Bridging the Gap: The Power of Grassroots Activism to Effect Positive Change & Municipal Inclusion
ACKNOWLEDGEMENTS

First and foremost, credit for this manual belongs to the residents engaged daily in the struggle for justice, equality, and self-determination. They live and are rooted in communities such as Midway, Jackson Hamlet, Waynor Road, Lincoln Heights, Graham Town, New Hope, Rogers Road-Eubanks, Road, and many others. Their courage, leadership, tireless dedication, knowledge, and persistence are inspiring and the true source of sustainable change. Credit for the manual’s title also belongs to them, specifically Oneal Russ of Jackson Hamlet and Albert Thomas of Midway.

Many staff and law students at the UNC Center for Civil Rights contributed significantly in carrying out the work in the manual and in its editing: Charles Daye, Mark Dorosin, Adrienne Davis, Diane Standaert, Barry Williams, Heather Hunt, Ed Chaney, Lisa Stifler, Harriett Huell, Jennifer Marsh, and Taiyyaba Quershi. In various capacities, Center staff and students have attended countless community meetings and trainings, provided advocacy support, assisted with organizational development, and conducted critical research on the scope of disparity, legal strategies, and available resources.

The efforts and accomplishments described here would not have been possible without the many collaborating organizations committed to social, political, and economic inclusion. Among them are the North Carolina Rural Communities Assistance Project, Southern Coalition for Social Justice, Cedar Grove Institute for Sustainable Communities, Resourceful Communities Program, Legal Aid of North Carolina, Legal Aid of North Carolina Clients Council, and Land Loss Prevention Project. Each brings unwavering commitment and tremendous resources to significantly advance community-driven efforts for change.

Finally, much gratitude is owed to the Mary Reynolds Babcock Foundation whose financial contributions made this work possible for the communities and the Center for Civil Rights. The organization’s belief and trust in the power of coordinated grassroots activism to remedy the effects of historically discriminatory land use practices has changed many lives forever.

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June 30, 2008

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PURPOSE OF THE MANUAL

In small southern towns, it is common for minority or low-income communities to find themselves excluded from municipal services and benefits. Such exclusion often results in a lower lever of basic services or no services at all, increased challenges in retaining family land, and a disproportionate share of hazardous facilities that threaten the community’s health. Furthermore, excluded communities are too often denied participation in local political processes. This exclusion, also referred to as municipal underbounding has been documented not only in the American South, but throughout the country in California, Texas, Ohio, and other states. Over the last four years, more than 34 low-income or minority excluded communities have been documented in North Carolina alone.

Grassroots community activism and organizations with technical and legal resources can positively address the resulting problems of exclusion. The Center for Civil Rights at the University of North Carolina School of Law has been extremely fortunate to work intensely on this issue with four community groups in southern Moore County: Waynor Road in Action, Midway Community Association, Jackson Hamlet Community Action, and Voices for Justice. Through community-based, collaborative efforts more than $2.9 million in public funds have been leveraged to provide increased services in these communities, and in the words of Jackson Hamlet leader Oneal Russ, “One of the most important outcomes is that we feel empowered to work with local elected officials, and they listen to us.”

The purpose of this manual is to share the lessons learned from the struggles and successes of southern Moore County, in hopes of strengthening efforts in other communities seeking the same goals. Further, it seeks to bridge the gap between excluded communities and the organizations and institutions that have resources to support them.

The manual is designed for community leaders, staff in technical and legal assistance organizations, and local government officials, as all are vital to any successful, sustainable effort. It is largely arranged in chronological order based on the Moore County experience, but is designed such that advocates will find the manual useful at whichever point of development their community may be. Finally, the manual highlights the following through color-coded boxes: community voices (gold), tips (purple), and key technical information (grey).
BACKGROUND INFORMATION

This section provides a brief introduction to the demographics of Moore County, and to the grassroots community groups striving to remove economic, racial, physical, and psychological barriers. Hopefully, other communities will see similarities (or differences) that will aid their own understanding of how this manual applies to their situation.

Moore County

Moore County is a community of extremes. It is known for its luxury and prestige, due to its 43 world-renowned golf courses and numerous equestrian centers and spa facilities. Home to the 1999 and 2005 U.S. Open and the 2001 and 2007 U.S. Women’s Open, the county continues to experience great economic growth. Fueled by a booming golf industry, the county’s property tax base has doubled and its population has grown by more than 25% in the past decade, unlike much of the rural South.

Yet, as the county prospers, minority communities such as Jackson Hamlet, Midway, and Waynor Road are excluded from the wealth. Yards away from internationally famed golf courses, historically African-American communities are left to depend on unsanitary aging wells and septic tanks, and lack trash pick up, police protection, and lack the right to vote for town officials who control land use in these century-old communities.
Voices for Justice

Voices for Justice, Inc. (VFJ) is a grassroots advocacy organization in Moore County devoted to racial justice and civil rights. It was Voices for Justice that initially brought Jackson Hamlet, Midway, Waynor Road, and the Center for Civil Rights together.

VFJ is led by Hilton Dunlap and Bobby Person, retired corrections officers and long-time community activists. In the early 1980s, Person was a victim of Ku Klux Klan violence and discrimination. He began building a legal and grassroots network and was willing to speak out when all others were too afraid. His courage led to the Klan’s disbanding in southern Moore County, and this historic turning point led to the creation of VFJ. Since then, VFJ has been fighting to end all forms of racial discrimination through tactics such as community organizing, alliance building among communities and social justice advocates, and media advocacy.

Specifically, VFJ’s organizing work includes providing support at community meetings, helping organize grassroots advocacy workshops and training, engaging in direct action to draw mainstream media’s attention, and educating communities about the success of activism in other parts of the county and country. Through its alliance building work, VFJ seeks to unite communities that have common struggles and connect them with available resources. Finally, through its media advocacy work, VFJ uses creative outlets, like video technology and a weekly radio program, to expose and discuss the issues facing poor and minority communities.

A lot of people don’t know what they are able to get and what the procedures are to do that. If we set up meeting, get the word out, and people come to voice their concerns, we might not be received well because everyone wants to get along as if everything is happy and well here. But it’s not, and we’re not going to stop fighting until it is.

- Hilton Dunlap, Voices for Justice
http://www.voicesforjusticenc.org
Jackson Hamlet

Jackson Hamlet, located off NC Highway 5, sits between the towns of Aberdeen and Pinehurst and falls within Pinehurst’s extraterritorial jurisdiction (ETJ). Since African Americans were prohibited from buying land inside the town limits, Jackson Hamlet was founded in the early 1900s a community where African Americans who worked in Pinehurst’s resorts settled. Today, many of Jackson Hamlet’s approximately 300 residents live on land passed down from their parents and grandparents.

In 1969, Jackson Hamlet residents formed an organization, Jackson Hamlet Community Action, to advocate for their interests. During the 1970s, Jackson Hamlet Community Action purchased the local community center and contracted to install streetlights throughout its neighborhood. It also began offering programs designed to unite residents, provide opportunities for the local youth, and maintain the streetlights and community center.

Since then, Jackson Hamlet Community Action has remained a grassroots volunteer organization. It is particularly engaged in the community’s struggle for inclusion, meaning access to basic services such as public water, sewer, police protection. Through monthly community meetings, numerous meetings with engineers, city and county officials, and media campaigns, the community helped secure $920,125 to bring sewer to one-third of its homes, and a commitment from Pinehurst to seek funding for the remaining homes.

Jackson Hamlet’s goal includes seeking annexation into Pinehurst in order to gain the right to participate in local political processes and vote in city elections.

Map produced by Cedar Grove Institute for Sustainable Communities
Midway

Located off NC Highway 1, the African-American community of Midway is almost completely surrounded by the town of Aberdeen and is within the town’s ETJ. The community is located on land that was either given or sold to slaves in the 1800s and was used as farmland in the early 1900s. Like Jackson Hamlet and Waynor Road, many of Midway’s early residents worked at the resorts and golf courses in Aberdeen, Southern Pines, and Pinehurst but were excluded from the town boundaries and the benefits the inclusion would bring. Many of Midway’s 125 residents live on land that has been in their family for generations, and have lived in the community all their lives.

In 1969, Midway Community Association was incorporated. Midway Community Association’s initial goal was to improve housing and, working with the Sandhills Community Action Program, it received a federal grant in the mid-1980s to refurbish dilapidated homes in the neighborhood. Since then, the Association has provided programs designed to unite residents, organized opportunities for youth, and improved the community’s physical environment. For example, Midway’s activism has ensured that as of 2008 all homes in its community will have public water and sewer service. The Association also supports the community’s struggle to obtain sewer and other services from the town of Aberdeen, as well as annexation in order to gain the right to participate in local political processes and vote in city elections.
Waynor Road

Waynor Road is a predominately African-American community that has existed for more than 50 years. Most of the land in the community used to be tobacco fields owned and farmed by Frank Jones, father of current resident Tommy Jones, but is now home to more than 75 residents. The community is just outside of the city limits of Southern Pines but within its ETJ. Waynor Road sits on the edge of Little River golf course and resort, yet it does not have basic services such as water, sewer, police protection, and sanitation services. Ironically, town water and sewer lines run less than 400 yards away.

Since 2001, Waynor Road residents periodically met with and traveled to other predominately African-American communities in similar situations, including Midway and Jackson Hamlet. From this, Waynor Road learned and saw the importance of coordinated efforts to improve their community. As a result, at a meeting in September 2006, residents formed a community association, Waynor Road in Action.

Since then, Waynor Road in Action has been involved in assessing the community’s needs and problems with well water and septic systems and working with the town of Southern Pines to receive water and sewer and eventual annexation. In February 2008, after 16 monthly meetings, 3 public meetings with town officials, 2 public hearings, and 2 community surveys, Waynor Road’s advocacy paid off when North Carolina awarded Southern Pines $750,000 to supplement the town’s $350,000 commitment to provide water and sewer to Waynor Road residents.

Map produced by Cedar Grove Institute for Sustainable Communities
ADVOCACY EFFORTS

Organizing Within Your Community

Getting to Know the Community – Community Surveys

In order to get a better picture of the needs, goals, and priorities in their communities, Jackson Hamlet, Midway, and Waynor Road each conducted community surveys as one of the first steps in their organizing effort. To develop their survey, all three communities discussed its purpose, what information they wanted, and what questions to ask. The communities decided that they needed information that would help them determine their eligibility for funding (e.g. Community Development Block Grants), and needed to determine what concerns, questions, and priorities the residents had about their community and about annexation. A sample community survey is in the Appendix.

Each community partnered with outside organizations to help carry out the surveying tasks. Waynor Road worked with the UNC Center for Civil Rights, and Jackson Hamlet and Midway worked with the North Carolina Rural Communities Assistance Project in developing and conducting their surveys. The communities conducted their surveys in different ways—Jackson Hamlet and Midway leaders went door-to-door, while Waynor Road used a combination of telephone interviews, community meetings, and door-to-door interviews until they reached all residents.

Neighborhood information gathered by surveying is also key in creating maps as advocacy tools, since much of the necessary data is not available through existing sources.

Understanding the Reasons for Exclusion: Annexation & Extraterritorial Jurisdiction

After completing the surveys, it was clear that the communities’ priorities were access to basic services like water and sewer and the right to vote in city elections. Residents also had many questions about the relationship between their lack of services and their exclusion from neighboring towns.

To answer these questions, the communities devoted substantial time learning how towns make decisions about who and what areas to include in the city limits and how those decisions effect their need for infrastructure. Here is a summary of what the communities and the Center for Civil Rights learned:

For most people, the older folks, they know they've been excluded. The young folks don't know as much and have learned through this process about the community's history.

