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Case Study: Municipal Underbounding and Communities of Color
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The three historically African-American communities of Jackson Hamlet, Midway, and Waynor Road are located on the fringes of affluent, rapidly growing municipalities and surrounded by the world-renowned golf courses of Moore County, North Carolina. There are vast racial and economic differences between these communities. According to US Census 2000 data, in each of the communities of Jackson Hamlet, Midway, and Waynor Road, the African American population is approximately 90% and the median family income is at or around \$23,000. The contrast is stark when compared to the adjacent municipalities. For example, in Pinehurst, which surrounds Jackson Hamlet and abuts Midway, only 3% of its population is African American and the median family income is \$67,353.ⁱⁱ

At risk of ultimately being engulfed and gentrified out of existence, the communities of Jackson Hamlet, Midway, and Waynor Road have worked collaboratively over the past five years, successfully drawing on each other's strengths and making use of outside organizations. Reviewing these efforts, Doris Ray, President of Waynor Road in Action, observed that a critical reason for their successes is that "every community supports each other."

With the help of Voices for Justice, the county-wide grassroots advocacy organization that originally brought these communities together, they created a network called the Southern Moore Alliance for Excluded Communities (SMAEC). SMAEC's primary focus has been to address the negative impact of municipal underbounding, a term used to describe a phenomenon in which minority communities are located just outside the boundaries of predominantly white

towns or cities thereby excluding them from essential city services, such as water and sewer, and in some cases no services at all. Municipal underbounding has been documented in Florida, Ohio, California, Missouri, Texas, Georgia, and North Carolina.ⁱⁱⁱ

To carry out its work, SMAEC meets monthly, as do each of the community groups. Outside of meetings, they assist each other in their separate community endeavors. A key example occurred when, after years of asking the town and county for water and sewer on his own and witnessing the success of Midway and Jackson Hamlet, Waynor Road leader Tommy Jones called a pivotal meeting under his carport in September 2006 to encourage his own community to organize. Carol Henry and Oneal Russ from Jackson Hamlet, Maurice Holland from Midway, and Bobby Person and Hilton Dunlap from Voices for Justice attended the meeting and agreed to share their communities' organizing experiences and extend their support. It worked. The community elected an executive committee, and they ultimately achieved their goal of bringing water, sewer, and road improvements to their community. Within 16 months, Waynor Road secured \$1.1 million from the state of North Carolina and the town of Southern Pines to extend water and sewer services to residents, part of the more than \$3 million secured by SMAEC communities for such purposes in the past five years. In the words of Oneal Russ, Vice-President of the Jackson Hamlet Community Action, "now, we feel empowered to work with local elected officials, and they will listen to us."

Because SMAEC was able to create a strong network within and among the communities it was able to utilize the broader resources of non-profit organizations such as the North Carolina Rural Communities Assistance Project (NRCRAP),^{iv} the Center for Civil Rights at the UNC School of Law (CCR),^v Cedar Grove Institute for Sustainable Communities,^{vi} and the Southern Coalition for Social Justice (SCSJ),^{vii} as well as private foundations such as Mary Reynolds

Babcock.^{viii} For example, NCRCAP played an important role enabling a partnership between Jackson Hamlet and the Resourceful Communities Program to explore an alternative wastewater management system for 25 homes in the community that will promote environmental stewardship, sustainable economic development, and social justice. Anita Earls, civil rights attorney and director of the SCSJ, recognizes the power of organized communities: “Outside groups can’t do this work until the communities are organized. What has happened in Moore County shows how success in one place can multiply and lead to success in other places.” Mark Dorosin, senior attorney at the UNC Center for Civil Rights agrees. “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.”

Such successes are spreading, both within these communities and to others. In their own communities, SMAEC is working on grassroots economic development initiatives such as a micro-lending program, setting the foundation for a credit union, and operating a community-based radio station. In January 2008, the Midway Community Association teamed up with Habitat for Humanity of Moore County and Self-Help Community Development Corporation to help purchase a nine-acre piece of land for the purposes of developing single-family affordable homes in its neighborhood. In efforts to help other communities in similar situations, SMAEC has partnered with the Legal Aid of North Carolina Clients’ Counsel, CCR, and SCSJ to host regional Workshops for Excluded Communities. The groups have hosted these one-day trainings in central, eastern, and western North Carolina. In addition, last spring members of SMAEC and communities that participated in these regional trainings took their concerns in a united front to the North Carolina General Assembly, where they testified in public hearings about the exclusionary effects of the state’s annexation laws. Their testimony dramatically changed the

course of public discourse, shedding light and attention on low-income and minority communities that are historically excluded from the benefits, services, and local democratic processes of the towns' which surround them.

