

HISTORICAL BRIEFING: AFFORDABLE HOUSING IN NEW JERSEY

March 2024

The passage of the [A4/S50 bill by the State Legislature](#) in early 2024 is the most recent development in a historic sequence of legislation on affordable housing in New Jersey. Contextualizing this bill in relation to the landmark Mount Laurel Doctrine is vital to understanding its lasting impact on the residents of New Jersey and intersections with civil rights.

Represented by the 7th legislative district of New Jersey, [Mount Laurel](#) is a small township in Burlington County and considered a suburb of nearby cities Camden and Philadelphia.¹ Mount Laurel emerged as a stop on the Underground Railroad in the 1840s and became home to a free Black population, who settled as tenant farmers alongside white Quaker communities.² While a New Jersey statute outlawed the exclusion of students from public schools based on their “religion, nationality, or color” in 1881, racial segregation was enforced in Mount Laurel through the mid-1940s.³ Trenton’s *Hedgepeth and Williams v. Board of Education* (1944) subsequently provided one of the earliest legal challenges in the country to this unjust system, and demonstrated how education and housing discrimination are closely intertwined.⁴

Between the 1950s and 1960s, the local African American population in Mount Laurel became displaced by the creation of new post-war highway systems and the influx of white residents leaving nearby urban centers.⁵ Long-time residents were forced to move to the Springville section of the city, where their provisional housing was subsequently

¹ Douglas S. Massey, Len Albright, Rebecca Casciano, Elizabeth Derickson, and David N. Kinsey, *Climbing Mount Laurel: The Struggle for Affordable Housing and Social Mobility in an American Suburb* (Princeton, NJ: Princeton University Press, 2013), 32.

² David Kirp, *Almost Home: America's Love-Hate Relationship with Community* (Princeton: Princeton University Press, 2000), 71; “Mount Laurel,” Sundown Towns Research Database, History & Social Justice, Tougaloo College, <https://justice.tougaloo.edu/sundowntown/mount-laurel-nj>.

³ Marion Thompson Wright, “Next Steps in Racial Desegregation in Education” *The Journal of Negro Education* 23, no. 3 (Summer 1954): 282.

⁴ Kirp, *Almost Home*, 73; Maya Fox, “The New Jersey Supreme Court Case That Transformed Trenton and the United States,” *Trenton Journal*, February 6, 2024, <https://trentonjournal.com/the-new-jersey-supreme-court-case-that-transformed-trenton-and-the-united-states>.

⁵ Massey, Albright, Casciano, Derickson, and Kinsey, *Climbing Mount Laurel*, 32-33; Kirp, *Almost Home*, 75-76, 80; Martina Manicasteri, “A History of the Mount Laurel Doctrine,” Fair Share Housing Center, October 28, 2022, accessed March 1, 2024, <https://www.fairsharehousing.org/a-history-of-the-mount-laurel-doctrine>; “About” Fair Share Housing Center, accessed March 1, 2024, <https://www.fairsharehousing.org/about>.

condemned by local authorities.⁶ In 1967, the Springville Community Action Committee was founded in Mount Laurel to organize local Black and Latinx residents who continued to experience displacement from their homes.⁷ As African American communities across the country protested how racism was codified into law and practice, the Civil Rights Act of 1968 implemented sweeping legislative reforms to fair and equitable housing on the federal level, offering protections against discrimination.⁸

Yet, while the Springville Community Action Committee purchased land and sought to build local subsidized housing, they faced fierce opposition by white residents.⁹ In a well-documented exchange at Jacob's Chapel A.M.E. Church in 1970, Mount Laurel Mayor Bill Haines uttered the striking words, "If you people can't afford to live in our town, then you'll just have to leave."¹⁰ This exchange helped initiate a state Supreme Court case through *Southern Burlington County N.A.A.C.P. v. Mount Laurel Township* (1975), with local teacher and community organizer Ethel Lawrence filing as the lead plaintiff.¹¹ Later becoming known as Mount Laurel I, this case helped enact statewide housing reform, codifying the responsibility of each municipality to maintain their fair share of low-and-moderate-income housing.¹² A subsequent Mount Laurel II case in 1983 provided the means for builders to propose affordable housing in areas with exclusionary zoning restrictions, later paving the way for New Jersey's Fair Housing Act of 1985 and the creation of the Council on Affordable Housing (COAH).¹³

