The Effect of the Mount Laurel Decision on Segregation by Race, Income and Poverty Status

Damiano Sasso
College of New Jersey
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I. Introduction

    Few aspects of life are more important to New Jersey citizens than housing. Families view their houses not just as living quarters but investments to ensure future prosperity. A house provides a family with a solid asset yielding equity to borrow against. More importantly, houses provide citizens with a location for employment as well as public facilities. Recent empirical data suggest that neighborhood environment has an influence on the outcomes of the lives of children and adults. Several characteristics of neighborhoods that affect an individual's life are quality of local services, socialization by adults, peer influences, social networks, exposure to crime and violence, and isolation (Ellen, 1997). The way policy makers measure the value of neighborhoods, and in essence the effect of the environment on the residences, is by the median income of resident families.

    It is not financially feasible for all residents of New Jersey to own houses or land in the state. Impoverished citizens are often relegated to the townships of their birth, allowing for little opportunity to advance up the social and wealth ladders. This often leads to both racial and economic segregation based on family income levels. The Mount Laurel decision of 1975 required New Jersey townships to provide their "fair share" of low-income housing to those in need. New Jersey's Supreme Court provided an initiative with the original decision to increase available low cost housing, but there was supposedly no noticeable change in the housing patterns. The Mount Laurel II decision in 1980 set up a system of regulation outside of the court to determine the required amount of low-income housing. Along with the Fair Housing Act in 1985, the second decision attempted to guarantee a specific number of units labeled as low cost housing in each New Jersey township for those labeled as low income families. In theory, this

decision should have led to a decrease in economic segregation in the townships throughout the state, as well as a change in the levels of racial segregation.

As a result of Mount Laurel II, municipalities were required to provide a certain amount of housing at well below cost to those who qualified. To track the success of Mount Laurel II for decreasing economic and racial segregation, we calculate the standard deviation and coefficients of variation of the median family incomes, poverty rates, percentages of the population that are members of minority groups across census tracts for families living in three New Jersey counties (Burlington, Camden and Mercer). We compare these figures to identical calculations for three adjacent Pennsylvania counties (Bucks, Montgomery, and Philadelphia). According to researchers, the best way to measure the value of neighborhood characteristics is at the census tract level (Ellen, 1997). Therefore, data was found on the tract level for each county from 1960 through 2000 to observe any significant changes caused by Mount Laurel II. The purpose of this paper will be to analyze the effectiveness of the Mount Laurel framework.

II. Background

In 1975, the New Jersey Supreme Court ruled in Southern Burlington County that exclusionary zoning violated the New Jersey state constitution (Southern, 1976). Exclusionary zoning regulates land use to prevent low-income housing construction in the suburbs. The specific zoning laws included regulations against the construction of garden apartments and townhouses, minimum lot size requirements, minimum house size requirements, minimum frontage requirements, cost increasing design standards, laws against publicly subsidized housing, and excessive zoning for industrial or commercial uses (Wish & Eisdorfer, 1997). Most of these suburban exclusionary zoning policies were enacted after World War II in the 1950's

and 1960's due to race and class fears (Payne, 2001). The Mount Laurel I decision was based on

the idea that repealing these exclusionary constraints would help provide a "fair-share" of

housing to those in need of it. Those in need were classified according to income level, with the

state attempting to decrease racial segregation as a result (Payne, 2001). However, many

townships did not comply with Mount Laurel I because no specific definition was provided for

the concept of "fair-share" housing. None of the communities were required to meet any

housing goals, meaning the original Mount Laurel ruling accomplished nothing (Wish &

Eisdorfer, 1997).[1]

Justice Wilentz, in his decision for Mount Laurel II, discussed the "passive virtues" of

Mount Laurel I's repeal of exclusionary zoning. He argued that "due process and the general

welfare do not permit legislation to make things worse for poor people, even if poverty cannot be

cured by the state" (Southern, 1983). It is unconstitutional for the state to make poverty worse

by imposing further disadvantages on the general welfare. It was the court's opinion that anti-

exclusionary zoning violated the constitution through these means (Payne, 2000). However, the

New Jersey Constitution also called for an implicit constitutional right to shelter.

The Mount Laurel II decision in 1983 attempted to achieve this constitutional obligation

by establishing a quantifiable number that all state municipalities must meet regarding affordable

housing. The court concluded more aggressive measures were required because Mount Laurel I

had resulted in perpetuation of exclusionary zoning without an improvement in the shelter

problems of the poor (Payne, 2000). The Supreme Court therefore mandated "inclusionary"

zoning policies while keeping the original "fair-share" framework in the second decision (Payne,

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[1] The same situation existed in urban Chicago, where the case of Hills versus Gautreaux in 1976 attacked
exclusionary housing as a cause for racial segregation and a violation of civil rights. This case resulted in the
creation of federal housing certificates for minorities living in the Chicago project to move into white or racially
integrated neighborhoods. Hill v. Gautreaux produced a certificate program that was more effective than Mount
Laurel I's ambiguous "fair-share" framework. (Wish & Eisdorfer, 1997)

2001). Inclusionary zoning forces developers to build high density residential areas where about 20% of the houses are sold at an affordable price to low and moderate income households. The losses on the price of these affordable units are recovered through the higher density building procedures because extra houses are sold at market rate or higher. The difference between Mount Laurel I and Mount Laurel II is that Mount Laurel II forces developers to build low cost housing, without giving them the choice to shirk on their constitutional responsibility to do so (Payne, 2000). Following Mount Laurel II, the Fair Housing Act of 1985 was enacted to require every municipality to have a particular plan with regard to their objective figure for affordable housing. It also created the New Jersey Council for Affordable Housing (COAH) (Wish & Eisdorfer, 1997).

III. Goals and Criticisms of NJ Housing Policy

Chief among legislators' concerns in creating New Jersey State Housing Policies were the varied and competing objectives of the large-policy issue of economic segregation. Legislation such as Mount Laurel II and the Fair Housing Act included the goals of stabilizing urban neighborhoods and maximizing production of affordable housing for low and moderate-income families, or neutralizing exclusionary zoning effects by concentrating on stimulating the production of middle-income housing opportunities in the suburbs. However, within the framework of the Mount Laurel decisions and the Fair Housing Act were basic objectives, including increasing housing opportunities for low and moderate-income households, providing housing opportunities in the suburbs for residents that were previously excluded by past zoning policies, and enabling minority groups to relocate from densely populated areas to suburbs to improve racial and ethnic segregation (Wish & Eisdorfer, 1997).

