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20-Dec. 1988

Brief of Amicus Curia Alfred A.  
Slocum Public Advocate of the  
State of NJ

re: Plaintiffs should be awarded  
counsel fees under the Federal  
Fair Housing Act.

pgs = 114

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SUPREME COURT OF NEW JERSEY  
DOCKET NO. 28,276

SUPREME COURT  
OF NEW JERSEY

URBAN LEAGUE OF GREATER :  
NEW BRUNSWICK, et al., :

Plaintiffs-Respondents, :

v. :

THE MAYOR AND COUNCIL OF :  
THE BOROUGH OF CARTERET, :  
et al., :

Defendants-Petitioners. :

Sat Below:

Hon. James H. Coleman, Jr.  
Hon. James M. Havey  
Hon. Edwin H. Stern

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BRIEF OF AMICUS CURIAE ALFRED A. SLOCUM  
PUBLIC ADVOCATE OF THE STATE OF NEW JERSEY

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ON THE BRIEF  
STEPHEN M. EISDORFER  
JOHN P. THURBER

TABLE OF CONTENTS

	<u>PAGE</u>
<u>INTRODUCTION</u>	1
<u>ARGUMENT</u>	6
<u>POINT I</u>	
GENERAL COMPLIANCE THROUGHOUT THE STATE WITH THE CONSTITUTIONAL MANDATES ESTABLISHED IN THE <u>MT. LAUREL</u> DECISIONS IS NOT NOW BEING ACHIEVED AND CANNOT BE ACHIEVED UNDER PRESENT CONDITIONS.	6
<u>POINT II</u>	
SINCE PLAINTIFFS' PROOF OF EXCLUSIONARY ZONING BY RESPONDENTS COMBINED WITH STATISTICAL AND DEMOGRAPHIC DATA OF WHICH THIS COURT CAN TAKE JUDICIAL NOTICE ESTABLISHES VIOLATIONS OF THE FEDERAL FAIR HOUSING ACT PLAINTIFFS SHOULD BE AWARDED COUNSEL FEES UNDER THE COUNSEL FEE PROVISION OF THE FEDERAL FAIR HOUSING ACT, 42 <u>U.S.C.</u> SECTION 3612(c).	22
<u>POINT III</u>	
THE COURT SHOULD ESTABLISH AN ALTERNATIVE AND INDEPENDENT BASIS FOR AN AWARD OF COUNSEL FEES IN PUBLIC INTEREST CASES UNDER THE COURT RULES	34
<u>CONCLUSION</u>	48

**APPENDIX**

**PAGE**

N.J. COAH, Municipalities that have submitted housing elements/fair share plans, October 17, 1988. . . . . 1

N.J. COAH, Legal notices of municipal petitions for substantive certification, January 1987-October 1988. . . . . 4

COAH-Estimated housing obligations of municipalities filing petitioned for substantive certification January - October 1988. . . . . 24A

N.J. Administrative Office of the Courts, Press Advisory, December 5, 1985. . . . . 25

Exclusionary zoning suits filed since November 4, 1985, against municipalities not in litigation as of November 4, 1985. . . . . 37

N.J. State Data Center, N.J. Dept. of Labor, New Jersey 1980 Census of Population and Housing - Income and Poverty Estimates for Families, Households and Persons, June 1983. . . . . 39

Center for Urban Policy Research, Mount Laurel II: Challenge and Development of Low - Cost Housing, 1983. . . . . 45

U.S. Bureau of the Census, 1980 Census of Population and Housing - New Jersey Final Population and Housing Unit Counts, March 1981. . . . . 50

Proportion of Black and Hispanic population in the respondent municipalities - 1980. . . . . 56

TABLE OF AUTHORITIES

<u>CASES</u>	<u>PAGE</u>
<u>Alyeska Pipeline Services Co. v. Wilderness Society,</u> 421 U.S. 240 (1975)	45
<u>Aujero v. Cirelli,</u> 110 N.J. 344 (1988)	35
<u>Coleman v. Fiore Brothers</u> Docket No. 27,675	1
<u>Convent Station Neighborhood Association v. Sentry-Morris Associates,</u> Docket No. L097472-85 (Law Div. May 13, 1986) aff'd, Dkt. No. A-3739-86 (App. Div. March 16, 1986)	18
<u>In re Education Law Center,</u> 86 N.J. 124 (1981)	35
<u>Edwards v. California,</u> 314 U.S. 160, 286 (1941)	42
<u>Endress v. Brookdale Community College,</u> 144 N.J. Super. 109 (App. Div. 1976)	21
<u>Fair Share Housing Inc. v. Township of Cherry Hill</u> Docket No. L-42750-85 P.W. (Camden Cty., Law Div. 1985)	9
<u>Hills Development Corp. v. Bernards Township</u> 103 N.J. 1 (1986)	2, 10, 11, 13, 18
<u>Town of Huntington v. Huntington Branch NAACP,</u> ___ U.S. ___, 57 U.S.L.W. 3331 (Nov 7, 1988)	23, 24, 27
<u>Huntington Branch NAACP v. Town of Huntington</u> 844 F.2d 826 (2nd Cir. 1988) aff'd mem., ___ U.S. ___, 52 U.S.L.W. 3331 (Nov. 7, 1988)	3, 22, 23, 26, 27, 31
<u>In re Hearing on Immunity for Ethics Complaints,</u> 96 N.J. 669 (1984)	44

<u>J.W. Field Co. v. Franklin Township</u> 204 N.J. Super. 448 (Law Div. 1988)	10
<u>Jenkins v. Morris Township School District</u> , 88 N.J. 483 (1971)	42
<u>Jones v. Falcey</u> 88 N.J. Super. 273 (Law Div. 1985)	29
<u>Kennedy Park Homes Association v. City of Lackawanna</u> , 436 F.2d 108 (2nd Cir. 1979) cert. denied 401 U.S. 1010 (1971)	22, 24
<u>Lee v. Southern Homes-Sites Corp.</u> , 444 F.2d 143 (5th Cir. 1971)	45
<u>In re Livolsi</u> , 85 N.J. 56 (1981)	35
<u>Matthews v. Bay Head Improvement Association</u> , 95 N.J. 306 (1984)	43
<u>Metropolitan Housing Development Corp. v. Village of Arlington Heights</u> , 558 F.2d 1283 (7th Cir. 1977), cert. denied, 434 U.S. 1025 (1978)	22, 23, 24, 26, 27, 32
<u>Michaels v. Johnson</u> 33 N.J. Super. 77 (App. Div. 1954)	29
<u>Morris County Fair Housing Council v. Boonton Township</u> , 220 N.J. Super. 388 (Law Div. 1987)	17
<u>Morris County Fair Housing Council v. Boonton Township</u> , Docket No. L-6001-78 P.W., ___ N.J. Super. ___, 122 N.J.L.J. 1392 (Law Div., July 29, 1988)	18
<u>New Jersey Association for Retarded Citizens, Inc. v. Human Services</u> , 89 N.J. 234 (1982)	42
<u>Newman v. Piggie Park Enterprises Inc.</u> 390 U.S. 400, 402 (1968)	39
<u>In re 1115 Legal Service Care</u> ,	

110 <u>N.J.</u> 344 (1988)	35
<u>Peper v. Princeton University.</u> 77 <u>N.J.</u> 55 (1978)	40
<u>Princeton University v. Schmid.</u> 84 <u>N.J.</u> 535 (1980)	43
<u>Right to Choose v. Byrne.</u> 91 <u>N.J.</u> 287 (1982)	39
<u>Resident Advisory Board v. Rizzo</u> 564 <u>F.2d</u> 126 (3rd Cir. 1977), cert denied, 436 <u>U.S.</u> 908 (1978)	23, 24, 26
<u>Serrano v. Priest.</u> 20 <u>Cal.</u> 3d 25, 569 <u>P.2d</u> 1303, 141 <u>Cal.</u> Rptr. 315 (1977)	45
<u>Singer v. State.</u> 95 <u>N.J.</u> 487, 498 (1984)	36, 40
<u>Skolnick v. Board of Commissioners of Cook County.</u> 435 <u>F.2d</u> 361, 363 (7th Cir. 1970)	29
<u>Smith v. Town of Clarkton.</u> 682 <u>F.2d</u> 1055 (4th Cir. 1982)	23, 24
<u>State v. Otis Elevator.</u> 12 <u>N.J.</u> 1 (1983)	35, 44
<u>State v. Williams.</u> 92 <u>N.J.</u> 39, 57-58 (1983)	39
<u>State v. Schmid.</u> 84 <u>N.J.</u> 535, 558 (1980)	39
<u>Sunset Amusement Corp. v. Berk</u> 33 <u>N.J.</u> 162 (1960)	37
<u>Southern Burlington County NAACP v. Mt. Laurel Township</u> 67 <u>N.J.</u> 155 (1975)	2, 7, 22
<u>Southern Burlington County NAACP v. Mt. Laurel Township and 92 N.J. 158 (1983)</u>	2, 7, 8, 9, 21, 28, 43
<u>United States v. City of Black Jack</u> 508 <u>F.2d</u> 1179 (8th Cir. 1978), cert. denied, 401 <u>U.S.</u> 205, 209 (1972)	22, 23, 24, 32

Urban League of Greater New Brunswick  
v. Mayor and Council of Carteret  
 170 N.J. Super. 461 (App. Div. 1979), rev'd on other grounds  
 sub nom. Southern Burlington County  
NAACP v. Mt. Laurel Township.  
 92 N.J. 158 (1983)

Wiser v. Kaufman Carpets Co.,  
 186 N.J. Super. 574, 579  
 (App. Div. 1983)

**STATUTES**

N.J.S.A. 40:55D-62  
N.J.S.A. 52:27D-16(a)  
N.J.S.A. 52:27D-301 et seq.  
N.J.S.A. 52:27D-303  
N.J.S.A. 52:27D-307  
N.J.S.A. 52:27D-309  
N.J.S.A. 52:27D-313  
N.J.S.A. 52:27D-314  
N.J.S.A. 52:27D-315  
N.J.S.A. 52:27D-328  
N.J.S.A. 52:27E-32  
 42 U.S.C. Sec. 1988  
 42 U.S.C. Sec. 3601 et seq.  
 42 U.S.C. Sec. 3604  
 42 U.S.C. Sec. 3612  
 Cal. Civ. Prog. Code Sec. 1021.5

**RULES AND REGULATIONS**

22, 23

40

14

10

2, 10

13

15

11, 16

10, 11, 15

11

16

13

1

39

21

4, 21

3, 4, 21  
 33

44

28

28

33

R. 4:42-9(a)(1)	40
R. 4:42-9(a)(2)	38, 40
R. 4:42-9(a)(8)	40, 44

**OTHER AUTHORITIES**

Brennan, "State Constitutions and the Protection of Individual Rights," 90 <u>Harv. L. Rev.</u> 489 (1977)	40
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Center for Urban Policy Research, <u>Mount Laurel II: Challenge and Delivery of Low-Cost Housing</u> , 171 (1983)	30
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M. Derfner, "The Civil Rights Attorneys' Fees Award Act of 1976," in <u>Public Interest Practice and Fee Awards</u> (H. Newberg ed. 1980)	45
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J. McDermott and R. Rothschild, "The Private Attorney General Rule and Public Interest Litigation in California," 66 <u>Cal. L. Rev.</u> 138 (1978)	45
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<u>N.J. Const.</u> Art. VI, Sec. 5, par. 3	33
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N.J. State Data Center, <u>1980 Census-Municipal Profiles: Income and Poverty Estimates for Families Households and Persons in 1979</u> 1. 269. 310. 497. 566 (1982)	29
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"The Private Attorney General and the Public Advocate: Facilitating Public Interest Litigation," 34 <u>Rut. L. Rev.</u> 350 (1980)	41
---	----

<u>U.S. Bureau of the Census, 1980 Census of Population and Housing - New Jersey Final Population and Housing Count</u> (1981)	31
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## INTRODUCTION

The Public Advocate submits this brief as amicus curiae to place in a broader public policy context the legal arguments made by the parties concerning the availability of court-awarded counsel fees to the prevailing plaintiffs in this exclusionary zoning case.

The Public Advocate has a statutory mandate to appear in judicial proceedings to represent the public interest. N.J.S.A. 52:27B-32. In accordance with this mandate, he has appeared as either amicus curiae or on behalf of a party in every case before this Court since 1974 concerning exclusionary zoning. In addition, he is currently appearing in one capacity or another in exclusionary zoning litigation in the trial courts involving 15 municipalities and in administrative proceedings before the New Jersey Council on Affordable Housing ("COAH") involving approximately 30 other municipalities. Pursuant to his statutory mandate, the Public Advocate has also appeared before this Court as amicus curiae in matters concerning the availability of attorneys' fees to persons who might otherwise be unable to vindicate their rights. See, e.g., Coleman v. Fiore Brothers, Docket No. 27,675, which is currently pending before this Court. Thus, the Public Advocate has an interest in this matter and also expertise and a statewide policy perspective which may be of assistance to this Court.

As amicus will set forth in more detail below, an analysis of developments since the enactment of the New Jersey Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., shows that the laudable goals established by this Court in the Mt. Laurel decisions, Southern Burlington County NAACP v. Mt. Laurel Township, 67 N.J. 155 (1975) ("Mt. Laurel I") and 92 N.J. 158 (1983) ("Mt. Laurel II"), and reaffirmed in Hills Development Corp. v. Bernards Township, 103 N.J. 1 (1986) ("Hills"), are not being met. Moreover, under present circumstances, it is very unlikely that these goals can or will be achieved in the foreseeable future. Although the Legislature and this Court anticipated that municipalities, acting under the auspices of the newly created New Jersey Council on Affordable Housing, would voluntarily comply with the mandates of the Constitution or would be spurred on to do so by the threat of litigation instituted by developers or by low and moderate income persons, Hills, 103 N.J. at 35-38, this has not proven to be the case. To the contrary, the level of municipal participation in proceedings before the Council on Affordable Housing is very low. The threat of developer-instituted litigation has been much reduced by the New Jersey Fair Housing Act and is no longer an effective incentive for municipal compliance. Additionally, low and moderate income persons lack the resources to vindicate their constitutional rights or to enforce compliance by municipalities with the mandates of the Constitution. As a result, no exclusionary zoning litigation has been initiated by low and moderate income

persons since 1985, and the threat of such litigation has had no impact on the level of municipal compliance.

If the New Jersey Fair Housing Act is to function effectively as a vehicle to implement the Constitution, there must be parties who have both the motivation and the means to institute exclusionary zoning litigation. Since developers, who have the means, no longer have the motivation to do so, it is essential that low and moderate income persons, who have the motivation, be given the means to do so. Thus, the issue of the availability of counsel fees in exclusionary zoning litigation, which is before the Court in this appeal, has a public policy significance that extends far beyond the interests of the present parties.

Plaintiff-appellant Urban League contends that it is entitled to court awarded counsel fees under the Federal Fair Housing Act, 42 U.S.C. Sec. 3612(c), because it prevailed on state constitutional claims closely related to its claims under the Federal Fair Housing Act. AMICUS is persuaded that plaintiff's analysis is sound and should be adopted by this Court. AMICUS, however, offers this Court two alternative approaches to the issues in this case.

First, based upon the analysis of the legal standards established by the federal courts under the Federal Fair Housing Act, and most recently reaffirmed in Huntington Branch NAACP v. Town of Huntington, 844 F.2d 826 (2nd Cir. 1988) aff'd mem., \_\_\_\_\_ U.S. \_\_\_, 57 U.S.L.W. 3331 (Nov. 7, 1988), this Court may

properly conclude that the plaintiffs have not merely proven a state claim closely related to the Federal Fair Housing Act, but in fact have also established violations of the Federal Fair Housing Act itself. Indeed, the very proofs that established the plaintiffs' claim of unconstitutional exclusionary zoning under state law, when taken together with indisputable statistical and demographic data of which this Court can properly take judicial notice, also establish unlawful racial discrimination in violation of the Federal Fair Housing Act. 42 U.S.C. Sec. 3604. Therefore, since plaintiffs are not merely prevailing parties on a state law claim but are also prevailing parties under the Federal Fair Housing Act, they are entitled to a full measure of court-awarded counsel fees under 42 U.S.C. Sec. 3612(c). On this view, such fees would be available not only to these plaintiffs, but also to lower income plaintiffs in almost all successful exclusionary zoning litigation. Second, even if the Court chooses not to address in broad terms the entitlement of lower income plaintiffs to court-awarded counsel fees under the Federal Fair Housing Act, the Court can make court-awarded counsel fees available to lower income plaintiffs in exclusionary zoning and other public interest cases by crafting a specific court rule for this purpose.

By adopting either of these approaches, the Court can establish that counsel fees are available to successful lower income plaintiffs not merely in this case but in exclusionary

litigation generally. The Court can also avoid the necessity of deciding the technical issue of federal law posed by the parties.

We shall first analyze the implementation of the Mt. Laurel mandate since the enactment of the New Jersey Fair Housing Act in 1985. We shall then address each of these alternative approaches in turn.

## ARGUMENT

### I. GENERAL COMPLIANCE THROUGHOUT THE STATE WITH THE CONSTITUTIONAL MANDATES ESTABLISHED IN THE MT. LAUREL DECISIONS IS NOT NOW BEING ACHIEVED AND CANNOT BE ACHIEVED UNDER PRESENT CONDITIONS.

The question raised by this appeal -- the availability of court-awarded counsel fees to prevailing plaintiffs in exclusionary zoning litigation -- is of public policy importance because of its relationship to the broader goal of achieving general compliance throughout the State with the constitutional mandates established in the Mt. Laurel decisions. Although this Court has grappled with this issue three times in the past 13 years, an evaluation of the current state of compliance will, as set forth below, demonstrate that little progress is now being made toward this goal. Although making court-awarded counsel fees available to prevailing low income plaintiffs is not a complete solution to this problem, it would represent a significant and practical step in addressing the current widespread non-compliance with the Constitution.

We shall first review the history of this Court's efforts to fashion an effective set of tools to achieve the goal of general compliance with the constitutional mandates established in the Mt. Laurel decisions and will then analyze how the provision of court-awarded counsel fees can remedy some of the deficiencies that have emerged following the enactment of the New Jersey Fair Housing Act of 1985.

In 1975, this Court enunciated a broad constitutional prohibition on municipal land use policies and practices that exclude lower income households. Southern Burlington County NAACP v. Mt. Laurel, 67 N.J. 155 (1975) ("Mt. Laurel I"). This Court declared that all municipalities in developing areas of the state have an affirmative obligation to plan and provide for both the unmet housing needs of their indigenous poor and also for their fair share of the present and prospective unmet housing needs of the poor of the region in which they are located. 67 N.J. at 174, 179-81, 187-89. The Court, however, declined to impose any specific judicial remedies for municipal violation of this principle, in the hope and faith that municipalities would voluntarily comply with these newly enunciated constitutional principles. 67 N.J. at 208.

Unfortunately, this hope and faith was misplaced. In 1983, the Mt. Laurel case came before the Court a second time. The Court observed:

The [Mount Laurel] doctrine has become famous. The Mount Laurel case has become infamous. After all this time, ten years after the trial court's initial order invalidating its zoning ordinance, Mount Laurel remains afflicted with a blatantly exclusionary ordinance. Papered over with studies, rationalized by hired experts, the ordinance at its core is true to nothing but Mount Laurel's determination to exclude the poor. Mount Laurel is not alone; we believe that there is widespread non-compliance with the constitutional mandate of our original opinion in this case. Southern Burlington County NAACP v. Mt. Laurel

Township, 92 N.J. at 198-99 (1983) ("Mt. Laurel II").

"[We are far from where we hoped to be," the Court observed, "and nowhere near where we should be..." 92 N.J. at 201. The absence of voluntary municipal compliance was, as the Court noted, exacerbated by the cost, complexity, and general ineffectiveness of litigation to compel municipal compliance. 92 N.J. at 200. "The doctrine is right," the Courts observed, "but its administration has been ineffective." 92 N.J. at 201. Based upon the first eight years of implementation of Mt. Laurel, the Court concluded that, "We have learned from experience...that unless a strong judicial hand is used, Mount Laurel will not result in housing but in paper, process, witnesses, trials and appeals." 92 N.J. at 199. The Court, therefore, resolved to "strengthen" and "clarify" the doctrine, to simplify and streamline litigation to increase the effectiveness of judicial remedies, and, generally, to make achievement of provision of housing opportunities in formerly exclusionary communities "as realistic as judicial remedies can make it." 92 N.J. at 199, 214.

By the time Mt. Laurel II was decided, it had already become clear that lower income persons and civil rights and public interest organizations representing the interests of lower income persons, could not, utilizing their own resources, secure general compliance with the constitutional principles established in the Mt. Laurel decisions. Between 1975 and 1983, only one new

case was filed by lower income persons or organizations representing their interest.\* The "length and complexity" of exclusionary zoning litigation, which as the Court noted, had "made the expense of such litigation so high that a real question develops as to whether municipalities can afford to defend or the plaintiffs to sue," 92 N.J. at 200, bore especially heavily on lower income persons and those representing their interests, and had for all practical purposes, driven them off the playing field.

The Court responded to this problem by looking to another class of litigants -- developers. It authorized site-specific remedies for developers so as to create a class of litigants who had both the means and the motivation to enforce the constitutional principles enunciated in the Mt. Laurel decisions. 92 N.J. at 279-81. In so doing, the Court accepted plaintiffs' contention that providing incentives for litigation by developers was "essential to maintain a significant level of Mount Laurel litigation and the only effective means to date of enforcing compliance." 92 N.J. at 279. Subsequent experience bore out this expectation. Between 1983 and 1985, only one additional suit was filed by lower income persons or

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\* Morris County Fair Housing Council v. Boonton Township, Docket No. L-6001-78 P.W. (Morris Cty., Law Div., 1978), filed by the Public Advocate.

organizations representing their interests,\* while 101 suits were filed by builders. As noted by one of the three trial judges specially assigned by the Court to hear exclusionary zoning litigation,

The builder's remedy is the economic inducement held out to developers so that they will enforce the Mount Laurel obligation of our municipalities. It was the Court's goal to maintain a significant level of Mount Laurel litigation. This incentive has produced the desired result. The experience of this court demonstrates that the level of Mount Laurel litigation has increased dramatically since Mount Laurel II and every suit has been brought by a builder rather than a nonprofit or public agency. J.W. Field Co. v. Franklin Township, 204 N.J. Super. 448, 452 (Law Div. 1985). (citations omitted)

In 1985, in response to repeated invitations by the Court, the Legislature adopted legislation implementing the Mt. Laurel principles. This legislation, the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., created a state agency, the Council on Affordable Housing, to be the primary vehicle for enforcement of the constitutional principles enunciated in the Mt. Laurel cases. The legislation, as construed by this Court in Hills Development Corp. v. Bernards Township, 103 N.J. 1 (1986) ("Hills"), permitted any municipality which was a party to pending exclusionary zoning litigation to transfer the matter to

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\* Fair Share Housing Inc. v. Township of Cherry Hill, Docket No. L-42750-85 P.W. (Camden Cty., Law Div. 1985).

the Council on Affordable Housing, N.J.S.A. 52:27D-16(a). Municipalities not already parties to litigation could submit themselves to the jurisdiction of the Council on Affordable Housing by filing housing elements with the Council. N.J.S.A. 52:27D-313. Any municipality which indicated an intention to file a housing element prior to November 4, 1985, and which in fact did so by January 4, 1987, or which filed a housing element with the Council prior to litigation being filed, was granted safe harbor from court proceedings, whether or not it actually implemented the housing element. N.J.S.A. 52:27D-309, 316(b). In addition, a municipality could petition the Council on Affordable Housing for "substantive certification," i.e., for a determination that it is in fact complying with its constitutional obligations. N.J.S.A. 52:27D-314.

