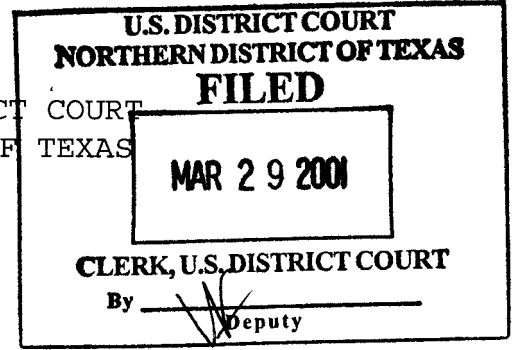


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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



DEBRA WALKER, ET AL.

v.

U.S. DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT, ET AL.,

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3:85-CV-1210-R

CLASS ACTION



ORDER GRANTING
PLAINTIFFS' MARCH 15, 2001 AMENDED
MOTION FOR A REVISED REMEDIAL ORDER
FOR SITE SELECTION AND PUBLIC HOUSING DEVELOPMENT

Plaintiffs moved the Court for a revised remedial order for site selection and public housing development containing the terms set out in this motion. The requested site selection relief is similar to that previously proposed. Plaintiffs' earlier motion also requested an order requiring the defendants, including HUD, to submit a Section 8 desegregation plan in compliance with the directives of the U.S. Court of Appeals set out in *Walker v. City of Mesquite*, 169 F.2d 973, 983 (5th Cir. 1999) *cert. denied*, 528 U.S. 1131 (2000). Plaintiffs have filed a separate motion to include the use of the HUD settlement resources as DHA's Section 8 substitution plan.

Plaintiffs' motion requesting public housing site selection relief that conforms to the requirements of the Fifth Circuit in this case is granted.

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The Remedial Order Affecting DHA is modified as follows:

A. Paragraphs A.3., A.5., and A.7. of the Remedial Order Affecting DHA which contain the "predominantly white" provisions held unconstitutional by the Fifth Circuit are vacated.

B. DHA, its officers, employees, agents and all others acting in concert or agreement with DHA are enjoined from:

B.1. public housing development and site selection policies, practices, and decisions traceable to DHA's prior system of de jure racial segregation that have segregative effects. Specifically enjoined are public housing development and site selection policies, practices, and decisions which continue the past pattern of developing non-elderly DHA housing only in black areas and refusing to develop non-elderly DHA housing rather than build the housing in white areas.

B.2. public housing development and site selection policies, practices, and decisions which choose sites for public housing units in neighborhoods providing social, recreational, educational, commercial, health facilities and services, and other municipal facilities and services, that are substantially inferior to the services and conditions in which low income whites receive HUD funded housing assistance in predominantly white neighborhoods;

B.3. public housing development and site selection policies, practices, and decisions which choose sites for public housing in neighborhoods with environmental conditions, housing conditions, rates of crime, and concentrations of households below poverty that are substantially inferior to the conditions in which low income whites receive HUD funded housing assistance in predominantly white neighborhoods;


B.4. construction, rehabilitation, or leasing additional public housing units without prior approval of the specific sites by the Court. DHA may acquire sites without prior approval but cannot begin construction, rehabilitation, or leasing without Court approval.

C. DHA, its officers, employees, agents and all others acting in concert or agreement with DHA shall complete the development of and begin initial occupancy of the remaining 399 previously allocated but still undeveloped public housing units within 3 years of the date of this order.

D. For purposes of this order, "public housing" includes traditional low rent public housing, Section 8 project based housing assistance, or other forms of housing assistance which are project-based rather than tenant-based and which provide housing on terms substantially equivalent to the terms on which

traditional low rent public housing is available. "Public housing" does include low-income housing developed under the HUD HOPE VI or similar programs. "Public housing" does not include tenant based Section 8 certificates or vouchers.

Entered the 29 day of March, 2001.



JERRY BUCHMEYER
CHIEF JUDGE
NORTHERN DISTRICT OF TEXAS