

**FILING FEES WAIVED R. 1:13-2**  
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ATTORNEYS FOR PLAINTIFFS

**CITIZENS IN ACTION, ELMIRA  
NIXON, LUZ VALENTINE, KATHY  
HOWARD, JOYCE STARLING,  
JESUS RODRIGUEZ, SHEILA  
WORTHEN, LEONA WRIGHT,  
NICOLAS BALBUENA, BLANCA  
PEREZ, BERTHA WILLIAMS,  
YVONNE MAJOR, ALANDRIA  
WORTHEN, MERCEDEZ FIGUEROA,  
MATTIE HOWELL, JAMES WISE,  
VALERIE WISE, CRYSTAL TUCKER,  
DAGMAR VICENTE, ANTONIO  
DELGADO, CERVANTE AMPARO,  
MANUEL CANAS, EDWIN GOMEZ,  
TERRY MUSE, CARL RICH,  
RADAMES TORRES-MORENO,  
ANNELISE WESTED, ILSE CARTER,  
CHARLIE MAE WILSON and  
ANGELO NIEVES,**

*Plaintiffs,*

vs.

**TOWNSHIP OF MT. HOLLY, a**  
municipal corporation of the State of New  
Jersey, **DONALD SCATTERGOOD,** as  
Mayor of the Township of Mt. Holly, and  
**TOWNSHIP COUNCIL OF MT.  
HOLLY**, as governing body of the  
Township of Mt. Holly,

*Defendants.*

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
BURLINGTON COUNTY  
Docket No. BUR-L-003027-03

CIVIL ACTION

**AMENDED  
ACTION IN LIEU OF PREROGATIVE  
WRITS AND COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE  
RELIEF**

## PRELIMINARY STATEMENT

1. This is a civil rights action and action in lieu of prerogative writs brought by African-American, Hispanic and White residents of Mt. Holly Gardens challenging Mt. Holly Township's "Gardens Area Redevelopment Plan" that calls for the sweeping demolition all 379 homes in the Gardens neighborhood.

2. Mt. Holly Township has violated the procedures mandated by the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et. seq., in designating the Gardens neighborhood as "an area in need of redevelopment" and the Township's designation otherwise is arbitrary, unreasonable, capricious and not supported by substantial evidence as required by law. Further, the Gardens Redevelopment Plan fails to meet the criteria required under N.J.S.A. 40A:12A-1 et. seq., and contravenes its own stated goals of meeting the housing needs of Mt. Holly residents by, among other things, proposing to replace less than half of the 379 homes to be demolished and constructing much more expensive units beyond the financial means of virtually all of the Gardens residents.

3. In addition, the Township's Redevelopment Plan unlawfully discriminates against African-American and Hispanic Gardens residents in violation of their rights under Title VIII of the Fair Housing Act of 1968, 42 U.S.C. §3601 et seq.; Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d et. seq.; the Civil Rights Act of 1866, 42 U.S.C. §1982; the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq.; and the Equal Protection clauses of the United States and New Jersey Constitutions.

4. Plaintiffs seek, among other things, declaratory and injunctive relief invalidating Mt. Holly Township's designation of Mt. Holly Gardens as "an area in need of redevelopment" and

enjoining the Township from implementing its present Redevelopment Plan demolishing all existing homes in the Gardens neighborhood.

5. The Gardens Redevelopment Plan, if implemented, will cause the forced, disproportionate displacement and removal of African-American and Hispanic families from Mt. Holly Township, many of whom are longtime residents living in the Gardens for numerous years, and will wipe out an established, cohesive, racially and ethnically diverse community.

### **PARTIES**

#### **Plaintiffs**

6. Plaintiff Citizens in Action ("CIA") is an unincorporated community organization composed of residents of the neighborhood known as Mt. Holly Gardens. Its address is: c/o Rodriguez, 107 Levis Drive, Mt. Holly, New Jersey 08060. It brings this action on its own behalf and on behalf of its members. The individually named plaintiffs are members of Citizens in Action.

7. Plaintiff Angelo Nieves is a resident of Mt. Holly Gardens living at 276 Levis Drive, Mt. Holly, New Jersey 08060. He has lived there with his family for 43 years. He owns his home. Plaintiff Nieves is a senior citizen and disabled. He is Hispanic.

8. Plaintiff Luz Valentine is a resident of Mt. Holly Gardens living at 109 Levis Drive, Mt. Holly, New Jersey 08060. She has lived in the Gardens for 10 years and at this residence for 2 years. She is a tenant. Plaintiff Valentine is Hispanic.

9. Plaintiff Kathy Howard is a resident of Mt. Holly Gardens living at 215 Levis Drive, Mt. Holly, New Jersey 08060. She has lived there with her family for 10 years. She is a tenant. She is African-American.

10. Plaintiff Joyce Starling is a resident of Mt. Holly Gardens living at 23 Saul Place,

Mt. Holly, New Jersey 08060. She has lived there for 31 years. She is a homeowner. She is a senior citizen and is African-American.

11. Plaintiff Jesus Rodriguez is a resident of Mt. Holly Gardens living at 128 Levis Drive, Mt. Holly, New Jersey 08060. He is a tenant. Plaintiff Rodriguez is Hispanic.

12. Plaintiff Sheila Worthen is a resident of Mt. Holly Gardens living at 330 North Martin Drive, Mt. Holly, New Jersey 08060. She lives in the premises with her two children. She is a tenant and she is African-American

13. Plaintiff Leona Wright is a resident of Mt. Holly Gardens living at 208 Levis Drive, Mt. Holly, New Jersey 08060. She is a homeowner and has lived there for 33 years. She is elderly and widowed. Plaintiff Wright is African-American.

14. Plaintiffs Nicolas Balbuena and Blanca Perez are residents of Mt. Holly Gardens living at 121 Levis Drive, Mt. Holly, New Jersey 08060. Plaintiff Balbuena owns the property. They are Hispanic.

15. Plaintiff Bertha Williams is a resident of Mt. Holly Gardens living at 310 North Martin Drive, Mt. Holly, New Jersey 08060. She rents the property and has lived there with her family for 32 years. She is a senior citizen. Plaintiff Williams is African-American.

