



DISMANTLING EXCLUSIONARY ZONING: NEW JERSEY'S BLUEPRINT FOR OVERCOMING SEGREGATION

AN EXECUTIVE SUMMARY

APRIL | 2023

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FAIR SHARE
HOUSING CENTER

A SPECIAL THANKS



Fair Share Housing Center (FSHC) is grateful to the Wells Fargo Foundation for providing funding for this report. The views expressed here do not necessarily reflect the views of Wells Fargo or the Foundation.

ACKNOWLEDGEMENTS

This report would not have been possible without significant contributions from many individuals who are dedicated to the goal of dismantling exclusionary zoning and overcoming racial segregation in New Jersey and nationally. Although there is insufficient room to thank every individual who contributed in some way to this report, Fair Share Housing Center (FSHC) would like to highlight the meaningful contributions of several individuals, listed below.

Vanita Kalra, Martina Manicasteri, and Tanushree Bansal at FSHC were the principal authors of the report. Martina Manicasteri also designed the report and led the interviews with residents, advocates, elected officials, and affordable housing developers for the report. We thank everyone who took time out of their busy schedules for those interviews. Matt Mleczko, a PhD Candidate in Demography and Social Policy, Princeton University and Graduate Research Assistant at the Eviction Lab, led the research and data analysis on housing production and demographic change, working alongside Vanita Kalra. Katherine Payne and Alex Staropoli of FSHC conceptualized this report and the components of telling the story of Mount Laurel's impact and exclusionary zoning. Jag Davies coordinated media strategy for the release of the report. Former FSHC staff Yvette Chen, Bassam Gergi, and Luke Hinrichs helped on early work on the report.

Ingrid Gould Ellen of NYU, Moira O'Neill of the University of Virginia, and David Troutt of Rutgers University provided research guidance throughout development of the report. Matt Desmond and David Kinsey also shared thoughts on research and we appeared with Matt, Nikole Hannah-Jones, and Congresswoman Bonnie Watson-Coleman at an [event at Howard University](#) upon the release of *Poverty, by America* that connects with many of the themes of the report. Ultimately any errors or omissions are FSHC's alone.

We dedicate this report to everyone in New Jersey and around the country who, at the moments when dismantling exclusionary zoning seems impossible, nonetheless continue to push forward.

Adam Gordon, Executive Director
Fair Share Housing Center

EXECUTIVE SUMMARY

Our nation's deep, multigenerational racial and economic residential segregation comes largely from exclusionary zoning practices that limit housing opportunities across most of the country's large metropolitan areas. Exclusionary zoning also significantly contributes to the unprecedented housing crisis in America today, with disproportionate impacts on people of color and lower-income people. The effects of residential segregation and our nation's housing crisis will only be further exacerbated without strong action against exclusionary zoning.

This report examines the development of New Jersey's *Mount Laurel* Doctrine, a series of New Jersey Supreme Court decisions obligating towns to provide their fair share of the region's need for affordable housing, and offers it as a blueprint to dismantle exclusionary zoning nationwide. We identify the five key features of New Jersey's legal and policy framework and how those features work in conjunction with a sustained housing justice movement predicated on grassroots organizing. While fierce opposition to limiting exclusionary zoning in New Jersey has persisted and at times led to setbacks, this sustained movement has continued to move forward through multifaceted organizing, legal, and policy strategies: "We have something special here in New Jersey, and as a result we've been able to plan for and build thousands of units of affordable housing despite some tremendous opposition in certain communities," Frank Argote-Freyre, a founder of the Latino Action Network and Chair of the Fair Share Housing Center Board.