Wish and Eisdorfer (Wish & Eisdorfer, 1997) examined whether these three basic policy goals have been achieved. In determining the need for possible changes to New Jersey policies on low-income housing set by the Mount Laurel II decision, Wish and Eisdorfer analyzed the comprehensive demographic data of the New Jersey Affordable Housing Management Service (AHMS), an agency established by the New Jersey Fair Housing Act that concentrates its efforts on low cost housing concerns, and presently contains records for 43,500 households. Their research indicates the COAH implemented plans for 50,000 units of affordable housing after the Mount Laurel II ruling. This coincides with 16,000 new units constructed before 1985, as well as 6,500 restored units. In 1995, 15,733 units of low income housing were produced, as well as 4,679 rehabilitated units (Wish & Eisdorfer, 1997). It is clear that low-income housing units are being produced. However, their data indicates that the three core goals of Mount Laurel II housing legislation have not been met entirely. First, low and moderate-income households are primarily represented in housing developments by minority households, female-headed households, households with single parents, and young households; however, large households are noticeably underrepresented in developments, leading the analysts to believe some severely impoverished groups are as well.

Second, the judicial intervention processes of the Fair Housing Act have resulted in few e relocations to the suburbs of residents who were previously excluded by past zoning policies. Only 182 households of 1248 (15%) known cases have resulted in the move from an urban to suburban community (Wish & Eisdorfer, 1997). Finally, movement from urban to suburban areas is strikingly lower for minorities than for Caucasians. For example, of the Caucasians living in urban areas, 65% migrated to the suburbs through AHMS assigned housing. In contrast, the majority of African-American applicants (86%) live in urban areas, but only 6%

migrated to the suburbs (Wish & Eisdorfer, 1997). These stats are further backed by recent census data showing that urban centers in America are 22% African American, while suburban areas are only 7% African American (Schill, 1995).

Lamar, Mallach, and Grimes identified 54 communities with affordable housing developments and obtained a count of the amount of inclusionary housing produced or planned within the first five years of the Mount Laurel II decision (1983-1988). These communities represented the majority of statewide affordable units, and of these units about 20% were inclusionary developments for a total of 11.717 by 1988. Then in 1985-1991, inclusionary units comprised 15% of the total New Jersey housing market (Lamar, Mallach, and Payne, 1989). However, Mallach and Payne analyzed the inclusionary zoning effects on and demographic statistics of 10 completed developments. The study indicated racial integration into suburban communities had not yet followed as a result of the Mount Laurel legislation (Payne, 1996). The Rutgers study also found that 75% of all the units in development from 1983-1988 were market-driven inclusionary zoned properties; they were mainly offered for sale and not rented, and they were typically developed on a large scale outside the perimeters of the urban centers (Lamar, Mallach, and Payne, 1989).

A trend of units being sold as opposed to rented suggests that the inclusionary developments favored moderate-income households and marginalized the severely low-income households. Inclusionary zoning in theory solves the problems for providing low cost housing for households that meet the defined low-income criteria of 50% or less of the median income for the area in which the household is located. Most of the low-income housing is priced for families that fall on the border of low and moderate-income. Therefore, inclusionary zoning

causes problems for families that fall at or below 40 percent of the median income (Calavita, 1997).

The development of units away from urban cores illustrates the difficulty of reducing the economic segregation of minority groups that have lived in central cities for generations. Because of prolonged exclusion these individuals could not adjust to a dramatic change to life in the suburbs. The AHMS as well as the COAH have been notorious for failing to provide minority support, as well as housing to those falling under the 40 percent or below margin for median income (Calavita, 1997). Since both minority and low-income groups are poorly recognized by New Jersey housing groups, it can be deduced that they are largely one in the same.

Ultimately, the data collected by both Wish & Eisdorfer and Lamar et al. is not comprehensive. The stated goal of the Mount Laurel doctrine, namely economic integration, can't be measure by counting the number of low-income units constructed and nothing their location. Instead, economic and racial integration should be measured directly and comparatively. A count of the number of units may overstate or understate the effects of the Mount Laurel / COAH regulation because: 1) the municipality is adding high-income housing at a rate faster than low income housing; 2) negotiated deals between municipalities to transfer obligations for low income housing (regional contribution agreements) may completely offset the effect of the regulations; 3) Low income housing may disappear at a faster rate than it is constructed. To better assess the effect of the Mount Laurel doctrine we calculate standard deviations of the median family incomes, percentage of families living below the poverty level, and percentage of the population that is minority for three adjacent counties in New Jersey and

Pennsylvania to measure the effects of the Mount Laurel decision with respect to economic and racial segregation.

Census data from 1960 through 2000 was collected at the tract level for the New Jersey counties of Burlington, Camden, Mercer and the Pennsylvania counties of Bucks, Montgomery, and Philadelphia. The choice of counties was crucial in testing whether Mount Laurel had an effect on both the standard deviation of median income as well as economic segregation. The Pennsylvania counties are intended to serve as a control. The six counties are all part of the Philadelphia metro area and they are divided only by a river that serves as the state line. As of 2000, Philadelphia County is only 45.0% white while Camden County is 70.9% white. Camden County also has a lower total of housing that is renter occupied, 30.8%, to the 40.7% in Philadelphia County. The vacant housing rate for Camden County is 7.0% while the vacant housing rate for Philadelphia County is 10.6%. These statistics suggest it is harder to find available housing in Camden than Philadelphia County, and harder to decrease minority segregation through housing in Mercer County. Since these statistics are from the recent Census 2000, this study will either prove that Mount Laurel has worked to maintain New Jersey economic segregation at the norm over the past decades or reduced it.

IV. Results

For each of the counties, family data were collected because they provide a more useful measure than individual or household statistics. Data was collected at the census tract level, the research standard, rather than at the municipal level. Tract information is more exact than data for individual municipalities because it avoids weighting towns with smaller populations and land area equal to those with larger figures. The number of census tracts increases over the

course of the past 40 years based on a rise in population. The standard deviation of median income was calculated for the six previously mentioned Pennsylvania and New Jersey counties for the census figures from 1960-2000, while the standard deviation of the percentage of families below the poverty level was accrued from 1970-2000. A higher standard deviation for median income would represent a greater amount of overall economic segregation while a higher standard deviation figure for the percentage of families below the poverty level would represent a greater amount of economic segregation with relation to the lowest income families. The focus is on the census data for 1980-2000 to show any noticeable difference in New Jersey economic segregation after the Mount Laurel I and II decisions and the Fair Housing act of 1985. We also calculate the coefficient of variation for each data set because higher average values will raise the standard deviation.