- Daryl Frye, Jackson Hamlet resident
Annexation

In North Carolina, cities have the right to determine their own boundaries. The process by which the city determines to bring new areas into its town boundaries—or to exclude certain areas—is called annexation. Annexation laws are supposed to encourage “sound urban development,” and a key aspect is the provision of governmental services “for the protection of the safety, welfare, and health” of residents in these areas. Services usually include infrastructure such as paved roads, street lights, garbage pickup, fire and police protection, water and sewer.

Regardless of how an area is annexed, once part of the city, the area becomes subject to the city’s taxes, ordinances, and regulations. After gathering information about annexation and ETJ, the communities created cost-comparison analyses estimating monthly utility and tax expenses before and after annexation. In many cases the increased taxes were offset by lower costs for water, sewer, and trash services. An example analysis is in the Appendix.

Three Ways for Cities to Bring New Areas into its Boundaries

Involuntary Annexation: Under this method, the city initiates the annexation of neighboring, unincorporated land, provided the land meets certain density requirements, without the consent of residents living on that land. However, the city must provide police and fire protection, trash collection, street repair, on a “substantially equal basis” and “in the same manner” as the services are already provided in the city within 15 months of annexation. At the time of annexation, the city must have a plan to allow residents to connect to water and sewer in accordance with city policies, and must provide these services as outlined within 24 months of the annexation.

Voluntary Annexation: Landowners may also initiate the annexation process. In this method, 100% of the landowners in the area desiring annexation must sign a formal petition requesting annexation to the town council. Unlike involuntary annexation, NC law does not require a municipality to provide any services for areas annexed through voluntary annexation.

Annexation by Special Legislative Act: The state legislature also has the power to initiate the annexation. Typically, all legislators representing the area to be annexed must support the bill and the bill must pass the NC House of Representatives and NC Senate. Annexation by special legislative act requires neither notice to the affected landowners, nor that the city provide services to the annexed area in the same manner the city serves the residents already living in its borders.

Waynor Road is in the know about annexation and services, and wants to change things! -Ollie Cooper, Waynor Road resident

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5 §§ 160A-37(h), 160A-49(h).
7 § 160A-21.
Extraterritorial Jurisdictions (ETJ)

Jackson Hamlet, Midway, and Waynor Road are already subject to town regulations because they each unincorporated communities located in their neighboring towns’ extraterritorial jurisdictions. Under NC law, cities can extend their ETJ, and therefore their zoning and land use powers, one mile beyond their city limits, and sometimes the NC General Assembly allows cities to extend their ETJ up to 2 miles beyond city limits.

Residents living within a city’s ETJ are subject to all of the city’s planning and zoning regulations, but are not entitled to vote in municipal elections. And, cities that exercise their ETJ powers have no obligation to provide any services or benefits to ETJ residents.

Waynor Road resident Robert Whitaker describes his neighborhood’s experience of being in Southern Pines ETJ: “They make decisions for us, but we haven’t been aware of what those decisions are for us. They have been made for us just as if we were a silent partner.” Joyce Ray says, “We never knew we were in an ETJ. We knew we always had to go ask Southern Pines for permission to put a mobile home or do anything. It saddens me to know we have no say in our own community, but we’re going to change that. We would love to be able to vote in Southern Pines, or whosever ETJ we’re in.”

ETJ residents’ only representation in local government consists of a single representative on the city’s planning board and/or board of adjustment. However, ETJ residents do not elect that representative; rather, government officials appoint the representative. The absence of political voice gives residents limited input into, and influence over, zoning and planning decisions that affect their properties. Further, residents are often unaware when zoning changes that affect their property are being considered or have been enacted.

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9 For example, in 1985, the General Assembly passed local legislation authorizing Aberdeen, Pinehurst, and Southern Pines to exercise ETJ authority over all property within a two-mile radius of their corporate limits. See 1985 N.C. Sess. Laws 308 (1985 Session, Chapter 308 SB 343)
10 § 160A–362.
11 Id.
In order to have a voice in local elections and to increase the towns’ obligations to provide services, Jackson Hamlet, Midway, and Waynor Road each seek annexation from the neighboring towns. All three communities were told they did not meet the urban density requirements required for involuntary annexation. As a result, Midway will likely pursue annexation by state legislative act, Waynor Road is pursuing voluntary annexation, and Jackson Hamlet is continuing to explore the possibility of involuntary annexation.

Funding for Water & Sewer

Because Jackson Hamlet, Midway, and Waynor Road are not within the boundaries of nearby towns, all or portions of the communities were not on town water and sewer lines when they started their advocacy efforts. Instead, most of the communities’ residents were (and still are) using aging septic systems and wells for their sewer and water needs. All three communities actively sought information about available funding and support for bringing water and sewer to their communities. Here are their stories:

Jackson Hamlet

Jackson Hamlet has received public water from Moore County since the late 1990s, but it did not receive any public sewer services from either Moore County or Pinehurst until 2008. In February 2005, after researching and developing a strategy, Jackson Hamlet residents petitioned the Moore County Commission to provide sewer services to the community.

Although the county commissioners said that they would study the issue, they ultimately decided against providing sewer to Jackson Hamlet and instead encouraged residents to seek annexation from Pinehurst in order to receive the services. County commissioners deflected responsibility because Jackson Hamlet is in Pinehurst’s ETJ.

Jackson Hamlet then petitioned the Village of Pinehurst to extend sewer service to its community. Jackson Hamlet’s activism resulted in Pinehurst applying for a Community Development Block Grant (CDBG). Even though the NC Department of Community Assistance did not fund the first proposal, Pinehurst reapplied and in 2007 received $750,000 in CDBG funds to provide sewer to 51 homes (one-third of the total homes) in Jackson Hamlet. The CDBG money is matched by another $30,000 from the Village of Pinehurst and $70,125 from Moore County in funds and waived tap fees. Construction is expected to be completed by the summer of 2008.
Although sewer services are being extended to a portion Jackson Hamlet, the remaining residents still need sewer. Pinehurst is working with Jackson Hamlet to apply for further CDBG funds for sewer lines for another one-third of the community.

To secure services for the final one-third of the community, Jackson Hamlet teamed up with North Carolina Rural Communities Assistance Project (NCRCAP) to explore alternative options. Working with NCRCAP, Jackson Hamlet Community Action applied for and received a $12,000 grant from The Conservation Fund’s Resourceful Communities Program. This money funded a feasibility study for an alternative wastewater treatment system for 25 homes. The alternative system will potentially have a significantly lower cost than traditional sewer systems, bring jobs to the community, and promote environmental stewardship by using reclaimed wastewater for irrigation purposes.

As of Spring 2008, Jackson Hamlet residents have attended workshops demonstrating how the alternative wastewater treatment system would work and are working with Pinehurst officials to gain support in bringing the system to their community.

**Midway**

In 2000, the town of Aberdeen received CDBG funding to provide complete water service to Midway and sewer to part of the community. Because Midway is outside of the city limits, residents with these services currently pay twice as much for them as do in-town residents. Twenty-nine homes, however, do not have access to sewer and remain dependent on aging septic tanks.

In 2004, Midway residents and Center for Civil Rights staff met with Aberdeen’s mayor, bringing a list of questions about annexation, public sewer, and political processes. Aberdeen officials estimated that it would cost about $550,000 to provide sewer to Midway. The following week, Midway residents attended a city council meeting at which
the mayor distributed the community’s questions to the council. Among the questions was, “If Midway is near the main sewer line, why does it cost so much to get sewer?” This forced the city to examine the issue and take steps to serve Midway residents.

In 2005, the Midway Community Association petitioned the town of Aberdeen to apply for CDBG funds to provide sewer and taps to the 29 remaining unsewered homes. As a result, Aberdeen applied for and received in $750,000 in CDBG funding and committed $109,000 in local funds and waived connection fees in 2006 for Midway’s unsewered homes.

Engaging in the Funding Process

A key component in securing the funds was Midway’s participation at the city’s public hearings required to be held as part of the CDBG application. At the first public hearing in September 2005, more than 20 residents attended in support of the application and Maurice Holland, President of the community association read a letter to the Board on behalf of the community. Residents attended and spoke at the second public hearing to express the necessity and urgency of the grant. The community’s activism worked.

Sewer system construction began in 2008, but the community and its partners are still actively monitoring the process to ensure that the town keeps its promises and all homes are adequately served. Midway resident Maurice Holland has served on the Aberdeen Planning Board since 1999, giving him the opportunity to make the town aware of the issues facing Midway and advocate for the neighborhood on issues ranging from infrastructure to zoning.

Waynor Road

Unlike Jackson Hamlet and Midway, no homes in the Waynor Road community have access to public water or sewer despite the fact that lines owned by Southern Pines and Carthage run along the community’s edge. After six months of community assessment, organizing, education, and well testing assisted by the Center for Civil Rights, Waynor Road invited Southern Pines town officials to a community meeting in early 2007. In advance of the meeting, residents provided the officials their questions about annexation and services.
During that meeting, at which more than 30 members attended, the town manager and council member Chris Smithson suggested that the community officially make their request for water and sewer at a work session of the town of Southern Pines. The community followed their suggestion, made their request in February 2007 and at the same time presented the results of the community survey showing the severity of need—several households have to buy their drinking water, well tests showed signs of contamination, many households had shallow and dry wells, and the septic tanks were aging—to support their request.

After negotiating with the town at more work session meetings through the community’s appointed spokesperson Robert Whittaker, Waynor Road requested that the town allocate funding for water infrastructure in its 2007-08 budget and to apply for any and all available grant funds for sewer infrastructure. This request was made after careful deliberations at community meetings, conducting research on the size of the town’s budget, and investigating possible outside funding sources with the Center for Civil Rights’ assistance. Another key part of the strategy included informing the town that Waynor Road wished to be annexed, but would only agree to do so if the water and sewer lines were extended to their community. The negotiation strategy worked. In June 2007, Southern Pines committed to providing $349,200 in waived connection fees and local funding to support the project and used those funds as the required local match to apply for CDBG funds for the sewer infrastructure.

In February 2008, Southern Pines was awarded a $750,000 CDBG grant for the project, and Waynor Road will connected to the public water and sewer systems within two years. To ensure the timely completion of the project, Waynor Road resident, Shanda Whitaker, checks in regularly with the consulting engineering firm of Hobbs Upchurch to get an update of the status and report it at their monthly community meetings.

In looking back on these last four years, our greatest accomplishment was going before the town council of Southern Pines. We had to go to several meetings to make it happen, but they put us in their budget for $350,000 to provide water to our community. Then, we went to more meetings and that helped the town get the $1 million needed to bring water and sewer. That’s a big accomplishment for our little small community. So that’s what I would say to other small communities, just keep having your meetings and you’ll see it will pay off.

- Tommy Jones, Treasurer, Waynor Road in Action
Funds that Accept Applications on an On-Going Basis

United States Department of Agriculture (USDA) Rural Development Water and Wastewater Loans and Grants: The USDA is the largest funder of water and sewer projects in NC. Loans and grants fund community water, sewer, storm water, and solid waste systems. The loan’s interest rate depends on the median household income of the city, but can be as low as 4.5% and usually will not be higher than commercial bond rates.

Funds with Fall Deadlines

Community Development Block Grants (CDBG): These funds are federal grants, but are administered by the NC Department of Commerce. Funds can finance installation of new water and sewer lines, connection fees for low and moderate income households, and removal of septic tanks. Eligibility for the funds is based on two key components: 1) 70% of the residents are low- or moderate-income households, and 2) there is a threshold severity of need, measured by threats such as dry wells, contamination, or no water supply on site, e.g. households sharing a well. Applications are generally due in the fall each year. Only city and county governments can apply and must contribute at least 5% of project cost. The maximum grant award is $750,000 and can used to by a city to fund infrastructure to communities outside of its borders.