Through education, networks, and organization, SMAEC has shown that communities can break down the invisible fences that keep them on the outside of the political process. "To see what we have done together so far makes me want to tell people that no one out there should ever be discouraged," says Carol Henry, President of Jackson Hamlet Community Action. "You can do things, even if it's just you because people will eventually be inspired and come along."

In this process of community organizing, education, and policy advocacy, lawyers and law students worked with community residents on a wide range of legal issues, including documenting the scope and effects of exclusion, understanding existing annexation laws and residents' rights under them, and supporting the most effective legal structure for the newly organized community organizations. In Moore County, each of the groups sought and obtained tax-exempt status as a 501(c)(3) organization.

As more information came to light, new roles for lawyers and law students emerged. Some of these roles were developing community education materials, testing neighborhood wells, assisting with neighborhood needs assessments, researching available funding sources for water and sewer infrastructure, investigating the towns' budgets, and developing a cost analysis to compare the cost of living before annexation and the costs after annexation. After evaluating available options for municipal inclusion, each of three communities decided that seeking annexation best fit their goals for gaining access to basic infrastructure and greater participation in local democracy. From there, legal assistance focused on helping community members prepare for meetings with local government officials, monitoring the government bodies to

ensure promises made were kept, and facilitating training sessions for other similarly situated communities across the state.

While the role of lawyers and law students in these efforts was important to promoting the communities' goals, it is also important to understand the communities' roles. The communities called all community meetings and set the agenda for meetings. Community members always accompanied the lawyers to other community members' houses and spoke to government officials or gave permission for the lawyers to speak on their behalf. The legal work could not have been done without the community's leadership and their longstanding relationships with their neighbors. The community, once organized, was and is absolutely the strongest tool in this effort.

ⁱ Christopher Brook, a staff attorney at SCSJ, and Diane Standaert, a former fellow at the UNC Center for Civil Rights, have worked with the Moore County communities in various capacities as law students and young lawyers during the past five years. Dorcas Gilmore is a Skadden Fellow at The Community Law Center in Baltimore, MD, addressing the legal needs of youth entrepreneurs using the community lawyering model.

ⁱⁱ UNC CENTER FOR CIVIL RIGHTS, *INVISIBLE FENCES: MUNICIPAL UNDERBOUNDING IN SOUTHERN MOORE COUNTY* 10 (2006), <http://www.law.unc.edu/documents/civilrights/briefs/invisiblefencesreport.pdf>.

ⁱⁱⁱ Michelle Wilde Anderson, *Cities Inside Out: Race, Poverty, and Exclusion at the Urban Fringe*, 55 *UCLA L. REV.* 1095 (2008).

^{iv} NCRCAP is a nonprofit organization that works across North Carolina. NCRCAP partners with rural areas to build community capacity to address public health, environmental quality, and community development issues pertaining to water, wastewater, and affordable housing needs. See <http://www.ncrcap.org> for more information (last visited Mar. 6, 2009).

^v The mission of the Center for Civil Rights is to advance civil rights and social justice, especially in the American South. See <http://www.law.unc.edu/centers/civilrights> for more information (last visited Mar. 6, 2009).

^{vi} The Cedar Grove Institute for Sustainable Communities (CGISC) supports citizens in the creation of more livable and sustainable communities by providing multi-disciplinary technical assistance, analysis and training (with a focus on the use of geographic information systems, maps, and public data) and develops tools that community groups can use in their efforts to promote equitable community development and wealth preservation. See <http://home.mindspring.com/~mcmoss/cedargrove/index.html> (last visited Apr. 20, 2009).

^{vii} The Southern Coalition for Social Justice promotes justice by empowering minority and low-income communities to defend and advance their political, social and economic rights. See <http://www.southerncoalition.org> for more information (last visited Mar. 6, 2009).

^{viii} The Mary Reynolds Babcock Foundation's mission is to help people and places to move out of poverty and achieve greater social and economic justice. See <http://www.mrbf.org> for more information (last visited Mar. 6, 2009).