

**From Kingsbury to Mt. Laurel II:
Low-Cost Housing and Exclusionary Zoning in Trenton, NJ**

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In February of 1972, Mika Farer and Mary Crangle, young urban planners at Gershen & Associates, felt optimistic about the future of housing in an increasingly declining Trenton, New Jersey. Farer attended Columbia University and grew up in Canada, but spent a significant amount of time in Italy and Great Britain, developing a decidedly cosmopolitan outlook. Crangle, a young graduate of McGill University, had spent much of her time on the East Coast working in planning. Both women believed that there were “great possibilities” for Trenton despite the looming national problems.¹ Many were touting Kingsbury—a middle-income housing development with a futuristic marketing campaign—as “one of Trenton’s most hopeful developments”. The steady progress of the housing development had been celebrated a year earlier with evergreen trees and American flags, both prominently featured at the construction site near Market Street.² Yet, for members of the black community, Kingsbury represented something much different: As early as 1968, members of Trenton’s black community were calling Kingsbury “Negro removal” and continued to aggressively attack the project well into the 1970s.³ Indeed, Albert “Bo” Robinson, president of the Trenton NAACP, would work tirelessly to reject what he viewed as yet another development designed to exclude low-income housing and further disenfranchise Trenton’s black community.⁴

Representing one of the many flawed approaches the City would adopt to solve the problem of its decaying tax base and the flight of white residents, Kingsbury serves as a key

¹ Sharon Schlegel, “Urban Planners Optimistic About Trenton’s Future”, *Sunday Times Advertiser, Trenton N.J.*, February 6, 1972, p 4

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² “Flag and Fir Atop: Work Celebrated at Kingsbury Towers”, *Trenton Times*, February 17, 1971, Vertical File “Housing”, Trentoniana Collection, Trenton Public Library

³ “Fitch Way III Plan Attacked”, *Trentonian*, May 25, 1968, Vertical File, Folder Housing, Trentoniana Collection, Trenton Public Library

⁴ Henry Bryan, *Trenton Evening Times*, “Pickets Focus on Kingsbury”, January 23, 1973, p 2

window onto connection between urban renewal and displacement of low-income black residents. Throughout the 1970s and into the 1980s, there is evidence of increasing tension between the City and groups fighting for the rights of blacks. This paper explores the complicated relationship between City officials, eager to solve Trenton's housing crisis through policies like urban renewal and the elimination of exclusionary zoning policies, and Trenton's low-income community, further seeking to situate it within a larger state and national context. The connection between Kingsbury and the Mt. Laurel decisions, two landmark New Jersey Supreme Court cases that required suburbs to provide their "fair share" of low-cost housing units, are especially fascinating to examine because they represent two different approaches the City took to solve the problem of a eroding tax base and a lack of adequate housing for low-income residents: Faced with varying levels of federal government support followed by aggressive cutbacks under the Nixon and Reagan Administrations, Trenton officials had to modify their approach to low-cost housing throughout the 60s, 70s , and 80s, shifting from an approach that emphasized the necessity of attracting middle-income residents back to the city, to one that aimed to eliminate exclusionary zoning policies. Considering these questions and key themes, I will argue that despite the City's apparent lack of logic and often contradictory approach to housing policy, the Holland Administration (1959-1966 and 1970-1989) attempted a difficult balancing act of simultaneously trying to attract middle-income residents back to the City, while also expanding housing options for Trenton's low-income residents. Ultimately, attempts to balance these interests became an impossible task, resulting in the further decline of an already crippled housing infrastructure and increased hostility between the City and black residents.

The discussion of housing in Trenton is particularly interesting in light of the recent work

done by historians interested in race and urban studies who have noted the widespread impact of issues like white flight, exclusionary zoning, and the struggle for low-cost housing. Particularly notable is the work of historians Kevin Kruse and Colin Gordon, who have both written books touching on the effects of municipal housing policies on disadvantaged community members. In his monograph *White Flight: Atlanta and the Making of Conservatism*, Kruse reveals much about the way in which white community members would exclude black residents from suburban neighborhoods by forming neighborhood associations and creating racial covenants, emphasizing their desire to preserve “community integrity.”⁵ This study will expand on Kruse by examining the Northern side of what is typically considered to be a southern story: A look at the struggles of Trenton’s low-income community—and more broadly New Jersey residents—will show that Trentonians faced many of the same levels of discrimination, exclusion, and overall lack of opportunity that blacks in Atlanta did during this same period. Gordon’s study of St. Louis, *Mapping Decline*, sheds much light on how seemingly innocuous municipal zoning policies would exclude black and low-income residents from suburbs and force cities like St. Louis to take on an increasing number of poor residents. Others, such as David N. Kinsey, have focused specifically on the dichotomy between the perceived negative effect of low-income housing and the more empirical positive effect of affordable housing units. Picking up on the contemporary discussion, this paper will engage with many of the questions and themes explored by Kruse, Gordon, and Kinsey by bringing together a social history that focuses on race and housing, with

⁵ Kevin M. Kruse, *White Flight: Atlanta and The making of Modern Conservatism*, (Princeton: Princeton University Press, 2005) 78 and 79

Kruse’s study also ties in the rise of the New Right movement and shows how this can be seen in much of the rhetoric used by white Atlantan suburbanites. Particularly interesting is the notion of “individualism”, which has since become a pillar of the modern conservative movement. In Atlanta, white residents in the suburbs would often claim their desire to protect their “community”, but—as Kruse highlights—little community spirit had ever existed among this group; instead, the general feeling was that of complete individualism. Here it is easy to see a dichotomy that still exists among modern conservatives: the simultaneous appeal to “community” (or perhaps “country”) and individualism.

a legal history that examines the impact of one of the most important New Jersey Supreme Court decisions of the 1970s and 80's. Combining these two approaches will allow for a vivid look at the delicate interplay between local City housing and racial policy, and the larger legal forces that guided the evolution of Trenton housing policies throughout the 70s and 80s.