Drinking Water State Revolving Loan Fund: Administered by the NC Department of Environment and Natural Resources, these funds are available for drinking water systems only, and are subject to pre-determined priorities. Applicants can submit the same application for this fund as for the Clean Water State Revolving Loan Fund described below.

Funds with Spring Deadlines

NC Clean Water Management Trust Fund: This source funds wastewater treatment only, and there must be documented evidence that the current system adversely impacts surface water. State agencies, local governments, and conservation nonprofits can apply to help finance projects that address water pollution problems. There is a $3 million cap per project, and some money can be used to remove septic tanks.

NC Clean Water State Revolving Loan Fund: Run by the NC Construction Grants and Loans department of the Division of Water Quality, this fund provides loans to local governments for water and wastewater infrastructure. In order to receive funding, a project must be included on a “Priority Funding List.” Projects are rated based on water severity and the applicant’s “willingness and ability to proceed.” Applications generally are due March each year, and can also be used to apply for the Drinking Water State Revolving Loan Fund described below.

NC Rural Economic Development Center: The Rural Center programs assist local governments to provide clean water and support economic growth. The Supplemental Grants Program, with a cap of $500,000 per grant, allows local governments and certain nonprofit entities to improve sewer and water systems. The Planning Grants Program, with a cap of $40,000, assists local governments in undertaking strategic planning efforts for sewer and water facilities.

Updated information about available funding sources can be found at UNC’s Environmental Finance Center: http://www.efc.unc.edu/
Nonprofit Status for Community Organizations

In order to apply for grants from foundations to support their organizing efforts, Jackson Hamlet Community Action, Midway Community Association, Waynor Road in Action, and Voices for Justice, all sought tax-exempt, 501(c)(3) status under the Internal Revenue Code with legal assistance provided by the Center and UNC’s Community Development Law Clinic.

The organizations first filed Articles of Incorporation with the NC Secretary of State establishing the organizations as nonprofit corporations in North Carolina. The organizations then created by-laws which included creating a charitable mission and established a board of directors and policies for governing the board. The by-laws set the size of the board of directors, the length of the directors’ terms, the process to select or remove a director or officer and fill a vacancy, and set regular meetings. This process also included drafting a conflict of interest policy for board of director members.

In order to obtain 501(c)(3), tax-exempt status, each organization filled out an IRS Form 1023 “Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code.” Having 501(c)(3) status enables the organizations to receive grants from government agencies and private foundations; be exempt from income, property, and sales taxes; and receive tax-deductible donations from individual donors. For this application, each organization was required to provide detailed information about its activities, budget, and fundraising, and to attach their by-laws, articles of incorporation, names of the officers and directors, and the conflict of interest policy.

Seeking Non Profit & Tax-Exempt Status

(1) File Articles of Incorporation with the North Carolina Secretary of State so that the organization can be recognized as a nonprofit incorporation.

(2) Create organizational bylaws which include: creating a mission, establishing a board of directors and policies governing the board.

(3) Fill out IRS Form 1023 so the organization can obtain federal tax-exempt status.

Having 501(c)(3) status enables us to be tax-exempt. That really helps our community. It means our community center is exempt from property taxes. It gives us another avenue to get what we need, like now we are eligible for funds we wouldn’t have been eligible for before. It gives us initiative to go look for more of these funds. Sometimes there is red tape in the 501(c)(3) process that can’t be avoided, but the outcome is definitely worth it.

- Brenda Simmons, Treasurer, Midway Community Association

Legal services organizations that can assist in this process are listed in the Appendix.
Community Centers

Midway Community Association and Jackson Hamlet Community Action built community centers in the 1960s and 1970s. Over the years, the community centers have been used for monthly community meetings, afterschool and enrichment programs for the youth in the neighborhoods, and social gatherings for the community. However, the buildings deteriorated, and the community centers were used less and less over time.

Funding from the Mary Reynolds Babcock Foundation helped Midway and Jackson Hamlet complete extensive renovations to restore their community centers, including installing heat and air conditioning, restoring plumbing and electricity, improving the interior walls, and adding new windows. These improvements have allowed the communities once again to use the centers to host community meetings and events.

Jackson Hamlet also revitalized its community center and now hosts monthly community meetings, cultural events, and after school programs. Resident Leo Thomas describes the community center as “the life line of the community. It is where you go to stay informed and stay in the know. Community centers bring us together, and are for more than just socializing. We can get together for strategic planning, talk politics, and be vocal about what is going around us. It is where we can get good work done.”

Waynor Road does not currently have a center, but that has not stopped the community from coming together. For example, in September 2006, the community meeting at which residents committed to organizing was held in resident Tommy Jones’ carport with chairs donated from a nearby funeral home. Over their intense organizing campaign, monthly community meetings rotated among various residents’ homes. One hope the Waynor Road community has for its future is to build a center that can serve children and/or senior citizens in their neighborhood and be a common location for hosting meetings and events.
Monitoring

Jackson Hamlet, Midway, and Waynor Road have all achieved victories in their fight for receiving infrastructure, services, and inclusion. However, in order to ensure that the victories and promises from bordering municipalities are fulfilled, the communities are must monitor the municipalities’ activities.

The efforts of these communities provide a number of examples why active monitoring is needed from start to finish.

For example, when the state awarded the CDBG funds to Southern Pines to extend water and sewer to Waynor Road, residents were not informed of this victory by the town even though several community leaders had been appointed by the city to serve as an advisory committee. The community first learned of the possibility that the CDBG money had come through when resident Tommy Jones saw representatives from the engineering firm used by the town in the neighborhood. Upon further research, the community learned that the CDBG funding had been secured a full week before.

In Midway, the need came for monitoring continued through the process, even as the sewer pipes were being laid. As construction was underway, the engineering firm hired by Aberdeen to administer and complete the project asking residents to sign and finalize their desire to connect to the sewer. Midway and the Center asked to review the letter before its distribution, and found that monthly projected sewer rates were incorrectly stated for two times the amount they would actually be. As a result of this engagement, the letters were corrected prior to reaching the residents.

It is clear from these examples that monitoring of town activities and making sure that all necessary deadlines met are a crucial part of the communities’ sustainability and development.

Maurice Holland assures and encourages his community when he says that he is “still planning to keep Aberdeen to its promise of Midway becoming part of Aberdeen with all the rights of other Aberdeen residents.”

We will be attending meetings, not only until we get annexed fully, but at other times. We want to have our voice heard for years into the future.

- Robert Whitaker, Waynor Road in Action
Organizing Among Communities

Southern Moore Alliance of Excluded Communities

At risk of ultimately being engulfed and gentrified out of existence, the Moore County excluded communities worked collaboratively to draw on each other’s strengths and make use of outside organizations. Doris Ray, President of Waynor Road in Action, says that a critical reason for their success is that “every community supports each other.” In 2005, communities and the Center for Civil Rights formalized their support in a network they call the Southern Moore Alliance for Excluded Communities (SMAEC).

Recognizing that there is strength in numbers and collaboration and that the communities were facing similar challenges, SMAEC decided to work together to support each other, share information, and coordinate activities. To carry out its goals, SMAEC meets monthly, rotating among the partnering communities. The following section describes SMAEC’s collaborative accomplishments, and how SMAEC is working to expand the network of excluded communities working collaboratively together.

Winning Your Case in the Court of Public Opinion—Media Advocacy

One of the key components to their successful organizing efforts, both as individual communities and as a collaborative, has been the communities’ ability to use the media advocacy to tell their stories. SMAEC and the individual communities have used a variety of media advocacy strategies, including radio shows, a targeted media campaign, creating videos that document injustices, and continuous media advocacy they reach milestones. A targeted media campaign was used by some of the SMAEC organizations in the weeks leading up to the 2005 U.S. Open. Community residents leveraged the local and national media’s focus on the golf tournament to contrast the extreme inequities between the luxury of the golf courses and resorts with the lack of basic services that plague adjacent communities. Over several weeks, community representatives led media tours through Jackson Hamlet, Monroe Town, Waynor Road, and Midway. These tours led to local, statewide, and national newspaper coverage—including front page of the NY Times.

Voices for Justice hosts a weekly radio program that focuses on issues of concern and interest to poor and minority communities in southern Moore County. The radio program typically airs stories ignored by existing and traditional media but are of great importance to the communities VFJ serves. Among other things, VFJ has highlighted the ongoing organizing and advocacy work of SMAEC and its member groups.
Many residents view media attention as the prod which spurred the cities into quick action to find solutions that would provide them with the services they need.

Both Voices for Justice and SMAEC have used video technology to spread stories that are important to their communities. VFJ produced a video documenting a neighboring county’s efforts to place a landfill next to a black community. With the assistance of UNC Trisha McWilliams, SMAEC produced a documentary entitled *Invisible Fences* which highlighted the negative effects and consequences that municipal underbounding has on individuals and communities. The video has been shown at workshops organized by SMAEC and at community meetings throughout Moore County. It has also been distributed statewide and nationally at grassroots trainings and academic forums.

Finally, SMAEC and the individual southern Moore County communities have used media advocacy to keep their stories and successes in the local and state news on an ongoing basis. The recent successes in securing Community Development Block Grant funding and matching funds from the towns in Moore County have been highlighted in local and regional newspapers, and radio and television news programs. These news stories keep the communities, the problems they face, and their successes in organizing and advocacy successes in the media and public consciousness.

### Tips for When You’re On The Air

1. **Remember Your Audience:** You have a wide audience—not just the reporter. The reporter is just a megaphone to get your story across to lots of people. How do you explain your situation to your brother, your neighbor, or your barber? The same idea applies.

2. **Remember Your Message:** Keep in mind three points that are really important to you. You can repeat these points or say them in different ways.

3. **Rehearse & Prepare:** Refresh your memory about your experience and the most important things you want to talk about. Discuss them with your friends and family and practice answering their questions.

4. **Relax:** Remember the reporter is interested in you and what happened to you. They want to find out more about it, not make you nervous or unable to answer the questions.

*Adapted from “Media Training for Modesto & Moore County Organizers” March 19, 2005*
Grant Funding for Collaborative Work

In order to support the collaborative work being done by the communities, SMAEC applied for and received a grant from the Mary Reynolds Babcock Foundation. The money supported SMAEC’s community organizing and education activities, such as planning and hosting workshops on excluded communities and land loss prevention. The money has also been used to send SMAEC and community representatives to conferences and meetings in North Carolina and around the nation. In addition to the Babcock funding, SMAEC and its member organizations have received grant funding from the Unitarian Universalist Fund for a Just Society, the Creating New Economies Fund (through The Conservation Fund’s Resourceful Communities Program), Fund for Southern Communities, Funding Exchange, Z. Smith Reynolds Foundation, and Racial Justice Collaborative.

Money from the various grants was also divided among the member organizations so that each group could use the money for the specific needs of their community, such as renovating their community centers, monthly community meetings, and meeting the requirements for voluntary annexation process. Collaborative funding also provided key financing for statewide coalition building and advocacy efforts.

Connecting Statewide & Nationally

Excluded Communities Workshops

SMAEC, and its collaborating partners, organized three statewide workshops for excluded communities. The first conference was held on March 10, 2007 in Carthage, NC. The Eastern Workshop for Excluded Communities took place in Greenville, NC in Pitt County on October 6, 2007. The Western Workshop for Excluded Communities was held on June 14, 2008 in Spindale, NC in Rutherford County.