Under the terms of the Fair Housing Act, courts are to play only a very limited role in enforcement of the Mt. Laurel principles. They serve as the forum for exclusionary zoning litigation only in three classes of cases: 1) where suit was brought prior to November 4, 1985, and the municipality has elected to remain before the courts; 2) where suit is brought after November 4, 1985, but before a municipality has filed a housing plan with the Council or petitioned for substantive certification; or 3) following a grant or denial by the Council of a petition for substantive certification. Hills, 103 N.J. at 35-36, 38.

In considering the constitutionality of the Fair Housing Act, the Court recognized that the statute, on its face, provides no more than a mechanism for certification by a state agency of voluntary compliance. Hills, 103 N.J. at 35-36. The Court, however, was convinced that the incentives provided in the legislation to induce municipalities to petition the Council for substantive certification of their housing elements -- safe harbor from litigation while the municipality has a housing plan on file with the Council and a strong shield against litigation during the six years following substantive certification -- were of sufficient value to municipalities that "it can fairly be assumed that most municipalities that have a potentially significant Mount Laurel obligation will file their petitions for substantive certification, their housing element, and fair share ordinance within a reasonable period of time after the Council's adoptions of its criteria and guidelines." 103 N.J. at 36. In support of this projection, the Court noted that, as of February 1986, 182 municipalities had filed notices expressing an intent to petition for substantive certification. Id. Based upon this projection, the Court concluded that "what appears at first simply to be an option available to municipalities is more realistically a procedure that practically all municipalities with significant Mount Laurel obligations will follow..." Id.

The Court also noted that the Council has at least the theoretical power to simulate a builder's remedy by conditioning substantive certification upon the municipality rezoning specific

sites for inclusionary development, 103 N.J. at 47 n.13, affirming in pertinent part, Morris County Fair Housing Council v. Boonton Township, 209 N.J. Super. 393, 433-34 (Law Div. 1985); id. at 56-57. Nonetheless, the legislation neither mandates that the Council impose any such remedies nor contemplates that either developers or low income persons will continue to play a major role as moving agents to secure municipal compliance. To the contrary, the legislation expresses a specific distaste for the builder's remedy as a means of securing compliance by municipalities with their constitutional obligations. N.J.S.A. 52:27D-303; cf. 52:27D-328. The reality, as the Court recognized, was that even builders who had already brought exclusionary zoning under Mt. Laurel II in anticipation of securing a site specific remedy were destined to be disappointed when those cases were transferred to the Council on Affordable Housing. 103 N.J. at 54-55. The Court characterized the builder's remedy as merely a transitory device "to increase compliance with Mt. Laurel," which had been rendered obsolete by the administrative machinery created by the Fair Housing Act. Id. Nonetheless, the Court expressed confidence that builders would continue to play an active role in proceedings before the Council. 103 N.J. at 43.

The high expectations expressed by the Court in Hills have, unfortunately, not been fulfilled. As of February 1986 -- the date of the Hills decision -- 182 municipalities had filed notices of intent to petition for substantive certification.

This number has not increased. As of October 17, 1988, only 161 municipalities had filed housing elements with the Council. N.J. Council on Affordable Housing, Municipalities That Have Submitted Housing Elements/Fair Share Plans, Oct. 17, 1988. (PAa1). Of these, only 107 had petitioned for substantive certification. *Id.* The sequence of filings paints a picture even more disappointing than these gross figures might suggest. Seventy-seven (77) petitions for substantive certification were filed between January and June 1987 -- the first six months of operation of the Council on Affordable Housing. N.J. Council on Affordable Housing, Legal Notices of Filing of Petitions for Substantive Certification, Jan. 1987 - October, 1988 (PAa4 to 24). Of these, the great majority were pending cases transferred from the courts. Such cases still make up more than 40 percent (43 out of 107 cases) of the Council's docket. (PAa3). During 1988, from January through July, petitions for substantive certification averaged slightly fewer than two per month (12 petitions in seven months). (PAa17-21). In August 1988, municipalities were required under the Municipal Land Use Law, N.J.S.A. 40:55D-62, to adopt revised housing elements as part of their municipal master plans. As a result there was a one-time jump in the number of petitions filed with the COAH; 11 were filed in August 1988. *Id.* (PAa22). In September and October, the rate of filings returned to its previous level of two per

month (four in two months).\* Id. (PAa23-24). At this rate, the number of municipalities who have filed petitions for substantive certification will not reach 283 (i.e., one-half of the municipalities in the state) for another seven years. Indeed, if this pace is maintained, the number of municipalities that have filed petitions for substantive certification will not reach the 182 figure cited by the Court in 1986 for another three years -- if then. Moreover, of the 23 non-court transferred municipalities who petitioned for substantive certification during 1988, five are urban municipalities who have not been assigned any share of the regional need and 12 are municipalities whose total obligation (before credits or downward adjustments pursuant to N.J.S.A. 52:27D-307), as estimated by the Council, is less than one hundred units. (PAa25). While the mean uncapped housing obligation, as estimated by the COAH, of all municipalities in New Jersey is 257 units, N.J.A.C. 5:92-Technical Appendix at p. 92-38, the mean uncapped housing obligation for these 12 municipalities is 42.3 units. (PAa12). Thus, only seven of the 24 municipalities who voluntarily petitioned for substantive certification are municipalities that

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\* The monthly filing rates exaggerate somewhat the number of filings, since they do not reflect the number of municipalities that have filed but subsequently withdrawn their petitions.

have a significant Mount Laurel obligation.\*

Thus, the Fair Housing Act is, by itself, not proving to be an effective vehicle for securing widespread compliance by municipalities with their constitutional obligations. There appear to be two reasons for this. First, under N.J.S.A. 52:27D-313, municipalities can secure safe harbor from litigation simply by filing a housing element with the Council on Affordable Housing without either petitioning the Council for substantive certification or actually implementing the housing element. One third of the municipalities who have filed housing elements (54 out of 161) have chosen this course. (PAa1 to 3). Although, theoretically, a builder could force a municipality who has filed a housing element with the COAH into review proceedings by filing a lawsuit under N.J.S.A. 52:27D-316(b),\*\* few such lawsuits have been filed. The Council rarely grants builder's remedies. In addition, it takes the position that the maximum sanction it can impose upon a non-complying municipality is denial of substantive certification. As a result, builders have perceived little

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\* In addition, some of these seven municipalities have asserted that a combination of credits and downward adjustments excuse them from the obligation to provide for any significant amount of additional lower income.

\*\* The Act also authorizes builders themselves to initiate review proceedings involving such municipalities. N.J.S.A. 52:27D-315. The Council, however, has not adopted procedural regulations implementing this provision.

benefit in pursuing such cases. Second, the threat of developer initiated exclusionary zoning litigation, which the Court projected would be a powerful inducement for municipalities to petition for substantive certification, has not proven to be so compelling. It appears that municipalities no longer fear such litigation.

The relative indifference of municipalities to the threat of developer initiated litigation appears to be well-founded. The number of new exclusionary zoning lawsuits filed by developers has dropped off dramatically since the enactment of the Fair Housing Act. During the 29 months between the date of this Court's decision in Mt. Laurel II and the enactment of the Fair Housing Act, 108 lawsuits were filed by developers. Administrative Office of the Courts, Press Advisory, Dec. 5, 1985 (PAA25-36). During the 25 months between the November 4, 1985 -- the first date that developers could sue towns that had not elected to submit to the jurisdiction of the Council -- and the present, only 39 suits were filed against 32 municipalities not in litigation as of 1985.\* (PAA25).

In addition, developers and municipalities have both discovered that even a lawsuit in which relief is awarded to a developer does not necessarily benefit the developer or limit the

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\* Some additional suits were filed against municipalities that were already in litigation.

ability of the town to resist the provision of lower income housing. Experience has demonstrated that the road from a decree ordering the rezoning of a site for inclusionary development to the developer's actually securing all the necessary municipal approvals to commence construction is long, arduous and expensive, and often involves further complex and costly litigation. See, e.g., Morris County Fair Housing Council v. Boonton Township, 220 N.J. Super. 388 (Law Div. 1987), on appeal, Docket No. A-8311-86T1 (reciting the history of efforts by developers to secure site plan approvals for inclusionary development in Morris Township following the entry of a final judgment rezoning their properties); Morris County Fair Housing Council v. Boonton Township, \_\_\_\_\_ N.J. Super. \_\_\_\_\_ (Law Div. 1988) (further episodes in the same case).<sup>\*</sup> The builder's remedy has thus proven neither to be as valuable as builders had hoped nor as threatening as municipalities had feared.

Finally, both developers and municipalities have learned the lesson taught by this Court in Hills:

If there is any class of litigant that knows of the uncertainties of

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<sup>\*</sup> In addition to two reported decisions in this case, there are also four additional unreported decisions on motions in aid of litigant's rights brought by developers, as well as unreported trial and appellate decisions on collateral litigation brought by citizens of the municipality who opposed the development of lower income housing. Convent Station Neighborhood Association v. Sentry-Morris Associates, Docket No. L-097472-85 (Law Div. Aug. 13, 1986) aff'd, Dkt. No. A-3791-86 (App. Div., March 16, 1988)

litigation, it is the builders. They, more than any other group, have walked the rough, uneven, unpredictable path through planning boards, boards of adjustments, permits, approvals, conditions, lawsuits, appeals, affirmances, reversals, and in between all of these, changes in both statutory and decisional law that can turn a case upside down. No builder with the slightest amount of experience could have relied on the remedies provided in Mount Laurel II in the sense of justifiably believing that they would not be changed, or that any change would not apply to the builders. 103 N.J. at 55.

Both developers and municipalities are fully aware that the remedies reasonably anticipated by a developer at the commencement of exclusionary zoning litigation may well be eliminated by subsequent legislation, constitutional amendment or judicial decision before the litigation is over. Both are aware that there has been no shortage of legislation and constitutional amendments proposed to accomplish just this purpose. For this reason, too, developers have discounted the reward, and municipalities have discounted the risk, of developer initiated litigation.

Thus, the Court is faced with the same question it faced in 1975, 1983, and 1986: how can general compliance with the constitutional principles enunciated in the Mt. Laurel be secured? Regrettably, the Fair Housing Act and the potential availability of builder's remedies in developer initiated exclusionary zoning litigation do not appear likely by themselves to achieve this result.

The Public Advocate suggests that a partial answer to this question lies in facilitating litigation by lower income persons and organizations representing their interest. Such persons and organizations have the most direct and powerful stake in securing enforcement of the Mt. Laurel principles. The various circumstances that have deterred developers from actively seeking to enforce these constitutional principles do not affect them. Unlike builders, lower income plaintiffs are not motivated by anticipation of profits, but by their personal interest and by their moral commitment to the principles of justice and fairness embodied in the Mt. Laurel decisions. As a consequence, when the prospect of profits begins to fade -- as has been the case since 1985 -- builders may lose interest, but lower income plaintiffs continue to press on. What lower income persons lack is the resources to actually pursue such litigation. This lack has, for the most part, effectively prevented lower income persons from playing a major role in the enforcement of the Mt. Laurel principles. As noted above, virtually no litigation has been filed since Mt. Laurel I by lower income persons or organizations representing their interests. The availability of court-awarded counsel fees, whether under the fee-shifting provisions of the federal (or state) civil rights laws, or under an appropriately framed rule of court, would enable low income persons and organizations representing their interests to perform their natural and appropriate role as the primary agents for securing

general compliance with the constitutional principles enunciated in the Mt. Laurel decisions.

We shall first analyze below the availability of court-awarded fees under existing federal civil rights statutes and will then address the desirability of the Court's adopting an appropriate rule of court as an alternative means of achieving the same result.

II. SINCE PLAINTIFF'S PROOF OF EXCLUSIONARY ZONING BY RESPONDENTS COMBINED WITH STATISTICAL AND DEMOGRAPHIC DATA WHICH THIS COURT CAN TAKE JUDICIAL NOTICE, ESTABLISHES VIOLATIONS OF THE FEDERAL FAIR HOUSING ACT, PLAINTIFFS SHOULD BE AWARDED COUNSEL FEES UNDER THE COUNSEL FEE PROVISION OF THE FEDERAL FAIR HOUSING ACT, 42 U.S.C. SECTION 3612.

Plaintiffs in this case pleaded not only a claim of exclusionary zoning under the New Jersey Constitution, but also a claim of racial discrimination under the Federal Fair Housing Act of 1968, 42 U.S.C. Sec. 3601 et seq.\* Following the decisions in Mt. Laurel I and Mt. Laurel II, the case was tried primarily on claims under the New Jersey Constitution. Nonetheless, as we shall demonstrate below, the evidence that established exclusionary zoning, when combined with indisputable demographic and statistical data of which this Court (or the trial court on remand) can take judicial notice under Evid. R. 9 and 12, also proves violations of the Federal Fair Housing Act. Under these circumstances, the courts can and should award counsel fees under the counsel fee provision of the Federal Fair Housing Act, 42 U.S.C. Sec. 3612(c).

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\* Although plaintiffs in this case specifically pleaded the federal civil rights laws, that fact is of no great importance. Even where federal civil rights statutes have not been specifically pleaded, the courts will uphold such a claim if supported by the proofs. See Endress v. Brookdale Community College, 144 N.J. Super. 109, 132 (App. Div. 1976).

The Federal Fair Housing Act of 1968, 42 U.S.C. Sec. 3604(a), provides in pertinent part that

...it shall be unlawful --

(a) to refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, or national origin. (emphasis added).

This provision has been construed to apply not merely to racially discriminatory conduct by private persons, but also to racially discriminatory conduct by public entities such as municipalities. Huntington Branch, NAACP v. Town of Huntington, 844 F.2d 926 (2nd Cir. 1988), aff'd. mem., \_\_\_ U.S. \_\_\_, 57 U.S.L.W. 3331 (Nov. 7, 1988); Metropolitan Housing Development Corp. Village of Arlington Heights, 558 F.2d 1283 (7th Cir. 1977), cert. denied, 434 U.S. 1025 (1978); United States v. City of Black Jack, 508 F.2d 1179 (8th Cir. 1978), cert. denied, 401 U.S. 205, 209 (1972); Kennedy Park Homes Association v. City of Lackawanna, 436 F.2d 108 (2d Cir. 1970), cert. denied, 401 U.S. 1010 (1971); Urban League of Greater New Brunswick v. Mayor and Council of Carteret, 170 N.J. Super. 461, 469-470 (App. Div. 1979), rev'd on other grounds sub nom. Southern Burlington County NAACP v. Mt. Laurel Township, 92 N.J. 158 (1983).

There has been extensive litigation on what proofs suffice to establish a violation by municipal officials of the Federal Fair Housing Act. Every federal appellate court that has considered the question has held that in appropriate

circumstances municipal actions that will foreseeably have a racially disparate impact on housing opportunities represent unlawful racial discrimination in violation of the Federal Fair Housing Act, 42 U.S.C. Sec. 3604, regardless of the lack of subjective intent by the municipal officials to engage in racial discrimination. See, e.g., Huntington Branch, NAACP v. Town of Huntington, 844 F.2d at 934-46; \* Arthur v. City of Toledo, 782 F.2d 565, 575 (6th Cir. 1986); Smith v. Town of Clarkton, 682 F.2d 1055 (4th Cir. 1982); Metropolitan Housing Development Corp. v. Village of Arlington Heights, 558 F.2d 1283 (7th Cir. 1977) cert. denied, 434 U.S. 1025 (1978); Resident Advisory Board v. Rizzo, 564 F.2d 126, 146-48 (3rd Cir. 1977), cert. denied, 436 U.S. 908 (1978); United States v. Village of Black Jack, 508 F.2d 1179 (8th Cir. 1976) cert. denied, 409 U.S. 205, 209 (1972). The courts of New Jersey have reached the same conclusion. Urban League of Greater New Brunswick v. Mayor and Council of the Borough of Carteret, 170 N.J. Super. 461, 469-70 (App. Div. 1979), rev'd on other grounds, 92 N.J. 158 (1983). Furthermore, the federal courts have held in numerous cases that municipal zoning ordinances and land use policies and practices that have a disparate impact on racial minorities constitute unlawful racial discrimination under 42 U.S.C. sec. 3604. Town of Huntington v.

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\* In view of its disposition of this case, the Supreme Court determined not to reach this issue on appeal. 57 U.S.L.W. 3331.

Huntington Branch, NAACP, \_\_\_ U.S. \_\_\_, 57 U.S.L.W. 3331 (Nov. 7, 1988); Smith v. Town of Clarkton, supra; Resident Advisory Board v. Rizzo, supra; Metropolitan Development Corp. v. Village of Arlington Heights, United States v. Village of Black Jack, supra; Kennedy Park Homes Association v. City of Lackawanna, supra.

The most recent and comprehensive analysis of the evidence necessary to prove that the exercise of municipal zoning has a disparate impact on blacks is Huntington Branch, NAACP v. Town of Huntington. In that case, the plaintiffs attacked the legality of municipal zoning ordinances and land use decisions that excluded multi-family housing affordable to low and moderate income families from predominantly white neighborhoods in the municipality. The trial court expressly found that this policy was not motivated by a racially discriminatory intent, 844 F.2d at 933, and the Court of Appeals did not disturb this finding. 844 F.2d at 937 n. 7. The plaintiffs asserted, and the Court of Appeals concluded, that this policy represented unlawful racial discrimination, in violation of 42 U.S.C. 3604, solely on the basis of its disparate impact on blacks. 844 F.2d at 934-936. The Court of Appeals, following the analysis developed in earlier decisions, Metropolitan Development Corp v. Village of Arlington Heights, and Resident Advisory Board v. Rizzo, held that disparate impact could be proven in either two ways. 844 F.2d at 937: First, plaintiffs might prove that the municipality's policy foreseeably burdened blacks more heavily than whites. 844 F.2d at 937, 938. The Court of Appeals held that this could be

demonstrated by demographic and statistical data showing that the policies had a greater proportionate impact on minorities, i.e., that minority families were more likely to be lower income and in need of housing than the population as a whole. In Huntington, 24 percent of all minority families were low income and in need of housing, while only 7 percent of all families were lower income and in need of housing. Thus, minority families were about three times as likely to be harmed by the failure of Huntington to permit the construction of multifamily housing as the population at large. Such data, the Court of Appeals held, demonstrated that these policies has a racially disparate impact and violated the Federal Fair Housing Act. 844 F. 2d at 938.

Second, the plaintiffs might prove disparate impact by showing that the practices had the effect of perpetuating patterns of racial segregation in the community or the region. 844 F. 2d at 937-38. The Court of Appeals held that this, too, could be proven through demographic and statistical data showing that the area from which affordable housing was being excluded was disproportionately white, that it was likely that a significant percentage of the affordable housing units would be occupied by blacks, and that, as a consequence, excluding this affordable housing perpetuates the existing racial character of the white neighborhood and impedes racial integration. In Huntington, the neighborhood from which lower income housing was excluded was 98 percent white and it was likely that approximately 25 percent of the lower income housing units would

be occupied by blacks. Exclusion of this type of housing had the effect of perpetuating the existing pattern of racial segregation in Huntington. Such data, the Court of Appeals held, proved that these policies had a racially disparate impact and violated the Federal Fair Housing Act. 844 F. 2d at 938.\* On appeal, the

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\* As noted by the court below, some decisions, e.g., Metropolitan Development Corp. v. Village of Mt. Arlington, while holding that a violation of the Federal Fair Housing Act is established by proof of disparate impact upon minorities without any necessity of proof of discriminatory intent, suggest that the courts weigh four factors:

- 1) the extent of the racially discriminatory effect;
- 2) the extent of any evidence of racially discriminatory intent, even if not rising to a preponderance of the evidence;
- 3) defendant's interest in taking the action complained of; and
- 4) whether plaintiff is seeking to compel defendant to actually provide housing or merely to refrain from interfering with the efforts of others.

Subsequent decisions, however, have stressed that only the first of these elements is necessary to plaintiff's case. Huntington Branch NAACP v. Town of Huntington, 844 F.2d at 936-37; Resident Advisory Board v. Rizzo, 564 F.2d at 148-49. Evidence of discriminatory intent that does not rise to the level of a preponderance, if material at all, merely enhances plaintiff's case. Resident Advisory Board v. Rizzo, 564 F.2d at 148 (questioning whether evidence is even relevant); Huntington Branch NAACP v. Town of Huntington, 844 F.2d at 936. Moreover, the defendant's interest is not an element of plaintiffs' case, but an affirmative defense that can be established only by proof that the action both serves a legitimate and bona fide governmental interest and also that no alternative would serve that interest with less discriminatory effect. Resident Advisory

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United States Supreme Court affirmed this conclusion. It held that "on this record disparate impact was shown ..." 57 U.S.L.W. at 3331.

In Huntington, the courts held that exclusion of lower income housing from even part of a municipality would violate the Federal Fair Housing Act where it had a racially disparate impact. A fortiori, exclusion of lower income housing from an entire municipality where such exclusion would have a racially disparate impact violates the Federal Fair Housing Act. Metropolitan Development Corp v. Village of Arlington Heights.

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Board v. Rizzo, 564 F.2d at 148-49; Huntington Branch NAACP v. Town of Huntington, 844 F.2d at 936, 939. Finally, whether plaintiffs are seeking to compel the municipality to provide housing itself or merely to refrain from interfering with construction by others does not affect plaintiffs' case, but relates to the strength of the justifications which defendants must prove to establish an affirmative defense. Huntington Branch NAACP v. Town of Huntington, 844 F.2d at 936.

The conclusions rendered by the Court of Appeals as to the nature of the proofs that must be offered to establish a defense against the showing of a racially disparate impact in Huntington Branch NAACP v. Town of Huntington were expressly affirmed by the Supreme Court. 57 U.S.L.W. at 3331.

In the present case, the trial court found all of defendant's rationales for exclusionary zoning inadequate to justify the exclusion of poor people. Since those reasons could not justify exclusion under state law, they could not justify the racially discriminatory effects of that exclusion under federal law. See Huntington NAACP v. Town of Huntington, 844 F.2d at 939-40 (analyzing justifications for exclusionary ordinance that has racially discriminatory effects).

supra; United States v. Village of Black Jack, supra. Thus, where exclusion of lower income housing from the municipality is proven, the only additional proofs necessary to demonstrate a violation of the Federal Fair Housing Act by the municipality are proofs of disparate racial impact. It is well-recognized in Huntington and related cases that demographic and statistical data are sufficient to prove such disparate racial impact.

This Court has previously reviewed the proofs of municipal exclusion of lower income housing in this case and has held that the plaintiffs clearly demonstrated such exclusion. Mt. Laurel II, 92 N.J. at 339-51. It is undisputed in this proceeding that plaintiffs have proven municipal exclusion of lower income housing. Because of evidentiary decisions made by the trial courts below, plaintiffs were not permitted to offer proofs as to the disparate impact upon racial minorities of the exclusion of housing affordable to low and moderate income households. The trial court below and this Court on appeal, however, can readily take judicial notice of demographic data collected by the United States Bureau of the Census and published by both the Bureau of the Census and the State Data Center of the New Jersey Department of Labor.\* Such data demonstrates beyond

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\* Evid. R. 9(2) provides in pertinent part that "judicial notice may be taken, without request by any party of ... (e) specific facts and propositions of generalized knowledge which are capable of immediate determination by resorting to sources of reasonably indisputable accuracy."

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any doubt that the exclusion of low and moderate income housing from the various defendant municipalities would have a disparate impact on racial minorities.

First, such exclusion bears disproportionately heavily on blacks and Hispanics. Members of those minority groups are disproportionately poor. Statewide, 24 percent of all white households are lower income, but 48.8 percent of all black households and 51 percent of all Hispanic households are lower income.\* In the Middlesex-Somerset-Hunterdon-Warren region,\*\* 17.9 percent of the white households are low or moderate income, while 36.1 percent of the black households and 38.5 percent of

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Evid. R. 12(2) provides in pertinent part that [t]he reviewing court ... may take judicial notice of any matter specified in Rule 9, whether or not judicially noticed by the judge."

The courts of this state and of other jurisdictions have consistently held that demographic data collected by the United States Bureau of the Census are judicially noticeable as adjudicative facts. See Michaels v. Johnson, 33 N.J. Super. 77, 84 (App. Div. 1954); Jones v. Falcey, 88 N.J. Super. 273, 276 (Law Div. 1965); Skolnick v. Board of Commissioners of Cook County, 435 F. 2d 361, 363 (7th Cir. 1970) (citing numerous precedents).