Starting in the 1950s, Trenton housing policy had been dominated by the promise of urban renewal, a federal policy that aimed to provide much needed support to America's crumbling cities.⁶ The policy, ostensibly beneficial to all members of the community, resulted in a number of racial conflicts, political questions, and increased tension between community members.⁷ Leading this early push for urban renewal in Trenton was Mayor Donal J. Connolly Jr. who aimed to eliminate Trenton's blighted neighborhoods and restore the City's once bustling downtown.⁸ Eventually gaining the support of key leader's in Trenton (including bankers, builders, politicians), Connolly was able to enact a three-part plan known as Trenton's "workable program", which fused public and private capital to construct new office buildings, a new highway to accommodate the increasing number of state workers, and the targeted destruction of "blighted" communities like Coalport. Here it is easy to see Kingsbury and the larger John Fitchway project in an embryonic form, finally coming into fruition in the 1960s. Much like Coalport, the future site of Kingsbury—known as John Fitchway—was an area filled with mostly poor blacks and eastern European Jews. The grandiose vision of restoring prosperity to America's declining cities through major redevelopment, the razing of traditional "blighted" racial communities, and aggressive use of eminent domain would result in significant problems

⁶ "Central Planning Board 1961 Annual Report", Folder Trenton Planning Board-General, Box 1, Trentoniana Collection, Trenton Public Library, 1

⁷ Colin Gordon, *Mapping Decline: St. Louis and the Fate of the American City*, (Philadelphia: University of Pennsylvania Press, 2008) 156-157 and 129-130

⁸ John T. Cumbler, *A Social History of Economic Decline: Business, Politics, and Work in Trenton* (New Brunswick: Rutgers University Press, 1989) 171-73

for the City that would serve as a constant reminder of the complications involved in implementing such an ambitious program. In the 1960s, under the leadership of the newly elected Mayor Arthur J. Holland, urban renewal meant John Fitchway, a multi-stage project that would redevelop three distinct areas in Trenton with modern housing and roadways. By 1961, a forward looking Trenton Planning Board was already drawing up plans for the next 6-10 years, viewing John Fitchway as a key element to the City's strategy.⁹ Initially, many were unsure of the precise scope of the urban renewal program and the associated powers of the City's Planning and Development Director Harvey Mandel; questions began to arise regarding the ability of Mandel to appoint personnel without the council's approval.¹⁰ These early questions were soon answered after careful interpretation of the program's legal code. With these early legal questions solved, the City would soon begin exploring ways to utilize eminent domain to raze neighborhoods. The question of what constituted a "blighted" neighborhood would become an essential part of this process. Yet, as will be made clear, defining "blight" became a complicated political question with standards that seemed quite subjective and in some cases arbitrary.

Although the City provides no comprehensive definition of blight, a 1962 public hearing featuring Mayor Holland reveals some of the ways the City approached the difficult question.¹¹ An essential part of the criteria used to determine if a property (or area) was blighted included the following: "General widespread conditions of disrepair", "Makeshift or inadequate construction or living arrangements", "Overcrowding of buildings", and "Inadequate parking."¹² While some of the criteria presented in the hearing seem to intuitively make sense, other elements come across as rather minor peccadilloes, and hardly seem to constitute "blight." For

⁹ Gordon, *Mapping Decline*, 7-9

¹⁰ "Legal Advisor on Renewal Defines Scope" *Trenton Times*, July 27, 1962

¹¹ "Public Hearing Held by the Planning Board of the City of Trenton", February 28, 1962, Folder Trenton Planning Board-General, Box 1, Trentoniana Collection, Trenton Public Library

¹² *Ibid.*, 2

instance, if we examine the mention of “inadequate parking” and “overcrowding of buildings” it is easy to see that this definition mostly applied to low-income black areas.¹³ Trying to determine whether or not there was racial animus hidden in this language is difficult, but it is nonetheless clear that the official use of blight had an effect on the black community in Trenton. Looking at the City’s attitude towards low-income housing and displacement, one is left with two very different conclusions: On the one hand, Mayor Holland seemed keenly aware of the problems encountered by low-income blacks and their limited access to housing, stating that “Discrimination cannot be justified when related to the doctrine of brotherhood of man under the fatherhood of God” in a 1963 press release.¹⁴ Holland even acknowledged the “sincere fear on the part of white people” towards the integration of non-whites into their neighborhoods.¹⁵ It is in this press release that Holland announces the creation of The Advisory Committee on Human Rights, an organization that aimed to solve this problem of racial integration in Trenton housing. On the surface, it seems like the City was quite sensitive about the race issue and truly was taking issues relating to low-income housing seriously.

On the other hand, the City pursued a new aggressive program of code enforcement from 1964-65, particularly targeting areas that were considered “sound but deteriorating.”¹⁶ Part of this new program would include enforcement of relatively minor violations. City Director of Inspections Dorothy Cronheim and chief sanitarian Michael Celentana were in charge of overseeing this type of code enforcement at the future site of Kingsbury—at that time still full of

¹³ Ibid.

¹⁴ Press Release Mayor Holland, June 6, 1963, Folder Racial Incidents, Box 4, Trentoniana Collection, Trenton Public Library

¹⁵ Ibid.

¹⁶ “New Housing Enforcement Code Aired” *Trentonian*, December 24, 1964, Vertical File, Folder Housing, Trentoniana Collection, Trenton Public Library

black residents living in what the City deemed an officially blighted area.¹⁷ A rather upbeat newspaper article stressed the friendly relationship between Cronheim and residents of the John Fitchway 3 site, depicting the Director of Inspections as a sort of reassuring figure to residents uncertain of their future. For Celentana, it was the City's duty to keep the "sinking ship" afloat until the area would be razed for the Kingsbury middle-income apartments.¹⁸ Here it seems that the stressed importance of code enforcement and commitment to target even the smallest violations would suggest a discriminatory intent. Just as the City was about to tear down the homes in the future Kingsbury development, it made sure to hold its low-income residents to an extremely high level of code enforcement that would require them to potentially incur significant financial loss in an inevitably futile effort to preserve homes that would be destroyed in the immediate future. It is difficult to square this fact with Holland's concern for the discrimination and bigotry voiced just a year earlier. Once again, the City seems to be moving in two seemingly different directions during the mid 1960s.