FIVE KEY FEATURES OF NEW JERSEY'S MODEL PROVIDE A BLUEPRINT FOR ANY SYSTEM SEEKING TO DISMANTLE EXCLUSIONARY ZONING:

- A baseline legal requirement that municipalities must provide their fair share of affordable housing
- A methodology to calculate housing obligations that prioritizes creating affordable homes in historically exclusionary communities, along transportation corridors, and near employment opportunities
- A requirement that homes have long-term affordability for the people and families that are most likely to be excluded, paired with flexible production mechanisms that also increase overall housing supply
- Strong legal frameworks of enforcement with real consequences for municipalities that shirk their obligations
- Advocacy institutions that use enforcement frameworks to ensure that municipalities comply with their legal obligations

This report also quantifies the impact of the Mount Laurel Doctrine on affordable housing production, overall housing supply, and neighborhood integration – finding that since the reinvigoration of Mount Laurel enforcement in 2015, the rate of affordable housing production has nearly doubled from what it was under COAH, multifamily housing production has significantly increased, and neighborhoods where new homes were built have become more integrated.



Our analyses reveal that multi-family housing produced through the Mount Laurel Doctrine from 2015 to 2022 accounts for the overwhelming majority of all multi-family development in participating municipalities over this time period. We also compared current numbers to historic production pre-2015 by looking at the number of deed-restricted affordable units produced and the annualized rate of production for two time periods: 1980-2014 (using historical COAH records) and 2015-2022.

Deed-Restricted Affordable Units (1980-2014)	Deed-Restricted Affordable Units (2015-2022)	Annualized Rate of Production (1980-2014)	Annualized Rate of Production (2015-2022)
49,959	21,891	1,469 units/yr	2,736 units/yr

THE MOUNT LAUREL DOCTRINE'S IMPACT ON INTEGRATION

Brookhaven Lofts is a Hillsborough Township inclusionary development built in 2016 with 502 total homes, 146 of which are deed-restricted affordable homes. This development is located in census tract 538.05, which also contains Sunnymede Run, another inclusionary development built in 2014 with 383 total homes including 122 deed-restricted affordable homes. As detailed in Table 4, this tract grew much faster than the rest of Hillsborough since 2010 (it represents the fastest growing tract in the municipality). It has also recorded considerable increases in overall diversity and in all racial and ethnic groups included in this analysis, particularly among Black and Latino/a/x individuals, the two most underrepresented racial and ethnic groups in Hillsborough out of the four displayed in Table 4. In fact, tract 538.05 accounts for 80% and 37% of the growth in Hillsborough's Black and Latino/a/x populations, respectively, from 2010 to 2020. Similar findings of increased diversity were also found in sample case studies of West Windsor and Egg Harbor township.

HILLSBOROUGH TOWNSHIP

Tract	Population	Scaled Diversity Score	Asian Population	Black Population	Latino/a/x Population	White Population
All Other Tracts Combined	36,813 (7%)	0.6 (22%)	8,456 (99%)	1,642 (5%)	3,348 (28%)	21,947 (-14%)
538.05	6,417 (71.1%)	0.74 (35.0%)	1,418 (19.4%)	396 (276.9%)	716 (155.8%)	3,654 (28.8%)

Notes:

1. The bolded row (Tract 538.05) contains the Brookhaven Lofts development.
2. Percentage changes from 2010 to 2020 are indicated in parentheses.

The numbers reflect real impacts on people's lives and communities, which are captured by the stories of new communities, firsthand accounts from current affordable housing residents on what housing stability has meant for their lives, and insight from housing justice advocates and local officials across the state on the impact of the Mount Laurel Doctrine.

JESSELY DE LA CRUZ - EXECUTIVE DIRECTOR
OF THE LATINO ACTION NETWORK FOUNDATION
& FSHC BOARD MEMBER

"Historically, practices like redlining have created segregated communities in New Jersey and in order to rectify those harms we need concerted efforts to ensure that all municipalities in New Jersey provide safe and affordable housing inside their municipality and not skirt their responsibility to do so."



GETTING HOMES BUILT

TRUMAN SQUARE (EDISON, MIDDLESEX COUNTY)

Older local, state, and federal lands present key opportunities for affordable homes - but only if local officials change zoning to allow such reutilization, as has often happened through *Mount Laurel* settlements. In the fall of 2021, a 172-home 100% affordable development opened at the former U.S. Army base, Camp Kilmer, which was the largest processing center for troops during World War II. The development of 1, 2, and 3 bedroom apartments gives preference to veterans, formerly homeless veterans, and formerly homeless families. Residents will benefit from on-site supportive services such as veteran-to-veteran services led by renowned community-based non-profit Triple C

Housing. "With the grand opening of Truman Square, we are one step closer to reaching the Township's ambitious affordable housing goals," then-Mayor Thomas Lankey told a local newspaper. "More families and veterans in Edison will now have access to brand new, high-quality affordable housing and on-site supportive services and resources."