Carthage Workshop for Excluded Communities

Workshop topics included “The Problem and Effects of Exclusion,” “Organizing for Services & Inclusion,” and “Annexation or Incorporation?,” “The Problem and Effects of Exclusion” session featured Oneal Russ from the Jackson Hamlet Community Association, Hilton Dunlap from Voices for Justice, and Maurice Holland from the Midway Community Association. The three community leaders, joined by Allen Parnell from the Cedar Grove
Institute for Sustainable Communities, talked about how the exclusion from nearby cities and towns has impacted their communities and their lives. The presenters also explained how the situations of excluded communities are due in part to land use laws and the growth patterns of predominately white municipalities. Through sharing their experiences and introducing the concepts of municipal underbounding, ETJ, and annexation, the speakers gave participants necessary information to allow them to connect experiences in their daily lives with the forces creating those experiences.

The second session, “Organizing for Water, Sewer, & Infrastructure,” was lead by Ernestine and Thomas Tyson of Jackson Hamlet Community Action, Maurice Holland, Bob Taylor from NCRCAP, and Christina Davis-McCoy of the Blue Springs-Hoke County Community Development Corporation. The speakers shared their experiences using successful advocacy tactics as a way to bring necessary services to their communities. Various strategies and resources were discussed, particularly strategies for prioritizing a community’s needs. Participants were introduced to the Community Development Block Grant program as well as other funding sources available to communities or their bordering municipalities for infrastructure improvements.

The third session addressed the two routes an excluded community can take in order to have a voice in determining how their community’s land is used and controlled. Milton Dowdy and Cheryl Degraffenreid of the Needmore community (Carthage, NC) and Horace O’Neal of the Aberdeen Community Club discussed the difference between annexation and incorporation as alternate strategies for an excluded community to gain control. The workshop concluded with time for participants to discuss strategies they can use in their own communities. During the brainstorming session, participants asked questions and discussed strategies most appropriate for their communities’ needs.
Eastern NC Workshop for Excluded Communities

Using the Carthage workshop as a template, SMAEC, Legal Aid Clients Council, and Center for Civil Rights collaborated to host and plan a workshop to explore the similarities and differences of municipal exclusion in Eastern NC. In the first session, “The Problem and Effects of Exclusion,” Willis Williams of Legal Aid of NC Clients Council, Bobby Person of Voices for Justice, and Evan Lewis of Legal Aid of NC discussed ETJ, annexation, and the effects of exclusion on their communities and daily lives.

During the second session, “Organizing for Services & Inclusion: Success in Moore County,” leaders from communities that have successfully used activism to bring necessary services to their communities introduced and discussed those strategies. Carol Henry and Oneal Russ from Jackson Hamlet Community Action, Maurice Holland, Shanda Whitaker of Waynor Road for Action, and Hilton Dunlap of Voices for Justice introduced tips for community organizing, funding resources available to excluded communities or their bordering municipalities for infrastructure improvements, and strategies for prioritizing community needs.

In the afternoon, a panel of five community leaders from various parts of Eastern NC facilitated a discussion about exclusion in Eastern NC—Joe Moody & Florine Bell from the Lincoln Heights Community in Halifax County; Luticia Allen of Pantego Area Community Development in Beaufort County; Resea Willis of Brunswick Housing Opportunities in Brunswick County, and Jim Grant of Black Workers for Justice. Diane Standaert of the Center for Civil Rights also presented how maps showing exclusion in the east can be created using publicly available mapping tools such as Google Earth, the census, and local government GIS systems.
The purpose of the session was to give participants a better idea of the unique struggles in the eastern part of the state, how the struggles are similar to the ones in Moore County, and how to address exclusion in the participants’ own communities. In addition, the session touched on how to build a broader network of communities seeking municipal inclusion throughout the state.

Finally, Willis Williams and Amina Turner of the NC NAACP led a session on how to move from discussion to action. The session focused on identifying steps to organizing excluded communities in Eastern NC, as well as brainstorming ways to lay the groundwork for a broader organization that will help connect communities throughout the state facing similar struggles.

**Western NC Workshop for Excluded Communities**

At the Eastern NC Workshop, participants collectively decided accept the invitation of an activist from Rutherford County to host the next workshop in Western NC. The Western NC Workshop for Excluded Communities was held on June 14, 2008 at Isothermal Community College in Spindale, NC. It was planned through a collaboration of Legal Aid Clients Council, SMAEC, Center for Civil Rights, and Southern Coalition for Social Justice.

The first session, “Problems & Effects of Municipal Exclusion in Western NC” began with Pearl Nealey of the Legal Aid Clients Council providing a broad overview of excluded communities in the western part of the state, noting the region’s characteristics such as a small minority population, vast geographic distances, challenges to land retention, communities inside the city limits but often still without services, and environmental justice concerns. Representatives from Rutherford, Swain, Cherokee, Haywood, and Polk Counties discussed how these trends impact their communities.

During the “Organizing for Water, Sewer, & Infrastructure: Stories of Success” session, Maurice Holland discussed ways communities can empower themselves and gave concrete examples from Midway’s struggles and successes. Several participants discussed

Residents of Buncombe, Rutherford, Haywood, Polk, and Moore Counties (right), and organizations such as the Conservation Trust for NC and Legal Aid Clients Council (left) gather at 3rd Workshop for Excluded Communities.
the virtues of political participation, explaining how service on county and city boards can be invaluable to community organizing efforts. Shanda Whitaker shared stories of Waynor Road’s successful organizing, even though they are small and lack a community center. Allen Parnell of the Cedar Grove Institute for Sustainable Communities discussed the strategic use of maps and showed maps of excluded communities in Modesto, California and Zanesville, Ohio. Jim Grant of Voices for Justice, extolled the importance of relishing victory—no matter how small—in the long-term struggle, and the importance of moving forward until the community accomplished its goals.

Representatives from public interest organizations discussed their available resources during the “Land & Community Preservation” session. Presenters included: Anita Earls of the Southern Coalition for Social Justice; Omari Wilson of the Land Loss Prevention Project; Barry Williams of the Conservation Trust for NC; and Mikki Sager and Cynthia Brown of the Resourceful Communities Program. The workshop concluded with a session facilitated by the Center for Civil Rights to identify next steps in local advocacy and statewide coalition building. Among other ideas, participants discussed creating a state-wide communication network, enabling them to share experiences and resources. They also hope to host another regional training, possibly in the Triad.

**NC Annexation Study Commission**

SMAEC and the Center seized the opportunity to influence statewide policy by engaging in the 2008 NC House of Representative Study Commission on Municipal Annexation Laws. Throughout the five-months, SMAEC wrote letters to the Commission and spoke at public hearings in Raleigh, ultimately resulting in Commission members

Carol Henry voices SMAEC’s concerns to Commission members and asks the Commission to appoint a representative from a low-income minority community.

Maurice Holland tells the Commission and 400 attendees about Midway’s obstacles in seeking annexation and basic services, and the success they have had in working with the town.

Florine Bell
Maurice Holland
Oneal Russ
Georgette Russ
Diane Standaert
Carol Henry
recognizing the need to examine the effect of annexation laws on underserved minority or low-income communities.

Specifically, SMAEC requested that the NC General Assembly: (1) examine issues of density requirements for involuntary annexation, (2) examine the possibility of requiring that cities and towns provide services in a reasonable period of time for voluntary as well as involuntary annexation, (3) examine the possibility of lowering the 100% threshold required for voluntary annexation and (4) appoint representatives from affected low-income and minority communities to the Commission.

On April 9, 2008, 4 representatives from SMAEC and a representative of the Lincoln Heights community outside of Roanoke Rapids, NC attended a public hearing hosted by the Commission, commanding the attention of the 12 commissioners and the applause of a 400-member statewide and predominantly white audience.

Maurice Holland told Committee members about the Midway community and that Midway and other excluded communities were in favor of annexation, but has historically been denied it. When asked his thoughts on why Aberdeen has refused to annex Midway, Holland effectively described the community’s advocacy efforts and the results of those efforts and concluded by telling the Committee that Midway has been excluded from Aberdeen because they do not have the economic base to offer the town that other areas do.

**Testimony of Oneal Russ at NC Annexation Study Commission Public Hearing:**

The current annexation and extraterritorial laws of my native state, North Carolina, combined with locally developed land use ordinances have been devastating to the hopes of the citizens of Jackson Hamlet for over 27 years. Zoning, select annexation, and development all around our community has boxed us in without municipal services and without any voice in major decisions affecting us environmentally. As a result of annexation of areas around us, zoning, increased traffic, and commercial development, our 100 year old community has been physically broken into four parts including the highway commercial zone.

Life, liberty, and the pursuit of happiness for ourselves and our posterity is going to require something to give by the powers that be. More dialog is needed between land owners in established neighborhoods and municipalities. Modification to make involuntary annexation laws more flexible, especially where it involves extraterritorially zoned contiguous communities is also needed. Rigid adherence to present law in our particular situation, and probably that of several other communities, denies the majority indigenous population opportunity to receive needed, reasonable municipal services in built-up areas (e.g. solid waste, street lighting, and police patrols).
US Social Forum

Social activists and community organizers from all over the United States gathered at the 2007 United States Social Forum (USSF) in Atlanta, Georgia. With support from the Babcock Foundation, SMAEC sent 5 representatives this movement-building event, and the Center sent 4. At the Social Forum, SMAEC hosted a workshop entitled “Tearing Down Invisible Fences: Community Empowerment, Political Inclusion, and Property Rights as a Human Right.” After showing the Invisible Fences documentary, SMAEC leaders discussed their experiences as excluded residents, organization and activism efforts, and victories thus far. Panelists shared how their visions for their communities, feelings second class citizenship, NC annexation laws, and Ku Klux Klan survival stories all tie in to the current movement.

SMAEC and the Center also partnered with the Rural Organizing Project (ROP) of Scappoose, Oregon to host a workshop, “Making Another RURAL World Possible: Strategies for Rural Movement Building.” This workshop brought together different people currently working with or planning to work with rural communities to create a conversation about advancing the rural social justice movement.

Not only did USSF enable SMAEC members to share their experiences with other activists, it also allowed SMAEC representatives to learn about other topics that will enhance their own activism. Pertinent workshops included those on the experiences of Hurricanes Katrina and Rita survivors, alternative economic development and worker-owned cooperatives, using anti-racism trainings as a solution for community organizing, and saving African-American owned land. Jimmy Pratt and Bobby Person attended a workshop on non-commercial radio licenses, and as a result, Voices for Justice is in now the process of applying for such a radio station.
PLANNING FOR THE FUTURE

Community Economic Development Initiatives

Jackson Hamlet resident Leo Thomas sees the economic development work as crucial to the health of the community. “It gives the community hope. Our communities used to thrive with small business, but now they’ve gone away. Things like the small loan fund will help stimulate that again.” Daryl Frye agrees that the economic development initiatives are crucial. “What we need is jobs so that people don’t run away and leave the community. We need them to come back and help build.”

Radio Station

Since the 1990s, Voices for Justice has hosted a weekly radio program on a local station, bringing a desperately-needed voice to the airwaves of Moore County to discuss economic and social inequality in the area. VFJ uses the show to inform poor and minority communities about issues that truly affect them but are ignored by existing media, such as a local government’s decisions to place a landfill next to a black community, the treatment of Latino workers in the Gulf Coast, and information from local lawyers on filing employment discrimination claims. VFJ’s radio show was also the first show to openly discuss AIDS in the black community in southern Moore County.

In the summer of 2007, VFJ learned of the opportunity to apply for a full-power, non-commercial education (NCE) radio station construction permit. This presented a rare and limited opportunity. The last time the Federal Communications Commission (FCC) made NCE frequencies available was 15 years ago and application were due in October, so VFJ needed to act quickly.