\* N.J. State Data Center, 1980 Census-Municipal Profiles: Income and Poverty Estimates for Families Households and Persons in 1979 at pp. 1, 269, 310, 497, 566 (1983). (PAa39-44).

\*\* This is the housing region for municipalities in Middlesex County as determined by the Council on Affordable Housing. N.J.A.C. 5:92-2.1.

the Hispanic households are low or moderate income. Similarly, in Middlesex County, 18.4 percent of the white households are low or moderate income, while 38.6 percent of the black households and 40.6 percent of the Hispanic households are low or moderate income. Thus, minority households are more than twice as likely to be low and moderate income households as whites. Excluding housing affordable to low and moderate income households thus bears twice as heavily on minority group members as it does on whites.

Indeed, a detailed analysis of the census data published by the Rutgers Center for Urban Policy Research shows that among, i.e., those most likely to apply for low and moderate income housing households in the Middlesex-Somerset-Hunterdon-Warren region who are both low or moderate income and living in substandard housing, minorities are even more disproportionately represented. While blacks make up 4.9 percent of the population in this region, they make up 12.2 percent of the households who are low or moderate income and live in physically substandard housing. Similarly, while Hispanics make up 4.1 percent of the population in the region, they make up 15.5 percent of the households who are low or moderate income and live in physically substandard housing. Center for Urban Policy Research, Mount Laurel II: Challenge and Delivery of Low-Cost Housing, 171 (1983). (PAa46a-49a).

Second, as to most of the defendant municipalities, such exclusion also has the effect of perpetuating existing patterns

of racial segregation both in the defendant municipalities and the region as a whole. The Middlesex-Somerset-Hunterdon-Warren region in which the defendants are located, displays a sharply delineated pattern of racial segregation. For example, blacks are disproportionately concentrated in three of the region's 94 municipalities: New Brunswick, Franklin Township, and Piscataway. Although these municipalities include less than one-eighth of the population of the region (11.2 percent), they include more than half the blacks (52.1 percent). Although 4.9 percent of the population of the region is black, 21.7 percent of the population of these three municipalities is black. By contrast, in the remaining 91 municipalities in the region, which include more than seven-eighths of the region's population (88.8 percent), only 2.8 percent of the population is black. Indeed, almost one-fourth of the blacks in the region (24.6) percent are located in one municipality -- New Brunswick -- in which 28.5 percent of the population is black. The distribution of Hispanics in the region shows a similar pattern. U.S. Bureau of the Census, 1980 Census of Population and Housing - New Jersey Final Population and Housing Count, pp. 7, 9, 10 (1981). (PAa50-55).

The census data also reveals that a number of the respondent municipalities have very low proportions of blacks or Hispanics. Although blacks make up 4.9 percent of the population of the region, only 1.2 percent of the population of East Brunswick is black, only 2.1 percent of the population of Old

Bridge is black, and only 3.7 percent of the population of Monroe is black. Similarly, although 4.1 percent of the population of the region is Hispanic, only 0.9 percent of the population of Cranbury is Hispanic, only 1.7 percent of the population of East Brunswick, Monroe, and Plainsboro are Hispanic, only 2 percent of the population of South Plainfield is Hispanic, only 2.2 percent of the population of North Brunswick is Hispanic, and only 2.4 percent of the population of South Brunswick is Hispanic. (DPAa56). The persons most likely to occupy lower income housing in these municipalities are persons who are both lower income and now residing in substandard housing. As noted above, 12.2 percent of such households in this housing market are black and 15.5 percent are Hispanic. The effect of exclusionary zoning in these municipalities is to keep out housing that, to a disproportionate degree, would be occupied by blacks or Hispanics and thereby to preserve the existing racial character of these municipalities. This is precisely the segregative effect condemned as violation of the Federal Fair Housing Act in Huntington, Arlington Heights, and Black Jack.\*

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\* Plaintiffs argued before the trial court below that the exclusionary zoning also perpetuated existing patterns of racial segregation by preserving pockets of racial concentration within the respondent municipalities. This type of claim was upheld in Huntington on statistical and demographic data very similar to that offered by plaintiffs.

Thus, the proof of exclusionary zoning by the respondent municipalities, coupled with the statistical and demographic data of which this Court can take judicial notice clearly demonstrates that the Federal Fair Housing Act was violated in this case.\*

In sum, the Public Advocate submits that it would be both reasonable and appropriate for this Court, exercising its power under the New Jersey Constitution, N.J. Const. Art. VI, Sec. 5, par. 3 and the Rules of Court, R. 2:10-5, to make original findings, to take judicial notice of the relevant statistical and demographic data, to conclude that plaintiffs in this case have demonstrated that respondent municipalities have violated the Federal Fair Housing Act, and to provide for court-awarded counsel fees under 42 U.S.C. Sec. 3612(c). This disposition is different from that adopted by the Appellate Division below. The Appellate Division remanded the case to the

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\* All statistical and demographic data cited in this brief are from the 1980 census. The Appellate Division below suggested that the 1980 census was inappropriate since such data could not have been before the trial court in 1976. 222 N.J. Super. at 149. The issue, however, is not whether the trial court considered this data in 1976, but whether the trial court or any appellate court could have taken judicial notice of this data prior to the entry of final judgment. Since the final judgment was not entered until well after this Court's remand in 1983, there can be no doubt that the trial court could have taken judicial notice of this data prior to the entry of final judgment.

Moreover, it is the 1980 census data, not the 1970 census data, that reflects the effects of exclusionary zoning during the 1970s. Whether or not it was before the trial court in 1976, it is the proper data for a court to consider now.

trial court for determination on the basis of the record in 1976 trial (and data of which the court could have taken judicial notice in 1976) whether plaintiffs had made out a prima facie case under the Federal Fair Housing Act and whether defendants had rebutted that case. Amicus submits that no such remand is necessary. Rather this Court can and should determine that plaintiffs have established violation of the Federal Fair Housing Act by respondents based on the record before it combined with demographic and statistical data of which the Court may take judicial notice. Moreover, the Court should clarify for all future cases that whenever exclusionary zoning which is violative of the New Jersey Constitution is proven and the plaintiffs can show through statistical and demographic data that the exclusion has a disparate impact on racial minorities, plaintiffs are entitled to a judgment under both the State Constitution and the Federal Fair Housing Act and to court-awarded counsel fees under 42 U.S.C. Sec. 3612(c).

III. THE COURT SHOULD ESTABLISH AN  
ALTERNATIVE AND INDEPENDENT BASIS FOR AN  
AWARD OF COUNSEL FEES IN PUBLIC INTEREST  
CASES UNDER THE COURT RULES.

As discussed above, the fact that plaintiffs in this case prevailed on their Mount Laurel claims is sufficient -- in combination with judicially noticeable demographic data -- to establish their entitlement to an award of counsel fees pursuant to the Federal Fair Housing Act. In the alternative, the Public Advocate submits that, in light of the experience during the past several years in Mt. Laurel and other public interest litigation, the Court should establish by court rule an independent basis under state law for the award of counsel fees to prevailing plaintiffs in Mount Laurel and other public interest lawsuits.\* Specifically, the Public Advocate urges the Court to adopt a rule providing broadly for the award of counsel fees to prevailing plaintiffs in cases that vindicate broad public interests. As is discussed more fully below, such a provision would not only provide a basis for the award of counsel fees in this case, but

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\* This Court has previously held that its rulemaking power under N.J. Const. Art. V, Sec. 2, para. 3, to regulate the court-award of counsel fees, State v. Otis Elevator, 12 N.J. 1 (1983). The Court has consistently held that where an issue arises in the course of an appeal that is best addressed through an amendment to the rules of court, it can resolve the issue through an appropriate amendatory rule. See, e.g., In re 1115 Legal Service Care, 110 N.J. 344, 349-53 (1988); Aujero v. Cirello, 110 N.J. 566, 579-82 (1988); In re Education Law Center, 86 N.J. 124, 139-40 (1981); In re LiVolsi, 85 N.J. 56, 579-82 (1981).

would also serve generally to ensure residents of New Jersey of access to the courts to vindicate their Mount Laurel rights and to promote the broader public interest.\*

Adoption of a public interest attorneys' fee rule would serve several vital functions. First, the availability of counsel fees for prevailing parties in public interest cases would enable New Jersey residents to vindicate important common law, statutory and constitutional rights that would otherwise be unenforced. As with civil rights litigation, see Singer v. State, 95 N.J. 487, 498 (1984), the most effective way to further the public interest is to enable aggrieved citizens to vindicate these important rights. Currently, however, many individuals do not have the resources to retain counsel to gain access to the courts for this purpose. This problem is compounded by the fact that the techniques that are used to finance other kinds of

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\* The Public Advocate has previously proposed that the Court Rules be amended to provide an award of counsel fees to litigants who successfully vindicate an important public interest. In October 1981, such a proposal was made to the Supreme Court's Committee on Civil Practice. This proposal was rejected by the Committee in its June 1982 report. By letter dated August 5, 1982, the Public Advocate also directly urged the Court to adopt the proposed rule amendment despite the failure of the Committee on Civil Practice to endorse it. Although the Court declined to adopt such a rule at that time, it indicated that it might reconsider the matter at some future date. The Public Advocate submits that the facts of this case and the broader experience with public interest litigation during the past several years, provide a compelling context within which to establish a public interest attorneys' fee provision within the Court Rules.

litigation are largely unavailable in public interest cases. Counsel cannot work on contingent fee arrangements because many public interest cases involve only claims for injunctive relief. Even where monetary relief is demanded, the amounts recovered are typically not large enough to cover the reasonable value of the plaintiff's counsel services through a contingent fee or similar arrangement. Moreover, despite the significant benefit to the public from the relief granted in such cases, generally no pool of funds is created from which to draw a fee to compensate counsel. As a result, many rights and interests that are of limited pecuniary value, but are of a great societal importance, go unprotected because few individuals can afford the high cost of litigation.

The availability of counsel fee awards in public interest cases would eliminate this improper barrier to access to the judicial system. These fee awards would effectively create a financial incentive sufficient to attract competent counsel to represent plaintiffs in such cases. The assurance of a fee award for prevailing public interest plaintiffs would support a system of "private attorneys general" who would provide the enforcement mechanism for many vital statutory, common law and constitutional rights. Thus, a public interest attorneys' fee provision would both secure legal representation for aggrieved individuals and create an ongoing mechanism for the vindication of the public interest.

Second, the availability of counsel fees would equalize access to the courts in cases affecting the public interest. Governmental or large corporate defendants in such cases generally have ample resources to persuasively present their cases to the courts. An individual or an advocacy group (such as the Urban League herein) can rarely match those resources, and indeed, may not even be able to afford to commence the action at all. The problem of financing litigation is particularly acute in cases involving substantial public interests because the litigation is apt to involve complex or novel legal or factual claims that are expensive to litigate. The interests involved are also often diffused among so many people that it is impractical or impossible to organize potential beneficiaries of the litigation to retain and pay counsel to represent them. These difficulties further increase the importance of assuring access on equal terms through the provision of counsel fees.

Finally, the availability of counsel fees will mean that public spirited individuals who decide to litigate to achieve benefits in the public interest need not suffer economic loss should they prevail in those efforts. This is consistent with the justification for the fund in court provision (R. 4:42-9(a)(2)) identified by the Court in Sunset Amusement Corp. v. Berk, 33 N.J. 162 (1960). As Chief Justice Weintraub stated in that case, "it would be unfair to saddle the full cost [of the litigation] upon the litigant... (when he) is doing more than merely advancing his own interests." Id. at 167. Following the

institution of a public interest attorneys' fee provision in the Court Rules, the cost of public interest litigation would be shifted from the prevailing plaintiffs to the wrongdoers, who ought logically to bear the cost of terminating their wrongful conduct.

The impact upon the public interest of establishing such a provision would be dramatic. Experience has demonstrated that the public interest cannot be adequately defended without the involvement of the individuals whose rights have been violated. A counsel fee provision is the only mechanism that can empower these aggrieved individuals to gain access to the courts to vindicate these rights. Indeed, the United States Supreme Court has suggested in the civil rights context that "[if] successful plaintiffs were routinely forced to bear their own attorneys' fees, few aggrieved parties would be in a position to advance the public interest by invoking the injunctive powers of the Federal courts." Newman v. Piggie Park Enterprises, Inc., 390 U.S. 400, 402 (1968). By permitting the recovery of counsel fee as part of costs, the Court will help assure that all potential plaintiffs with bona fide public interest claims will be represented by counsel and thus have effective access to the courts. Cf. Wiser v. Kaufman Carpets Co., 188 N.J. Super. 574, 579 (App. Div. 1983) (purpose of attorneys' fees provision in the Consumer Fraud Act is to promote "representation and therefore court access for consumer claims involving a minor loss to the individual but a

major gain to the community through ridding the marketplace of fraudulent and deceitful conduct.").

Counsel fees are currently available under federal and state law to successful plaintiffs under civil rights and certain other public interest statutes.\* See Singer, 95 N.J. at 501. Indeed, one commentary has suggested that the federal Civil Rights Attorneys' Fees Act of 1976, 42 U.S.C. Sec. 1988 ("Awards Act"), has had "an enormous practical effect on civil rights litigation." Hartman, R. and Hoffman, R.T., "Financing Public Interest Litigation in State Court," 63 Cornell L. Rev. 173, 187 (1978). However, no such fee awards are available in many other public interest cases. This is perhaps most obvious in relation to the New Jersey Constitution. There is simply no attorneys' fee entitlement for plaintiffs who have been successful in enforcing these constitutional rights. E.g. Right to Choose v. Byrne, 91 N.J. 287 (1982). It is well established that the New Jersey Constitution is an independent source of rights and protections for the citizens of New Jersey. State v. Schmid, 84 N.J. 535 (1980). Indeed, the Court has recognized on numerous

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\* Under the current rules, no award of counsel fees may be made to prevailing parties as part of the taxed costs or otherwise unless such an award is specifically permitted. Rule 4:42-9 lists the eight exceptions to the general "American rule" which have been adopted by the Court. These include fee awards in family actions (R. 4:42-9(a)(1)), out of a fund in court, (R. 4:42-9(a)(2)), and in all cases where counsel fees are permitted by statute (R. 4:42-9(a)(8)).

occasions that the rights guaranteed under our State Constitution might surpass the guarantees of the federal constitution. E.g. State v. Williams, 92 N.J. 39, 57-58 (1983). See also Brennan, "State Constitutions and the Protection of Individual Rights," 90 Harv. L. Rev. 489 (1977). Moreover, it is equally well-established that the independent rights and protections under the New Jersey Constitution are not dependent upon implementing legislation and are directly enforceable by the courts. State v. Schmid, 84 N.J. at 558; Peper v. Princeton University, 77 N.J. 55, 76-77 (1978).

Despite the fundamental importance of the rights guaranteed by the Constitution, there is presently no assurance that New Jersey residents will be able to vindicate these rights. Without a public interest attorneys' fees provision in the Court Rules, many residents whose constitutional rights had been violated would be unable to afford to pay counsel fees. Knowing how complex and time consuming such cases often can be, private counsel are reluctant to represent plaintiffs in constitutional rights cases on a pro bono basis. Public interest groups, such as the ACLU and Legal Services, are overwhelmed by the demand for their services. Together, attorneys in these groups are able to provide representation for but a small fraction of those who seek their assistance. Even the Public Advocate, who has an express mandate to represent the public interest, can undertake only a few of the most important issues that arise. See generally "The

**Private Attorney General and the Public Advocate: Facilitating Public Interest Litigation," 34 Rut. L. Rev. 350 (1980)**

Aggrieved persons who are unable or unwilling to finance the high cost of constitutional or other public interest litigation are, thus, left without effective access to the courts. As a result, many of this Court's nationally-recognized and groundbreaking pronouncements on vital public interest issues are at risk of becoming, as Justice Jackson said in a different context, "only a promise to the ear to be broken to the hope, a teasing illusion like a munificent bequest in a pauper's will." Edwards v. California, 314 U.S. 160, 186 (1941) (Jackson, J., concurring) (referring to "our heritage of constitutional privileges and immunities"). These include the rights of disabled persons described in New Jersey Association for Retarded Citizens, Inc. v. Human Services, 89 N.J. 234 (1982); the rights of students and their parents to public schools free from segregation, see Jenkins v. Morris Township School District, 58 N.J. 483 (1971) -- in the face of the fact that New Jersey has one of the four most segregated schools systems in the country. This also includes the public's right to access to wet-sand beaches, including those adjacent to our state's numerous private beach clubs, see Matthews v. Bay Head Improvement Association, 95 N.J. 306 (1984), and the right to freedom of speech on private property, see Princeton University v. Schmid, 84 N.J. 535 (1980). All of these rights are crucial to the constellation of guarantees recognized by the Court and enjoyed by New Jersey

residents. Yet, for the reasons described above, they and many other rights effected with the public interest are left largely unenforced.

This is vividly exemplified by the history of exclusionary zoning cases in New Jersey. As the discussion above suggests, following Mt. Laurel II, the availability of the builder's remedy served as the functional equivalent to attorneys' fees awards. The potential economic benefits of this remedy created a sufficient incentive for a class of private plaintiffs -- developers -- to file Mount Laurel actions on behalf of the affected public interest -- meeting the housing needs of lower income residents and eradicating exclusionary zoning. As the Court noted in Mt. Laurel II, "[e]xperience since Madison [Oakwood at Madison, Inc. v. Township of Madison, 72 N.J. 481 (1977)]...has demonstrated to us that builder's remedies must be made more readily available to achieve compliance with Mount Laurel." 92 N.J. at 279. The record reveals that it did, indeed, work well. Between 1983 and 1985, 108 developer initiated Mount Laurel lawsuits were filed before the three judges assigned to hear these cases.

Following the enactment of the Fair Housing Act and the decision in Hills Development Co. v. Bernards Township, this situation change dramatically. Without the assurance of a builder's remedy, and with no attorneys' fees available, private parties became increasingly unwilling to finance the cost of Mount Laurel litigation. As a result, since November of 1985,

only 38 new Mount-Laurel lawsuits have been filed. In combination with the limited number of municipalities that have sought approval of their housing plans by the Council on Affordable Housing, supra at pp. \_\_\_\_, this means that the Mount Laurel doctrine and the constitutional rights it embodies are in imminent danger of becoming an unfulfillable promise to poor people in New Jersey.

Establishing a public interest counsel fees provision is a matter that is particularly suitable for regulation by court rule. This Court has clear authority over the standards and conditions governing the award of attorneys' fees. The allowance of costs and fees is a procedural issue under the exclusive jurisdiction of the Supreme Court. See State v. Otis Elevator, 12 N.J. 1 (1953). The Court's ultimate authority over this area is not diminished by the delegation of some of this authority to the Legislature. See R. 4:42-9(a)(8). See also In re Hearing on Immunity for Ethics Complaints, 96 N.J. 669 (1984). Clearly, the great importance of private litigation to the furtherance of the public interest is a matter peculiarly within the knowledge and experience of the judiciary, as are the costs and other obstacles involved in assuring effective access to the courts.

Experience in other jurisdictions confirms the wisdom of adopting an attorneys' fees role for public interest litigation. For example, California has adopted a similar system of awarding attorneys' fees in public interest cases. Indeed, it was the California Supreme Court that initially adopted such a rule. In

Serrano v. Priest, 20 Cal. 3d 25, 569 P.2d 1303, 141 Cal. Rptr. 315 (1977), the California Supreme Court established a three part test to determine the entitlement to fees in public interest constitutional rights cases. Specifically, the Court held that when (1) a constitutional right is vindicated, (2) the plaintiff's litigation is necessary to that vindication, and (3) a large number of people benefit from the litigation, the plaintiff is entitled to an award of fees. Shortly after the Serrano opinion, the California Legislature incorporated this new rule into the California Code of Civil Procedure, broadening it to encompass the "enforcement of an important right affecting the public interest." Cal. Civ. Proc. Code Sec. 1021.5. See generally J. McDermott and R. Rothschild, "The Private Attorney General Rule and Public Interest Litigation in California," 66 Cal. L. Rev. 138 (1978). Similarly, the federal courts also initially adopted through court decision the practice of awarding attorneys' fees in public interest and civil rights cases. See, e.g., Lee v. Southern Homes-Sites Corp., 444 F.2d 143 (5th Cir. 1971). It was only after the United States Supreme Court repudiated the private attorney general doctrine in the federal courts, see Alaska Pipeline Services Co. v. Wilderness Society, 421 U.S. 240 (1975), that Congress enacted the Awards Act. See generally M. Derfner, "The Civil Rights Attorneys' Fees Award Act of 1976," in Public Interest Practice and Fee Awards (H. Newberg ed. 1980).

These initiatives have had an undeniable effect in promoting the public interest. In both, the courts played a key role in recognizing that securing legal representation was vital in ensuring equal access to the courts in these cases. This court should similarly adopt a public interest attorneys' fees rule in an exercise of its constitutional authority.

A public interest attorneys' fees rule should, to be effective, broadly provide for the payment of counsel fees and litigation expenses to plaintiffs who have prevailed in vindicating the public interest. The rule should apply to all civil proceedings, regardless of the court in which they are litigated. Two criteria would provide an appropriate standard for awarding fees under such a rule. First, the case must have resulted in the protection of an important public interest, without regard to whether it be constitutional, statutory, or common law. Second, the case must be such that the economic stake of the party that sought to vindicate the interest or right would not normally justify the expense of the litigation. This rule need not apply to cases in which an award of attorneys' fees is otherwise provided for by statute.

In sum, the creation of a public interest attorneys' fees provision within the Court Rules is essential to assure the vindication of Mount\_Laurel rights and the broader public interest. Such a fees provision would not only make public interest litigation economically feasible but also would breathe substance into the principle of equal access to the courts.

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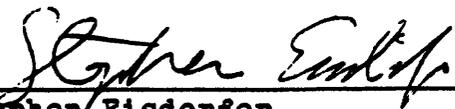
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In sum, the creation of a public interest counsel fees provision within the Court Rules is essential to assure the vindication of Mount Laurel rights and the broader public interest. Such a fee provision would not only make public interest litigation economically feasible but also would breathe substance into the principle of equal access to the courts.

CONCLUSION

For the foregoing reasons, as well as those urged by plaintiffs, amicus curiae Public Advocate of New Jersey submits that this Court should affirm the decision of the Appellate Division insofar as it held that plaintiffs are entitled to move for award of counsel fees. Amicus submits that in addition to upholding the standard for award of counsel fees under 42 U.S.C. Sec. 3612(c) urged by plaintiffs, the Court should hold that plaintiffs' proofs of exclusionary zoning combined with statistical and demographic data of which this Court can properly take judicial notice, establish violations by respondents of the Federal Fair Housing Act and further justify award of counsel fees under that statute. Alternatively, or in addition, the Court should authorize award of counsel fees in this and other public interest cases by amendment to the New Jersey Rules of Court.