The standard deviation for the New Jersey and Pennsylvania counties are compared in Chart 1. The New Jersey data is also shown separately in Table 1 while the Pennsylvania data is show separately in Table 2.   Chart 1 shows that the standard deviations of the median family incomes between the Pennsylvania and New Jersey counties are similar until 1990 and 2000. In 1990, the standard deviation increases at a slightly higher rate in the Pennsylvania counties. This suggests Mount Laurel II and the Fair Housing Act may have had a slight positive effect. Camden County also contains one of the premier urban areas in New Jersey; these results suggest housing policy could have had a higher effect in major urban areas. The standard deviation of the suburban counties in both states (Mercer, Burlington and Bucks, Montgomery respectively) was also measured in Chart 2. They both remained similar, until economic segregation in the suburban counties became more prominent in the New Jersey counties over the decade 1990-2000.

Standard deviation rises with an increase in median incomes for both states. To correct for this we calculate the coefficient of variation. The coefficient of variation in Chart 3 and Chart 4 increases for Pennsylvania in Bucks, Montgomery, and Philadelphia counties (Chart 3 – all counties), but stays the same for the suburban counties (chart 4). However, in New Jersey urban and suburban counties, the coefficient of variation increases from 1960-1980 and then decreases for the decade 1980-1990. The suggests once again that Mount Laurel II and the Fair Housing Act could have had an initial effect on New Jersey economic segregation. The New Jersey data shows a modest reversal in the overall trend from 1980-1990, the period over which Mount Laurel II and the Fair Housing Act of 1985 first took effect. However, during the decade from 1990-2000, the measure of economic segregation reverts to the trend. This suggests that New Jersey municipalities found a way to subvert the regulation over time perhaps though increased use of regional contribution agreements.

The next two sets of data are percentage of families below the poverty level and percentage of minorities living in each census tract for New Jersey and Pennsylvania. The standard deviation and coefficient of variation was taken for the percentage of families below the poverty level for each state by census tract from 1970-2000 and shown in Chart 5 through Chart 8. Each state's standard deviation increased except New Jersey started to decrease in 1990 and increase again slightly in 2000. The coefficient of variation for this data increased for New Jersey every census year until 2000. This was in the wake of an increasing standard deviation of minority population percentage for New Jersey in 1990; Pennsylvania counties remained relatively the same during this period as shown in Chart 7. These charts suggest that the Mount laurel regulations had no discernable effect on economic segregation as measured by the standard deviation and coefficient of variation of poverty rates across census tracts.

Finally, charts 9 and 11 report standard deviations and coefficients of variation across census tracts for the percentage of minorities living in census tracts for all counties and suburban counties; charts 10 and 12 show the coefficient for the same respective data. Neither chart shows any evidence that the Mount Laurel regulations had any effect on the degree of racial segregation across census tracts in New Jersey. All this data suggests is that Mount Laurel II and the Fair Housing Act did not have a large effect on reducing economic segregation in New Jersey after the mid 1980's. However, the data suggests it did reduce the growth of economic segregation in Pennsylvania considerably in the suburban counties.

V. Conclusion

Mount Laurel II and the Fair Housing Act have shown only a slight impact on economic segregation measured by standard deviation and coefficients of variation of median family incomes across census tracts. The effects seem to be confined to the period 1980-1990. Not coincidentally, the regulations took effect in the middle of that decade. No effect of the regulations is apparent for the years 1990-2000. If we measure economic segregation using the standard deviation and coefficient of variation of poverty rates across census tracts, we are not able to detect any effect of the Mount Laurel regulations on the amount of economic segregation. If we measure racial segregation using the standard deviation and coefficient of variation of the percentage of minorities across census tracts, we are not able to detect any effect of the Mount Laurel regulations on the amount of racial segregation. Furthermore, in some instances Pennsylvania has a great effect of reduced economic and minority segregation than the New Jersey counties. This also shows that Mount Laurel decision had little effect, given Pennsylvania's improvement amidst a lack of housing policy.

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Median Family Income by Census Tract - Entire Sample

Table 1 - New Jersey

	n	Mean	st. dev	coeff of var
1960	167	6516	1366	0.20963781
1970	248	11458	3056	0.26671321
1980	295	19746	6944	0.35166616
1990	286	44880	15387	0.34284759
2000	324	63342	23937	0.37790092

Table 2 – Pennsylvania

	n	Mean	st. dev.	coeff of var
1960	476	6654	2116	0.31800421
1970	622	10620	4171	0.39274953
1980	668	18456	8156	0.44191591
1990	682	41716	19332	0.46341931
2000	711	56294	27254	0.48413685

Median Family Income by Census Tract - Suburban Counties

Table 3 – New Jersey

	n	Mean	st. dev.	coeff of var
1960	74	6340	1250	0.19716088
1970	135	11584	2934	0.25328039
1980	179	20511	6660	0.32470382
1990	173	47145	14841	0.31479478
2000	186	67572	24645	0.36472207

Table 4 – Pennsylvania

	n	Mean	st. dev.	coeff of var
1960	201	7602	2337	0.3074191
1970	285	12816	3619	0.2823814
1980	319	23222	6527	0.28106968
1990	326	52323	16139	0.30844944
2000	344	72194	22368	0.30983184

Poverty Rate by Census Tract – All Counties

Table 5 – New Jersey

	n	Mean	st. dev.	coeff of var.
1970	248	6.553846	6.462	0.98598594
1980	295	8.375932	10.674	1.27436565
1990	286	6.441554	10.156	1.57663818
2000	324	7.021319	10.724	1.52734835

Table 6 – Pennsylvania

	n	Mean	st. dev.	coeff of var.
1970	622	7.996302	9.113	1.1396518
1980	668	10.65912	12.717	1.19306284
1990	682	9.773857	13.913	1.42349126
2000	711	11.14148	13.353	1.19849428

Poverty Rate by Census Tract – Suburban Counties

Table 7 – New Jersey

	n	Mean	st. dev.	coeff of var.
1970	135	6.219672	5.575	0.89634952
1980	179	6.821667	7.782	1.14077688
1990	173	5.278363	7.58	1.43605129
2000	186	5.299519	6.94	1.30955281

Table 8 – Pennsylvania

	n	Mean	st. dev.	coeff of var.
1970	285	3.58601	2.619	0.73033818
1980	319	3.890594	3.402	0.87441661
1990	326	2.525826	3.46	1.36984891
2000	344	3.115217	3.659	1.17455702

Race Data by Census Tract – All Counties

Table 9 – New Jersey

	n	mean	st. dev.	coeff of var.
1970	226	11.72	21.28	1.81569966
1980	295	18.26	25.29	1.38499452
1990	286	20.99	27.97	1.3325393
2000	324	27.93	27	0.96670247

Table 10 – Pennsylvania

	n	mean	st. dev.	coeff of var.
1970	554	20.57	31.43	1.52795333
1980	668	23.46	33.84	1.44245524
1990	682	26.99	35.08	1.29974064
2000	711	33.25	34.74	1.04481203