16. Plaintiff Yvonne Major is a resident of Mt. Holly Gardens living at 223 Levis Drive, Mt. Holly, New Jersey 08060. She has lived there with for 8 months. She is a tenant and is African-American.

17. Plaintiff Alandria Worthen is a resident of Mt. Holly Gardens living at 3 Saul Place, Mt. Holly, New Jersey 08060. She has lived in the Gardens with her two children for two years and at this location for 5 months. She is a tenant. Plaintiff Worthen is African-American.

18. Plaintiff Mercedes Figueroa is a resident of Mt. Holly Gardens living at 148 Levis

Drive, Mt. Holly, New Jersey 08060. She has lived there with her family for 25 years. She is a homeowner. She and her husband are senior citizens and in poor health. She is Hispanic.

19. Plaintiff Mattie Howell is a resident of Mt. Holly Gardens living at 118 Levis Drive, Mt. Holly, New Jersey 08060. She has lived there with her family for 32 years. She is a homeowner. She is a senior citizen. She is African-American.

20. Plaintiffs James and Valerie Wise are residents of Mt. Holly Gardens living at 251 Levis Drive, Mt. Holly, New Jersey 08060. They own their home and have lived there for 34 years. They are senior citizens. They are African-American.

21. Plaintiff Crystal Tucker is a resident of Mt. Holly Gardens living at 375 South Martin Drive, Mt. Holly, New Jersey 08060. She has lived there with her two children for 7 years. She owns her home. She is African-American.

22. Plaintiffs Dagmar Vicente and Antonio Delgado are residents of Mt. Holly Gardens living at 371 South Martin Drive, Mt. Holly, New Jersey 08060. They rent the premises and live there with two children. Plaintiff Vicente is white and plaintiff Delgado is Hispanic.

23. Plaintiff Elmira Nixon is a resident of Mt. Holly Gardens living at 21 Saul Place, Mt. Holly, New Jersey 08060. She is an elderly widow and is homebound. She owns her own home and has lived there lived there for 28 years. She is African-American.

24. Plaintiff Cervante Amparo is a resident of Mt. Holly Gardens living at 320 North Martin Avenue, Mt. Holly, New Jersey 08060. He has lived in his own home in the Gardens for three years. He lives with his wife and his adult son. He is Hispanic.

25. Plaintiff Manuel Canas is a resident of Mt. Holly Gardens living at 359 South Martin Avenue, Mt. Holly, New Jersey 08060. He owns his own home in the Gardens where he lives with his wife and four children. He is Hispanic.

26. Plaintiff Edwin Gomez is a resident of Mt. Holly Gardens living at 142 Joseph Place, Mt. Holly, New Jersey 08060. He lives by himself in his own home and is disabled. He is Hispanic.

27. Plaintiff Terry Muse is a resident of Mt. Holly Gardens living at 264 Levis Drive, Mt. Holly, New Jersey 08060. She is a tenant and lives with her three children. Plaintiff Muse is disabled . She is white.

28. Plaintiff Carl Rich is a resident of Mt. Holly Gardens living at 260 Levis Drive, Mt. Holly, New Jersey 08060. He is 75 years old, lives with his wife and two other adults in his own home. Plaintiff Rich is black.

29. Plaintiff Radames Torres-Moreno is a resident of Mt. Holly Gardens living at 308 South Martin Avenue, Mt. Holly, New Jersey. He lives with his wife in his own home. He is Hispanic.

30. Plaintiff Annelise Wested is a resident of Mt. Holly Gardens living at 274 Levis Drive, Mt. Holly, New Jersey 08060. She is African-American.

31. Plaintiff Ilse Carter is a resident of Mt. Holly Gardens living at 127 Levis Drive, Mt. Holly, New Jersey 08060. She lives by herself in her own home where she has lived for 33 years. She is disabled and white.

32. Plaintiff Charlie Mae Wilson is a resident of Mt. Holly Gardens living at 120 Joseph Place, Mt. Holly, New Jersey 08060. She is 74 years old and owns her own home. She is African-American.

### **Defendants**

33. Defendant Township of Mt. Holly ("Township") is a municipal corporation chartered under the laws of the State of New Jersey.

34. Defendant Donald Scattergood is the Mayor of the Township of Mt. Holly ("Mayor"), and is the chief executive and administrative officer of the Township responsible for the overall administration of the Township's agencies and execution of the Township's laws. Mayor Scattergood is sued in his official capacity.

35. Defendant Township Council of Mt. Holly ("Township Council") is the governing body of the Township responsible for the passage of local ordinances and resolutions, including the adoption of Resolution No. 2002-166 authorizing the Township Planning Board to undertake a preliminary investigation to determine whether the Gardens is an area in need of redevelopment; adoption of Resolution No. 2002-217 designating the Gardens as a redevelopment area; and enactment of Ordinance No. 2003-12 adopting the Gardens Redevelopment Plan.

### **FACTUAL ALLEGATIONS**

#### **The Mt. Holly Gardens Neighborhood**

36. The Mt. Holly Gardens neighborhood ("the Gardens") is a cohesive, racially and ethnically diverse community located within the downtown section of Mt. Holly Township.

37. The Gardens is situated on 30 acres of land. It contains 379 homes that were built in the 1950's. The units are two-story buildings that are situated in rows of 8 to 10 homes. They are set back approximately 50 feet from the street, allowing for large front and back yards.

38. The houses are of solid, brick construction. Many homes are well-maintained and have attractively landscaped yards and gardens.

39. The Gardens has a large playground area of approximately 14,000 square feet and a community center converted from a dwelling unit, both of which are owned by the Township.

40. There are some vacant and boarded up houses in the Gardens. According to the

Gardens Area Redevelopment Plan adopted by Township Council, however, only 14% of the houses are vacant. The Township has purchased many of the vacant homes in the neighborhood over the past several years in anticipation of its redevelopment initiative.

41. The Township has intentionally left vacant its acquired units and has otherwise failed to maintain the units and yards, allowing these premises to deteriorate and causing a blighting and deleterious effect on the Gardens neighborhood.