In spite of this tension within municipal housing policy, a look at the plans of City Director of Housing and Development Richard A. Cylinder may reveal a considerable amount about the City's approach and how a larger trend toward government support modified the City's strategy. In 1965, Cylinder was eagerly informing Mayor Holland about "one of the most promising programs" of the Johnson Administration's newly passed Housing and Urban Development Act, which would allow city housing authorities to "purchase or contract for new construction private housing for use by public housing tenants."¹⁹ Cylinder's memo to Holland emphasized that this new plan would "greatly enhance the appearance of our residential

¹⁷ Bob Carmignani, "Celentana Views Blight Area as 'Sinking Ship' ", *Trentonian*, October 20, 1964, Vertical File, Folder Kingsbury, Trentoniana Collection, Trenton Public Library

¹⁸ Ibid.

¹⁹ Richard A. Cylinder to Mayor Arthur Holland and City Council, February 8, 1968, Vertical File, Folder Housing Trentoniana Collection, Trenton Public Library

neighborhoods” and that the houses would “harmonize with other houses” while getting rid of the “stereotyped public housing image.”²⁰ All of this came at a time when lawyers like Edward Castigan were urging the City to enact rent control policies to mitigate the risk of strikes.²¹ In his 60-page report to the City in 1964, Castigan felt that a disproportionate amount of welfare money was ending up in the pockets of landlords who refused to maintain their properties and meet the City’s building code. In his mind, rent control would allow the City to utilize welfare money more effectively, despite the fact that New Jersey state law prohibited such a policy. Castigan’s own assessment was that “hardcore welfare recipients” were “ignorant, amoral or immoral.”²² These words hardly seem like those of an advocate attempting to look out for the best interests of the low-income community, but the resulting plan seemed in many ways mutually beneficial: The City could disburse welfare funds more effectively and members of the Trenton community would have access to more low-cost housing. Furthermore, Trenton officials, in trying to receive the support of the federal government, decided that private low-income housing facilities, rather than public, would be a better way to approach the future of housing in the City. The Johnson Administration’s commitment to low-income housing through the leasing of privately owned units ultimately led the City to rethink its approach to housing. Noting these trends, it is clear that although the City’s approach to low-income housing may seem half-hearted in many respects during this era, Trenton officials were nonetheless moving in a direction that would, in their minds, improve the lives of many low-income residents through new federal initiatives.

The rise of the Kingsbury development in the late 1960’s demonstrates how the City attempted to solve the problem of its decaying tax base and the growing low-income community.

²⁰ Ibid.

²¹ “Castigan Asks Rent Control for Relief”, *Sunday Trenton Advertiser*, September 13, 1964, Vertical File. Folder Government, Trentoniana Collection, Trenton Public Library

²² Ibid.

The Cylinder memo suggests that the goal of the City was not to create more low-income housing developments, but rather to pursue a plan that would include “scattered site improvements.”²³ In essence, the City favored discreetly integrating low-income housing into existing private developments in an attempt to avoid pushback from middle to high-income residents who viewed such single-site developments as economically and visually undesirable. To the city and private developers alike, razing “blighted” neighborhoods in favor of a new middle-income high rise seemed to be a perfect solution to Trenton’s declining tax base and the flight of middle income families.

Kingsbury was set up as a non-profit initiative that included a diverse mix of white supporters (Protestant, Catholic, Jewish) and well-known black groups like Shiloh Baptist Church.²⁴ To many, Kingsbury represented a new future for Trenton: As one journalist from the *Trenton Times* put it, “Fitch way III [the original name of Kingsbury] has great potential for attracting middle-income families back to center city....It cries out for enlightened development with the city’s best interests at heart.”²⁵

The excited tone of the article, however, does not seem to square with the reaction of the black community: From the outset, members of the Congress on Racial Equality (CORE) voiced their discontent regarding the problems with the discrimination in Trenton housing. In 1968—right before Kingsbury was voted on an finalized—members of the South Trenton Neighborhood Council were aggressively fighting Kingsbury, calling it “a bold and obscene slap in the face to

²³ Cylinder to Holland, February 8, 1968

²⁴ “A Fresh Approach to Old Problem”, *Trentonian*, May 15, 1968, Vertical File, Folder Housing, Trentoniana Collection, Trenton Public Library

²⁵ “Fitch Way III: OK”, *Trenton Times*, May 16, 1968, Vertical File, Folder Housing Trentoniana Collection, Trenton Public Library

Trenton’s poor.”²⁶ Writing about this controversial issue, Tony Wilson of the *Trentonian* observed that, “Too little involvement of Negroes in the project and the city most assuredly would have a major civil rights issue on its hands.” In Wilson’s mind, the non-profit corporation represented a “novel gimmick” that attempted to solve the delicate racial issue.²⁷ Wilson’s rather cynical assessment of the non-profit corporation in charge of Kingsbury may shed light on one of the strangest elements of Kingsbury’s creation; the apparent cooperation and non-resistance of groups like Shiloh Baptist Church in allowing Kingsbury to be built. As one of the most influential institutions of the black community, Shiloh should have theoretically been extremely resistant to supporting the creation of a housing development that offered a relatively small amount of low-income apartments and was generally opposed by black groups like CORE and the South Trenton Neighborhood Council. However, there is no evidence of resistance from black members of the non-profit corporation. Indeed, one is left thinking that perhaps Wilson’s assessment was correct—the corporation really was nothing more than a “gimmick”.