Respectfully submitted,  
ALFRED A. SLOCUM  
Public Advocate of New Jersey

By   
Stephen Eisdorfer  
John P. Thurber  
Assistant Deputy Public Advocate

December 20, 1988





THOMAS H. KEAN  
GOVERNOR

## NEW JERSEY COUNCIL ON AFFORDABLE HOUSING

11 C PRINCESS ROAD  
LAWRENCEVILLE, N. J. 08648

MAILING ADDRESS  
CN 813  
TRENTON, N. J. 08625-0813  
(609) 530-8683



JAMES L. LOGUE, III  
CHAIRMAN

DOUGLAS V. OPALSKI, P.P. A.C.P.  
EXECUTIVE DIRECTOR

### MUNICIPALITIES THAT HAVE SUBMITTED HOUSING ELEMENTS/FAIR SHARE PLANS

October 17, 1988

(\* = court-transferred; + = petitioned; / = substantive certification)

#### ATLANTIC COUNTY

- + Absecon
- + Galloway Twp.
- + Pleasantville City

#### BERGEN COUNTY

- + Closter
- Demarest
- + Haworth
- + Hasbrouck Hgts
- + Old Tappan
- ✓+\*Paramus
- + Ramsey
- + River Edge
- + Rockleigh Boro
- + Teaneck Boro

#### BURLINGTON COUNTY

- ✓+ Bordentown Twp.
- + Burlington City
- Burlington Twp.
- + Cinnaminson
- Evesham Twp.
- + Florence Twp.
- Hainesport
- Medford
- ✓+\*Moorestown
- ✓+ Mt. Holly
- Pemberton Twp.
- + Southampton\*

#### CAMDEN COUNTY

- Berlin Twp.
- ✓+ Brooklawn
- +\*Cherry Hill\*\*\*\*
- ✓+ Gibbsboro
- ✓+\*Gloucester Twp.
- ✓+ Haddon Heights
- + Lawnside
- Voorhees
- ✓+ Winslow

#### CAPE MAY COUNTY

- + Cape May City
- Dennis Twp.
- + Stone Harbor

#### CUMBERLAND COUNTY

- Millville City
- Vineland

#### ESSEX COUNTY

- Bloomfield
- ✓+ Cedar Grove
- East Orange
- + Essex Fells
- + Glen Ridge
- Livingston
- Millburn
- Montclair
- ✓+\*Roseland\*\*
- Verona
- West Orange Twp.

#### GLOUCESTER COUNTY

- ✓+ Deptford
- + Harrison
- Pitman
- Wenonah Boro
- ✓+ West Deptford Twp.
- ✓+ Woodbury City

#### HUDSON COUNTY

- City of Hoboken
- Jersey City
- Union City

-more-

HOUSING ELEMENTS/2

HUNTERDON COUNTY

- Califon
- + Clinton Twp.
- ✓+ Delaware Twp.
- ✓+ East Amwell
- Flemington
- ✓+ Franklin Twp.
- Glen Gardner
- ✓+\*High Bridge
- Holland
- Kingswood
- ✓+ Lebanon Twp.
- ✓+\*Raritan Twp.
- + Readington
- ✓+\*Tewksbury
- ✓+ Union Twp.
- West Amwell Twp.

MONMOUTH COUNTY

- + Bradley Beach
- Brielle Boro
- Eatontown
- Fair Haven
- ✓+\*Freehold Twp.
- ✓+\*Holmdel
- +\*Howell
- + Little Silver\*\*\*
- +\*Middletown
- ✓+\*Millstone Twp.
- Oceanport
- ✓+ Red Bank
- Roosevelt
- Rumson

PASSAIC COUNTY

- ✓+\*Bloomingdale
- Clifton
- North Haledon
- + Passaic City
- + Paterson
- ✓+\*Ringwood
- +\*West Paterson

MERCER COUNTY

- Hamilton
- ✓+\*Lawrence Twp.
- ✓+\*Washington Twp.

MORRIS COUNTY

- + Boonton
- ✓+ Chatham Boro
- + Chester Boro
- ✓+\*Denville
- ✓+\*East Hanover
- ✓+\*Kinneton
- ✓+ Mendham Boro
- Mine Hill
- Mountain Lakes
- ✓+\*Passaic Twp.
- ✓+\*Randolph
- ✓+\*Washington Twp.

SALEM COUNTY

- ✓+ Salem City

MIDDLESEX COUNTY

- +\*Cranbury
- + Edison
- Highland Park Boro
- ✓+\*Monroe Twp.
- +\*Old Bridge
- ✓+\*Piscataway
- Sayreville
- ✓+\*South Brunswick
- ✓+\*South Plainfield

OCEAN COUNTY

- + Barnegat Twp.
- Brick Twp.
- Dover Twp.
- Manchester Twp.
- + Stafford Twp.

SOMERSET COUNTY

- ✓+\*Bernards Twp.
- ✓+\*Bernardsville\*\*
- +\*Branchburg
- ✓+\*Franklin Twp.
- ✓+\*Green Brook
- ✓+\*Hillsborough
- + North Plainfield
- ✓+ Peapack/Gladstone
- + Somerville
- ✓+\*Warren Twp.
- ✓+\*Watchung

Housing Element/3

<u>SUSSEX COUNTY</u>	<u>UNION COUNTY</u>	<u>WARREN COUNTY</u>
Andover Boro	++Fanwood	Alpha
Byram Twp.	++New Providence	+ Franklin Twp.
Fredon Twp.	✓ City of Plainfield	++Greenwich
Green Twp.	++Scotch Plains	Hackettstown
+ Hopatcong	✓+ Union Twp.	Harmony
+ Newton		✓+ Independence
+ Sparta		+ Mansfield Twps.
+ Stillwater		✓+ Washington Boro
Sussex Boro		Washington Twp.
✓++Wantage		

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HOUSING ELEMENTS/FAIR SHARE PLANS SUBMITTED AS OF 10/17/88	161**
PETITIONS FOR SUBSTANTIVE CERTIFICATION (out of 161 submitted municipalities)	107**
COURT-TRANSFERRED MUNICIPALITIES	43
MUNICIPALITIES GRANTED SUBSTANTIVE CERTIFICATION	55
MUNICIPALITIES THAT DID NOT COMPLY WITH CONDITIONS (*)	1
MUNICIPALITIES RECEIVING CONDITIONAL DENIAL (**)	0
MUNICIPALITIES RECEIVING ACCELERATED DENIAL (***)	1
MUNICIPALITIES TRANSFERRED BACK TO SUPERIOR COURT (****)	1

January 1987

FILE COPY

NEW JERSEY COUNCIL ON AFFORDABLE HOUSING

Arthur R. Kondrup, Chairman  
(609) 987-2186

LEGAL NOTICE

Pursuant to the provisions of the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. . Notice is hereby given that the following municipalities have petitioned the Council on Affordable Housing for substantive certification:

BERGEN COUNTY

Closter  
Ramsey

BURLINGTON COUNTY

Moorestown  
Bordentown

CAMDEN COUNTY

Cherry Hill  
Gibbsboro  
Gloucester Township

ESSEX COUNTY

Roseland

GLOUCESTER COUNTY

Deptford Township

HUNTERDON COUNTY

Delaware  
East Amwell  
Franklin Township  
Raritan Township  
Tewksbury

MIDDLESEX COUNTY

Cranbury Township  
Monroe Township  
Piscataway  
South Brunswick  
South Plainfield

MONMOUTH COUNTY

Freehold Township  
Holmdel  
Howell  
Middletown  
Red Bank  
Rumson

MORRIS COUNTY

Denville  
East Hanover  
Kinnelon  
Randolph  
Washington Township

PASSAIC COUNTY

Bloomington  
Ringwood

SOMERSET COUNTY

Bernards Township  
Bernardsville  
Franklin Township  
Green Brook  
Hillborough  
Warren Township

SUSSEX COUNTY

Wantage

UNION COUNTY

Scotch Plains  
Union Township

d#0219c

4a



**STATE OF NEW JERSEY  
COUNCIL ON AFFORDABLE HOUSING**

Arthur R. Kondrup, *Chairman*  
(609) 987-2186

*February 1987*

**FILE COPY**

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707 Alexander Road • CN 813 • Trenton, N.J. 08625-0813

**LEGAL NOTICE**

Pursuant to the provisions of the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., notice is hereby given that the following municipalities have petitioned the Council on Affordable Housing for substantive certification.

HUDSON COUNTY  
Union City

MERCER COUNTY  
Washington Township

MONMOUTH COUNTY  
Oceanport

MORRIS COUNTY  
Mendham Borough  
Passaic Township

SUSSEX COUNTY  
Newton

d#0298c

*5a*

STATE OF NEW JERSEY  
COUNCIL ON AFFORDABLE HOUSING

March 1987  
FILE COPY

Arthur R. Kondrup, Chairman  
(609) 987-2186

707 Alexander Road • CN 813 • Trenton, N.J. 08625-0813

LEGAL NOTICE

Pursuant to the provisions of the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., notice is hereby given that the following municipalities have petitioned the Council on Affordable Housing for substantive certification.

BERGEN COUNTY  
Rockleigh Borough

BURLINGTON COUNTY  
Florence Township  
Southampton Township

CAMDEN COUNTY  
Haddon Heights Borough  
Winslow Township

HUNTERDON COUNTY  
High Bridge Borough

MONMOUTH COUNTY  
Millstone Township

MORRIS COUNTY  
Washington Township

PASSAIC COUNTY  
Paterson City

SOMERSET COUNTY  
Branchburg

WARREN COUNTY  
Washington Borough

11/0393c

6a



**STATE OF NEW JERSEY  
COUNCIL ON AFFORDABLE HOUSING**

Arthur R. Kondrup, *Chairman*  
(609) 987-2186

*April 1987*  
**FILE COPY**

707 Alexander Road • CN 813 • Trenton, N.J. 08625-0813

**LEGAL NOTICE**

Pursuant to the provisions of the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., notice is hereby given that the following municipalities have petitioned the Council on Affordable Housing for substantive certification.

BURLINGTON COUNTY

Township of Mount Holly

ESSEX COUNTY

Township of Millburn

MERCER COUNTY

Township of Lawrence

SOMERSET COUNTY

Borough of Peapack & Gladstone

SUSSEX COUNTY

Township of Sparta



**STATE OF NEW JERSEY  
COUNCIL ON AFFORDABLE HOUSING**

Arthur R. Kondrup, *Chairman*  
(609) 987-2186

*May 1987*  
**FILE COPY**

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707 Alexander Road • CN 813 • Trenton, N.J. 08625-0813

**LEGAL NOTICE**

Pursuant to the Provisions of the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. Notice is hereby given that the following municipalities have petitioned the Council on Affordable Housing for substantive certification.

Old Tappan

Little Silver Borough

Boonton Township

Watchung Borough

Mansfield Township

Bergen County

Monmouth County

Morris County

Somerset County

Warren County

D#0585c

*8a*



STATE OF NEW JERSEY  
COUNCIL ON AFFORDABLE HOUSING

Arthur R. Kondrup, Chairman  
(609) 987-2186

June 1987  
FILE COPY

707 Alexander Road • CN 813 • Trenton, N.J. 08625-0813

LEGAL NOTICE

Pursuant to the provisions of the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., notice is hereby given that the following municipalities have petitioned the Council on Affordable Housing for substantive certification.

ATLANTIC COUNTY  
Galloway Township

GLOUCESTER COUNTY  
Woodbury City

MORRIS COUNTY  
Chatham Borough

SALEM COUNTY  
Salem City

CAMDEN COUNTY  
Brooklawn Borough

HUNTERDON COUNTY  
Readington Township

PASSAIC COUNTY  
West Paterson

SOMERSET COUNTY  
Raritan Borough

df  
D#0674c

9a



STATE OF NEW JERSEY  
COUNCIL ON AFFORDABLE HOUSING

July 1987

Arthur R. Kondrup, Chairman  
(609) 987-2186

707 Alexander Road • CN 813 • Trenton, N.J. 08625-0813

**FILE COPY**

LEGAL NOTICE

Pursuant to the Provisions of the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., notice is hereby given that the following municipalities have petitioned the Council on Affordable Housing for substantive certification.

ATLANTIC COUNTY

Pleasantville City

OCEAN COUNTY

Manchester Township

HUNTERDON COUNTY

Lebanon Township  
Union Township

dE/0760c

10a



**STATE OF NEW JERSEY  
COUNCIL ON AFFORDABLE HOUSING**

*August 1989*

Arthur R. Kondrup, *Chairman*  
(609) 987-2186

**FILE COPY**

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707 Alexander Road • CN 813 • Trenton, N.J. 08625-0813

LEGAL NOTICE

Pursuant to the Provisions of the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., notice is hereby given that the following municipalities have petitioned the Council on Affordable Housing for substantive certification.

CAPE MAY COUNTY

Stone Harbor

ESSEX COUNTY

Cedar Grove

PASSAIC COUNTY

West Paterson

SOMERSET COUNTY

Peapack/Gladstone

dF/0839c

*11a*



**STATE OF NEW JERSEY  
COUNCIL ON AFFORDABLE HOUSING**

Arthur R. Kondrup, *Chairman*  
(609) 987-2186

*August 1989*

**FILE COPY**

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707 Alexander Road • CN 813 • Trenton, N.J. 08625-0813

LEGAL NOTICE

Pursuant to the Provisions of the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., notice is hereby given that the following municipalities have petitioned the Council on Affordable Housing for substantive certification.

CAPE MAY COUNTY

Stone Harbor

PASSAIC COUNTY

West Paterson

ESSEX COUNTY

Cedar Grove

SOMERSET COUNTY

Peapack/Gladstone

dF/0839c

*12a*



STATE OF NEW JERSEY  
COUNCIL ON AFFORDABLE HOUSING

Arthur R. Kondrup, Chairman  
(609) 987-2186

September 1989

FILE COPY

707 Alexander Road • CN 813 • Trenton, N.J. 08625-0813

LEGAL NOTICE

Pursuant to the Provisions of the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., notice is hereby given that the following municipalities have petitioned the Council on Affordable Housing for substantive certification.

BERGEN COUNTY

Closter Borough

MIDDLESEX COUNTY

Old Bridge Township

HUNTERDON COUNTY

Clinton Township

SOMERSET COUNTY

Watchung Borough

D#0929c

13a



STATE OF NEW JERSEY  
COUNCIL ON AFFORDABLE HOUSING

October 1987

Arthur R. Kondrup, *Chairman*  
(609) 987-2186

707 Alexander Road • CN 813 • Trenton, N.J. 08625-0813

FILE COPY

LEGAL NOTICE

Pursuant to the Provisions of the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., notice is hereby given that the following municipalities have petitioned the Council on Affordable Housing for substantive certification.

CAMDEN COUNTY

Lawnside Borough

df/d#1049c

14a



STATE OF NEW JERSEY  
COUNCIL ON AFFORDABLE HOUSING

November 1987

Arthur R. Kondrup, Chairman  
(609) 987-2186

~~FILE COPY~~

707 Alexander Road • CN 813 • Trenton, N.J. 08625-0813

LEGAL NOTICE

Pursuant to the Provisions of the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., notice is hereby given that the following municipalities have petitioned the Council on Affordable Housing for substantive certification.

BERGEN COUNTY

Hasbrouck Heights Borough

CAMDEN COUNTY

Lawnside Borough

d#1158c

15a



STATE OF NEW JERSEY  
COUNCIL ON AFFORDABLE HOUSING

December, 1987

Arthur R. Kondrup, Chairman  
(609) 530-6663

11 C Princess Road, CN 813, Trenton, NJ 08625-0813

FILE COPY

LEGAL NOTICE

Pursuant to the Provisions of the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., notice is hereby given that the following municipalities have petitioned the New Jersey Council on Affordable Housing for substantive certification.

ATLANTIC COUNTY

City of Absecon

dE/0030c

16a



**STATE OF NEW JERSEY  
COUNCIL ON AFFORDABLE HOUSING**

*January 1988*

William Angus, Acting Chairman  
(609)530-6663

**FILE COPY**

---

11 C Princess Road - CN 813 - Trenton, NJ 08625-0813

**LEGAL NOTICE**

Pursuant to the Provisions of the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., notice is hereby given that the following municipalities have petitioned the New Jersey Council on Affordable Housing for substantive certification.

SUSSEX COUNTY

Hopatcong

WARREN COUNTY

Independance

df/0030c

17a



THOMAS H. KEAN  
GOVERNOR

*March 1988*

**NEW JERSEY  
COUNCIL ON AFFORDABLE HOUSING**

11 C PRINCESS ROAD  
LAWRENCEVILLE, N. J. 08648

MAILING ADDRESS:  
CN 813  
TRENTON, N. J. 08625-0813  
(609) 530-6863



JAMES L. LOGUE, III  
CHAIRMAN

DOUGLAS V. OPALSKI, P.P. A.C.P.  
EXECUTIVE DIRECTOR

*copy*

**LEGAL NOTICE**

Pursuant to the Provisions of the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., notice is hereby given that the following municipalities have petitioned the New Jersey Council on Affordable Housing for substantive certification.

Union County

Fanwood  
New Providence

191c

*18a*



THOMAS M. KEAN  
GOVERNOR

**NEW JERSEY  
COUNCIL ON AFFORDABLE HOUSING**

110 C. PRINCESS ROAD  
LAWRENCEVILLE, N. J. 08848

MAILING ADDRESS  
CN 813  
TRENTON, N. J. 08625-0813  
609/ 530-6663

*April 1988*



JAMES L. LOGUE, II  
CHAIRMAN

DOUGLAS V. OPALSKI, P.P. A.C.P.  
EXECUTIVE DIRECTOR

**FILE COPY**

**LEGAL NOTICE**

Pursuant to the Provisions of the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. notice is hereby given that the following municipalities have petitioned the New Jersey Council on Affordable Housing for substantive certification.

BURLINGTON COUNTY

Burlington City

SUSSEX COUNTY

Stillwater Township

*Warren*  
~~MUNICIPALITY~~

Greenwich Township

253c



THOMAS H. KEAN  
GOVERNOR

**NEW JERSEY  
COUNCIL ON AFFORDABLE HOUSING**

11 C PRINCESS ROAD  
LAWRENCEVILLE, N. J. 08648

MAILING ADDRESS:  
CN 813  
TRENTON, N. J. 08625-0813  
(609) 530-6663

*May 1986*



JAMES J. LUGUE  
CHAIRMAN

DOUGLAS J. SPALDING  
EXECUTIVE DIRECTOR

**FILE COPY**

**LEGAL NOTICE**

Pursuant to the Provisions of the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. notice is hereby given that the following municipalities have petitioned the New Jersey Council on Affordable Housing for substantive certification.

GLOUCESTER COUNTY

Harrison Township

WARREN COUNTY

Franklin Township

0293c

*20a*



THOMAS M. KEAN  
GOVERNOR

*June 1988*  
**NEW JERSEY  
COUNCIL ON AFFORDABLE HOUSING**

11 C PRINCESS ROAD  
LAWRENCEVILLE, N. J. 08648

MAILING ADDRESS:  
CN 813  
TRENTON, N. J. 08625-0813  
609) 530-6663



**FILE COPY**

JAMES L. LOGUE, III  
CHAIRMAN  
DOUGLAS V. OPALSKI, P.P., A.I.C.P.  
EXECUTIVE DIRECTOR

LEGAL NOTICE

Pursuant to the Provisions of the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. notice is hereby given that the following municipalities have petitioned the New Jersey Council on Affordable Housing for substantive certification.

ESSEX COUNTY

Essex Falls

GLOUCESTER COUNTY

West Deptford Twp.

SOMERSET COUNTY

North Plainfield

348c

*21a*



THOMAS H. KEAN  
GOVERNOR

**NEW JERSEY  
COUNCIL ON AFFORDABLE HOUSING**

11 C. PRINCESS ROAD  
LAWRENCEVILLE, N. J. 08648

MAILING ADDRESS:  
CN 813  
TRENTON, N. J. 08625-0813  
(609) 530-8863



JAMES L. LOGUE, III  
CHAIRMAN

DEBBIE V. OPALSKI, P.P. A.I.C.P.  
EXECUTIVE DIRECTOR

*August 1988*

**FILE COPY**

LEGAL NOTICE

Pursuant to the Provisions of the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. notice is hereby given that the following municipalities have petitioned the New Jersey Council on Affordable Housing for substantive certification.

BERGEN COUNTY

Haworth Borough  
Teaneck Borough

CAPE MAY COUNTY

City of Cape May

CUMBERLAND COUNTY

City of Millville

ESSEX COUNTY

Glen Ridge Borough

HUDSON COUNTY

City of Hoboken

MIDDLESEX COUNTY

Edison Township

MONMOUTH COUNTY

Bradley Beach Borough

MORRIS COUNTY

Chester Borough

OCEAN COUNTY

Barnegat Township  
Stafford Township

PASSAIC COUNTY

City of Passaic

UNION COUNTY

City of Plainfield

*22a*



THOMAS H. KEAN  
GOVERNOR

*September 1980*  
NEW JERSEY  
COUNCIL ON AFFORDABLE HOUSING

11 C PRINCESS ROAD  
LAWRENCEVILLE, N. J. 08648

MAILING ADDRESS  
CN 813  
TRENTON, N. J. 08625-0813  
(609) 530-8603



JAMES L. COGUE, JR.  
CHAIRMAN

DOUGLAS W. OPALSKI, P.P.S. III  
EXECUTIVE DIRECTOR

*FILE COPY*

LEGAL NOTICE

Pursuant to the Provisions of the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq. notice is hereby give that the following municipalities have petitioned the New Jersey Council on Affordable Housing for substantive certification.

ESSEX COUNTY

Bloomfield Town

WARREN COUNTY

Harmony Township

*23a*



THOMAS H KEAN  
GOVERNOR

*October 1988*  
NEW JERSEY  
COUNCIL ON AFFORDABLE HOUSING

11 C PRINCESS ROAD  
LAWRENCEVILLE N J 08648

MAILING ADDRESS  
CN 813  
TRENTON N J 08625-0813  
(609) 930-8863



JAMES J. LOGUE  
CHAIRMAN

DOUGLAS V. OPALSKY, P.P. A. J.P.  
EXECUTIVE DIRECTOR

**FILE COPY**

LEGAL NOTICE

Pursuant to the Provisions of the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq. notice is hereby given that the following municipalities have petitioned the New Jersey Council on Affordable Housing for substantive certification.

MIDDLESEX COUNTY

Old Bridge

UNION COUNTY

Plainfield City

512c

*24a*

**COAH - ESTIMATED HOUSING OBLIGATION FOR  
MUNICIPALITIES FILING PETITIONS  
FOR SUBSTANTIVE CERTIFICATION JANUARY - OCTOBER 1988**

		<u>OBLIGATION</u>
Hopatcong		71
Independence		27
*Fanwood	court-transferred	87
*New Providence	court-transferred	318
<u>Burlington City</u>		<u>156</u>
Stillwater Township		0
*Greenwich (Warren)	court-transferred	84
Harrison Township		93
Franklin (Warren)		26
<u>Essex Fells</u>		<u>45</u>
West Deptford		307
North Plainfield		20
Hanorth		83
Glen Ridge		83
<u>Bradley Beach</u>		<u>0</u>
Passaic	urban	1474
Cape May City		120
Hoboken	urban	1197
Chester Borough		3
<u>Plainfield</u>	urban	<u>488</u>
Edison Township		1111
Barnegat		363
Stafford Township		617
Bloomfield	urban	23
<u>Harmony</u>		<u>57</u>
*Old Bridge	court-transferred	417
Plainfield	urban	488

27 Total  
 4 Court-Transferred  
 5 Urban Municipalities  
 12 have obligations of less than 100 units

ADMINISTRATIVE OFFICE OF THE COURTS  
STATE OF NEW JERSEY

ROBERT D. LIPSCHER  
ADMINISTRATIVE DIRECTOR OF THE COURTS



CS 027  
TRENTON NEW JERSEY 08625

FOR RELEASE: DECEMBER 5, 1985

CONTACT: EARL JOSEPHSON (609)-292-9580

PRESS ADVISORY

This periodic list of Mount Laurel cases pending in the Superior Court is provided for the convenience of the media and other interested parties.

A total of 116 cases were pending as of November 1, including: 36, Northern region of Bergen, Essex, Hudson, Hunterdon, Morris, Passaic, Sussex and Warren (Judge Stephen Skillman); 68, Central region of Mercer, Middlesex, Monmouth, Ocean, Somerset and Union (Judge Eugene D. Serpentelli), and 12, Southern region of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester and Salem (Judge L. Anthony Gibson).

A case remains in pending status, notwithstanding a decision by the court or a settlement between the parties, until the court enters a judgement of compliance and repose, after a compliance review.

A total of 107 cases were filed more than 60 days before the July 2 effective date of Chapter 222, Laws of 1985, which provides that for such cases, "any party to the litigation may file a motion with the court to seek a transfer of the case to the council...the court shall consider whether or not the transfer would result in a manifest injustice to any party to the litigation."