Yet, regulation of municipalities' affordable housing obligations has remained a point of political contention over the past forty years, as many suburban communities have sought to maintain residential zoning that favors single family homes and outsource the

⁶ Massey, Albright, Casciano, Derickson, and Kinsey, *Climbing Mount Laurel*, 33-34; Kirp, *Almost Home*, 75-76.

⁷ Massey, Albright, Casciano, Derickson, and Kinsey, *Climbing Mount Laurel*, 2-3, 34; Martina Manicasteri, "A History of the Mount Laurel Doctrine," Fair Share Housing Center, October 28, 2022, accessed March 1, 2024, <https://www.fairsharehousing.org/a-history-of-the-mount-laurel-doctrine>; "About" Fair Share Housing Center, accessed March 1, 2024, <https://www.fairsharehousing.org/about>.

⁸ Larry Margasak, "The Fair Housing Act: Fifty Years Later," National Museum of American History, April 11, 2018, <https://americanhistory.si.edu/explore/stories/fair-housing-act-fifty-years-later>.

⁹ Massey, Albright, Casciano, Derickson, and Kinsey, *Climbing Mount Laurel*, 34.

¹⁰ Massey, Albright, Casciano, Derickson, and Kinsey, *Climbing Mount Laurel*, 34, 36; Taylor Allen, "Before the Viral video, Black Mount Laurel Residents Rewrote the Law on Fair Housing," *WHYY*, July 14, 2021, <https://whyy.org/articles/before-the-viral-video-black-mount-laurel-residents-rewrote-the-law-on-fair-housing>.

¹¹ Massey, Albright, Casciano, Derickson, and Kinsey, *Climbing Mount Laurel*, 33, 36; Ethel R. Lawrence Homes & Robinson Estates, Fair Sharing Housing Development, accessed March 1, 2024, <https://fairsharedevelopment.org/index.php?/housing/development/ethel-lawrence>.

¹² Massey, Albright, Casciano, Derickson, and Kinsey, *Climbing Mount Laurel*, 4.

¹³ Massey, Albright, Casciano, Derickson, and Kinsey, *Climbing Mount Laurel*, 3-4, 40-42; Lizabeth Cohen, *A Consumers' Republic: The Politics of Mass Consumption in Postwar America* (New York: Knopf, 2003), 237.

building of low-income housing to urban centers through Regional Contribution Agreements (RCAs).¹⁴ While the state implemented two rounds of affordable housing obligations between 1987 and 1999, COAH failed to adopt a third until a New Jersey Supreme Court ruling in 2017.¹⁵ Between 2008 and 2015, the state legislature and Supreme Court outlawed the discriminatory practices of RCAs and growth share housing calculations, deeming the latter to be in violation of the Federal Housing Act.¹⁶ In 2015, the enforcement of affordable housing obligations also transitioned from COAH back to the state's trial court system through the Mount Laurel IV ruling, with the Fair Share Housing Center appointed to represent public interests and reach settlement agreements with municipalities.¹⁷ The third round of affordable housing obligations was subsequently backdated and currently covers the years 1999 to 2025.¹⁸

Over the past decade, there have been numerous proposals to reform COAH, implement more effective regulatory procedures, and equitably build further affordable housing across the state. However, there remains a deficit of over 200,000 units for low-and-moderate-income residents, impacting their right to fair housing, as well as their access to an equal education and economic opportunities.¹⁹ Understanding the history of

¹⁴ Tim Evans, "RCA's: More Harm Than Good?," *New Jersey Future Blog*, January 31, 2007, <https://www.njfuture.org/2007/01/31/rcas-regional-contribution-agreements>.