An examination of the Initial advertisements for Kingsbury in 1973 further leads one to wonder whether or not the non-profit corporation really did have low-income residents in mind. Many of the advertisements suggest that the “fully furnished” apartments with “small compact kitchens” were being pitched to middle-income residents, not low-income residents in Trenton who were dislocated as a result of John Fitchway phase 3.²⁸ It becomes clear that the ideal resident of Kingsbury was “A middle aged couple tired of commuting to Trenton”, or “a pair

²⁶ “Civic Unit Hits Fitch Way III Plan” *Sunday Trenton Advertiser*, May 26, 2014, Vertical File, Folder Kingsbury, Trentoniana Collection, Trenton Public Library

²⁷ Tony Wilson, “The Thorny Question of Racial Mix”, *Trentonian*, May 17, 1968, Vertical File, Folder Housing, Trentoniana Collection, Trenton Public Library

²⁸ Sharon Schlegel, “Want to Live In The City?”: Kingsbury Middle-Income Complex Displays Furnished Apartments”, March 29, 1972 *Trenton Evening Times*, p19

marrieds” searching for a modern apartment “near their city jobs.”²⁹ These glittering descriptions and the clear marketing towards middle-class—likely white—tenants showcase the exclusive nature of the development and helps one to understand the widespread opposition of the black community. For blacks, the project was an affront not only because it fit into a larger urban renewal plan that destroyed many of their traditional neighborhoods, but also because it essentially refused to accept them. The initial rent of \$109 to \$211 for the efficiency models in the high-rise and \$167 to \$315 for the three-bedrooms was out of the reach of many low-income blacks, and the slots that could accommodate them were highly limited. Members of the Trenton white community reading the excited descriptions of the “carved Spanish design” of Kingsbury apartments likely felt that the new development would finally bring back Trenton’s middle-class community. As the advertisement emphasizes, “The community spirit will have to pervade Kingsbury.”³⁰ The complex was designed to have a shared laundry area where tenants would easily be able to mingle. Rev. Leonard Toomey, a member of the non-profit board overseeing Kingsbury’s construction, further added that, “This [Kingsbury] isn’t a housing project...It’s meant to be a community.”³¹ Here we see the clever rhetoric used to “pitch” Kingsbury as a vital solution to Trenton’s decaying tax-base. Yet, as we see, little concern for the black community is shown in these articles touting the stylish Kingsbury apartments. We are left wondering whether or not the City intentionally ignored the black community, or was just simply trying to solve an essential problem—namely lack of tax revenue and white flight—with an imperfect solution.

²⁹ Ibid.

³⁰ Ibid.

³¹ Ibid.



Figure 1

This mock-up is taken from a 1968 pamphlet used to advertise the soon to be constructed Kingsbury middle-income housing development. Here it is easy to put an image to the “City within a city” rhetoric used in initial newspaper articles (Vertical File, Housing, “An Old Name Key to a New City” Trentoniana Collection, Trenton Public Library).

Just as tensions between the black community and eager middle-income housing developers were escalating in Trenton, an important decision was about to be made 30 miles away in Mount Laurel, New Jersey. The case, which would come to be known as “Mount Laurel I” when it was decided in 1975, centered on the struggle to build low-cost housing units in the suburb. Ethel Lawrence, a long time Mount Laurel resident, joined with the Springfield Action Committee—a group she helped form—noticed the problematic “exclusionary zoning” policies

in their hometown and decided to propose a low-cost housing development to township officials. Despite securing initial seed funding from the state and presenting clear evidence of discrimination against low-income residents, Lawrence's proposal for the construction of low cost housing units was turned down by the Mount Laurel the town council.³² Attempting to justify the council's decision, Mayor Bill Haines callously stated, "if you people can't afford to live in our town, then you'll have to leave."³³ The mayor's apathy was soon met by a formidable group of NAACP activists who brought a lawsuit before the NJ Supreme Court, in the case *Southern Burlington County NAACP. Et al. vs. Township of Mount Laurel, et al.*, in May of 1971. Four years later, the NJ Supreme Court would rule—in a landmark case—that townships in New Jersey should end exclusionary zoning policies and declared that townships must "affirmatively afford" a "fair share" of low-cost housing opportunities.³⁴

Begrudgingly accepting these new principles, Mount Laurel zoning officials worked at a snail's pace to re-zone the town, and continued to hold up the development of low-cost housing units. This delay eventually led to another case and subsequent decision in 1983, known as Mount Laurel II, which further solidified the guidelines set forth in Mt. Laurel I.³⁵ The story of Mount Laurel, and the resulting NJ Supreme Court decisions, provide an important lens to view the Trenton housing crisis through and demonstrate the doctrine's widespread impact on communities across New Jersey. Already anxious about a declining tax base and lack of adequate low-cost housing, Trenton officials, like Director of Housing Tom Ogren, were closely following the Mount Laurel decision and anticipating the aftereffects of mandatory low-cost

³² Massey, Albright, Casciano, Derickson, and Kinsey, *Climbing Mount Laurel: The Struggle for Affordable Housing and Social Mobility in an American Suburb* (Princeton: Princeton University Press, 2013) 32-34

³³ *Ibid.*, 34

³⁴ *Southern Burlington City NAACP V. TP of Mt. Laurel 336 A.2d 713* (NJ. 1975)

³⁵ Massey, *Climbing Mount Laurel*, 40-41

housing obligations.³⁶ At the same time, a report issued by the County and Municipal Government Study Commission—forwarded to Mayor Arthur Holland—found that many suburbanites in New Jersey disliked multi-family apartments and felt that these types of low-cost residences would be “fiscally damaging to the community”. This study reveals the widespread xenophobia that was present in many New Jersey municipalities and the impact of these beliefs on access to low-cost housing.

The concern regarding “exclusionary zoning” began to surface quite quickly in Trenton. In the early 1970’s—when the Mt. Laurel case was first filed—Trenton city attorney Robert Gladstone was urging Mayor Holland to join an exclusionary zoning suit against East Windsor township, only twenty minutes away from the City.³⁷ Gladstone reasoned that exclusionary zoning policies were not just bad for low-income residents wishing to live in a suburban setting, but also for cities like Trenton. Having trouble finding affordable housing in the suburbs, low-income residents naturally flocked to an urban setting, which had more low-cost housing options. These zoning policies were ultimately detrimental to Trenton because they further hurt the tax base and increased the services that the City would need to provide to low-income residents. Gladstone assured Holland that joining in such a lawsuit against East Windsor Township would benefit the City despite the potential risk of damaging relationships with neighboring suburbs.