25a

Judge Gibson

Region: Southern

As of 11/01/85

1

<u>CASE NAME</u>	<u>COUNTY</u>	<u>DOCKET #</u>	<u>FILED</u>	<u>ATTORNEYS</u>
Affordable Living Corp. v. Moorestown	Burlington	L-13235-84PW	2/24/84	Carl Bisgaier William Baumgartner
Trieste Inc., II v. Twp. of Gloucester	Camden	L-37692-84PW	6/8/84	George Matteo Andrew Weber Birsner & Paterson
Affordable Living Corp. v. Twp. of Delran	Burlington	L-36584-84PW	5/31/84	Carl Bisgaier Thomas Foy Foy & Harrington
Creekford v. Twp. of Delran	Burlington	L-036584-84PW	9/6/84	Stephen Samost Thomas Foy
Groupco v. Twp. of Gloucester	Gloucester	L-61299-84PW	9/14/84	Carl Bisgaier Andrew Weber
Haverhill v. Boro. of Berlin	Camden	L-017539-85PW	2/20/85	Steven B. Samost n/a
Affordable Living v. McGarvey	Burlington	L- n/a	4/22/85	Charles Bisgaier n/a
Fair-Share Housing v. Township of Cherry Hill	Camden	L-42750-PW	3/22/85	n/a
Lipro v. Moorestown Township	Burlington	L-8749-85E-PW	1/14/85	n/a
Maimon v. Town of Eastampton	Burlington		1/10/85	n/a
Happ, Kalmbach, Hartman v. Township of Moorestown	Burlington	L-46821-85	7/10/85	n/a
Mt. Holly Sewage Auth. v. Lumberton Township	Burlington	C-4570-85	8/29/85	n/a

26a

<u>CASE NAME</u>	<u>COUNTY</u>	<u>DOCKET #</u>	<u>FILED</u>	<u>ATTORNEYS</u>
Bialas v. Twp. of Lawrence	Mercer	L-27302-83PW	5/20/83	Peter Cascone, Jr. Stephen Zielinski
Cranbury Dev. Corp. v. Cranbury Twp. Plan. Bd.	Middlesex	L-059643-83	9/26/83	Thomas Farino, Jr. William C. Moran, Jr.
Cranbury Land Co. v. Twp. of Cranbury	Middlesex	L-070841-83PW	11/14/83	Carl Bisgaier William C. Moran, Jr.
Garfield & Co. v. Mayor & Comm. Of Cranbury	Middlesex	L-055956-83PW	9/8/83	Peter Buschsbaum William C. Moran, Jr.
Monroe Develop. Asso. v. Monroe Twp.	Middlesex	L-076030-83	12/1/83	Carl S. Bisgaier Thomas Farino
Jos. Morris v. Twp. of Cranbury	Middlesex	L-854117-83PW	8/25/83	Richard Schatzman William Moran, Jr.
Elderlodge v. S. Plainfield v. Bd. of Adj. S. Plainfield	(one portion remanded - still pending) Middlesex	L-563418-81PW	6/9/82	Angelo H. Dalto William Lane Peter Calderone
O & Y Old Bridge Dev. v. Old Bridge	Middlesex	L-32516-80PW	2/18/81	Brener, Wallack & ... Louis Alfonso
Orgo Farms v. Colts Neck	Monmouth	L-13769-80	11/17/80	David Frizell Robert W. O'Hagan
Orgo Farms v. Colts Neck	Monmouth	L-3299-78PW	9/22/78	David Frizell Robert W. O'Hagan
AMC Realty v. Twp. of Warren	Somerset	L-23277-80	12/31/80	Joseph Murray John E. Coley, Jr.
Timber Properties v. Twp. of Warren	Somerset	L-67820-80	7/23/81	Ray Trombadore John E. Coley, Jr.

<u>CASE NAME</u>	<u>COUNTY</u>	<u>DOCKET #</u>	<u>FILED</u>	<u>ATTORNEYS</u>	<u>STATUS</u>
R & A Checchio v. Zoning Bd. Twp. Branchburg	Somerset	L-042539-83	7/8/83	Vincent Loughlin Mark S. Anderson	
Motzenbecker v. Mayor & Council Bernardsville	Somerset	L-37125-83	6/13/83	Robert Greenbaum J. Albert Mastro	
Pizzo v. Branchburg	Somerset	L-009651-83PW	2/15/83	Stewart Hutt Robert Guterl	
Zirinsky v. Twp. of Cranbury	Middlesex	L-079309-83	12/20/83	Michael Herbert William Moran	
J.W. Fields v. Twp. of Franklin	Somerset	L-006583-84PW	1/27/84	David Frizell Thomas Cafferty	
Seagull Ltd. Builders v. Twp. of Colts Neck	Monmouth	L-003540-84	1/17/84	Louis Locasio Robert O'Hagan	
JZR Asso. v. Twp. of Franklin	Somerset	L-007917-84PW	2/6/84	Francis Linnue Thomas Cafferty	
Calton Homes, Inc. v. Twp. of Princeton	Mercer	L-109451-84	3/22/84	Henry Hill, Jr. Edwin Schriener	
Wittenborn v. Twp. of Lawrence	Mercer	L-024266-84	3/28/84	Peter P. Cascone, Michael Herbert	

Real Estate Equities, Inc. v. Holmdel Twp.	Monmouth	L-15209-84PW	3/5/84	Carl Bisgaier Thomas Gagliano
Flama Const. v. Twp. of Franklin	Somerset	L-01096-84	3/12/84	Frederick Mezey Thomas Cafferty
Whitestone Const. v. Twp. of Franklin	Somerset	L-021370-84PW	3/28/84	Herbert Silver Thomas Cafferty
Brener Asso. v. Twp. of Franklin	Somerset	L-022951-84	4/6/84	Guilet Hirsch Thomas Cafferty
Rakeco Development v. Twp. of Franklin	Somerset	L-25303-84PW	4/11/84	Douglas Wolfson Thomas Cafferty
Lori Associates v. Twp. of Monroe	Middlesex	L-028288-84PW	4/16/84	Alfred Clapp Thomas Farino
Woodbrook Development Corporation v. Twp. of Franklin	Somerset	L-019811-84PW	3/20/84	David Frizel Thomas Cafferty
Van Cleef v. Twp. of Franklin	Somerset	L-026294-84PW	4/19/84	Emil Philibofian Thomas Cafferty
Great Meadows Co. v. Monroe Twp.	Middlesex	L-32638-84	5/4/84	Stewart Hutt Thomas Farino
Gerickont v. Piscataway Twp.	Middlesex	L-032501-84PW	5/9/84	Ray Trombadore Philip Paley
Hills Development Co. v. Twp. of Bernardsville	Somerset	L-030039-84PW	5/10/84	Henry Hill James Davidson
Mindel v. Twp. of Franklin	Somerset	L-033174-84	5/16/84	Stewart Hutt Thomas Cafferty

Richlieu Const. Co. v. Twp. of Lawrence	Mercer	L-022702-84	4/4/84	Peter Cascone Michael Herbert
New Brunswick-Hampton Asso. v. Twp. of Holmdel	Monmouth	L-033910-84	5/25/84	Douglas Wolfson Thomas Gagliano
Woodhaven Village Inc. v. Twp. of Old Bridge	Somerset	L-03674-84PW	5/31/84	Stewart Hutt Jerome Convery
Michael Kaplan v. Twp. of Marlboro	Monmouth	L-039596-84PW	6/7/84	Charles Parker Arthur Goldzweig
Whitterspoon-Jackson Development v. Boro. of Princeton	Mercer	L-37675-84PW	6/7/84	Glenn Cochran Edwin Schmierer
Princeton Ridge, Inc. v. Twp. of Princeton	Mercer	L-040335-84PW	6/19/84	Carl Bisgaier Edwin Schmierer
K. Romanian Co. of New Jersey v. Twp. of N. Brunswick	Middlesex	L-045700-84	7/12/84	Douglas Wolfson Stewart Hutt
R.A.S. Land Development Co. Inc. v. Twp. of Franklin	Somerset	L-49096-84	7/20/84	David Frizell Thomas Cafferty
Oliver R. Kovacs v. Twp of Marlboro	Monmouth	L-048845-84	7/25/84	Peter Buchsbaum Arthur Goldzweig
Michael Weitz & David Kahane v. Twp of Marlboro	Monmouth	L-050456-84	8/1/84	Peter Buchsbaum Arthur Goldzweig
Cove Industries, Ltd. v. Wall Twp.	Monmouth	L-51262-84	8/6/84	Herbert Vogel John Jay Mangini
Anthony Spalliero & Centrio Builders Inc. v. Marlboro	Monmouth	L-41366-84PW	6/22/84	Martin Rudnick Arthur Goldzweig

Adler v. Holmdel Twp.	Monmouth	L-54998-84	8/22/84	Peter Sokol Thomas Gagliano
Jops Co. v. Franklin Twp.	Somerset	L-051892-84	8/2/84	Allen Ross Thomas Cafferty
Penn Asso. v. Twp. of Marlboro	Monmouth	L-052552-84PW	8/8/84	Frank J. Petrino Arthur Goldzweig
Federal Equity Asso., II v. Twp. of Marlboro	Monmouth	L-052553-84	8/8/84	Frank J. Petrino Arthur Goldzweig
M. Schmelzer v. Twp. of Marlboro	Monmouth	L-067465-84PW	10/9/84	Stewart Hutt Arthur Goldzweig
Top o'the World v. Twp. of Greenbrook	Somerset	L-068913-84PW	10/11/84	Frizell & Pozyski Harmon Clark, Jr.
Twp. of Hazelet v. Twp. of Holmdel	Monmouth	L-067502-84PW	10/15/84	C. Henderson Thomas Gagliano
Crestmont Hills Inc. v. Hillsborough Twp.	Somerset	L-071562-84PW	10/18/84	Raymond Trombadore Ronald Perl
Dyson Trust v. Twp. of Lawrence	Mercer	L-070131-84PW	10/22/84	William Warren Sterns
Sansone v. Twp. of Green Brook	Somerset	L-074178-84PW	11/2/84	Joseph Murray Harman Clark, Jr.
Carlton Homes v. Middletown Twp. et al.	Monmouth	L-07342-84	11/1/84	Henry Hill Jerry Massell
V.G. Builders, Inc. v. Twp. of Aberdeen	Monmouth	L-07480-84	11/8/84	Wayne J. Peck Michael Leckstein
Fort Plains Bldg. Dev. v. Twp. of Howell	Monmouth	L-084591-84PW	12/3/84	Douglas Wolfson Dwayne Davidson

Est. of Zlotkin, et al v. Twp. of Freehold	Morrmouth	L-087433-84PW	12/31/84	Isidore Zlotkin Dwayne Davidson
Thompson Realty Co. of Princeton v. Twp. of Princeton	Mercer	L-085961-84PW	12/31/84	Thomas Jamieson, Jr. Edwin Schmierer
Princeton Research Lands v. Twp. of Washington	Mercer	L-085627-84PW	1/2/85	Guliet Hirsch Edwin Schmierer
Hovbilt Inc. v. Twp. of Howell	Morrmouth	L-014182-85PW	1/28/85	Ronald Shimanowitz John Bennett
Aberdeen Twp v. Marlboro Twp.	Morrmouth	L-83089-84PW	12/13/84	Michael Leckstein Arthur Goldsweig
Z.V. Asso v. Warren Twp and Planning Board	Somerset	L-14179-85PW	1/25/85	Joseph Murray John Coley
Allen Weingarten v. Twp. of Hazelet	Morrmouth	L-015990-85PW	2/7/85	Douglas Wolfson John Bennett
Henry Stein v. Hillsborough Twp.	Somerset	L- n/a	4/30/85	Raymond Trombadoro Edward Halpern
J.D.N. Associates v. Twp. of Millstone	Morrmouth	L-41701-85	5/20/85	Frank S. Petrino n/a
Jos. Bonanno v. Howell twp.	Morrmouth	L-046056-85PW	6/3/85	Thomas S. Collins n/a

<u>CASE NAME</u>	<u>COUNTY</u>	<u>DOCKET #</u>	<u>FILED</u>	<u>ATTORNEYS</u>
Cedar Park Development v. Bd. of Adj. Boro of Paramus	Bergen	L-39021-75	1975	George Vaccaro Frank J. Glock
Countryside Properties, Inc. v. Mayor, Council, Boro. of Ringwood	Passaic	L-42095-81	4/11/81	Gregory J. Czura Lawrence D. Katz
Chester & Van Dalen Asso. v. Mt. Olive Township	Morris	L-065604-83PW	10/20/83	Carl S. Bisgaier Herbert A. Vogel
Morris Co. Fair Housing Council v. Boonton Township	Morris	L-6001-78	10/13/78	Stephen Eisdorfer John Harper
Green Village 139 Corp. v. Chatham	Morris	L-29276-78	12/13/79	Norman I. Klein Daniel Bernstein
Norwood Easthill Asso. v. Boro. of Norwood	(10 consolidated/intervening cases) Bergen	L-24219-83	4/23/83	John Maurius Frances DeVito
Tatiana Nagro v. Mendham Twp.	Morris	L-53799-83	7/13/83	Albert D. Jeffers Daniel S. Bernstein
Stewart v. Bd. of Adj. Twp of Roxbury	Morris	L-3557-82PW	1982	Herbert A. Bogel Joseph J. Vecchio
Timber Properties, Inc. v. Twp. of Chester	Morris	L-039452-83PW	6/24/83	Herbert Vogel James R. Hillas
Guerin v. Twp. of Chester	Morris	L-41937-83PW	7/29/83	Gilbert J. Strano Alfred L. Ferguson

<u>CASE NAME</u>	<u>COUNTY</u>	<u>DOCKET #</u>	<u>FILED</u>	<u>ATTORNEYS</u>
Van Dalen Asso. v. Washington Twp.	Morris	L-45137-83PW	7/15/83	Carl S. Bisgaier Alfred Villoresi
Hubschman v. Twp. of Morris	Morris	L-070695-83PW	11/7/83	Martin Gelber John Mills
Michael Sikora v. Boro. of Highbridge	Hunterdon	L-022068-84PW	3/30/84	Mark Vaida Francis Bisani
Clinton Asso. v. Town of Clinton	Hunterdon	L-019063-84	3/21/84	Guliet Hirsch Richard Cushing
Siegler Asso. v. Mayor, Council of Denville	Morris	L-029176-84PW	4/26/84	Peter Hertzberg Stephan Hansbury
Bloomingtondale Hills Farms v. Bloomingtondale Boro.	Passaic	L-049839-83	8/5/83	Joel Ellis James Segreto
Bloomingtondale Joint Venture v. Boro. of Bloomingtondale	Passaic	L-42553-84PW	6/29/84	Francis Linnus James Segreto
Affordable Living Inc. v. Mayor and Twp. of Denville	Morris	L-42898-84PW	7/2/84	Arthur Penn Steven Hensbury
Meadowview v. Twp. of Passaic	Morris	L-047923-84PW	7/18/84	Joseph Murray Mattson, Murphy, P...
Catarzareti v. Boro. of Highbridge	Hunterdon	L-04700-84PW	7/18/84	Guliet Hirsch Francis Pisani Richard Dietrly
Premiere International Corp. v. Harding Township	Morris	L-036597-84	5/31/84	Citrino, Balsam, DEB... and Daunno Shanley & Fisher

<u>CASE NAME</u>	<u>COUNTY</u>	<u>DOCKET #</u>	<u>FILED</u>	<u>ATTORNEYS</u>
Maurice Soussa, et al. v. Denville Township, et al.	Morris	L-38694-84PW	5/31/84	Citrino, Balsam, DiBalsi and Daurno Murphy, Kurnos & Nish
Mt. Hope Mining Co. v. Twp. of Rockaway, et al.	Morris	L-64385-84PW	9/21/84	Theodore Einhorn Fredric J. Sirota
Wm. Maltz Const. & Development v. Boonton Twp. Planning Board	Morris	L-060538-84PW	9/10/84	Murphy, Kurnos & Nish Nathaniel Bedford
J.L. Muscarelle, Inc. v. Twp. of Rocksbury	Morris	L-73713-84PW	11/1/84	M. Donato J. Vecchio
Stonehedge Asso. v. Twp. of Denville	Morris	L-086053-84	12/31/84	Brener, Wallach & Hill Murphy, Kurnos & Nish
R. Fagano v. Oakland Borough	Bergen	L-18859-85	2/15/85	Spector Robert F. Gallo
Riverview Associates v. Twp. of Boonton	Morris	L-82554-84PW	12/7/84	Fendelton N. Bedford John Harper
Gabrellian v. Kinnelon Twp.	Morris	L-20842-85	2/21/85	Winne, Banta, Rizzi Heatherton & Sasrakan Ed J. Buzak
365 Land Associates Limited v. Wantage Township, et al.	Sussex	L-22469-85PW	4/25/85	James, Wyckoff, Vecchio & Pittman Paul Koch
J. Rendeiro v. Borough of Lincoln Park	Morris	L-42457-85PW	5/20/85	Hutt, Berkow & Jarkowski n/a
Main Land Development Corp. v. Kinnelon Twp.	Morris	L-043809-85	5-22-85	Ed Mainardi Ed J. Buzak

<u>CASE NAME</u>	<u>COUNTY</u>	<u>DOCKET #</u>	<u>FILED</u>	<u>ATTORNEYS</u>
Ho-Hokus Associates v. Borough of Ho-Hokus Planning Board of Ho-Hokus	Bergen	L-35618-85	4/23/85	M. Goodman  Glen Partel (S & F) James Dooley M. Michael Donovan
Randolph Mtn. Indus. Complex v. Randolph Township	Morris	L-6001-78PW	6/2/85	R. Sweeney E. Buzak
Angelo Cali v. Township of Denville, Municipal Council of Denville, Planning Bd. of Denville	Morris	L-55343-85PW	7/9/85	N. Caprio Harkavy, Goldman, Goldman & Caprio S. Hansbury
G J L Corporation v. Boro. of Highbridge	Hunterdon		5/8/85	Roy Kurnos F. Pisani, III

**EXCLUSIONARY ZONING CASES FILED  
SUBSEQUENT TO NOVEMBER 4, 1985 AGAINST  
MUNICIPALITIES NOT IN LITIGATION AS OF NOVEMBER 4, 1985**

<u>Lifetime Homes v. Tp. of Berkeley</u>	Ocean	L-066336-88
<u>Jomag v. Borough of Allendale</u>	Bergen	L-68768-88
<u>North Pointe Hollow v. Tp. of Dover</u>	Ocean	L-67093-88
<u>Weiner Homes v. Tp. of Dover</u>	Ocean	L-91862-88
<u>Lifestyles 80's v. Tp. of Raritan</u>	Somerset	L-70098-88
<u>99 Beekman Rd. Assoc. v. City of Summit</u>	Union	L-68248-88
<u>Mac General Contractors v. Tp. of Westfield</u>	Union	L-079398-87
<u>Minogue v. Boro of Fanwood</u>	Union	L-19281-87
<u>De Francesco v. Boro of Fanwood</u>	Union	L-73036-87
<u>Berkeley Harbor Construction Co. Boro of Seaside Heights</u>	Ocean	L-70184-88
<u>Gunther v. Boro of Bay Head</u>	Ocean	L-70191-88
<u>Koziol v. Tp. of Rochelle Park</u>	Bergen	
<u>Klein v. Tp. of Raritan</u>	Hunterdon	
<u>East Hanover Assoc. v. Tp. of East Hanover</u>	Morris	
<u>Latz v. Boro of New Milford</u>	Bergen	L-78027-86
<u>Kruvant Bros. v. Boro of Verona</u>	Essex	W-2359-86
<u>Neugarten v. Tp. of West Paterson</u>	Passaic	
<u>Bi-County Development Corp. v. Boro of Oakland</u>	Bergen	
<u>Hanover Estates v. Tp. of East Hanover</u>	Morris	L-8003-87
<u>N.D. Assoc. v. Town of Boonton</u>	Morris	L-8362-87
<u>Regal Land Development v. Town of Guttenberg</u>	Hudson	

<u>Bi-County Development of Clinton v. Tp. of Clinton</u>	Hunterdon
<u>MFG Assoc. v. Boro of Wharton</u>	Morris
<u>Scenic Hills Estates v. Tp. of Blairstown</u>	Warren
<u>Rubin v. Tp. of South Orange Village</u>	Essex
<u>Toll Bros. v. Tp. of Greenwich</u>	Warren
<u>550 Prospect Hill Corp. v. Tp. of Maplewood</u>	Essex
<u>Waterford Village Assoc. v. Tp. of Wayne</u>	Passaic
<u>Mesalic v. Tp. of Jefferson</u>	Morris
<u>Wilson-Jungblat Assoc. v. Tp. of Franklin</u>	Warren
<u>Foresquire Corp. v. Boro of Hasbrook Heights</u>	Warren
<u>Cohn Construction Co. v. Tp. of Franklin</u>	Warren
<u>Sand Spring Realty v. Tp. of Harding</u>	Morris
<u>Bi-County of Jefferson v. Tp. of Jefferson</u>	Morris
<u>Pagano v. Tp. of Wayne</u>	Passaic
<u>East-West Venture v. Boro of Fort Lee</u>	Bergen
<u>Pondview Townhouses v. Tp. of South Orange Village</u>	Essex
<u>Dowel Assoc. v. Tp. of Harmony</u>	Warren
<u>Dynasty Building Corp. v. Boro of Upper Saddle River</u>	Bergen

THOMAS H. KEAN  
Governor

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New Jersey  
1980 Census of Population and Housing  
Municipal Profiles  
Volume V: Income and Poverty Estimates for Families, Households and Persons

39a

Part A



State of New Jersey  
Department of Labor  
Division of Planning and Research  
Office of Demographic and Economic Analysis  
C N 388  
Trenton, New Jersey 08625

June 1983

1980 CENSUS OF POPULATION AND HOUSING - INCOME AND POVERTY ESTIMATES FOR FAMILIES, HOUSEHOLDS AND PERSONS IN 1979

NEW JERSEY

NEW JERSEY (34)

1. HOUSEHOLD AND FAMILY INCOME

	HOUSEHOLDS	FAMILIES
LESS THAN \$2,500	86780	43106
\$2,500 TO \$4,999	185888	71018
\$5,000 TO \$7,499	167598	90869
\$7,500 TO \$9,999	167972	104033
\$10,000 TO \$12,499	181660	119688
\$12,500 TO \$14,999	157491	111291
\$15,000 TO \$17,499	178025	133361
\$17,500 TO \$19,999	162741	130714
\$20,000 TO \$22,499	175719	146524
\$22,500 TO \$24,999	144145	125798
\$25,000 TO \$27,499	148804	131851
\$27,500 TO \$29,999	117215	106133
\$30,000 TO \$34,999	201653	185389
\$35,000 TO \$39,999	141281	131585
\$40,000 TO \$49,999	161798	151068
\$50,000 TO \$74,999	123847	115470
\$75,000 OR MORE	47673	44210
MEDIAN INCOME	\$19,800	\$22,906
MEAN INCOME	\$23,260	\$26,336

2. INCOME FOR UNRELATED INDIVIDUALS 15 YEARS OLD AND OVER

LESS THAN \$1,000	59287
\$1,000 TO \$1,999	35936
\$2,000 TO \$2,999	53823
\$3,000 TO \$3,999	75864
\$4,000 TO \$4,999	61311
\$5,000 TO \$5,999	48885
\$6,000 TO \$6,999	43327
\$7,000 TO \$7,999	39299
\$8,000 TO \$8,999	38606
\$9,000 TO \$9,999	34699
\$10,000 TO \$11,999	66377
\$12,000 TO \$14,999	78057
\$15,000 TO \$24,999	135355
\$25,000 TO \$49,999	45237
\$50,000 OR MORE	7093
MEDIAN INCOME	\$7,843
MEAN INCOME	\$10,269

