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20th Anniversary of Landmark Mount Laurel II Decision Falls on Martin Luther King, Jr. Day

Civil rights activists celebrate the decision and the opportunities it is has created, but recognize that exclusionary zoning remains prevalent.

Coincidence of anniversary of decision that promotes racial and economic integration with MLK Day appropriate in view of Dr. King's "Dream."

***Resistance to Mount Laurel by Gov. McGreevey and DCA Comm.
Bass Levin under guise of fighting sprawl reflects work still needs to be done.***

Mount Laurel, New Jersey- Jan. 16, 2003 – The original Mount Laurel plaintiffs and Fair Share Housing Center will celebrate the twentieth anniversary of the January 20, 1983 release of the Mount Laurel II decision this Monday, Martin Luther King, Jr. Day.

The Mount Laurel II decision required all New Jersey municipalities to provide opportunities for their fair share of the region's need for affordable housing. The Mount Laurel cases were filed against Mount Laurel Township in May 1971. In 1975, the Supreme Court of New Jersey issued the first Mount Laurel decision. That decision was commonly ignored by municipalities. In view of the municipal resistance, the Supreme Court in Mount Laurel II strengthened the builder's remedy, which permits developers to sue to force municipalities to provide opportunities for affordable housing.

In 1985, the Legislature passed the Fair Housing Act, which created the Council on Affordable Housing (COAH), an oft-criticized state agency that regulates affordable housing compliance statewide.

The plaintiffs in the original Mount Laurel suit included the Southern Burlington and Camden County Branches of the NAACP and Ethel R. Lawrence, a resident of Mount Laurel who passed away in 1994 and for whom a new first-of-its-kind affordable housing development in her hometown has been named.

Peter J. O'Connor, Esq., one of three attorneys who originally worked on the suit, continues to represent the plaintiffs. He also is the Executive Director of Fair Share Housing Development, a non-profit organization that develops affordable housing in South Jersey. Joining Mr. O'Connor in that work is Ethel Lawrence Halley, the daughter of Ethel R. Lawrence, and the Project Administrator at the development named in honor of her mother, a 100-unit (soon-to-be 140-unit) townhouse development that offers supportive services to low- and moderate-income families.

Mount Laurel Township, the original defendant in the suit, is presently providing for its fair share of affordable housing. Its obligation has been in part satisfied by the construction of Ethel R. Lawrence Homes.

When asked how he would honor Dr. King on Monday, O'Connor stated, "I'm going to spend the day working on our case against COAH and Comm. Levin to force them to release the Third Round fair share obligations. Dr. King would want me to do that, and I believe that would be the best way to honor that great man's legacy."

Halley stated that she would spend the morning reminding her children of the importance of the day to our nation and their grandmother. Then, she would work on affordable housing funding applications to construct another forty affordable units for families in Mount Laurel.

Although the Mount Laurel II decision is commonly praised by civil rights activists for delivering a strong blow to exclusionary zoning, many activists contend that the state and municipalities are increasingly avoiding their obligations to provide opportunities for low- and moderate-income New Jerseyans. "Mount Laurel housing is often unavailable to people who are working full time because the range of affordability has been designed by

COAH to prevent people from urban areas, most often racial minorities, from moving to white suburban areas,” said O’Connor. “COAH has done as much, if not more, damage as it has done good.”

O’Connor also condemned COAH for failing to release the Third Round fair share obligations, the release of which has been delayed by COAH as a way of neutralizing the Mount Laurel doctrine.

O’Connor said on Monday he will celebrate the fact that over 25,000 units of affordable housing have been made available since the Mount Laurel II decision, while keeping in mind that much more work remains. “I often think about how to ensure that the Dream of Dr. King and the promise of the Mount Laurel doctrine are reached. We are developing plans to resist Gov. McGreevey’s and Commissioner Bass Levin’s efforts to further neutralize the Mount Laurel doctrine. The Governor recently claimed he was interested in smart growth, but no serious student of smart growth would propose reforms without promoting regionalized affordable housing. That is Smart Growth 101. Concentrated poverty and racial segregation are a cancer that Gov. McGreevey is afraid to admit are the true root causes of most of our social problems. Any program that exacerbates the social isolation of our state’s urban dwellers is not smart.”

He also condemned the Governor’s efforts to stop growth while permitting open space acquisition to continue. “Encouraging the acquisition of open space while preventing the development of affordable housing in the suburbs will keep the poor, mostly racial minorities, trapped in the urban ghettos. McGreevey’s failure to recognize that his policies are disadvantaging, rather than protecting, young children who live in Newark and Camden reveals that he doesn’t understand the root causes of urban poverty and dysfunction,” said O’Connor. “Governor McGreevey should spend this Martin Luther King, Jr. day reflecting on how his plans violate Dr. King’s Dream of one America in which people are judged by the content of their character rather than the color of their skin.”

Regarding the state’s present satisfaction of its affordable housing obligations, he continued, “One does not have to be a conspiracy theorist to see that Governor McGreevey and Commissioner Bass Levin, two former suburban mayors who were sued for affordable housing violations and who are holding up the release of the Third Round fair share obligations, are attempting to keep the poor in our urban areas. Encouraging open space acquisition in the suburbs while stopping affordable housing construction is a recipe for disaster for urban children who are stuck in the ghetto and violates the Mount Laurel doctrine. Governor McGreevey’s version of smart growth will hurt, not help, New Jersey.”

FSHC submits that the full implementation statewide of the Mount Laurel doctrine can be done consistent with efforts to curtail sprawl, protect the environment, and rebuild our cities. On this Martin Luther King Day, FSHC calls on Governor McGreevey to state publicly that he supports fully the implementation of the Mount Laurel doctrine consistent with those three goals.

The effort of the Mount Laurel plaintiffs and others to provide regional affordable housing opportunities is the subject of two books: *Our Town: Race, Housing and the Soul of Suburbia*, David L. Kirp, John P. Dwyer, Larry A. Rosenthal of the University of California at Berkeley and *Suburbs under Siege* by Charles M. Haar of Harvard Law School.

Fair Share Housing Center has worked to protect and advance the housing rights of New Jersey’s poor since 1975. The Center is the only public interest organization dedicated solely to the preservation and growth of the Mount Laurel doctrine as a tool for social change.

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