42. Several years ago, Mt. Holly Township conducted a housing rehabilitation program known as "Mt. Holly 2000". Through this program, however, only a few homeowners in the Gardens obtained grants and loans to fix up their properties.

43. The Township more recently has neglected the needs of the Gardens neighborhood, failing to apply for and utilize available funding for community improvements and housing rehabilitation. For example, the Township has failed to utilize a \$25,000 grant from the New Jersey Department of Community Affairs earmarked for social, educational and recreational programs for residents at the Gardens community center and now is jeopardy of having to return the unspent funds.

44. The Township has also failed to conduct proper code enforcement, prompt trash removal, adequate policing, and other basic services needed by the Gardens residents.

45. The Township's actions have negatively impacted upon the community and have decreased the quality of life for residents.

46. In spite of the Township's failure to provide adequate municipal services, Gardens residents, through their own efforts, have prevented significant deterioration of their neighborhood and have preserved their quality of life.



### **The Mt. Holly Gardens Residents**

47. The majority of the residents of the Gardens are African-American and/or Hispanic and are low-income.

48. The Gardens corresponds approximately to Blocks 1000, 1001, 1003 and 1009 of U.S. Census Tract 7026.04. Within this neighborhood, according to the 2000 Census, there lives 1,605 residents, of whom 44% are African-American, 22% are Hispanic and 28% are non-Hispanic White.

49. The percentage of the population living within the Gardens area that is African-American—44%—is double that of the entire Township—22%—and nearly triple that of Burlington County—15%.

50. Similarly, the percentage of the population living within the Gardens area that is Hispanic—22%—is more than double that of all of Mt. Holly Township—9%—and more than five times that of Burlington County—4%.

51. By contrast, the percentage of the population living within the Gardens area that is non-Hispanic, White living within the Gardens area—28%—is significantly lower than that for all Mt. Holly Township—66%—and Burlington County—76%.

52. The median household income in the Gardens area is only \$30,104, considerably lower than the median income for the Township of \$43,284, and especially that of Burlington County, which is \$58,608.

53. In Census Tract 7026.04 containing the Gardens, 50% of the households are renters, and 50% are homeowners.

54. The Gardens neighborhood has among the highest rates of African-American and

Hispanic home ownership in Burlington County. The percentage of the Gardens area that consists of African-American homeowner households—31%—is more than double that of the entire Township—13%— and nearly triple that of the County—11%. Similarly, the percentage of the Gardens that consists of Hispanic homeowner households—17%—is more than double that of the entire Township—8%— and more than eight times that of the County—2%.

55. Despite the lower incomes of the Gardens' households, the community is remarkably stable and has many longtime residents. According the 2000 census data, within Census Tract 7026.04 containing the Gardens, 81% of the owner-occupied households have lived in their homes for at least 9 years, while 72% of the renter-occupied households have lived in their homes for at least 5 years.

56. The stability of the Gardens neighborhood is attributable in part to lower housing costs than that of Mt. Holly and Burlington County, making the Gardens more affordable for lower income households.

57. According to the 2000 Census, the median cost of homeownership for owner-occupied homes with mortgages in Census Tract 7026.04 containing the Gardens is only \$969 a month, compared to \$1,536 for the Township and \$1,393 for the County. Thus, the Township and County homeownership housing costs are respectively 58% and 44% more expensive than in the Gardens area.

58. In addition, many longtime homeowners of the Gardens, particularly seniors, have paid off their mortgages in full and can afford to keep their homes, although they would not be able to purchase much higher-priced homes in the current real estate market on their present incomes.

59. According to the redevelopment study that the Township relied upon in declaring the Gardens a redevelopment area, the assessed value of the vast majority of the Gardens homes range between \$21,000 and \$39,000. Only 21 homes in the Gardens—6%—have an assessed value greater than \$40,000, while only 4 homes—1%—have an assessed value greater than \$50,000.

#### **Township's Redevelopment Area Designation Process**

60. In 2000, the Mt. Holly Township Council commissioned a private firm, THP, Inc., to investigate whether the Gardens neighborhood met the criteria of an “area in need of redevelopment” within the meaning of N.J.S.A. 40A:12A-1 et. seq. In November 2000, THP, Inc. prepared a report entitled “Redevelopment Area Determination Report” (“2000 Redevelopment Report”), which it presented to the Township Council.

61. The 2000 Redevelopment Report stated on the first page: “The purpose of this report is to determine whether the area of Mt. Holly Township shown on Map 1: Redevelopment Study Area, qualifies as a ‘redevelopment area’ as defined in the Local Redevelopment and Housing Law (P.L. 1992, Chapter 79).” The 2000 Redevelopment Report concluded that the Gardens neighborhood was an area in need of redevelopment.

62. Despite commissioning THP, Inc. to undertake the redevelopment investigation of the Gardens neighborhood in 2000, the Township Council never authorized its own action by resolution.

63. At the time the Township Council commissioned the 2000 Redevelopment Report, it had not passed any resolution assigning the Township's Planning Board to undertake a preliminary investigation to determine whether the proposed area qualified as a redevelopment area.

64. The 2000 Redevelopment Report was prepared without the Planning Board preparing a map showing the boundaries of the proposed redevelopment area, without notice of a public hearing and without a public hearing being held so that those affected or interested could be heard.

65. As part of its redevelopment process, the planners conducted a survey of the Gardens residents.

66. According to that survey, 90% of the households in the Gardens have annual incomes below \$40,000, 43% earn between \$20,000 and \$40,000, and nearly half—47%—earn less than \$20,000.

67. The survey also demonstrated that when questioned about the Township's plans for redevelopment, residents raised serious concerns such as fear of displacement due to commercial zoning and the whether new units would be affordable to current residents.

68. Most significantly, when questioned about whether they would prefer to be relocated out of the Gardens or remain where they are living, more than 2/3 of the residents preferred to remain living in the Gardens.

69. Almost two years later, on July 30, 2002, Township Council passed Resolution No. 2002-166 authorizing the Township's Planning Board to undertake a preliminary investigation and to hold a public hearing to determine whether the Gardens neighborhood was an area in need of redevelopment.

