

A Blow Against Exclusion

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Abstract:

Cities can face large fines for disparate treatment of minority communities in access to public services.

CHAPEL HILL -- This month a jury in Zanesville, Ohio, awarded \$10.9 million to residents of a mostly black neighborhood after finding that the local government discriminated against the community by denying access to public water service, even though it provided water to nearby predominantly white neighborhoods. Low-income and minority neighborhoods across the country face similar discriminatory patterns of municipal exclusion.

The verdict in Ohio recognized the disparate treatment that the Cole Run community suffered, and it provided communities nationwide with a potent tool in their struggle against racially discriminatory land-use policies and practices. The case has also highlighted an issue that results not only in inadequate public services, but also in the social and political exclusion of these communities.

The Zanesville verdict has a larger potential as well: It presents a unique opportunity for state and local governments to review and revise laws and policies that have created and entrenched similar patterns of discrimination and exclusion, and to aggressively move to remedy the ongoing impacts of such patterns.

The verdict also encourages the ongoing efforts of community-based groups to continue to push for inclusion, equal treatment and full participation in their communities. The jury's action should remind those who don't live in excluded neighborhoods that such practices diminish the well-being and quality of their lives and prevent the community from achieving the full realization of its collective potential.

Significant work on this issue is being done in North Carolina, where it is believed that more than 31 minority communities are facing some form of municipal exclusion. To document and identify these communities, the UNC Center for Civil Rights has worked with the Mebane-based Cedar Grove Institute for Sustainable

Communities, which provided maps and expert testimony in the Zanesville case, and the Legal Aid Clients Council of N.C.

In Moore County, the center works with communities that have achieved success through grass-roots organizing to obtain municipal services and increase awareness of their plight. The Jackson Hamlet neighborhood's advocacy led Pinehurst to provide street lights and water and sewer services, and to pursue annexation of the community, which would allow residents to receive additional municipal services and vote in local elections.

Through organized community action, both the Midway community, working with the town of Aberdeen, and the Waynor Road community, working with Southern Pines, secured water and sewer services, an annexation commitment and increased political participation in local government. In addition, the center helped each of these organizations conduct community assessments, research funding sources for municipal services, counsel residents on their legal and political rights and become tax-exempt entities, thereby enabling them to qualify for grants to continue their advocacy efforts.

Several other organizations in North Carolina, including the Southern Moore Alliance for Excluded Communities, N.C. Rural Communities Assistance Project and the Southern Coalition for Social Justice are already assisting excluded communities to meet the challenges those communities face. These organizations and communities are bringing tangible improvements, sustainability and inclusion through a range of strategies to help remedy the discriminatory effects of current land use practices.

There remains much work to be done; many other communities still face the effects of exclusion, which are broad and deeply ingrained. A comprehensive, coordinated effort is necessary to combat the issue. Forward-thinking local and state governments, progressive community groups, lawyers and other nonprofit organizations should seize the awareness and attention raised by the Zanesville verdict to vigorously press the issue in their own communities.

(Julius L. Chambers, former chancellor of N.C. Central University, is the director of the UNC Center for Civil Rights. Mark Dorosin is a senior attorney at the center.)