In a few weeks’ time, with the technical assistance of organizations like Prometheus Radio Project and Pacifica Radio Network, VFJ was able to find an available frequency, raise pledges of money to support the application, and secure in-kind donations from civil rights lawyers, FCC lawyers, and engineers. Womble Carlyle Sandridge & Rice, a North Carolina law firm, with the assistance of the UNC Center for Civil Rights, will be representing VFJ throughout the application process. Once completed, VFJ hopes that the radio station will enable it to permanently secure a venue and voice for poor and minority communities of rural North Carolina.
Community-based Micro Loan Fund

A portion of the collaborative grant from the Babcock Foundation was earmarked for creating a community economic development mechanism, such as a community credit union or revolving loan fund. SMAEC hopes to bring opportunities to the community that will serve residents of Moore County and neighboring counties who have been excluded from traditional banking institutions. With the presence of financial institutions serving their communities, low-income residents of southern Moore County will be able to increase their financial wealth as well as have access to a banking institution that will work with them to foster economic self-sufficiency.

Community leaders first expressed the preference for bringing a branch of an already existing credit union to Moore County. As a result, SMAEC hosted a community meeting with the President and Vice President of Generations Community Credit Union (GCCU). More than twenty individuals from communities in and around Moore County attended the meeting. Following the meeting with GCCU, community members decided to pursue the credit union as a long-term goal.

Resources

Generations Community Credit Union
Generations Community Credit Union is a new statewide credit union based in Durham offering a full range of financial services to its members. GCCU is a certified community development financial institution, providing affordable credit to low-wealth families across the state.
Telephone: 919-682-2200   Website: http://www.gencomcu.org

North Carolina Minority Support Center
NC Minority Support Center is the sponsoring nonprofit organization which is dedicated to relieving poverty, combating community deterioration and creating jobs and homeownership opportunities for low and moderate income people throughout the state in conjunction with NC’s community credit unions.
Telephone: 919-530-1683   Website: http://www.ncmsc.org
In the meantime, SMAEC decided to create a community loan fund to support economic growth in minority communities in southern Moore County. Before setting up the fund, however, SMAEC leaders realized that they needed more information about minority-owned small businesses located in their communities; whether their neighbors owned, operated, or worked at small businesses; and the financial needs, if any, of small business owners and entrepreneurs. After developing a brief survey to gather this information, SMAEC leaders asked community residents and business leaders to fill out the survey during the monthly community meetings and contacting small businesses individually. Results are being compiled, and they will be used to set up the objectives and parameters of the micro loan fund. With contributions from Jackson Hamlet, Waynor Road, and Midway, the loan fund was created on June 30, 2008 with over $15,000, and will be held by Generation Credit Union.

Location of minority-owned businesses in southern Moore county and surrounding communities.
Created in partnership with SMAEC, Southern Coalition for Social Justice and Center for Civil Rights and through plotting results of community surveys on Google Earth, the mapping component will help identify the connectedness of the businesses to each other and the region’s overall economy.

Affordable Housing

From 1980 to 2000, 18,247 new homes were constructed in Moore County, and thousands of more homes have surely been built since 2000. Yet, most of the housing that has been built in the county is not affordable to the working class and low-income populations of Moore County. Jackson Hamlet, Midway, and Waynor Road residents all want to see more affordable housing options in southern Moore County so that their children, relatives, and friends all have a place to live. Maurice Holland describes affordable housing as being key to “keeping the character and tradition of the community and preserving our heritage and history but also allowing our community to grow.”

In January 2008, Midway seized the opportunity for building affordable housing. Upon learning that a 9-acre tract of land on Midway Road was going to be auctioned off by the NC Department of Transportation in six days, the Midway community asked the Center for Civil Rights to help find an affordable housing developer who would be interested in purchasing the land. The Center for Civil Rights immediately pulled together 4 key partners—Self-Help Community Development Corporation, Moore County Habitat for Humanity, Southern Coalition for Social Justice, and the NC Community Development Initiative.

After 5 days of inquiry among the partners, and one day before the auction, Self-Help committed to help finance the property purchase up to a certain amount and Habitat committed to develop it. On January 18, 2008, Self-Help, on behalf of the community, successfully outbid all other bidders at the auction! Many residents shed tears of joy, thankful that their childhood baseball field would remain part of their community. Lifelong resident Mary Brown views the future new homes as a way “to bring young people back to the community.” While much work needs to be done between now and completion of the new homes, it is already a victory against the strong racial and economic barriers facing Midway and a crucial step towards increasing affordable housing in southern Moore County.

**Neighborhood Preservation**

Even as the communities accomplish these initial successes, they face additional challenges such as increased development pressure. Given their prime location and the threat of gentrification, the communities believe that a critical piece to their long term
preservation is a community-driven plan for the future. With plans that reflect the communities’ visions for themselves, they can begin to secure necessary zoning and other resources to pursue that vision. Thus, one of the major questions that remains is as the towns and communities move forward with annexation, how can Jackson Hamlet, Midway, and Waynor Road protect themselves from essentially being gentrified out of existence? Put another way, how can the distinct history, community, and culture of each community be preserved?

Once a long range plan is in place, there are a variety of tools that the communities could use to help preserve their neighborhoods for future generations. These tools include: conservation easements, land trusts, small area plans, community benefits agreements, restrictive covenants and neighborhood conservation district zoning overlays.

**Conservation Easements**

Conservation options help families retain ownership of their land, while at the same time preserve the state’s valuable natural resources. Landowners have various conservation options to choose from depending on their needs. One option is a conservation agreement, often referred to as a conservation easement. A conservation easement is an agreement to limit the development that can happen on your land, while still allowing your family to access and live on it. These agreements must be formed between the landowner and a nonprofit organization, land trust, or government agency.

The Hewetts, an African-American family that has farmed their land for more than 100 years, and still does, is ensuring the land’s natural state is preserved for generations. In 2004, the NC Coastal Land Trust purchased a 143-acre riparian buffer conservation agreement along the Lockwood Folly River in Brunswick County from the Hewetts with funding from the Clean Water Management Trust Fund.

The Hewett family also donated a farmland conservation agreement on the 116 acre upland portion of their property for a total of 259 acres of land under protection. The donated portion of the agreement is in agricultural production with crops such as soybeans and hay. The Hewetts also graze cattle on their lands and enjoy the fact that they can manage a productive tract of land while protecting water quality and wildlife habitat.

- From NC Coastal Land Trust, http://www.coastallandtrust.org

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Advantages of conservation easements include:

- Allows the landowner to retain enjoyment and title of their property;
- Ensures that property will be maintained according to the owner’s wishes;
- Potentially lowers estate and property taxes due to lower value of land;
- Provides tax benefits in cases where the easement is considered a charitable contribution under IRS regulations; and
- Places control of the land under the easement in to the hands of outside organizations.

Community Land Trust

Community land trusts (CLTs) are a more recent response to community disinvestment, over-priced housing, and other symptoms of gentrification or community deterioration. Even though CLTs vary depending on their location and purpose, the basic concept is that a CLT acquires land through purchase or donation and holds it for the good of the community. Often, residential or commercial buildings are constructed (or refurbished) on the land held by the CLT and then sold to community residents. Even though the building is sold, the CLT retains ownership of the underlying land which is provided to the buyer through a long-term ground lease (frequently 99 years). The ground leases are usually renewable and can be passed on to the heirs of the building owner for as long as the heirs continue to use the building.

Community land trusts ensure that housing in a neighborhood remains affordable by removing the cost of the land from the price of the building. Many CLTs also limit the resale price of housing so that sellers receive a limited return on their investment in order to preserve affordable housing for future buyers. Thus, CLTs give individuals and families who may be shut out of the housing market through conventional means the chance to buy a house.

For more information about the state’s 23 land trusts, tax implications and benefits of various conservation options, refer to the following websites:

North Carolina Coastal Land Trust: www.coastallandtrust.org
Resourceful Communities Program: www.resourcefulcommunities.org
Conservation Trust for North Carolina: www.ctnc.org/landown.htm
Small Area Plan

A small area plan is typically a long-term plan for a particularly unique or distinct area of a city. These small area plans vary in terms of what they include, but many serve as guides for future zoning, construction, development, land use, environmental issues, and commercial revitalization in the area.

In evaluating the variety of needs and topics that a small are plan may address, the municipality usually gives the community a voice in the process by seeking input from those living in the considered area. This process helps residents and landowners think about what they want the community to look like in the future and how they can influence growth to match those goals.

While many North Carolina municipalities and counties have implemented small area plans, the plans have usually been created for larger geographical areas that have more diverse uses and issues than a single community. For example, the Moore County Small Area “A” is a small area plan for a location that is about 100 square miles and includes at least five distinct communities. The Deep River Small Area Plan in the City of Sanford in Lee County covers an area that has a population of more than 4,300 people.

Community Benefits Agreements

Community benefits agreements (CBAs) are community development and preservation tools that can be used to address a broad range of community concerns and needs. A CBA is a contract negotiated between community groups and a developer (an in some cases the local government) in which the developer agrees to provide certain community benefits as part of the development. In exchange for the negotiated benefits, the community organizations offer public support for the proposed development and often the governmental entity agrees to provide any necessary zoning changes and permits.

A CBA is a legally binding agreement, and helps ensure that local community residents directly benefit from economic development occurring in their communities. Typically CBAs involve a number of community organizations and include provisions on issues such as jobs and wages, hiring plans, housing, and environmental concerns. Because CBAs are negotiated by specific community groups and a developer and concern a

16 Id.
particular community, the benefits in a CBA can and should be tailored to the community.

For example, a CBA could provide for the building of a community park, the installation of street lights, or the building of sidewalks. A CBA could also create guidelines for developers to follow during the building process, including clean-up, noise control, and construction traffic. In order for a CBA to be truly effective, the community needs to be well-organized. The community or coalition must agree on who will be involved, how decisions will be made, who will negotiate, and how to prioritize competing concerns.\textsuperscript{17}

CBAs are relatively new tools to advocate for social justice and community concerns. Most CBAs have been negotiated in connection with the large-scale commercial development, such as retail and theater developments, sports arenas, or airport expansions.\textsuperscript{18} However, the basic idea and structure of a CBA can be used for smaller and residential developments, and can address a wide range of issues.

\textbf{Restrictive Covenants}

Private landowners can use restrictive covenants to restrict land use. Even though restrictive covenants are more frequently used to control a new neighborhood’s character and appearance, the tool may also be a strong preservation strategy for an existing neighborhood. However, the law surrounding restrictive covenants is complex, and there are often difficulties when it comes to enforcing the covenants. There are two variations of restrictive covenants that could be used for neighborhood preservation purposes: real covenants and equitable servitudes. The primary differences between the two concern their establishment and enforcement, as explained below. In order to be enforceable long-term however, any restrictive covenant must be part of a uniform or general scheme.\textsuperscript{19}

\textit{Real Covenants}

A real covenant is a restriction on the use of property that is written on the deed itself. Therefore, it exists even if the land is sold. Any restriction that does not

\textsuperscript{17} See generally Gross, et al. supra note 14.
\textsuperscript{18} Id.
\textsuperscript{19} N.C. Gen. Stat. § 47B-3(13).
violate public policy can be imposed. As a tool for neighborhood preservation, a community may consider covenants that restrict building height, building type, or activity such as residential only. Such real covenants are enforceable in court and a landowner can seek money damages if the restriction is violated.

Creating real covenants for properties in pre-existing communities can be problematic, however. A landowner cannot deed the property to himself or herself to impose the restrictive covenants onto the property. Instead, each landowner in the community would have to deed his/her property to a third party, such as a homeowners or community association, who would then re-deed the property back to the owner with restrictive covenants. Such a process would be time consuming, complicated, and would require participation from all landowners in order for it to be a successful neighborhood preservation strategy. The homeowners or community association adopting the restrictions could be the entity responsible for enforcing the restrictions.