John Padgett, the City’s assistant planner, viewed exclusionary zoning as an issue that was central to ensuring a successful future for Trenton. Analyzing the effects of the zoning policies, Padgett noted that “The City of Trenton is the entity most negatively affected by

³⁶ Tom Ogren to Arthur Holland, July 12, 1974 “‘Musto Commission Report’ on ‘Housing and Suburbs’”, Folder Low-Income Housing, Box 52, Trentoniana Collection, Trenton Public Library

³⁷ Robert Gladstone to Arthur Holland, March 20, 1972, Folder “Low-income housing”, Box 9, Trentoniana Collection, Trenton Public Library

collective zoning practices of her neighbor suburbs, and is the municipality which is presently paying the price for the suburbs' desire for home rule."³⁸ He went on to say that "The suburbs at large presently view the City of Trenton at worst are our enemy and at best an albatross."³⁹ As Gordon notes in his study, these exclusionary zoning policies would not only be bad for cities in the long run, but would ultimately harm suburbs, since "All local governments bore the costs of administrative disarray and unmanaged sprawl."⁴⁰ This level of concern over the exclusionary zoning policies in East Windsor—and presumably Mt Laurel—demonstrates the new approach the City would have to take regarding housing in the early to mid 1970s; it was no longer feasible to simply ignore the displacement and inadequate living conditions of low-income residents of the City. The economic damage caused by such zoning laws were shown to be a big factor in the housing crisis in Trenton. City officials recognized this economic damage and encouraged Mayor Holland to aggressively attack these polices through the court system.

Interestingly, the years immediately leading up Mt. Laurel I also saw the City's approach housing change in a much more nuanced way. A 1970 report titled "An Action Program for the Rehabilitation of Properties in Trenton and the Maintenance of Sound Neighborhoods" outlined a new program for redevelopment, determining that "mass destruction of the City's physical and social fabric is no longer valid" and that "emphasis must be placed on retention and upgrading of existing facilities."⁴¹ The report, issued by the City Planning Board, also emphasizes that a standard housing stock should be made available for "all of its citizens."⁴² This report suggests

³⁸ John Padgett to Arthur Holland, Memo "East Windsor Zoning Suit", March 22, 1972, Folder Low-Income Housing, Box 9, Trentoniana Collection, Trenton Public Library

³⁹ Ibid.

⁴⁰ Gordon, *Mapping Decline*, 129

⁴¹ "An Action Program for the Rehabilitation of Properties in Trenton and the Maintenance of Sound Neighborhoods", September 21, 1970, Vertical File, Folder Housing, Trentoniana Collection, Trenton Public Library

⁴² Ibid.

that the Planning Board was attempting to pursue a more a more egalitarian approach to housing that would widen access while at the same minimizing the potential damage of urban renewal projects. Kingsbury, approved in 1968, seems to be antithetical to this new vision presented by the City just two years later. Projects like Kingsbury, as already shown, did not aim at “retention and upgrading” or avoiding “mass destruction”, but rather embraced the powers of eminent domain by completely razing neighborhoods. Thus, we see a clear shift from the late 60s to the early 70s in the City’s approach to housing. Confronted with complaints from black groups in the Trenton, the Planning Board may have decided to entirely rethink housing policy as a means of appeasing groups outraged by the John Fitchway project. This new approach, combined with the City’s desire to fight exclusionary zoning laws suggests a greatly increased concern for low-income residents in the 1970s and beyond.

Nationally, the picture in the early 1970s was quite bleak. In response to the Nixon Administration’s cuts on low-cost housing subsidies, groups like the National Association of Housing and Redevelopment Officials (NAHRO), were calling for emergency meetings in Washington D.C. to advocate for restoration of funding. NAHRO took particular issue with the abuse of the Brooke Amendment—stipulating that public housing residents should not need to pay more than 25 percent of their income towards rent—and noted the federal government’s failure to provide rent subsidies to municipalities in a time when costs were skyrocketing.⁴³ Complaints of progressive housing groups like NAHRO came during the rise of a national policy of “New Federalism”—first implemented by the Nixon Administration—which would gradually lessen the role of the federal government in welfare programs and offload responsibilities to the

⁴³ “NAHRO Takes Action to Save Homes for Million Low-Income and Elderly Families”, Folder Housing, Box 54, Trentoniana Collection, Trenton Public Library

states, hoping to thereby improve efficiency.⁴⁴ Extending well into the Reagan Administration, the policy of “New Federalism” would have wide-reaching impacts across New Jersey, but were particularly apparent in the struggle for low-cost housing in Trenton. A frustrated Mayor Holland would eventually have to bite his lip and work within the new parameters set by the Nixon and Reagan Administrations, constantly struggling to receive funding for important housing incentives in Trenton.

In his 1973 testimony before the Senate Subcommittee on Housing and Urban Affairs, Holland noted his discontent with this Nixon Administration’s programs, stating that “Ironically, at a time when our efforts in this area are beginning to achieve results, the role of the federal government in providing housing is suspended. This uncertainty militates against any serious efforts towards the location of low-moderate income housing in the suburbs.”⁴⁵ For Holland, the federal moratorium on housing funds would jeopardize the future of Trenton by placing many of low-income housing projects on hold. Noting the success of previous urban renewal projects in Trenton, Holland reaffirmed the importance of these programs for Trenton in his testimony and went on to emphasize the national trend towards conservation. In essence, the notion of conservation aimed to make better use of existing resources and lessen the “human impact” of urban renewal projects.⁴⁶ Here it is clear that the ideas outlined three years earlier in the City Planning Board’s Action Program were not only becoming an essential part of Trenton’s approach to low-income housing, but also part of the larger national trend during the early to mid

⁴⁴ Don Sherman Grant II, “The Political Economy of Business Failures Across the American States of Reagan’s New Federalism” *American Sociological Review*, Vol. 60, No. 6 (Dec., 1995), pp. 851

⁴⁵ Arthur J. Holland, “Low-Income Housing”, Testimony Before Senate Subcommittee on Housing and Urban Affairs, Folder Housing, Box 54, Trentoniana Collection, Trenton Public Library

⁴⁶ *Ibid.*, 5

1970s. Yet, this new approach to housing dangled delicately in the air as a national trend in reduced spending threatened the all-important realization for such a program.