70. Just five weeks later, the Planning Board received a report entitled "Redevelopment Area Determination Report," dated September 3, 2002 ("The 2002 Redevelopment Report"), which was prepared by Janice E. Talley, one of the original authors of the previous 2000 Redevelopment Report. This "new" 2002 Redevelopment Report prepared for the Planning

Board, with just a few minor changes, is the same study as the 2000 Redevelopment Report prepared nearly two years earlier for the Township Council. The 2002 Redevelopment Report, for instance, contains the same two year-old property descriptions, the same two year-old pictures and parrots the same two year-old conclusions that the Gardens qualified as a redevelopment area as the previous 2000 Redevelopment Report.

71. On September 16, 2002, nearly two weeks after the 2002 Redevelopment Report had already been submitted to the Planning Board and nearly two years after the identical 2000 Redevelopment Report was prepared for the Township Council, the first public hearing was held by the Planning Board on the question whether the Gardens should be designated as a redevelopment area. The 2002 Redevelopment Report was not amended or updated to contain or address any of the public's concerns raised at the public hearing.

72. On October 21, 2002, the Planning Board passed Resolution No. 2002-10, adopting the findings and conclusions of the 2002 Redevelopment Report and recommending that the Township Council designate the Gardens neighborhood as a "redevelopment area" within the meaning of N.J.S.A. 40A:12A-1 et. seq.

73. On October 28, 2002, the Township Council passed Resolution No. 2002-217, accepting the factual findings of the 2002 Redevelopment Report, accepting the Planning Board's recommendations and formally designating the Gardens neighborhood as an area in need of redevelopment under N.J.S.A. 40A:12A-1 et seq.

74. The Township Council, in Resolution No. 2002-217 passed on October 28, 2002, did not state or otherwise indicate that by designating the Gardens neighborhood as an area in need of redevelopment that any of the homes in the Gardens would be demolished.

75. In April 2003, the Township Council made public a document entitled "The Gardens

Area Redevelopment Plan” (“Plan”), which was also prepared by Janice E. Talley. The Redevelopment Plan called for the total demolition of all the homes in the Gardens community and relocation of all the residents. The Plan also called for replacing less than half the number of housing units, and constructing new units that would be much more expensive than the existing Gardens homes. The Plan provides for only 30 rental units, and those units would be available only to seniors.

76. The Township Council and Mayor knew or had reason to know that this Plan would result in Gardens residents being permanently forced out of their neighborhood because they would not be able to afford or qualify for the replacement units.

77. The Township Council and Mayor also knew or had reason to know that there was an inadequate supply of affordable housing in the area and especially within the Township. They therefore knew that a significant number of Gardens residents would be forced to move out of Mt. Holly and would have great difficulty in securing decent affordable housing.

78. The Plan, which contains only an unsubstantiated claim that there is an adequate supply of housing in the region, fails to properly address the issue of either temporary or permanent relocation.

79. Before publicizing the Redevelopment Plan in April 2003, neither the Township Council, nor the other municipal defendants, ever notified the residents of the Gardens neighborhood, including the plaintiffs, that their homes would be demolished as a result of designating the Gardens neighborhood as a redevelopment area.

80. On August 11, 2003, the Township held a public hearing on the adoption of the

Redevelopment Plan. Over 100 Gardens residents appeared before Township Council protesting against the proposed Redevelopment Plan and the demolition of their homes. Among the objections raised by the residents were the following:

- a. The residents of the Gardens feel a strong sense of community. Many are long-term residents. They felt surrounded by family and friends. They feel a sense of pride in the community. They like that it is racially and ethnically diverse.
- b. Many residents are low-income. Some had been homeless in the past. They are fearful that they will not be able to afford the new units that were being planned for construction and that they will not be able to find other housing in the area they could afford.
- c. Some residents, including some elderly homeowners, have paid off their mortgages. They are afraid that if they lose their homes they will never be able to purchase another one.

81. Also on August 11, 2003, plaintiff Citizens in Action submitted to the Township Council detailed written objections to the Redevelopment Plan with proposed alternatives to demolition of the residents' homes. Among the objections raised by Citizens in Action was that the Redevelopment Plan was drafted without meaningful input from the residents and in disregard of the residents' needs; that it discriminated against African-American and Hispanic residents on the basis of race and ethnicity; that it did not realistically provide for housing that was decent and affordable for the residents, either as to units to be newly constructed in the Gardens area or replacement housing elsewhere in Mt. Holly Township or Burlington County;

and that it would cause severe hardship by forcing most residents, many of whom have lived in the Gardens for many years, to lose their homes and move out of their community.

82. On September 8, 2003, the Township Council passed Ordinance No. 2003-12 adopting the Redevelopment Plan as originally proposed, calling for the demolition of all 379 Gardens neighborhood homes and replacing them with 180 units much more expensive than the existing Gardens homes and unaffordable to most of the Gardens residents.

83. By adopting the Plan, the Township disregarded all of the input it had received from the Gardens residents and failed to address the residents' objections and concerns.

84. During the course of the planning process, the Township failed to provide adequate translation of documents into Spanish or provide quality Spanish interpretation at public meetings, even though Township officials knew or had reason to know that a significant number of Gardens residents have limited knowledge of English.

85. The Township had previously targeted other predominately non-white neighborhoods for redevelopment initiatives that required large scale demolition of homes and displacement of residents.

### **FIRST COUNT**

#### **VIOLATION OF PROCEDURES MANDATED UNDER THE NEW JERSEY LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ., IN DETERMINING THAT THE GARDENS IS AN AREA IN NEED OF REDEVELOPMENT**

86. All allegations made in this Complaint are incorporated by reference as if set forth in full herein.

87. The Township Council violated the statutory procedures mandated by the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., in reaching its determination that the Gardens neighborhood is an area in need of redevelopment.



88. The New Jersey Legislature has set forth the specific procedures that municipalities must follow under the New Jersey Local Redevelopment and Housing Law in order to declare an area in need of a redevelopment area. Pursuant to N.J.S.A. 40A:12A-6(a):

No area of a municipality shall be determined a redevelopment area unless the governing body of the municipality shall, by resolution, authorize the planning board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to the criteria set forth in section 5 of P.L. 1992, c. 79 (C.40A:12A-5). Such determination shall be made after public notice and public hearing as provided in subsection b of this section. The governing body of a municipality shall assign the conduct of the investigation and hearing to the planning board of the municipality. (Emphasis added).