Race Data by Census Tract – Suburban Counties

Table 11 – New Jersey

	n	mean	st. dev.	coeff of var.
1970	111	13.21	21.47	1.62528388
1980	179	17.93	22.78	1.27049637
1990	173	20.4	26.28	1.28823529
2000	186	27.7	25.79	0.93104693

Table 12 – Pennsylvania

	n	mean	st. dev.	coeff of var.
1970	192	3.49	8.19	2.34670487
1980	319	5.48	9.21	1.68065693
1990	326	6.99	10.07	1.44062947
2000	344	11.2	12.38	1.10535714

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Chart 1: Standard Deviation of Median Family Income by Census Tract - All Counties
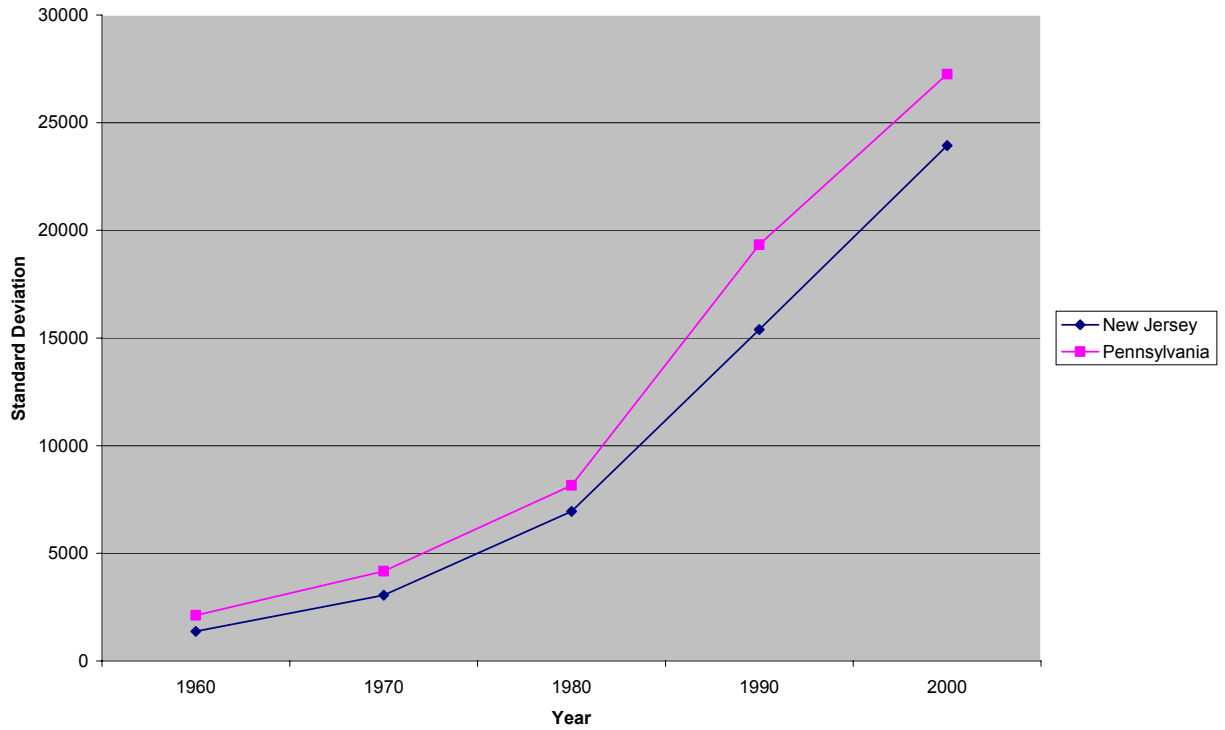
Chart 2: Standard Deviation of Median Family Income by Census Tract - Suburban Counties
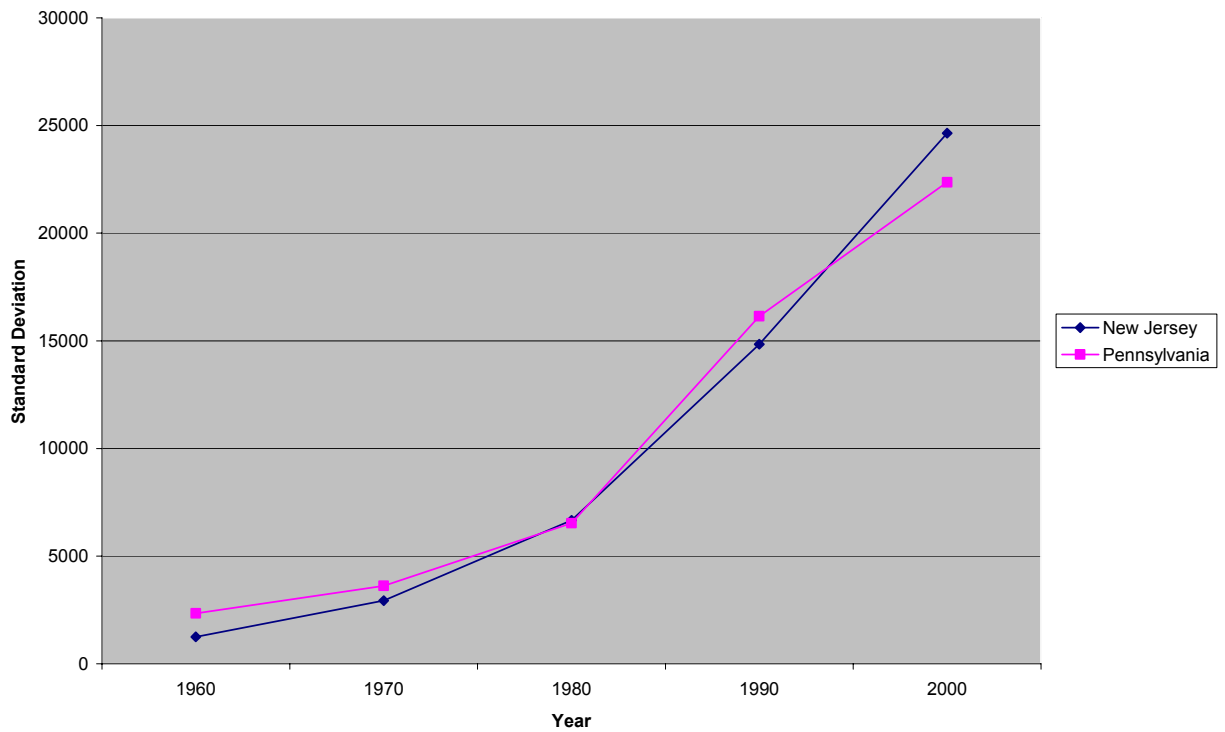
Chart 3: Coefficient of Variation for Median Family Income by Census Tract - All Counties
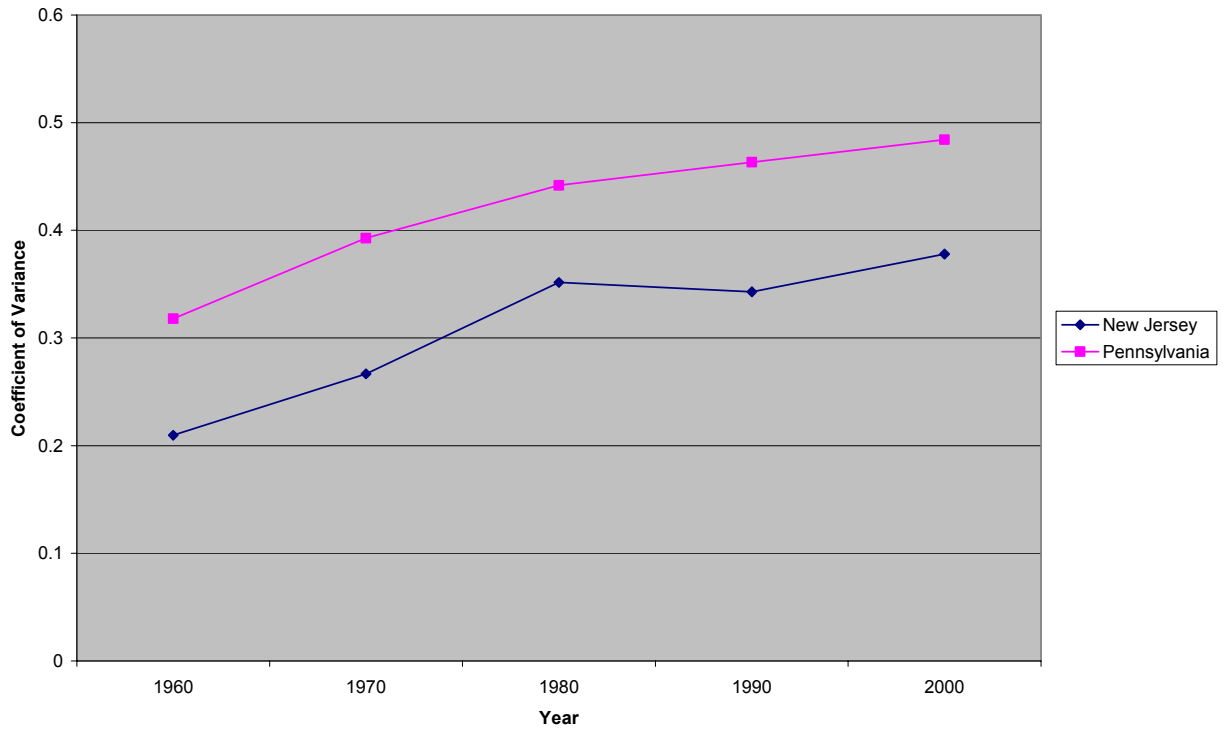
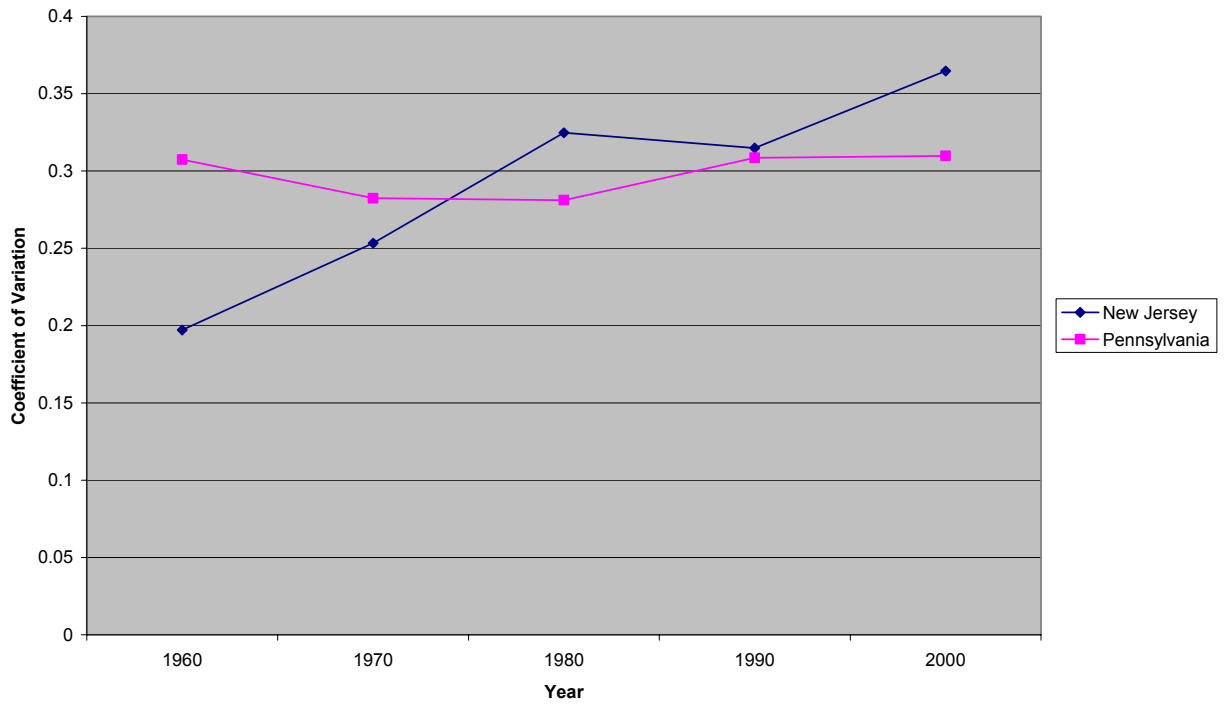**Chart 4: Coefficient of Variation for Median Family Income by Census Tract - Suburban Counties**