Even with this new approach to housing development, members of the Trenton NAACP were still actively protesting the nearly completed Kingsbury middle-income development. Under the leadership of Bo Robinson, the NAACP staged a protest against the exclusion of low-income housing in front of City Hall in January of 1973.⁴⁷ In response, members of the Kingsbury non-profit board maintained that the new development would not allow for low-income housing subsidies, but would consider adding them if the middle-income approach failed. Robinson and other members of the NAACP did not find such an offer acceptable and eventually brought a suit before federal officials to seek a more acceptable solution to the problem.⁴⁸ In the NAACP's view, the Kingsbury had been "sabotaged" by the Armenti Administration (1966-70), which abandoned the developments original plan to include a "broad range of income ethnic groups." The continued tension between City officials and members of the black community over Kingsbury suggests that the City's attempt to attract middle-income residents back to the community would not be a tenable response to the housing crisis. Trenton would have to seek out a better solution that solved problems that were partially caused by the refusal of New Jersey suburbs to accommodate low-income residents.

Soon focusing on the deeper issue of exclusionary zoning, Trenton officials shifted to dealing with the City's housing issue on a much broader state and county level. In his testimony before the U.S. Subcommittee on Low-Income Housing, Holland stressed that, "Trenton has reached the point in its history in which she can no longer bear the socio-economic burden of

⁴⁷ Henry Bryan, "Pickets Focus on Kingsbury", *The Evening Times, Trenton*, January 23, 1973, p2

⁴⁸ "City NAACP Carrying Suit to U.S.", *Sunday Times Advertiser, Trenton*, January 14, 1973, p2

housing.”⁴⁹ The lingering issue of zoning, brought to Holland’s attention three years earlier by city attorney Robert Gladstone, would be loom large throughout the 1970s and continue to trouble the city well into the 1980s. Yet before the City could even think of solving this sensitive issue, it would have to first deal with the tricky issue of how to gauge the opinion of suburbanites in Mercer County concerning low-cost housing units.

Specifically, the City needed to determine just how much resistance it would receive in trying to convince suburbs to cooperate and commit to create affordable housing developments. Much of this would be accomplished by a document issued by the state titled the Musto Commission Report, published in 1974, just one year before the landmark Mt. Laurel decision.⁵⁰ In a memo to Mayor Holland, Housing Director Tom Ogren emphasized that the report presented an overall positive view about the actual impact of low-income housing on suburban communities, noting that only 21 percent of residents opposed the housing for economic reasons.⁵¹ Ogren went on to tell Holland that many of the families opposed these types of affordable housing units because they had an “ ‘Overwhelming desire to preserve the single-family house lifestyle in the suburbs.’ ” The report, which aimed to compare perceived views of the effect of low-income housing with the actual effects, presents a number of interesting findings in addition to the ones that Ogren mentioned in his memo to Holland. The most striking finding of the report showed the complicated situation many local officials found themselves in when it came to advocating for low-income housing; negative public perception regarding low-

⁴⁹ “Low-Income Housing”, 3

⁵⁰ “Housing and Suburbs: Fiscal and Social Impact of Multi-Family Development”, Folder Low Income Housing, Box 52, Trentoniana Collection, Trenton Public Library

Interestingly, a much more comprehensive sociological study conducted in the early 2000’s, came to many of the same conclusions as the much more rudimentary Musto Commission Report. See Massey, Albright, Casciano, Derickson, and Kinsey, *Climbing Mount Laurel: The Struggle for Affordable Housing and Social Mobility in an American Suburb* (Princeton: Princeton University Press, 2013)

⁵¹ Tom Ogren to Arthur Holland, July 12, 1974, Folder Low-Income Housing, Box 52 Trentoniana Collection, Trenton Public Library

income developments created political tension and left many officials unwilling to push for more affordable housing units.⁵² Many members of the community opposed the low-income units because of their perception that they would destroy the “community image”: For suburban residents, high-rise housing units would also threaten the “rural-urban dichotomy”, a term referring the “visual isolation provided by the detached single-family home” and accordingly weaken the social character of the community.⁵³ As the report explains, “the association is strong in suburbia between the visual characteristics of the City, and what are perceived as the social characteristics.”⁵⁴ Furthermore, suburban residents often had a negative view of affordable housing because the past record of poorly planned low-income developments had led them to think that these types of complexes were inherently bad for the future of the community. As a result, residents would quickly pushback and create exclusionary zoning laws that would make future low-income development a near impossibility.⁵⁵

Aside from the clearly flawed perception of suburban residents regarding the economic social impact of low-income housing, the Musto Commission Report is also fascinating because of its timing. Conducted in 1974, the report essentially summarized many of the key issues that would be faced in the Mt. Laurel I exclusionary zoning suit that was decided just a year later in 1975. Indeed, Ogren’s memo to Holland makes a direct reference to the upcoming Mt. Laurel decision, observing that “If the New Jersey Supreme Court in the Madison and Mt. Laurel township cases requires suburbs to assume responsibility for providing low and moderate income housing income on a regional basis, the need for this kind of carrot may be obviated.”⁵⁶ The so-

⁵² “Housing and Suburbs”, 11

⁵³ Ibid., 12

⁵⁴ Ibid.

⁵⁵ “Housing and Suburbs”, 15

⁵⁶ Ogren to Holland, July 12, 1974

called “carrot approach” that is suggested in the report refers to the idea that the state should encourage communities to adopt such zoning laws through incentives, while at the same time punishing them for failing to do so. Anticipating the Mt. Laurel decision’s notion of lost-cost housing obligations, Ogren recognized that such an approach would be unnecessary if an NJ State Supreme Court decision would make these types of low-cost developments a statewide requirement.