89. The Township Council superseded its statutory authority when it commissioned THP, Inc., a private company, to investigate in 2000 whether the Gardens qualified as an area in need of redevelopment.

90. The Township Council violated N.J.S.A. 40A:12A-6(a) by commissioning the 2000 Redevelopment Report in November 2000 without first passing a resolution authorizing the Planning Board to undertake the required preliminary investigation.

91. Instead of assigning the conduct of the preliminary investigation to the Planning Board, as required by N.J.S.A. 40A:12A-6(a), the Township Council impermissibly carried out its own preliminary investigation in 2000 in violation of N.J.S.A. 40A:12A-6(a).

92. The Planning Board abdicated its statutory responsibilities to conduct an independent, preliminary investigation by adopting the 2002 Redevelopment Report on October 21, 2002, which was the same study, with only minor changes, as the 2000 Redevelopment Report already prepared nearly two years earlier in November 2000 for the Township Council.

93. The Township Council's circumvention of its statutory duties has seriously

prejudiced plaintiffs by determining that the Gardens is an area in need of redevelopment without giving plaintiffs any meaningful opportunity to be heard in accordance with the express provisions and spirit of N.J.S.A. 40A:12A-6(a).

94. The Township Council's designation of the Gardens neighborhood as a redevelopment area pursuant to Resolution No. 2002-217 on October 28, 2002, is fundamentally flawed in violation of N.J.S.A. 40A:12A-6(a) and is invalid and ultra vires.

### **SECOND COUNT**

#### **DESIGNATION OF THE GARDENS AS A REDEVELOPMENT AREA WAS ARBITRARY AND CAPRICIOUS AND CONTRARY TO THE PROVISIONS OF NEW JERSEY LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.**

95. All allegations made in this Complaint are incorporated by reference as if set forth in full herein.

96. The 2002 Redevelopment Report adopted by Township Council in Resolution No. 2002-217 and upon which defendants relied in designating the Gardens an area in need of redevelopment contained significant erroneous factual findings and unsupported conclusions.

97. The New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-5 et seq., sets forth specific criteria that must be met in order for an area to be determined in need of redevelopment. These criteria are as follows:

- a. The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space as to be conducive to unwholesome living or working conditions;
- b. Discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable;
- c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by

reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital;

d. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light, and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community;

e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real property therein, or other conditions, resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to or serving the public health, safety, and welfare.

f. Areas, in excess of five contiguous acres, whereon buildings of improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.

98. The Gardens neighborhood does not meet any of the criteria set forth in N.J.S.A. 40A:12A-5 for designation of an area in need of redevelopment. Some, but not a significant number, and clearly not “a generality” of the buildings are substandard. There are no abandoned commercial or industrial sites. The only government-owned buildings are those which the Township has purchased and intentionally removed from the real estate market. There are no areas with buildings lack light and sanitary facilities or are so dilapidated as to be detrimental to health and safety, nor are there are no deleterious land uses. The homes in the Gardens are held in fee simple ownership and there are no common title problems. There are also no areas destroyed by natural disasters.

99. In addition, the 2002 Redevelopment Report relied upon and adopted by Township Council is erroneous, speculative, inconsistent and incomplete. For instance, the 2002 Redevelopment Report concludes that the generality of buildings are “substandard, unsafe, unsanitary, dilapidated, or obsolescent,” despite the fact that the consultants preparing the

Report performed no interior inspections, and the Report contains no interior descriptions, of any of the homes within the Gardens. Similarly, the Report found that the homes located on Block 12.04, Lots 30-39 to be in "very good condition" but nonetheless concluded that this block met "criteria a" for containing "substandard units." Further, the Report erroneously concludes that Mt. Holly Township's designation as an Urban Enterprise Zone automatically qualifies it as a redevelopment area, contrary to the prohibition set forth under N.J.S.A. 40A:12A-5(g). The above is illustrative, though not exhaustive, of the arbitrariness and unreasonableness of the 2002 Redevelopment Report.

100. The actions of the Planning Board in recommending the designation of the Gardens as an area in need of redevelopment was arbitrary and capricious and unsupported by substantial evidence.

101. The actions of the Township Council in designating the Gardens as an area in need of redevelopment was arbitrary and capricious and unsupported by substantial evidence.

### **THIRD COUNT**

#### **ADOPTION OF THE REDEVELOPMENT PLAN WAS ARBITRARY AND CAPRICIOUS AND CONTRARY TO THE PROVISIONS OF NEW JERSEY LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.**

102. All allegations made in this Complaint are incorporated by reference as if set forth in full herein.

103. The Township's Redevelopment Plan fails to substantially comply with the requirements of N.J.S.A. 12A-7 of the Local Redevelopment and Housing Law, including but not limited to, failing to include an outline for the planning, development, redevelopment, or rehabilitation of the project area sufficient to determine its relationship to definite local

objectives; the adequate provision for relocation of residents; and its relationship to master plans of contiguous municipalities, county, and State Development and Redevelopment Plan.

104. The Redevelopment Plan is not substantially consistent with the Township Master Plan or designed to effectuate the Master Plan, and the Township Council failed to follow the procedures set forth in N.J.S.A. 40A:12A-7(d) for adoption of a redevelopment plan that is inconsistent with or not designed to effectuate a master plan.

105. The Redevelopment Plan completely fails to provide for the housing needs of Township residents. By calling for the demolition of all existing 379 homes in the Gardens neighborhood and replacing them with only 180 much more expensive housing units unaffordable to most Gardens residents, the Redevelopment Plan will cause the net loss of almost 200 affordable housing units in Mt. Holly Township. The Plan also proposes to use some of the land within the neighborhood that is currently designated for residential use to be redesignated for commercial use, further decreasing affordable housing. Implementation of the Plan will thus increase and perpetuate overcrowding, excessive housing cost burdens, residence by low and very low-income families in substandard units, and homelessness.