¹⁵ Fair Share Housing Center, "About" accessed March 1, 2024, <https://www.fairsharehousing.org/about>; Katherine Landergen, "In Monumental Housing Decision, Supreme Court Rules Towns Must Account for 'Gap Period,' with Exceptions," *POLITICO*, January 18, 2017, <https://www.politico.com/states/new-jersey/story/2017/01/in-monumental-ruling-supreme-court-rules-towns-must-account-for-gap-period-with-exceptions-108822>.

¹⁶ Regional Plan Association, "The State of Affordable Housing in New Jersey," January 26, 2024, <https://rpa.org/latest/lab/the-state-of-affordable-housing-in-new-jersey>; Fair Share Housing Center, "Dismantling Exclusionary Zoning: New Jersey's Blueprint for Overcoming Segregation," April 2023, <https://www.fairsharehousing.org/wp-content/uploads/2023/04/Dismantling-Exclusionary-Zoning-New-Jerseys-Blueprint-for-Overcoming-Segregation.pdf>, 8; John A. Sarto, "Council on Affordable Housing (COAH)'s Third Round Rules Struck Down By New Jersey Supreme Court. Good For Builders?," *National Law Review*, October 2, 2013, <https://www.natlawreview.com/article/council-affordable-housing-coah-s-third-round-rules-struck-down-new-jersey-supreme-c>.

¹⁷ Regional Plan Association, "The State of Affordable Housing in New Jersey," January 26, 2024, <https://rpa.org/latest/lab/the-state-of-affordable-housing-in-new-jersey>; Martina Manicasteri, "A History of the Mount Laurel Doctrine," Fair Share Housing Center, October 28, 2022, accessed March 1, 2024, <https://www.fairsharehousing.org/a-history-of-the-mount-laurel-doctrine>.

¹⁸ Katherine Landergen, "In Monumental Housing Decision, Supreme Court Rules Towns Must Account for 'Gap Period,' with Exceptions," *POLITICO*, January 18, 2017, <https://www.politico.com/states/new-jersey/story/2017/01/in-monumental-ruling-supreme-court-rules-towns-must-account-for-gap-period-with-exceptions-108822>.

¹⁹ Regional Plan Association, "The State of Affordable Housing in New Jersey," January 26, 2024, <https://rpa.org/latest/lab/the-state-of-affordable-housing-in-new-jersey>; National Low Income Housing Coalition, "New Jersey," *Gap Report*, accessed March 1, 2024, <https://nlihc.org/gap/state/nj>; Nikita Biryukov, "New Jersey Lawmakers Plan Overhaul of Affordable Housing System," *New Jersey Monitor*, December 18, 2023, <https://newjerseymonitor.com/2023/12/18/new-jersey-lawmakers-plan-overhaul-of-affordable-housing-system>.

affordable housing legislation in New Jersey provides context to present legislative challenges in implementing a fourth round of affordable housing obligations through 2035, and offers a blueprint for how to build an effective and equitable system for the future.²⁰

Historical Timeline:

- 1840s: Underground Railroad stop in Mount Laurel helps to establish a free Black and tenant farmer community in Burlington County
- 1881: New Jersey law prohibiting the exclusion of students from schools based on religion, nationality, or color passes
- 1947: New Jersey Constitution is amended to prohibit racial segregation in public schools
- 1950s-1960s: Black residents, displaced by highways and white flight to suburbs, move to the Springfield section of Mount Laurel; provisional housing in Springfield is subsequently condemned, resulting in further displacement
- 1967-1969: Formation of the Springville Community Action Committee and purchase of land in Mount Laurel; township zoning board subsequently denies the proposed affordable housing project
- 1968: President Lyndon B. Johnson passes the Federal Fair Housing Act of 1968 (Title VIII of the Civil Rights Act of 1968)
- 1970: Mount Laurel Mayor Bill Haines tells Black residents to leave if they cannot afford to live in the town
- 1971: Springville Action Committee, NAACP, and Camden Regional Legal Services sue Mount Laurel over exclusionary zoning practices
- 1975: Mount Laurel I, *South Burlington County NAACP et al. v. Mount Laurel Township et al.* (1975) ruling; Fair Share Housing Center is established
- 1976: Springville Action Committee returns to court to contest Mount Laurel municipality's proposal to develop affordable housing on swamp lands
- 1983: Mount Laurel II ruling with "builder's remedy"
- 1985: Fair Housing Act of 1985 and creation of the Council on Affordable Housing (COAH); establishment of regional contribution agreements (RCAs); *Abbott v. Burke* (Abbott I) establishes public education funding reform
- 1986: Mount Laurel III ruling; Fair Share Housing Development is created
- 1987-1993: First round of affordable housing obligations implemented
- 1990: *Holmdel Builders Association v. Township of Holmdel* case allows municipalities to collect development impact fees from developers

