

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

FILED

MAR 10 2000

NANCY DOHERTY, CLERK

BY *NK*
Deputy

DEBRA WALKER, et al.,)
)
Plaintiffs,)
)
v.)
)
UNITED STATES DEPARTMENT OF)
HOUSING AND URBAN)
DEVELOPMENT, et al.,)
)
Defendants.)

Civil Action No.
CA-3-85-1210-R

ENTERED ON DOCKET

MAR 10 2000

U.S. DISTRICT CLERK'S OFFICE

Agreed Order Concerning Revitalization of Roseland Homes

Notwithstanding any previous orders and agreements in this case, HUD, DHA, and the Plaintiffs in the Supplemental Complaint Against HUD have agreed, and the Court orders and finds, the following:

Findings

1. On September 18, 1998, HUD awarded DHA a HOPE VI grant of approximately \$35,000,000.00 to revitalize a DHA-owned housing project called "Roseland Homes";

2. On December 3, 1998, this Court granted leave to a putative class of persons and the Walker Project, Inc. to file a Supplemental Complaint Against HUD ("Supplemental Complaint") in this case challenging HUD's HOPE VI grant as contrary to law;

3. By Court filing of September 30, 1998 and letter of March 6, 1999, the Walker Plaintiffs gave notice under paragraph G.4 of the Modified Remedial Order of their view that HUD's HOPE VI grant violated that order;

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4. On September 13, 1999, the Walker Plaintiffs filed a motion for an injunction preventing HUD from funding or approving any demolition of public housing units at Roseland Homes, from approving any relocation of Roseland Homes residents, or from taking any other action to implement the Roseland Homes HOPE VI program contemplated in DHA's original application for HOPE VI funding; and

5. By letter dated March 6, 1999, the Walker Plaintiffs gave notice of their intention to file a motion alleging that DHA's application for and receipt of the HOPE VI grant referred to in paragraph one, above, violated the February 7, 1995 Remedial Order Affecting DHA.

Orders

DHA's Obligations

6. Except for three Roseland Homes buildings, i.e., the Administration Building and two public housing buildings adjacent to it, DHA shall, upon receiving approval to do so from HUD, demolish the existing Roseland Homes structures and shall construct or acquire 40 homeownership units for public housing-eligible families, 100 elderly-only, project-based Section 8 units, and 471 public housing units in the Roseland neighborhood.^{1/} Market rate units may be constructed along with

^{1/} The "Roseland neighborhood" is defined as the area of the City of Dallas shown by the map attached hereto as Exhibit A, plus a tract of land at the corner of Kirby and Monarch streets that is

the units described in the previous sentence pursuant to the overall HOPE VI plan. DHA, or a DHA affiliate controlled by DHA, shall be the owner and developer, or the managing member or managing partner of the owner and developer, of all public housing units described in this paragraph. The owner and developer or a contractor selected and supervised by the owner and developer shall manage all public housing units described in this paragraph.

7. DHA shall implement the demolition and construction or acquisition specified in paragraph 6 according to the schedule attached hereto as Exhibit B, except to the extent such demolition, construction, and/or acquisition cannot be completed because of unavoidable delays.

8. DHA shall implement the demolition and construction or acquisition specified in paragraphs 6 and 7 in a manner designed to avoid significant removal of existing non-public housing residents from the Roseland neighborhood.

9. Upon completion of the actions required under paragraphs 6 and 7, DHA shall afford persons and families recently relocated from Roseland Homes the first right to occupy the newly constructed or acquired public housing units. To receive this first right to occupy, the recently relocated persons and

several blocks east or northeast of the area shown on the Exhibit A map.

families must, at the time of the exercise of that right, meet all criteria applicable to the particular type of program unit. After placing recently relocated persons and families, DHA shall use its normal waiting list procedures and existing eligibility criteria when selecting occupants for the newly constructed or acquired units. As used in this paragraph, the term "recently relocated" means persons or families living in the Roseland Homes housing project on June 29, 1999, the date on which DHA first notified residents that they would be relocated.

HUD's Obligations

10. Unless Congress rescinds HUD's authority to do so, HUD shall provide to DHA the approximately \$35,000,000.00 HOPE VI grant previously awarded for the revitalization of Roseland Homes.

