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With 20-Year plan, Mount Laurel Writes 'New Chapter' in Long Affordable-Housing Saga

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"If you people can't afford to live in our town," Bill Haines told 60 black congregants of Jacob's Chapel A.M.E. Church, "then you'll just have to leave."

Stunned, but soon galvanized, the residents filed a lawsuit. Five years later, in its earthquake *Mount Laurel I* decision, New Jersey's Supreme Court declared the township's exclusionary zoning practices unconstitutional.

Every municipality must shoulder a "fair share" of its region's housing supply for low- and middle-income households, the high court decreed, a principle enshrined as the "Mount Laurel Doctrine."

This week, the township that lent its name to that doctrine formally adopted its own 20-year "Mount Laurel" affordable-housing plan.

The township is part of a coalition that is challenging some potential housing obligations in court. But, officials said, it will keep to the plan - the result of a deal with the Fair Share Housing Center advocacy group - regardless of the outcome of that appeal.

"This opens a new chapter in the township's commitment to fair housing" since the Supreme Court overhauled the process last year, said Anthony Campisi, spokesman for Fair Share.

Tyler Prime, the township's attorney, said "there's still some resentment that we have to build so much" to meet a quota. "But many people recognize that some good comes from this," and the township stepped up "because our experience [with affordable housing] has taught us that it's not going away."

Were poor inner-city neighborhoods erased by *Mount Laurel I*? Did young schoolteachers and fast-food cashiers soon find an abundance of affordable apartments near their workplaces? They did not.

Nearly all of New Jersey's 565 municipalities defied the ruling, and nowhere was early resistance more fierce than in this Burlington County farm community then trying to remake itself into an upscale suburb.

"They basically gave the finger to the court," Peter O'Connor, a lawyer and affordable-housing advocate who helped litigate *Mount Laurel I*, recalled recently.

But the wall between New Jersey's affluent and poor neighborhoods may at last be crumbling.

Statewide, 85 cities and townships have settled with Fair Share to zone for nearly 30,000 units over the next two decades, with Mount Laurel the latest.

Monday evening, by unanimous vote of its mayor and council, with no discussion, the township of 42,000 people committed itself to zoning for 1,074 new low- and middle-income housing units over the next two decades - at least on paper.

With bonus credits, Prime explained last week, "our actual units for the settlement is 879," to be achieved in two phases ending in the year 2035.

Such is the sometimes bewildering maze of "Mount Laurel" zoning, where 1,000-unit caps sometimes apply, and townships can get fractional, double, or even triple bonus points for accommodating special-needs housing or rental units.

Both 1,074 and 879 are far below what Kevin Walsh, executive director of the Fair Share Housing Center, which negotiates and litigates with municipalities over their affordable-housing plans, had hoped to see in Mount Laurel.

"We figured Mount Laurel's obligation at about 2,410, before all the caps and credits," Walsh said in an interview in his Cherry Hill office. "So there's much you can fight about. Or you can come to an agreement . . . if it gets shovels in the ground."

Despite all the compromises Fair Share made with Mount Laurel, theirs "is still an aggressive plan," said Walsh, who succeeded O'Connor as the group's executive director two years ago. The township has identified seven to 10 parcels where the new units might be built.

Among the largest other settlements in South Jersey so far are Cherry Hill at 1,000 units, Winslow at 794, Harrison at 546, Maple Shade at 311, Medford at 483, Jackson at 1,250, and Toms River at 1,285.

The explosion comes not so much from a change of heart, but rather a change to the legal landscape.

For 15 years the state agency created to help municipalities meet their affordable-housing obligations could not determine what the obligations were.

In March 2015 - on a complaint by Fair Share - the Supreme Court dissolved what it called the "dysfunctional" Council on Affordable Housing (COAH) and ordered every municipality to draft new plans. The court heard arguments on that "gap period" last week.

Just how many of these agreed-to units will ever sprout into real homes remains a question mark.

Mount Laurel-type affordable-housing developments mostly are market-driven enterprises, financed by private developers, who typically set aside 15 to 20 percent of the units for lower-income households. Municipalities don't build the new units, but rather zone for them. "Their job," explained Walsh, "is to simply get out of the way."

Fair Share estimates that New Jersey has created 80,000 affordable housing units since passage of its Fair Housing Act in 1985, but that "tens of thousands" went unbuilt in the 15 years that the state agency was dysfunctional.

Fair Share calculates that municipalities statewide must zone for 200,000 more units in the decade ahead - a number that makes municipal leaders shudder. About 300 towns - including Mount Laurel - have joined forces to convince the courts that those numbers should be closer to 40,000.

Prime said, however, that the township decided to settle its obligation before the court decides and that its settlement numbers will be in force no matter the outcome.

In Burlington, Camden, and Gloucester Counties, where the median household income is \$81,500, a family of four is "low income" if it earns less than \$40,750, and "very low" if it earns less than \$24,450.

"The rent's a squeak sometimes," admitted 47-year-old Rafael Chamberlain. He; his wife, Deitra; and their four children have lived at the Ethel Lawrence Homes in Mount Laurel for 14 years.

A bus aide for Mount Laurel school district, he declined to say what he earns or pays in subsidized rent. "But compared to what a place like this would be in another development, maybe \$1,800 a month, it's a bargain," he said.

Tenants pay no more than 30 percent of income on rent and utilities.

"For me it was all about getting them into the Mount Laurel schools," said Deitra, indicating sons D'Andre and Raphael, ages 14 and 15, and 10-year-old Racquel seated alongside her on their oversize living-room sofa. Son Donte, 23, was attending classes at Rutgers University's Camden campus.

The late Ethel R. Lawrence, a day-care teacher and mother of nine for whom this development is named, was among the 60 residents in the pews of Jacobs Chapel A.M.E. the fateful day when Mayor Haines told them they would "just have to leave."

As the township began condemning their homes in the late 1960s, Lawrence rebelled. She organized residents and petitioned in 1969 to permit a nonprofit to create 36 garden apartments for the displaced families.

The township refused. Six months later, the NAACP of Southern Burlington County sued the township on their behalf. Their case made its way to the state's highest court and into history.

Lawrence never lived to see the 140 handsome, clapboard townhouses on 62 landscaped acres that today bear her name. She died in 1994. The homes represent

just a portion of what Mount Laurel has done to meet its obligations, Prime notes. Since 1985, he said, it has accommodated the creation of 653 units.

For the next round, through 2035, Mount Laurel has agreed that 13 percent of all its affordable housing units will be available to "very low income" households, and that at least half will go to "low" and "very low income" households.

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