106. The Redevelopment Plan contravenes its stated goals of providing a variety of housing options that meet the needs of the Mt. Holly community, increasing homeownership opportunities for existing and future residents, and ensuring that new dwelling units remain affordable.

107. The Redevelopment Plan is inconsistent with the goals of the State Development and Redevelopment Plan.

108. The Redevelopment Plan is inconsistent with the purposes of the Local

Redevelopment and Housing Law, N.J.S.A. 40A:12A-2, as it does not serve to correct and ameliorate conditions of deterioration in a manner which promotes the advancement of community interests and physical development which will be most conducive to social and economic improvement of the state and its municipalities.

109. The actions of the Township Council in adopting the Redevelopment Plan were arbitrary and capricious, unreasonable and contrary to the public interest.

#### **FOURTH COUNT**

#### **VIOLATION OF TITLE VIII OF THE FAIR HOUSING ACT OF 1968, 42 U.S.C. §3601 ET SEQ.**

110. All allegations made in this Complaint are incorporated by reference as if set forth in full herein.

111. Defendants' Redevelopment Plan unlawfully discriminates against African-American and Hispanic households living within the Gardens neighborhood in violation of The Fair Housing Act, Title VIII of the Civil Rights Act of 1968, 42 U.S.C. §3601 et seq.

112. Pursuant to 42 U.S.C. §3604(a) of Title VIII of The Fair Housing Act of 1968, it is unlawful to refuse to sell or rent, 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, familial status, or national origin.

113. Pursuant to 42 U.S.C. §3604(b) of Title VIII of The Fair Housing Act of 1968, it is unlawful to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, or national origin.

114. By seeking to demolish all 379 homes within the Gardens neighborhood and

proposing to construct only 180 much more expensive replacement housing units unaffordable to most African-American and Hispanic households living in the Gardens, defendants will cause the disproportionate displacement and forced removal of African-American and Hispanic households and thus will have a discriminatory impact upon the basis of race, color and national origin in violation of 42 U.S.C. §3604(a).

115. By implementing the Redevelopment Plan, defendants will reduce the overall number of African-American and Hispanic households living in Mt. Holly Township and will create barriers for African-American and Hispanic households to remain in and move into Mt. Holly Township, thereby perpetuating segregation within Mt. Holly Township in violation of 42 U.S.C. §3604(a).

116. Defendants have further violated 42 U.S.C. §3604(b) by discriminating against African-American and Hispanic households living in the Gardens neighborhood in the provision of services or facilities in connection with housing, by, among other things, failing to provide adequate essential services such as code enforcement, policing, and trash collection/clean-up; by purchasing properties and leaving them in vacant and deteriorated condition; by failing to obtain and expend funds for community improvements; and by failing to support community-led initiatives for improving housing and quality of life in the Gardens.

117. In addition to violating Title VIII due to discriminatory impact, defendants have intentionally discriminated against plaintiffs and other African-American and Hispanic households living in the Gardens neighborhood contrary to Title VIII. This intentional discrimination is made evident by the following:

- a. The defendants knew that the residents of the Gardens were predominately African-American and Hispanic, and that the Gardens community was one of the most

concentrated populations of African-American and Hispanic persons in the Township.

- b. The defendants knew or should have known that the African-American and Hispanic residents would experience hardship from being forcibly relocated and would have great difficulty in securing adequate replacement housing.
- c. The defendants knew or should have known that the predominately African-American and Hispanic Gardens residents would be unable to afford the proposed new housing to be constructed under the Redevelopment Plan and that such residents would find few affordable housing options within Mt. Holly Township and would be likely to be forced to move out to other municipalities.
- d. The defendants knew or should have known that implementation of the Plan would result in decreasing the numbers of African-American and Hispanic residents in Mt. Holly.
- e. The defendants deviated from procedural and substantive norms by violating the procedures mandated by the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., in reaching its determination that the Gardens neighborhood is an area in need of redevelopment, as described more fully under the First Count of the Complaint.
- f. The defendants deviated from procedural and substantive norms by adopting a Redevelopment Plan that is inconsistent with the policies and priorities of the Burlington County Consolidated Plan, the Township's Master Plan, and the state Development and Redevelopment Plan.



The defendants have previously considered redevelopment plans that target predominately African-American and Hispanic residents for displacement and relocation out of the Township.

- g. The defendants failed to provide opportunities for meaningful participation in the public process for Hispanic residents of the Gardens by either failing to translate documents which were made available in English into Spanish and to provide oral translation at public meetings, or by providing very poor quality translation, even though they knew or should have known that a significant number of the affected population are Hispanic and have limited English proficiency.
- h. Defendants knowingly and deliberately contributed to creating adverse living conditions at the Gardens by failing to provide adequate essential services such as code enforcement, policing, and trash collection/clean-up, by purchasing properties and leaving them in vacant and deteriorated condition, by failing to obtain and expend funds for community improvements, and by failing to support community-led initiatives for improving housing and quality of life in the Gardens.
- i. The defendants' prior history regarding its treatment the Gardens and its adoption of the Plan despite knowledge of its discriminatory effects demonstrate that defendants intended to and did discriminate against plaintiffs on the basis of race, color, and national origin.

118. Defendants have thus unlawfully discriminated against plaintiffs in violation of The Fair Housing Act, Title VIII of the Civil Rights Act of 1968, 42 U.S.C. §3601 et seq.

**FIFTH COUNT**

**VIOLATION OF NEW JERSEY LAW AGAINST DISCRIMINATION,  
N.J.S.A. 10:5-1 ET SEQ.**

119. All allegations made in this Complaint are incorporated by reference as if set forth in full herein.

120. N.J.S.A. 10:5-12.5 of the New Jersey Law Against Discrimination states that “[i]t shall be unlawful discrimination for a municipality, county or other local civil or political subdivision of the State of New Jersey, or an officer, employee, or agent thereof, to exercise the power to regulate land use or housing in a manner that discriminates on the basis of race, creed, color, national origin, ancestry, marital status, familial status, sex, nationality or handicap”

121. By seeking to demolish all 379 homes within the Gardens neighborhood and proposing to construct only 180 much more expensive replacement housing units unaffordable to most African-American and Hispanic households living in the Gardens, defendants will cause the disproportionate displacement and forced removal of African-American and Hispanic households and thus will have a discriminatory impact upon the basis of race, color and national origin in violation of N.J.S.A. 10:5-12.5.