11. Subject to the availability of appropriated funds, HUD shall provide the funding (e.g. operating subsidy, rent subsidy) as appropriate for the units specified in paragraph 6 and 7, above, according to statutory and regulatory requirements corresponding to each type of unit.

12. HUD shall, in a reasonably prompt fashion, process all DHA applications for any authorizations and approvals necessary to effectuate the actions specified in paragraphs 6 and 7 and paragraph 13.

13. The replacement of the 611 public housing units

currently at Roseland Homes with the units specified in paragraph 6, above, will result in a reduction of 140 units in DHA's public housing inventory. This reduction may cause a corresponding decrease in payments (e.g. operating subsidy) that HUD makes to DHA and that are dependent on the number of public housing units DHA administers. Should units meeting all applicable regulations and statutes become available in the future as potential public housing units, HUD shall (subject to appropriations from Congress) accept up to 140 of these units as public housing and make the payments that HUD ordinarily makes and that are dependent on the number of public housing units in DHA's inventory. This Agreed Order imposes no obligation on HUD to facilitate in any way the creation, construction, development, or acquisition of these up to 140 units described in the preceding three sentences. In addition, until HUD has approved these units described in the four preceding sentences pursuant to all applicable laws, statutes, rules, and regulations, and until the units are ready to be occupied, HUD shall be under no obligation to pay DHA or any other entity any operating subsidy or other payments corresponding to these units.

Additional Matters

14. In consideration for the above relief, the parties agree that the Supplemental Complaint Against HUD should be dismissed with prejudice, except with respect to the claim for

relief set out in paragraph 36 of that complaint, which should be dismissed without prejudice. The parties are presenting a separate order to the Court to effectuate these dismissals. Entry of this separate order, in the form presented to the Court, shall be a condition precedent to the triggering of the obligations in this Agreed Order.

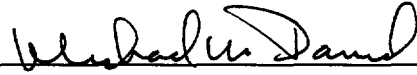
15. Nothing in this Agreed Order shall be construed as preventing any party from using the facts of the Roseland Homes transaction or occurrence as evidence in any subsequent legal proceeding. Nothing in this Agreed Order shall constitute or be construed as an admission of liability or wrongdoing by any party.

16. This Agreed Order represents the entirety of the agreement among the parties, and no statement, remark, agreement, or understanding, oral or written, which is not contained herein, shall be recognized or enforced. Each party has entered into this Agreed Order after consultation with its attorneys and after an independent investigation of any relevant facts, and that no party has relied upon the representations of any other party, except those stated herein.

17. The Court retains jurisdiction to enforce the parties' respective obligations under this Agreed Order.

AGREED TO:

