5. DHA shall expeditiously request funding from HUD and the City of Dallas for formulating and implementing the Equalization Plan, shall request from the appropriate governmental agencies all authorizations necessary to implement the Equalization Plan, and shall request the appropriate governmental agencies to provide all services necessary for the full implementation of the Equalization Plan.

6. Dedication of Streets. DHA may dedicate all streets and alleys, except those not used as public thoroughfares, within its Low Rent Public Housing projects to the City of Dallas.

7. West Dallas. Using funds provided by HUD as ordered by the Court, DHA shall replace with housing units which meet

or exceed the requirements established by 42 U.S.C. §1437p all West Dallas low rent public housing units for which replacement funding will be provided by HUD, within two years after those replacement units are provided by HUD, pursuant to further order in this cause.

7.1. All replacement units must be placed in areas where they will further the desegregation goals of the Consent Decree.

7.2. Using funds provided by HUD as ordered by the Court, DHA shall renovate to the standards required by 24 CFR Part 968 and the Equalization Plan, the number of LRPB units in West Dallas for which funding is provided by HUD, pursuant to further order in this cause.

7.3. If DHA wishes to allow more than 1,000 family units to remain in West Dallas after the demolition required by the 1987 Decree has been accomplished, or wishes to allow more than 1,200 units, including 200 elderly units, to remain after demolition, DHA shall

(a) amend the West Dallas Demolition Plan to remove from DHA's LRPB inventory all family units in excess of 1,000 (or in excess of 1,200 if 200 units are restricted to use by the elderly) in order to terminate HUD's obligation to provide operations and maintenance funding, if such a removal from inventory is required by HUD as a condition of its providing replacements for West Dallas units;

(b) revise DHA's tenant selection and assignment plan to insure that all future tenant assignments of African American families to West Dallas are voluntary and have not been coerced either by DHA or by the lack of alternative housing, and that alternative housing opportunities will also be made available to each African American applicant who rejects an offer of a West Dallas unit;

(c) amend the West Dallas Demolition Plan to require DHA to take all steps necessary to restore all units in excess of 1,000 (1,200 including 200 elderly units) to a use or uses compatible with the purposes of the 1987 Decree and this Supplemental Decree;

(d) amend the West Dallas Demolition Plan to establish a realistic schedule for restoration of those units;

(e) amend the West Dallas Demolition Plan to provide for the protection and maintenance of units to be restored, to prevent any adverse effects on the modernized units, the occupants of modernized units, or the owners or residents of adjoining and neighboring properties;

(f) amend the West Dallas Demolition Plan to prohibit permanent occupancy of the additional units by low-income households until a viable community has been created in the neighborhood, as determined by the Court; and

(g) amend the West Dallas Demolition Plan to require the demolition of all units in excess of 1,000 (or in

excess of 1,200 if 200 units are restricted to use by the elderly) if, after a reasonable time, those units have not been restored to uses consistent with this Supplemental Decree.

8. Voucher Payment Standard Relief. Within 30 days after entry of this Supplemental Decree, the Plaintiffs and DHA shall submit to the Court a report on the status of their efforts to identify persons entitled to compensation because of DHA's failure to obtain fair market rent exceptions in connection with the use of Section 8 vouchers, and to determine the amounts of compensation due each person. If the Plaintiffs and DHA agree on the identity of the persons to be compensated and the amounts of compensation due each of them, then the Plaintiffs and DHA shall report that agreement to the Court, together with the facts necessary for the Court to determine the fairness of the agreement. If the parties are not able to agree or the Court does not approve an agreement among the parties, the Court will direct the Master to identify the persons entitled to compensation and the amount of compensation due each of them.

