



A Look at 'Mount Laurel' Ruling 40 Years Later

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When the landmark *Mount Laurel* housing ruling was handed down 40 years ago, the three Camden lawyers who had argued the novel discrimination case had to retrieve the written opinion to see what the New Jersey Supreme Court had decided. No one had called with congratulations, and there was no Internet to offer immediate access or reaction.

"We sat on the loading dock" of the warehouse where their office was, "with our legs hanging over the edge, and Carl read it and said, 'We won!' " Peter J. O'Connor recalled. He also remembered his profound disbelief.

O'Connor, Carl S. Bisgaier, and Kenneth E. Meiser came together Tuesday for a panel discussion in the historic Burlington County Courthouse in Mount Holly to discuss a housing-discrimination case that was the first of its kind in the nation. The case has evolved over the years into litigation that is back before the state's high court.

When the decision was reached in 1975, the three men were young, inexperienced lawyers with the nonprofit Camden Regional Legal Services. This had been their first victory, but it turned bittersweet when new challenges were filed.

After a nearly four-day trial, Superior Court Judge Edward Martino decided Mount Laurel Township had discriminated against low- and moderate-income families by passing zoning and land-use laws that effectively prevented affordable housing from being built within the rapidly developing suburb. The decision was appealed and ultimately upheld by the state Supreme Court.

Eight years later, the high court decided *Mount Laurel II*, establishing the doctrine that municipalities were obligated to provide a fair share of housing for low- and middle-income families. Formulas and quotas that were created to define each town's "fair share" are being reviewed by the high court.

The three lawyers, now in private practice, spoke about their legal strategy, their surprise victories and agonizing defeats along the way, the human side of the litigation, and the legacy of a decision that sparked change, a partial reversal, and then more debate.

About 40 people, including judges, lawyers, legislators, and civil rights activists, attended the event, part of Law Day activities sponsored by the Burlington County courts and Bar Association. Kevin Walker, an assistant state public defender, moderated.

In May 1971, when the three lawyers filed *Southern Burlington County NAACP v. Township of Mount Laurel*, a class-action lawsuit, Camden was struggling with white flight and racial tension. Three months later, race riots erupted in the city.

Meiser, who started working on the case as a Harvard University student and legal intern, said the men focused on Mount Laurel because it was the fastest-growing suburb in the area at the time. They looked into town regulations and policies, and found evidence that the township officials said they "didn't want people from Camden coming here."

Once they had facts to back their theory, Bisgaier said, they had to find someone to represent the class, a person who had been wronged by the township's zoning laws and policies. Ethel R. Lawrence, a day-care teacher, church leader, antipoverty activist, and longtime resident, was chosen.

"If I had written a script, I couldn't have written a better story," he said of Lawrence's situation. Other longtime Mount Laurel residents, whose ancestors in the community predated the Civil War, were living in dilapidated homes and converted chicken coops that were being condemned by the town and that were being replaced by homes that they could not afford. Lawrence petitioned the town to allow new affordable units to be built for the displaced residents and was rejected, he said.

Bisgaier said Lawrence did not want to sue her own town, but after she saw African Americans being pushed out, "she realized they were on borrowed time."

After the court rulings, the legislature passed the Fair Share Housing Act and Lawrence was nicknamed the "Rosa Parks of affordable housing." A housing development with more than 100 affordable homes was built in Mount Laurel in her name. Lawrence died in 1994, six years before the housing project was opened.

O'Connor founded the Fair Share Housing Center, a nonprofit dedicated to enforcing the fair share laws and working to increase affordable housing for the poor. He recalled that Martino was known as a "tough judge," but said he likely was influenced by a series of eviction cases in which the poor in Mount Laurel were being displaced. "They humanized the case," O'Connor said.

Challenges and appeals forced them to defend the case, and the implementation of the ruling is in limbo.

"Here it is 40 years later, and towns are very reluctant to provide their fair share. . . . They say the numbers are too high," O'Connor said. "They don't want minorities in their town."

O'Connor said that his hope is that increasing integration will begin to produce a change in attitude and an increase in affordable homes. "When people see the affordable housing isn't destroying their communities, my hope is this will start to break down some of the barriers," he said.

Read more at:

http://www.philly.com/philly/news/20150506_A_look_at_Mount_Laurel_ruling_40_years_later.html#1L7SHKsCm46PVldi.99