If a community is able to get all landowners to agree to covenants, the restrictions will need to be drafted with great care and likely require the assistance of a lawyer. North Carolina courts, when interpreting real covenants, read such covenants to allow for the freest use of land that is reasonable based on the restrictive covenant’s language. Thus, unless a real covenant is drafted very carefully, the covenant may not be enforced by North Carolina courts.

**Equitable Servitudes**

Much like a real covenant, an **equitable servitude** is a type of restrictive covenant that imposes restrictions on a piece of property, and it is contained on the deed or plat. Equitable servitudes are also enforceable in court, but the only remedy is for the court to compel someone to stop violating the restriction. Money damages are not recoverable.

Creating equitable servitudes is less problematic for an existing community than real covenants since equitable servitudes do not require that the property be deeded through a third party back to the original owner. Rather, it is possible that members of a community could each deed their property to themselves with the equitable servitudes on the deed. However, the process to include restrictive equitable servitudes on property is still a difficult one. While an individual landowner does not necessarily have to deed his or

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21 Id.
her property to a third person, the community still needs to get all landowners to agree to the restrictive equitable servitudes for it to be an effective community preservation tool. Further, because equitable servitudes are enforced in equity, any remedy for a breach of the servitude could not be enforced through money damages and must instead be enforced in terms of action.23

Example: Real Covenant
With the help of a lawyer, Landowner Bob conveys deed to Community Association, who deeds it back to Bob, with restrictions such as forbidding constructing townhomes, using land for commercial purposes, or painting the building hot pink. Bob can put almost any restriction he wants, as long as it doesn’t violate public policy. If Bob sells the land, the restrictions remain. If Bob or anyone else who purchases the land violates the deed, the Community Association can seek enforcement of the restrictions and monetary damages in court. But courts interpret them to allow the freest use of the land, so the restriction must be carefully drafted. Nevertheless, if all of Bob’s neighbors want to impose the same restrictions on their land, real covenants could be a powerful community preservation tool.

Example: Equitable Servitude
Landowner Jane decides she wants to permanently restrict the use of her land. With the help of a lawyer, Jane can convey the deed to herself and impose restrictions such as forbidding constructing townhomes, using land for commercial purposes, or painting the building hot pink. Jane can put almost any restriction she wants, as long as it doesn’t violate public policy. Jane does not need to convey the deed to a Community Association or anyone else for the restriction to be enforced, but it must be recorded at the register of deeds and should name who has the right to enforce the restriction. If Jane sells the land, the restrictions remain. If Jane or anyone who purchases the land violates the restriction anyone with the right to enforce the restriction may sue the violator, but the court cannot award money. The court can only enforce the restrictions. Nevertheless, if all of Jane’s neighbors want to impose the same restrictions on their land, equitable servitudes could be a powerful community preservation tool.

Neighborhood Plan/Conservation District Zoning Overlay
A neighborhood plan, also known as a conservation district zoning overlay, is a local zoning tool that can be used by a city to protect a specific neighborhood within its jurisdiction. The municipality defines the neighborhood district in its local zoning ordinances, and then adopts zoning ordinances that protect the community or neighborhood, and are designed with the needs of the community in mind. Thus, the overlay or plan can range from something as simple as adding sidewalks to a comprehensive plan for land use, zoning changes, and special housing standards. It is important to note, however, that state law requires that all municipal zoning regulations be

23 Runyan v. Paley, 331 N.C. 293, 416 S.E. 2d 177, 188 (1992)
made in accordance with a comprehensive zoning plan.\textsuperscript{24}

The advantages of the neighborhood plan/neighborhood conservation district zoning overlay are clear. Generally, a municipality makes a public commitment to a neighborhood when it designates the neighborhood a conservation district. In doing so, the municipality creates policies and plans to preserve the neighborhood, usually involving the local residents in the process. The public nature of the process ensures community approval to the protective measures.

However, neighborhood plans and conservation district overlays are relatively new in North Carolina. Beyond the South Park neighborhood in Raleigh\textsuperscript{25} and the Northside neighborhood in Chapel Hill,\textsuperscript{26} there are only a handful of examples of neighborhood plans or conservation district overlays. These neighborhoods include: the College Park/Idlewild and the Caraleigh/Fuller Heights neighborhoods in Raleigh and the Centerview, West 8th Street, Bethel, and Rosehill neighborhoods in Kannapolis. Thus, there may not be sufficient data or experience to judge the successes and drawbacks of these tools.

Before a community can be designated for preservation, the municipality must first buy in to the general concept of the neighborhood conservation district, and then agree to designate the particular neighborhoods for preservation. Finally, neighborhood plans can be amended or overturned by town councils, so it is important that a neighborhood stays informed and involved even after it has been designated for preservation.

South Park Neighborhood (Raleigh, NC)
South Park is a 263-acre historically African-American neighborhood surrounding and including Shaw University and is part of a larger predominately African-American section of Raleigh. Many of the houses were either abandoned or were owned by absent landlords.

To respond to South Park’s needs for economic improvement and preservation, city officials and South Park residents citizens created an overall neighborhood plan. The plan includes a new neighborhood center, building codes enforcement, creation of a citizen task-force to hold absentee landlords accountable, and improved police/citizen relationships. The plan also extends a zoning overlay to the neighborhood, with lot size, setback, and building height restrictions.

The first South Park neighborhood plan was adopted in 1993, but was amended in 2007 due to the development pressures created by the Downtown Raleigh revitalization and Shaw University expansion plans.

Northside Neighborhood (Chapel Hill, NC)
Northside is a historically African American neighborhood that faces ongoing pressures that make it ripe for gentrification—the continual rise of home prices in Chapel Hill, lack of affordable housing options in new subdivisions, and growth of the University of North Carolina.

To preserve Northside, Chapel Hill revised its land use ordinances in 2003 to establish Neighborhood Conservation District Zoning. After working with Northside residents for a year to determine what the neighborhood wanted to preserve, Chapel Hill adopted a Neighborhood Conservation District for Northside. The plan included an ordinance prohibiting the construction of duplexes or houses of more than 2,000 square feet, in addition to other design guidelines, in order to offset the pressures from the rental market.

The planning process and ultimate outcomes for Northside were not as comprehensive as the process Raleigh engaged in with the South Park neighborhood.

<table>
<thead>
<tr>
<th>Examples of NC Communities with Neighborhood Plans</th>
</tr>
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<tbody>
<tr>
<td>South Park Neighborhood (Raleigh, NC)</td>
</tr>
<tr>
<td>South Park is a 263-acre historically African-American neighborhood surrounding and including Shaw University and is part of a larger predominately African-American section of Raleigh. Many of the houses were either abandoned or were owned by absent landlords. To respond to South Park’s needs for economic improvement and preservation, city officials and South Park residents citizens created an overall neighborhood plan. The plan includes a new neighborhood center, building codes enforcement, creation of a citizen task-force to hold absentee landlords accountable, and improved police/citizen relationships. The plan also extends a zoning overlay to the neighborhood, with lot size, setback, and building height restrictions. The first South Park neighborhood plan was adopted in 1993, but was amended in 2007 due to the development pressures created by the Downtown Raleigh revitalization and Shaw University expansion plans.</td>
</tr>
<tr>
<td>Northside Neighborhood (Chapel Hill, NC)</td>
</tr>
<tr>
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</tr>
</tbody>
</table>

**Asset Protection & Wealth Building**

Low-resource landowners, regardless of wealth, face land retention challenges. Historically, causes of land loss include eminent domain, foreclosures, partition sales of property passed through generations with no will, or even violence. In many cases, inequities in current law allow the land to easily slip from the family. Obstacles, such as the high cost of private attorneys, prevent families from reversing the effect of years of inadequate legal representation.

In response to land retention concerns in their communities, SMAEC hosted a community workshop on land loss prevention on September 22, 2007, inviting speakers from Land Loss Prevention Project and Legal Aid of North Carolina.
The workshop, which took place in Carthage, NC, presented an overview of African American land loss - why and how African-American land loss occurs and ways families can protect their property. African Americans in the U.S. are losing land two and a half times faster than white landowners.27 This rapid, disproportionate trend has persisted to such extremes that African Americans now own less than one percent of all privately-owned rural land in the U.S, even though they owned over 15 million acres in 1910.28

Presentations covered on topics such as partition laws in North Carolina, wills, power of attorney, and consumer issues that affect land loss. The workshop also provided time for individuals and families to meet with attorneys to discuss any issues they may have related to land loss and heirs’ property.

<table>
<thead>
<tr>
<th>Key Words Related to Land Loss</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Heirs’ property</strong> is land that is passed down from one generation to another, often without a without a will and resulting in multiple owners.</td>
</tr>
<tr>
<td><strong>Tenants in Common</strong> is the legal term for multiple owners of heirs’ property. Any tenant in common can sell his or her share without having to tell you and without your permission.</td>
</tr>
<tr>
<td><strong>Wills</strong> help heirs’ property from being further divided because heirs’ property because it can direct to whom the land will be passed. Wills can be changed at any time, and can be obtained for free through such as Legal Aid.</td>
</tr>
</tbody>
</table>

For more information, contact Land Loss Prevention Project, 1-800-672-5839

<table>
<thead>
<tr>
<th>Protect Your Land By:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Creating a will to designate you should get your interest in your land</td>
</tr>
<tr>
<td>• Talking with your family about keeping land in the family</td>
</tr>
<tr>
<td>• Paying the property taxes</td>
</tr>
</tbody>
</table>

Seeking Systemic Solutions to Stem the Tide of African American Land Loss

SMAEC members advocated at the legislative level for a study into North Carolina partition action laws. In their letter to Representative Joe Hackney, SMAEC members highlighted some of the problems that partition sales actions cause in their communities and the barriers that they face in protecting their land. According to Carol Henry, President of Jackson Hamlet Community Action, two of the main barriers include lack of education about the vulnerabilities of heirs’ property ownership and the lack of access to legal services and resources.


28 Id.
Connecting with Other Excluded Communities

Through the last four years of activism, outreach, research, and education, the Moore County communities and partnering organizations leaders have learned documented at least 34 communities in North Carolina similar issues of exclusion. The following section profiles a few of those communities:

Addor

Addor is a predominately African American community located outside of Pinebluff in Moore County. In 2000, Pinebluff’s population was 1,109, with an 89.5% white population, and 7.4% African American. Addor is excluded from the city limits of Pinebluff, and it is not in Pinebluff’s ETJ. Over 200 residents live in Addor, many of whom work in Pinebluff and the nearby Pinehurst Resort. Even though the community sits just across the street from Pinebluff’s only golf course and is located next to the county’s sewer treatment facility, only 25 homes, the community center, and two churches have public water and sewer service. In October 2006, Moore County received $590,000 in CDBG funds to extend water and sewer to 16 more homes in Addor. Moore County has also received CDBG funds to provide housing rehabilitation assistance to two homes in Addor, yet residents say these efforts are woefully short in meeting the community’s needs.

Buckhorn/Perry Hill

Buckhorn/Perry Hill is a small African American community excluded from the municipal boundaries of Mebane in Alamance and Orange Counties. A portion of Buckhorn/Perry Hill is in Mebane’s ETJ, and without input from residents, the town rezoned that portion of the community from residential to manufacturing. In 2007, Mebane received federal and state grants to repair infrastructure and bring sewer services to some residents of West End, White Level, and Buckhorn/Perry Hill.

Colerain

Colerain is a majority white town in the majority African-American county of Bertie. White residents make up 93% of Colerain, while African American residents make up 63% of the county. African Americans make up 79% of the population in the census blocks surrounding Colerain.