9. Housing Mobility Division. Within 30 days after entry of this Supplemental Decree, DHA shall establish and continue to operate a Housing Mobility Division which shall

(a) furnish transportation necessary to enable Section 8 participants to view available rental dwellings, to

make return inspection visits, and to execute leases and other appropriate documents;

(b) provide applicants with a means of familiarizing themselves with housing and neighborhood amenities in non-Section 8-impacted areas in a manner agreed between the Plaintiffs and DHA or approved by the Court;

(c) create and maintain a list of available rental dwelling units in non-Section 8-impacted areas, equal in number to 50% of the total DHA allocation of Section 8 certificates and vouchers and a list of available rental dwelling units in suburban Dallas County cities equal to 15% of the total DHA allocation of Section 8 certificates and vouchers.

(d) provide each applicant with a notice describing the services available from local fair housing and tenant organizations,

(e) allow and facilitate presentations by representatives of fair housing and tenant organizations at each Section 8 briefing session, and

(f) maintain a log, in a form agreed to by the Plaintiffs or ordered by the Court, showing that each Section 8 applicant received notice of the availability of mobility services, describing the mobility services requested by each applicant, and describing the mobility services provided each applicant, and provide copies of that log monthly to the Plaintiffs.

10. Country Creek Relief. Within 30 days after entry of this Supplemental Decree, the Plaintiffs and DHA shall submit to the Court a report on the status of their efforts to identify persons entitled to compensation because of DHA's failure to meet the deadlines for development of the Country Creek project and to determine the amount of compensation due each of them. If the Plaintiffs and DHA agree on identity of the persons and the amounts of compensation due each of them, then the Plaintiffs and DHA shall report that agreement to the Court, together with the facts necessary for the Court to determine the fairness of the agreement. If the parties are not able to agree or the Court does not approve an agreement, the Court will direct the Master to identify the persons entitled to compensation and the amount of compensation due each of them.

11. West Dallas Demolition Plan. Within 60 days after the date of this decree DHA shall submit to the Court for approval a Revised West Dallas Demolition Plan taking into account the requirements of this decree and the changes in circumstances since the entry of the 1987 Decree. DHA shall not submit the Revised West Dallas Demolition Plan to HUD until the plan has been approved by the Court. Any response to the plan must be submitted to the Court within 15 days after service of the plan upon the parties.

12. Section 8. Within 30 days after entry of this Supplemental Decree DHA shall submit to the Court a Section 8 Utilization Plan for maintaining full utilization of its Section 8 allocation in compliance with the requirements of the 1987 Decree and this Supplemental Decree.

12.1. Upon receipt of any additional Section 8 allocations, DHA shall submit to the Court a revised Section 8 Utilization Plan for achieving full utilization of each such additional allocation in compliance with the requirements of the 1987 Decree and this Supplemental Decree, including an assessment of whether additional resources are necessary to provide housing mobility services in conjunction with the new allocation.

12.2. Beginning with the first monthly report, required by the 1987 Decree, which is due after the signing of this Supplemental Decree DHA shall include an item in its monthly report to the Plaintiffs that states the number of units and amount of funding for each Section 8 certificate and voucher allocation, the number of certificates and vouchers issued for each certificate and voucher allocation, the number of certificates and vouchers of which a lease is in effect for each certificate and voucher allocation, and the amount of funding authority remaining for each certificate and voucher allocation.

12.3. DHA shall include in each monthly report to plaintiffs, as required by the 1987 Decree, the Section 8 waiting list for the preceding month and a list of the offers of certificates and vouchers actually made.

12.4. If DHA fails to meet any deadline imposed by the Court for initial leasing of any new allocations or if the utilization rate for any allocation for which initial lease-up was satisfactorily met falls below 95% for for three consecutive months or falls below 95% for four months of any consecutive six-month period, DHA shall take all steps necessary to acquire satisfactory units and make those units available for Section 8 participants. "Satisfactory" means units which meet the site- and neighborhood standards of the HUD Section 8 New Construction program, fully comply with HUD housing quality standards and other Section 8 program requirements and are consistent with DHA's obligation to meet the non-impacted area goals under the 1987 Decree.