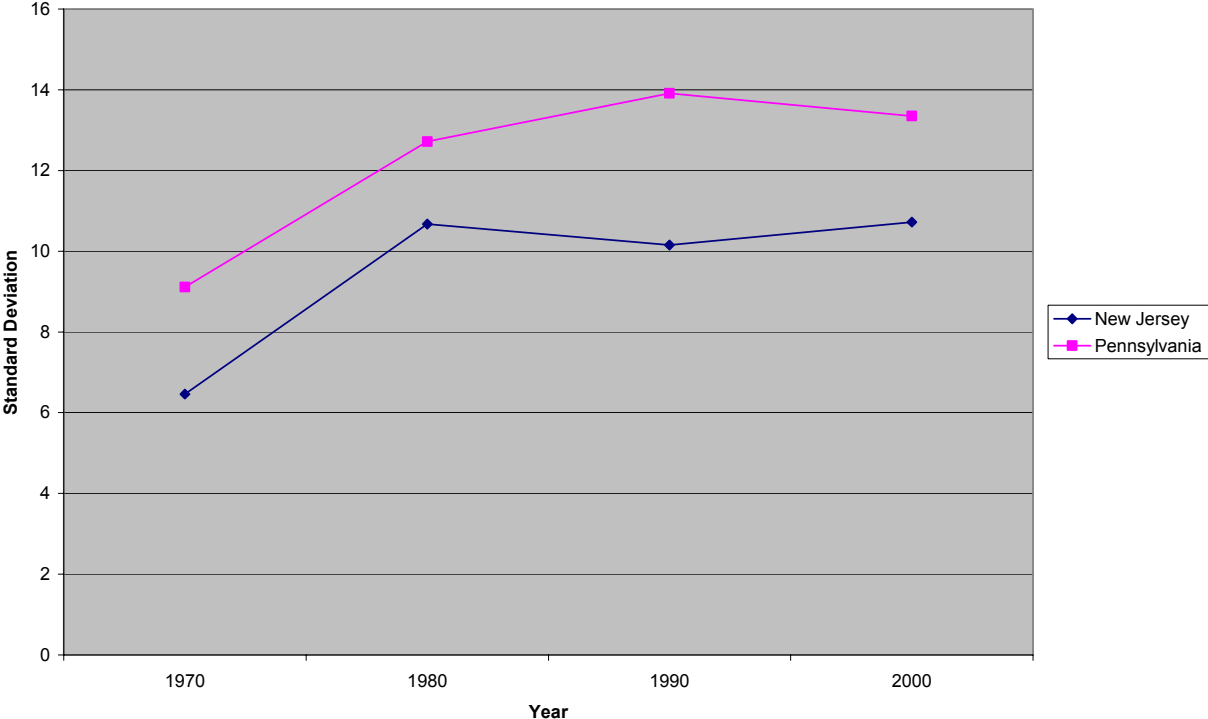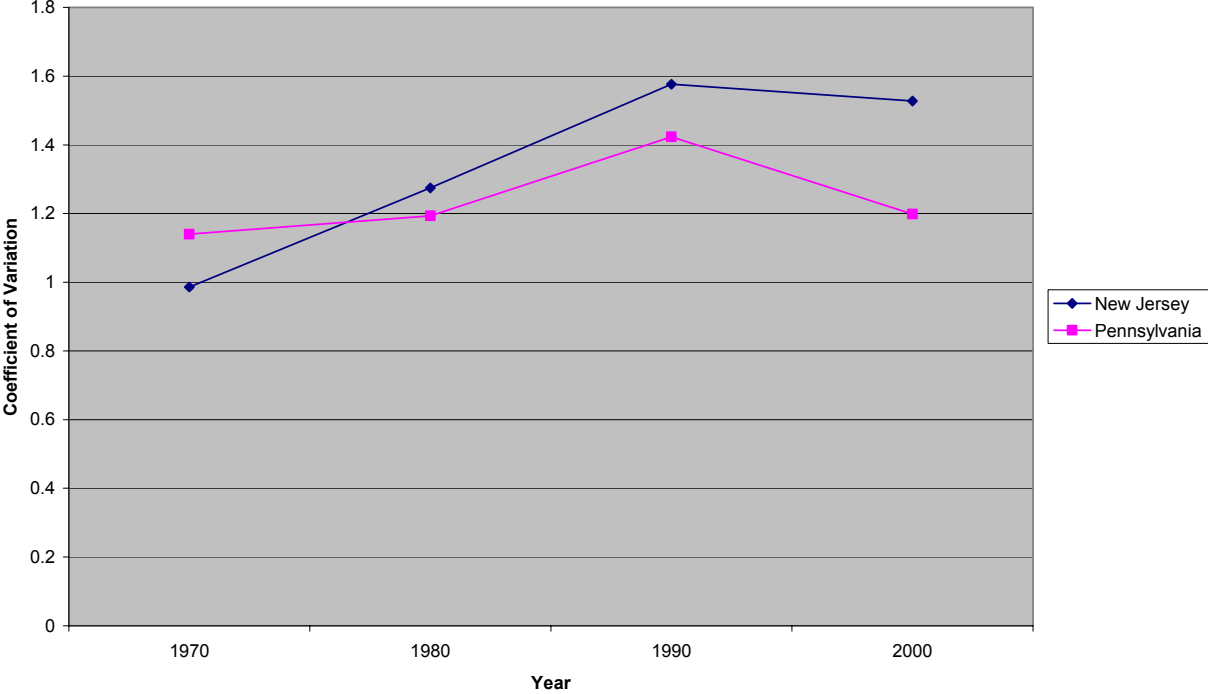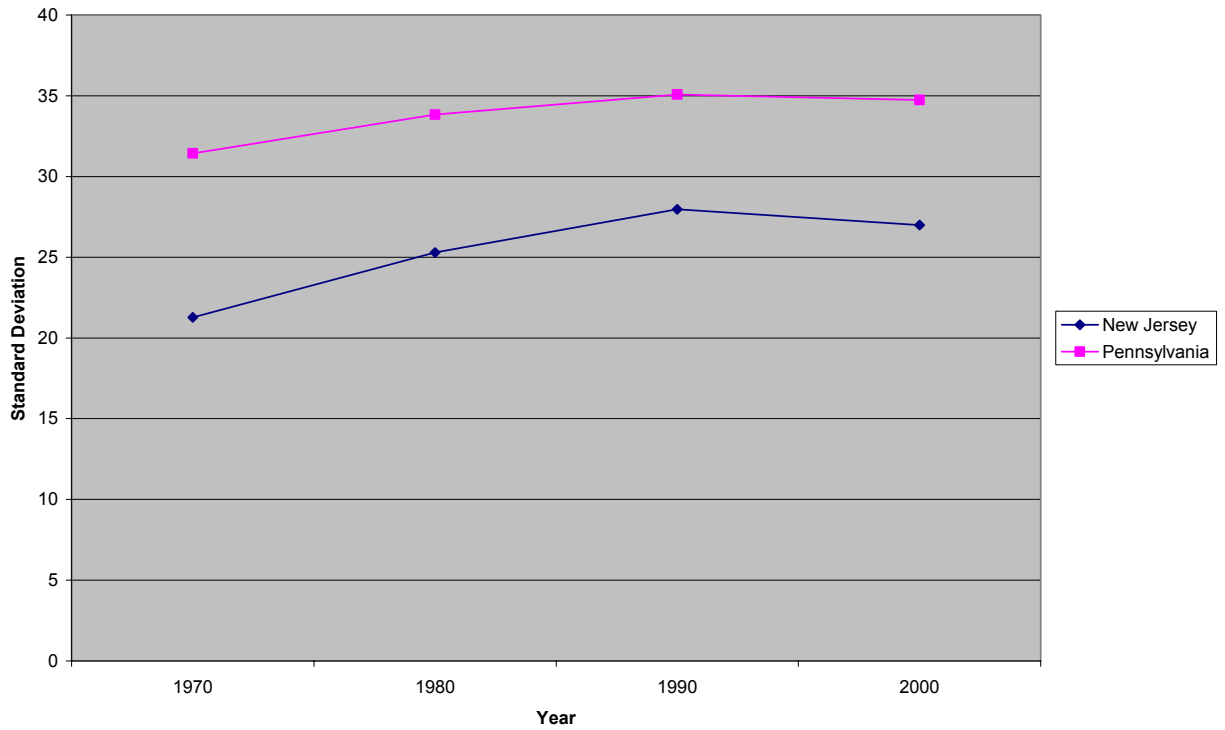**Chart 5: Standard Deviation of the Percentage of Families Below Poverty Level - All Counties**