Date: 1/13/2000

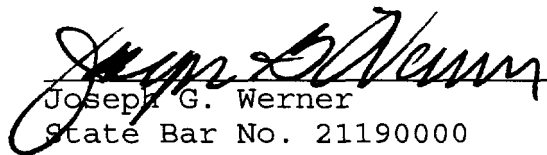


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ATTORNEYS FOR PLAINTIFFS

Date: 1/13/00



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THE HOUSING AUTHORITY FOR
THE CITY OF DALLAS

Date: 1/10/00

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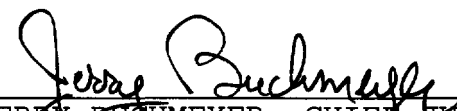
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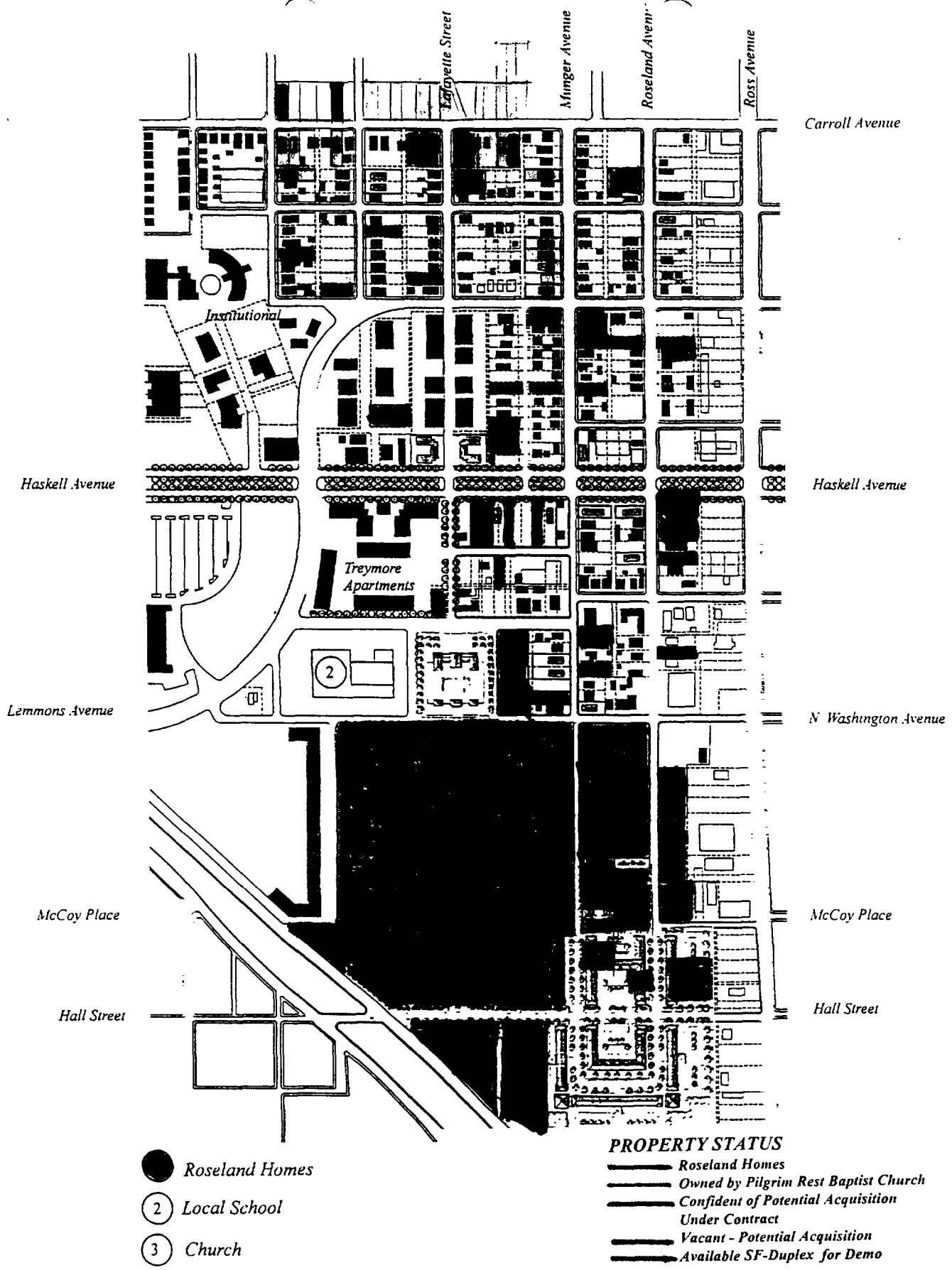
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ATTORNEYS FOR DEFENDANT UNITED
STATES DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT

Date: 3/10/00

SO ORDERED:


JERRY BUCHMEYER, CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS



OKM Associates
Architects Unlimited

Dallas Housing Authority HOPE VI Application: Roseland Homes
Site Map
Potential Off-Site Housing Lots