Until the Mt. Laurel decision was made in 1975, Holland found himself in a rather frustrating position: Recognizing the severity of the exclusionary zoning issue, Holland took a proactive step by appealing to county planner Leo Laaksonen to implement a low-cost housing program in Mercer County municipalities, but was ultimately turned down.⁵⁷ Laaksonen noted that county officials were “powerless” because of the fact that municipalities first had to request low-cost housing units.⁵⁸ Here Holland’s frustration is shown because he would have to “rely on the prodding of the judiciary” to push the construction of low-cost housing units forward, rather than implement his preferred countywide approach.⁵⁹ In looking at Holland’s discontent with the county’s inability to implement a low-income housing plan, it could be that he viewed the looming Mt. Laurel decision as problematic in terms of its ambiguity; that is, Holland may have found then notion of a state-wide doctrine requiring each municipality to meet its “fair share” of low cost housing units as too expansive. Indeed, there is clear evidence that Holland was not very impressed with the Mt. Laurel decision which in his mind was tied up in the courts would hardly solve the housing problem in Trenton.⁶⁰ In 1978, Holland advocated for a plan originally developed by the Delaware Valley Regional Planning Commission that would

⁵⁷ John Reilly, “County Cannot Enforce Holland’s Housing Plan”, *The Evening Times, Trenton*, December 4, 1974, 26

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ James F. Lynch, “Trenton’s Housing Advocate”, *The New York Times*, December 24, 1978, NJ2

require towns to submit a “housing assistance plan” in their applications for community development money, carefully outlining how they would meet the needs of low-income residents. Holland’s continued interest in seeking out alternatives to what he viewed as a flawed NJ Supreme Court decision reflects the severity of the exclusionary zoning issue in Trenton during this period.

When the Mt Laurel I decision was finally handed down in 1975, municipalities across the state immediately began to wonder what the new “fair share” housing obligations might mean on a local level.⁶¹ Ernest Erber, Director of Research and Progress Planning at the National Committee Against Discrimination in Housing, applauded the court’s decision in bringing municipalities one step closer to achieving the goal of integrated housing, but was also quick to criticize some of the decision’s shortcomings.⁶² Specifically, Erber claimed that “the bill lacks teeth for enforcement” pointing out the great amount of discretion Mt. Laurel granted municipalities.⁶³ Erber’s larger concern was that the decision provided an interesting framework for eliminating exclusionary zoning and a corresponding series of penalties, but that the enforcement of this framework would ultimately depend on “voluntary compliance”.⁶⁴ Since the court merely set up a suggested framework, municipalities could still potentially hold up the construction of low-cost housing units by engaging in prolonged legal battles that could span years. Unfortunately, Erber’s early predications turned out to be right in the case of Mt. Laurel township, and manifested even more clearly in the way that municipalities across the state

⁶¹ Mark Jaffe, “Consultant Offers Mount Laurel Plan”, *The Evening Times*, October 29, 1975, 1

⁶² Ernest Erber, “What Should Happen After the Mount Laurel Decision”, Symposium on the Impact of Local Government on Housing Costs, May 29, 1975, Folder Housing, Box 52

⁶³ *Ibid.*, 6

⁶⁴ *Ibid.*

responded to the new doctrine.⁶⁵ Since the decision did not establish a clear formula for towns to determine what their “fair share” housing obligations were, the obligation of towns across the state was rather weak. Indeed, the original Mt. Laurel I decision would be watered down in related cases in the late 70s, such as *Oakwood at Madison Inc. v. Township of Madison*, which reaffirmed the notion that municipalities would not need to determine their specific number of housing obligations, but rather strive for a more vague goal of realistically permitting “the opportunity to provide a fair and reasonable share” of low-cost housing units. For Trenton, Mount Laurel I represented a theoretical solution to a central problem in the City, but ultimately failed to live up to the rhetoric of the landmark NJ Supreme Court case.

By the early 1980s, the housing situation in Trenton continued to deteriorate with the financially ailing Kingsbury development and the new ability for suburban municipalities to sell back their low-cost housing obligations to cities. Called “one of Trenton’s most hopeful housing developments” by optimistic urban planners at Gershen & Associates just 10 years earlier, Kingsbury had become ““very strapped financially”” by 1983 and would need a five-year moratorium on its taxes from the City in order to stay financially viable.⁶⁶ Interestingly, the man appealing to the City for this financial bailout was Alan Gershen himself, who was serving as the development’s managing agent during the 1980’s. Many members of the City administration, including Bo Robinson, then a City Councilman, believed that such a bailout should be “the last resort” as it would likely set a bad precedent for other struggling developments in the City.⁶⁷ Here it is quite interesting to note the interaction between Gershen, who had been responsible for promoting Kingsbury in the late 1960s, and Robinson, who had been one of the most vocal

⁶⁵ Rachel Fox, “The Selling Out of Mount Laurel: Regional Contribution Agreements in New Jersey’s Fair Housing Act”, *Fordham Urban Law Journal* (Vol 16: Issue 4, 1987) 541-544

⁶⁶ Michael Shields, “Towering Tax Troubles for High Rise”, September 21, 1983, *The Trenton Times*, B1

⁶⁷ *Ibid.*

opponents of the development from the outset. Perhaps Robinson still felt a sense of animosity towards Gershen and accordingly opposed any type financial bailout from the City.

Alternatively, the notion of setting a bad precedent may have in fact been a persuasive reason not to bailout Kingsbury, especially considering the rather bleak chance for future success of middle-income units in the City. Regardless of the precise motive, the decline of Kingsbury suggests that trying to attract middle-income residents back to Trenton had proved to be an impossible task. The City could not simultaneously try to restore the tax base by attracting middle-income residents back to Trenton with Kingsbury and at the same time meet the needs of low-income residents. The balancing act, in short, would ultimately prove disastrous and further drive the City into decline. The failure must have been especially painful for former residents of the John Fitchway III site—razed to allow for the construction of Kingsbury—who had not only been displaced by the project, but also now had been relocated to the crime-ridden Miller Homes. The City, then, was grasping for straws and desperately needed to look beyond trying to attract middle-income resident back to the City; the key would be to see the Mount Laurel doctrine come to fruition in Mercer County.