Creedmoor

According to the 2000 Census, 70% of the residents of Creedmoor in Granville County, are white while 27% are African American. From 1990 to 2000, Creedmoor annexed a number of areas outside town boundaries, but none of the annexations included any of the large African American communities at its borders. In fact, the
town boundaries following the annexations from 1990 through 2000 specifically go around one African-American community.35

**Graham Town, New Hope, & Laurel Hill**

Located inside the limits of Forest City in Rutherford County, residents of Graham Town describe their community as a “lost triangle of black-owned land.” Even though it has existed since 1926, residents have been taxpayers for years, and growth occurs on all sides, Graham Town lacks basic infrastructure such as sidewalks, street lights. The infrastructure it does have is inadequate: the neighborhoods’ only park remains locked behind a fence and residents report frequent sewer problems.

New Hope and Laurel Hill are two nearby communities excluded from the boundaries and services of the towns of Spindale & Rutherfordton.36 Laurel Hill is located less than a mile from the county’s current landfill and from its now-closed unlined landfill.

**Lincoln Heights**

Lincoln Heights has existed for more than 100 years “just a stone’s throw” from the city of Roanoke Rapids in Halifax County. According to residents, many places in Lincoln Heights look like they did 100 years ago, even though Roanoke Rapids experienced economic growth. Approximately 400 residents, the majority of whom are African American, live in Lincoln Heights.37 Residents of Lincoln Heights seek better services such as street maintenance, street lights, police and fire protection, recreation amenities, and better schools. Even though Lincoln Heights already has public water and sewer and city police and fire use the main road in Lincoln Heights as a thoroughfare, the city rationalizes its refusal to annex on economic grounds by saying it must keep an eye on a tax base that will serve the city’s best interests.38

Residents feel that neither Roanoke Rapids nor Halifax County want to take responsibility for serving Lincoln Heights. In 2006, Roanoke Rapids released Lincoln Heights from its ETJ. The city’s rationale was that Lincoln Heights would be better served by the less stringent land use regulations of the county because of Lincoln Heights’ low density.39 Residents feel, however, that this action also signifies that when Lincoln Heights needs something, Roanoke Rapids can more easily pass responsibility to the county.

**Micro**

Like Colerain described above, Micro is a small predominantly white small town in Johnston County. The town’s population is approximately 454, and only 35 of those residents are African American.40 However, the area on the eastern border of the town, outside of the municipal boundaries, is between 81% to 100% African American. This area is in Micro’s ETJ.

**Monroe Town**

Monroe Town is a small African American community entirely surrounded by the Village of Pinehurst in Moore County.41

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35 Johnson, et. al, supra note 32.
36 Interviews with Pearl Nealey and Theretha Bennett at Western NC Workshop for Excluded Communities, June 14, 2008.
37 Interview with Florine Bell, Director of Lincoln Heights Community Development Center, Mar. 3, 2008.
39 Id.
40 Johnson, et. al, supra note 32.
and is within Pinehurst’s ETJ. The community already has public water and sewer and is separated only by a line of pine trees from the Pinehurst #6 golf course, where the Pinehurst Resort and Country Club are located.41

Rogers Road-Eubanks Road

The Rogers Road-Eubanks Road community, is a 150-year old African American community located near and in Chapel Hill and Carrboro in Orange County.42 Part of the community lies within Carrboro’s city limits and part of the community lies within Chapel Hill’s ETJ. In the 1970s, Chapel Hill purchased land along Eubanks Road to use as a landfill. Although the community opposed the landfill, Chapel Hill promised residents that the landfill would only be used for 10 years and that once the landfill was closed, the town would provide water and other basic services. As of 2008, the landfill is still in use, and Chapel Hill has built another solid waste landfill and two industrial waste landfills. Further, the town has not provided any basic services or infrastructure. In fact, even though the landfill is in their backyards, most residents of Rogers Road-Eubanks Road community do not receive garbage pickup service. In March 2007, the Orange County Commissioners voted to place a solid waste transfer station on Rogers Road, in the same area as the four landfills.

Since that vote, the Rogers-Eubanks Coalition to End Environmental Racism (CEER) has strongly advocated against the transfer station. The group filed a formal civil rights Title VI complaint with the U.S. Environmental Protection Agency Office of Civil Rights alleging environmental injustices based on race.43 In November 2007, the Orange County Commissioners decided to re-open the search for a solid waste transfer site, but the Rogers Road site has not been eliminated.44 In addition to not receiving trash pick-up, public water, nor public sewer, Rogers Road-Eubanks Road does not receive city fire and police protection, road services (such as sanding the roads during ice and snow storms and road maintenance), nor street lights.

Shallotte

The city of Shallotte is located in Brunswick County, and according to the 2000 Census, the population was 90% white and 8% African American. Shallotte’s town boundaries are complex, and the town uses different forms of annexation, primarily satellite (non-contiguous) annexation and balloon annexation. A number of African-American communities are located outside town limits along three different municipal borders.45 In fact, the town expanded its borders by extending town boundaries along a road to reach a new area, while excluding the African-American community that borders the road.

Shaw Heights

Shaw Heights is an unincorporated neighborhood of about 1,390 residents located on the northern fringe of

42 Rogers-Eubanks Coalition blog, http://rogersroad.wordpress.com/
Fayetteville in Cumberland County, sandwiched between the city and Fort Bragg. According to the 2000 U.S. Census, about 27% of Shaw Heights’ population was white, while approximately 65% was African American, and 7% was Hispanic or Latino. Fayetteville’s population, on the other hand, was about 48% white, and 40% African American, and about 5% Hispanic or Latino in 2005. The poverty level in Shaw Heights is 39% while Fayetteville’s is 11.7%. Despite robust annexation activity since 1984, Fayetteville consistently overlooks Shaw Heights. As a result, Shaw Heights still lacks sewer services, garbage collection service, regular maintenance of streets, adequate police protection, and street lights. Even though they have public water, Shaw Heights residents pay twice as much as do Fayetteville residents because the neighborhood is outside the city limits.

Silver City

Silver City is a predominately African-American, unincorporated community north of Raeford’s city limits, but within its ETJ, in Hoke County. According to the 2000 Census, Silver City has 1,146 residents and approximately 94% are African American while 3% are white. In contrast, 53% of the Raeford population is white, while 41% are African American. Approximately 74% of residents Silver City’s ETJ area are African American.

Because Silver City is not part of Raeford but is in the town’s ETJ, Silver City residents are subject to Raeford’s building and land-use ordinances but those residents are not able to vote in town elections. If Raeford annexed Silver City, African Americans would comprise 54% of the town’s population.

West End

West End is an African American community bordering the town of Mebane in Alamance and Orange Counties. Until recently, Mebane did not extend sewer to West End, even though the sewage treatment plant abuts the community. Like many excluded communities, West End is in Mebane’s ETJ. The West End Revitalization Association (WERA) is active in speaking out for the community’s need for basic services and opposition to highway bypass proposed through the community. In 2007, Mebane received federal and state grants to repair infrastructure and bring sewer services to some residents of West End, White Level, and Buckhorn/Perry Hill.

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48 Johnson, et al. supra note 42.
Maps of Excluded Communities
Shown by percentage black population, 2000 Census Blocks

Creedmoor, Granville County
Cedar Grove Institute for Sustainable Communities

Lincoln Heights Community*
Roanoke Rapids, Halifax County
U.N.C. Center for Civil Rights
*Reflects 2000 Census Block Groups. Block level data unavailable.

New Hope & Laurel Hill Communities
Forest City, Rutherford County
Dr. Semra Ayrtur, U.N.C. School of Public Health

Rogers Road-Eubanks Road Community
Chapel Hill, & Carrboro, Orange County
Chris Heaney, U.N.C. School of Public Health

Shalotte, Brunswick County
Cedar Grove Institute for Sustainable Communities

Silver City Community
Raeford, Hoke County
Cedar Grove Institute for Sustainable Communities
CONCLUSION

At the Western NC Workshop for Excluded Communities, participants shared parting words that are appropriate here. In his presentation on the Midway’s organizing efforts, Maurice Holland gave advice stemming from a life time of activism: “It will be a long-term effort, one that won’t be solved overnight. Teamwork will be key; there is no big me, little you. Do your research, communicate with each other, and you must build trust with each other. And most importantly, maintain your focus.” Jim Grant of Voices for Justice adds, “These are situations that have taken 365 years, maybe longer, for us to get into, and it will take us a while, but hopefully not 365 years, to get out them. Our task then is to make sure we build a foundation so the next generation can carry the torch and we must keep pushing until we reach our goal.”

Shanda Whitaker, a young Waynor Road resident, underscored the important role of youth, “We will be the ones taking up the charge and keep it moving to make sure we bring more young people back to the community instead of moving away after college.” Mark Bethea from Jackson Hamlet spoke to the challenges sometimes faced by emerging leaders: “Having grown up in Jackson Hamlet, I saw growth and services come all around my community, but never in it. Not wanting to see my community deteriorate any further, I want to be involved, go to as many meetings as possible, and do whatever it takes even though I also have a full time job. For me the struggle is figuring how to get this work done. I need to learn from Carol Henry, Jim Grant, and Maurice who have been doing this for so long.”

As evidenced by workshop discussions, an important outcome has been not only the improved service and participation with the local government, but also the knowledge transfer from old to new leaders. Additionally, this information exchange among the communities and outside organizations. The goals of this manual are the same—bridging the gap between individuals involved in the fight for equality and those needing to be, and bridging the gap between those historically excluded from decision-making processes and those in positions of power.

There remains much work to be done; many other communities still face the effects of exclusion, which are broad and deeply ingrained. Coordinated grassroots activism can and historically has been successful in the struggle for inclusion, and can be amplified by legal and technical assistance organizations and forward thinking state and local governments working in partnership with community groups seeking positive change.
Appendix A: Sample Community Assessment and Income Survey

Name:
Physical Address:  Mailing Address:
Date:  Telephone #
Type of Structure:  House  Mobile Home  Apartment  Business  Other___
Condition of Structure:  Abandoned  Good  Moderate  Severe
Age of Structure?  Size of lot (in square feet)?
Own or Rent?
Number of residents?  Number of bedrooms?
Household Income: (see separate survey form)

Where do you work?

Water Supply: (circle one) Public Water  Private Well  Other (indicate)
For private well water: Any problems with water in the past five years? If yes, indicate what problems:
If public water supply, about how much is your monthly water bill?

Wastewater: Type sewage disposal: central sewer  septic system  pit privy
Complete bathroom facilities?  Everything in house connected to septic system?
How long have you had your septic tank?
When did you last pump your septic tank?  How much did it cost?
Do you add anything to your septic system (Rid-ex, yeast, baking soda, etc)?
  Do you clean with bleach or corrosive cleaners in the house?

Have you had problems with your septic system?
Have you repaired your septic system? If yes, what repairs were done and how much did it cost?
How long did your septic system last before you needed to repair or replace it?
If public water and sewer lines were brought to your community, and you could connect at no cost, would be interested in receiving these services, even if it meant you would have a monthly bill

Annexation:

Do you support efforts to bring Midway into the town of Aberdeen through annexation?
If no, why are you opposed to annexation? (ie. concern about costs, taxes, preserving community)
If no, or unsure, what questions or concerns do you have about annexation or receiving public services? (ie. cost information related to sewer hook-ups, taxes, etc).

What services would you most be interested in obtaining from the town of Aberdeen?
CDBG INCOME SURVEY

Date: __________________

Occupant’s Name: __________________________ Phone __________________

Address: ________________________________________________________________

________________________________________________

Owner’s Name (if applicable): __________________________ Phone __________________

Owner’s Address: __________________________________________

OCCUPANT INFORMATION

<table>
<thead>
<tr>
<th>Name</th>
<th>Individual Income</th>
<th>Paid</th>
<th>Income Source</th>
<th>Age</th>
<th>Sex</th>
<th>Ethnic Group</th>
<th>Handicapped</th>
</tr>
</thead>
<tbody>
<tr>
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</tr>
</tbody>
</table>

Total Annual Household Income: $__________ Total Number of Occupants: _______

Rent: $________________

Income Status of Household (check one): □ Very Low (0-30% MFI*); □ Low (31-50% MFI*); □ Moderate (51-80% MFI*); □ Over (over 80% MFI*)

*MFI is median family income.