THE PEARL AT THE MOORESTOWN MALL (MOORESTOWN, BURLINGTON COUNTY)

As suburban malls and office parks in many cases become increasingly obsolete, they present key sites for creating new homes — but only if zoning allows it, which it usually does not, absent requirements like Mount Laurel. In February 2022, the Moorestown Planning Board approved the first phase of the redevelopment of the Moorestown Mall. In recent years, the mall has seen an increase in its vacancy rate as flagships such as Macy's, Lord & Taylor, and Sears closed their doors. Instead of letting the mall die, Moorestown decided as part of its Mount Laurel plan that it would allow residential development to occur in order to convert the ailing mall into a residential, retail, and leisure district. The plan will result in 1,065 homes on the site, including 213 affordable rental homes for families. The first 375 homes, including 75 set aside as affordable homes and integrated amongst the market-rate homes, are expected to be completed in 2023.

RESIDENT SNAPSHOT

ZELDA CHARLES-BOUÏE – HAMILTON RESIDENT

"SOMETIMES I DIDN'T HAVE ANYWHERE TO STAY, SO I TRIED TO FIND A BETTER LIFE. I WENT TO SCHOOL... BUT SOMETIMES I WORKED ONLY TO PAY FOR A PLACE TO STAY."

Zelda is a 44 year old married mother of two who works as a CNA for people in assisted living. Following the 2010 earthquake in Haiti, she came to the U.S., struggled to find secure housing, and was often homeless. Other times, she would spend the entirety of her paycheck on rent to avoid losing custody of her children. Through Homefront NJ, Zelda and her family now live in an affordable home where her daughters can play and explore passions. When asked how she feels about her living situation now, she said "I'm happy. When I'm here, I feel at home."



WANDA VIDAL - PRINCETON RESIDENT

"PEOPLE LIKE US, MINORITIES, WE WANT WHAT YOU WANT...WE WANT TO BE IN NICE NEIGHBORHOODS, WE WANT TO RAISE OUR KIDS IN NICE PLACES, WE WANT THEM TO GO TO GOOD SCHOOLS, WE WANT TO OWN A HOUSE."

Wanda, a 58 year old single mother and grandmother, grew up in the Red Hook projects of Brooklyn, New York. She became a single mother at the age of 17 and was constantly in search of an affordable home and safe neighborhood to raise her children in. Since 2003 she has worked for the NJ Turnpike Authority, but has not been able to make a down payment on a home while supporting herself and her children. In 2022, she was finally able to move into what she refers to as her "dream home" through Habitat for Humanity's affordable housing program.



ALANA BAPTISTE - HAMILTON RESIDENT

"I THINK THERE'S MORE AND MORE PEOPLE LIKE ME, THAT ARE HURTING, THAT DON'T HAVE THE MONEY FOR A HOUSE, OR EVEN AN APARTMENT."

Alana is a 52 year old single mother who is currently on dialysis. She receives disability payments, and after losing her home to foreclosure, became homeless and was unsure of how she would be able to survive. Through assistance from Homefront New Jersey, Alana was able to move into her own apartment in 2018 and has remained there since.



America is at a critical juncture in its history, with unprecedented levels of income inequality, resurgent racial animus, and a worsening housing crisis. The next several years will set the stage for what our country will be for generations to come, a society that reverts back to its racist and segregationist roots or one that holds fast to its promise of equality for all.

New Jersey's 50-year fight to dismantle exclusionary zoning holds many lessons for the rest of the country. Yet the work is far from finished. We hope you will use this blueprint in your communities to dismantle the systemic racism inherent in housing segregation and advance the collective, intersectional fight for safe, healthy, and affordable communities for all.

READ THE FULL REPORT



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