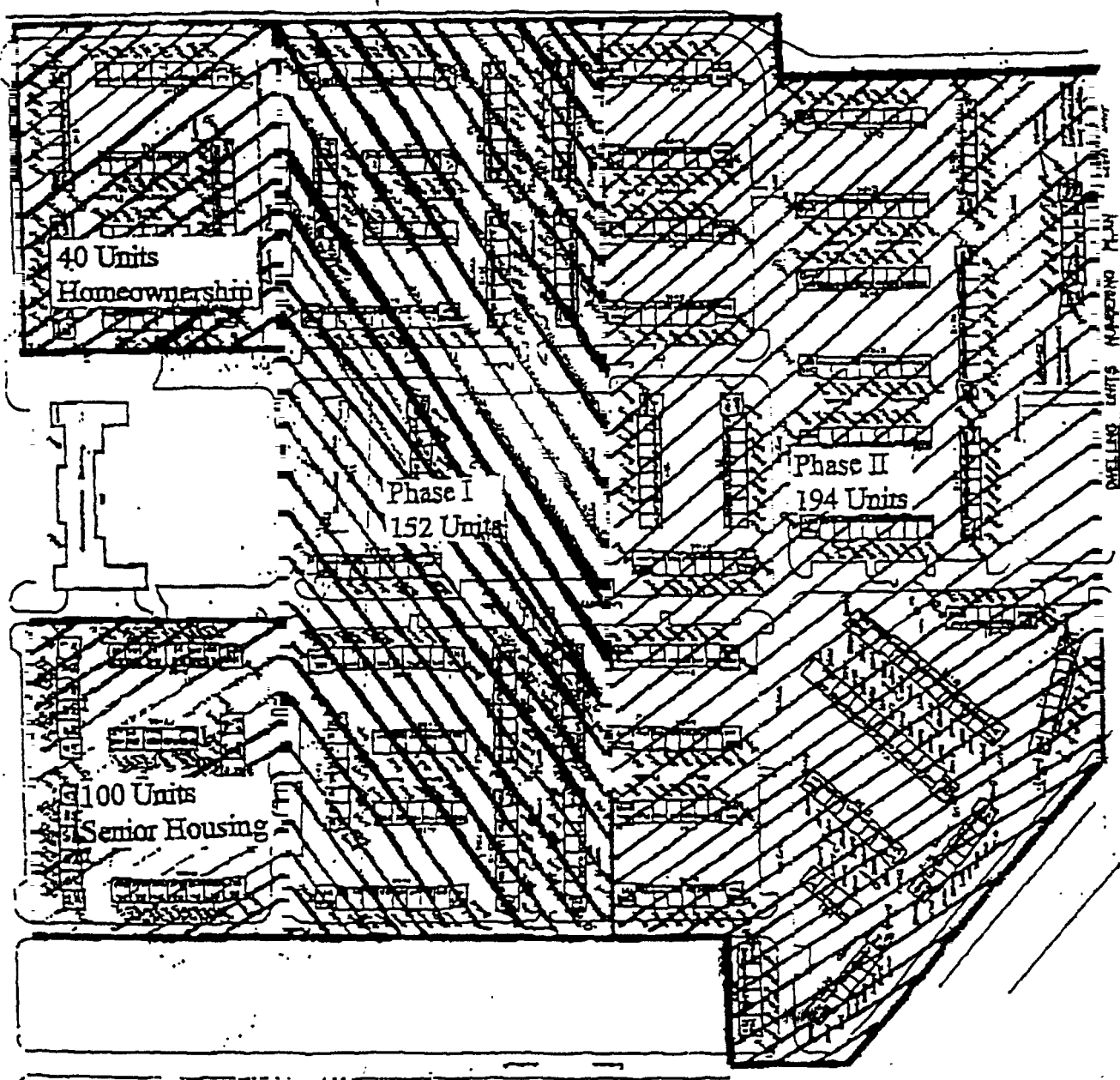
EXHIBIT A

Roseland Homes
HOPE VI
Implementation Schedule

April 25, 1999	Issued Request for Proposals for architectural and engineering services for master plan, on-site development, and off-site public housing units
April 30, 1999	Submitted proposal to the Texas Department of Housing and Community Affairs (TDHCA) for Low Income Housing Tax Credits for Phase I (See location on attached map showing 298 current dwelling units scheduled for demolition. Those units will be replaced with 192 housing units, made up of 144 public housing units and 48 market rate units.) Application was reduced to 152 units, with 114 of these as public housing and 38 being market rate through negotiations with TDHCA, and funded at \$776,565.00 per year.
June 15, 1999	Received proposals for architectural and engineering services
June 30, 1999	Submitted Demolition/Disposition Plan to HUD
July 1, 1999	Began relocation for Phase One area
July 30, 1999	Anticipated date of announcement of award of Tax Credits for Phase One
August 19, 1999	Awarded contracts for architectural and engineering services
October, 1999	Submitted proposals for 4-percent Private Activity Bonds to TDHCA for approximately 136 units off-site
December 31, 1999	Master Plan completed
January 10, 2000	Asbestos abatement begins on Phase One - 298 units
January 17, 2000	Demolition begins on Phase One
March 1, 2000	A & E for Phase One complete
March 1, 2000	A & E for off-site complete