In the midst of the conservative push of the Reagan Administration and the continued expansion of New Federalism, the Mt. Laurel II doctrine injected new hope into Trenton in 1983. The follow-up decision finally cleared up many of the ambiguities of the original decision and provided more than just a simple judicial mandate.⁶⁸ Mt. Laurel II provided for many incentive programs such as “six years of immunity from exclusionary zoning litigation” once local town ordinances had been modified to follow the new guidelines, “incentives to private agents to

⁶⁸ Massey, *Climbing Mount Laurel*, 41

enforce the doctrine”, and also streamlined case management system.⁶⁹ All of these concrete changes to the more nebulous Mt. Laurel I decision seemed to represent a crucial turning point for cities like Trenton. Yet, lurking in the background of all these decisions was the Reagan Administration’s aggressive budget cuts, which Holland found particularly difficult to cope with, arguing that “Just because the federal government is cutting back on funding doesn’t mean that the problems are going away. Reform, yes. Regression no. We are going backwards.”⁷⁰ The extreme budget cuts of 1981, outlined in Reagan’s “economic recovery program”, which cut the overall federal expenditures by 19 percent, or roughly 19 billion dollars.⁷¹ Housing assistance, social welfare, and other essential programs were also severely hit under Reagan’s first round of budget cuts. These larger national currents had an especially big impact on cities like Trenton, which had a large low-income population that depended upon these essential government support programs.

Despite the initial hope generated by Mt. Laurel II, Trenton would ultimately end up striking a deal with municipalities in Mercer County that seemed to contradict the essential principles of the Mt. Laurel doctrine and the larger struggle to end exclusionary zoning policies. In 1986, the City began to work with towns like Hopewell (and later Lawrence) to take about half of the surrounding suburbs’ housing obligations in return for approximately 2 million dollars

⁶⁹ Ibid., 40-41

⁷⁰ “Holland Brands Reagan Disaster”, *The Trenton Times*, May 20, 1981

⁷¹ Timothy Conlan, *New Federalism: Intergovernmental Reform From Nixon to Reagan*, (Washington D.C. : The Brookings Institution, 1988) 115

Unlike Nixon, who attempted to use the New Federalist ideology as a means of improving government welfare programs, Reagan took a decidedly different approach which was supported by his own maxim that “government is the problem”. Utilizing such an approach, Reagan pursued an aggressive campaign that cut many government programs in an effort increase governmental responsibility. Interestingly, Reagan passed many of these initiatives with great ease and with relatively little pushback from congress. Conlan understands the success as resulting from widespread structural changes such as “democratic fragmentation in congress”, “republican solidarity”, and “the erosion of New Deal liberalism”. See Conlan, 121-24 for more.

in funding to restore blighted neighborhoods.⁷² County Executive Bill Mathesius eagerly supported this program and predicted that it would be “profitable for everyone involved.”⁷³ All of this was in fact permissible under the state guidelines, which stated that municipalities must meet 50 percent of their Mt. Laurel obligations within the town itself, but could then transfer the remaining obligations to surrounding municipalities in the region.⁷⁴ Reacting to this plan, Holland stated that he ““would much rather see the municipalities meet their *entire obligations within their own borders*, but this is an opportunity for us to meet the needs of our poor people.””⁷⁵ Holland’s view on the housing switch reflects the difficult position the City was in: While City Administrators like Holland knew that the switch would damage the City in the long-term, they ultimately had to bite the bullet to meet the needs of the most vulnerable members of the Trenton community. The temporary infusion of cash allowed for redevelopment of some of the City’s deteriorating areas, but by the same token increased the size Trenton’s low-income community. Thus, by trying to find a short term solution Trenton City officials set a dangerous precedent for the future that would further corrode the City’s tax base and allow surrounding Mercer County municipalities to simply shrug off their role in providing affordable housing.

Ultimately, the trajectory of housing in Trenton from the mid 1960s to mid 1980s represents the struggle of City officials to find an adequate response to the City’s problems with an eroding tax base, racial segregation in housing, and the flight of white residents. Initially relying on the support of strong federal programs during the mid 1960s under the Johnson Administration, Trenton officials first addressed the problems through urban renewal efforts,

⁷² Michael Booth, “Housing Switch Works: Mt. Laurel Units May End up In Trenton”, *Trentonian*, December 19, 1986, p2

⁷³ Lenore Look, “Mt. Laurel Could Upgrade Trenton Housing”, *Trentonian*, December 17, 1986, 1

⁷⁴ *Ibid.*

⁷⁵ *Ibid.*

The italics are mine.

receiving a great deal of pushback from members of the black community due to the displacement involved with the ambitious program. In the 1970s, a more subtle approach was taken that aimed to focus on “conservation” rather than simply razing entire “blighted” neighborhoods. While this approach was a clear advance from the more severe urban renewal programs of the 60s, larger national trends—specifically budget cuts under the Nixon Administration—made it harder and harder to fund such projects. In the mid 70s, the City began to recognize the toll that exclusionary zoning policies were taking on Trenton’s tax base and concentration of low-income residents. Thus, for the remainder of the decade and well into the 1980s, the Mt. Laurel Doctrine would loom large as a potential solution to the City’s housing problems. Yet, the doctrine never seemed to take hold in Mercer County and represented more of an ideological victory than any substantial moment of change for Trenton. This complicated history of the difficulties encountered by Trenton officials like Mayor Arthur Holland, Tom Ogren, and others is representative of a complex set of social and political issues that run deep in American history, and are especially seen in America’s declining Rust Belt cities. Understanding these issues and the historic response of cities like Trenton sheds light on what solutions may work in the future and helps us to understand how race, politics, and public policy all come together and form an intricate web. The story of Kingsbury, exclusionary zoning, and the struggle of Trenton officials, then, may make untangling that web just a bit easier.

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