3. PER CAPITA INCOME BY INMATE STATUS

ALL PERSONS	\$8,127
ALL PERSONS, EXCL. INMATES	\$8,183

4. MEAN HOUSEHOLD INCOME BY TENURE

OWNER OCCUPIED	\$27,965
RENTER OCCUPIED	\$15,209

5. FAMILY INCOME BY RACE OR SPANISH ORIGIN OF HOUSEHOLDER

	WHITE	BLACK	AMER. INDIAN ESKIMO & ALEUT	ASIAN AND PACIFIC IS.	SPANISH ORIGIN
LESS THAN \$5,000	65390	37157	225	1210	21882
\$5,000 TO \$7,499	64850	20436	210	707	10848
\$7,500 TO \$9,999	79894	19219	250	790	9888
\$10,000 TO \$14,999	187325	34144	496	2052	19346
\$15,000 TO \$19,999	226653	28774	437	2743	18611
\$20,000 TO \$24,999	241158	24099	356	3178	14609
\$25,000 TO \$34,999	381517	31345	316	6847	15785
\$35,000 TO \$49,900	260255	16042	207	5022	7340
\$50,000 OR MORE	150725	5263	101	3206	2742
MEAN INCOME	\$27,772	\$17,306	\$19,238	\$30,941	\$16,822

6. HOUSEHOLDS WITH INCOME IN 1979 BY INCOME TYPE

	TOTAL	MEAN
EARNINGS:	2072479	\$23,963
WAGE OR SALARY	2014139	\$23,044
SELF-EMPLOYED NONFARM	205697	\$15,397
SELF-EMPLOYED FARM	17590	\$4,582
INTEREST, DIVIDEND OR NET RENTAL INCOME	1216295	\$2,903
SOCIAL SECURITY	682155	\$4,423
PUBLIC ASSISTANCE	190335	\$2,926
ALL OTHER SOURCES	653919	\$3,902

7. FAMILIES AND MEAN FAMILY INCOME BY NUMBER OF WORKERS IN FAMILY

	TOTAL	MEAN
NO WORKERS	243688	\$10,472
1 WORKER	636426	\$23,010
2 OR MORE WORKERS	1061994	\$31,969

8. POVERTY STATUS BY RACE AND SPANISH ORIGIN AND BY AGE

	POVERTY STATUS:	
	ABOVE	BELOW
RACE/SPANISH:		
TOTAL	6542108	689491
WHITE	5665305	386119
BLACK	666274	233615
AMERICAN INDIAN, ESKIMO AND ALEUT	8283	1536
ASIAN & PACIFIC IS.	100698	7258
SPANISH ORIGIN	358571	129190
AGE:		
UNDER 55 YEARS	5050607	558987
55 TO 59 YEARS	409856	23141
60 TO 64 YEARS	341089	26202
65 YEARS AND OVER	740556	81161

9. FAMILIES BY FAMILY TYPE BY POVERTY STATUS BY PRESENCE AND AGE OF RELATED CHILDREN

	POVERTY STATUS:	
	ABOVE	BELOW
ALL FAMILIES:		
WITH RELATED CHILDREN:		
UNDER 6 AND 6 TO 17 YEARS	161037	33736
UNDER 6 YEARS ONLY	189040	29452
6 TO 17 YEARS ONLY	540567	54394
WITHOUT RELATED CHILDREN	903489	30393
FEMALE HOUSEHOLDER, NO HUSBAND PRESENT:		
WITH RELATED CHILDREN:		
UNDER 6 AND 6 TO 17 YEARS	12673	22466
UNDER 6 YEARS ONLY	13851	19372
6 TO 17 YEARS ONLY	79268	37620
WITHOUT RELATED CHILDREN	104636	7390

10. POVERTY STATUS BY AGE OF HOUSEHOLDER FOR FAMILIES AND NONFAMILY HOUSEHOLDS

	FAMILIES	NONFAMILY HOUSEHOLDS
INCOME BELOW POVERTY LEVEL:		
15 TO 64 YEARS OLD	133858	54265
65 YEARS OLD AND OVER	14117	50172
INCOME 100 TO 124 PERCENT OF POVERTY LEVEL:		
15 TO 64 YEARS OLD	40551	13070
65 YEARS OLD AND OVER	10595	37240
INCOME 125 PERCENT OR MORE OF POVERTY LEVEL:		
15 TO 64 YEARS OLD	1473238	315552
65 YEARS OLD AND OVER	269749	137883

11. PERSONS & FAMILIES BELOW POVERTY LEVEL (%)

PERSONS: 9.5%	FAMILIES: 7.6%
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NOTES: Persons of Spanish Origin may be of any race. S means that the item was suppressed or the mean had a zero denominator. See Definitions and Concepts section for explanations of terms.

HUNTERDON COUNTY

HUNTERDON COUNTY (019)

NEW JERSEY (34)

1. HOUSEHOLD AND FAMILY INCOME

	HOUSEHOLDS	FAMILIES
LESS THAN \$2,500	506	213
\$2,500 TO \$4,999	1215	416
\$5,000 TO \$7,499	1230	638
\$7,500 TO \$9,999	1237	779
\$10,000 TO \$12,499	1573	948
\$12,500 TO \$14,999	1567	1159
\$15,000 TO \$17,499	1696	1419
\$17,500 TO \$19,999	1933	1606
\$20,000 TO \$22,499	2204	1819
\$22,500 TO \$24,999	1700	1464
\$25,000 TO \$27,499	1877	1680
\$27,500 TO \$29,999	1585	1415
\$30,000 TO \$34,999	3101	2885
\$35,000 TO \$39,999	2030	1944
\$40,000 TO \$49,999	2556	2330
\$50,000 TO \$74,999	1707	1690
\$75,000 OR MORE	721	692
MEDIAN INCOME	\$24,115	\$26,618
MEAN INCOME	\$27,979	\$30,796

2. INCOME FOR UNRELATED INDIVIDUALS  
15 YEARS OLD AND OVER

LESS THAN \$1,000	383
\$1,000 TO \$1,999	152
\$2,000 TO \$2,999	268
\$3,000 TO \$3,999	494
\$4,000 TO \$4,999	533
\$5,000 TO \$5,999	355
\$6,000 TO \$6,999	391
\$7,000 TO \$7,999	294
\$8,000 TO \$8,999	389
\$9,000 TO \$9,999	282
\$10,000 TO \$11,999	768
\$12,000 TO \$14,999	734
\$15,000 TO \$24,999	1420
\$25,000 TO \$49,999	617
\$50,000 OR MORE	68
MEDIAN INCOME	\$10,086
MEAN INCOME	\$12,234

3. PER CAPITA INCOME BY INMATE STATUS

ALL PERSONS	\$9,168
ALL PERSONS, EXCL. INMATES	\$9,380

4. MEAN HOUSEHOLD INCOME BY TENURE

OWNER OCCUPIED	\$30,873
RENTER OCCUPIED	\$17,289

5. FAMILY INCOME BY RACE OR SPANISH ORIGIN OF HOUSEHOLDER

	WHITE	BLACK	AMER. INDIAN ESKIMO & ALEUT	ASIAN AND PACIFIC IS.	SPANISH ORIGIN
LESS THAN \$5,000	620	9	0	0	12
\$5,000 TO \$7,499	593	32	0	7	11
\$7,500 TO \$9,999	760	7	3	0	21
\$10,000 TO \$14,999	2099	8	0	0	6
\$15,000 TO \$19,999	2993	19	8	4	20
\$20,000 TO \$24,999	3256	19	6	2	0
\$25,000 TO \$34,999	5944	8	0	22	57
\$35,000 TO \$49,999	4266	0	0	2	16
\$50,000 OR MORE	2332	18	0	32	30
MEAN INCOME	\$30,851	\$19,817	\$18,726	\$39,322	\$28,102

6. HOUSEHOLDS WITH INCOME IN 1979 BY  
INCOME TYPE

	TOTAL	MEAN
EARNINGS:	25233	\$27,471
WAGE OR SALARY	24054	\$26,716
SELF-EMPLOYED NONFARM	3524	\$13,198
SELF-EMPLOYED FARM	1374	\$2,935
INTEREST, DIVIDEND OR NET RENTAL INCOME	16782	\$3,231
SOCIAL SECURITY	6210	\$4,463
PUBLIC ASSISTANCE	1059	\$2,620
ALL OTHER SOURCES	5733	\$3,493

7. FAMILIES AND MEAN FAMILY INCOME BY  
NUMBER OF WORKERS IN FAMILY

	TOTAL	MEAN
NO WORKERS	1597	\$15,945
1 WORKER	7684	\$26,972
2 OR MORE WORKERS	13816	\$34,639

8. POVERTY STATUS BY RACE AND SPANISH  
ORIGIN AND BY AGE

	POVERTY STATUS:	
	ABOVE	BELOW
RACE/SPANISH:		
TOTAL	81263	3708
WHITE	80385	3555
BLACK	318	95
AMERICAN INDIAN, ESKIMO AND ALEUT	56	0
ASIAN & PACIFIC IS.	420	24
SPANISH ORIGIN	638	92
AGE:		
UNDER 55 YEARS	66935	2757
55 TO 59 YEARS	3989	207
60 TO 64 YEARS	3243	136
65 YEARS AND OVER	7096	608

9. FAMILIES BY FAMILY TYPE BY POVERTY STATUS  
BY PRESENCE AND AGE OF RELATED CHILDREN

	POVERTY STATUS:	
	ABOVE	BELOW
ALL FAMILIES:		
WITH RELATED CHILDREN:		
UNDER 6 AND 6 TO 17 YEARS	1921	131
UNDER 6 YEARS ONLY	2651	119
6 TO 17 YEARS ONLY	7762	254
WITHOUT RELATED CHILDREN	10000	259
FEMALE HOUSEHOLDER, NO HUSBAND PRESENT:		
WITH RELATED CHILDREN:		
UNDER 6 AND 6 TO 17 YEARS	67	37
UNDER 6 YEARS ONLY	79	50
6 TO 17 YEARS ONLY	674	111
WITHOUT RELATED CHILDREN	742	49

10. POVERTY STATUS BY AGE OF HOUSEHOLDER FOR  
FAMILIES AND NONFAMILY HOUSEHOLDS

	FAMILIES	NONFAMILY HOUSEHOLDS
INCOME BELOW POVERTY LEVEL:		
15 TO 64 YEARS OLD	621	332
65 YEARS OLD AND OVER	142	342
INCOME 100 TO 124 PERCENT OF POVERTY LEVEL:		
15 TO 64 YEARS OLD	234	114
65 YEARS OLD AND OVER	84	240
INCOME 125 PERCENT OR MORE OF POVERTY LEVEL:		
15 TO 64 YEARS OLD	19408	3003
65 YEARS OLD AND OVER	2608	1390

11. PERSONS & FAMILIES BELOW POVERTY LEVEL (%)

PERSONS: 4.4%	FAMILIES: 3.3%
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NOTE: Persons of Spanish Origin may be of any race. S means that the item was suppressed or the mean had a zero denominator. See definitions and concepts section for explanations of terms.

412

MIDDLESEX COUNTY

MIDDLESEX COUNTY (023)

NEW JERSEY (34)

1. HOUSEHOLD AND FAMILY INCOME

	HOUSEHOLDS	FAMILIES
LESS THAN \$2,500	4434	2218
\$2,500 TO \$4,999	9942	3533
\$5,000 TO \$7,499	9683	4841
\$7,500 TO \$9,999	9977	5976
\$10,000 TO \$12,499	11449	7193
\$12,500 TO \$14,999	10223	7085
\$15,000 TO \$17,499	13315	9562
\$17,500 TO \$19,999	12973	10249
\$20,000 TO \$22,499	14785	12180
\$22,500 TO \$24,999	13076	11487
\$25,000 TO \$27,499	14048	12396
\$27,500 TO \$29,999	11345	10321
\$30,000 TO \$34,999	19469	18120
\$35,000 TO \$39,999	13484	12585
\$40,000 TO \$49,999	15729	14806
\$50,000 TO \$74,999	10286	9515
\$75,000 OR MORE	2751	2564
MEDIAN INCOME	\$22,826	\$25,603
MEAN INCOME	\$25,023	\$27,751

2. INCOME FOR UNRELATED INDIVIDUALS 15 YEARS OLD AND OVER

LESS THAN \$1,000	6558
\$1,000 TO \$1,999	6036
\$2,000 TO \$2,999	5228
\$3,000 TO \$3,999	5816
\$4,000 TO \$4,999	4320
\$5,000 TO \$5,999	3381
\$6,000 TO \$6,999	2642
\$7,000 TO \$7,999	2752
\$8,000 TO \$8,999	2388
\$9,000 TO \$9,999	2218
\$10,000 TO \$11,999	4687
\$12,000 TO \$14,999	5629
\$15,000 TO \$24,999	12126
\$25,000 TO \$49,999	4090
\$50,000 OR MORE	429
MEDIAN INCOME	\$7,061
MEAN INCOME	\$9,788

3. PER CAPITA INCOME BY INMATE STATUS

ALL PERSONS	\$8,357
ALL PERSONS, EXCL. INMATES	\$8,411

4. MEAN HOUSEHOLD INCOME BY TENURE

OWNER OCCUPIED	\$28,634
RENTER OCCUPIED	\$17,345

5. FAMILY INCOME BY RACE OR SPANISH ORIGIN OF HOUSEHOLDER

	WHITE	BLACK	AMER. INDIAN ESKIMO & ALEUT	ASIAN AND PACIFIC IS.	SPANISH ORIGIN
LESS THAN \$5,000	4145	946	5	106	1194
\$5,000 TO \$7,499	3988	583	5	93	442
\$7,500 TO \$9,999	5177	551	7	57	460
\$10,000 TO \$14,999	12583	986	37	244	1107
\$15,000 TO \$19,999	18054	1063	28	237	1246
\$20,000 TO \$24,999	21882	1132	20	329	1194
\$25,000 TO \$34,999	37987	1456	39	1053	1353
\$35,000 TO \$49,900	25637	927	25	719	637
\$50,000 OR MORE	11474	305	6	266	238
MEAN INCOME	\$28,277	\$20,951	\$24,005	\$31,519	\$19,492

6. HOUSEHOLDS WITH INCOME IN 1979 BY INCOME TYPE

	TOTAL	MEAN
EARNINGS:	170938	\$25,208
WAGE OR SALARY	167750	\$24,520
SELF-EMPLOYED NONFARM	13950	\$13,793
SELF-EMPLOYED FARM	916	\$3,748
INTEREST, DIVIDEND OR NET RENTAL INCOME	102956	\$2,038
SOCIAL SECURITY	44838	\$4,412
PUBLIC ASSISTANCE	10295	\$2,842
ALL OTHER SOURCES	51941	\$3,523

7. FAMILIES AND MEAN FAMILY INCOME BY NUMBER OF WORKERS IN FAMILY

	TOTAL	MEAN
NO WORKERS	13376	\$10,862
1 WORKER	46317	\$22,603
2 OR MORE WORKERS	94938	\$32,642

8. POVERTY STATUS BY RACE AND SPANISH ORIGIN AND BY AGE

RACE/SPANISH:	POVERTY STATUS:	
	ABOVE	BELOW
TOTAL	540726	36119
WHITE	494573	26057
BLACK	26442	6315
AMERICAN INDIAN, ESKIMO AND ALEUT	671	38
ASIAN & PACIFIC IS.	11598	793
SPANISH ORIGIN	26300	7041
AGE:		
UNDER 55 YEARS	433093	29437
55 TO 59 YEARS	34345	1239
60 TO 64 YEARS	26771	1415
65 YEARS AND OVER	46517	4028

9. FAMILIES BY FAMILY TYPE BY POVERTY STATUS BY PRESENCE AND AGE OF RELATED CHILDREN

	POVERTY STATUS:	
	ABOVE	BELOW
ALL FAMILIES:		
WITH RELATED CHILDREN:		
UNDER 6 AND 6 TO 17 YEARS	12904	1388
UNDER 6 YEARS ONLY	15720	1453
6 TO 17 YEARS ONLY	46136	2793
WITHOUT RELATED CHILDREN	72542	1695
FEMALE HOUSEHOLDER, NO HUSBAND PRESENT:		
WITH RELATED CHILDREN:		
UNDER 6 AND 6 TO 17 YEARS	691	942
UNDER 6 YEARS ONLY	839	795
6 TO 17 YEARS ONLY	5704	1799
WITHOUT RELATED CHILDREN:	7241	283

10. POVERTY STATUS BY AGE OF HOUSEHOLDER FOR FAMILIES AND NONFAMILY HOUSEHOLDS

	FAMILIES	NONFAMILY HOUSEHOLDS
INCOME BELOW POVERTY LEVEL:		
15 TO 64 YEARS OLD	6570	3517
65 YEARS OLD AND OVER	759	2411
INCOME 100 TO 124 PERCENT OF POVERTY LEVEL:		
15 TO 64 YEARS OLD	2241	932
65 YEARS OLD AND OVER	606	2239
INCOME 125 PERCENT OR MORE OF POVERTY LEVEL:		
15 TO 64 YEARS OLD	127519	25685
65 YEARS OLD AND OVER	16936	7554

11. PERSONS & FAMILIES BELOW POVERTY LEVEL (%)

PERSONS	6.3%	FAMILIES	4.7%
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NOTE: Persons of Spanish Origin may be of any race. S means that the item was suppressed or the mean had a zero denominator. See Definitions and Concepts section for explanations of terms.

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SOMERSET COUNTY

SOMERSET COUNTY (035)

NEW JERSEY (34)

1. HOUSEHOLD AND FAMILY INCOME

	HOUSEHOLDS	FAMILIES
LESS THAN \$2,500	1176	527
\$2,500 TO \$4,999	2249	643
\$5,000 TO \$7,499	2536	1286
\$7,500 TO \$9,999	2849	1699
\$10,000 TO \$12,499	3348	2009
\$12,500 TO \$14,999	2980	2098
\$15,000 TO \$17,499	3950	2787
\$17,500 TO \$19,999	3985	2965
\$20,000 TO \$22,499	4552	3670
\$22,500 TO \$24,999	3870	3217
\$25,000 TO \$27,499	4445	3953
\$27,500 TO \$29,999	3577	3280
\$30,000 TO \$31,999	7246	6588
\$35,000 TO \$39,999	5542	5155
\$40,000 TO \$49,999	6735	6329
\$50,000 TO \$74,999	6045	5720
\$75,000 OR MORE	2298	2170
MEDIAN INCOME	\$26,235	\$29,172
MEAN INCOME	\$30,278	\$33,384

2. INCOME FOR UNRELATED INDIVIDUALS 15 YEARS OLD AND OVER

LESS THAN \$1,000	861
\$1,000 TO \$1,999	560
\$2,000 TO \$2,999	732
\$3,000 TO \$3,999	1135
\$4,000 TO \$4,999	1102
\$5,000 TO \$5,999	909
\$6,000 TO \$6,999	755
\$7,000 TO \$7,999	834
\$8,000 TO \$8,999	777
\$9,000 TO \$9,999	812
\$10,000 TO \$11,999	1551
\$12,000 TO \$14,999	2054
\$15,000 TO \$24,999	4313
\$25,000 TO \$49,999	1719
\$50,000 OR MORE	176
MEDIAN INCOME	\$10,861
MEAN INCOME	\$13,039

3. PER CAPITA INCOME BY INMATE STATUS

ALL PERSONS	\$10,123
ALL PERSONS, EXCL. INMATES	\$10,261

4. MEAN HOUSEHOLD INCOME BY TENURE

OWNER OCCUPIED	\$34,097
RENTER OCCUPIED	\$19,359

5. FAMILY INCOME BY RACE OR SPANISH ORIGIN OF HOUSEHOLDER

	WHITE	BLACK	AMER. INDIAN ESKIMO & ALEUT	ASIAN AND PACIFIC IS.	SPANISH ORIGIN
LESS THAN \$5,000	1011	120	0	19	40
\$5,000 TO \$7,499	1164	97	0	12	34
\$7,500 TO \$9,999	1544	109	12	22	27
\$10,000 TO \$14,999	3762	306	0	18	98
\$15,000 TO \$19,999	5370	305	4	26	152
\$20,000 TO \$24,999	6487	294	0	75	102
\$25,000 TO \$34,999	12980	558	14	229	289
\$35,000 TO \$49,900	10853	406	0	217	110
\$50,000 OR MORE	7668	135	8	75	73
MEAN INCOME	\$33,785	\$25,451	\$35,266	\$34,546	\$26,018

6. HOUSEHOLDS WITH INCOME IN 1979 BY INCOME TYPE

	TOTAL	MEAN
EARNINGS:	60090	\$29,604
WAGE OR SALARY	58470	\$28,488
SELF-EMPLOYED NONFARM	6800	\$16,370
SELF-EMPLOYED FARM	683	\$2,733
INTEREST, DIVIDEND OR NET RENTAL INCOME	40497	\$3,326
SOCIAL SECURITY	14238	\$4,456
PUBLIC ASSISTANCE	2429	\$2,587
ALL OTHER SOURCES	14942	\$3,808

7. FAMILIES AND MEAN FAMILY INCOME BY NUMBER OF WORKERS IN FAMILY

	TOTAL	MEAN
NO WORKERS	3554	\$13,829
1 WORKER	16419	\$29,715
2 OR MORE WORKERS	34123	\$37,185

8. POVERTY STATUS BY RACE AND SPANISH ORIGIN AND BY AGE

	POVERTY STATUS:	
	ABOVE	BELOW
RACE/SPANISH:		
TOTAL	191452	7592
WHITE	178639	6497
BLACK	9055	816
AMERICAN INDIAN, ESKIMO AND ALEUT	181	0
ASIAN & PACIFIC IS.	2798	145
SPANISH ORIGIN	3913	284
AGE:		
UNDER 55 YEARS	155959	5595
55 TO 59 YEARS	11410	326
60 TO 64 YEARS	8883	463
65 YEARS AND OVER	15200	1208

9. FAMILIES BY FAMILY TYPE BY POVERTY STATUS BY PRESENCE AND AGE OF RELATED CHILDREN

	POVERTY STATUS:	
	ABOVE	BELOW
ALL FAMILIES:		
WITH RELATED CHILDREN:		
UNDER 6 AND 6 TO 17 YEARS	4175	285
UNDER 6 YEARS ONLY	5140	205
6 TO 17 YEARS ONLY	17799	495
WITHOUT RELATED CHILDREN	25540	457
FEMALE HOUSEHOLDER, NO HUSBAND PRESENT:		
WITH RELATED CHILDREN:		
UNDER 6 AND 6 TO 17 YEARS	241	131
UNDER 6 YEARS ONLY	281	110
6 TO 17 YEARS ONLY	1932	299
WITHOUT RELATED CHILDREN	2470	97

10. POVERTY STATUS BY AGE OF HOUSEHOLDER FOR FAMILIES AND NONFAMILY HOUSEHOLDS

	FAMILIES	NONFAMILY HOUSEHOLDS
INCOME BELOW POVERTY LEVEL:		
15 TO 64 YEARS OLD	1226	837
65 YEARS OLD AND OVER	216	681
INCOME 100 TO 124 PERCENT OF POVERTY LEVEL:		
15 TO 64 YEARS OLD	556	210
65 YEARS OLD AND OVER	159	628
INCOME 125 PERCENT OR MORE OF POVERTY LEVEL:		
15 TO 64 YEARS OLD	46200	8439
65 YEARS OLD AND OVER	5739	2492

11. PERSONS & FAMILIES BELOW POVERTY LEVEL (%)

PERSONS: 3.8% FAMILIES: 2.7%

NOTE: Items with a zero denominator may be of any race. A zero means that the item was suppressed or the mean had a zero denominator.