May 1, 2000	Off-site construction begins
June 1, 2000	Construction begins on Phase One
April 30, 2001	Tax Credit Application for 192 units, Phase Two, (See attached map, 144 public housing, 48 market rate)
March 1, 2001	Occupy first off-site units with residents from Phase Two
May 1, 2001	Off-site units (first 136) completed
July 30, 2001	Anticipated date of announcement of award of Tax Credits for Phase Two
August 1, 2001	Begin asbestos abatement, Phase Two
September 1, 2001	Complete construction of Phase One
September 15, 2001	Begin demolition of Phase Two
January 1, 2002	Begin construction of Phase Two
August 1, 2003	Complete construction and occupy Phase Two
August 24, 2003	Complete HOPE VI Program

D-692390.3



Roseland Homes
 Tax 9-1

PHASE I UNITS MARKING PLAN
 PHASE II UNITS MARKING PLAN

Scale
 1" = 40'



State of Texas
House of Representatives

HARRYETTE EHRHARDT
STATE REPRESENTATIVE
DISTRICT 107

May 20, 1999

COMMITTEES:
FINANCIAL INSTITUTIONS
URBAN AFFAIRS

The Honorable Veletta Lill
1500 Marilla
Dallas, Texas 75201

*Copies sent
to John Lopa,
the Mayor & the
city manager*

Dear Veletta:

We understand that you are beginning to work toward creating a Land Use Plan for Old East Dallas, and want to lend our whole-hearted support to you in that endeavor. North Dallas has such a plan and West Dallas is about to adopt one. While proper zoning has played a major role in rejuvenating East Dallas, there has never been an overall Land Use Plan to tie these many planning efforts together.

The healthy economy is encouraging new development for East Dallas. It seems that this would be an opportune time to take an overall look at our community, study the planning that has brought its neighborhoods back to life, and incorporate this into an overall plan.

Many thanks for all that you do for District 14- and for the entire city. We are lucky to have someone who works as hard as you do at Dallas City Hall. Please let us know if we can be of any help with this important planning project.

Sincerely,

David Cain
Senator
Dallas-District 2

Harryette Ehrhardt
State Representative
Dallas-District 107

Dale Tillery
State Representative
Dallas-District 105

John Carona
Senator
Dallas-District 16

Kenn George
State Representative
Dallas-District 108

Royce West
Senator
Dallas-District 23

Terri Hodge
State Representative
Dallas-District 100





CITY OF DALLAS

JOHN LOZA
City Councilmember

The Hon. Judge Jerry Buchmeyer
United States District Court
Northern District of Texas
Dallas, Texas

Dear Judge Buchmeyer:

As an elected City Council representative for a neighborhood affected by the proposed Roseland Homes redevelopment, I very much appreciate this opportunity to communicate to this honorable Court with regard to some of the concerns that I have on this issue.

I am very supportive of affordable housing and the idea that government should do all it can to insure that everyone has a decent home in which to live. However, I am very concerned about the implications of the Dallas Housing Authority's actions with regard to this proposal, especially in light of the limited public input from those who would be affected. I do believe very strongly that there was not sufficient opportunity for public input in this process, especially from those who live in the neighborhood where some of the Roseland housing units will be relocated. Very few if any of those who live in this area were apprized by the Dallas Housing Authority of its plans. This proposal came as a surprise to this neighborhood, and I believe that the neighborhood is rightfully angry about its having been ignored during this process. I believe that the Dallas Housing Authority had the obligation to be far more forthcoming, at a far earlier stage, than they eventually proved to be.

I hope that this Court will give those who live in this area a chance to express their concerns. It may be best for all concerned that a compromise be reached between the neighborhood and the Dallas Housing Authority before any settlement is approved. The people who live in this neighborhood have legitimate concerns that merit hearing, especially in light of the preemptory way in which they were treated.

I want to again thank this honorable Court for this chance to express my opinion. Although I could not physically be present today, I hope this letter will adequately convey the strength and urgency of the opinions which I express.

Very respectfully yours,

John P. Loza
City Council Member, District 2