12.5. The Section 8 Housing Quality Standards enforcement provisions of the 1987 Decree and Exhibit B to that Decree hereby are modified to:

(a) require DHA to conduct quality control inspections on 20% of all units inspected, and

(b) require DHA to maintain a central log of all inspections requested from the appropriate cities, and the results of each such request.

12.6. DHA shall conduct a Child Care and Transportation Survey of all Section 8 participants to determine the extent to which the unavailability of child care and transportation services limits access to desegregated housing opportunities, and shall develop a Child Care and Transportation Plan for providing child care and transportation services in order to facilitate access to housing opportunities in non-impacted areas.

12.6.1. DHA shall complete the Child Care and Transportation Survey, within 120 days after the entry of this decree.

12.6.2. DHA shall complete and shall file the Child Care and Transportation Plan with the Court within 60 days after the conclusion of the Child Care and Transportation Survey.

12.6.3. The Plaintiffs may submit comments or objections regarding the Child Care and Transportation Plan, and must submit those comments or objections within 15 days after the plan is filed with the Court.

13. Low-Income Housing Supply. Using the funds described in Section 13.6 below, DHA shall use its best efforts to increase the supply of low-income housing, in a manner that affirmatively furthers fair housing.

13.1. Within 120 days after the entry of this decree, DHA shall submit to the Court a Housing Supply Plan for increasing the supply of low-income housing in the City of Dallas and in all other incorporated areas of Dallas County.

13.2. The Housing Supply Plan shall describe a program to provide housing for occupancy by persons eligible for low rent public housing, at rental rates less than or equal to the rates charged for low rent public housing, and on terms and conditions comparable to the standards established by HUD for the Section 8 program, HUD-sponsored rehabilitation projects and HUD-funded new construction projects.

13.3. The Housing Supply Plan shall describe

- (a) the anticipated total number of housing units to be provided,
- (b) the relative numbers of units in various bedroom sizes,
- (c) guidelines for determining acceptable locations,
- (d) guidelines for determining optimum and maximum sizes of projects or complexes,
- (e) the relative numbers of low-income and moderate-income units in each project or complex,
- (f) rent levels in the projects and complexes to be developed or acquired,

(g) the amounts of rent subsidies required, the numbers of units requiring subsidies, the total amount of subsidies required annually, and the sources of those subsidies,

(h) the amounts of subsidies required to operate the projects and complexes to be developed or acquired, and the sources of those subsidies

(i) schedules for the acquisition or construction of units and for initial occupancy of units,

(j) marketing strategies for the units provided, and

(k) plans for enforcement of housing quality standards and for monitoring enforcement of those standards.

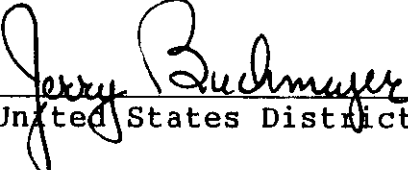
13.4. The Plaintiffs may submit comments or objections regarding DHA's plan, and must submit those comments or objections within 30 days after the plan is filed with the Court.

13.5. Housing to be provided under the Housing Supply Plan must be located in areas and neighborhoods outside the City of Dallas and outside areas of predominantly African-American population. Housing to be provided through the use of the City Housing Fund shall be located in suburban cities of Dallas County outside the City of Dallas. The goal of the parties is to provide 850 to 1,000 units of low-income housing by using the City Housing Fund and DHA bond financing.

13.6. Funding for the formulation and implementation of the Housing Supply Plan shall be derived from contributions made by the City of Dallas to the City Housing Fund, DHA bond programs, and state or federal funds.

14. DHA shall file a report quarterly with the Court and with the Master, with copies to all parties, describing in detail DHA's actions taken to comply with its obligations under this Supplemental Decree.

Dated: 24 Sept. 1990


United States District Judge

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