WARREN COUNTY

WARREN COUNTY (041)

NEW JERSEY (34)

1. HOUSEHOLD AND FAMILY INCOME

	HOUSEHOLDS	FAMILIES
LESS THAN \$2,500	642	265
\$2,500 TO \$4,999	1925	590
\$5,000 TO \$7,499	1950	927
\$7,500 TO \$9,999	2132	1378
\$10,000 TO \$12,499	2324	1618
\$12,500 TO \$14,999	1890	1393
\$15,000 TO \$17,499	2543	2165
\$17,500 TO \$19,999	2230	1873
\$20,000 TO \$22,499	2454	2178
\$22,500 TO \$24,999	1778	1662
\$25,000 TO \$27,499	1945	1760
\$27,500 TO \$29,999	1332	1223
\$30,000 TO \$34,999	2296	2122
\$35,000 TO \$39,999	1485	1383
\$40,000 TO \$49,999	1342	1269
\$50,000 TO \$74,999	831	770
\$75,000 OR MORE	333	302
MEDIAN INCOME	\$18,969	\$21,412
MEAN INCOME	\$21,350	\$23,907

2. INCOME FOR UNRELATED INDIVIDUALS 15 YEARS OLD AND OVER

LESS THAN \$1,000	619
\$1,000 TO \$1,999	335
\$2,000 TO \$2,999	465
\$3,000 TO \$3,999	890
\$4,000 TO \$4,999	670
\$5,000 TO \$5,999	546
\$6,000 TO \$6,999	496
\$7,000 TO \$7,999	524
\$8,000 TO \$8,999	476
\$9,000 TO \$9,999	380
\$10,000 TO \$11,999	769
\$12,000 TO \$14,999	828
\$15,000 TO \$24,999	1176
\$25,000 TO \$49,999	374
\$50,000 OR MORE	57
MEDIAN INCOME	\$7,537
MEAN INCOME	\$9,520

3. PER CAPITA INCOME BY INMATE STATUS

ALL PERSONS	\$7,463
ALL PERSONS, EXCL. INMATES	\$7,500

4. MEAN HOUSEHOLD INCOME BY TENURE

OWNER OCCUPIED	\$23,970
RENTER OCCUPIED	\$14,924

5. FAMILY INCOME BY RACE OR SPANISH ORIGIN OF HOUSEHOLDER

	WHITE	BLACK	AMER. INDIAN ESKIMO & ALEUT	ASIAN AND PACIFIC IS.	SPANISH ORIGIN
LESS THAN \$5,000	808	36	0	11	12
\$5,000 TO \$7,499	900	23	2	0	27
\$7,500 TO \$9,999	1364	12	0	0	9
\$10,000 TO \$14,999	2992	12	7	0	38
\$15,000 TO \$19,999	3992	39	0	2	56
\$20,000 TO \$24,999	3786	41	13	0	16
\$25,000 TO \$34,999	5049	29	0	24	43
\$35,000 TO \$49,900	2604	35	0	13	18
\$50,000 OR MORE	1060	2	0	10	8
MEAN INCOME	\$23,910	\$20,374	\$18,660	\$39,459	\$20,055

6. HOUSEHOLDS WITH INCOME IN 1979 BY INCOME TYPE

	TOTAL	MEAN
EARNINGS:	24158	\$21,855
WAGE OR SALARY	23109	\$20,981
SELF-EMPLOYED NONFARM	2837	\$13,600
SELF-EMPLOYED FARM	698	\$6,494
INTEREST, DIVIDEND OR NET RENTAL INCOME	14295	\$2,350
SOCIAL SECURITY	8449	\$4,444
PUBLIC ASSISTANCE	1435	\$2,538
ALL OTHER SOURCES	7560	\$3,313

7. FAMILIES AND MEAN FAMILY INCOME BY NUMBER OF WORKERS IN FAMILY

	TOTAL	MEAN
NO WORKERS	2535	\$10,718
1 WORKER	7969	\$20,532
2 OR MORE WORKERS	12374	\$28,783

8. POVERTY STATUS BY RACE AND SPANISH ORIGIN AND BY AGE

	POVERTY STATUS:	
	ABOVE	BELOW
RACE/SPANISH:		
TOTAL	77767	5413
WHITE	76578	5141
BLACK	685	182
AMERICAN INDIAN, ESKIMO AND ALEUT	70	17
ASIAN & PACIFIC IS.	342	52
SPANISH ORIGIN	786	109
AGE:		
UNDER 55 YEARS	60360	4107
55 TO 59 YEARS	4374	178
60 TO 64 YEARS	4043	267
65 YEARS AND OVER	8990	861

9. FAMILIES BY FAMILY TYPE BY POVERTY STATUS BY PRESENCE AND AGE OF RELATED CHILDREN

	POVERTY STATUS:	
	ABOVE	BELOW
ALL FAMILIES:		
WITH RELATED CHILDREN:		
UNDER 6 AND 6 TO 17 YEARS	2039	166
UNDER 6 YEARS ONLY	2531	208
6 TO 17 YEARS ONLY	6571	518
WITHOUT RELATED CHILDREN	10587	258
FEMALE HOUSEHOLDER, NO HUSBAND PRESENT:		
WITH RELATED CHILDREN:		
UNDER 6 AND 6 TO 17 YEARS	100	84
UNDER 6 YEARS ONLY	136	113
6 TO 17 YEARS ONLY	662	309
WITHOUT RELATED CHILDREN	954	68

10. POVERTY STATUS BY AGE OF HOUSEHOLDER FOR FAMILIES AND NONFAMILY HOUSEHOLDS

	FAMILIES	NONFAMILY HOUSEHOLDS
INCOME BELOW POVERTY LEVEL:		
15 TO 64 YEARS OLD	997	434
65 YEARS OLD AND OVER	153	569
INCOME 100 TO 124 PERCENT OF POVERTY LEVEL:		
15 TO 64 YEARS OLD	431	125
65 YEARS OLD AND OVER	87	502
INCOME 125 PERCENT OR MORE OF POVERTY LEVEL:		
15 TO 64 YEARS OLD	17847	3200
65 YEARS OLD AND OVER	3363	1724

11. PERSONS & FAMILIES BELOW POVERTY LEVEL (%)

PERSONS: 6.5%	FAMILIES: 5.0%
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NOTE: "0" or "00" in Spanish origin may, in some cases, mean that the item was suppressed or the mean had a zero denominator. For definitions and concepts, see the explanatory section.

APPROX  
 440

# MOUNTAIN LAUREL

Challenge & Delivery of  
LOW-COST HOUSING



PROJECT LEADERS:

ROBERT W. BURCHELL \* W. PATRICK BEATON \* DAVID LISTOKIN

PARTICIPATING INVESTIGATORS:

GEORGE STERNLIEB \* ROBERT W. LAKE \* RICHARD L. FLORIDA

### III. PRESENT VERSUS PROSPECTIVE MOUNT LAUREL POPULATION

#### A. Socioeconomic Characteristics

##### SOCIOECONOMIC CHARACTERISTICS OF PRESENT MOUNT LAUREL HOUSEHOLDS

The present Mount Laurel eligible population is a heterogeneous population with two basic characteristics in common: (1) their incomes are below 80 percent of the region's median income in the location in which they live; and (2) the house that they occupy is deficient relative to other housing in that region as defined by the measures of deficiency discussed in the previous chapter. In the section to follow, we shall examine several of the characteristics that affect the ability of individuals and families to find adequate housing. Within each of these groups of socioeconomic characteristics, the size of the relevant group statewide and the existence of regional disparities will be discussed. However, prior to moving into this detailed discussion of Mount Laurel households, let us first review the basic socioeconomic characteristics of the entire State of New Jersey.

##### Selected Socioeconomic Characteristics of New Jersey Households

The total number of households living in New Jersey, as of 1980, is estimated at 2,773,860. Of this number, approximately 85 percent of the householders (chief income producer) are white; 11.5 percent black and the remaining 3.5 percent Asian, Pacific Islander, American Indian, etc. Close to six percent of the householders in the State of New Jersey are of Spanish ethnic origin most of whom classify themselves as white.<sup>1</sup>

The vast majority (75 percent) of householders in the state are male. The median age of the householder is 39.2 with 20 percent of the householders under age 25 and 30 percent over age 65. The median household size in New Jersey is 2.84 persons with 50 percent of the households below 2.0 persons and 15 percent of 5 persons or more.

The median household income in New Jersey, as reported in the 1980, Census\* was \$19,801; twenty-four percent of the households earned under \$10,000 — 37 percent earned below \$15,000. A similar 37 percent of the households had aggregate incomes in excess of \$25,000.

In New Jersey, in 1980, just over 70 percent of households were in the

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\*Income as of May 1979.

labor force, 5 percent\* were unemployed (in the labor force but not working) and 24 percent were not members of the labor force. For those who claimed labor force participation, 16 percent worked as professionals or managers, 42 percent were classified as technical, sales or supervisors, 12 percent each were service personnel or craftsmen, and 18 percent worked as operatives or laborers.

The journey-to-work of labor force participating householders in two-thirds of the cases (66%) was less than 30 minutes; in one-fourth of the cases from 30 to 60 minutes, and for slightly less than 8 percent, in excess of one hour. The principal means of journey-to-work in New Jersey is overwhelmingly the automobile (over 80 percent); less than ten percent of the households use either public transportation (9.2%) or "other means" (8.1%).

We now turn to the discussion of the present Mount Laurel-eligible population. As indicated in Chapter 2, this sector of New Jersey's underhoused population is made up of low and moderate income households living in deficient housing. This population of households numbers 120,160 which is 11.1% of the income-eligible Mount Laurel households and approximately 5 percent of all households in New Jersey.

Race and Ethnicity of the Present Mount  
Laurel Households: The State (Exhibit 3-1)

The majority of the present Mount Laurel-eligible population is white with close to 60 percent of the households statewide (70,960) being so represented; those households claiming black heritage number 34,160 or 30 percent. The remaining 10 percent are in the "others" category of Asian, Pacific Islanders, American Indians, etc. While the Mount Laurel-eligible population is indeed predominantly white, the black representation within this population is over 2.5 times the statewide average of 11.5 percent.

Black families are also overrepresented in the income category of low versus moderate, and household size category of over 5 persons versus smaller family sizes. The white population under consideration is overrepresented in household categories of low- and moderate incomes of 1 to 2 persons.<sup>2</sup>

The Spanish population comprises 25 percent of Mount Laurel households, a figure which is four times the statewide average. The Spanish population is more often low income than moderate (60 versus 40 percent) and more often of very large versus very small families (40 versus 20 percent).<sup>3</sup>

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\*For those in the labor force this is a householder unemployment rate of 7-8 percent.

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**Race and Ethnicity: The Regions**  
**(Exhibits 3-3 to 3-13 Odd Numbered)**

The six regions of the state differ markedly from one another in both racial and ethnic composition of their present Mount Laurel-eligible population. Three regions reflect a predominantly white population: the Northeast Region 1, West Central Region 3, and East Central Region 4, where the percent white is 66, 81, and 72 percent respectively. The black population is heavily represented in the Northwest Region 2 (Newark) and Southwest Region 5 (Camden) at 46 and 42 percent respectively. Lastly, the Spanish population is overrepresented only in the Northeast Region (Jersey City, Hoboken, West New York, Union City and Paterson) at 37 percent.

The differences in the size of household by race become much sharper at the regional level than they are statewide. In regions where the white population is more pronounced, it is highly concentrated in the 1-to-2 person, low-income household categories; this is especially true of the Northeast Region 1. The households of Spanish origin while similarly concentrated in the Northeast Region are found more often in larger households and are more equally distributed between low- and moderate-income categories. The black population, whose numerical concentration is strongest in the Northwest and Southwest Regions are split evenly between small households (1-to-2 persons) and larger (3-4 and 5+) households.

**Sex of Chief Income Producer:**  
**The State**

Social custom, until recently, has indicated that the senior male within the household will be its principal wage and income earner. Changes in the role of women have increased the independence of the senior female member of the household. Further, the instability of intrafamily relationships has also forced the head of family role upon the adult female in increasing numbers.<sup>4</sup>

The statewide distribution of sex of Mount Laurel householder shows the existence of both patterns. In the aggregate, the role of chief income producer is relatively evenly split between adult male (48.7%) and female (51.3%) members of the household. The representation of the female as the chief income producer (householder) is, however, double than what is found in New Jersey's population at large. Females are only 25 percent of all householders in New Jersey.

When partitioning the existing Mount Laurel-eligible population by income category and size of household, two striking differences emerge. Households within the low income category are in all cases more likely to have a female head than a male head; the opposite, moving closer to statewide figures, is the case for the moderate income category. Second, as the size of family increases, the percentage of male headed households increases across both income categories.

EXHIBIT 3-7

SOCIOECONOMIC CHARACTERISTICS (RACE, SEX, AGE, INCOME)  
OF PRESENT ME LAUREL-ELIGIBLE HOUSEHOLDS - WEST CENTRAL

	MODERATE INCOME (50-80% of Median)			LOW INCOME (Below 50% of Median)			TOTAL
	1-2 Person	3-4 Person	5 or more Persons	1-2 Person	3-4 Person	5 or More Persons	
<b>Race</b>							
White	1,360 (94.4)	760 (82.6)	680 (77.3)	2,720 (87.2)	880 (66.7)	520 (61.9)	6,920 (81.2)
Black	80 (5.6)	40 (4.3)	120 (13.6)	200 (6.4)	360 (27.3)	240 (28.6)	1,040 (12.2)
Other	0 (0)	120 (13.0)	80 (9.1)	200 (6.4)	80 (6.1)	80 (9.5)	560 (6.6)
Total	1,440 (16.9)	920 (10.8)	880 (10.3)	3,120 (36.6)	1,320 (15.5)	840 (9.9)	8,520 (100.0)
<b>Spanish Origin</b>							
Not Spanish	1,440 (100.0)	720 (78.3)	640 (72.7)	2,880 (92.3)	960 (72.7)	560 (66.7)	7,200 (84.5)
Spanish Origin	0 (0)	200 (21.7)	240 (27.3)	240 (7.7)	360 (27.3)	280 (33.3)	1,320 (15.5)
Total	1,440 (16.9)	920 (10.8)	880 (10.3)	3,120 (36.6)	1,320 (15.5)	840 (9.9)	8,520 (100.0)
<b>Sex of Chief Income Producer</b>							
Male	960 (66.7)	720 (78.3)	720 (81.8)	1,440 (46.2)	800 (60.6)	560 (63.6)	5,200 (60.7)
Female	480 (33.3)	200 (21.7)	160 (18.2)	1,680 (53.8)	520 (39.4)	320 (36.4)	3,360 (39.3)
Total	1,440 (16.8)	920 (10.7)	880 (10.3)	3,120 (36.4)	1,320 (15.4)	880 (10.3)	8,560 (100.0)
<b>Age of Chief Income Producer</b>							
Under 25	240 (16.7)	200 (21.7)	40 (4.5)	440 (14.1)	360 (27.3)	120 (14.3)	1,400 (16.4)
25-44	320 (22.3)	520 (56.5)	680 (77.3)	520 (16.7)	640 (48.5)	590 (71.4)	3,280 (38.4)
45-64	480 (33.3)	160 (17.3)	160 (18.1)	720 (23.0)	240 (18.2)	120 (14.3)	1,880 (22.0)
65 and Over	400 (27.7)	40 (4.3)	0 (0)	1,440 (46.2)	80 (6.1)	0 (0)	1,960 (23.0)
Total	1,440 (16.9)	920 (10.8)	880 (10.3)	3,120 (36.6)	1,320 (15.5)	840 (9.9)	8,520 (100.0)
<b>Household Income</b>							
Under \$10,000	240 (16.7)	0 (0)	0 (0)	3,000 (96.2)	1,000 (75.8)	600 (71.4)	4,840 (56.8)
\$10,000-14,999	1,040 (72.2)	240 (26.1)	40 (4.5)	120 (3.8)	280 (21.2)	200 (23.8)	1,920 (22.5)
\$15,000-19,999	160 (11.1)	640 (69.6)	640 (72.7)	0 (0)	40 (3.0)	40 (4.8)	1,520 (17.8)
\$20,000-24,999	0 (0)	40 (4.3)	200 (22.7)	0 (0)	0 (0)	0 (0)	240 (2.8)
Total	1,440 (16.9)	920 (10.8)	880 (10.3)	3,120 (36.6)	1,320 (15.5)	840 (9.9)	8,520 (100.0)

Source: Bureau of Census, U.S. Census of Population and Housing: New Jersey Public Use Sample, 1980.

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(c.1)

# 80 Census of / Population and Housing

PHC80-V-32

## NEW JERSEY

### Final Population and Housing Unit Counts

*The figures in this report are final counts and supersede the preliminary counts published in the reports entitled Preliminary Population and Housing Unit Counts, PHC80-P. The present series consists of 56 reports—number 1 for the United States; numbers 2 through 52 for the States and the District of Columbia in alphabetical order; and numbers 53 through 56 for Puerto Rico, Guam, Virgin Islands, and American Samoa. Counts for the Northern Mariana Islands and the remainder of the Trust Territory of the Pacific Islands are not part of this series of reports but will be made available in a separate press release issued for each area.*

The final population count of the State as of April 1, 1980, was 7,364,158. This figure represents an increase of 193,046, or 2.7 percent, from the 7,171,112 inhabitants enumerated in the 1970 census.

The final count of housing units in the State as of April 1, 1980, was 2,771,774. This figure, which includes both occupied and vacant housing units, represents an increase of 383,085, or 16.0 percent from the 2,388,689 units enumerated in the 1970 census.

This report presents final 1980 census population counts, classified by race and Spanish origin, and final 1980 housing unit counts for the State, counties, county subdivisions, incorporated places, and congressional districts. Total population and housing unit counts are also shown for 1970 for the same geographic areas.

Most of the statistics presented here are being issued in advance of their separate publication in the final reports, *Characteristics of the Population, Number of*

*Inhabitants, PC80-1-A; Characteristics of the Population, General Population Characteristics, PC80-1-B; and Characteristics of Housing Units, General Housing Characteristics, HC80-1-A. Data shown in this report for congressional districts of the 96th Congress will not be included in any other 1980 census reports.*

An outline of the publication and computer tape program for the 1980 Census of Population and Housing can be obtained free of charge from the Data User Services Division, Bureau of the Census, Washington, D.C. 20233.

**Symbols used in tables.** A dash "--" represents zero or a percent which rounds to less than 0.1. The symbol "(NA)" means not available, and three dots "..." means not applicable. For areas established since 1970, three dots "..." is shown in place of the 1970 population and housing unit figures and the 1970-80 percent change. A minus sign preceding a figure denotes decrease. The prefix "\*" indicates that the count has been revised since publication of 1970 census reports.

A dagger "†" next to a geographic area indicates that the characteristics for 20 percent or more of the persons included in the 1980 census count for the area were substituted. Substitutions occurred during the computer processing of the census data when there was evidence of the existence of persons but no data for these persons. In these instances, characteristics of other enumerated persons were substituted. A more detailed discussion of substitution will be found in *Characteristics of the Population, General Population Characteristics, PC80-1-B reports.*

Issued March 1981

U.S. Department of Commerce  
BUREAU OF THE CENSUS

For Sale by the Bureau of the Census and  
U.S. Department of Commerce District Offices, 60 cents

50a

Table 1. Persons by Race and Spanish Origin and Housing Unit Counts: 1980—Con.

(Counts relate to areas as delineated on each census. For meaning of symbols, see text)