²⁰ Regional Plan Association, "The State of Affordable Housing in New Jersey," January 26, 2024, <https://rpa.org/latest/lab/the-state-of-affordable-housing-in-new-jersey>

- 1993-1999: Second round of affordable housing obligations implemented
- 1994: Ethel R. Lawrence, lead plaintiff of Mount Laurel I, passes away
- 1997: Mount Laurel Planning Board approves plans for Ethel R. Lawrence Homes to be constructed
- 1999: COAH effectively becomes defunct because it is not able to implement a third round of affordable housing obligations
- 2000: Ethel R. Lawrence Homes open in Mount Laurel
- 2004-2008: Third round affordable housing obligation regulations proposed and later revised; framed as “growth share” rather than “fair share” calculation; Appellate Division rules that proposed regulations are in violation of previous Mount Laurel decisions
- 2008-2010: RCAs outlawed and Fair Housing Act strengthened; New Jersey Supreme Court strikes down “growth share” calculation as a violation of the Fair Housing Act
- 2010-2013: Attempts at governmental restructuring and abolishment of COAH; New Jersey Supreme Court rules that COAH cannot be abolished and that affordable housing obligations must be upheld
- 2015-2017: Mount Laurel IV ruling; enforcement of affordable housing obligations transitioned back to trial court system; Fair Share Housing Center appointed to represent public interests; third round of affordable housing obligations backdated to 1999-2025
- 2023-2024: Senate Community and Urban Affairs Committee and Assembly Housing Committee consider S50/A4 and related bill package
- 2025-2035: Fourth round of affordable housing obligations will be implemented

FURTHER READING

Scholarship

Cohen, Lizabeth. *A Consumers' Republic: The Politics of Mass Consumption in Postwar America*. New York: Knopf, 2003.

Kirp, David. *Almost Home: America's Love-Hate Relationship with Community*. Princeton: Princeton University Press, 2000.

Kirp, David, John Dwyer, and Larry Rosenthal. *Our Town: Race, Housing, and the Soul of Suburbia*. New Brunswick: Rutgers University Press, 1995.

Massey, Douglas S., Len Albright, Rebecca Casciano, Elizabeth Derickson, and David N. Kinsey. *Climbing Mount Laurel: The Struggle for Affordable Housing and Social Mobility in an American Suburb*. Princeton, NJ: Princeton University Press, 2013.

Online Resources

New Jersey State Libraries

- Civil Rights in New Jersey, 1945-2020 Research Guide: <https://libguides.njstatelib.org/discrimination/housing>

Sundown Towns Database, History and Social Justice, Tougaloo College

- Mount Laurel: <https://justice.tougaloo.edu/sundowntown/mount-laurel-nj>

Fair Share Housing Center

- About: <https://www.fairsharehousing.org/about>
- About: <https://fairsharedevelopment.org/about>

New Jersey League of Municipalities

- Mount Laurel: The 50-year Success Story on Affordable Housing (2021): <https://www.njlm.org/DocumentCenter/View/9477/NJM-Magazine-October-2021-Mt-Laurel>

National Low Income Housing Coalition

- New Jersey Gap Report (2023): <https://nlihc.org/gap/state/nj>

Regional Planning Association

- The State of Affordable Housing in New Jersey Report (2024): <https://rpa.org/latest/lab/the-state-of-affordable-housing-in-new-jersey>

AUTHOR BIOGRAPHY

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