122. By implementing the Redevelopment Plan, defendants will reduce the overall number of African-American and Hispanic households living in Mt. Holly Township and will create barriers for African-American and Hispanic households to remain in and move into Mt. Holly Township, thereby perpetuating segregation within Mt. Holly Township in violation of N.J.S.A. 10:5-12.5.

123. Defendants have further violated N.J.S.A. 10:5-12.5 by discriminating against

African-American and Hispanic households living in the Gardens neighborhood in the provision of services or facilities in connection with housing, by, among other things, failing to provide adequate essential services such as code enforcement, policing, and trash collection/clean-up; by purchasing properties and leaving them in vacant and deteriorated condition; by failing to obtain and expend funds for community improvements; and by failing to support community-led initiatives for improving housing and quality of life in the Gardens.

124. In addition to violating the New Jersey Law Against Discrimination due to discriminatory impact, defendants have intentionally discriminated against plaintiffs and other African-American and Hispanic households living in the Gardens neighborhood contrary to N.J.S.A. 10:5-12.5 as described under the Fourth Count of this Complaint.

125. Defendants have thus unlawfully discriminated against plaintiffs in violation of N.J.S.A. 10:5-12.5 of the New Jersey Law Against Discrimination.

### **SIXTH COUNT**

#### **VIOLATION OF SECTION 601 OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, 42 U.S.C. §2000d**

126. All allegations made in this Complaint are incorporated by reference as if set forth in full herein.

127. Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d, provides that no person in the United States shall be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance on the grounds of race, color, or national origin.

128. Section 602 of Title VI, 42 U.S.C. §2000d-1, authorizes every federal department and agency which is empowered to extend federal financial assistance to any program or activity to effectuate the provisions of Section 601 by issuing regulations.

129. Pursuant to Section 602, the United States Department of Housing and Urban Development (“HUD”) has promulgated regulations at 24 CFR Part 1 that provide that no person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving HUD assistance on the basis of race, color, national origin. These regulations at 24 CFR §1.4 (b) specifically prohibit a recipient of financial assistance from taking certain discriminatory actions, directly or through contractual or other arrangements, on the ground of race, color, or national origin, including but not limited to the following:

- i. deny any person any housing accommodations, facilities, services, financial aid, or other benefits;
- ii. provide any housing, accommodations, facilities, services, financial aid, or other benefits to a person which are different, or are provided in a different manner, from those provided to others;
- iii. subject a person to segregation or separate treatment in any matter related to his or her receipt of housing, accommodations, facilities, services, financial aid, or other benefits;
- iv. restrict a person in any way to access to such housing, accommodations, facilities, services, financial aid, or other benefits, or in the enjoyment of any advantage or privilege enjoyed by others;
- v. deny a person opportunity to participate in the program or activity or afford him or her an opportunity to do so which is different from that afforded others under the program or activity;

- vi. in determining the types of housing, accommodations, facilities, services, financial aid, or other benefits which shall be provided under any such program or activity, or the class of persons to be afforded an opportunity to participate in such program or activity, utilize criteria or methods of administration which have the effect of defeating or substantially impairing accomplishment of the objectives of the program or activity as respect to persons of a particular race, color, or national origin.

130. The regulations also instruct the recipient to take affirmative action to overcome the effects of conditions which resulted in limiting participation by persons of a particular race, color, or national origin in its programs and activities. 24 CFR §1.4 (b)(6)(ii).

131. Defendant Mt. Holly Township is a recipient of federal financial assistance, including but not limited to Community Development Block Grants and other grants from HUD, 42 U.S.C. §5301 et seq. This federal financial assistance is being utilized in part to support the planning, development, and implementation of the Redevelopment Plan. Defendant Mt. Holly Township is therefore subject to the requirements of Title VI.

132. Defendant Mt. Holly Township intentionally discriminated against the plaintiffs and other African-American and Hispanic residents of Mt. Holly Gardens on the basis of race, color, and national origin. In addition to the acts as described under the Fourth Count of this Complaint, this intentional discrimination is made further evident by the following:

- a. The defendants were fully aware of the requirements of Title VI and of their obligations, as recipients of federal assistance, to comply with their assurances to HUD that they will meet such requirements.

- b. The defendants knowingly violated HUD's Title VI regulations by adopting a Redevelopment Plan calling for total demolition of the Gardens and relocation of all the residents, because the Plan has the effect of discriminating against plaintiffs on the basis of their race, color, and national origin.
- c. The defendants deviated from procedural and substantive norms by failing to comply with federal regulations requiring the Township to affirmatively further fair housing, specifically by failing to conduct an analysis of the impediments to fair housing within Mt. Holly Township as required under 42 U.S.C. §5304(b)(2) and 24 C.F.R. § 91.225(a)(1) & (2) as a recipient of CDBG funds.

133. Defendants have thus unlawfully discriminated against plaintiffs in violation of Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d.

#### **SEVENTH COUNT**

#### **VIOLATION OF CIVIL RIGHTS ACT OF 1866, 42 U.S.C. §1982**

134. All allegations made in this Complaint are incorporated by reference as if set forth in full herein.

135. The Civil Rights Act of 1866, as amended, 42 U.S.C. §1982, guarantees that “[a]ll citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property.”

136. By seeking to demolish all 379 homes within the Gardens neighborhood and proposing to construct only 180 much more expensive replacement housing units unaffordable to most African-American and Hispanic households living in the Gardens, defendants are

intentionally seeking to deprive the plaintiffs and other African-American and Hispanic residents of the same right to inherit, purchase, lease, sell, hold, and convey real and personal property as is enjoyed by white citizens, in violation of to 42 U.S.C. §1982.

137. Defendants have otherwise intentionally discriminated against plaintiffs and other African-American and Hispanic residents of the Gardens neighborhood as described under the Fourth, Fifth Count and Sixth Counts of this Complaint.