Chart 6: Coefficient of Variation of the Percentage of Families Below the Poverty Level - All Counties

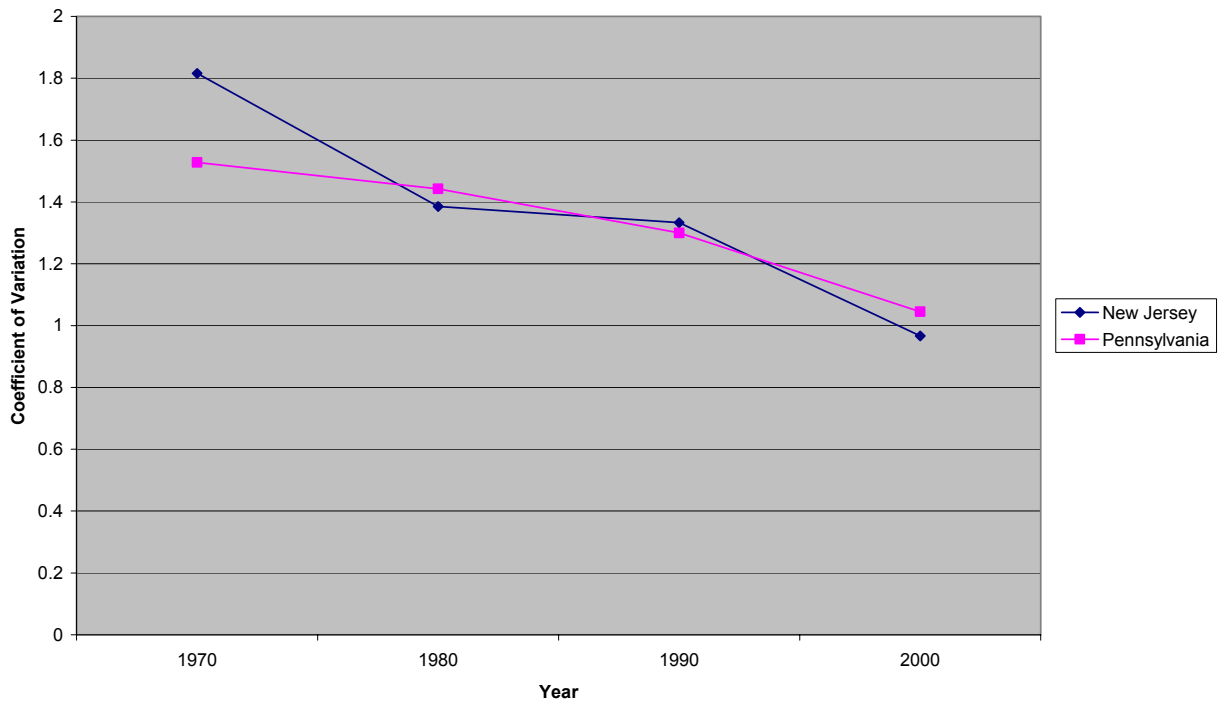**Chart 7: Standard Deviation of the Percentage of Families Below Poverty Level - Suburban Counties**
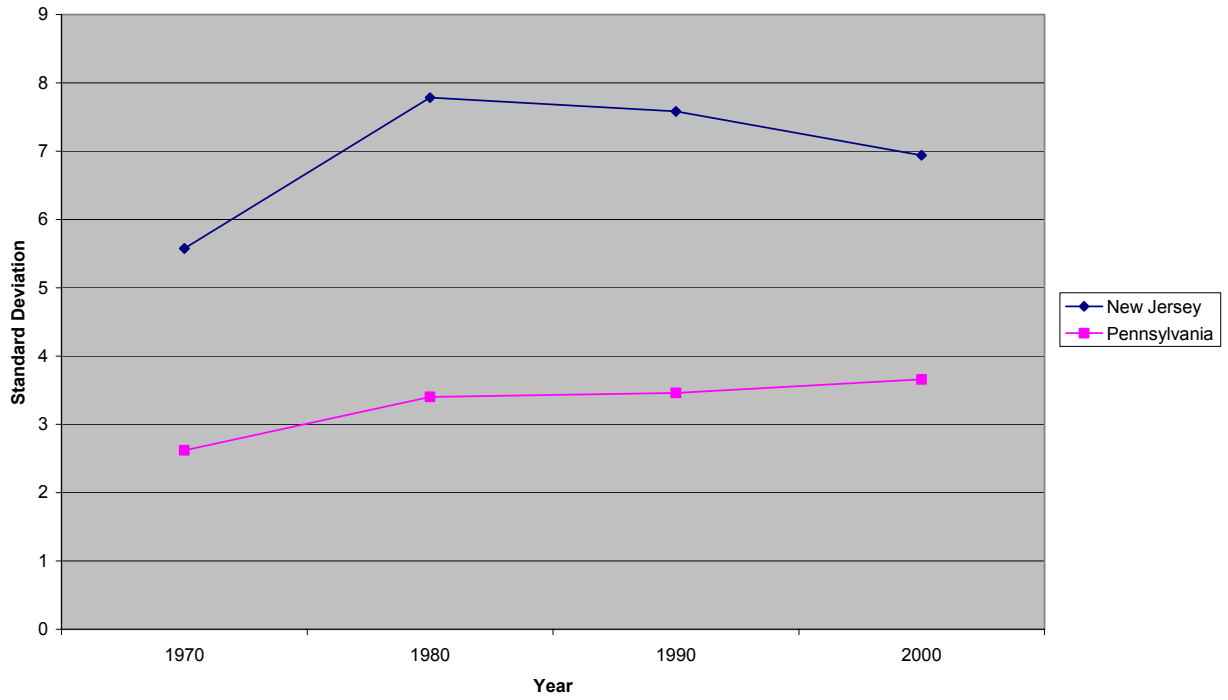
Chart 8: Coefficient of Variation for the Percentage of Families Below Poverty Level - Suburban Counties
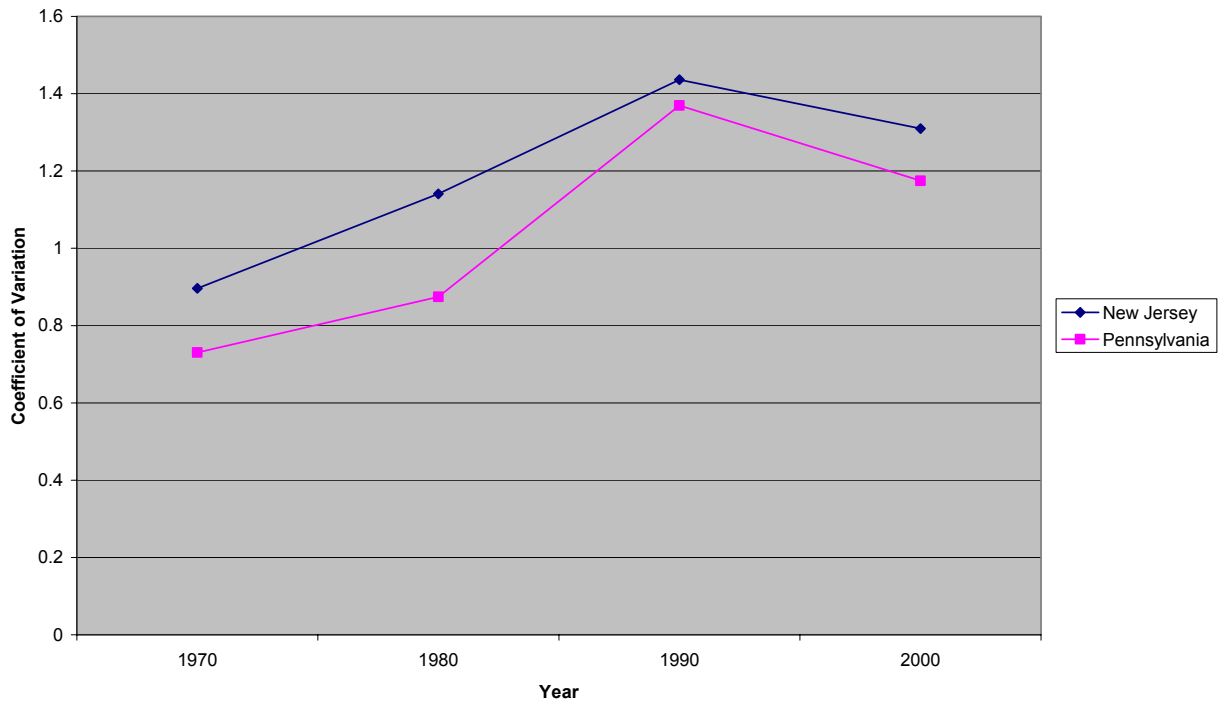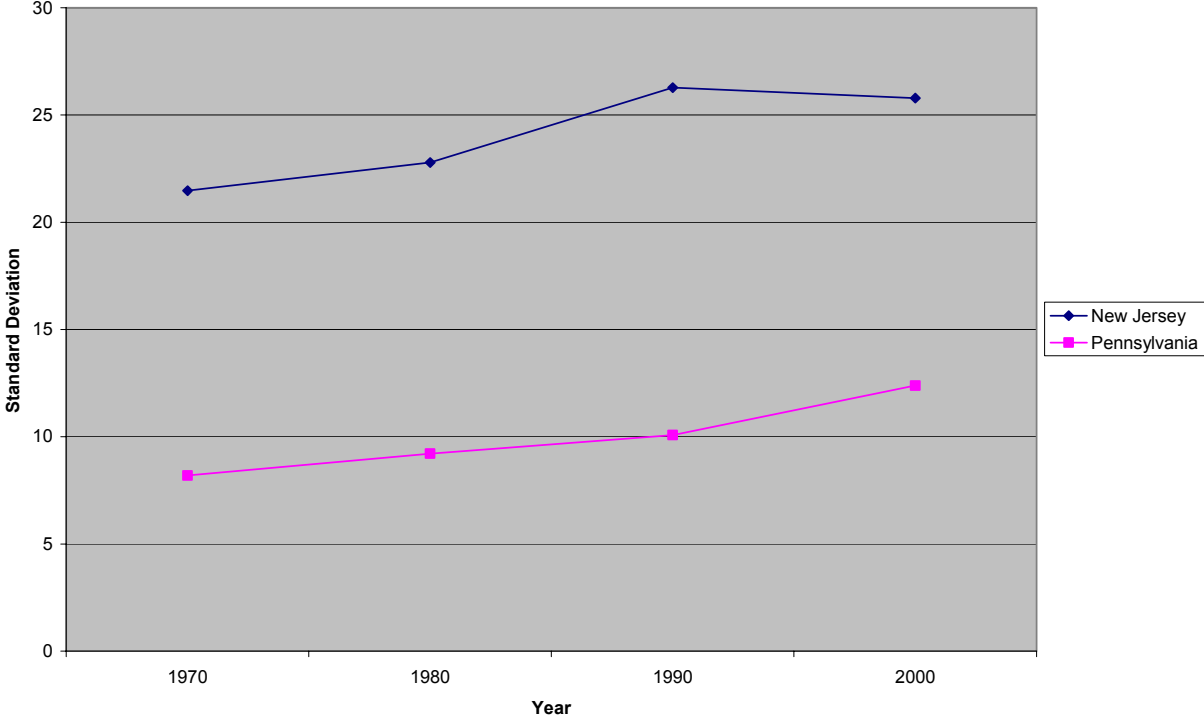
Chart 9: Standard Deviation of the Percentage of Minorities in Census Tracts - All Counties

Chart 10: Coeffecient of Variation for Percentage of Minorities Living in Census Tracts - All Counties

Chart 11: Standard Deviation of the Percentage of Minorities in Census Tracts - Suburban Counties

Chart 12: Coefficient of Variation for the Percentage of Minorities in Census Tracts - Suburban Counties