Signature of Income Survey Taker __________________________

Signature of Head of Household
or Other Adult Household Member __________________________
## Appendix B: Sample Analysis of Costs Before and After Annexation

### Estimated Monthly Utility Expenses in Waynor Road Before and After Annexation

**As of June 2008 (Using proposed 2008-2009 rates)**

<table>
<thead>
<tr>
<th>Expense</th>
<th><strong>Before Annexation</strong></th>
<th><strong>After Annexation</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Rates</td>
<td>Monthly Expense</td>
</tr>
<tr>
<td></td>
<td>(per $100 assessed value)</td>
<td>(assuming $55,000 taxable property value)</td>
</tr>
<tr>
<td><strong>Property Taxes</strong></td>
<td>$0.00</td>
<td>$23.10</td>
</tr>
<tr>
<td>County Tax Rate</td>
<td>$0.03</td>
<td>$1.16</td>
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<tr>
<td>Advanced Life Service</td>
<td>$0.10</td>
<td>$4.58</td>
</tr>
<tr>
<td>Fire District</td>
<td>$0.35</td>
<td>$16.04</td>
</tr>
<tr>
<td>City Tax Rate</td>
<td>$0.63</td>
<td>$28.93</td>
</tr>
<tr>
<td><strong>Total Property</strong></td>
<td>$0.63</td>
<td>$28.93</td>
</tr>
<tr>
<td><strong>Water</strong></td>
<td>Rates</td>
<td>Monthly Expense</td>
</tr>
<tr>
<td></td>
<td>(per thousand gallon)</td>
<td>(assuming 5,000 gallons/month)</td>
</tr>
<tr>
<td>Base Charge</td>
<td>$10.10</td>
<td>$10.10</td>
</tr>
<tr>
<td>Cost per 1,000 Gallons</td>
<td>$2.93</td>
<td>$14.65</td>
</tr>
<tr>
<td>Well Maintenance</td>
<td>$4.16</td>
<td>$40.00</td>
</tr>
<tr>
<td>40 Store Bought Gallons</td>
<td>$40.00</td>
<td></td>
</tr>
<tr>
<td><strong>Sewer</strong></td>
<td>Rates</td>
<td>Monthly Expense</td>
</tr>
<tr>
<td></td>
<td>(per thousand gallon)</td>
<td>(assuming 5,000 gallons/month)</td>
</tr>
<tr>
<td>Base Charge</td>
<td>$20.00</td>
<td>$20.00</td>
</tr>
<tr>
<td>Cost per 1,000 Gallons</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Septic maintenance</td>
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<td>$0.00</td>
</tr>
<tr>
<td>Plumbing service</td>
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<td>$0.00</td>
</tr>
<tr>
<td><strong>Total Water and Sewer</strong></td>
<td>$0.00</td>
<td>$0.00</td>
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<tr>
<td><strong>Garbage</strong></td>
<td>Monthly Expense</td>
<td>(assuming twice a week collection)</td>
</tr>
<tr>
<td></td>
<td>$20.16</td>
<td>paid out of regular tax rate</td>
</tr>
<tr>
<td><strong>Electric</strong></td>
<td>Rates</td>
<td>Monthly Expense</td>
</tr>
<tr>
<td></td>
<td>(per kilowatt hour)</td>
<td>(assuming 1000 kwh/month)</td>
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<tr>
<td></td>
<td>$0.09</td>
<td>$91.60</td>
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<tr>
<td><strong>Gas</strong></td>
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<tr>
<td><strong>Total Monthly Expenses</strong></td>
<td>$244.75</td>
<td>$215.64</td>
</tr>
</tbody>
</table>
Appendix C: Letter to County Commissioners (with 99 signatures)

February 6, 2005

Moore County Commissioners:

We write to you as residents of Jackson Hamlet requesting that you provide our community with sewer services as soon as is possible. Our community has long played a vital role in helping Moore County grow and thrive. Families who founded Jackson Hamlet helped build the Pinehurst Hotel and Country Club, which is in large part responsible for much of the recent increase in tourism and economic growth our county has enjoyed. And yet, within two miles of the world famous Number 2 course that will be the center of the whole golf world this June, we who built, maintained, and caddied upon this course lack even the most essential of services. In addition to potentially compromising our health, the lack of these services keeps our property values low and limits investment we can make in our community. In short, without these services our neighborhood cannot thrive and expand as the rest of Moore County has in recent years.

The unfairness of the current situation should be clear to each of you. Our community is surrounded on both sides by Aberdeen and Pinehurst yet we are excluded from the sewer services provided in both towns. As if this is not bad enough, the Village of Pinehurst has the power to control zoning with our neighborhood. How is it fair for persons outside of our neighborhood to have control over our decisions while we do not receive even something so simple as sewer services in return?

Even more discouraging is the fact that Moore County has the resources to solve this problem and provide our community with sewer services. The county’s operating budget for the 2003-2004 fiscal year was over $77 million. For no more than a drop in this very large bucket you could change the lives of each member of our neighborhood. But instead of advancing one of its established communities, the county commissioners chose to spend $367,000 for a new sewer pump station to replace one already in existence at Pinehurst’s No.6 golf course. Is it really more important to provide a golf course community with a new and improved infrastructure before an entire neighborhood in existence for 100 years is provided with any sewer services? There is money enough to provide Jackson Hamlet with these services if you re-think your priorities and put our county’s money where it is needed most.

Thank you for your attention to this matter. We encourage you to do the right thing and put a small amount of the money you control towards providing us with these desperately needed services.

Sincerely yours,

[Signatures]

Betty Eskridge

Sarah McRae

Doug McRae
Appendix D: Technical and Legal Resource Organizations

**Black Family Land Trust**
411 W. Chapel Hill St
Durham, NC 27701
Tel 919-682-5969
http://www.bflt.org
Conversation-based affordable housing, and protecting minority owned land

**Legal Aid of North Carolina Clients Council**
505 Sunset Ave, Suite C
Rocky Mount, NC 27804
1-877-903-2100
Client input to Legal Aid NC for developing policies, plans, & community education

**Cedar Grove Institute for Sustainable Communities**
6919 Lee St.
Mebane, NC 27302
Tel 919-563-5899
http://home.mindspring.com/~mcmoss/cedargrove/
Map making and demographic analysis of disparities in low-income or minority communities

**NC LEAP ★**
NC Bar Center
PO Box 3688
Cary, NC 27519
Tel 919-677-0561
Pro bono legal services to low-income organizations

**Conservation Trust for North Carolina**
1028 Washington St
Raleigh, NC 27605
Tel 919-828-4199
http://www.ctnc.org
Protecting the state’s natural resources through conservation easements and conservation-based housing

**NC Rural Communities Assistance Project**
PO Box 941
Pittsboro, NC 27312
Tel 919-542-7227
http://www.ncrcap.org
Technical assistance to communities seeking water and sewer improvements

**Heirs to a Fighting Tradition**
104 Southampton Dr.
Knightdale, NC, 27545.
Tel 919-523-3193
http://heirsproject.org
Documenting oral histories of social justice advocates and conducting community organizing training

**Resourceful Communities Program**
Post Office Box 271
Chapel Hill NC 27514-0271
Tel 919-967-2223
http://www.resourcefulcommunities.org
Develops leadership and organizational capacity necessary for sustainable community development

**Land Loss Prevention Project**
P.O. Box 179
Durham, NC 27702
Tel 1-800-672-5839
http://www.landloss.org
Legal services to low-income landowners to preserve and protect their real property assets

**Southern Coalition for Social Justice ★**
115 Market Street, Ste. 470
Durham, N.C. 27701
Tel 919-606-8473
http://www.southerncoalition.org
Legal and advocacy support for grassroots organizations and low-income individuals

**Legal Aid of North Carolina ★**
Central Intake Unit: 866-219-5262
http://www.legalaidnc.org
Race Equity Project: http://lsnc.net/equity/
Civil legal services to low-income people and community-based organizations

**UNC Center for Civil Rights ★**
UNC School of Law
Chapel Hill, NC 27599-3380
Tel 919-843-7896
http://www.law.unc.edu/counties/civilrights
Legal and advocacy services to groups and individuals seeking equitable and equal communities and schools

★ Provides assistance to organizations seeking tax-exempt, non-profit status.
Appendix E: Glossary of Key Terms

501(c)(3) Organization Organization with tax-exempt, non-profit status. These organizations can receive funds from foundations and do not have to pay state or federal taxes. People who give money to a 501(c)(3) organization can take an itemized deduction on their federal tax return. Page 16.

Annexation Process by which a town can include new territory within its municipal boundaries, allowing the residents of that area to participate in municipal elections and entitling them to certain essential services, including water, sewer, and police services. There are three types of annexation in North Carolina: involuntary, voluntary, and by legislative act. Page 11.

Community Development Block Grant (CDBG) Grant from U.S. Department of Housing and Urban Development, and administered by the NC Department of Commerce, that funds essential infrastructure such as sewer and water lines, economic development, and constructing affordable housing. Local governments apply for these funds on behalf of low-income communities. Page 17.

Census Designated Place (CDP) Unincorporated communities that are large enough to be recognized by the census and resemble incorporated municipalities in that they are closely populated, named, and contain a mixture of commercial and residential property. Silver City in Hoke County, NC is a CDP. Pages

Extraterritorial Jurisdiction (ETJ) An area surrounding the boundaries of a city that is subject to the town’s zoning and land use powers. ETJ residents do not have a right to vote in city elections, and the city is not obligated to provide public services enjoyed by city residents. Page 12.

Gerrymandering The illegal practice of drawing jurisdictional boundaries for voting districts along racial lines in order to give an unfair advantage in an election.

Incorporation Process by which a town becomes a self-governing entity under the laws of the state. Once incorporated a city has the power to levy taxes and zone, and the obligation to provide municipal services such as waste disposal, sewer, water, and police. Before an area can incorporate, it must have a tax base that will fund necessary services. Page 24.

Infrastructure Network of facilities and services underpinning a town. Town infrastructure typically includes paved roads, a sewer system, a water system, police stations and services, and waste disposal services. Page 13.

Jurisdiction Authority of a body such as a local government to make decisions regarding a particular area and its residents. Also refers to the area subject to this control. Page 11-12.

Land Use Regulations Constraints placed on the use of land by a city or subdivision. Examples include whether the land can be used for residential, commercial, or industrial purposes. Land use restrictions also determine whether mobile homes or small businesses are allowed. Page 11-12.

Matching Funds The funds a city or county must contribute to a project funded by CDBG funds. These funds may be a direct cash contribution from the local government, and/or can be a commitment to waive the tap fees for low-income households connecting to the public services. Page 17.

Planning Board An advisory board to city or county governments made up of residents from the city, county, or ETJ. The board makes recommendations to the local council about zoning, permitting, and land use regulations. Residents must apply to and be appointed by the local government to serve on the board. Some planning boards reserve a seat for a representative from the areas within the town’s ETJ. Serving on the planning board is an excellent way to stay aware of changes and to advocate for your community’s needs. Page 10-13.

Zoning A type of land use regulation issued by a local city or county council which governs how you can and cannot use your land. Decisions such as whether you can place mobile homes on your land, build an extra room on your house or church, or whether you can start a business on your land are determined based on the zoning regulations for your land. Page 11-12.

Adapted from “Glossary of Key Terms” prepared for Workshops for Excluded Communities