

S. Burlington County Neare v. Mt. Laurel 5/23 (1983)

Plaintiff's challenge municipal Abuse of
power
+ litigation costs

7 pgs

ML000384B

Southern Burlington County NAACP, et al. v. Township
of Mount Laurel (1 municipality - Burlington County)

INTRODUCTION: In 1970, low and moderate income plaintiffs, residing in Mount Laurel Township, Burlington County, and the City of Camden, Camden County, challenged Mount Laurel Township's exclusionary land use regulations and the Township's refusal to act affirmatively to assist the development of housing for low and moderate income persons. The exclusionary municipal practices prevented the plaintiffs from residing in adequate housing in Mount Laurel. The plaintiffs also included the Southern Burlington County NAACP, the Camden County NAACP and Camden County C.O.R.E. Suit was filed in 1971 against Mount Laurel Township. The major focus of the lawsuit was to require the Township to amend its zoning, subdivision and development regulations to permit less expensive housing which would qualify for federal subsidy assistance and to require the Township to utilize its resources and governmental powers in an affirmative manner to encourage and aid the development of housing for low and moderate income persons.

The need for safe, decent and affordable housing was common to all the individual plaintiffs. The plaintiffs comprised three groups: (a) residents of Mount Laurel Township who inhabited dilapidated or substandard housing; (b) former residents of Mount Laurel Township who were forced to move elsewhere, primarily to the racially and economically segregated City of

Camden, because of the absence of affordable housing in Mount Laurel; and, (c) residents of substandard housing in the City of Camden who desired to secure decent housing and the accompanying advantages of life in Mount Laurel Township.

DESCRIPTION OF MOUNT LAUREL TOWNSHIP

Mount Laurel is a flat, sprawling Township, 22 square miles, or about 14,000 acres, in area, on the west central edge of Burlington County. The Township, in one section abuts Cherry Hill Township in Camden County. That section of the Township is about seven miles from the boundary line of the City of Camden, one of the 10 most depressed cities in the United States, and not more than 10 miles from the Benjamin Franklin Bridge crossing the Delaware river to Philadelphia.

In 1950, the Township had a population of 2817, only about 600 more than it had in 1940. It was then, as it had been for decades, primarily a rural agricultural area with no sizeable settlements or commercial or industrial enterprises. The populace generally lived in individual houses scattered along country roads. There were several pockets of poverty, with deteriorating or dilapidated housing (300 or so units of which remain today in equally poor condition). After 1950, as in so many other municipalities similarly situated, residential development and some commerce and industry began to come in. By 1960, the population had almost doubled to 5249 and by 1970 had

more than doubled again to 11,221. These new residents were "outsiders" from the nearby central cities and older suburbs or from more distant places drawn to Mount Laurel by reason of employment in the region.

The growth of the Township has been spurred by the construction or improvement of main highways through or near it. The New Jersey Turnpike and Route I-295, a freeway paralleling the turnpike, traverse the municipality near its base, with the main Camden-Philadelphia turnpike interchange at the corner nearest Camden. State Route 73 runs at right angles to the turnpike at the interchange and Route 38 slices through the northeasterly section. Routes 70 and U.S. 130 are not far away. This highway network gives the Township a most strategic location from the standpoint of transport of goods and people by truck and private car.

PLAINTIFFS CHALLENGE MUNICIPAL ABUSE OF POWER

The plaintiff's 1971 legal action alleged that Mount Laurel's land use regulations excluded the poor by increasing the cost of housing beyond their means and placing the units outside the scope of federal subsidy programs. The Mount Laurel zoning ordinance provided for several zones: an industrial zone (about 30 percent of the land), a retail business zone (1.2 percent of the land), and five residential zones that included approximately 10,000 of the Township's 14,000 acres. Four of the five residential zones allowed only detached single

EXHIBIT V

MOUNT LAUREL II LITIGATION COSTS
TRIAL COURT PROCEEDINGS ON REMAND

	<u>MOUNT LAUREL</u>	<u>MIDDLESEX COUNTY</u>	<u>MAHWAH</u>	<u>TOTAL</u>
1. ATTORNEY (s)	\$30,000.	\$60,000.	\$20,000.	\$110,000.
2. PLANNING EXPERT ON DEFINITION OF REGION, IMPACT OF STATE DEVELOPMENT GUIDE PLAN (SDGP) AND FAIR SHARE HOUSING ALLOCATION	5,000.	16,800.	5,000.	26,800.
3. PLANNING EXPERT ON INCLUSIONARY LAND USE REGULATIONS	10,000.	35,000.	10,000.	55,000.
4. ENGINEERING EXPERT ON MUNICIPAL INFRASTRUCTURE	4,000.	12,000.	3,000.	19,000.
5. EXPERT ON FEDERAL/STATE HOUSING PROGRAMS, CDBG/SMALL CITIES & BUILDER'S REMEDY - RESPONSIBILITY	20,000.	5,000.	3,000.	28,000.
6. ADMINISTRATIVE EXPENSES: TRAVEL, LODGING, MEALS, TRANSCRIPTS, EXHIBITS, AERIAL MAPS, ETC.	5,000.	10,000.	2,500.	17,500.
	<u>\$74,000.</u>	<u>\$138,800.</u>	<u>\$43,500.</u>	<u>\$256,300.</u>

MOUNT LAUREL II LITIGATION COSTS
SUMMARY OF RESOURCE ALLOCATION

	<u>TOTAL</u>	<u>MOUNT LAUREL</u>	<u>MIDDLESEX COUNTY</u>	<u>MAHWAH</u>
NEW JERSEY DEPARTMENT OF PUBLIC ADVOCATE	\$25,000.	\$25,000.	--	--
NON-PROFIT SPONSORS	60,000.	5,000.	\$52,500.	\$2,500.
FOUNDATION GRANTS	<u>171,300.</u>	<u>44,000.</u>	<u>86,300.</u>	<u>41,000.</u>
	\$256,300.	\$74,000.	\$138,800.	\$43,500.