The State  
Counties  
County Subdivisions

County Subdivisions	Persons						Housing units					
	1980	1970	Percent change, 1970 to 1980	Race					Spanish origin	1980	1970	Percent change, 1970 to 1980
				White	Black	Am. Indian, Eskimo, and Aleut	Asian and Pacific Islander	Other				
<b>Morris County—Con.</b>												
Middlesex township	62 574	54 623	14.6	40 920	840	51	546	197	1 052	19 621	14 991	30.9
Milburn township	3 926	2 538	54.9	3 559	297	3	19	46	107	1 215	746	62.9
Morris County township	3 318	2 042	62.5	3 273	17	—	20	6	26	1 609	849	89.5
Morris Beach borough	28 344	27 843	1.8	18 533	9 242	35	199	357	684	11 074	9 753	13.3
Naperville city borough	5 276	5 502	-4.1	5 053	121	6	49	47	122	2 291	2 035	13.7
Ocean township	23 570	18 643	26.4	22 225	810	21	374	140	304	8 914	5 875	51.7
Oceanport borough	5 888	7 503	-21.5	5 542	229	7	45	65	125	1 632	1 157	41.1
Red Bank borough	12 091	12 847	-6.4	8 631	3 101	13	95	191	452	5 225	5 157	1.3
Roseland township	633	814	-21.6	798	23	—	12	2	3	288	258	11.3
Roseton borough	7 623	7 421	2.7	7 514	32	4	57	16	6	2 599	2 338	11.3
Sea Bright borough	1 812	1 339	35.3	1 745	44	6	11	6	14	1 136	798	42.4
Sea Girt borough	2 650	2 207	20.1	2 644	1	—	—	2	11	1 254	1 081	16.0
Stowaway borough	2 942	3 315	-10.6	2 926	18	—	5	13	28	1 007	990	1.7
Stowaway township	995	1 164	-14.5	819	140	1	23	12	19	422	419	0.7
South Butler borough	1 544	1 490	5.1	1 215	341	3	5	4	26	1 055	899	14.8
Spring Lake borough	4 215	3 896	8.2	4 167	10	14	8	16	30	1 906	1 649	14.2
Spring Lake Heights borough	5 424	4 602	17.9	5 340	35	—	22	6	35	2 648	1 954	33.8
Tenafels borough	7 740	8 395	-7.8	5 410	2 018	32	198	98	156	2 412	2 082	15.9
Union Beach borough	6 354	6 472	-1.8	6 254	9	6	41	44	279	2 078	1 989	4.5
Upper Freshkill township	2 750	2 551	7.8	2 618	97	—	3	21	36	960	813	18.1
Wall township	18 952	16 498	14.9	18 729	114	18	49	42	172	6 931	5 696	22.0
West Long Branch borough	7 380	6 845	7.8	7 241	69	6	46	18	69	2 294	1 755	30.7
<b>Morris County</b>	407 630	383 454	6.3	388 099	10 017	222	6 782	2 510	10 932	137 992	116 032	18.9
Boonton town	8 629	9 261	-6.9	8 137	284	—	68	131	308	3 130	2 953	6.0
Boonton township	3 273	3 070	6.6	3 170	64	1	34	4	32	1 110	975	13.8
Butler borough	7 616	7 051	8.0	7 573	5	1	24	14	64	2 635	2 110	24.7
Chatham borough	8 537	9 546	-10.8	8 499	5	—	107	14	84	3 223	3 089	4.4
Chatham township	8 883	8 093	9.8	8 704	13	2	137	26	74	3 051	2 561	19.1
Chester borough	1 433	1 299	10.3	1 402	2	2	16	4	22	491	405	21.2
Chester township	5 198	4 245	21.9	5 096	30	2	59	28	30	1 586	1 202	31.9
Denville township	14 380	14 045	2.4	14 045	30	19	197	53	123	4 776	4 178	14.3
Dover town	14 681	15 039	-2.4	13 276	587	15	59	644	9 117	9 106	4 907	4.1
East Hanover township	9 319	7 734	20.5	9 025	84	4	196	30	3 172	2 614	2 018	29.5
North Park borough	9 359	9 373	-0.1	9 056	165	1	87	50	153	2 399	2 054	16.8
Hanover township	11 846	10 700	10.7	11 449	91	4	281	21	171	3 606	2 935	22.0
Harding township	3 236	3 249	-0.4	3 211	17	1	4	3	30	1 140	1 000	14.0
Jefferson township	16 413	14 122	16.2	16 266	23	17	56	51	67	4 240	5 429	14.9
Kinnelon borough	7 770	7 600	2.2	7 660	9	3	84	14	67	2 381	2 061	15.5
Lincoln Park borough	8 806	9 034	-2.5	8 594	49	—	105	58	177	2 648	2 555	4.4
Madison borough	15 357	16 710	-8.1	14 394	594	5	251	113	201	4 997	4 865	2.7
Madison township	4 899	3 729	31.4	4 630	21	—	38	10	49	1 589	988	60.8
Manhattan borough	4 488	3 697	21.4	4 452	16	2	11	7	21	1 495	1 084	37.7
Manhattan township	3 325	3 557	-6.5	3 219	40	5	30	31	85	1 129	1 031	9.5
Mine Hill township	14 290	11 846	20.6	13 648	114	11	474	43	168	4 129	3 122	32.3
Morris township	18 486	18 135	1.9	17 129	981	7	301	68	214	6 142	5 046	21.7
Morris Plains borough	5 305	5 540	-4.2	5 144	60	3	77	21	71	1 843	1 589	16.0
Morristown town	16 614	17 662	-5.9	11 952	4 145	17	238	262	863	6 782	6 579	3.1
Mountain Lakes borough	4 153	4 739	-12.4	4 066	22	1	28	27	86	1 201	1 183	1.5
Mount Arlington borough	4 251	3 590	18.4	4 148	22	2	51	28	119	1 667	1 389	20.0
Mount Olive township	18 748	10 394	80.4	18 195	229	12	225	67	297	6 942	3 317	109.3
Norco borough	3 557	2 858	24.5	3 505	24	—	20	8	59	1 362	890	53.0
Parsons-Troy Hills township	49 868	55 112	-9.5	46 680	1 082	12	1 845	249	1 065	17 715	16 541	7.1
Parsippany township	7 275	7 393	-1.6	7 121	15	2	127	10	74	2 389	2 100	13.8
Pequanock township	13 776	14 350	-4.0	13 658	3	8	77	30	143	4 226	3 828	10.4
Randolph township	17 828	13 296	34.1	16 981	329	15	439	64	291	6 246	4 547	37.4
Riverdale borough	2 530	2 729	-7.3	2 518	4	1	1	6	29	859	814	5.5
Rockway borough	6 852	6 383	7.3	6 534	86	6	97	29	122	2 393	1 932	23.9
Rockway township	19 850	18 955	4.7	19 209	189	6	358	88	395	6 794	5 800	7.7
Roxbury township	18 878	15 754	19.8	18 362	119	18	313	66	317	5 938	4 688	26.7
Victory Gardens borough	1 043	1 027	1.6	1 063	318	—	2	40	134	415	290	43.1
Washington township	11 402	6 942	63.8	11 180	82	8	96	34	134	3 574	2 200	52.5
Wharton borough	5 485	5 535	-0.9	5 298	69	6	60	52	348	2 010	1 755	14.5
<b>Ocean County</b>	346 038	208 470	66.0	331 977	9 439	391	1 708	2 523	8 444	173 532	110 311	57.3
Barnegat township	8 702	1 539	465.4	8 391	178	29	52	52	250	3 409	745	357.5
Barnegat Light borough	1 619	554	11.7	1 611	2	—	6	—	1	1 084	660	54.2
Bay Head borough	1 540	1 083	23.7	1 335	2	—	2	—	8	935	862	8.5
Beach Haven borough	1 714	1 488	15.2	1 495	3	—	11	3	9	2 379	1 980	20.2
Beachwood borough	7 687	4 398	75.1	7 423	13	—	22	24	134	2 678	1 633	64.0
Berkley township	23 151	7 918	192.4	22 543	535	12	33	28	268	11 698	3 929	197.7
Brick township	53 629	35 057	53.0	53 092	121	28	263	125	771	22 025	14 134	55.8
Dover township	64 485	45 751	47.3	63 488	279	57	420	211	966	30 132	22 138	36.1
Eagleswood township	1 009	823	22.4	1 000	4	3	2	—	5	468	459	2.0
Harvey Cedars borough	363	314	15.6	363	—	—	—	—	3	1 194	859	39.0
Island Heights borough	1 575	1 397	12.7	1 566	2	3	1	3	18	719	658	9.3
Jackson township	25 644	18 276	40.3	24 450	706	52	184	252	940	8 156	5 217	56.3
Lacey township	14 161	4 616	206.8	14 088	14	17	35	7	174	6 513	3 611	90.4
Lakeland township	2 908	2 641	10.1	2 610	164	11	86	37	100	1 050	815	28.8
Lakewood township	38 464	25 223	52.5	31 327	5 406	58	299	1 374	3 252	15 335	9 449	62.3
Lavallette borough	2 072	1 509	37.3	2 061	—	—	8	1	5	2 954	2 485	9.9
Little Egg Harbor township	8 483	2 972	185.4	8 407	23	9	18	26	132	4 958	2 926	69.4
Long Beach township	3 488	2 910	19.9	3 465	3	4	7	9	7	7 836	6 625	9.3
Manchester township	27 987	7 550	270.7	26 692	1 042	22	119	112	405	14 612	3 360	334.9
Mantoloking borough	433	319	35.7	430	2	—	—	—	—	460	429	7.2
Ocean township	3 731	2 222	67.9	3 699	8	7	8	9	38	2 260	1 820	24.2
Ocean Gate borough	1 385	1 081	28.1	1 376	—	—	5	2	14	997	966	3.2
Pine Beach borough	1 796	1 395	28.7	1 781	2	—	4	9	17	790	628	25.8
Plumsted township	4 674	4 113	13.6	4 407	198	8	20	41	128	1 657	1 362	21.1
Point Pleasant borough	17 747	15 948	11.1	17 642	48	7	19	31	185	7 253	6 283	14.4
Point Pleasant Beach borough	5 415	4 882	10.9	5 339	56	2	9	9	48	3 101	2 584	21.5
Seaside Heights borough	1 802	1 248	44.4	1 782	2	7	10	1	23	2 728	2 447	11.2
Seaside Park borough	1 795	1 432	25.3	1 788	2							

Table 1. Persons by Race and Spanish Origin and Housing Unit Counts: 1980—Con.

(Counts relate to areas as delineated at each census. For meaning of symbols, see text)

The State  
County Subdivisions

	Persons			Race					Housing units			
	1980	1970	Percent change, 1970 to 1980	White	Negro	Am. Indian, Eskimo, and Aleut	Asian and Pacific Islander	Other	Spanish origin	1980	1970	Percent change, 1970 to 1980
<b>Hudson County—Con.</b>												
East Amwell township	3 468	2 568	35.0	3 436	7	1	11	13	31	1 181	824	43.3
Flemington borough	4 132	3 917	5.3	4 018	53	7	41	13	42	1 848	1 515	22.0
Franklin township	2 294	2 154	6.5	2 270	3	—	9	12	21	781	699	11.7
Frenchtown borough	1 573	1 459	7.8	1 565	2	—	1	5	7	602	511	17.6
Glen Gardner borough	834	874	-4.6	822	3	—	3	4	13	309	262	17.9
Hampton borough	1 614	1 384	16.5	1 599	6	2	4	3	26	596	425	40.2
High Bridge borough	3 435	2 606	31.8	3 412	5	—	12	4	31	1 198	836	43.3
Holland township	4 593	3 587	28.0	4 569	1	—	17	4	27	1 521	1 129	34.7
Kingwood township	2 772	2 294	20.8	2 729	23	4	11	3	15	1 022	781	28.3
Lambertville city	4 044	4 339	-7.2	3 830	181	3	29	39	48	1 723	1 510	14.1
Lebanon borough	820	685	-7.3	808	6	2	4	—	3	298	290	2.8
Lebanon township	5 459	4 235	28.9	5 377	36	4	35	7	39	1 859	1 392	33.5
Millford borough	1 368	1 230	11.2	1 363	4	—	—	—	1	499	415	20.2
Barclay township	8 292	6 934	19.6	8 168	12	18	81	13	85	2 645	2 075	28.4
Stockton township	10 855	7 688	41.2	10 684	26	5	102	38	99	3 483	2 339	48.9
Stockton borough	643	619	3.9	634	3	—	1	—	8	258	213	21.1
Swanton township	4 094	2 999	36.4	4 068	3	—	26	7	35	1 365	959	42.3
Union township	3 971	2 351	68.9	3 631	293	—	14	13	80	1 145	577	98.4
West Amwell township	2 299	2 142	7.3	2 232	47	1	13	6	9	819	696	17.7
<b>Mercer County</b>												
East Windsor township	307 863	304 114	1.2	242 097	59 545	271	3 795	6 155	10 580	111 610	96 430	15.7
Ewing township	21 041	11 736	79.3	19 057	1 178	18	606	182	497	7 919	4 038	96.1
Franklin township	34 842	32 831	6.1	29 387	4 774	27	397	257	474	11 992	10 250	17.0
Hamilton township	82 801	79 609	4.0	78 619	3 030	44	727	381	927	30 149	24 791	21.6
High Bridge borough	4 581	5 431	-15.7	3 994	458	4	31	94	181	1 773	2 016	-12.1
Hopewell borough	2 001	2 271	-11.9	1 938	40	2	12	9	15	780	761	2.9
Hopewell township	10 892	10 030	8.6	10 614	111	9	111	48	77	3 439	2 954	22.9
Lawrence township	19 724	19 567	0.8	17 615	1 758	11	224	116	265	6 316	5 176	22.0
Pennington borough	2 109	2 151	-2.0	2 034	67	—	—	—	12	764	704	8.5
Princeton borough	12 035	12 311	-2.2	10 466	1 044	13	380	132	343	3 365	3 274	2.8
Princeton township	13 683	13 651	0.2	11 952	1 044	15	534	138	278	3 068	4 236	-19.6
Trenton city	92 124	104 786	-12.1	45 087	41 860	110	333	4 734	7 360	35 819	35 196	1.8
Washington township	3 487	3 311	5.3	3 362	62	3	49	11	30	1 296	1 069	21.2
West Windsor township	8 542	6 431	32.8	7 972	119	15	383	53	121	2 745	1 963	39.8
<b>Middlesex County</b>												
Carleton borough	595 893	583 813	2.1	533 974	35 768	554	12 275	13 322	34 138	203 418	171 711	18.5
Cranbury township	20 598	23 137	-11.0	18 938	892	14	200	354	1 681	7 135	7 099	0.5
Dunellen borough	1 927	2 253	-14.5	1 648	168	—	—	—	11	739	694	6.5
East Brunswick township	6 593	7 072	-6.8	6 499	36	3	26	29	139	2 476	2 282	8.5
Edison township	37 711	34 166	10.4	35 865	437	11	1 205	193	645	11 450	9 093	25.9
Edison city	70 193	67 120	4.6	65 287	2 133	54	2 245	474	1 697	24 313	19 235	26.6
Helmsboro borough	955	955	—	943	9	—	—	—	2	323	301	7.3
Highland Park borough	13 396	14 385	-6.9	11 983	983	10	265	155	365	5 746	5 293	8.6
Jamesburg borough	4 114	4 584	-10.3	3 547	529	1	18	19	42	1 471	1 377	6.8
Metuchen borough	13 762	16 031	-14.2	12 547	803	17	269	126	281	5 049	4 912	2.8
Middlesex borough	13 480	15 038	-10.4	13 084	230	10	92	64	184	4 530	4 349	4.2
Milltown borough	7 136	6 470	10.3	7 041	7	1	61	26	68	2 442	2 067	18.1
Monroe township	15 858	9 138	73.5	14 930	592	9	238	89	275	6 111	2 903	110.5
New Brunswick city	41 442	41 885	-1.1	26 145	11 811	98	559	2 829	4 883	14 134	13 120	7.6
North Brunswick township	22 220	16 691	33.1	20 533	1 003	18	479	187	485	8 068	5 034	60.3
Old Bridge township	51 515	48 715	5.7	48 807	1 086	66	1 159	397	1 630	16 970	13 456	26.1
Parrish city	38 951	38 798	0.4	28 670	3 343	36	236	6 666	15 841	14 114	13 429	5.1
Roseland township	42 223	36 418	15.9	33 135	6 182	79	2 252	595	1 317	12 483	10 449	21.4
Plainfield township	5 605	1 648	240.1	5 095	330	3	147	30	96	3 380	551	513.4
Sayreville borough	29 969	32 508	-7.8	29 544	65	10	277	73	562	9 458	9 197	5.0
South Amboy city	8 322	9 338	-10.9	8 289	3	2	—	—	138	2 948	2 902	1.6
South Brunswick township	17 127	14 058	21.8	15 398	680	18	906	125	418	5 626	3 903	44.1
South Plainfield borough	20 521	21 142	-2.9	19 167	979	18	269	88	424	6 294	5 585	12.7
South River borough	14 361	15 428	-6.9	13 726	520	5	58	52	341	5 237	4 888	7.1
Spotswood borough	7 840	7 891	-0.6	7 724	19	10	52	35	172	2 557	2 076	23.2
Woodbridge township	90 074	98 944	-9.0	85 334	2 948	60	1 251	481	2 426	29 962	27 534	8.8
<b>Monmouth County</b>												
Aberdeen township	503 173	461 849	8.9	449 259	42 985	519	5 334	5 076	12 915	185 770	150 469	23.5
Allenhurst borough	17 235	17 690	-2.5	15 129	1 725	39	253	89	456	5 423	4 672	16.1
Ashtown borough	912	1 012	-9.9	910	1	—	—	—	11	413	402	2.7
Asbury Park city	1 962	1 603	22.4	1 720	214	4	20	4	25	687	500	37.4
Astoria Highlands borough	17 015	16 533	2.9	7 856	8 535	44	40	540	895	8 164	7 091	15.2
Avon-by-the-Sea borough	4 990	5 102	-3.0	4 792	134	1	9	14	49	1 861	1 722	6.1
Belmar borough	2 337	2 163	8.0	2 313	9	2	4	9	16	1 367	1 266	8.0
Bradley Beach borough	6 771	5 782	17.1	6 299	385	9	36	42	82	4 155	3 177	30.8
Brick borough	4 772	4 163	14.6	4 474	88	4	28	150	270	3 003	2 639	13.9
Colts Neck township	4 048	3 594	13.2	3 735	313	9	4	7	18	1 696	1 364	24.3
Deal township	7 888	5 819	35.6	7 650	115	5	80	38	80	2 224	1 550	43.5
Easton township	1 952	2 401	-18.7	1 933	7	—	—	—	27	933	952	-2.0
Eastonville borough	12 703	14 619	-13.1	10 785	1 206	13	483	216	431	5 132	4 036	27.2
Englishtown borough	974	1 048	-6.9	929	31	2	2	12	33	348	332	4.8
Fair Haven borough	5 679	6 142	-7.5	5 182	442	3	35	17	36	1 935	1 836	5.4
Farmingdale borough	1 348	1 148	17.4	1 309	24	2	7	6	31	545	346	57.5
Freehold borough	10 020	10 545	-5.0	7 759	1 981	19	54	207	465	3 735	3 465	7.8
Freehold township	19 202	13 185	45.6	18 247	548	—	340	67	367	5 873	3 588	63.7
Hazlet township	23 013	22 239	3.5	22 290	131	8	490	94	537	6 717	5 500	22.1
Highlands borough	5 187	3 916	32.5	5 137	21	—	16	13	59	2 599	1 764	47.3
Holmdel township	8 447	6 117	38.1	8 132	17	1	256	41	123	2 305	1 525	51.1
Hovell township	25 065	21 756	15.2	23 700	752	20	200	393	764	8 315	6 243	33.2
Interlaken borough	1 037	1 182	-12.3	1 030	1	—	4	2	10	399	383	4.2
Keansburg borough	10 613	9 720	9.2	10 458	16	7	44	88	351	3 898	3 904	-0.2
Keighton borough	7 413	7 205	2.9	6 667	520	15	56	155	464	3 065	2 438	25.7
Little Silver borough	5 548	6 010	-7.7	5 507	5	2	28	6	27	1 879	1 790	5.5
Loch Arbour village	369	395	-6.6	364	5	—	—	—	2	167	160	4.4
Long Branch city	29 819	31 774	-6.2	22 204	6 014	44	231	1 326	2 617	13 171	11 963	10.1
Manalapan township	18 914	14 049	34.6	17 744	852	7	251	60	341	5 874	3 397	72.9
Manasquan borough	5 354	4 971	7.7	5 297	6	4	36	11	17	3 120	2 882	9.3
Marlboro township	17 560	12 273	43.1	16 406	753							

AREA CLASSIFICATIONS AND DEFINITIONS—Con.

**Race.** Counts of the population by race as well as Spanish origin in this report are provisional. Final counts for race as well as Spanish origin will be determined after the sample data have been processed. The sample counts will first appear in *Characteristics of the Population, General Social and Economic Characteristics*, PC80-1-C reports.

Information on race was obtained through self-identification; therefore, the data represent self-classification by people according to the race with which they identify themselves. Population counts in this report are shown for five racial groups: White; Black; American Indian, Eskimo, and Aleut; Asian and Pacific Islander; and other.

The category "White" includes persons who indicated their race as White, as well as persons who did not classify themselves in one of the specific race categories listed on the questionnaire but entered a response suggesting European origin such as German, Italian, or Polish. (In the 1980 census, persons who did not classify themselves in one of the specific race categories but reported entries such as Cuban, Puerto Rican, Mexican, or Dominican were included in the "other" races category; in the 1970 census, most of these persons were included in the "White" category.)

The category "Black" includes persons who indicated their race as Black or Negro, as well as persons who did not classify themselves in one of the specific race categories listed on the questionnaire but reported entries such as Jamaican, Black Puerto Rican, West Indian, Haitian, or Nigerian.

The category "American Indian, Eskimo, and Aleut" includes persons who classified themselves as such in one of the specific race categories. In addition, persons who did not report themselves in one of the specific race categories but reported the name of an Indian tribe were classified as American Indian.

The category "Asian and Pacific Islander" includes persons who indicated their race as Japanese, Chinese, Filipino, Korean, Asian Indian, Vietnamese, Hawaiian, Guamanian, or Samoan. Persons who did not classify themselves in one of the specific race categories but reported entries indicating one of the nine categories listed above were classified accordingly. For example, reported entries of Nipponese and Japanese American were classified as Japanese; entries of Taiwanese and Cantonese as Chinese, etc.

The category "Other" includes Asian and Pacific

Islander groups not identified separately (e.g., Cambodian, Indochinese, Pakistani, Indonesian, Fiji Islander) and other races not included in the specific categories listed on the questionnaire. (Asian and Pacific Islander groups in the "other" category in 100-percent tabulations are included in the category "Asian and Pacific Islander" in sample tabulations.)

**Spanish origin.** As noted above, counts of the population by Spanish origin in this report are provisional. Final counts for Spanish origin will be determined after the sample data have been processed. The sample counts will first appear in the PC80-1-C reports.

Persons of Spanish origin or descent are those who classified themselves in one of the specific Spanish origin categories listed on the questionnaire—Mexican, Puerto Rican, or Cuban—as well as those who indicated that they were of other Spanish/Hispanic origin. Persons reporting "other Spanish/Hispanic" origin are those whose origins are from Spain or the Spanish-speaking countries of Central or South America, or they are Spanish origin persons identifying themselves generally as Spanish, Spanish American, Hispano, Latino, etc. Origin or descent can be viewed as the ancestry, nationality group, lineage, or country in which the person or person's parents or ancestors were born before their arrival in the United States. Persons of Spanish origin may be of any race.

**Housing units.** A housing unit is a house, an apartment, a group of rooms, or a single room, occupied as separate living quarters, or if vacant, intended for occupancy. Separate living quarters are those in which the occupants live and eat separately from other persons in the building and have direct access from the outside of the building or through a common hall. The occupants may be a single family, one person living alone, two or more families living together, or any other group of related or unrelated persons who share living arrangements. Both occupied and vacant housing units are included in the housing inventory, except that tents, caves, boats, vans, and the like are included only if they are occupied. Vacant mobile homes are included, provided they are intended for occupancy on the site where they stand. Vacant mobile homes on dealers' sales lots, at the factory, or in storage yards are excluded from the housing inventory.

*The 1980 figures in this publication are subject to changes pending the outcome of the various lawsuits dealing with the census counts.*

*The population counts for Essex County and each jurisdiction within the County are not final. The Census Bureau attests that Essex County tabulations of population are those which would have been reported and transmitted as final but for the injunction of the court in the case of Shapiro vs. Klutznick.*

53a

## AREA CLASSIFICATIONS AND DEFINITIONS

**States.** The 50 States and the District of Columbia are the constituent units of the United States.

**Counties.** In most States, the primary divisions are termed counties. In Louisiana, these divisions are known as parishes. In Alaska, which has no counties, the county equivalents are the organized boroughs together with the census areas which were developed for general statistical purposes by the State of Alaska and the Census Bureau. In four States (Maryland, Missouri, Nevada, and Virginia), there are one or more cities which are independent of any county organization and thus constitute primary divisions of their States. That part of Yellowstone National Park in Montana is also treated as a county equivalent. The District of Columbia has no primary divisions, and the entire area is considered equivalent to a county for census purposes.

**County subdivisions.** The Census Bureau presents statistics for subdivisions of counties or equivalent areas, as follows:

1. Minor civil divisions (MCD's) in 29 States and the District of Columbia. The States are Arkansas, Connecticut, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, and Wisconsin. (In 1970, the county subdivisions shown for North Dakota were census county divisions.)

MCD's (townships, districts, etc.) are primary divisions of counties established under State law. In some States, all incorporated places are also MCD's in their own right. In other States, incorporated places are subordinate to or part of the MCD(s) in which they are located, or the pattern is mixed—some incorporated places are independent MCD's and others are subordinate to one or more MCD's.

Unorganized territories are shown in the States of Arkansas, Iowa, Kansas, Maine, Minnesota, North Carolina, North Dakota, and South Dakota where there are counties which contain territory not included in an MCD recognized by the Census Bureau. Each separate area of unorganized territory in these States is recognized as one or more subdivisions and given a name by the Bureau; the name is followed by the designation "(unorg.)."

2. Census county divisions (CCD's) in 20 States. The States are Alabama, Arizona, California, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Ken-

tucky, Montana, New Mexico, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Washington, and Wyoming.

CCD's are geographic areas which have been defined by the Census Bureau in cooperation with State and county officials for the purpose of presenting statistical data. CCD's have been defined in States where there are no legally established minor civil divisions (MCD's), where the boundaries of MCD's change frequently, and/or where the MCD's are not well known to the public. Using published guidelines, the CCD's have generally been designed to represent community areas focused on trading centers, or to represent major land-use areas, and to have visible, permanent, and easily described boundaries.

3. Census subareas in Alaska. For the 1980 census, census subareas have been delineated cooperatively by the Census Bureau and the State government for statistical purposes. The areas replace the subdivisions used for the 1970 census.

**Incorporated places.** Incorporated places recognized in the reports of the census are those which are incorporated under the laws of their respective States as cities, boroughs, towns, and villages, with the following exceptions: Boroughs in Alaska and New York, and towns in the six New England States, New York, and Wisconsin. These boroughs and towns are recognized as MCD's for census purposes.

**Congressional districts.** Congressional districts are areas within a State with boundaries defined by agents of the State government (e.g., State legislature or redistricting commission). One member of the U.S. House of Representatives is elected from each congressional district. If a State has only one Representative, the congressional district is the entire State. Congressional district boundaries are those in effect for the 96th Congress, as specified in the laws and/or court orders establishing congressional districts within the various States.

**Boundaries.** Boundaries legally defined and in effect as of January 1, 1980, are recognized in the 1980 census. The boundaries of some of the areas shown in this report have changed between January 1, 1970, and January 1, 1980. The 1970 figures given here for counties, county subdivisions, and places have not been adjusted for such changes. The 1970 counts for congressional districts have been adjusted to reflect the district boundaries as of the 96th Congress. Information on boundary changes will be presented in the PC80-1-A report for this State.

**PROPORTIONS OF BLACKS AND HISPANICS  
IN THE RESPONDENT MUNICIPALITIES - 1980**

	<u>BLACKS</u>	<u>HISPANICS</u>
Cranbury	8.7	0.9
East Brunswick	1.2	1.7
Monroe	3.7	1.7
North Brunswick	4.5	2.2
Old Bridge	2.1	3.2
Piscataway	14.6	3.1
Plainsboro	5.8	1.7
South Brunswick	4.0	2.4
South Plainfield	4.7	2.0
Middlesex - Somerset - Hunterdon - Warren Region	4.9	4.1
Middlesex County	6.0	5.7

U.S. Bureau of the Census, 1980 Census of Population and Housing  
- New Jersey Final Population and Housing Counts (1981)