138. Defendants have thus violated plaintiffs rights guaranteed under 42 U.S.C. §1982.

### **EIGHTH COUNT**

#### **VIOLATION OF 42 U.S.C. §1983 FOR DENIAL OF EQUAL PROTECTION CLAUSE OF FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION**

139. All allegations made in this Complaint are incorporated by reference as if set forth in full herein.

140. Defendants have intentionally discriminated against plaintiffs and other African-American and Hispanic residents of the Gardens neighborhood in designating the Gardens as a redevelopment area and in adopting the Redevelopment Plan as described under the Fourth, Fifth, Sixth and Seventh Counts of this Complaint.

141. Defendants have, under color of state law, intentionally deprived the plaintiffs of their rights to equal protection under the law as guaranteed to them by the Fourteenth Amendment of the United States Constitution because of their race, ethnicity and/or national origin, in violation of 42 U.S.C. §1983.

### **NINTH COUNT**

#### **VIOLATION OF EQUAL PROTECTION CLAUSE OF ARTICLE I, PARAGRAPH 1 OF NEW JERSEY CONSTITUTION**

142. All allegations made in this Complaint are incorporated by reference as if set forth in full herein.

143. Defendants have intentionally discriminated against plaintiffs and other African-American and Hispanic residents of the Gardens neighborhood in designating the Gardens as a redevelopment area and in adopting the Redevelopment Plan as described under the Fourth, Fifth, Sixth and Seventh Counts of this Complaint.

144. Defendants, under color of law, have intentionally deprived the plaintiffs of their rights to equal protection of the law because of their race, ethnicity and/or national origin, in violation of Article I, Paragraph 1 of New Jersey Constitution.

#### **TENTH COUNT**

##### **VIOLATION OF SUBSTANTIVE DUE PROCESS UNDER ARTICLE I, PARAGRAPH 1 OF NEW JERSEY CONSTITUTION**

145. All allegations made in this Complaint are incorporated by reference as if set forth in full herein.

146. The Township's Redevelopment Plan violates substantive due process under Article 1, Paragraph 1 of the Constitution of the State of New Jersey. The means selected under the Plan--the total demolition of all the homes in the Gardens community and replacing less than half the number with much more expensive housing units unaffordable to Gardens residents—does not have a real and substantial relation to Township's redevelopment goals of providing decent and affordable housing for the residents and is otherwise not reasonably calculated to achieve such goals.

147. Defendants, under color of law, have violated plaintiffs rights of substantive due process of law under Article I, Paragraph 1 of New Jersey Constitution.



### **PRAYER FOR RELIEF**

**WHEREFORE**, plaintiffs respectfully requests that the Court enter judgment against defendants, Township of Mt. Holly, Township Council of Mt. Holly and Mayor Donald Scattergood:

- A. Declaring defendants' designation of Mt. Holly Gardens as a redevelopment area to be void and ultra vires for failing to comply with the procedural requirements of New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.;
- B. Declaring defendants' designation of Mt. Holly Gardens as a redevelopment area to void and ultra vires since defendants' determination was arbitrary, capricious, unreasonable and unsupported by substantial evidence in violation of N.J.S.A. 40A:12A-1 et seq.;
- C. Declaring that defendants' Redevelopment Plan is arbitrary, capricious, unreasonable and void for failing to comply with the criteria mandated under, N.J.S.A. 40A:12A-1 et seq.;
- D. Declaring that defendants have violated plaintiffs' rights under Title VIII of the Civil Rights Act of 1968, 42 U.S.C. §3601 et seq.;
- E. Declaring that defendants have violated plaintiffs' rights under the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq.;
- F. Declaring that defendants have violated plaintiffs' rights under Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d;
- G. Declaring that defendants have violated plaintiffs' rights under 42 U.S.C. §1982;

- H. Declaring that defendants have violated plaintiffs' rights to equal protection of the law guaranteed by the 14th Amendment to the United States Constitution in contravention of 42 U.S.C. § 1983;
- I. Declaring that defendants have violated plaintiffs' rights to equal protection of the law and substantive due process guaranteed by Article I, Paragraph 1 of New Jersey Constitution;
- J. Preliminarily and permanently enjoining defendants from implementing their current Redevelopment Plan;
- K. Preliminarily and permanently enjoining defendants from demolishing, removing, purchasing or obtaining through eminent domain residential dwellings within Mt. Holly Gardens;
- L. Preliminarily and permanently compelling to defendants to provide the residents of Mt. Holly with adequate municipal services, including but not limited to police, fire protection, code enforcement, trash collection and community services;
- M. Awarding compensatory damages;
- N. Awarding punitive damages;
- O. Awarding plaintiffs costs of suit;
- P. Granting such other relief and the Court deems just and proper.

**DESIGNATION OF TRIAL COUNSEL**

In accordance with R. 4:5-1(c), Kenneth M. Goldman, Esquire, is hereby designated as trial counsel on behalf of plaintiffs in this matter.

Dated: October 31, 2003

SOUTH JERSEY LEGAL SERVICES, INC.  
Attorneys for Plaintiffs

By: \_\_\_\_\_  
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By: \_\_\_\_\_  
DINA AVILA-JIMENEZ, ESQUIRE

**RULE 4:69-4 CERTIFICATION**

Pursuant to Rule 4:69-4, I hereby certify that all necessary transcripts of the proceedings below have been ordered.

**RULE 4:5-1(b) CERTIFICATION**

Pursuant to Rule 4:5-1(b), I hereby certify that to the best of my knowledge the matter in controversy is not the subject of any other action pending in any court or of a pending arbitration

*South Jersey Legal Services, Inc*

proceeding and that no other action or arbitration proceeding are contemplated, and that I presently do not know the identity of any other party who should be joined in this action.

I certify that the foregoing statements made by me are true. I understand that if any of the above statements made by me are willfully false, I am subject to punishment.

Dated: October 31, 2003

SOUTH JERSEY LEGAL SERVICES, INC.  
Attorneys for Plaintiffs

By: \_\_\_\_\_  
KENNETH M. GOLDMAN, ESQUIRE